

PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE COUNCIL

DAILY HANSARD

Wednesday, 9 June 2010

**SUGGESTED CORRECTIONS FOR THE FINAL EDITION MUST BE NOTIFIED TO THE EDITOR (COUNCIL) BY
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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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Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

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

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

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

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

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan ²	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue ¹	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles ³	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William ⁴	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
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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09:30

Wednesday, 9 June 2010**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.****PETITIONS****Following petitions presented to house:****Rail: Eltham station**

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention the proposed extension to train stabling at Eltham station and inherent duplication of the track for a short distance beyond the Diamond Street crossing. The petition specifically includes the residents of the Eltham Retirement Centre and as well other concerned individuals who are also residents of Eltham and members of the business community in Eltham and they request that the Minister for Public Transport immediately consults with the community to seek their views on the proposed expansion of train stabling, in order for the minister to fully understand the level of concern that the people of Eltham have about this issue.

The expansion of train stabling will be in conflict with the Nillumbik shire's strategic plan for the area, will reduce car parking for commuters thus forcing them to take up already scarce car parking in the shopping precinct, will be an eyesore in the Eltham town centre, where its residents over decades have achieved a workable town and services centre whilst preserving its environmental integrity, will become a magnet for graffiti tourists and vandals and of critical importance it will have a direct effect on the health, wellbeing and peace of mind of the residents of the Eltham Retirement Village.

By Mrs KRONBERG (Eastern Metropolitan) (32 signatures).**Laid on table.****Electricity: smart meters**

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from \$800 million to \$2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around \$300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Council require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

By Mrs KRONBERG (Eastern Metropolitan) (26 signatures).**Laid on table.****PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE****Budget estimates 2010–11 (part 2)****Ms HUPPERT (Southern Metropolitan) presented report, together with appendices.****Laid on table.****Ordered that report be printed.****Ms HUPPERT (Southern Metropolitan) — I move:**

That the Council take note of the report.

In doing so, I would like to point out that this is part 2 of the Public Accounts and Estimates Committee report on the budget estimates for 2010–11, part 1 having been tabled previously. In making a few brief comments on this report, I would in the first instance like to thank the secretariat, whose members assisted in compiling this report and in conducting the public hearings on the estimates: Valerie Cheong, Christopher Gribbin, Vicki Delgos, Ian Claessen, Rocco Rottura, Melanie Hondros and Mitch Marks.

I would also like to thank the chair of the Public Accounts and Estimates Committee, the member for Burwood in the Assembly, Mr Stensholt, for his work in ensuring that the hearings ran as smoothly as possible.

As the chair pointed out in his foreword, the Parliamentary Committees Act directs the committee to inquire into the annual estimates or receipts and the purpose of the hearings is to allow the committee to ask the presiding officers, the Premier, the Treasurer and ministers a range of questions about the government's plans for the coming financial year and subsequent out years. This would sometimes be a little difficult for any member who cares to peruse the transcripts of evidence that form appendix 1 to the report to tell, because they may see that a number of the questions asked by members opposite did not bear any relation to the estimates for the coming financial year and subsequent

09:35

out years but related to matters completely unrelated to the budget estimates. It would appear that opposition members wasted the opportunity they had to make inquiries about the topic of the budget estimates.

Despite this, there is a great wealth of information in this report, which deals with the second week of the budget estimates hearings. There are summaries of the key matters raised in the estimates and notes about the questions that were taken on notice and are yet to be answered by the various ministers and their departments. As noted, part 3 of the budget estimates report will contain a detailed analysis, including recommendations relating to the estimates for the current year.

I suggest all members may wish to take a look at this document when preparing their comments regarding the budget as it contains some very interesting information. I commend the report to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased as a member of the Public Accounts and Estimates Committee (PAEC) to make a brief comment on this second part of the report on the budget estimates for 2010–11, which follows the first part on the first week of hearings. As the member opposite just indicated, it takes into account those hearings that were discussed.

It was evident in the comments made by the member opposite that Labor wants to try to gag everything. We know it gags its members and tells them not to respond to anything. It tried to gag PAEC. The committee is an interesting environment, as members opposite would know.

09:40 It is interesting because the member just said that we should not have asked anything about the previous period. Ms Huppert said, ‘Have a look at the transcripts’. I advise her to look at the transcript because every minister got up and spoke about the past. They spoke about past achievements or whatever they had done.

Mr Vogels — They talked about the Kennett era, last century.

Mr DALLA-RIVA — They even went back to the Kennett era and they went back to the last government. When opposition and non-government members started to ask questions about the past, we were shut down — we were told, ‘You cannot ask that question’ — yet the questions related to the forward estimates as much as they related to the past because ministers were being asked to discuss the continuation of their programs. The transcripts are very clear about what was said, so it is a

bit naive of the member, who is new to the PAEC, so I will give her the benefit of the doubt — she is only a new member — —

Mr O’Donohue — Appointed.

Mr DALLA-RIVA — She was appointed to the chamber through the federal executive, but I digress. Government members have come into this chamber and said we should not have had the capacity to ask questions about the past. In the hearings the ministers themselves spoke for 15 to 20 minutes about the past and then when we asked questions about the past, which lead into the future in the forward estimates, we were shut down. The member now says, ‘How dare the members opposite ask that question’. It is a bit rich because PAEC is rigorously engaged in finding out information.

Some ministers failed to provide information or answer questions that were clearly asked of them in the hearings I refer to one in particular, the Minister for Community Services under the community services portfolio. We specifically asked questions about certain evidence — that is, the best interest case plans. This is discussed on page 9 of the report and referenced in the transcripts at pages C5–9, C10–11, C13–17 and C22–25. It is interesting that 45 minutes after the hearings — and this is on the public record — the minister went out and did a press conference answering the very questions we were asking of her. It is a good example of where the minister had the opportunity to answer questions, as referenced in the report, but then went out and did a press conference because she did not want to expose herself to cross-examination in the PAEC hearing, but I digress.

All I need to say is that I do not agree with the assertion of the member opposite that we asked questions about the past. We asked questions that were relevant to the future, and we were just following on from what the ministers were doing — that is, giving 15-minute diatribes about their supposed past achievements.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make some comments on the second part of the report of the 2010–11 budget estimates as well. I start by thanking committee secretariat, Valerie Cheong and her team, for the work they have done in putting the second volume together. As we said with the tabling of the first report in the last sitting week, an enormous workload is undertaken by the secretariat staff around budget estimates in the lead-up to the month of May, running the 10 days of

hearings in the two non-sitting weeks and then preparing the reports that follow.

The first report was a substantial volume of 600 or 700 pages. This volume is a bit shorter, but it still requires an enormous amount of work on the part of the secretariat for the committee to be in a position to table these two reports effectively within 10 days of the committee undertaking its hearings. It is a great testament to the work that the secretariat staff do both through the hearings and following the hearings that we are able to present these documents to the house in the two following sitting weeks.

I will pick up on some of the matters raised by Mr Dalla-Riva in his contribution regarding the PAEC process.

09:45 When I spoke on the first part of the report two weeks ago I said that the estimates process had become more about the government being able to say that every minister appeared before the Public Accounts and Estimates Committee than about the committee being able to scrutinise the budget in a meaningful way. That view was reinforced by the comments made by Ms Huppert in tabling this report and in Mr Dalla-Riva's follow-up. As Ms Huppert indicated, the committee chairman, the member for Burwood in the other place, did not want questions asked about the government's performance over the last decade or even the last year. He was quite happy for ministers to come before the committee and give extensive presentations, which in many cases delved back over a decade and compared that minister's portfolio performance with that of ministers of the previous government. He was quite happy to sit through presentations with ministers doing that, but when it came to asking questions about the past performance of ministers in particular portfolios the chairman was happy to try to shut it down. It reinforced in my mind that the process is more about the appearance of scrutiny than it is about actually providing scrutiny.

Mr Dalla-Riva touched on one particular appearance by the Minister for Community Services. This is a matter of great concern to this side of the house. Through the course of the hearing the Minister for Community Services was asked a number of questions with respect to the performance of her department in relation to child protection matters. Consistently through that public hearing the minister said she could not answer or did not have specific answers to questions that were raised in relation to the department's performance in respect of child protection matters. She did not address matters that had been raised by the secretary of her department in hearings undertaken by the Standing

Committee on Finance and Public Administration when the secretary conceded that the Department of Human Services had failed to meet its statutory obligations with respect to child protection. When the minister appeared before the Public Accounts and Estimates Committee she was asked about that, but she did not address those matters.

It is of great concern to this side of the house that no sooner had the minister finished her appearance at the Public Accounts and Estimates Committee than she went out and gave a press conference and addressed the media on matters she declined to address during the committee hearing. In the space of an hour after leaving the committee hearing, where she could not answer the questions, she went out and gave an answer to the media. It is certainly the view of members on this side of the house that that minister should be recalled to explain how she was able to answer questions and put before the media information that she could not put before the committee an hour earlier. It yet again demonstrates the way the government treats this process with contempt. It is more about the pretence of having scrutiny rather than the committee actually undertaking scrutiny.

One other matter I will touch on briefly is the appearance by the Minister for Community Development. Earlier in that week she came in and gave an extensive slide presentation about the community development portfolio, listing some \$1 billion worth of government programs. Yet when it came to the minister identifying which of those programs she was actually responsible for it turned out that her direct responsibility accounted for only around \$50 million of the \$1 billion worth of projects she had listed. This raises questions about what that minister is actually doing and why she is drawing a full-time salary as Minister for Community Development when she has such a relatively small responsibility compared to having responsibility for the entire Department of Planning and Community Development. The fact that she would give a presentation highlighting \$1 billion worth of programs and then admit she is responsible for only around \$50 million of that total suite of programs undermines her position as Minister for Community Development.

With those few words I commend this report to the house. It provides to the Parliament and the public information that has not previously been in the public domain with respect to the estimates process. I note, as before, that we have growing concerns about the way in which the government is abusing this process for its own political ends with the pretence of being seen to be

undertaking scrutiny rather than actually being scrutinised by the committee.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to make some remarks on part 2 of the Public Accounts and Estimates Committee report on the 2010–11 budget estimates, which reflects the second week of budget estimates hearings.

09:50 I also thank the committee secretariat, Valerie Cheong and her team, for putting this transcript and report together in record time, as they also did for part 1. This enables members to have a feel for the questions that were raised by all members in the estimates hearings and the answers that ministers were able to give.

I agree with Mr Rich-Phillips and Mr Dalla-Riva that it is a little bit rich for Ms Huppert to cast aspersions on the questions by non-government members during the estimates hearings. I have just been flicking through the questions that I asked and I cannot see how they would fit into her description. It is a robust process and so it should be.

There needs to be some ability for questions to include reference to past years, particularly the immediate past years. In terms of budget estimates, insofar as they relate to the estimates for the current year and forward years, we need to put them into the context of the immediate past years. The obsession of government members about not being able to refer to the immediate past years in questions in estimates hearings is just ridiculous. I note that the chair clamped down on those questions, particularly on the last day of the hearings. If members are interested in that aspect, they could read the transcript for that day which, in effect, allowed the government members to ask their Dorothy Dix questions, as I mentioned in the last sitting week when we tabled part 1 of the budget estimates.

A lot of the time given to the estimates hearings is spent with ministers showing 10 to 15 minutes of glossy PowerPoint presentations and telling us how wonderfully everything is going in terms of government performance, when it is a historical account from the government's point of view of what has been happening in the ministerial portfolios of each minister who attends the hearings.

The committee has to sit through that and then, as the committee is half made up of government members, it gets Dorothy Dix questions designed for ministers to give more ministerial statements about how well everything is going in the portfolios. Some of the information that comes through the presentation and the

answers to the questions is valuable, no doubt, but there is also government spin.

For Ms Huppert to say that non-government members are not entitled to ask the questions they have formulated about the forward estimates and what has happened in the immediate past years is just ridiculous. We spend a lot of time preparing for the Public Accounts and Estimates Committee budget estimates hearings. Ms Hartland, Mr Barber and I spend a lot of time in our offices preparing questions that are of particular interest to the community and community groups with interests in certain areas, be they mental health, education, skills, environment or water. If members take the time to read through the transcripts they will see that it is the case that we spend a lot of time. It is completely out of line for Ms Huppert to — —

Ms Huppert — I did not cast any aspersions on your questions.

Ms PENNICUIK — Ms Huppert said she did not cast any aspersions on our questions. I thank her for that and I am glad to hear that because, as I have just been saying, we spend a lot of time making sure that we have serious questions.

Mr Vogels — Did they answer your questions?

Ms PENNICUIK — No. We do not always get a full answer and a lot of questions are taken on notice. That brings me to the next point, which is part 3 of the report, which will be the questions on notice. The whole rationale for having the estimates hearing immediately after the budget is presented and before the final week for debating the appropriation bill and the budget papers this week is that there is a lot of information for members to refer to. But then a lot of questions were taken on notice.

I fear that that report will not be available in time, because — unbelievably — ministers are given 30 days to answer questions on notice. That is far too long. In the budget estimates process they should be given a week at most. They should be asked to answer the questions taken on notice during the budget estimates hearings as soon as possible. I do not know why they are given 30 days. It is completely ridiculous because that means that the committee will get the answer to the questions in the next financial year. What use is that? That is one reform that needs to be made to the budget estimates process. When part 1 of the report was tabled in the last sitting week, I mentioned some other reforms, in particular the questioning process, which needs to be reformed.

09:55

The Public Accounts and Estimates Committee needs to be reformed. It should not be chaired by a government member or have a majority of government members, because it leads to the situation where the committee hearings become a showcase for government performance, and that is not what the process is meant to be. The committee is meant to scrutinise government expenditure, and non-government members do the best they can in that regard. Obviously the government does not always like that, but that is what the committee is for, as well as for the benefit of the people of Victoria.

I would like to mention something I neglected to mention last time. In the week before the budget estimates hearings the Auditor-General tabled a report which was quite scathing of the performance of departments in their reporting against aims, objectives, KPIs (key performance indicators) or whatever. I asked the Premier a question about the departmental performance and the Auditor-General's view that departments were in need of vast improvement. The Premier acknowledged that that was the case and said we could look forward to some improvement in departmental reporting. That is an important matter for members to keep their eyes on in forward years. Having made those comments, I am happy to support the report.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General —

Report on the Administration of the Victorian Certificate of Education, June 2010.

Report on Hazardous Waste Management, June 2010.

Report on Irrigation Efficiency Programs, June 2010.

Report on Personal Safety and Security on the Metropolitan Train System, June 2010.

Planning and Environment Act 1987 — Amendment VC67 to the Victoria Planning Provisions.

Statutory Rules under the following Acts of Parliament:

Chattel Securities Act 1987 — No. 36.

Road Safety Act 1986 — No. 35.

Transfer of Land Act 1958 — No. 34.

Subordinate Legislation Act 1994 — Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 34, 35 and 36.

MEMBERS STATEMENTS

10:00

Melbourne Airport: rail link

Mr O'DONOHUE (Eastern Victoria) — There has been much talk of backflips and flip-flopping by Labor at both state and federal level in recent weeks, from the Prime Minister moving from describing climate change as the greatest moral challenge to now advocating that we wait for a global consensus to the Premier and state Labor moving from talking about an independent commission against corruption as a lawyers' picnic to it now being a good idea. Desalination was a hoax but now it is the silver bullet solution to Victoria's water problems.

Whilst watching the world news I was reminded of Labor's 1999 promise to build a rail link to Melbourne Airport at Tullamarine. I was also reminded that South Africa has recently opened a new high-speed rail link from Johannesburg to the Johannesburg international airport. When stage 2 of this project is completed this will be an 80-kilometre high-speed link between Johannesburg, the Johannesburg international airport and Pretoria.

We consider ourselves to be an advanced First World country, and South Africa could broadly be seen as a middle-income country. Is it not interesting that by the time the Gautrain is built, an 80-kilometre high-speed link between Johannesburg, the Johannesburg international airport and Pretoria will have been constructed, but after 11 years of Labor we are still waiting for a rail link to Tullamarine to be constructed as promised?

Koo Wee Rup bypass: construction

Mr O'DONOHUE — On another matter, I am very disappointed that the government failed to commit funds for the Koo Wee Rup bypass in the recent state budget. The Koo Wee Rup bypass is urgently needed. It is a vital link to South Gippsland, and the government must come forward with funding for this important project.

Jeanette Fitzsimons

Mr BARBER (Northern Metropolitan) — I would like to congratulate a fellow Kiwi and former co-leader of the New Zealand Greens, Jeanette Fitzsimons, who has been awarded a Companion of the New Zealand Order of Merit in the Queen's Birthday honours. With my good friend the late Rod Donald she was the co-leader of the New Zealand Greens and the driving force behind the Greens from 1996 to February this

year when she retired. In accepting the award she said, with characteristic humility:

I see this award as a recognition of the contribution the Green movement, and the Green Party, has made to New Zealand both in politics and in raising public debate on the big issues that confront us ...

In her final speech to Parliament she said:

We can have prosperity without constantly using more. We can have a great way of life and be happy and meet all our needs and still leave the planet in good shape.

It is with great admiration that I would like to record the honour Jeanette Fitzsimons has received. From the point of view of the Australian Greens, she has always been an inspirational leader for us too.

10:05

Aussie Farmers Direct: Camperdown plant

Ms TIERNEY (Western Victoria) — Last Thursday I represented the Minister for Regional and Rural Development, Jacinta Allan, and the Premier, John Brumby, in Camperdown where I announced \$700 000 of state funding to assist in the establishment of a new dairy processing and bottling plant at the former Bonlac factory. The grant to the Aussie Farmers Direct milk processing plant is part of the Brumby Labor government's commitment to strengthen our dairy industry and generate jobs across regional Victoria. Thirty jobs will be created this year moving up to 100 within the next four years. This is an extremely important project for Camperdown's development. The company knows that, the Corangamite shire knows that and they have worked well with Regional Development Victoria to bring this project to reality.

The local community is elated as it has stirred old memories as well as giving a serious positive growth sign for the future of the district. Peter Skene, the chief executive officer of Aussie Farmers Direct, who has returned to the plant after working there as a youngster, deserves to be congratulated. We hope more local people will work in the new plant like his father did for 50 years. Well done to all of those involved.

Andrew Scott

Ms TIERNEY — I acknowledge and thank Andrew Scott, the chief executive officer of G21, for his tireless work in ensuring that during his tenure all members of G21 continued to work cohesively and in a focused manner, which cemented G21 as a premier regional development organisation. Many of us in this chamber were not able to join him at a farewell function last night, but I have no doubt we would all join together to

wish Andrew and his wife adventurous, enjoyable and safe travels.

Planning: city of Moonee Valley

Mr FINN (Western Metropolitan) — Last Saturday at lunchtime I joined shadow planning minister Matthew Guy and two Moonee Valley councillors, Paul Giuliano and Rose Iser, and a good cross-section of locals at Queens Park in Moonee Ponds for a rally to express their anger at attempts by the Minister for Planning, Justin Madden, to destroy all they love about their neighbourhood. This goodly crowd of people came to take a stand to protect the character of Puckle Street, Buckley Street, Keilor Road and Mount Alexander Road and so many other parts of the local area. They came to protect it against a planning minister who does not want to know what they think and cares even less.

The position of locals is very clear. They do not want Moonee Valley turned into a concrete canyon and neither do I. The people of Essendon know they have the future of their neighbourhoods in their own hands. They feel a sense of duty and will be putting that into action when they vote in November, not just to protect their own area within Moonee Valley but also to protect other suburbs and towns throughout the state of Victoria. That sense of duty will see them queuing up to consign Justin Madden to the political scrapheap, and that will be a very good thing. Bring it on.

Trevor Barker Oval: redevelopment

Ms HUPPERT (Southern Metropolitan) — On 2 June I was delighted to represent the Minister for Sport, Recreation and Youth Affairs at the opening of the \$1.3 million redevelopment of the pavilion and upgrading of the oval lighting at the Trevor Barker Oval, the home of the Sandringham Football Club. The Victorian government contributed more than \$460 000 towards the project from the \$10 million Improving Community Access to VFL Grounds program, which aims to improve community access to and use of Victorian Football League grounds. The project also had contributions from Bayside City Council, the Australian Football League and the club itself. Projects such as the redevelopment of the Trevor Barker Oval not only ensure the viability and sustainability of Victorian Football League clubs, but provide great community assets. The new social clubroom will be available for use by the broader Bayside community, and the lighting on the oval means it is available for greater use by local sporting clubs.

Westgate Park: tree planting

Ms HUPPERT — World Environment Day was on 5 June, and on 6 June I joined the Minister for Environment and Climate Change at a community tree planting day at Westgate Park, which was jointly organised by Friends of Westgate Park and the Living Trees Project. I commend the work of Friends of Westgate Park, which in the past decade has regenerated over 9 hectares of weedy land, put down 650 truckloads of mulch and planted over 200 000 plants of 300 different species.

I also commend the work of Living Trees Project, which encourages corporate Australia to get involved in activities which regenerate the environment. It is worth pointing out there were a number of local volunteers attending the event on Sunday, including local scouts and many young people. It was an example of the wonderful volunteer work done by groups such as Friends of Westgate Park.

Hoon driving: Sunbury

Mrs PETROVICH (Northern Victoria) — I have recently been made aware of an issue of real concern that involves vandalism and hoon behaviour in the Goonawarra estate in Sunbury.

10:10 Recently I encountered a young woman in Sunbury who explained to me and the endorsed Liberal candidate for Macedon, Tristan Weston, that on most evenings —

Mr Finn — A good man! An excellent member of Parliament!

Mrs PETROVICH — He is a good man and he will be an excellent member, Mr Finn. The young woman told me that on most evenings she was concerned for the safety of herself and her young family because of hoons driving in the street. Just two years previously, and around the corner, a hoon driver doing burnouts in front of her mother's house crashed through the front of her home. Her daughter's children were there and were lucky to escape injury. The evidence of the evening's activity was all over the road, with burnout and tyre marks everywhere. This apparently safe suburban street highlighted that there were real community safety issues. A new home being built in the area had been vandalised so badly and continuously that builders had engaged 24-hour security, with officers sitting outside the property to protect this asset. I can only imagine the cost per square that adds to the cost of building this home.

This government has relentlessly followed the line of having sufficient police numbers and adequate policing in these areas. Is this not evidence of a lack of police numbers in the Sunbury area, where hoons are running the show and local police are battling to attend the calls that come in? Let us get real for Sunbury, because residents have a right to feel safe in their own homes. Ten years of Labor have left the electorate of Macedon afraid, with no confidence that if they call a police officer one will be available to help. Imagine the stress that places on operational police officers who know that they will not be able to render assistance when called. After 10 years of Labor it is really not an ideal place to live, work and raise a family.

Docklands: eco-market

Mr MURPHY (Northern Metropolitan) — Residents and workers in the Docklands precinct were given an opportunity to celebrate World Environment Day by attending the Docklands first eco-market, called 'Tempt, Taste, Take', on Friday, 4 June. The eco-market offered a variety of stalls to enhance the mind, body and spirituality of members of the community with delicious food, learning products, spirituality stalls and body products. A special appearance was made by Noah Rose from *My Kitchen Rules*, offering cooking demonstrations.

The market was held across the way from the Docklands community garden, which is maintained by Urban Reforestation, whose members provided tours of the garden and tips about growing food. The eco-market offered a great mix of colour and atmosphere to the Docklands precinct, as well as an important point of reference for many residents and workers in the area to celebrate community and diversity whilst being tempted to taste some delicious food, have a reading done or learn more about the environment around them.

Hosted by Urban Reforestation, Lend Lease and the William Angliss Institute, the market received great patronage and support on the day. It demonstrates how when a community comes together positive transformations can be made to the environment around it. Highlights of the day can be viewed in the *Urban Goes Green* segment on Docklands TV at www.docklandsnews.com.au. I congratulate all those involved and look forward to supporting future eco-markets. I relay my enjoyment of the great food and music and the sustainable living stalls that I strolled through on the day.

Montmorency Primary School: garden program

Mrs KRONBERG (Eastern Metropolitan) — On Sunday, 30 May, I had the pleasure of attending the launch of the Stephanie Alexander Kitchen Garden and Cookery Centre at Montmorency Primary School. The original awarding of the Stephanie Alexander kitchen garden to the school is proof positive and a splendid form of recognition of the dedication of the school community. The school community's passion for and commitment to the long-term future of Montmorency Primary School is commendable. Having the Stephanie Alexander kitchen garden means that students from grades 3 to 6 are able to plant, nurture and harvest a large variety of vegetables and herbs. Their produce then forms the feedstock for the cooking, nutrition and food presentation classes. These classes now take place in a sparkling, purpose-designed, full-scale commercial-style kitchen.

I was very pleased to be accompanied by my parliamentary colleague Martin Dixon, the member for Nepean in the other place and shadow Minister for Education, and the endorsed Liberal candidate for Eltham, Andrew Hart. My congratulations are extended to the principal, Michael Otway; his dedicated, hardworking and inspired staff; representatives of the school council, president Mrs Alison Johns and treasurer Mrs Lynne Williams; and the school's pupils. Everyone is fully aware of how important this new facility is, not only for enhanced learning opportunities but also because of the timely message this sends to the wider community.

Boating: Robinvale and Beverford

Ms DARVENIZA (Northern Victoria) — I was very pleased last Wednesday to visit Robinvale along with representatives from the Swan Hill Rural City Council and the Robinvale Rowing Club to officially open the new launching facility constructed on the Murray River. The Brumby government is committed to ensuring that all Victorians have access to safe boating infrastructure, and the new launch facility includes a new floating pontoon for the launch and retrieval of rowing shells, canoes and kayaks. Local rowers and kayakers have been travelling more than 200 kilometres to Renmark in South Australia to launch onto the Murray River. This new launching facility will significantly reduce travelling time, allowing rowing and kayaking enthusiasts to spend more time enjoying their sport.

I was also pleased to visit Beverford to officially open the new \$32 360 boat ramp on the Murray River.

The Beverford boat ramp was jointly funded by the Victorian government, the Bigger Better Beverford group and Swan Hill Rural City Council. Beverford is a very popular destination amongst locals for recreational boating and fishing, and the new boat ramp, parking and signage have improved the safety and accessibility of this site for people along the Murray River. The boating safety and facilities grants program is now in its ninth year and has invested more than \$41 million in projects to make boating safer and more accessible for all Victorians. These boating safety and facilities grants programs have been put in place right across Victoria.

10:15

Eastern Palliative Care: services

Mr ATKINSON (Eastern Metropolitan) — I wish to report to the house that I — along with a number of other members, including David Davis in this place and members of the other place, Christine Fyffe, Heidi Victoria, Nick Wakeling, Tony Robinson and Bob Stensholt, the members for Evelyn, Bayswater, Ferntree Gully, Mitcham and Burwood respectively — attended an Eastern Palliative Care breakfast a couple of weeks ago at the premises in Nunawading. That headquarters services around 1 million people across the eastern suburbs through the municipalities of Boroondara, Whitehorse, Monash, Knox, Maroondah and Manningham. Eastern Palliative Care is an organisation formed by the Outer East Palliative Care Service, the Order of Malta and the Sisters of Charity. It provides a wide range of services that support individuals who are suffering from a terminal illness and their partners, families and friends.

We were struck by the dedication of the staff, their compassion, their empathy, the support and care that they provide, and by the fact that there are many volunteers who join this organisation and work with people who in many respects most of us would regard as not looking forward to happy outcomes. The work they do is remarkable and covers everything from palliative care nursing through to community education, respite, counselling and assistance with chores around households. Interestingly enough, one of their new services is a client biography service, which I think is excellent. This organisation deserves to be commended for its service to around 1800 clients each year.

Reach out for Kids Foundation: activities

Mr LEANE (Eastern Metropolitan) — I want to praise yet again a fantastic non-government organisation based in the Eastern Metropolitan Region, mainly around the Whitehorse area, called the Reach out for Kids Foundation. The Reach out for Kids Foundation started in 1974 and originally made camps

available to children from families who could not afford to send them to camp. Starting from that base, the foundation is now at a point where it has 10 full-time and part-time employees who work mainly with young children and families in the Whitehorse area, particularly around early intervention and assisting families working through difficult issues with the young people in the family. They do a fantastic job.

Mitcham: chiropractic practice

Mr LEANE — On another matter, I was very pleased to attend the opening of a small business in Mitcham. Dr David Jones has opened a new chiropractic practice. He is a very young man. He has not only created employment, he has created a great service for the people who live in that area. He is a very community-minded person; he works with the local footy club and treats all the members' injuries after hours. He is a great impressive young man, and I wish him well in his new venture.

Victoria Police: newspaper article

Mr DALLA-RIVA (Eastern Metropolitan) — I think this morning Victorians should be very deeply concerned about a front-page article of today's *Australian*, which states:

Victoria police chief commissioner Simon Overland divulged secret intelligence from a phone tap, unwittingly triggering the collapse of a murder investigation because he wanted to avoid media scrutiny of his proposed attendance at a taxpayer-funded management course in France.

This relates to the collapse of Operation Briars and a report that was tabled in this chamber a number of years ago titled *Exposing Corruption within Senior Levels of Victoria Police*. When you go through the report you remember that it involved Stephen Linnell, then a media adviser; Noel Ashby, who was the Assistant Commissioner of Police; and Paul Mullett, who was the secretary of the Police Association of Victoria.

10:20 The bottom line is that these gentlemen were basically sliced up in the media arena. There was a feeding frenzy caused by what occurred which had an effect on their reputations. It is surprising to see in the report today that during the whole process the then proposed chief commissioner was behind the scenes doing the same thing that these three individuals were being investigated for and against whom charges were recommended — that is, he was leaking information to people outside of an operation from a phone tap.

AMBULANCE VICTORIA: PRODUCTION OF DOCUMENTS

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

That in accordance with sessional order 21 there be tabled in the Council by 4.00 p.m. on Tuesday, 22 June 2010, a copy of all documents, including the final report, relating to the review commissioned by the Department of Health or other government agencies into the finances of Ambulance Victoria 12 months after the merger of Metropolitan Ambulance Victoria and Rural Ambulance Victoria.

Today this house has before it a motion dealing with the failure of ambulance services and the catastrophic results that are being seen in country Victoria and in the city due to the failure of those services. The government has mismanaged the ambulance service, it has mismanaged the response times and it has placed the community at risk. In doing so it has left the community very vulnerable.

The government merged Rural Ambulance Victoria and the Metropolitan Ambulance Service, and in doing so sought to solve a number of serious problems that existed in Rural Ambulance Victoria. I do not in any way diminish the seriousness of those problems which had built up over the years of this government, and the merger may on one level have made some sense. However, the merger has not been completed properly; the ambulance services have not been integrated; there are different pay scales between rural and metropolitan services, which is extraordinary; there are different arrangements in terms of response; the staffing and other arrangements are not comparable entirely across the services; and the financial position of Rural Ambulance Victoria at the time of the merger was one of significant financial stress.

Since that time our merged ambulance service in Victoria has begun to struggle significantly, and the financial position of Ambulance Victoria is now very grave. I have heard figures ranging above \$20 million to describe the size of the current deficit at Ambulance Victoria, and indeed figures up towards \$50 million have been mentioned. I am obviously not in a position to provide a document that describes those figures, and no doubt the annual reports, when they come, will put into context those discussions and comments, which are widely spoken about. Most commonly, though, what people are saying about Ambulance Victoria is that it is in the red by \$25 million to \$30 million.

That is a very serious position, and it is having significant consequences. I understand the Department of Health launched a review, and this was supported by other sections of the bureaucracy. The report of the review conducted into the ambulance service and the

merger, 12 months after the merger, is reportedly a damning document — a document which points to the financial and operational mismanagement of our ambulance services.

It is my view, given the seriousness of Ambulance Victoria's position, that this document ought very quickly be in the public domain. We need to fix our ambulance services. We need to ensure that not just the financial aspects are dealt with by the Auditor-General — and that is my view and that is very much on the record — but the operational matters need to be dealt with as well.

Frankly, the lives of Victorians are at risk and this motion for the production of documents seeks to get into the public domain a significant government review of Ambulance Victoria.

10:25 I believe this motion is in the public interest, and it is a very urgent motion in that sense. If the house sees fit to support this motion, I would urge the government to comply with it very quickly, because the committee has a right to see this review.

Mr VINEY (Eastern Victoria) — As the opposition well knows, this government is quite open in relation to the operation of government activities, certainly significantly more open than the Kennett government that Mr Davis was a part of, so the thundering I have just heard from him is a little bit galling. Nevertheless, as is consistent with the position we have taken on these requests for documents, the government will review this request in accordance with the guidelines that have been presented to the house on numerous occasions by members of the government — by me, by the Attorney-General and by the Leader of the Government. We will consider that request for documents, and if it is appropriate, they will be released; if it is not, they will not be.

However, I will make the comment that when we hear comments like that made by Mr Davis just now particularly in relation to the merger of the Metropolitan Ambulance Service and Rural Ambulance Victoria we on this side well remember that the present opposition planned to privatise our ambulance services in the 1990s. It started that process with the privatisation of one small service and had the intention to push on with that privatisation. That is not our view.

It is this government that has invested heavily in ambulance services, as I said last sitting week in relation to a motion we will be returning to later today. We have invested in two-officer crewing, invested in advanced life support systems and invested in new

ambulance stations. There is no lack of commitment on this side of the house to ambulance services. There is no lack of commitment on this side of the house to ambulance services being a public service delivered by a public agency, unlike the views of those on the other side of the house who proposed the privatisation of the ambulance service in the 1990s and started that process.

As I say, in relation to these documents, we will release documents where it is appropriate and where it is in accordance with the guidelines. Those guidelines have been well outlined to the house.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting this motion. I understand the points Mr Viney makes. They are points I have also made: that ambulance services were neglected and ripped apart under the previous government. But the problem is in my mind they are now starting to go the same way. Also, on the issue of this government being transparent and it being easy to get documents, my colleague Mr Barber spent 12 months getting documents regarding WestLink's economic performance et cetera, so I do not know how transparent this government is about documents. I think we should be able to call for the documents that are required.

Motion agreed to.

AMBULANCE SERVICES: PERFORMANCE

**Debate resumed from 26 May; motion of
Mr D. DAVIS (Southern Metropolitan):**

That this house expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2) requests the Auditor-General to examine the operation and management of Ambulance Victoria.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and support the motion moved by Mr Davis and to continue debate that commenced in the last sitting week about ambulance services in Victoria. Mr Davis, in his lead speech for the opposition, detailed many of the problems facing Ambulance Victoria here in Victoria, and Mr Viney, in his way, attempted to rebut the suggestions put forward by Mr Davis. I think what is clear from the speech made by Mr Davis, from

commentary in the public domain and from material that is available is that we have an ambulance system in Victoria that is struggling to cope. Victoria's population is growing at a significant rate but we do not seem to have the resources being put into our ambulance system to give our hardworking and dedicated ambulance employees, our ambos, the resources they need to do their job the way they would want it to be done.

We have issues such as hospital bypassing where hospital emergency departments are full and ambulances have to travel significant additional distances to get to other hospitals. Getting to those other hospitals takes time and costs money in petrol and ambos' time. We also have the ridiculous situation where there is an emergency, an ambulance comes, picks up someone in trouble, goes to a hospital and the patient is what is called 'ramped' — that is, they sit on the ramp of the emergency department waiting for it to have capacity to take that sick person.

10:32 Whilst in the care of the good people in the ambulance, that sick person is able to receive treatment, but you have to ask how many hours are wasted and how much ambulance time and money is wasted while ambulances sit on emergency department ramps waiting to transfer their patients to the hospital so they can then be free to get back into the community or their base and be ready and able to respond to the next emergency if there is another call requiring their services. This is a multifaceted issue, but I think underlying it is the frustration of both ambulance employees and the broader community about the strain and pressure the system is currently feeling.

Another issue I want to touch on is the issue of crime and violence. We in the opposition have been speaking a lot about the challenges in society presented by rising incidences of crime and violence, which is very sad and unfortunate. In the last couple of days we have heard of some terrible situations of crime and violence. The anecdotes and feedback I receive from ambulance officers is that they are increasingly concerned, particularly if they are one up, about potential crime and violence when attending an incident as an ambulance officer.

In his contribution Mr David Davis gave some specific examples of situations. I do not want to repeat those examples, but I just note for the record that many of them have occurred in Eastern Victoria Region. Mr Viney mentioned some of those same situations to some degree as well. Whilst it is not for me to point the finger or lay blame here, there or anywhere else with regard to individual situations, at a minimum it is unfortunate and indeed very sad that some of the

situations have arisen. Prima facie there appear to be some issues with regard to ambulance services in Gippsland in terms of the number of serious incidents that have occurred in recent times.

One case I want to speak about in a little bit more detail is that of Lorraine Pigram, who is known to me. She is a resident of Officer. On Saturday, 27 February, an ambulance was called for her but she had to wait 1 hour and 45 minutes before the ambulance arrived. She was stuck in a most unfortunate position, and I know that this caused her enormous discomfort and her family enormous distress. Officer, whilst now being an outer metropolitan area, is in proximity to a number of hospitals and ambulance stations, so it is extremely regrettable that she was placed in the situation that she was.

If you look at the FOI data which was provided to me for the Berwick and Pakenham ambulance stations in relation to the rosters for January and February, perhaps the situation of Ms Pigram is more understandable. The FOI data shows that the Berwick ambulance station was without staff on 2 January 2010 for 14 hours from 5.00 p.m. until 7.00 a.m. the next day and on 22 January for 14 hours from 5.00 p.m. until 7.00 a.m. the next day. The FOI also revealed that the Pakenham ambulance station was without staff on 2 January 2010 between 6.00 p.m. and 8.00 a.m. the next day and on 13 February between 6.00 p.m. and 8.00 a.m. the next day. It further revealed that the Pakenham ambulance station was reduced to one staff member on 31 January 2010 between 6.00 p.m. and 8.00 a.m. the next day and on 21 February between 8.00 a.m. and 6.00 p.m.

To put that into context, the township of Pakenham is growing at roughly 10 per cent per annum; we saw that in yesterday's paper but also in other material. It is undergoing a population explosion, transforming from a quiet country town into an outer suburban bustling and busy hub. If you are to have population growth of 10 per cent per annum, you need additional investment in infrastructure. Here we have a situation where on 2 January both 24-hour ambulance stations — Pakenham and Berwick — in that growth corridor were without staff. That is just not good enough.

In response a spokesperson said that ambos get sick and it is unfortunate but that is what happens; that is the way it is. That is just not good enough. If you run a business — say, a bakery, a newsagent or a doctor's clinic — you have contingency plans in place to cover a staff shortfall. Surely the same applies with regard to the staffing of ambulance stations. Perhaps this is a symptom of a broader problem where staff are pushed to the limit and there are not enough staff to go around;

therefore you have these holes and flaws that present themselves in the rosters from time to time. If on 2 January this year there had been some incident in that growth corridor, the ambulances would have had to come from much further away, it would have taken them longer to get there and it would have left a hole where they had come from if there had been an incident there.

10:40 This is a serious problem, and it is appropriate for the Parliament to consider this matter. I commend the Leader of the Opposition for moving this motion expressing concern about the operation of Ambulance Victoria and calling on the Premier to fix the problem. Our ambos do a great job, and they deserve better and more support from the Victorian government.

Mr SCHEFFER (Eastern Victoria) — I support Mr Viney's remarks in his contribution to the debate on Mr David Davis's motion moved on 26 May when he cautioned against reliance on media reports on the performance of Ambulance Victoria. Let us be clear about this: this is a difficult subject because we are debating issues where lives have been lost and none of us wish to say anything that would further distress the families involved. I am sure none of us wish to use the tragic circumstances of fellow citizens for political gain. I commend Mr O'Donohue for exercising that caution, and I respect the fact that he has drawn from experiences and conversations he has had with his own constituents. That is where it lies.

Mr Viney showed in his contribution that some of the news stories that Mr David Davis drew on in his contribution are incomplete and that complete assessments of what occurred in cases such as this and who might be responsible for anything alleged to have gone wrong should properly be undertaken by experts who have the full facts before them.

All of us in our electorates are involved with groups and local organisations that push for the government to introduce new services or to improve those services that are already provided. One of the things we know is that forming a judgement on what to support or agree with is not as easy as it seems, because there are many factors that need to be taken into account and reliable assessments of service need can only be made by individuals and organisations with operational expertise. Mr O'Donohue referred to the operation of the Berwick ambulance service. Quite frankly, I am not in a position to know whether the level of servicing there is adequate to the demand. These are technical questions; these are operational questions that are best responded to by Ambulance Victoria.

We know also that newspapers are in many ways a form of public theatre. Newspapers are about selling stories; they are about selling advertising. Newspapers, of course, in a more serious way run campaigns, and while I would be the first to say that many of them are to be commended, this does not necessarily make the content of newspaper articles a reliable source of information on which to base public policy.

For example, I read the article on page 9 of yesterday's *Herald Sun*, which has the headline 'Ambos' pleas ignored' and the by-line 'Frustrated paramedics reveal patients are dying without MICA care'. The assertions that the paper makes are disturbing. I certainly do not wish to dismiss them out of hand, but in my view the article does not provide much at all to clarify what is a complex operational issue. It says, for example, that the government announced that a new dedicated MICA (mobile intensive care ambulance) service would be based in Morwell in my electorate of Eastern Victoria Region and that this has angered South Gippsland paramedics because Morwell already has a service. At the end of the article Ambulance Victoria regional manager, Mark Cooke, is reported to have said that Morwell needs an extra MICA unit, but the article does not tell us why Mark Cooke says this. The view of the regional manager is not explored, and that is a weakness of the article.

The article also says that a business case for a specialised intensive care service for Wonthaggi was prepared by the South Gippsland paramedics. It goes on to say that the paramedics were angered by the location of an additional unit in Morwell and pleaded for it to be put in Wonthaggi. That implies that the paramedics' business case fell on deaf ears, whereas the regional manager is also reported right at the end of the article as saying that the potential for a MICA unit in Wonthaggi would be explored. In these ways the article raises more questions than explanations and clarifications. This is the case with many of the news items that I have read. Of course, I understand newspapers need to make their reports short, accessible, appealing and understandable to a wide audience. It is not at all sensible to base our criticisms of the operation of Ambulance Victoria on news reports.

During the last sitting week Mr Viney in his contribution on this motion spelt out for the benefit of the house the findings of a 1997 Auditor-General's report on ambulance services in Victoria. He said that it was in disarray, and the quotation he provided certainly seems to support his observation. Since coming to office in 1999 the Labor government has set about introducing two-officer crewing to give greater flexibility to ambulance stations across rural Victoria.

Victorian Labor also restructured the paramedics training regime so that all paramedics in the state are trained in advanced life support skills, and MICA paramedics are trained to a higher level still. As Mr Viney said, he has firsthand experience of the introduction of these changes, and I am indebted to him for the information that he provided in his contribution.

As well, Victorian Labor embarked on a major investment to upgrade ambulance stations across the state, and this has continued right up until the present moment. Last month I joined the Minister for Health, Daniel Andrews, in Wonthaggi for the official opening of a \$1.4 million Wonthaggi ambulance station to service the whole of south-west Gippsland. The upgraded ambulance station now provides a better working environment and larger premises to house additional vehicles.

We also saw when we looked through this facility accommodation for on-duty paramedics who service Bass Coast, including Phillip Island, Inverloch and Wonthaggi, as I said, and all the way along the south coast. Wonthaggi's branch provides a 24-hour service with a peak period unit, and it has 17 staff, including 4 MICA paramedics and 6 regional relieving staff. The government has also upgraded services in Mirboo North, Cowes and Warragul. I again joined Minister Andrews at Grantville, where he announced a new professional ambulance service in that town, which will work with the existing CERT (community emergency response team). I should put on the record that the Grantville CERT has worked hard with Ambulance Victoria to prepare a case for the new ambulance service. I worked with the team members intensively and learnt a great deal from them. The success that they achieved deserves to be commended.

The government will invest around \$2 million to build the new Grantville branch and provide vehicles, and an additional \$1.1 million per annum will be provided to staff for the running of the service. The investments in Grantville and the \$1.4 million investment in Wonthaggi are not one-off contributions. Mr Viney has already drawn the attention of the house to the following facts, but it is important to emphasise and repeat that the government has more than tripled the funding for ambulance services since 1999. In 2008 we delivered the single biggest investment in ambulance services in the state's history when we provided \$186 million to recruit 258 additional paramedics. We also provided 59 new and upgraded services for 48 towns and suburbs throughout Victoria and purchased two ambulance helicopters.

Under this government the number of new graduate paramedics will increase the strength of Ambulance Victoria. This year 222 new ambulance paramedic recruits graduated in Victoria and they will help to provide better and more available care. This builds on more than 300 recruits who commenced last year and brings the total number of ambulance paramedics to 2600 — and 1000 of those are working in regional and rural Victoria.

It is also worth putting on record that Victoria has the best patient survival rates in the country. While we are recognised here and overseas as innovative leaders in the field, we are always working to improve our services. The Victorian government has made a clear and positive difference to the quality and effectiveness of ambulance services in Victoria, both regional and urban.

That is not to say the reported deaths of some individuals are not regretted. Every death is one too many, but the fact is that deaths do sometimes occur and the circumstances of each fatality are carefully examined to improve practice and minimise the risk in the future. For one reason or another there have been people who Ambulance Victoria has not been able to help and who have unfortunately died, and the Minister for Health has publicly stated his sorrow over those deaths.

During 2009 Victorian paramedics responded to 433 549 emergency cases, which represents a growth of 67 per cent over the last decade. The number of deaths is a very small fraction of that total number, which is not meant to minimise the death of any individual. I do not believe there is sufficient reason to ask the Auditor-General to examine the operation and management of Ambulance Victoria. The evidence is, as I have tried to illustrate, that the system is generally in sound shape and, importantly, it is improving all the time.

On the other hand, the call on the Premier to fix any problems with Ambulance Victoria is superfluous because the government is fully and keenly aware that there is more to be done. The recent investments in facilities, new services, training and recruitment is powerful evidence of this.

Mrs KRONBERG (Eastern Metropolitan) — I fully support the important motion by Mr Davis which is before the house today. The motion calls on the Premier to fix the problems within the Victorian ambulance services and also asks for the Auditor-General to examine the operation and management of Ambulance Victoria. I imagine those in

the ambulance service would welcome this motion because those fantastic members of the ambulance service, the paramedics and the mobile intensive care ambulance (MICA) specialists, are under enormous stress.

We have to commend those paramedics for having such a vocation in the first place, undergoing training and maintaining their commitment to services performed, often in the most stressful and difficult situations one could possibly imagine, whether they are dealing with somebody who is prostrate and grasping for their last breath on the floor of the living room or they are looking at the carnage caused through traffic collisions. We applaud them and hope that each of them maintains their commitment to this vocation. I cannot sing their praises highly enough — and thank God they are there for us all.

In saying that, I also have a little pang of sympathy for Mr Scheffer today, because in performing his duty he appears quite uncomfortable trying to defend once again, on behalf of the government, the indefensible. His tortuous response to Mr Davis's motion is evidence of that, so people listening to what I am saying right now could perhaps go back and look at how he has tried to spin and draw out things and come to astounding conclusions from all the commentary and wealth of information based on research and input from people whom we could generically describe as whistleblowers; by people who have provided internal documents for examination by Parliament and of investigative journalists. Yet he has been called upon to find something positive amongst all that damning evidence.

Mr Scheffer has had a very difficult task today, but of course this is typical of Labor and its attitude. For far too long it has relied on manipulation of information, lying by omission, withholding information and putting a spin and gloss on it. Then, whenever there is an issue, it goes through a catalogue, listing money it has already spent, statistics and so on and so forth, without any context as to what those numbers mean. It plucks figures out of context, such as 222 people trained, or 300 people recruited last year. What relevance does that have and into what sort of background context are we putting that information?

Some 300 people trained and inducted into the ambulance service last year may seem to a lay person to be an appropriate number. I am no expert on the manning of ambulance regimes and I do not know how far short of the mark that is. Is 300 recruits a laudable number? Maybe 1500 or even 3000 would be better, but I do not know. To just provide all of those numbing

statistics is a classic and signature response on behalf of the government. It goes through lists of numbers without those numbers bearing any relevance or without any sound argument. People say, 'That sounds like a lot; they must be doing something', but when it is out of context and no relevance is drawn, it is meaningless.

In opposition Labor promised to cut ambulance response times to 10 minutes, but after more than 10 years in government at the helm of Victoria the Brumby government has weaselled its way out of complying with such an important commitment. Labor's targeted response times have increased, not decreased. At first they increased to 13 minutes. This illustrates the sort of creeping corrosion of standards and benchmarks. The targeted response time for an ambulance is now up to 15 minutes. In case nobody has noticed, it has crept from 10 minutes, to 13 minutes and now to 15 minutes, so I am putting that fact on the record today. We all understand that targeted response times have stretched too far.

MICA services are too few and far between, and we have all heard about some of the calamitous circumstances in rural and regional Victoria. I am not going to dwell on individual cases, but we would all be appalled by the number of children and babies and people of all ages, including the frail elderly, who have died in the arms of loving family members while their wait for ambulances has stretched out — sometimes to 30 minutes, 45 minutes or even an hour. In some cases people have succumbed to whatever ailment caused the emergency before an ambulance has arrived. I offer my condolences to all those grieving families around this state. We need to have a clinical examination of this situation.

The Victorian Auditor-General has made some profound recommendations as a result of his investigations and analyses of so many of areas of public administration under this Labor government. The theme of the analyses is that everything is underresourced. Technology platforms are inadequate, overdue or over budget. The left hand does not know what the right hand is doing. People are often promoted beyond their abilities. The same sorts of problems arise over and over again. This is poor administration; it is maladministration — Ruddesque and catastrophes in the making.

People living outside the Melbourne metropolitan area cannot depend on the availability of an ambulance or on the services of trained paramedics. Some might say that coverage in the metropolitan area is better, but any of us could be visiting a holiday destination and be affected

10:57

by this lack of service. We all empathise with those of our parliamentary colleagues who serve the voters of rural and regional Victoria, and we must stand as one beside them as they face problems at a local level. Any one of us could have family or friends living in those settings, so it is quite valid for a metropolitan MP to be shining a light on problems with ambulance services across the length and breadth of the state.

My own experience of a few years ago when I waited for an ambulance to arrive to rush my elderly father to hospital after he had a heart attack means that I can empathise with families who wait for ambulances. Often those people are paralysed with fear — almost in the thrall of panic — and they do not know what to do. Minutes can seem like hours, especially if they become quarter hours, half hours or entire hours. Delays in ambulance response are stressful, particularly when people are facing life-threatening situations. Response times stretching to 30 or 45 minutes or an hour can be a nightmarish scenario that no-one in the state should have to endure, and certainly not in a First World country such as ours where the best systems and technologies are available. Poor ambulance coverage is another reason Victorians cringe under this Labor government. It is embarrassing and there is nothing to applaud.

I know of one situation in which a gentlemen in a regional city needed emergency surgery. Thank God the police were available to transport him in a divisional van so that he could undergo emergency surgery!

Another indicator of the systemic problem with the ambulance service is that across this state ambulance stations have been left unmanned due to paramedics taking fatigue breaks. The fact that paramedics are taking fatigue breaks tells you something. The work of ambulance paramedics is torturous, and they often push themselves beyond their physical limits to fulfil their role as professionals in emergency and life-saving situations. Paramedics take fatigue breaks knowing there is no-one to replace them should an emergency arise. I wonder how restful their breaks can be. Maybe in some way they feel guilty and think, 'I have worked these massive shifts and I am nearly dropping on my feet. I have got to have a rest, but if I have a rest there will be no-one to man the station'. What a terrible proposition to be on the minds of these exhausted paramedics who are trying to rest and trying to get on top of things. All they are doing is trying to be relaxed and fit for the next shift they have to face. Such situations are unreasonable.

It is worth taking time to comment on some matters revealed in an article by Peter Rolfe which appeared in

the *Herald Sun* of 23 May. The article is headed 'Leaked records reveal extent of crisis shock of ambo logs'. This is the real McCoy — the real story. The article reveals that not only is there a shortage of manpower in terms of trained paramedic staff but that we are looking at chaos when it comes to dispatch and communication from base to ambulance and between ambulances. Dispatch systems have crashed and often radios do not function. Such equipment failures can be resolved. The article states:

The logs, written daily by senior Ambulance Victoria staff, raise serious concerns about the dispatch centre knowing the whereabouts of ambulances and highlight the number of shifts the service is forced to drop because it cannot find staff.

One entry recorded 'status buttons' in several Geelong ambulances not working, 'making it difficult to know accurately where your resources are'.

This sounds like *Keystone Kops*. It is appalling. Members of the Labor government should wake up. How can they gloss over all of this?

The article also states:

Services 'running all day with code 1 and code 2 cases waiting up to 2 hours';

'000 data stopped coming through';

'Loss of radio communication and phones';

'Calls unable to be taken'; and,

'Timboon crew having radio problems all day. Anglesea crew having radio problems all day'.

God bless the whistleblowing ambulance paramedics, the commentary they offer and the fact that it can be presented to us in print. I again applaud the skills of Peter Rolfe, whose article in the *Sunday Herald Sun* of 23 May states:

One whistleblowing paramedic said the state ambulance crisis was 'very real'.

The Minister for Environment and Climate Change, Gavin Jennings, is sitting in the chamber. I am sure he has heard me but he is pretending not to be engaged. However, people within the ambulance service are saying — and I hope the minister brings these comments to the cabinet table — that the state's ambulance crisis is very real. This came from someone who is inside the service, somebody who knows better than members of the cabinet what is actually going on inside the ambulance service. Peter Rolfe's article goes on to report this paramedic as saying:

We are in trouble, there is no doubt about that ...

It further reports this person as saying:

God help us if we ever have a big disaster because we just wouldn't cope.

And we have seen what happened with the worst natural disaster in Australia's history, Black Saturday. I go on to quote — and this is absolutely telling — Peter Rolfe's comments:

For the fourth straight week, health minister Daniel Andrews refused to commit to an investigation —

and I wonder why —

or say what he would do to solve the problem.

That damaging quote says it all. I rest my case on this point and I encourage members of this chamber to support this important motion. There are a lot of frightened people out there. As I travel through my electorate I can see that people are frightened about many aspects of the maladministration of the state and the paucity of the government's response and ideas. One of the prime examples of that is the ambulance service in this state. It is a problem that we need to resolve urgently.

Mr HALL (Eastern Victoria) — I welcome the opportunity to express my strong support for Mr Davis's motion which calls on the government to immediately address some of the existing problems in Ambulance Victoria and to ask the Auditor-General to look into the way in which ambulance services are managed in this state. As I said, I give my strong support to both components of this motion. I want to commence my contribution to the debate by saying that it needs to be acknowledged that the ambulance service is the front-line response unit to incidents where people's lives are in danger. As such, there is a good argument to be mounted that this is probably the most vital of services that governments can provide to the people of Victoria.

I am forever impressed by the abilities and the quality of work undertaken by our very fine ambulance officers in this state. If you talk to ambulance officers on a regular basis, as I do, both those who deliver services on the road and those who deliver in the air, particularly the Helimed air ambulance service at Gippsland which provides a great service, you cannot help but admire the ability and the commitment of the people who provide this front-line service to the people of Victoria. I thank and commend them and say they do a great job. However, they are under some severe pressures, and that is where this motion goes to today. We need to make sure they are able to deliver the services they are trained and expected to deliver. To that end there are many ways in which the government needs to look at the constraints and restrictions being imposed on the

ability of our very fine ambulance officers in the state to deliver those services.

There are problems and there are some issues. We need to be cognisant of those and we need to acknowledge that there are problems. A good starting point in addressing this issue would be to acknowledge that problems exist. I say to government members who suggest that there are no problems and that things are going along quite swimmingly, 'You must have your head in the sand. You must not be living in the real world because I do not know of one constituent in my electorate who does not acknowledge that there are some serious issues with ambulance services that need to be addressed'.

Mr Scheffer in some of his comments earlier today suggested that we should not base our thoughts entirely upon news reports. I certainly agree with that comment. We need to be aware of and acknowledge some of what is written in the newspapers, but we should not base our entire thinking on those reports. That is why it is so important that we go out and talk to people; we should meet with constituents and learn about their experiences in terms of framing our general response to these matters. I can assure Mr Scheffer that my views on this issue are not based entirely upon what I read in newspapers. What I read in newspapers adds to my knowledge; it is not the basis for all of it. Much of my knowledge comes from direct meetings with ambulance personnel and with constituents who have had direct experience of the service provided by Ambulance Victoria.

Like Mr Scheffer, I read the article on page 9 of yesterday's *Herald Sun* under the heading 'Ambos' pleas ignored', which expressed the views of ambulance officers in South Gippsland and the need for MICA (mobile intensive care ambulance) services in South Gippsland. I agree with the views expressed in that article, but I think there is a desperate need for locally based MICA services in South Gippsland, something which it currently does not have. I make the same argument about East Gippsland. There is a real need for the provision of MICA-based services in East Gippsland, again something it does not have. We see those articles in the media from time to time.

We need to acknowledge they are an expression of frustration by some and that they point to a need for improvement in the way ambulance services are structured and delivered here in Victoria.

I also want to make special mention this morning of the host of a regular program on ABC radio in Gippsland, Celine Foenander, who does a show from 8.30 through

to 11.00 each weekday morning. Through the vehicle of her show Celine has taken up the challenge of highlighting some of the deficiencies in the way ambulance services are delivered. Indeed she has invited people from all quarters of this debate — from members of the government to members of the opposition, but more particularly ambulance officers and people who have been recipients of ambulance services — to comment and to express their views on her show. Celine Foenander has pursued this with great diligence over many months now, and for those who are regular listeners it makes for some very interesting, relevant and enrapturing radio. It has been really instructive to listen to the views of those people who have rung up and who have been invited to appear on the show, including, I might add, the Minister for Health. She invited Daniel Andrews to appear on her show. It took a week or two before he made himself available but ultimately he came on and expressed a view on her program. Again, I think that helped the whole debate. As I said, there are some real issues that exist with the way in which ambulance services are delivered, and the government and the opposition need to work together to resolve them.

I want to quote from a press release issued by Tim Bull, who is The Nationals candidate for the seat of Gippsland East in the Assembly. It is an unusual step for me to quote from a press release from a candidate, but to his great credit Tim Bull has taken the issue by the horns and really made a go of it. He has got himself involved, and he has organised to meet with ambulance officers across the East Gippsland region. He has arranged meetings, of which I have been a part, where we have spoken directly with ambulance officers. He has been most diligent in pursuing this issue and highlighting the needs of the people of Gippsland East in respect of the delivery of ambulance services. His press release starts:

Like much of Victoria, Gippsland's ambulance service is suffering from poor staffing levels, inadequate response times and low staff morale.

...

'These are not my words, but come from discussions with paramedics over recent weeks that have lifted the lid on the local situation,' he said.

In this press release he goes on to outline a number of points to justify those comments, which were made to him by ambulance officers. He mentions just a couple, and I am excluding people's names so as not to get personal. He mentions a case of:

A heart attack patient in a major Gippsland town having to wait 75 minutes for a MICA (intensive care) paramedic —

to become available.

An instance where there were no beds in the emergency department (ED) of a hospital, so two high-needs patients had to remain on ambulance stretchers in the ED while a woman was having a seizure in the CBD. As a result it took 40 minutes to get an ambulance to her.

He mentions:

An instance on a Saturday night pre-Christmas when there was not an ambulance paramedic on call for a 90-minute period between Warragul and Mallacoota.

He also mentions:

Many other occurrences of 'windows of non-coverage' due to staffing levels at stations that do not allow for a 24-hour efficient service ...

Finally, he mentions some of the issues in respect of the working arrangements of paramedics where overtime and recall payments have been changed and ambulance officers have been required, if they are on call, to stay at a station for a minimum of 4 hours if they are called in to undertake a task.

I know from some of the discussions I have been involved in with paramedics that that has been a real issue. It is an example of where greater flexibility and cooperation between Ambulance Services Victoria and local paramedics in terms of their roster arrangements and their call-in arrangements could lead to the provision of better services.

The fact is there are avenues through which we could improve the way ambulance services are delivered and which do not necessarily involve additional resources. Some changes to the rostering arrangements could improve the delivery of services. Obviously in other cases additional resources are going to be required to improve the efficiency of the system.

From a personal point of view, I do not think the merger of the Metropolitan Ambulance Service and Rural Ambulance Victoria has always produced the best outcomes for those who continue to work for RAV in country areas of this state. Indeed in some regards the changes have led to a concentration of thought, I suppose, in terms of a more metropolitan-based service than a country service, and as one officer suggested to me, all the senior positions in Rural Ambulance Victoria now come from personnel who were previously with the Metropolitan Ambulance Service and there seems to be a lack of knowledge and experience of country issues, which are not reflected in the composition of the management of the current service. I think they are issues that need to be considered too.

I well understand that like any emergency service it is going to be difficult to provide for and accommodate every particular instance, and there will always be criticisms that particular incidents were not able to be covered in the way they should. That is the nature of emergency services, whether it be ambulance, fire response or police; there are always going to be times when resources are stretched. But when you are getting so many instances, so many cases and so many comments of inefficiencies in the system and of the system not coping with current demands there is a real need to look at the system to see whether there needs to be improvement. Certainly in my conversations with ambulance services and with people who have been required to use ambulance services everyone would say there needs to be some improvement.

I think it is important that the Auditor-General has a look at the issue, because only he can provide some independent overview of exactly how the service is working and recommend to the Parliament what needs to be done to improve it. He is best placed to undertake the task. Moreover, we cannot afford to wait for that to happen. I think the government needs to take hold of the situation right now, acknowledge there are problems and make greater commitments to address them. As I said before, the ambulance services is our front-line response to incidents where people's lives are in danger, and when people's lives are in danger we need to ensure we are doing everything we possibly can to assist in those desperate situations.

I call on members of this house today, on all sides and from all parties, to support this motion. The motion calls for improvements to the existing system and calls upon the Auditor-General to have a look at the overall system to try to identify where we can do things better. It should be a non-political issue. I do not see any reason this should be resisted along party lines. It is something that is trying to achieve a better outcome for the people of Victoria, and in that regard we should all be working together, and in my view we should therefore be supporting this motion.

Mr LEANE (Eastern Metropolitan) — I genuinely believe Ambulance Victoria supplies a very good service. It would be hard to state that any service could ever be perfect; I think that is a Utopia that will probably never be reached. I acknowledge there are very sad instances involving individuals and their access to ambulances.

11:25 If you are ever in a situation where you need an ambulance and you need the ambulance officers to give you initial care and courier you to a hospital, it is never going to be a non-stressful experience. In saying that

Ambulance Victoria provides a good service, I appreciate and acknowledge that Mr Hall stated that paramedics and ambulance officers in this state do a great job to the best of their ability. That is something I was going to initially state as well.

When Mrs Kronberg spoke about Mr Scheffer's response to this motion, she said that it was a signature response from the government to the motions we have on Wednesday. I accuse the opposition of putting forward a typical signature opposition motion for Wednesday — that is, opposition members systematically come in here during general business and try to talk down every service in the state. They do that to the degree that you would think, listening to their contributions, that these services are completely non-operational and there is never a successful ambulance trip, with an adequate attendance. That is not true. In saying that, there is always more that can be done, but anyone who said that Ambulance Victoria provides a bad service would be completely incorrect.

I listened intently to the contribution by Mr David Davis in the last sitting week when he moved this motion. I also listened intently to the contribution by Mr Viney, who followed Mr Davis. Mr Davis spoke about some individual cases. I was very interested when Mr Viney spoke about the real facts of those particular cases. It is interesting that Mr Davis can colour cases in a certain way that, as Mr Viney pointed out, is not really following the whole facts of those cases.

During his contribution Mr Viney spoke about having a big role in ambulance services as Parliamentary Secretary for Health when the Bracks Labor government came into office in 1999. As he said, he found that the ambulance service had been left in a disconnected state by the previous government. It was also underfunded and there was a lot of pressure and stress on the people working within the service.

Paragraph (1) of Mr David Davis's motion, which calls on the Premier to fix the problems, is a very general statement. Mr Davis did not identify the problems he sees. He identified a couple of individual cases, which were very sad, but I am not too sure where he identified the problems. I acknowledge that in his contribution Mr Hall stated that some things such as rosters could be looked at. That could be a fair suggestion and I appreciate that. When it comes to moving a motion saying, 'Fix the problems', I would appreciate it if when Mr Davis does his summary he tells us what are the problems, rather than just a general couple of words which opens it up for coalition members to make broad contributions similar to that of Mrs Kronberg.

Mrs Kronberg said she felt some sympathy for Mr Scheffer during his contribution. Mr Scheffer would not be asking or looking for that sympathy or need that sympathy. Mr Scheffer spoke about facts and real figures. I do not think anyone needs any sympathy for doing that. The facts and figures pertained to the ambulance service, so his contribution went far more to the matter of what we are talking about today, when compared to Mrs Kronberg's as usual bizarre contribution.

One of the facts I want to touch on is that when members say, 'There is more that can be done', government members do not disagree with that at all. As far as improving the ambulance service, one of the telling figures — and I am pretty sure Mr Scheffer touched on it, but I will touch on it again — is that only last week over 220 of the newest recruits were introduced into Ambulance Victoria. That is a telling fact that you cannot shy away from in the ongoing improvement to the ambulance service.

I look forward to the summary by Mr Davis so he can identify the problems as he sees them, It will be interesting to hear where he sees the problems or whether they are just words again in another general business motion from the opposition.

11:32 **Mrs PETROVICH** (Northern Victoria) — I rise to support the motion before us. I believe there is some cause for an investigation of the Victorian ambulance system by the Auditor-General. We have seen, in the last three years in particular, a steady rise in most tragic circumstances. As one member suggested in a contribution to debate in the previous sitting week, ambulance officers are confronted with very ill people who sometimes die. That is a terrible reality, but unfortunately we have a system that is not coping with the situation and not addressing some of the issues, and some lives have been lost, I believe unnecessarily.

Recently we saw the case of a Maryborough man who died waiting for an ambulance. Unfortunately no ambulance was available; the officers were held up at the Bendigo hospital in a situation which I have seen firsthand. At that hospital, particularly in the emergency department, staff and facilities are stressed beyond belief. The ambulance officers are doing their job and staying with the patient until a bed or a medical practitioner to attend the patient is available.

We have seen a system where paramedics are acting as doctors; this occurred last year at the Kyneton hospital. There is a sign out the front that says 'Emergency Department', but unfortunately there is no emergency department. Very often there is no doctor available to

service the people who go to the hospital in good faith in the belief that there is an emergency department there. I could tell many tales around that circumstance, where people have got out of life-threatening situations by the skin of their teeth and probably because of very good nursing staff and paramedics who have jumped in to save the day. Sometimes paramedics are not available and it is too close to call as to which way things will go. Last year the Kyneton hospital was using paramedics as a medical service because no doctor was available. These people are very well qualified and certainly have provided a service, but is it appropriate? Is the way the system operates adequate? I do not think so.

One of the things I would like to raise today is the case of a young man who collapsed at football training a fortnight ago in Sunbury. He died because an ambulance could not be found. A local doctor and a paramedic were in attendance on the night. They did not have the required equipment and tried in vain to get an ambulance to him. In fact the paramedic rang the air ambulance service to come and attend to that young man, but because the paramedic was off duty that flight was not able to be arranged.

There seem to be some very unusual rules and regulations around how things operate. We saw that during the Kerang rail disaster. I have heard some chilling firsthand accounts from people who were involved in that terrible incident. Those failures will be clearly articulated in the upcoming coronial inquiry into the mismanagement of that disaster, the failure of Displan and the fact that there were ambulance officers there on the siding who were stood down and did not actually go to attend to those people.

There was a very brave woman who died late last year of liver cancer whose property was adjacent to that siding. She explained to me how as a trained nurse she ran to the scene and she, a number of passengers — who were not medically trained, I might add — and the two conductors had to deal with what was a war zone on that terrible day. Help did not come. Displan failed. Ambulance officers were stood down on the siding of that site. Min Peacock, the lady who acted so bravely and explained to me in detail what she had to deal with on that day, called her husband by mobile phone, and he came down with his ute and used spinal boards and stretchers to take passengers off that train and ferry them to the ambulance officers.

There was a huge time delay, and one can only imagine the stress and distress that caused not only to the people on the train — lives may have been lost as a result — but also to those in the medical profession who were

unable to offer assistance, who were stood down at the Kerang and Swan Hill hospitals waiting for patients who never arrived. Because of mismanagement, those ambulance officers who perhaps could have been operating on the day were not able to do so.

There is some real stress in this job, and it is not being made any easier by the way the situation is being managed. There are a number of other cases, but I will not go on because it is macabre and it is very sad for the families of people who have lost their lives.

We are talking about people who have been victims of a system that seems to have no rationale. There are cases in my electorate that I have talked about where there has been no ambulance officer available, but there are also cases where ambulance officers seem to have very few call-outs during the month. There does not seem to be any balance or reason in staffing measures and the placing of resources. Because of this I support this motion and think it is very important that we look at how we allocate those resources.

What is clear is that the ambulance organisation has become a law unto itself. It is a culture of building of fiefdoms and often of fear and reprisals for people who speak out against conditions. It is symptomatic of the conditions of 10 years of Labor.

11:40 Unfortunately, instead of addressing the issues and solving the problems for communities and organisations such as hospitals and our health system, Labor mates on committees and in organisations are hell-bent on creating spin and rhetoric around what should be answers. It is all right talking about resourcing and how many money is put in, but there has to be an outcome for all this, and what we have seen is an enormous amount of waste and misunderstanding about how organisations and systems work.

Marika McMahan has been a member of the Rural Ambulance Victoria board and is the current chair of the — —

Ms Lovell — Whose bridesmaid was she?

Mrs PETROVICH — I do not know, Ms Lovell. Whose bridesmaid was she?

Ms Lovell — I think she might have been bridesmaid to Jacinta Allan. What an appointment!

Mrs PETROVICH — Was she? She has been the chair of Ambulance Victoria since 2008. She is also chair of the Bendigo Health Care Group. She has held both of those positions and has been privy to the big picture for health in the Bendigo region and throughout

Victoria. I would think she would have a deep understanding of how the ambulance service interacts with hospitals such as the Bendigo hospital, where ambulance officers are often off the road because of the bottleneck created through a hospital in crisis and where they very often stay with the patients for long periods of time, waiting for a bed or a doctor to become available. The net effect of this has been that ambulance officers are off the road. As chair of both those organisations, I suppose Ms McMahan, with full knowledge of the current situation, has to ensure that solutions are found.

As I said earlier, in the last few years we have had a number of disasters across rural Victoria, and they have caused people to lose their lives unnecessarily. It is a travesty when we have people with full knowledge, sitting there with resources available to them and with links into the government that should be able to assist, that nothing is happening.

After saying all of this, I have nothing but good things to say about my personal experiences with ambulance officers. In September last year my grandmother was picked up by MICA paramedics and taken to the Bendigo hospital. I have nothing but praise for not only them but also the Bendigo hospital, where she was admitted. Luckily on that particular day the hospital was not in meltdown and the staff were not pushed to the end, so my grandmother received very good assistance from both those paramedics and hospital staff. I have to say that their treatment of her was exemplary.

I have a number of cases to cite which put things in context in terms of where we have come from. The cases that I cited earlier are recent cases but there are others that go back historically, such as that of a Maryborough footballer who died in April 2009. That 24-year-old collapsed on a football field. It took paramedics 17 minutes to get to him, and he died at the scene.

According to Steve McGhie, the secretary of the Victorian branch of Ambulance Employees Australia, more ambulances are needed in regional Victoria. He said that clearly on that day there were not enough resources available in the Maryborough district, and clearly, even if you have the best dispatch system, all you can draw on is the nearest ambulance. The next closest ambulance to that Maryborough case was dispatched, and that was coming from Avoca.

I can also talk about the culture of this organisation and the net effect on staff. An ambulance union spokesman talked about a situation in the Goulburn Valley and

north-east Victoria. He said that paramedics were being worn out by ongoing staff shortages. The spokesman said also that there were staff shortages at Rochester, Myrtleford, Euroa, Seymour and Yea. Steve McGhie, again, said that 12 extra paramedics were needed immediately before the current ones wore out.

I have experienced this firsthand, talking to these people, who were on quick changeover with short breaks, their family life is suffering, they never feel they can relax because they are always on a pager system, and they know that their colleagues are going to be Johnny on the Spot. They cannot afford to take sick days because that may mean that one of their colleagues will be working one-up, which means that they have to drive the ambulance and look after the patient at the same time. There are some real pressures in that.

Steve McGhie said that they knew that ambulance paramedics were putting in increasing amounts of overtime because they saw that reflected in overtime budgets.

Going back to 2008, we have seen additional staff, but that does not seem to have eased our problem because we are still experiencing delays, shortages, meltdowns and overwork in our ambulance staff, and unfortunately sick people are experiencing delays and that sometimes results in them losing their lives.

Heathcote has a little hospital which has had a chequered history and a real struggle to attract health professionals, and there is a whole range of reasons for that. When you look at how that place operates, you can see that it operates on a shoestring but it provides a great local service. Going back just a little while ago, the chief executive, Jeff Scoble, said that their accident and emergency department has highly trained nursing staff and they have excellent ambulance and air ambulance service. Steve McGhie said that it was unacceptable that paramedics were being used to fill gaps in the hospital system. That relates to the Kyneton incident and the Heathcote hospital incident. He said that not only did it take away resources from an already exhausted ambulance service, but it covered up a failing health system, and the health service provider cited demands caused by ageing infrastructure and cramped conditions as its bigger obstacle to attracting new staff.

That is pretty unfortunate for that community. I have had a number of delegations come to my office and I have been to the hospital. When I look at what they do there, I see that it is a great facility, but they need additional staff and a real incentive for that to happen. They need some money spent there for that to occur. It

is a very separate community from the Bendigo community. We already know how stretched the Bendigo hospital is. Its staff cannot continue to pick up the pieces right across the region.

The catchment there is very long and very wide.

11:50

I would just like to quote from an email that I received from an ambulance paramedic. He says:

QUOTE NOT SUPPLIED IN TIME FOR VERIFICATION.

We can't cope any more with the pressure that is put on us without the professional recognition that we're seeking. We have our backs to the wall, we do not take this lightly. I am really devoted to this job, I love this job, but it has come to a point where we need to make a stand. No-one's listening. MICA paramedics in regional Victoria conditions have decreased to the point where one member might be responsible for reviving a patient and driving an ambulance at the same time. We will be working alone out of a sedan in conditions where we have the entire responsibility for how the job goes.

We are not talking about changing a tyre here; we are talking about people's lives. These people take that very seriously. They train, they work, they literally have people's lives in their hands. At the same time they are making decisions about medical conditions and what they have to do, they are also having to make decisions about how to drive an ambulance, which hospital is available to them and where to go. If you have an accident in Newham or Lancefield, which are in my electorate of Northern Victoria Region — and in the last 18 months there was a pretty bad car accident in Newham — those decisions are critical to whether the patient makes it or not. The ambulance officer has to decide where to take the patient, whether to go to Bendigo, to the Northern Hospital or straight down to the Royal Melbourne Hospital. That decision depends on whether those hospitals are on bypass or not, whether they can get the patients in and how long they are going to be there. Very often these things are time critical.

To go back to the culture of what is going on in Rural Ambulance Victoria, I had a conversation last year with a distraught officer who explained to me that as a result of a communication issue — we will call it that — the group email for Royal Ambulance Victoria had been shut down, and there had been a directive given from Ambulance Victoria that all operational staff would be cut off the email list. This was being used as a communication tool and often those officers would debate issues and inform each other through it. Judging from the way this was described to me by that officer, it is another example of how Ambulance Victoria acts like the Chinese government and blocks free speech

and discussion when it is not positive towards the organisation.

There was the example of paramedics who had spoken to the media about conditions and what was going wrong for them. There had been a response at the time from the Premier, Mr Brumby, who said on 774 ABC radio that paramedics have complete freedom of speech. Unfortunately, two paramedics who spoke out in Bendigo, and who appeared on WIN TV on 26 August 2008, were approached and questioned and told they would be facing disciplinary action for talking to the media, which could have resulted in dismissal. These are pretty disgraceful sorts of conditions. It is apparent from the facts and from the correspondence I have received from these people and the dialogue I have had with them that an inquiry is needed into the culture of this organisation. It is not delivering what it should for health in Victoria.

I have another piece of correspondence from Steve McGhie, who explains that over the last couple of years there have been regular experiences of delays at hospitals and accident and emergency departments, with ambulances queuing up — it is known in the industry as ramping up — outside hospitals while they wait for patients to be transferred to hospital trolleys or beds, and this occurs notwithstanding that these hospitals are not on the hospital early warning system or bypass. The problem, according to Mr McGhie, is widespread, and most of the major metropolitan hospitals and a number of regional hospitals are experiencing this, as I have heard firsthand elsewhere. The view is that forced ramping up of ambulances is a cost-shifting exercise by the hospitals and is the result of there being insufficient beds for patients and a shortage of staff to treat them. Using an ambulance to house a patient for a period of time and using a paramedic to treat and care for them on an ambulance trolley clearly shifts a proportion of the hospital's costs onto the ambulance service.

We have seen examples of this in Bendigo in the last week, in the last month, the last two years, going back 10 years. Ambulance officers are caught up in that bottleneck which is the emergency department. We saw the \$50 million announcement by the Minister for Regional and Rural Development, Jacinta Allen. As stated in her press release in May, as part of that \$50 million commitment there is an eight-bed ward sitting in Bendigo unused, just over one month after that announcement. Having looked at that ward, I can see it is not going to be made patient ready very easily. There is nothing there bar eight beds. This hospital is under unbelievable pressure. Ambulance officers are sitting in the emergency department with patients who

the hospital has not got beds for, while this eight-bed ward languishes, unavailable, unused with very little excuse for why that is the case.

Answers are required, and I would hope that this motion today is successful and that there is an investigation into how this service is operating. As I said earlier, that does not undermine the good work that the men and women of Ambulance Victoria and Rural Ambulance Victoria do.

They are professional. They have had to struggle with amalgamations, a training system that has been a complete disaster, stress and lack of support by this government for over 10 years. This is very unfair on the community, which has an expectation. When you look at surveys about professions that are regarded highly by the community you see that politicians do not rate very highly, but I think ambos rank at no. 2 or 3 out of those professions that the community holds in high esteem. The way the organisations are running and the way these professionals are being treated is not good for the community and certainly not good for them as a profession. 11:57

The issues I have been talking about have been raised for the Minister for Health, Daniel Andrews — —

Mr D. Davis — And PAEC.

Mrs PETROVICH — And the Public Accounts and Estimates Committee. Issues have been raised with the Department of Human Services and Ambulance Victoria, but there has not been any real movement in this area for some time. There are solutions here. The ambulance association has provided some solutions but very few of them have been taken up, and I think that is unfortunate. There is an option of additional ambulance trolleys in designated areas and the concept of a paramedic practitioner; there is a range of things. I hope this motion is successful and I commend it to the house.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Environment: waste management

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. I refer to the Auditor-General's damning report tabled today on the EPA (Environment Protection Authority) entitled *Hazardous Waste Management*, and I quote from its conclusion at point 2.2:

The Environment Protection Authority's ... management of hazardous waste information falls short of what is required to discharge relevant regulatory functions effectively. It also affects the EPA's ability to demonstrate the appropriateness of its decisions and actions.

Missing and unreliable information, stemming from weaknesses in information management systems and poor record keeping, meant that important aspects of the EPA's role could not be reliably audited. Consequently, the EPA is poorly informed about how effectively it is managing hazardous waste.

Management response to this information, these issues, many of which have been known since 2007, has been slow and ineffective.

The minister has been the minister responsible for the EPA since 2007 and has been slow and ineffective in monitoring the EPA or in acting to fix the known problems. I ask therefore whether he accepts full responsibility for the mismanagement of the EPA and the consequent risks to public safety.

Mr Viney — On a point of order, President, I just raise a concern about part of the preamble of Mr Davis's question, which actually made accusations against the minister and the minister's performance. I am wondering whether that might be ruled as overtly political — an overt attack.

Mr D. Davis — On the point of order, I am quoting directly from the report for the purposes of elucidating for the house the report tabled today that members may not yet have had the opportunity to read.

The PRESIDENT — Order! In response to Mr Viney's point of order, I am in a situation here of 'He said, he said'. Mr Davis says he quoted directly. The government says he ad libbed some part. The facts are that Mr Davis cannot overtly criticise the minister in his question et cetera. I think it is a matter of determining whether he did quote correctly or not and I cannot do that at the minute. I will allow the question and allow the minister to respond in the way he sees fit, but I will check *Hansard* and the tape, if necessary, to make a further determination if I need to.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Davis for his question and the scrutiny that he is seeking to bring to bear on the Auditor-General's report on the activity of the EPA (Environment Protection Authority) in relation to hazardous waste management because I think it is a very significant issue and it certainly warrants the scrutiny of Parliament. I appreciate my colleague Mr Viney jumping to his feet to protect me against what might be a slight in relation to the way in which the Auditor-General's report has been interpreted by

Mr Davis, and I know that you are reserving your right, President, to review whether it was in fact a fair and appropriate question.

Nonetheless, it is a fair and appropriate issue for the Parliament to consider. The Auditor-General's review of the EPA's accounting practices, the completeness of its record-keeping processes, its procedures for internal auditing, and directing its regulatory compliance activities in accordance with its database is something that is of concern to the EPA, and the EPA has acknowledged that in its response to the Auditor-General's report. It is definitely of concern to me. In terms of the potential for the EPA to fall short in relation to its compliance and regulatory activities based upon this database, that is a significant issue.

It is very important for us to understand that there is a difference between what the Auditor-General has reported on and what will be the perception in the community about what it actually means in terms of the impact on the ground and the prevalence of hazardous waste.

This is not to ignore the significance of the report as it is, but I do not want people in our community to start making assumptions about the prevalence or dangers of hazardous waste beyond the limits of what this report says.

The report is about accountability and report-keeping mechanisms within the EPA. It clearly says, time and again, that those report-keeping mechanisms are fragmented, disaggregated, to the extent that — —

Mr D. Davis interjected.

Mr JENNINGS — It is unsatisfactory, Mr Davis, I volunteer that, and the EPA volunteers that.

Mr D. Davis — Shambolic.

Mr JENNINGS — Mr Davis may want to describe this in a way that suits him, but I encourage him to try to keep within the scope of what the Auditor-General said, which is that significant work needs to be undertaken in relation to business systems and reporting mechanisms, and on the need to improve the reliability of how that information can be used and how it relates to compliance issues within the organisation. Those recommendations in the report have been unequivocally accepted by the EPA. In fact of the nine recommendations, work has commenced on seven to improve matters. At this time actions to address some of those recommendations have already been completed in terms of the business practices of the EPA.

This has occurred at a time when there has been a significant reduction in the number of licences that apply in terms of corporate licensing, which have been subject to the scrutiny of the EPA during the last two or three years. That is consistent with the reduction in the amount of hazardous waste material that is used by Victorian industry and ends up in landfill, which has been a driver of public policy considerations by the Victorian government. In fact there has been a reduction from 733 000 tonnes in 2006–07 to 335 000 tonnes in the last reporting period, 2008–09, which is a 54 per cent reduction.

During that time — this is an issue that is not reported on in the Auditor-General’s report, but a slightly different interpretation can be gleaned from the report — the EPA’s hazardous waste compliance inspections have actually increased over that time as a proportion of the EPA’s total compliance monitoring — an increase from 14.7 per cent to 33 per cent of those inspections.

The most significant commitment I can make to the chamber and the Victorian community is that I will do whatever is required to ensure that the EPA learns the lessons about the appropriate record-keeping and accountability framework. I have met with the chair and the CEO of the EPA in response to these recommendations, and we have reviewed the effectiveness of those accountability frameworks and agreed that they are insufficient in their current form and will be improved. The chair and the CEO of the EPA have agreed to fully implement all the recommendations.

I have also met with staff from the office of the Auditor-General who provided me with a briefing on these matters, which I discussed with them so I can be well appraised of the significance of these issues. The nature of that conversation clearly enables me to say to the house that there is a difference between the impression that may be given by the Auditor-General’s report and what will be the bow that Mr Davis and others may draw about what it means for the prevalence of hazardous waste in our community. The report is about transparency, accountability and the certainty that the compliance and enforcement regime can reliably be based upon data, data control and reporting mechanisms. That is the focus of the Auditor-General’s consideration. The Auditor-General has made important recommendations but does not make any findings in relation to the actual management of hazardous waste by industry or the performance of the EPA in maintaining that activity and making sure that it is regulated on the ground.

The EPA continues to make sure that it has the capacity to add to enforcement. Fifteen new staff have been allocated to front-line activities within the EPA. I have had discussions with the Secretary of the Department of Sustainability and Environment to provide departmental backup and support to the EPA as it implements new systems. In fact the secretary has allocated additional staff resources to be available to the EPA to assist it in improving its compliance activities. This will be a concerted effort undertaken by the EPA, which will be subject to very close scrutiny by me, as has already been the case in relation to the implementation of continuous improvement within the organisation.

As I indicated, action on seven of the nine recommendations is already under way or has been completed. We will complete action on all the recommendations. The chair and the CEO of the EPA will be accountable to me, to the Parliament and to the people of Victoria for improving its performance. On page xii of the Auditor-General report the EPA said:

EPA has got the message. We understand that our processes need improvement ... We will improve our regulatory approach, continue to protect the environment, and ensure that the aspirations of the Victorian community are met.

That is our collective expectation of it and something I will expect of it.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his response; I am not sure that he fully accepts responsibility yet. But the Auditor-General also concludes, and again I briefly quote from the report:

The Environment Protection Authority’s ... program of monitoring and compliance checks is inadequate for the level of risk that hazardous waste poses for the environment and the community. Serious deficiencies pervade most of its monitoring and compliance activities which, combined with ineffective enforcement, provide little assurance that the EPA is effectively regulating hazardous waste.

I ask the minister, therefore: when did he first become aware of these serious flaws in the activities and management of the EPA?

Mr JENNINGS (Minister for Environment and Climate Change) — I am not quite sure whether Mr Davis’s question is based upon some form of entrapment in relation to knowledge of the Auditor-General’s report. I am not quite sure what he is indicating to you, President. The Auditor-General’s report was tabled today. The conversation that I had with the Auditor-General’s office occurred today.

In terms of the continual expectations of accountability that I would have of an agency that works with me, I have had many conversations that have been generated by the organisation itself and some that have been generated by me in relation to my expectations about how this sector would be regulated and monitored over the last two years. We have discussed on many occasions prior to the scrutiny of the Auditor-General the importance for us to increase the reliability of our record keeping and the confidence that the community would have would be expecting us to improve our systems. That has been a continual conversation that I have had with the organisation since the time that I arrived there. Indeed there are a number of business practices that have been adopted by the organisation during the course of the audit review by the office of the Auditor-General.

When I met with the Auditor-General's office today there was an acknowledgement by the office of the willingness of the EPA to recognise the paucity of its information systems and the need to work on ways to improve them, and the Auditor-General's office welcomed the openness with which the EPA recognised its information deficiencies and was prepared to work on them.

Generally, this is something that I take very seriously and the organisation takes very seriously. The incoming chair and the CEO of the EPA recognise that it will be a key performance indicator for them and something that needs to be addressed to comply with their statutory responsibilities. They are determined to do it, and we will work on this together.

Environment: firewood strategy

Mr SCHEFFER (Eastern Victoria) — My question is also to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister please inform the house how the Brumby Labor government is taking action to ensure that a simpler and more efficient system for the collection of firewood from public land will meet community demand without harming our environment?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Scheffer for raising an issue that he is obviously acutely aware of, as are other members who represent regional communities across Victoria.

An honourable member interjected.

Mr JENNINGS — I think there is not a Prius in the state of Victoria that traverses more kilometres than

Mr Scheffer's in relation to servicing the Gippsland region and the community in Gippsland. I am pretty sure that that Prius is clicking up the kilometres in making sure that he gets around his constituency.

Mr Koch — There are not too many Priuses down there; no Priuses go to Orbost!

Mr JENNINGS — I think there are. The petrolheads on the other side may not want to traverse the Victorian landscape in a Prius, but Mr Scheffer is one of those who quite fulsomely does.

The inbuilt assumption of people on the other side is that the people who live in rural and regional parts of Victoria do not care about the environment or about the sustainable use of resources, but they are sorely lacking. There are one or two people on the opposition benches who understand that many people in rural parts of Victoria are deeply committed to sustainable outcomes and better environmental management practices. That is one of the organising principles of our approach to firewood strategy.

We want to make sure that people get access to firewood supply and have certainty about the availability of firewood supply based upon environmentally sound practices and that the extraction of that timber is closely aligned to where the community wants to get access to firewood and that it is provided in a consistent and safe fashion. They are the hallmarks of this strategy.

We understand that people in somewhere of the order of nearly three-quarters of a million households across Victoria would regularly through the course of the year want to get access to firewood. The vast majority, nearly 80 per cent of them, live in regional parts of Victoria. The availability of firewood supply that is provided for those local communities is an essential part of community life. We understand that, and that is the reason why we have tried to streamline the approval processes, so people can get access to that timber with a simplified permit system that is based upon the availability of permits that may apply over a two-day period, a one-week period, a one-month period or a three-month period. It enables people to take out their trailers —

Mr Guy — Eleven years in government and you have worked out how to pick up wood!

Mr JENNINGS — Mr Guy is choosing to be facetious about this issue, which is important to people. He has obviously never had a conversation with people in regional parts of Victoria who want to be able to go out and get their timber supply. They will appreciate the

benefit of this permit system and the seasonal application of those permits so that people can get access to timber during spring and autumn. People do not want to be going around and getting bogged in the middle of the forest in the middle of winter, and they also do not necessarily want to be out collecting wood in the middle of summer, adding to the risk of fire ignition. That is something that we are trying to streamline.

We believe that the firewood strategy has been well received by communities across Victoria and will continue to be well received because it is a popular policy that provides safe and affordable access to firewood supply for Victorian families. That is something that our government understands and is committed to delivering, regardless of the views of the people on the other side who do not have an ongoing conversation with these communities. We will be committed to supporting them into the future.

Auditor-General: *Hazardous Waste Management*

Mr FINN (Western Metropolitan) — I wish to direct a question to the Minister for Environment and Climate Change. I refer to the Auditor-General’s damning report tabled today on the EPA (Environment Protection Authority), entitled *Hazardous Waste Management*. The Auditor makes it clear that a conflict of interest could exist with the head of the enforcement unit holding de facto decision-making powers while also sitting on the review panel for those same decisions, stating:

The lack of clarity creates the potential for a conflict of interest that could undermine the integrity of the panel.

After close to 11 years in government, will the minister now clean up this discredited and mismanaged body and end the conflicts of interest in the EPA’s review processes under longstanding management revealed by the Auditor-General?

Honourable members interjecting.

Mr JENNINGS (Minister for Environment and Climate Change) — In my substantive answer to Mr Davis only a few minutes ago — —

Honourable members interjecting.

The PRESIDENT — Order! Minister!

Mr JENNINGS — In relation to how *Hansard* may record that, it might be thought that I was unruly.

Nonetheless, thank you, President, for the intervention to enable me to provide my answer.

In my substantive answer to Mr Davis I indicated that the EPA has accepted all nine recommendations, and of the nine recommendations in the report seven of them have already been completed. The recommendation that relates to this issue is one that has been completed. Prior to receiving the recommendation from the Auditor-General we had already remedied the fault that has been identified in the Auditor-General’s report tabled today.

Supplementary question

12:22

Mr FINN (Western Metropolitan) — The minister’s mismanagement and failed oversight also extends to the keeping of records relating to dangerous waste. The Auditor-General found that the minister is potentially in breach of the Public Records Act 1973. Can the minister advise the house what legal advice he has had relating to this potential breach, and will he release it so that the public is aware of the risk to which it has been put?

Mr JENNINGS (Minister for Environment and Climate Change) — The President will know that I am not the subject of the Auditor-General’s report, despite the way Mr Finn has asked the question. I am not subject to it.

Mr Finn — Are you sure?

Mr JENNINGS — Yes, and I am not subject to the recommendation that he refers to. However, the Environment Protection Authority is subject to the Auditor-General’s report and the EPA is subject to that recommendation. The EPA has accepted the validity of those recommendations and will comply with them.

Solar energy: government initiatives

Ms HUPPERT (Southern Metropolitan) — My question is to the Minister for Innovation, Gavin Jennings. Can the minister outline to the house how the Brumby Labor government’s investment in science and technology is supporting partnerships between Victorian university researchers and world leaders in industry and also supporting the development of next generation solar cells?

Mr JENNINGS (Minister for Innovation) — I recently had the good fortune to be part of a fantastic announcement in Hawthorn. I am pleased to say that Ms Huppert was there to support a important undertaking by the Victorian government to support a great initiative by Swinburne University of Technology

and the world's largest manufacturer of photovoltaic cells, Suntech Power Holdings. That collaboration has been supported by the Victorian government through the innovation strategy — \$3 million has been provided through the Victorian science agenda to support the potential of breakthrough technology in relation to photovoltaic cells.

The chairman and chief executive officer of Suntech, Dr Zhengrong Shi, was in attendance at that event. He had come from China specifically for this event to demonstrate his personal commitment to the project. We were joined by Professor Ian Young, the vice-chancellor of Swinburne University. It is a great international collaboration for the university which has expertise in nanotechnology, in particular nanotechnology that may be applied in creating a very efficient solar-capturing film that could be put on the surface of photovoltaic cells to lift their efficiency rating. This technology has the potential to be world-leading technology in relation to lifting the performance of silicon-based photovoltaic cells.

We are very happy to support this very important piece of work through the Victorian science agenda. It is a demonstration of our international capability in science. I have the good fortune to not only be exposed to this as Minister for Innovation but also to share some of the learning and opportunities that might mean for knowledge itself in terms of the commercialisation of our innovation and science into the future.

If we can collaborate with the world's largest manufacturer of photovoltaic cells, people in our community could understand not only the important environmental benefits that could derive from that for our global community but the huge potential for economic activity that may be derived from it. In fact it is not beyond the realms of possibility that if this technology is proven successful, there may be a manufacturing capability that comes home to Victoria to drive new industries beyond the research and development capability in this very important field which has not only environmental but also economic potential.

It was a very exciting day for all of us at the facility where the work will be undertaken. We can look forward to the success of that research and development not only for the Victorian economy but indeed the global community in relation to the proliferation of efficient solar photovoltaic cells.

Environment: waste management

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Environment and Climate Change. I refer to the damning Auditor-General's report tabled today on the Environment Protection Authority (EPA) entitled *Hazardous Waste Management*. The Auditor-General found that:

Financial assurances from licensees have not been adequately managed, and in consequence the state is exposed to, and has already incurred, significant clean-up costs.

Can the minister detail to the house the costs already incurred by the state from his mismanagement of the EPA?

Mr JENNINGS (Minister for Environment and Climate Change) — As I have indicated in my two previous answers on this subject in question time today, we recognise that it is important for the Environment Protection Authority to improve its accumulation of data sources so that what have been fragmented and disaggregated elements of data gathered by EPA officers on regional or industry sector bases are brought together so that not only do we have a cumulative picture told in a more coherent and accountable framework but also and very importantly we have information in relation to specific issues about compliance and the relative assurances we may have about the performance of industry as an aggregate across the Victorian industry base.

That is a significant issue; it is the information collection and the use of the information in relation to every element that may come from that. In fact the Auditor-General's report does not identify any quantum of hazardous waste material that is in the landscape outside the scope of the audit assessment of the accountability framework. The Auditor-General does not quantify in any shape or form — —

Mrs Peulich — That is why we are asking you to tell us.

Mr JENNINGS — There is no evidence that has been brought to bear by the Auditor-General to back up the nature of this question, to say that there is a quantifiable amount there.

The nature of the Auditor-General's report is to say that we need to have rigour in information collection, not that there is any quantifiable concern about the management of hazardous waste or the loss that Mrs Peulich is currently relying on in relation to the formulation of this question. 12:30

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Given that the minister was not able to put a dollar figure to the consequence of the state being exposed to and already incurring significant clean-up costs, I now ask him if he can detail to the house the extent of future provisions of these costs in the state budget or in the EPA holdings?

Mr JENNINGS (Minister for Environment and Climate Change) — Whilst it sounds a reasonable and plausible question, the nature of this question draws a very long bow in relation to weave a story extrapolated from what the Auditor-General has said. So that we can account for these issues in the future I will ensure that the elements of the recommendation will be complied with by the Environment Protection Authority. The issue of the intellectual construct of this question is drawing an extremely long bow, and the EPA will comply with the recommendation and deliver it.

Housing: government initiatives

Mr TEE (Eastern Metropolitan) — My question is to the Treasurer, John Lenders. Can the Treasurer advise the house of any interstate and local developments affecting Victoria's competitiveness in attracting new construction?

Mr LENDERS (Treasurer) — I thank Mr Tee for his question and his ongoing interest in interstate and local events that affect construction and job creation in the state of Victoria. It is interesting that the housing statistics in Victoria as they stand show that in the last year more than 32 per cent of national dwelling commencements have been in the state of Victoria. According to the March 2010 HIA (Housing Industry Association) forecasts, Victoria will have the most housing starts of all states in the current year and the following two years. The HIA is saying we have these housing starts that are very strong in Victoria.

If we look at our housing sales we see that over the last three months to April new detached house sales across Australia were reasonably static, but they were up in Victoria by 19 per cent. The only other state that had an increase was South Australia at 1 per cent. I guess what that leads to is: what is it about Victoria that is making these things happen? It is no coincidence that in the New South Wales budget delivered yesterday that state effectively copied Victoria's off-the-plan sales tax-land tax-stamp duty exemption for homes at the lower number of quartiles. In New South Wales they have looked to Victoria and said, 'These policies help generate house construction'.

It is also interesting to note that in the Queensland budget yesterday the government there has brought in a \$4000 grant for new home construction for houses outside south-east Queensland. The Queensland government has looked to Victoria and said, 'This is generating new housing construction in regional areas', and replicated it to pick up what works in Victoria.

We have seen these things happening, but it is interesting that in Victoria if you look at Kim Wells's website you see that all that is on there in policies is police policies not updated since 2006. Interstate governments look to Victoria and say, 'These policies are working to generate new jobs and generate construction', and all that the shadow Treasurer can talk about is police policies from 2006. The opposition has no new ideas and no policies to improve the state, but I am delighted to say that interstate governments are looking at Victoria and looking for ways to create jobs, unlike Kim Wells, who is so lazy he has not moved on from police policies in 2006.

Public transport: passenger safety

Mr KOCH (Western Victoria) — My question without notice is to Minister Pakula in his role as minister for transport. I refer to the Auditor-General's report titled *Personal Safety and Security on the Metropolitan* — —

Mr Lenders — On a point of order, President, we do not have a minister for transport — we have a Minister for Public Transport. If a question is desired to be addressed to a minister in their portfolio in this house, I ask that either the member be sat down or that he use the correct portfolio title.

The PRESIDENT — Order! Would Mr Koch assist and address the minister correctly?

Mr KOCH (Western Victoria) — I acknowledge a slight oversight from the point of view of the title of the portfolio. I should have addressed my question to the Minister for Public Transport. Regrettably there are a couple of glass jaws in the house that need calming. In saying that, President, I refer to the Auditor-General's report entitled *Personal Safety and Security on the Metropolitan Train System*, which was tabled today. I seek an answer from the minister as to whether reports of bashings, sexual assaults, unruly behaviour and gang attacks reported by Public Transport Safety Victoria on its incident report database are transferred to the Victoria Police LEAP (Law Enforcement Assistance Program) database.

Hon. M. P. PAKULA (Minister for Public Transport) — I welcome the opportunity to speak about the Auditor-General's report which Mr Koch referred to. It is an interesting report inasmuch as it finds that both the Department of Transport and Victoria Police have been successful in reducing crime on Melbourne's train system since 2007–08. What it shows is positive progress and that there is more to do. Interestingly, what it finds is that per million passenger boardings on the public transport system there are some 33 offences. Mr Koch talks about bashings and other forms of crime against the person. What the Auditor-General finds is that of those 33 offences per million, 17 per cent are crimes against the person. I am not a mathematician, but a quick back-of-the-envelope summation of that is that is something like 5.5 offences against the person per million boardings on public transport.

Whilst all of those incidents are traumatic for the person against whom they are perpetrated — and for witnesses, sometimes drivers and other passengers — the fact is that the Auditor-General's report paints a very different picture to the picture that the opposition sought to paint in this place only yesterday, when Mr Davis said that violent crime against people on public transport was increasing markedly. The fact is that the Auditor-General's report says something quite different. The report also says that we need to do more in terms of reducing perceptions of crime on public transport.

Mr D. Davis — The McKinnon case was not about perceptions.

Hon. M. P. PAKULA — Sorry! The opposition that has spent 40 minutes in this place quoting from another Auditor-General's report is now disputing the findings of the Auditor-General in regard to this report. In other words, members of the opposition accept the Auditor-General's findings when it suits them, but as soon as the Auditor-General says something that does not suit them and makes a finding that goes against the claims that members of the opposition have been making in this place, those members are quick to dismiss the findings.

Let me make a point about perceptions. The department and I accept all of the things that the Auditor-General has to say about improving the perception of safety on public transport. One of the points the Auditor-General makes about that is that media coverage has an impact upon perceptions. If opposition members are serious about not wanting to inflame perceptions of danger and public safety, maybe they ought to stop running around telling people how terrified they ought to be, when the Auditor-General's report makes it quite clear that the

claims they made in this place yesterday do not stack up.

Supplementary question

12:40

Mr KOCH (Western Victoria) — I certainly agree that it is an interesting report, and I ask further: will the minister confirm for the house that not all reports of bashings, sexual assaults, unruly behaviour and gang attacks reported on the Public Transport Safety Victoria incident report database were made available to the Auditor-General for his investigation?

Hon. M. P. PAKULA (Minister for Public Transport) — It is quite clear from the Auditor-General's report that the Auditor-General has, in quite a detailed way, dealt with both the Department of Transport and Victoria Police. The Auditor-General has now produced a report that demonstrates his satisfaction with the information that is being provided to him by both the Department of Transport and Victoria Police. His report makes it clear that many of the measures being taken by the department in conjunction with Victoria Police, including intelligence-based deployment of resources, have been successful in reducing crime on public transport, in particular since 2007.

The tactics of members of the opposition are quite clear, as evinced by the question from Mr Koch. When they get an Auditor-General's report that suits them, they come into this place and quote from it ad infinitum. When they get an Auditor-General's report that does not support the contentions they make, both in Parliament and in the public domain, they seek to undermine his credibility. That is the opposition's form on the Auditor-General going right back to the 1990s.

Mr O'Donohue — On a point of order, President, yesterday during the 90-second statements the member for Burwood in the Assembly was referred to as being lazy. The Treasurer and Leader of the Government took a point of order and asked that the reference to the member for Burwood as being lazy be withdrawn. In a previous response to a question the Treasurer referred to the member for Scoresby in the Assembly as being lazy. I ask the Treasurer to withdraw. It is disappointing that, as the Leader of the Government, he shows such inconsistency.

The PRESIDENT — Order! There are a couple of points here. Firstly, I did not rule that out yesterday.

Mr Vogels — I did.

The PRESIDENT — Thank you, Mr Vogels; your honesty is admirable.

The fact is that I would not rule a comment about another member being described as lazy as unparliamentary or something that could not be applied in this house. I think, in all honesty, most members would agree that that is not a term that would be considered inappropriate. The fact that it was ruled out yesterday gives me some grief in terms of being inconsistent. However, Mr Vogels is an Acting President and as such is entitled to make some mistakes. I think he made one yesterday. I do not believe in this instance I will apply the same standing to the term ‘lazy’ being applied to a member as being inappropriate.

Mr D. Davis — On the point of order, President, I understand the point you have made. I wonder whether, in light of that, you may reflect on reinstating my point last night and ensuring that my withdrawal is withdrawn.

Mr Lenders — On the point of order, President, yesterday there were a string of descriptors relating to the member for Burwood in the Assembly, Mr Stensholt, that I asked to be withdrawn. However, if it assists you, President, I withdraw.

The PRESIDENT — Order! This is an order for us to move on. The Leader of the Government has quite magnanimously offered to accept that the previous ruling stand. On that basis and to be consistent I will allow it to stand and to apply, but I will treat this as something that is not a precedent.

Mrs Peulich — On the point of order, President — —

The PRESIDENT — Order! On this matter?

Mrs Peulich — Further to the point of order.

The PRESIDENT — Order! I have ruled.

Mrs Peulich — I understand that you have ruled. This is further on the point of order. Just so that we know — —

The PRESIDENT — Order! There is no further point of order; I have ruled.

Mrs Peulich — It is a new point of order. Just to ensure there is clarity for members in relation to what is and what is not allowable, I would like — —

The PRESIDENT — Order! Mrs Peulich, that is not a point of order.

Mrs Peulich — But every member has the right — —

The PRESIDENT — Order! Yes, but you have had it, and it is not.

Mrs Peulich — Read 12.2 — —

Questions interrupted.

SUSPENSION OF MEMBER

Mrs Peulich

The PRESIDENT — Order! Mrs Peulich’s consistent interjections and referral to me in the chair whilst sitting is unacceptable. I ask her to leave the chamber for 15 minutes.

Mrs Peulich withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Planning: Torquay and Jan Juc

Ms TIERNEY (Western Victoria) — My question is to the Minister for Planning. Can the minister update the house on actions the Brumby Labor government has taken to help manage growth in Torquay and Jan Juc?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Tierney’s interest in these matters, and I note that members of the opposition are relatively subdued.

Honourable members interjecting.

The PRESIDENT — Order! I have no comprehension of what the minister is saying because of the unruly nature of the house.

Hon. J. M. MADDEN — Thank you very much, President, and I note the subdued tone of the opposition now one of its members has left the chamber.

12:47

One of the great things about Victoria’s booming economy and the significant population growth and demand for dwellings that has already been referred to by my ministerial colleague the Treasurer is the fact we have enormous growth not only in metropolitan Melbourne but also in the regions. A lot of that growth is in our coastal areas. The importance of managing that and in a sense directing that development to the right locations is part and parcel of the government’s policy

in relation to growth not only in the regions but also in particular in coastal communities.

Recently I had the great joy of approving a planning scheme amendment that will help to secure the long-term future of the Jan Juc and Torquay regions in coastal Victoria. I spend a fair bit of time down in Torquay and I know what a great place it is to visit, but for those who live there permanently it is a great place to live, work and raise a family. We have seen enormous housing growth, but that needs to be addressed long term to meet the needs of the broader community in Torquay and to ensure that sustainable growth complements further development in the regions, particularly in Torquay and Jan Juc.

The amendment I approved, amendment C37, addresses a range of issues including neighbourhood character, vegetation conservation, urban design, car parking, retailing and of course dwelling growth and housing in the locality. It also ensures protection of the livability of a great place like Torquay.

The work undertaken by the Surf Coast Shire which has allowed for this and has complemented this amendment has been the Torquay and Jan Juc structure plan, the Torquay town centre and urban design guidelines, the Torquay and Jan Juc neighbourhood character study and vegetation assessment, the Torquay town centre car parking strategy 2020 and the Surf Coast housing policy project. This is a great compliment to the Surf Coast Shire because basically it has done the strategic work — the homework, the research — to ensure this amendment could be made.

From time to time when local governments cry out for amendments or changes to their respective planning schemes there is insufficient research or strategic work to justify those significant amendments or changes. It is a great testament to the Torquay community and particularly to the Surf Coast Shire that it did its homework, its research, which has ensured the amendment has been processed and approved.

It is also part of complementary work being undertaken by the Surf Coast Shire known as Torquay Jan Juc 2040. This is a research and community engagement project which will pave the way for strategic land use going towards the year 2040. This project is aimed at delivering growth management and land management for the Torquay-Jan Juc area. It encompasses a local sense of place in response to community aspirations as a driver; responds to broader state and regional context and provides information for input into regional strategic land-use plans; balances environmental, social and economic issues; builds on the strengths of the

community and the region; improves community understanding about growth; and outlines the level, scale and direction of sustainable growth for Torquay and Jan Juc to 2040 to accommodate the anticipated growth.

All of this work is being undertaken locally. It is a great compliment to the partnership and collaborative approach between the state government and local government. I compliment the community. Again, this goes a long way not only in delivering on community expectations in terms of dwellings but also protects significant vegetation. Part of that is in the Deep Creek and Bells Boulevard environment but it also ensures that remnant Bellarine yellow gums, moonah and other vegetation is protected in residential areas. Again, this is proof that this government is going ahead to make sure that not only metropolitan Victoria but regional and coastal Victoria are great places to live, work, invest and raise a family.

Rail: passenger safety

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Public Transport. It relates to page 13 of the Auditor-General's report headed *Personal Safety and Security on the Metropolitan Train System*. Under the heading 'Measuring perceptions of safety' the Auditor-General notes the minister's department regularly measures perceptions of personal safety — how safe people feel on trains, at stations, when using car parks during the day and after dark — and their satisfaction with individual measures that have been implemented. The Auditor-General then notes:

The department publishes an overall personal safety rating for Melbourne's trains and uses detailed information underpinning this score to brief the operators. However, this detailed information is not made available to the community.

The Auditor-General did not recommend the detailed information be made available; he just noted it. If he had recommended it, the minister would have had to release the information in order to say he was complying with all recommendations. I now ask whether the minister will in fact release the outcomes of those surveys to the public.

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Barber for his question. As he rightly points out, it is interesting to note that the Auditor-General, for reasons I may delve into in fact, has not recommended that that detailed information be made available to the community. The report spends quite a bit of time talking about perceptions of safety and the sorts of things that lead to improved perceptions

of safety including the greater visibility of police, security staff and other railway staff, the increased use of security technologies such as closed-circuit television and alarms, and the way stations are lit including how clean they are, how well maintained they are and other access to safety information. It also makes the point that the new franchise agreement includes a customer experience performance regime which sets various targets for the operator.

It is obviously important that all of the survey work the department does with commuters about how safe they feel on trains, at stations, in car parks, during the day and after dark — I suppose you would describe it as qualitative research — is made available to the operators, because if the operators are going to improve both the reality of safety and the perception of safety, they need to know in a detailed way exactly what those triggers are that influence the customer's perception.

It is also true, as Mr Barber indicates, that the department does publish the overall rating — the overall number if you like; the score — but I would be interested to understand a little better why the Auditor-General has not recommended it should be made available despite identifying the fact that that detailed qualitative information is not made available to the community. Despite identifying that fact, he has not recommended that that information should be made available. I will take some advice from the department, and I will be happy to come back to Mr Barber about that.

Supplementary question

Mr BARBER (Northern Metropolitan) — I will ask the Auditor-General when I see him at lunch and hear from him about his report. It is also noted at page 13 of the report that in the past the department has had a number of projects to upgrade stations and to improve lighting and closed-circuit television and that these projects did not positively change overall perceptions of safety. It also notes on page 23 that dissatisfaction with safety arises out of the visibility of staff and that people are much more concerned about night-time than daytime safety.

The minister has proposed a number of new policies around the staffing of stations. In some cases stations are staffed as host stations — that is, at peak times, not at night time when it is clear the perceptions of safety are most concerning. How will the minister measure the effectiveness of his programs and thereby demonstrate they are deserving of support if he does not release this information, or will it simply be a case of the public having to wait until there is another Auditor-General's

report to know whether his programs have had any effect?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Barber for the supplementary question. In regard to host stations, the decision has been made by the operator to increase the number of station staff during peaks by 22 stations. As you would be aware, the government has made an announcement additional to that to increase the number of premium stations, which are staffed from first train to last train by 20. As I indicated in the house yesterday, we have also increased the number of transit police by 20 per cent, as well as making previous improvements to the number of authorised officers on the network; although I note from the report that that by itself has not in the past necessarily improved perceptions of safety. That is a finding made by the Auditor-General.

12:57

In terms of measurement, the Auditor-General has been quite clear about this. At page 14 he made some recommendations about the sort of approach that should be taken for managing perceptions of safety. The approach should:

1. Apply the evidence-based approach used to manage crime for managing perceptions ...
2. Reinstate regular high-level meetings to better assure information sharing and the coordination of personal safety initiatives.

It also talks about the department having to:

3. Improve the way it evaluates projects by clearly defining the benefits expected and how they will be measured as part of project development.
4. Work with the train franchisee to act on the research recommendations to increase the effectiveness of authorised officers in improving passengers' perceptions of safety.

I make the point that the department, Victoria Police and the operators are already moving in that direction with the reinstatement of the Safe Travel Taskforce, and when the overall personal safety rating score is published we will all be able to see the trend. If the perception work is well managed and the current trend whereby crime is reducing continues, that continuation along with a better management of the perception should see that personal safety rating improve. Beyond that, as I have said, in terms of the more qualitative detailed research that is provided to the operators, I will take some advice and come back to Mr Barber.

Rail: Parkiteer bike cages

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Public Transport. Can the minister advise the house of what the Brumby Labor government is doing to encourage train passengers to ride their bicycles to the station as part of their daily commute?

Honourable members interjecting.

Hon. M. P. PAKULA (Minister for Public Transport) — Only the opposition would sneer at efforts to have more people ride to the station rather than drive their cars to the station. I recall there was some outrage a couple of years ago in regard to bicycles on trains, and a call was made by the opposition at that time for the government to provide more bicycle storage at train stations. We are taking that action to invest in cycling infrastructure, to improve our transport network and to provide more sustainable and more accessible travel options for all Victorians. There are more people using the rail network than ever before. We need to develop an integrated approach. We need to be able to cater for the different needs of public transport commuters, and particularly those people travelling to train stations.

On Saturday I was at Caulfield station to mark the 50 000th use of a Parkiteer bike cage and I presented a new bike as a prize for the 50 000th user, Jian Zu. The statistics for the Parkiteer bike cage program are very encouraging. The number of people using the cages at railway stations has tripled in the 12 months to April. In April 2009 there were about 400 people a week using a Parkiteer cage. In April 2010 there were 1300 people using Parkiteer cages. About 40 per cent of people who use the Parkiteer cages were previously driving to the station, or being dropped off at the station in a car. Every bike cage can store 26 bikes securely in the same space that you would previously have been able to fit three cars. Seventy per cent of all users ride between 1 and 5 kilometres from home to the cage, so these bike cages are helping commuters keep fit, reducing congestion on the roads, as well as doing their bit for the environment. They have opened up a whole new option for commuters.

It is encouraging to see people getting out of their cars and getting on their bike, even if they are travelling on the train. They are a fantastic addition to the public transport network for those people who want to access the rail network by bike and enjoy secure, undercover and free bicycle parking.

**AMBULANCE SERVICES:
PERFORMANCE****Debate resumed.**

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this motion. Ambulance services are critical. Ambulance responses are very much the front line for people who are injured and indeed seriously injured. They are important, which makes it all the more disappointing to read the motion we are faced with today. The motion is disappointing in that it fails on so many fronts. It fails because after 10 years in opposition, the opposition has got nowhere in developing any constructive input to the debate.

The motion simply ‘calls on the Premier to fix the problems with Victorian ambulance services’. You would hope, you would expect, that after 10 years the opposition would do better. You would expect that the opposition would come up with an idea, would come up with a way forward, but there is no alternative in this motion. This is not an alternative government. There is no way forward in this motion. This motion is no way to treat what is a critical and important debate.

Listening to the debate, what I have found most offensive is the way in which the opposition manipulates and uses the lives and circumstances of individuals as some sort of political football. That is an appalling practice. It is most disappointing when the opposition resorts to trawling through the circumstances of individuals with a degree of enthusiasm and glee. It is most disappointing that the opposition uses that material in that way when it knows that many of those cases are subject to investigations and many involve individuals who are grieving and suffering. Yet those opposite see this as an opportunity to make mileage. I think that is an appalling contribution to the debate, particularly when there is nothing else. All we have is an opposition that trawls through the pages of the papers looking for this material. There is no substance or alternatives; all the opposition is interested in is the politics rather than the policies. There is no commitment; there is no vision.

I remember the last time the opposition made any contribution to the subject of this debate, because I was involved when the opposition was in government and gutted the ambulance services and privatised the dispatch service. That was the last contribution the opposition made to. I was around; I worked through a lot of those issues with a lot of those individuals. That is the opposition’s lasting legacy, and since then it really has not turned any corners or got any alternatives.

In contrast, this government has done an enormous amount of work to pick up, remedy and rewrite the system that was the opposition's legacy.

14:12 The government has more than tripled funding for ambulance services. The government has invested — —

Mr Finn — It is all about spin!

Mr TEE — There is no spin in the tripling of the funding.

Mr Finn — What about the outcomes?

Mr TEE — That is a matter of fact and a matter of record. What about the outcomes? The outcomes include 100 new upgraded stations. That is an outcome. There is a better ambulance service because there is an outcome. There has been a doubling of the number of paramedics. There is an outcome for you. There is no spin in that, Mr Finn. There is no spin in a doubling of the number of paramedics. We have an extra 1300 operational paramedics. That is an outcome. There is no spin in that, Mr Finn.

This year alone in the budget there was \$6.5 million for new and upgraded services in Kinglake and Whittlesea. The country areas are seeing a \$22 million upgrade. So for such an important issue to be debased in such a way is appalling.

As well as delivering, the government is more than happy for its record to be reviewed, for the examination of the operation and management of the ambulance service to be undertaken by the Auditor-General. The government has nothing to hide. I propose an amendment to the motion that takes out the hysteria and the politics, and ensures that this issue is dealt with a degree of dignity that the circumstances and the importance of the issue deserve.

I therefore ask that my amendment be circulated, and I formally move:

That all the following words and expressions be omitted: 'expresses its serious concern at the operation of Ambulance Victoria and the failure of ambulance services to maintain an acceptable standard and response time and notes the worrying number of cases where lives have been put at risk by the mismanagement of both metropolitan and country ambulance services, and therefore —

- (1) calls on the Premier to fix the problems with Victorian ambulance services; and
- (2)'.

Omitting those words by my amendment essentially leaves a motion which requests that the

Auditor-General examine the operation and management of Ambulance Victoria.

Mr Finn — Not much left!

Mr TEE — What is left, Mr Finn, is the substance and the review. What is taken out of it is the heat and the politics so that we do not have the spin that Mr Davis's motion has. We are left with the substance and I am sure that you, Mr Finn, would appreciate the motion in its current form, which is all substance and no spin.

Ms LOVELL (Northern Victoria) — The amendment shows that Mr Tee just does not get it. In fact Mr Tee's whole contribution showed that he just does not get what is wrong in Victoria, which is the Brumby government's mismanagement of services. This is not about throwing money at a broken system. Mr Tee can get up and talk about increased funding over the past 11 years, but we are talking about a difference of 11 years. We would think there was something wrong if there had not been increased funding to our health system and our ambulance system. There should have been; 11 years is a long time. The state budget has doubled in that time and we would expect funding to the ambulance service to have increased.

This is about outcomes. Mr Tee can talk about having upgraded a few ambulance stations, but we would also expect that that would happen over an 11-year period. He should talk to the families of those who have waited extraordinarily long times for ambulances to arrive and of those who have died waiting for ambulances to arrive to find out if they think that the outcomes are acceptable in Victoria.

I would like to congratulate my colleague David Davis on bringing forward this motion. It is an important issue. The ambulance system is something that the Labor government said was broken under the previous government and it promised to fix it. Yet we have people dying while they wait for ambulances in this state. It certainly has not been fixed.

I would like to talk about just a few areas in my electorate where there are significant problems with the ambulance service. The first is in Bendigo. We have an extreme shortage of paramedics in Bendigo. The local paramedics tell us, when we meet with them, how overworked they are. They are required to fill extra shifts not only at their own stations but also at stations throughout the region. One paramedic told me of the day when he worked a 10-hour shift in Bendigo during

the day and was required to also work a night shift in Echuca that night.

Often no ambulances are available at stations surrounding Bendigo, at Castlemaine, Inglewood, Rochester, and Kyneton. That is because of roster shortages at those stations, so the paramedics in Bendigo have to cover for them as well. They are not only servicing a city of more than 100 000 people while they are short of paramedics to fill their own roster but they are also being forced to make up the rosters in surrounding towns.

Ramping is a significant and increasing problem all around the state, but in Bendigo there have been significant problems with ramping where the paramedics are regularly held up at Bendigo Health. They can wait there up to 2 hours for patients to be taken off the stretchers due to a lack of beds. This holds up the ambulances from attending other emergencies while they are backed up at Bendigo Health waiting for their patient to be transferred from the ambulance trolley to a hospital bed.

We know that the ambulance station in Bendigo is to be demolished to make way for a portion of the much reduced hospital in Bendigo, not the hospital that the government promised the people of Bendigo it would deliver. The 'half hospital', as it is being called in the Bendigo press, is probably the best way to describe it. The half hospital that will be delivered is to be built on the ambulance station site, but we are still waiting to hear where the location of new ambulance stations around Bendigo will be, so the paramedics are unsure where they will be stationed into the future.

In Shepparton there are a number of issues with ambulance services. Last week I spoke with local paramedics who said they have problems with staffing levels, their MICA coverage, their night shift coverage, ramping, the recognition of their qualifications — particularly for the advanced life support paramedics, and the closure of the helipad at Goulburn Valley hospital. One paramedic told me that morale in the ambulance service is the lowest that he has ever experienced it in his 43 years in the job. It is a pretty sad indictment of this government that morale is the lowest it has ever been in the ambulance service in the past 43 years.

Staffing levels at the Shepparton ambulance station have been an ongoing issue. We have had shortages throughout the region, as they do in Bendigo, which require paramedics to work enormous amounts of overtime. They are often required also to fill in at

stations in the surrounding areas, in Kyabram, Numurkah, Cobram and other towns.

We have recently had four additional paramedics assigned to Shepparton station and have moved from a 22-line to a 24-line roster, but this still does not allow for the additional night crew that is needed in Shepparton. We are running the same night shift that has been running in Shepparton since 1984, and in that time our population has increased significantly and the paramedics tell me the introduction of the Nurse-on-Call service has added to their workload quite significantly. This is because the nurse on call will ask, 'Is there shortness of breath? Is there abdominal pain? Is there chest pain?', and if anyone answers yes, they immediately call an ambulance. I understand why they would immediately call an ambulance, but the paramedics insist that when a parent rings in with a child with a cold or flu, even though they are saying, 'This is a child with a cold or flu', the nurse on call asks, 'But is there shortness of breath?', and if they answer yes, an ambulance is dispatched. Shortness of breath in a child with a cold probably does not warrant an ambulance being dispatched.

There are also additional demands on the ambulance service because doctors no longer do house calls and also because of a shortage of GPs in our local area. We had one incident recently where a lady in Kyabram suffered a heart attack and a Kyabram crew was unavailable to attend that call. They then called the Shepparton and Mooroopna stations, but there was no-one available at either of those stations to attend either, so they had to call an ambulance from Cobram. It was going to take 45 minutes for it to get there.

The ambulance was dispatched from Cobram, but the lady's husband decided that he could not possibly leave her in the condition she was in for 45 minutes, so he drove her to the hospital himself. The lady was 68 years old. She had this sudden chest pain at 10:30 in the morning. She was taken to Kyabram hospital by her husband, as I said, because no ambulance was readily available.

The Cobram ambulance was responding. Even though a cancelled call was put in, they continued on to Kyabram, and it was rather fortunate that they did, because at 12.15 that Cobram ambulance was given a job which was code 1 — to transport the patient from Kyabram hospital to Goulburn Valley Health as the patient had had a heart attack. The patient was later transported by ambulance from Goulburn Valley Health to the airport for a transfer to Melbourne by air ambulance as she required further treatment. It was fortunate that the Cobram ambulance that was

14:22

cancelled had continued on. It just shows you how serious an incident can be. There was no ambulance available at Shepparton, at Mooroopna, at Kyabram, so one had to come from Cobram, 45 minutes away. When someone is having a heart attack, 45 minutes can mean their life.

MICA paramedic coverage is another issue Shepparton paramedics are particularly concerned about. In 1999 this government promised to extend MICA coverage in Shepparton. Local paramedics tell me that this promise has not been delivered on. I raised this in the Parliament last sitting week. The local paper picked up on that and ran a story on the issue. A government spokesperson claimed the government had fulfilled that obligation to extend the MICA coverage. I know that some of our local paramedics rang the paper to tell them that the government was wrong, that we do not have an extended MICA coverage. The government claims that we have five MICA officers in Shepparton, and this is true but two of them are only trainees so we actually only have three fully qualified officers and two trainees. But even when those trainees do qualify and we have five officers, that will not provide 24-hour MICA coverage for what is the fourth-largest regional city in Victoria. We need eight MICA paramedics to get 24-hour coverage. Our MICA coverage area goes from Nalinga in the east to Rushworth in the west and from Cobram in the north to Nagambie in the south. In recent months this area has been left without coverage at all hours of the day and night. In fact in March there were more than 200 hours where the region had no MICA coverage at all.

A recent case where the MICA service was needed and was not available was when Tatura mother Jodie Ridges was hit by a car while riding her bike near Mooroopna. She was left waiting for more than 40 minutes for a helicopter and specialist care to arrive from Bendigo because the procedures that she needed could only be delivered by a MICA paramedic and unfortunately there was not one on duty locally. Obviously the assistance that Ms Ridges required could have been delivered much earlier had a MICA team been available in the Goulburn Valley.

Ramping is also a significant issue for the ambulance services in Shepparton and Mooroopna. I have been told that on Tuesday, 1 June one ambulance waited 45 minutes at Goulburn Valley Health to unload its patient. The notes I have from the paramedic involved say that the patient arrived at Goulburn Valley Health on an ambulance stretcher at approximately 6.15. No hospital bed was available for a further 45 minutes, so the patient had to wait on the ambulance stretcher for those 45 minutes. That also meant that the ambulance

and the paramedics were held up at the hospital waiting to do that transfer for that full 45 minutes.

On 24 April this year nine ambulances were ramped at the Goulburn Valley Base Hospital emergency department. This was at 4.18 in the afternoon. When the paramedics told me this last week I could not believe it. I was thinking, 'Where would they get nine ambulances from?'. But they had come from all around. They had come from Shepparton and Mooroopna and probably down from Numurkah and Cobram and across from Kyabram, maybe even in from Murchison. They had come from all around to the major hospital in the area. To prove what they were saying the paramedics showed me a video they had taken on a mobile phone of these nine ambulances ramped at Goulburn Valley Health. It is an absolute disgrace, a indictment of this government's provision of services to the people of the Goulburn Valley.

Our helipad in Shepparton has been a long-term concern for our paramedics, and it is a long-term policy of the Labor Party to close the helipad at Goulburn Valley Health and force the helicopter to land at the airport in Shepparton.

If this happens, it will add significantly to the amount of time taken to transfer a patient because what has to happen is that the paramedics need to leave the station in Shepparton, drive out to the airport — which is about a 15-minute drive — pick up the paramedics from the helicopter, drive them back to the base hospital — another 15-minute drive — do the patient transfer at the hospital, drive the patient with the two paramedics from the helicopter back to the airport and then do a transfer again into the helicopter. Forty-five minutes would be the minimum. In cases that need to be transferred by air ambulance, seconds can mean lives. To add that additional time to a transfer when we have a helipad at our hospital is absolutely ludicrous. 14:30

The helipad was closed about 18 months ago. We were told it was a temporary closure but it has never reopened because this government built a car park right next to it and put in lights that are of a height that prevents the helicopter coming in there. Also, if the helicopter did land there, the downdraft would blow the windscreen wipers off the cars. What is more important — car parking or lives? This government has its priorities all wrong. The helipad was removed without any consultation with our local paramedics. Goulburn Valley Base Hospital has a major trauma unit, and it should have helicopter access.

There are also significant problems with the ambulance service in Castlemaine. There is no 24-hour coverage or

seven-day-a-week coverage and there are not decent facilities; the ambulance station is a disgrace. Recently a woman at Fryerstown, which is probably about 12 kilometres from Castlemaine, reported a suspected heart attack and it took 1½ hours for an ambulance to reach her. Fryerstown is 12 kilometres from Castlemaine but the ambulance took 1½ hours. The problem was that the Castlemaine crew was not available — it was in Bendigo — so a crew had to be dispatched from Daylesford. Eventually the Castlemaine and Daylesford crews turned up within a few minutes of each other, but 1½ hours for an ambulance to attend someone who had reported a suspected heart attack is far too long.

The former government met ambulance response times. This government has pushed those response times out but it still does not meet them. I think it is supposed to take 13 minutes for an ambulance to get to someone; 1½ hours is a lot longer than 13 minutes.

The people in Wedderburn do not have a local ambulance. The ambulance service has to come from either Inglewood or Charlton, which are between 20 and 30 minutes away. There is a local CERT (community emergency response team) but it is horrendously overworked. When it was first formed it was told that it would probably get three to four calls per month. In its first year it had 120 call-outs, and the number of call-outs has steadily increased each year since then — in 2009 the number of call-outs reached 216. The Wedderburn Lions Club has launched a campaign to lobby the government for improved ambulance services in Wedderburn, which is an ageing community. It would like to see an ambulance station in the town and paramedics there to provide an immediate response. The CERT team does a terrific job but it has also had a decline in its membership and the workload is just getting beyond members. In order to become a CERT team member a person is required to attend training on six full weekends before they become accredited, and it is becoming almost impossible for the CERT team to recruit new members. The Lions club is certainly of the opinion that Wedderburn should have its own ambulance service, or at least there should be improved ambulance services in the area.

Maryborough is another area where we have seen some horrendous cases, and in particular two very sad cases where people have died due to ambulances not being available. The first of those cases was Carl Lawrence, a young footballer who collapsed during a practice match on 4 April 2009. He collapsed on the Maryborough football ground, which is two blocks from the ambulance station.

The local ambos were not on duty because they were on a fatigue break. Whilst we all acknowledge that it is very important for paramedics to have fatigue breaks — if they were called out while they were fatigued and made an error, that would be shocking — this particular crew was 7½ hours into an 8-hour fatigue break. Instead of that crew being recalled, a crew was dispatched from Avoca, which is 26 kilometres away.

After dispatching that crew the dispatch people decided that they would also recall the Maryborough crew. The crews arrived within a few minutes of each other, but it took 18 minutes for an ambulance to reach Carl Lawrence while he lay dying on the Maryborough football ground. Although Mr Lawrence was still alive when the crews arrived at the ground, unfortunately he died before he reached a hospital. It was a very tragic loss of a young life that may have been avoided; we will never really know whether it would have made any difference, but I think that his family will always be left wondering what might have been had an ambulance reached him a little sooner.

I felt a sense of déjà vu when I read a recent newspaper article about Dick Gouge, who lived only 200 metres from the Maryborough ambulance station. Dick suffered a heart attack and his wife called an ambulance at 9.40 p.m. When the ambulance did not arrive within 5 minutes, Mrs Gouge ran to the ambulance station to alert the paramedics, but unfortunately the ambulance station was unattended.

At 9.55 p.m. she again rang the 000 number, and at 10.05 p.m., 25 minutes after her initial call, an ambulance arrived. Then at 10.30 p.m. a second ambulance arrived. The crew from Avoca had been dispatched due to Maryborough's crew being unavailable. Both the Avoca and Maryborough crews eventually arrived, but it was too late; Mr Gouge had passed away. Once again a family was left wondering what might have been had an ambulance crew reached their loved one a little earlier.

I have been raising concerns about the cluster of ambulance stations around Numurkah, Cobram and Yarrowonga for some time. It is an area where there have been some tragic cases.

The death of Veronica Campbell, a young Cobram woman who suffered a ruptured ectopic pregnancy just after the Christmas before last, on 30 December 2008, was the first of these tragic incidents. Veronica was the mother of Daniel, who was almost three at the time of her death, and the wife of Jason. She presented at the Cobram District Hospital with severe abdominal pain.

According to her husband, Veronica waited nearly 4 hours for an ambulance as she slowly bled to death.

Despite numerous follow-up calls by hospital staff, an ambulance did not arrive until 2 hours later, only for the couple to be told that the wrong ambulance had been sent. MICA paramedics were then dispatched and arrived 30 minutes later, but by this stage Mrs Campbell's condition had deteriorated so much that they refused to transport her. Then an air ambulance was dispatched and arrived 20 minutes later, but it did not depart for the Shepparton hospital for another hour, which was 4 hours after the initial call was made.

At the time Veronica Campbell was haemorrhaging internally, and on route to the Goulburn Valley Base Hospital she went into cardiac arrest but was revived by the paramedics. Soon after her eventual arrival at the hospital Mrs Campbell again went into cardiac arrest, and this time she was unable to be revived. She died shortly after 4.00 a.m., 6 hours after arriving at the Cobram hospital.

It is coincidental that Veronica Campbell was the last person to be transported to the Goulburn Valley Base Hospital by helicopter. The helicopter crew decided, even though the helipad had been closed, to land at the helipad. It was fortunate that at that time of night there were not a lot of cars in the car park. The helicopter landed there because the crew recognised that they needed to get her into the emergency department as quickly as possible and that the additional time that it would have taken to transfer the patient from the airport to the hospital may have been critical. In this case it would not have changed things. It did not change things in this case, but it might for somebody else. The helipad must be restored at Goulburn Valley Base Hospital. Also, ambulance services in Cobram need to be boosted so that this does not happen to another person from the Cobram area.

We have been raising concerns about the Yarrawonga area for a number of years. It was not until last December, when Kim Broadbent was forced to wait 47 minutes for an ambulance from Wangaratta while she was impaled on a steel fence, that we got any action from the government. At the time when Kim's accident was reported there were no paramedics on duty in Yarrawonga, and the local doctor, John Emery, who was on duty was not notified of the delay. Had he been notified, Dr Emery could have attended to Ms Broadbent within 5 minutes and at least administered some pain relief. She waited 47 minutes with a steel post impaled through her groin before she received any pain relief from anyone. All she had were

a couple of friends who were holding her up to stop the pole from going deeper.

In January 2010 an elderly woman died in Yarrawonga before she could be seen by a doctor. The paramedics had taken 45 minutes to reach the woman because no local services were available on the day, and again a crew had to be dispatched from Wangaratta. Wangaratta is 56 kilometres away, and by the time they got there it was too late for that woman. Yarrawonga is not a sleepy little town. It has a permanent population of about 13 000 people, but it swells to between 18 000 and 25 000 during peak holiday periods. At the time of these incidents Yarrawonga was just a two-man station, and one of its two on-call paramedics was on holiday and the other was on stress leave, leaving the town with no on-call paramedics in the middle of the peak summer period. Since those two incidents additional paramedics have been assigned to Yarrawonga — at long last!

The government cannot claim that it did not know about the need for additional paramedics in the Cobram and Yarrawonga region. It knew about this long before these tragedies occurred. On 28 June 2008 I raised in this place the need for additional paramedics in this area. It is on the *Hansard* record for all to see so the government cannot say that it did not know that there was a shortage of paramedics at either Yarrawonga or Cobram.

Our ambulance service is in crisis because this government has its head in the sand. Mr Tee's contribution showed that the government has its head in the sand and that it is not concerned about the tragedies that are happening throughout Victoria because of the underresourcing of our ambulance services. As I said, it is not just about throwing more money at something that is not working; it is about the outcomes, doing the hard work, getting in there and addressing the issues and ensuring that we have enough paramedics located in the right places so they can reach people within a reasonable time of 000 emergency lines being called. I congratulate David Davis on moving this motion. It is a motion that we should all consider extremely seriously. I completely reject the government's amendments to this motion.

Mr KOCH (Western Victoria) — I have looked forward for some time to making a contribution on what I see as an important motion before the Chair today. Like our police in Victoria, our ambulance officers, including our MICA (mobile intensive care ambulance) officers, make a huge contribution to the livability of the state of Victoria. In saying that I certainly applaud the efforts of our ambulance officers.

They work in what I consider to be a continually high-stress career in their endeavour to serve the public to the best of their ability on a 24-hour, 7-days-a-week-based service. There is little doubt that many of these officers, for all the wrong reasons, are under duress in their attempts to help their fellow man.

I am the first to admit that I am not terribly across all the ambulance activities, recoveries, response times and what takes place in the metropolitan area, but I can certainly indicate to the house that I and other members representing regional Victoria have some major concerns about the service being offered by the now amalgamated agencies of Ambulance Victoria, Rural Ambulance Victoria and, to a lesser degree, the Alexandra District Ambulance Service. In saying that, I do not doubt for a minute that we have many silent heroes amongst those who are offering their services to us, but in relation to the amalgamation, regrettably regional Victoria has certainly been the loser; it has not been a winner from the new structure.

14:47 It is important to note that big does not always mean beautiful. In some cases a bigger service gives us an opportunity to spread the administration right across the state of Victoria, but there have to be some yields and opportunities that come from that, and they certainly have not yet eventuated. We all note that the new merged service does not have an integrated service across the board. We have different pay schedules between our metropolitan service and our rural service. There is certainly no doubt that morale is struggling and it certainly should not be. The different response schedules are also another area that needs to be looked at.

We are left in little doubt that the board of Ambulance Victoria is concerned about the current financial position of the organisation. It is struggling and, as we all aware, people are guesstimating the amount of debt that is being carried, for all the wrong reasons, by Ambulance Victoria. Whether it be \$20 million, \$50 million or the suggested \$25 million to \$30 million, we are none the wiser until we see the next annual report, possibly not until October, as to what the real numbers are. There is little doubt in all our minds that operationally Ambulance Victoria is not excelling and obviously the community it is serving is the poorer for that.

Response times have been raised on more than one occasion in the debate in the house today. That affects all those who depend on the services of Ambulance Victoria in looking after situations, not necessarily of their own making, on many occasions. The government has moved these response times out 50 per cent from

10 to 15 minutes from receiving calls in call centres. In regional Victoria, regrettably, even those response times are now being exceeded by over 50 per cent, which certainly gives little or no confidence to those who are seeking the services.

I am concerned that on many occasions the response time recorded is in relation to the attendance of the community emergency response teams (CERT), which is a volunteer-based group of people who are extremely efficient in their undertakings but they are not professionals, are not trained and do not carry the expertise of our ambulance personnel.

Our CERT people make a fantastic contribution in regional Victoria, and in western Victoria we have 10 or 12 of them. The ones that come to mind are in Hawkesdale, Warrnambool, Timboon, Lavers Hill, Meredith, Snake Valley, Blackwood and Halls Gap. There is another at Dunmunkle, but that is certainly not in western Victoria; it is getting into northern Victoria. The other people who also make a great contribution are those in our bush nursing centres across regional Victoria. Again, we have five and they are, notably, Harrow, Balmoral, Dartmoor, Elmhurst and a large centre at Lake Bolac, where people and registered nurses are able to assist in many emergencies. But that is getting away from the real point of the activities of Ambulance Victoria and its responsibilities across the board.

On Thursday, 6 May, which is only a month ago, I raised in the house, as recorded in *Hansard*, what was taking place across western Victoria, including Geelong and Ballarat. Horsham, as I indicated, has the only 24-hour station between Ararat and the South Australian border. It is requested to provide additional support to 12 other stations in that huge catchment area of some 3000 square kilometres. There are few ambulances, not a lot of people and long distances to travel. In too many cases, as we see in Horsham's case, the service is poorly resourced. It has only one ambulance available to address the emergencies of an evening. In saying that, in many cases the station is forced to rely on off-duty officers from within its own ranks and, in some cases, further regional stations to fill the gap to offer the service that is expected and demanded within communities.

In Geelong, for instance, there is Barwon Health with its major campus in the city. It services not only the Bellarine area but also the Surf Coast. As a resident living on the Surf Coast Highway, I am left in little doubt of the amount of ambulance traffic between Torquay and Geelong on a regular basis. There is no 24-hour health facility in Torquay. All emergencies are

handled from Geelong and that has a huge reliance on ambulance resources and equipment to provide the service, although there is an ambulance station in Torquay and there are several on the Bellarine peninsula. As we go down the Surf Coast, there are long lead times for these ambulances to get back to the service centre, being Barwon Health in Geelong. Quite obviously the need outstrips the resources available to carry out these extremely important roles that we expect of an ambulance service in servicing our communities.

In recent times the house has been made aware of many cases in regional Victoria that have seen response times far exceed what the government has put in place and expects, but with little recourse for people.

14:55 In Gippsland recently we sadly acknowledged the loss of a five-year-old boy who had waited 65 minutes for a mobile intensive care ambulance to arrive and give him assistance. It was an absolutely tragic event that I am sure none of us in this place could comprehend. If it had happened to me, I for one could not forgive a government that could not offer a service with more reliability to the community that I live in.

In another incident a 27-year-old man died in Bairnsdale shortly after paramedics arrived. On that occasion the paramedics arrived some 30 minutes after being called.

As my colleague Ms Lovell indicated earlier, there was the case of a Yarrawonga woman who was unfortunately impaled on a stake of a fence. She had no pain relief until medical help arrived in the form of an ambulance some 47 minutes after the call centre received a call from distressed people.

In Geelong there was a regrettable bashing incident in which no ambulance was available to respond and a police divisional van was required to take two teenagers to the hospital. There have been other incidents where people in Geelong have been advised that if no ambulance is available, it is up to families to make their own way to the emergency department of Barwon Health. I think it is tragic in a provincial city the size of Geelong — the second-largest city in Victoria — that people are having to wheel themselves to emergency departments due to a lack of ambulance services.

A couple of incidents in Hamilton come to mind, the first of which involved a gentleman who had a heart attack at a local football match on a Saturday afternoon. When a call for assistance was put out to the ambulance station — which I might add is within three blocks of the Melville Oval facility — no ambulance was

forthcoming and someone from the football ground took this gentlemen to hospital to get him some relief and further medical support.

Recently in Hamilton another man suffered a heart attack. After calling the ambulance on three occasions he found that the only ambulance operating was on another call in Coleraine and there was an expectation that his wife would take him to hospital, which she duly did. That is certainly not what we would anticipate in Victoria if we had the right resources and services in place to provide the support we require.

There was another case involving a man whose four-wheeled motorbike had overturned at Alexandra. He had multiple fractures and a ruptured spleen and was stranded for 40 minutes.

Another case involved a Greensborough ambulance being diverted to Point Cook, which is 52 kilometres away from where the original call of distress originated. I think it is unbelievable in this day and age that it could take so long for someone to get assistance. If these cases had not been recorded, I think many people in the community would not believe what is taking place on a far-too-regular basis.

Lastly, recently the Ballarat ambulance service was operating without any intensive care or MICA paramedics on duty on a Sunday evening. I do not think the community of Victoria would accept that in any way. It is another example of a large provincial city with no services available on a Sunday evening.

Going into the issue a bit further, Steve McGhie, the Victorian state secretary of Ambulance Employees Australia, warned a parliamentary inquiry as long ago as August last year — nearly 12 months ago — that the concern of paramedics and patients is that there is a delay in offloading patients at many of the major hospitals in metropolitan Melbourne and in some of the major regional hospitals around the state. He said the concern for his members is their unavailability to respond to emergency cases is increasing, which means fewer ambulances are available to respond to emergency cases. Regrettably I have to say things have not improved in that period of time.

Everyone on this side of the house who has contributed to this debate will have left little doubt in the minds of government members about the concerns they have about our ambulance services. Rightly or wrongly, ambulance services were supposed to have improved dramatically after the merger that took place some 12 months ago. That outcome has not been realised — if anything, we have lost further ground. Unfortunately

from a rural perspective our ambulance services would appear to be in crisis, a word I do not use often, and I certainly do not use it lightly today.

From what I have read and heard, it appears that the metropolitan service would be in a somewhat better condition, but in regional Victoria we struggle very much with the service we have. Having said that, I urge the Minister for Health, Daniel Andrews, to make more resources available to assist with restoring Ambulance Victoria to levels of service that reflect the needs of our community. We all know this situation has not come about through lack of funds or funds availability. We only have to look at where some government expenditure has gone — to myki, the marvellous ticketing system, and to the smartcard overruns we are seeing throughout the energy industry. In each of those instances there have been overruns in excess of half a billion dollars and we still do not have satisfactory outcomes. Now we have a situation where people throughout Victoria are suffering for the sake of more resources being put in to what we see as an emergency service that is called upon on a regular basis and is required by many people 24 hours a day, yet the government cannot see fit to retire the debt of Ambulance Victoria and to make more resources, more paramedics and more vehicles available for the transport of patients.

In conclusion, unfortunately the board of Ambulance Victoria seems to be picking up the language of the government and struggles to put the right numbers on outcomes and fails to be accountable for its own actions. I refer to page 19 of Ambulance Victoria's annual report 2008–09 and its figures for the numbers of paramedics. There is absolutely no doubt that we require not only resources and equipment but also paramedics. The report says:

In 2008–09 AV —

that is, Ambulance Victoria —

recruited its largest ever paramedic intake. We employed 334 new operational staff made up of —

It starts pretty well:

167 university graduates —

and then we start dipping badly at the edges. All of a sudden we have:

109 Victoria University 2nd year students.

These second-year students are not qualified paramedics. For the board of Ambulance Victoria to list them as newly qualified recruits is an absolute shame

and a further smokescreen. This is the sort of nonsense that we have been putting up with from a government that has trouble telling the truth. Whether the subject is ambulance numbers, police numbers or the use of dollars in relation to water security, the argument continues to go on, and I found that a very disappointing aspect of Ambulance Victoria's recent report.

It is clear that our ambulance service is in strife, and the motion before the house clearly demonstrates the need for further resources to be made available for Ambulance Victoria to be a far more effective service than the one we currently have.

Mr DRUM (Northern Victoria) — I concur with Mr Koch's comment that this government's performance relation to ambulance services has been appalling. For a number of years we on the opposition benches have been calling for this government to put more resources into our ambulance services, especially in and around northern Victoria. Those resources need to be provided so that ambulance services can be delivered to the standard expected by our respective communities.

15:05

I sometimes wonder about the advocacy that is coming back from Ambulance Victoria to the government. We know that Marika McMahon now heads up Ambulance Victoria, which is the result of the merger when Rural Ambulance Victoria and the Metropolitan Ambulance Service came together 18 months or two years ago. The Labor Party has appointed one of its strongest supporters as the chair of Ambulance Victoria. This effectively means that we will not have anybody in an adversarial role sticking up for the ambulance services when they may need better resourcing from a government. We will just not get that type of representation and that is a worry for the people of Victoria. Who is going to hold the government accountable for the resourcing that has to find its way from the executive down to grassroots ambulance services, when Ambulance Victoria is headed by one of the government's very strong supporters, someone who is never going to be critical of a Labor government because they are very much part of the Labor Party family? It is a worry for everyone in Victoria if we cannot count on true, open and honest accountability and the holding to account of the government when it comes to funding ambulance services.

In the north of the state we have long been calling for a 24-hour ambulance service for Castlemaine. It has got to the situation where the ambulance services are forced to play around with and rejig their roster to ensure that they have a skeleton staff for the majority of the time

the station is open so that they can have a skeleton staff through into the evening. It is not an adequate situation. People can be called out for 3 and 4 hours on end, get back to the station and be called out again. That effectively means they have to have a rest period. Without knowing the ins and outs and the total details, I think the Maryborough community suffers a similar lack of resourcing within its ambulance station. Here we have two communities of a reasonably similar size with a population of 8000 to 10 000 people both inadequately serviced by the ambulance services there.

We have paramedics who are brilliantly trained and are conscientious about doing the best job they possibly can and ambulance services that are trying to operate over and above what they are resourced for and punching well above their weight in the services they are offering to the community. However, all services are going to have a limit when they are so drastically underfunded and underresourced.

As Ms Lovell mentioned, the Wedderburn community is serviced solely by a CERT (community emergency response team). That is great if that is going to be the first point of call, but people need to know also that they will have an ambulance service in the same town so that will arrive maybe 10 or 15 minutes later and carry on the good work that CERT people can sometimes deliver. CERTs are fine for small communities when they are properly supported and backed up by an ambulance service but when a CERT is carrying the entire weight of a community, that is a real worry, and that is the problem Wedderburn has at the moment.

I am also alarmed at the situation in and around the Bendigo region, where we know that at the moment there are claims and people are off work. I have also been talking to Steve McGhie, the state secretary of Ambulance Employees Australia. I know that people are off work on bullying claims and on stress leave and there are harassment claims that are being worked through. The trouble with Ambulance Victoria is that it is such a closed shop. We know that the paramedics are too scared to come and talk to many MPs. If they want to talk to us we have to find some clandestine, out-of-the-way place because they know that there are serious implications for them if it ever gets back to management that they have been talking to the media or opposition MPs. We have this ridiculous situation where the government has to keep everything hidden from the public. The government's response to all these problems and all these cancers that exist within the ambulance service is to virtually say, 'Let's lock it away from the public and let's make sure the public never hears about it'. If any member of the ambulance

service — paramedic, MICA (mobile intensive care ambulance) paramedic, layperson or communications operator — dares to take information out to the public or opposition MPs, they face a very real risk of being fired. That is the way this government approaches these problems.

Whilst I am worried about what is happening in places like Bendigo and the surrounding regions, I am also troubled by what is happening in some of the more remote areas that members of the Rural and Regional Committee have travelled to over the last few months. When we travelled to Corryong, we met with and took evidence from the paramedics who work hand in glove with the CERT there. Quite often the CERT people are able to respond quicker than the ambulance service. They may be located closer to the point of the accident or emergency and be able to get there more quickly to offer initial support, but they are then well supported by the paramedics from Corryong even though, again, they are extremely short staffed.

The real worry in far north-east Victoria is that they are really struggling to get the air ambulance support that they need for seriously injured people in that part of the state. It is a very popular area for horseriding, motorbike riding and four-wheel drive off-road vehicles. With those types of activities going on, there is obviously a strong chance of accidents that will require people to be taken straight to hospital in Melbourne.

The airport at Corryong does not have any lights, which means that once night sets in fixed-wing planes cannot be flown in or out. 15:12

There is an envelope of the state to the far north-east which is out of range for a helicopter. It cannot leave Bendigo, Sale or Morwell in Gippsland or Canberra and get into that part of the state to pick up someone who is injured and get them down to Melbourne for life-saving treatment. It is simply not available because we do not have a helicopter located in that part of the state.

Members of Parliament know that the member for South-West Coast in the other place, Denis Napthine, spent about 10 years trying to argue that the south-west portion of the state needed an air ambulance — a helicopter. That has been achieved in the last 18 months. While we were hearing evidence at the Portland hospital the Rural and Regional Committee saw a young boy present to the emergency department with severe internal bleeding. We were able to see the helicopter land, pick up the young boy and transport him very quickly and efficiently to Melbourne —

Mr Tee — The system is working.

Mr DRUM — Mr Tee, it is lucky we have people like Denis Naphthine to hold the government to account. We need people who can get the community behind them to ensure that when something like an air ambulance or a helicopter is needed, that they continue to persist until finally they get the outcome their community needs. It was lucky for that little boy and his family that Denis Naphthine had pushed so hard to get an air ambulance for that part of the state.

However, it does not fix the problem of an entire envelope of the state in the far north-east that is totally unserved because a helicopter that had to travel from Bendigo, Gippsland or Canberra would not be able to fly in, pick up the patient and fly down to Melbourne without refuelling. It means helicopters have to divert to either Wangaratta or Wodonga to get fuel. Again, that is a disaster waiting to happen.

The committee also travelled to Mallacoota to have a look at how the ambulance services are working in that region. Mallacoota is a community with around 1000 permanent residents. However, in the holiday season it swells to between 8000 and 10 000 people who go and enjoy that part of the state. As there is no hospital in Mallacoota, enormous responsibility is placed on the medical centre and on the sole paramedic who lives and works there. The evidence we heard was of the underresourcing of that area. Should there be a serious accident in the Mallacoota region an ambulance, with the help of community ambulance officers, is able to attend. There are a series of people who offer themselves for paid service. They are reasonably well-trained members of the public who are able to deputise with the paramedic to help out in emergencies. But when there are people with life-threatening injuries and it is necessary to call in the air ambulance there is nowhere to hold injured people. While people are fighting for their lives they have to stay in the back of an ambulance. If there are more than two people — say, they had been injured in a car accident in Mallacoota — someone has to sit on a stretcher bed on the gravel in the car park because there is nowhere to hold them while they wait the 2 or 3 hours for the fixed-wing plane to turn up. It is a genuine and serious issue that could be fixed with a small investment, but again it is a matter of having a government that understands how these places work and how they need assistance. If we are going to be able to give these communities the ambulance service they deserve, we are going to have to address some of these problems urgently.

Turning from our remote areas and back to mainstream ambulance services, we have concerns about the centralisation of the call-out communications centre. Bendigo is about to lose its call-out centre; it is going to be centralised in Ballarat. There are real concerns about how that is going to operate. How will local knowledge be transferred? The simple answer is that it never will be. A person behind a microphone in Ballarat will try to direct an ambulance in the north of the state, but they will only be able to give an address, and that will be it. Currently directions that come from a person in a local area can be very specific. I cannot see one acknowledgement that centralising the call-out system is in any way going to benefit Victorians. I am yet to be convinced that it will create one improvement.

We need to support our paramedics and our ambos and our communication staff. We need to support our community emergency response teams to the best of our ability. We cannot bully them and we should not threaten or harass them. It is no wonder morale is at rock bottom when all these practices seem to be normal. If we want services to be the best they can be, we have to resource them adequately. It is not good enough just to build a few new stations so we can give ministers an opportunity to cut some ribbons and get their photo taken. We need to resource the services that operate within the ambulance stations. That is how we will give our communities the ambulance service they deserve.

Mr FINN (Western Metropolitan) — I think it was Celine Dion who sang about leaving the best till last, so it is with pleasure that I join this debate.

Mr Tee interjected.

Mr FINN — I will explain it to Mr Tee later. It may take some time and lots of hand movements.

I do not intend to speak on this debate for an extended period because, quite frankly, I find some of the stories I have had to read in researching this subject quite distressing, particularly when it relates to the deaths of children as a result of ambulances not arriving when they should have arrived or arriving much later than they should have. I find that particularly distressing, and I think it is something members on both sides of the house should find similarly distressing. There should be a mutual determination to improve the situation on that count.

I was fascinated to hear Mr Tee speaking in the debate earlier. He was telling us that he was around when the Kennett government did this and he was around when the Kennett government was debasing the ambulance

service. Apparently what the Kennett government was not responsible for is not worth mentioning. In his next sentence he went on to attack the opposition for playing politics. I had to laugh, because I too was around during those days. Ms Pulford might say I do not look that old, but indeed I was around in those days, and I remember that politics was being played with the ambulance service in the days of the Kennett government. But it was not the Liberals and The Nationals who were playing politics with the ambulance service in 1997, 1998 and 1999; it was a former member for Albert Park in the other place, John Thwaites, who was then the shadow health minister and Deputy Leader of the Labor Party. He went on to become the Deputy Premier of this state. He is the man — —

Mr Lenders — A good man!

Mr FINN — He was probably a better Deputy Premier than the current one; I would have to agree with the Treasurer there.

It was back in those years that Mr Thwaites rode on the back of the ambulance all the way into government. He was the one who played politics, and he was the one who was the champion of smear and fear. He put a situation into place where a good many people were too scared to ring for an ambulance if there was something wrong, because they honestly did not believe there was any chance it would arrive.

15:22 The tragedy is that 11 years later that is the situation we find ourselves in. Eleven years after John Thwaites told us this was happening — when it was not — this has come to pass. Perhaps John Thwaites is a prophet, I do not know, but he grabbed hold of his crystal ball and told us just how bad the ambulance system is in this state 11 years down the track. I find that deeply troubling, and anybody who has elderly or ill relatives or friends would find it equally troubling.

Turning to Mr Tee's amendment, some members of this house have suggested that Mr Tee does not have a sense of humour. His amendment proves that he does, and the fact that during the course of his address on his amendment he could not keep a straight face further proves my point. Members on this side of the house can only say that Mr Tee cannot be serious in coming into this house and putting up something the likes of which he has done today. It is quite extraordinary. I can understand why Mr Tee could not keep a straight face, because this amendment is nothing but a joke.

Some government members have, for reasons that are beyond me, taken this amendment seriously. Mr Tee has obviously put this up as a bit of a gag — having had

a couple of reds at lunch time or something he has put this idea forward as a bit of a joke. I do not know whether it is Mr Lenders or Mr Viney but they have taken him seriously and they have decided to run with it. We find ourselves in the house at almost half past three actually debating the thing! There are some things that happen in this chamber — and indeed in this Parliament — that seriously escape my comprehension, and this certainly fits into that category.

When I hear members of the government such as Mr Tee come into this house and speak — not just on this subject, but on so many subjects — they tell us the government has spent X million or X billion. They spend, spend, spend; they love to spend other people's money. The definitive explanation of what socialism is all about is spending other people's money. That is what this government is all about. It does not particularly care if it gets a result. It does not particularly care if it gets an outcome. It just wants to spend money. As long as it's not its own money, it is happy. The trouble is, as Acting President Somyurek might know, it is sad when governments run out of other people's money, because the continuing definition of socialism is that when they run out of other people's money they do not stop spending. They continue spending, and that is what this government does.

With regard to this motion, I do not particularly care how much this government claims it has spent on ambulance services in Victoria. I say that because the outcomes do not match the claims of spending. If Mr Tee had told us with pride how much the government had spent and had then gone on to say, 'And as a result of us spending this money we have a nigh on perfect ambulance service', I would have said, 'Good on you!'. In fact I probably would not have said anything at all because if the ambulance service was nigh on perfect, we would not be having this debate. There would be other matters to discuss. The fact that ambulance services in Victoria are so far away from that particular situation leaves us all to debate exactly why, as Mr Tee tells us, the government has been spending money hand over fist for nigh on 11 years.

We have heard this from government members again today, and I do not know how long they are going to keep this up. Will they keep banging on about this right up until 6.00 o'clock on 27 November: 'It is all Jeff Kennett's fault'? We hear the government saying, 'We have done such a wonderful job. We have spent all this money. We have spent dollar upon dollar and hundreds of millions of dollars, but because we have failed, because we have stuffed up, because we have let the people of Victoria down, it is all Jeff Kennett's fault'. That is the fallback position.

Mr Viney interjected.

Mr FINN — Mr Viney well knows that is the fallback position of this government every time. Whenever this government fails — and God knows it fails so often — it is Jeff Kennett's fault. Jeff Kennett has not been Premier of this state for almost 11 years. He has run the Hawthorn Football Club for almost longer than he was Premier of this state. It is ludicrous to suggest that everything that goes wrong in Victoria in 2010 is Jeff Kennett's fault. It is stupid; it makes no sense at all. As the Prime Minister, Kevin Rudd, would say, 'Guess what?'. The people voting in November know it is not Jeff Kennett's fault. At long last, Mr Viney, they are waking up to you. They know what Mr Viney is on about — —

Mrs Peulich interjected.

Mr FINN — He is short on most things, but that is another thing altogether! It is something to wonder about: the electorate has finally woken up to the fact that this government has not got what it takes. The people of Victoria know this government has spent a fortune because they have been paying a lot of money in taxes, a wide variety of taxes, on a lot of things. The money has disappeared but we have not got the outcomes. It is not just ambulances, it is a whole range of things, but given the debate today is on ambulance services I will try to contain my comments to that particular area.

15:30 After 11 years and all that money the ambulance service is actually going backwards. If somebody were to have a heart attack or an accident at home and ring an ambulance, now there would be a genuine fear that the ambulance service would not be able to meet their needs, that it is not up to scratch.

In the circumstance where the ambulance does actually get to the person and they are put in the back of the ambulance and it races off down the road towards the hospital, even then there is no guarantee that they will actually get into the hospital. We have heard so many stories of ambulances banking up in car parks of hospitals, with paramedics unable to get the sick people in the back of the ambulances into the hospitals. We have heard stories of ambulances being pushed from hospital to hospital as the paramedics search for a hospital bed. Even when the ambulance shows up, under Labor in 2010 after almost 11 years of government, there is no guarantee that the patient will be able to get out of the ambulance and into a bed.

A classic example of that is what we have seen out in the western suburbs, particularly at the Footscray

hospital. I refer to an article in the *Maribyrnong Leader* of 20 April, which says:

Figures obtained by the opposition under freedom of information show Footscray was on bypass or early warning bypass 9 per cent of the time between July and September 2009. The government benchmark is 3 per cent.

The bypass figure at Footscray was in fact three times what it should have been. I am not exaggerating when I say that even when the ambulance arrives there is no guarantee that it will actually get you to a hospital to be treated for the ailments you are suffering from.

It is not just the sick or those who are ailing who are the victims in this. We must think also of those we used to describe in the old days as the 'ambos' — the paramedics who drive the ambulances and offer treatment at the scene. They do a great job — I take this opportunity to commend them on the job they do — but they work under enormous stress. I think it is a job I would not be able to do. I would not be able to show up to accidents and face the death and the blood and guts that they face on a daily basis. They should be very proud of the job that they do.

It is a black mark against this government that, even after the wonderful job the paramedics do and the extraordinarily difficult conditions they face, this government still treats them as it does. It treats them so badly. We have seen that time and again. Sure, this debate must first and foremost be about providing an ambulance service to those who need it, but we should also be thinking about those highly qualified men and women who staff our ambulances. They also should be a component of this debate and in our thoughts when this matter is up for consideration.

Over recent years some very odd things have been happening in the Melbourne ambulance service. I brought one of those to the attention of this house back in 2007, about two and a half years ago. It concerned the Craigieburn and district ambulance committee, which had been operating the Craigieburn community emergency response team (CERT) on a voluntary basis for about 12 years. The team was pretty much renowned throughout the Craigieburn area for the job it had been doing. It served Craigieburn residents outside the operating hours of the local ambulance station, which were from 9 a.m. to 9 p.m.

This program was begun and entirely funded by the local community — by locals, for locals. It was something the community was very proud of. There was no government financial support and it was a very successful program. In fact it was so successful that it has been used as a blueprint for similar programs

around Victoria. By any measure it was a major plus, a valuable asset, for the people of Craigieburn.

The then Metropolitan Ambulance Service squeezed the life out of this committee and this program over a 12-month period. It starved the program of support and removed the CERT from the control of the Craigieburn and district ambulance committee. At the time we heard some very serious allegations regarding even uniformed members of the MAS of bullying, intimidation and physical assault against members of the Craigieburn committee. I raised that matter with the Minister for Health at the time, and I am still waiting for an adequate response.

The people in Craigieburn are entitled to wonder what has happened to the service that served them so well for such a long time. As I said, I raised it in this house, when I asked the question, 'What is going on there?'. I am still waiting for a response that I would regard as being sufficient to allay all the concerns about this matter that the people of Craigieburn have. Again, it is just an example of the ambulance service going haywire under a Labor government.

15:37 Despite what John Thwaites had said in 1997, 1998 and 1999 — that he as health minister and Steve Bracks as Premier would fix the ambulance service — the service has gone backwards, and that is the bottom line. There is no way to look at it other than that. The promises were made, but like most things with this government it was not followed up. After 11 years you would think this government would get up, beat its breast and say, 'Haven't we done a magnificent job? Haven't we got the best ambulance service in Australia?'. After 11 years of government you would think that would be the case. But it is not. I look around the chamber this afternoon and there is nobody here. There are two members of the government in the chamber — three, I am sorry; one member has come scurrying in.

Mr Lenders — Four.

Mr FINN — No, Mr Lenders cannot say that because the Acting President is non-partisan in her position. The bottom line is that I do not see members of the government of this chamber lining up to defend the record of the government. I do not see members of the government lining up to defend what they have done in this area. And the reason is that what this government has done is indefensible.

Mrs Kronberg — You cannot defend the indefensible!

Mr FINN — Mrs Kronberg is absolutely spot-on the money: you cannot defend the indefensible. So after

11 years, in October, of this Labor government, the ambulance service has gone backwards. It is not serving the people of Victoria in the way that it should, and this government expects four more years of that. I do not think so, and I do not think the people of Victoria will stand for that either.

Ms HARTLAND (Western Metropolitan) (*By leave*) — I will make my comments very brief. The Greens are glad that the government has moved this amendment because they believe it is very important that the ambulance service is referred to the Auditor-General rather than just making grand speeches in this house. I am particularly glad that we are doing so, especially after listening to Mr Finn, because I also remember Intergraph very well, and I remember chairing public meetings where I had mobile intensive care ambulance officers in tears because of their inability to do their jobs. As I remember it — and other people obviously have different memories — the Kennett government gutted and vilified the union. The current government did work quite hard to improve the service, but in the last few years something has started to go horribly wrong again, and that is why the amended motion is necessary.

I base that on evidence, I base it on working with the union, I base it on the emails that I get from paramedics and from the phone calls that I am receiving from the people who are now, especially the rural ambulance officers, just pushed beyond their limits. But the main reason that the Greens will support the amendment is that they believe it is much more important to have an audit of the service referred to the Auditor-General. A fantastic part of having an independent Auditor-General is that we should get a really good report, as we have had several excellent reports today, and that is much more important than just making a statement in the house.

Mr D. DAVIS (Southern Metropolitan) — In reply, I want to make a number of points and thank those members who have made a contribution to this debate. It has been a reasonably long debate, and we have covered significant ground.

I want to make the point that the motion was framed in a way that sought an outcome — in other words, a request to the Auditor-General to examine the operation and management of Ambulance Victoria. I note in parallel with this motion being brought to the chamber, the Leader of The Nationals in the Assembly, Peter Ryan, wrote a thoughtful letter to the Auditor-General, laying out some of the issues surrounding Ambulance Victoria. We did this in parallel because we certainly wanted to make the point very quickly.

It is imperative that there be a close look at Ambulance Victoria with great haste. I am disappointed the Greens are not supporting the motion in its full form because whilst I think a referral to the Auditor-General is probably the primary aspect of the motion, there are other points to consider. I think there is some value in making the point that ambulance services have significantly declined in recent years, and I know Ms Hartland has made that point and she has indicated that there is a developing problem at Ambulance Victoria.

There is also the point — and I have laid this on the record publicly already but I will reiterate it here — that I fear the Auditor-General will do a very good job in this respect, but his processes are naturally and normally steady and methodical, and this will take some significant time. I would not expect a report out of the Auditor-General before the first half of next year in the normal course of events.

Ms Hartland — So you don't want a good report?

Mr D. DAVIS — No. I will be extremely clear here. What I am concerned about is that the Auditor-General, in his normal way, as he is expected to do, is extremely methodical. It will take some time to get to the bottom of what is going on in Ambulance Victoria now, and I would not expect to see a report from the Auditor-General until the first half of next year in the normal course of events.

There is actually a developing problem at Ambulance Victoria and, in my view, a real risk to the community now. It is important that the government act now, which is also why I brought the motion to the chamber today, so that we can have the report done 12 months after the merger of Metropolitan Ambulance Victoria and Rural Ambulance Victoria. That merger has not gone well for the rural ambulance or for the metropolitan ambulance service. There is a significant deficit at Ambulance Victoria now and, as I have said to the chamber a number of times, I have been given a number of different figures but they are all in the tens of millions of dollars in deficit.

There are massive problems in terms of the relationship between management at Ambulance Victoria and the workforce. I pay tribute to the union and to the way it has approached some of these matters at the moment. It is genuinely trying to work through, in a systematic and careful way, some of the issues that surround rosters and some of the other rigidities that are there with management at the moment. I have to say the department has to accept some responsibility for the decline in Ambulance Victoria in the recent years. That

decline has been very significant, and the bureaucrats responsible for the ambulance services have not been full and frank with the minister as to the developing seriousness of what is occurring.

I want to put on the record again today that the state Labor government that is in power now, first under Steve Bracks and now under John Brumby, came to power promising 10 minute response times. Rather, what it has done is push the response times out beyond the response times that were in evidence under the Kennett government. The response times are now longer — it is 15 minutes for most ambulances in Victoria — and those response times are routinely not met. The response time targets in the budget have never been met by this government. Not once. Not in one single year under this Labor government have the response times been met in the budget targets. That is a shame, it is a disgrace and it is getting worse.

The risk to the community is extreme and we need to deal with this matter. There have been many cases brought to this chamber during the debate, and I led off with about a dozen cases both in the metropolitan area and in country areas. Some of them have been made public through the media, but others have come more quietly to my office, and I have put the examples on the record without revealing the names and precise locations.

In each of those cases there has been a failure to respond in a suitable time frame. The ambulance service by and large seeks to do the best it can, and I hasten to strongly emphasise that. I pay tribute to those hardworking paramedics, who are working under very difficult circumstances at the moment. They have inadequate support and there is a need for additional financial support; there is no question about that. There is a need for additional stations in some areas; there is no question about that. There is also a need for a better set of dispatch and response arrangements.

This government has been deaf to calls from and points made by community members and paramedics. In the last six months many paramedics have spoken to me about problems developing in the city and in the country. I am not sure that the minister fully understands this. At the Public Accounts and Estimates Committee hearings I was not sure that he had fully grappled with these problems. I am not sure that he has understood to his core what is actually going on here, and it is about time he did, because I think this will be the thing he will be judged on as health minister. The way things are going he is going to be remembered as the health minister who ruined Ambulance Victoria over about three or four years, the health minister who

forced the merger of Rural Ambulance Victoria and the Metropolitan Ambulance Service. Whatever the benefits and justifications are for that, he has botched the merger, and he will have to take that as his personal responsibility.

The outcomes of that, which have put the population both in the country and the city at risk, need to be sheeted squarely home to Minister Andrews. It may be that others are involved in the implementation of the merger, but he has the ultimate oversight. He is the minister, and he is the one who has got to be prepared to intervene and to take the steps necessary to make this merger work. It has done tremendous damage and created risk for the community.

I have talked about delays and I have talked about the risk. There is also the matter of information, and Ambulance Victoria needs to be up front with a lot of data. There is an enormous amount of data that should be in the public domain, such as ramping data, which the government should be releasing, in terms of what happens when ambulances get to hospitals. We know significant evidence was produced last year to the Standing Committee on Finance and Public Administration, both by Steve McGhie from the ambulance union and by the Ambulance Victoria bureaucrats, about the nature and scale of ambulance ramping. It is disgraceful. There is no defending having six or eight ambulances lined up outside a hospital — outside several hospitals in some cases. There is no justification for that, and the state government has got to take responsibility. It is not generally the fault of the ambulances; it is generally a fault of coordination between hospitals.

We know that the government has sought to fudge bypass data by its introduction of the HEWS, the hospital early warning system, and it has used that as a subterfuge to try to publish low bypass data when in fact the diversions that are occurring under the bypasses and HEWS have in many circumstances pretty much the same impact on patients — a very serious impact — where they are diverted to a distant hospital, a distant emergency department, where they need to wait a long time before getting the attention they need.

That ambulance data should be in the public domain. That diversion data, both the HEWS and the formal bypasses, ought to be in the public domain. If elected to government, the opposition has committed to publishing that data. We have said there will be real-time data. We will put out information on hospital emergency departments, but will also put out significant information on the performance of

ambulances. That is a very important first step in dealing with this issue.

I look forward to the response of the chamber. My primary aim in bringing this motion is to ensure that the Auditor-General gets the chance to look at what is going on at Ambulance Victoria, and I think he will do a very good job. However, there is a need for the government and the minister to act more quickly than that.

Amendment agreed to.

Amended motion agreed to.

ELECTRICITY: SMART METERS

Mr VOGELS (Western Victoria) — I move:

That this house —

- (1) notes the Brumby government's gross mismanagement of the smart meters project, and in particular —
 - (a) the Auditor-General's finding that the project cost has blown out from \$800 million to around \$2.25 billion, all of which will be paid for by electricity consumers in higher bills;
 - (b) the Auditor-General's finding that, as a result of the government's poor judgement, the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;
 - (c) the harsh impact on farmers and others who are forced to pay multiple smart meter charges where a property has more than one meter, even where a meter may be used for only a few days a year;
 - (d) the unfairness felt by many consumers and small businesses at having to pay for smart meters before they are installed and functional; and
 - (e) the impact of the government's smart meter cost blow-out falling disproportionately on lower income households, families with young children, pensioners and others with limited discretion over energy use;
- (2) condemns the Brumby government for its failure to safeguard the interests of consumers in the design and implementation of the smart meter program;
- (3) condemns the Brumby government for misleading Victorians over the true cost and functionality of its smart meters; and
- (4) calls on the Brumby government to immediately freeze the rollout of the smart meter program until a full and independent cost-benefit analysis can be undertaken to ensure that consumers will not be worse off as a result.

15:55 In November 2009 the Auditor-General tabled a report in this Parliament entitled *Towards a Smart Grid* — *The Rollout of Advanced Metering Infrastructure*, a copy of which I have here with me. It clearly shows that the smart meter project has turned from a shambles into a scandal. The project was originally estimated to cost approximately \$800 million; according to the Auditor-General's report it is now forecast to cost \$2.25 billion, which is an approximately threefold increase. We have heard of many cases in the past 10 years where the government has announced projects that have at least doubled in cost, but this one has actually gone three times over the original cost estimate.

We are told that approximately 2.4 million meters in Victoria will need to be changed to the government's so-called smart electricity meters or time-of-use interval meters. With the original budget of \$800 million, as I said before, we were told this was going to be about \$300 per smart meter. If the project cost has gone up to \$2.25 billion and if there are about 2.4 million smart meters to change, it stands to reason that each meter will now cost over \$900, not the \$300 that was originally claimed.

The issue which will affect small business — for example, farmers — the most, I think, is that these customers all have more than one meter. I was walking around the kids' dairy farm one day and I just had a bit of a look around. A typical farming family — and we would be one of them — has half a dozen meters, if not more. At our place there was one at the house, one at the dairy, one at the woolshed, one at the machinery shed, one at a pump down on a dam, one at a worker's house and so on. If you add that up, the average business which has four or five meters is looking at \$4000 or \$5000 to pay for these so-called smart meters.

What really got up my nose is that when I raised this concern in the adjournment the Minister for Energy and Resources, Peter Batchelor, released an extraordinary press release claiming that the opposition was spreading lies. Again we are showing that the government is unfit to lead Victoria. I need to get on the record the minister's complete lack of understanding of his own portfolio.

Mr Hall — Did he apologise to you later?

Mr VOGELS — No, he never apologised; you would not expect an apology. The minister came out and said in a press release dated 26 March 2010:

'The opposition has again shown why they are unfit to lead Victoria with Michael O'Brien caught lying to Victorians again', Mr Batchelor said.

'Mr O'Brien says smart meter charges are allocated on a per meter basis. This is wrong.

'Many households in regional Victoria have two meters — one for general house use and one for off-peak electric hot water. These customers will only get one smart meter charge.

'Mr O'Brien claims a farmer with four smart meters will be paying four smart meter charges.

'But Powercor levies its metering charge per account, not per meter. So unless a farmer has four different electricity accounts, this will not be the case'.

The minister obviously does not understand. Powercor does not send out any bills. The generators do not send out the bills; the bills at my place, and I think most of the Western District, come from Origin Energy, the retailer, which charges per meter. It has told us that every meter will have to be paid for — you cannot aggregate your bills on a farm and then only be charged for one meter; it is not possible. It is quite understandable that is not possible because how can you have four different meters at four different parts of a farm and then aggregate those bills automatically through one smart meter? It is just not possible.

Obviously the VFF (Victorian Farmers Federation) does not trust the minister either. I will quote from a letter it sent to the minister seeking clarification. It posed the following questions:

Do farmers pay the rollout levy based on the number of accounts or on the number of national meter identifiers (NMIs)?

Will the smart meter installation trigger infrastructure upgrades and will the government subsidise the cost of those upgrades?

If the government does not subsidise the cost of upgrades will the decision be left to the business owner to have a smart meter installed?

Are safety checks conducted after a smart meter is installed? What is the position of government if the site does not satisfy all safety criteria even if there has been no safety issues to date.

And if action is required who does the government expect to pay?

Can the government quantify all the possible costs to farm businesses during the installation process?

That is the Victorian Farmers Federation, which is clearly also in the dark about who has to pay for smart meters, the cost of which, as I said before, has gone from \$300 per meter to just over \$900 per meter if the Auditor-General's figures are right, and I assume the Auditor-General would have his figures right.

I think Peter Batchelor is also the minister who brought in the myki scheme or was in charge of it. We know

that went from costing \$800 million to God knows what now — I think it is up to \$1.5 billion — and it still does not work. This minister has form!

16:02 I read a letter which I would like to quote into the parliamentary record, because I think it says it all. It was in the letters column of the *Warrnambool Standard* of 10 April. It is headed 'smart control' and was written by John Houston, Grassmere Road, Grassmere. I quote:

I was wanting a smart way to improve my business, so I came up with some smart ideas.

I'll change my company name to something smart and hire some smart new employees with smart new dark-blue uniforms, driving smart new Ford Fiestas.

Then I'll erect a smart new shed and paint it smart new colours.

Fit it out with a smart new welder, smart grinder and smart computer, in fact smart new everything.

Then my smart electricity company will install a new smart meter to make my smart new operation work quick smart.

Now if only I could get Maxwell Smart to be my new smart manager.

Of course I'll have to charge quick smart to pay for all my smart ideas.

I'll charge everyone now for my smart initiatives but I won't use any of my smart infrastructure until 2013.

How smart's that?

What's my chance of staying in business, Mr Smart Premier?

The smart money would be on none, because everyone will think I am a smart-arse.

Signed Smart E. Pants, with my new smart pen.

I thought we could stand up here in the house debate smart meters for 2 or 3 hours until teatime tonight, but at the end of the day that one little letter says it all exactly. We are all expected to pay for smart meters which do not work. They are being installed and people were already being charged by power companies. The government has called a halt to that — until after the election. We know that as soon as the election is over everybody will be paying because the smart meters are still being installed.

Many people, especially families, are very angry about this. In theory smart meters are supposed to save you power, but if you are a struggling family or whatever, it will not save you power. These interval meters will show you how much the power costs at the time you use it, so in theory because you know that power at that time of the day is expensive, you will say, 'I will put this off until later, until evening or night-time, when

power is cheaper'. But members can imagine what a pensioner will do in summer when it is 43 degrees outside. They will turn on their air conditioner. That power will be more expensive under the new system. Under the old system most families and businesses had after-hours power, so they heated the water in their hot-water services at night-time. Under this new system, people who use power at night-time will obviously pay the cheaper rate, but during the day it will be dearer. Is the government expecting people to get up in the middle of the night to have their showers et cetera to save themselves some money, because the hot-water service will not actually be heated at night at the off-peak rate.

Mr Lenders — Why did John Howard want to do this?

Mr VOGELS — I hear the Treasurer interjecting. I am loathe to respond. Once again, everything that has ever gone wrong is said to be the fault of former Prime Minister John Howard or former Premier Jeff Kennett. It is always somebody else's fault. It is never Kevin07's fault or this government's fault; it is always because of something that happened last century. This Labor government has form on that. I am happy to move this motion.

Ms PULFORD (Western Victoria) — I am pleased to speak on Mr Vogel's motion, which was not very smart for something that used the word 'smart' so many times. The efforts of the letter-writer — —

Mr Vogels interjected.

Ms PULFORD — It was a handy use of alliteration, perhaps. If I could dispel just a few myths in this debate this afternoon, that would probably be a good place to start.

A smart meter is a digital meter that can record electricity consumption at 30-minute intervals to be read remotely. It will provide details about consumption. The device enables remote connection, which allows for quicker connections for people when they move home, instead of them having to make that annoying series of phone calls whenever they have to relocate. It enables the quicker detection of outages, which will allow energy suppliers to move more quickly to restore supply.

We talk a lot about energy consumption. In recent times in this place we have had some discussion and debate about renewable energy and in particular the coalition's interesting foray into wind energy policy.

Wherever I go in my travels around my electorate, which I share with Mr Vogels, I find that people are very aware of the impacts of our changing climate on the way they live, how food is produced and on a great many other matters. This is obviously not something that bothers climate change deniers, but hopefully they are fewer and further between these days.

Mr Finn — Climate change realists, you mean.

Ms PULFORD — Climate change realists, Mr Finn, if that is what you want to call them. In the mainstream we acknowledge the impact that human activity has on the globe, that there is a bit of a connection between human activity and climate change. The application of modern technology to helping us understand and change the way we consume energy is part of a range of ways that we respond to the challenge of climate change.

Back in February 2006, when John Howard was the Prime Minister, as Mr Lenders earlier interjected, a Council of Australian Governments meeting determined and announced in its communiqué at the end of the day's discussion that smart meters would be progressively rolled out across Australia from 2007.

16:10 This is not something that is happening only in Victoria; smart meters are being rolled out in many countries around the world. There have been trials in many places and much broader scale rollouts.

The technology that is currently used to monitor electricity use is old. I noted that SP AusNet described the rollout of smart meters as the biggest investment in electricity infrastructure since the poles and the wires. When we walk around with email and internet gadgets in our pockets and apply the wonders of this fast-paced technological age to everything we do it seems logical to take some of that expertise and some of those ideas and apply technology to enable consumers of energy to monitor the rate at which they are consuming energy.

The smart meter rollout is part of that overall response. It is about helping people to monitor and change the ways in which they use energy for environmental and cost reasons. It is that time of the year when we all start to fear the winter power bill. Certainly over the last few weeks in my home town of Ballarat icy blasts have been blowing, and when the water is restored to Lake Wendouree I am sure those icy blasts will probably get icier.

Mr Barber — Is it a skating rink?

Ms PULFORD — I don't know, because it has not been full since I have lived there! Based on the

temperature outside over the last couple of weeks I would not be surprised if you could skate on Lake Wendouree. These new meters are a modernisation of the 100-year-old technology. They will enable consumers to better understand how they use electricity and provide instant information about power pricing, which I am sure many people will welcome.

A number of studies conducted in Australia and around the world have looked at the impact of these advanced and modern energy meters. In New South Wales EnergyAustralia found that 72 per cent of its 200 000 smart meter customers said that they were actively making changes to their electricity usage. A Norwegian study showed a decline in demand of 9 per cent. A United Kingdom study showed a demand reduction of 12 per cent.

Studies have shown that when consumers have had better access to data about their use — instead of having no information about the cost of energy consumption other than when the bill comes four times a year, if you are on a quarterly billing frequency, or 12 times a year, if you are on a monthly billing frequency — the impact has been a reduction in use. If Victorian residential electricity customers, really everybody, follow similar patterns — or more modest decreases in electricity usage than in the UK and Norway — and there is a 10 per cent reduction in consumption, it will equate to around \$10 a month in savings and, importantly, a reduction in emissions.

There has been much said about the cost of this. The cost of smart meters will be applied throughout the four-year rollout period in the same way that the cost of the infrastructure that supports our energy system is currently billed. As Mr Vogels indicated, it may appear on bills as a separate line item so the cost of this improvement to the infrastructure is indicated to people. The reason the cost will be applied consistently to all customers is that it is the most effective way to keep the price as low as possible. The cost recovery if this were approached on a street-by-street basis would be far less equitable. Whilst I am no expert on electricity provision technology and infrastructure, I would hazard a guess that the economies of scale for regional communities would be a far greater cost than that for people in a block of flats where the job of installing the meters is much quicker because the dwellings are much closer together.

The surcharge of \$1.30 a week is the amount that has been approved by the Australian Energy Regulator. Because that charge is now being collected power companies are able to secure meters at a lower cost and

ensure that the costs are consistent throughout the areas of rollout.

In response to some of the sentiments expressed in Mr Vogel's motion I say there is no blow-out in the costs of this project. The way amounts have been plucked out of the air by the opposition is an exercise in comparing apples with oranges. The figure of \$2.25 billion, which has been referred to, is an industry estimate.

While we are talking about comparing apples with oranges, the estimate in 2005 — this is prior to the Council of Australian Governments communiqué and prior to the commencement of a rollout of these meters anywhere in Australia — was \$800 million for a 20-year rollout of simple interval meters. In the intervening period — between that figure being calculated and the decision to roll out smart meters in Victoria and the commencement of the rollout — the technological advances have enabled a breakthrough in design and two-way communication capability. What that means is that future technological improvements can be handled by software upgrades.

This is an important evolution in this technology. Rather than having clunky old meters which have done a good job of accurately recording consumption over many decades, in this era of rapidly advancing technology — every time you turn around there is a new type of technology that you have to try to get a handle on; we probably all struggle with that day to day — two-way communication is an essential feature because technological improvements will be made through software upgrades so the smart meters will not become obsolete.

16:20 The 20-year cost estimate for the new meters is \$1.6 billion. Again, analysis has shown and the experience of consumers here and overseas is that there are significant benefits for people when they have the information to hand to reduce their energy consumption.

Mr Vogel's motion suggests that the electricity industry would be benefiting from smart meters at the expense of the consumers who pay for them. In response to that, the Australian Energy Regulator, part of the Australian Competition and Consumer Commission which regulates the energy networks, has confirmed that it will be vigilant in ensuring that benefits that accrue to electricity distributors will be passed on to consumers in the form of lower network charges.

In response to the comments by Mr Vogels about multiple-meter charges, houses in Victoria with two meters do not pay multiple-meter charges and the opposition is wrong to claim that they do. The way meter charges are applied to customers has not changed in 2010. To people who are paying multiple connections for multiple meters, I simply say that perhaps a conversation is due with the energy retailer and/or the distributor to review the appropriateness of the connection to the property.

The way in which this program is being rolled out is the cheapest and most efficient way there is. As I said, the sharing of the cost of this infrastructure does not differ from the way in which electricity infrastructure is currently paid for here or anywhere else. Everyone pays their share for all the network upgrades through their electricity bills, but what averaging the cost means is that consumers pay the lowest possible price for the rollout of this technology. It is technology that in the long run will save consumers charges on their bills and will assist ultimately in reducing our electricity usage. That is what the evidence shows us from trials here and from places around the world where this technology has been implemented.

The government has responded to community concerns about time-of-use tariffs. It announced a moratorium on time-of-use tariffs so that the government can work with the community to ensure that these are introduced in a way that ensures that Victorian families know what is going on and that safeguards are provided for some of the more vulnerable consumers. We want to ensure that there is no disadvantage for people with a higher peak-period electricity consumption because they are home during the day with small children or are elderly members of our society.

The impractical proposal by the opposition that the rollout of smart meters be frozen would cost Victorian families dearly. This smart meter rollout needs to continue, and that continuation is an essential part of providing sooner rather than later the benefits that will come from modernising the way in which this information is made available to consumers. Industry experts estimate that a six-month delay would cost Victorian families \$150 million and cut around 300 jobs of the people who are currently involved in the rollout of this program.

The Liberal Party has previously supported the rollout of smart meters in Victoria over a number of years. I understand in 2002 and 2006 in the lead-up to the elections the Liberal Party supported mandating the rollout of smart meters. The smart meter technology works if the entire network is involved in it. I thought

the Liberal Party supported mandating the smart meter rollouts. It was an initiative that came through the Council of Australian Governments. The then federal Howard Liberal government had a view about it and was in support of it at the time this program was commenced and agreed to by the Victorian government. I do not know what has brought on this change of heart. It might be something that is happening later in the year, a bit of pre-election cynicism and perhaps an opportunistic point-scoring exercise.

This is a really important program. The 100-year-old technology that has served us well needs to be replaced. We need to be able to use the best of the information available to us so that we can change the ways in which we use energy. Energy consumption continually goes up. We have a growing population in a world that provides new and amazing technological gadgetry with every passing day. There has been hysteria recently with the excitement of the new iPad. Imagination is the only thing that limits the provision of new and amazing technological devices into our lives and homes every day.

Some 20 or even 10 years ago many people would have been happy to spend the evening over the Scrabble set or in a game of Monopoly, but now those fine and time-honoured traditions compete with Nintendo Wii and Nintendo DS games — they are popular at my place — with fancy plasma-screen TVs and all manner of things. The way in which we consume energy is something that we need to tackle and smart meters will be a useful tool for us in dealing with the challenges of energy costs and climate change.

16:27 **Mr BARBER** (Northern Metropolitan) — The Greens fundamentally support the concept of interval meters, and we have done so for a very long time. Therefore it is with something akin to despair that I look at the way in which the state government has rolled out its smart meter program. There is huge resistance to the program and very little in the way of residual support. There are three reasons for how that situation has come to pass: firstly, because Peter Batchelor, the Minister for Energy and Resources, was put in charge of it; secondly, because the whole program was designed and planned in secret; and thirdly, and most fundamentally, because the policy settings associated with the way in which the electricity grid is run are wrecked. Perhaps coalition and Labor members will disagree with my view.

Peter Batchelor ran the transport system in Victoria for quite a number of years before getting transferred over to running the energy system. At a time when our need

to address climate change was growing, it was a tragedy that in Victoria Peter Batchelor, ably assisted by former minister and member of this chamber Mr Theophanous, were in charge of those two most crucial portfolios. In both those portfolio areas the wrong measures and directions have been taken to deal with issues relating to greenhouse gas emissions.

I believe the secrecy associated with this process was unnecessary. Those who had been quite active in speaking on behalf of the most vulnerable members of our community made a bad choice when they signed confidentiality agreements and became part of the implementation group, or at least the monitoring group. That can be contrasted with staying on the outside, with very little information, but being able to continue to advocate for those who we are now seeing being most impacted by this process.

Whether we are talking about desalination plants, irrigation upgrades, the myki ticketing system or whatever the project might be, secrecy has never led to a good outcome. However, in this case we are dealing with a multibillion-dollar cost which is not working its way through the state's balance sheet and is not subject to the sorts of checks and balances associated with the spending of public dollars. When the Auditor-General had to inquire into it he had to look at the government's processes, because he could not reach in behind and start looking at the activities of private companies.

That brings us to the overall policy settings for the electricity system. I heard the Treasurer catcalling Mr Vogels in relation to John Howard and saying that this was a John Howard policy. Probably only the Treasurer would see the virtue in that — that is, that John Howard backing a policy made it a good policy. What we can take away from that is that the Treasurer and some others in his party really are stuck in a Jeff Kennett time warp, because they fully endorse the policies of Jeff Kennett by half privatising a whole range of essential services and then leaving them to the worst possible combination of private interests and profits with light-touch — to be polite — regulation from the government. In practical terms, as we have seen in this very instance, such light-touch regulation leads to ministers saying, 'Hang on, that is a regulator', or, 'That is a federal regulator', or, 'You cannot even ask me about that; that is not my responsibility. I am just the guy who makes the clock and winds it up, and then it is expected to run itself'. Whether it is electricity, water or transport, we could go on.

Before we could expect smart meters to work the way the Greens always hoped they would work, we need something more fundamental — that is, a smart grid.

While many of the generation, distribution and retail systems have been privatised, it is interesting to note that the thing that holds it all together is those big, thick poles and wires of the transmission network and the system that regulates how it works. After all, they become the gatekeepers between all these private operators.

It is quite interesting to read their reports. They have got their hands out every year for billions and billions of dollars more of capital investment, which is recovered from electricity bills ultimately, around a bunch of development objectives that perhaps most people do not particularly have a view on, and because of the nature of the electricity market organisation we do not really seek to influence or pay much attention to it. It is a bit like the way utilities used to be run. The average citizen did not worry about it. You had the State Electricity Commission which simply ensured that the overall societal objectives of reliable and cheap electricity were met in the most efficient way. Those guys had it covered so that they did not just build the poles and wires, they built the houses that the workers who built the poles and wires lived in. There is no question about it, they were definitely vertically integrated, and they trained their own apprentices so they never had a skills shortage because they were their own training authority.

We need to put in place a number of elements in order to get a smart grid before an individual citizen and a small electricity user at the household level could hope to reap the benefits. You simply need to have a look at something like the Australian Energy Market Operator's document *2009 Statement of Opportunities* to see what is going on in our electricity grid right now. Firstly, peak summer demand for electricity is growing much faster than winter demand, because winters are getting warmer and summers are getting hotter. If you do not trust the Bureau of Meteorology or the worldwide meteorological organisations, you could even look at what the average citizen is experiencing — that is, they are having to spend less on energy during winter and more and more on cooling their homes in summer, which is creating some problems. The way the various players are going about solving those problems is quite interesting.

On the issue of electricity demand, the maximum number of megawatts that is being pulled at any one moment is getting higher and higher on a small number of days of the year, and our maximum demand in Victoria — which I think is somewhere around 10 000 megawatts — keeps growing, but only on a few days or possibly a couple of very hot weeks of the year. As a result we have to provide an electricity grid that

can meet that demand, even though it very rarely has to. Of course demand in the evening after we have all gone to bed can be as little as half of that.

The cost of power on those days is exploding. The typical wholesale price of electricity used to be about \$30 a megawatt hour, and I think it is up to about \$40 per megawatt hour now, but on some days the price of that power goes to \$5000 or even \$10 000 per megawatt hour before it hits its regulated ceiling. And guess what? People who make electricity for a living — the generators — are asking for that ceiling to be lifted so that they can charge even more on peak days.

So far we have not changed the way householders get charged for electricity to reflect this same phenomenon, so that you do not get charged differential amounts of electricity at your home according to what it costs to generate it, transmit it or distribute it.

The people who have been getting squeezed in that system have been the retailers, so of course there is a push to raise and deregulate that cap, and that comes back to smart meters. The demand for peak electricity has so far has been met largely by providing gas peaking plants which can be switched on quickly but do not get used on many days of the year. Apart from that particular measure, there has not been a lot done on the demand side. By the way, hydro used to meet that peak electricity demand, but of course at the end of a 10-year drought you have not got any hydro water left. That exacerbates even further this problem of peak electricity demand and the need for peak supply.

16:37

In Victoria at least we have an extremely reliable supply of electricity — that is, the number of minutes per year when you can expect to not have power is very small compared to other states. But in line with what I was saying earlier about the peak price of electricity getting up to around \$10 000 per megawatt hour, the authorities responsible for maintaining reliability are prepared to make investments equating to as much as \$50 000 per megawatt hour simply to ensure almost 100 per cent reliability. Nobody has ever asked me whether I would rather have all that extra cost loaded onto my bill or alternatively have a blackout equivalent to 1 hour per year, but that is a decision the government is making via this transmission entity at the moment.

Those same problems of peak demand feed into the way that transmission is run and the further investments that need to be made in transmission. On top of that we have the possible impacts of carbon pricing policies which seem to suggest, even with the weak carbon system Labor has been proposing at the federal level and with its hokey renewable energy target that went

down the gurgler the way we told them it would before Christmas, that there will be some changes to the way electricity is generated. Therefore if you have sources of demand in new geographic locations and new forms of generation such as wind farms or geothermal that are on the outer fringes of the grid rather than being at the centre the way coal-fired power stations historically have been, you are going to need some further investment in that transmission grid. Because it does not really go through any state budget system and because it is an area of regulation that just seems to be set and forget, we do not truly understand the billions and billions of dollars that those authorities are putting their hands up for to deal with peaks, to deal with renewable energy and to deal with reliability issues.

For example, they note that we have an interconnector between New South Wales and Victoria. It is not big enough to allow us to draw our total supply of power from New South Wales but these interconnectors could be in the thousands of megawatts. A few years back there was a bushfire up there and the smoke detectors associated with the transmission wires caused that interconnector to shut off. Naturally enough that was in the middle of summer when our peak demand was great and that caused a rolling system of blackouts or brownouts across Victoria. The then Premier, Steve Bracks, blamed it on God. I blame it on poor planning and our historical legacy of big, dumb and centralised power generation with wires spreading out when we should be well and truly into our transition to what we might generically call the smart grid.

The smart grid would seek to provide generation and consumption side by side, minimising investment costs. It would certainly balance supply and demand in time, both time during the day and time during the week and the year. It would allow us to manage the demand side as well as the supply side. At the moment all we deal with is supply — there is an authority that simply ensures there is enough generation going on to meet whatever the demand is. That authority has no control over what the demand is on any given day. There are, though, some limited arrangements in place between large users of power and those from whom they buy their power to be voluntarily switched off.

There are also more facilities out there. For example, most hospitals have backup generators — pretty large ones — often running off natural gas, which are simply there as emergency supplies. Imagine if someone had the gumption to ring up them and say, 'I know you do not need your emergency supply but the rest of the grid needs it. Why don't you switch it on and you can earn money for your electricity, not just at the usual \$40 per megawatt hour or 40 cents per kilowatt hour but at

1000 times that rate for the next few hours?'. There is a small amount of that in better generation and demand-responsive use in the grid, but the energy market operator struggles to even get a figure for what it is, let alone integrate it into something called a smart grid.

That is how the grid operates at the moment, and the promise of interval smart meters is that they will allow us to participate in that initiative. We could make our own choices about when we use electricity, possibly even through direct management of our appliances, and therefore get the best offer. But the average citizen does not have a hope of doing that in this half-privatised system we have now.

Interestingly, this motion calls for a freeze on the rollout of smart meters. The government is not doing that, but it has frozen the rollout of differentiated tariffs — that is, the opportunity for a householder to sign up to be charged in a way that more reflects the true cost of power in any given 15 or 30-minute block. I am glad the government has done that, because the average retail consumer is in no way ready to start making those sorts of choices. Even without all the issues I have just mentioned, we have real problems with the way we have deregulated retail electricity prices.

This government, carrying the torch for Jeff Kennett, never ceases to talk about how wonderfully competitive the Victorian electricity market is, but that is based on figures that are largely meaningless. The average person, and I am sure it includes the 40 members of this chamber, pays little or no attention to who provides their electricity, and they sign up for the standard offer from the same company they have always had. Maybe if they move house they might express some interest in it.

Frighteningly, though, now we are starting to get touts coming to our doors. Before the door is even halfway open the pitch is how they are going to save you 5 per cent, 10 per cent, 15 per cent, or whatever it is, on your electricity bill. Superficially that is attractive. They are probably relying on a number of people to virtually sign up on the spot without really understanding exactly what they are getting themselves into. If the government's measure here was to keep rolling on the way it has been, I will tell you what will happen. Those same touts will come down the street doorknocking, but they will be looking up at your roof to see if you have a dirty great big air conditioner stuck on the top of it, and if you have, they will want to sign you up to a plan — just like those dodgy mobile phone plans they are always giving us that look really cheap, but when you

go over your cap you get a \$4000 mobile phone bill. This will be exactly the same. They will offer what looks like extraordinarily cheap electricity, but if you use it at particular times of the day or at particular times of the year, you will be charged an absolute fortune. To be able to charge people under such a system, we will all need to have an interval meter.

The interval meter would save costs to the retailer. It would allow them to charge you in ways that are beneficial to them, but you are paying for it, and the information asymmetry between you and the company actually gets worse, not better. For that reason the program being rolled out is extraordinarily risky and likely to have all sorts of negative effects simply from the point of view of consumer vulnerability.

We are a long way from it providing environmental benefits, especially when you see the still massively dumb grid we are running now, and the lack of drivers for it to get any smarter coming through from any of the programs the government has put forward. In a green world we would set ourselves a trajectory for greenhouse gas emissions to reach zero emissions by 2050 — and we would get there even faster if we could. That would then provide investment certainty and policy certainty for a whole range of other players across the country. We would then be able to roll out sector by sector a whole series of mechanisms designed to get us on to and ultimately achieve that trajectory. One of the benefits of that is that we would not see the sorts of problems we have seen with this program and with the insulation program.

We are now hearing about solar panel installation and about the debacle of the green loans assessors. We see perverse incentives for blue gum plantations and now carbon plantations. We hear about a whole series of industry sectors that are being bucked, twisted and turned around as different government programs come in and are withdrawn when they go wrong. The thing about long-term policy certainty is that firms, workers and training authorities can catch up and start to meet some of the demand. The question of the skills needed and the add-on training needed to deliver some of those programs is a major impediment in itself. If you really want to roll out programs such as the ones I just mentioned, to achieve the sorts of objectives I have been talking about, you are talking about really high rates of rollout.

Renewable energy is a very small part of our electricity supply at the moment. Therefore the levels of compound growth required to get to where we need to be could be of the order of 10 per cent or 20 per cent per annum, compounding for decades. That means

20 per cent more solar panels, 20 per cent more silicon going into those panels, 20 per cent more solar factories and 20 per cent more trained solar installers every year, compounding for decades. That would represent some of the highest rates of economic growth or economic change that we have ever seen, certainly that we have ever seen under a free market system. Perhaps when they mobilised economic resources around World War II through a command-and-control mechanism they might have been able to move resources in the economy a little bit faster than in a free market, although actually not very much faster. Can anyone name another product out there that has grown at that rate of growth over a decade? Maybe mobile phones have.

We have experienced disastrous results, such as with the insulation rollout, because there is no policy certainty about this and because everything the government comes up with — and I am talking about state and federal governments — is always a pilot program, an ad hoc program or a hurry-up-and-wait program, where people are told, 'Here is all the money; quick, spend it. Sorry, no, it has got to come back now'. There simply are not enough skilled people to roll it out in the time the government wants, once it makes that decision.

As I said at the beginning, the Greens have always supported the idea of interval meters, and we have always seen the potential they have to save households money — here it is costing them without delivering the benefits — and the need there would then be for upskilling the workforce, particularly in the electronics area, and creating new jobs as we do that. This is rapidly becoming a policy debacle. It is unfortunate we have got to the point of entertaining a motion that considers a freeze of the rollout which, as I said, the Greens have supported for a long time. Reluctantly, with the sorts of failures we now see coming down the line and the lack of transparency in the way this rollout has occurred, we are supporting the motion. It may be that a cost-benefit analysis has been done. The Auditor-General was sharply critical of the one he has seen, but the cost-benefit analysis should be released so we can go back to rebuilding some policy support for smart meters as a component of all those other energy-based measures I have referred to.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to support the excellent motion Mr Vogels has moved, and I endorse the comments he made about the impact this rollout has had on farmers in particular. I noted the comments from Ms Pulford, who said basically that you should not be charged more than once even if you have multiple connections, and that is

all there is. She said people should talk to their retailer or supplier, or someone else. She said it was not the government's problem.

In his contribution Mr Vogels provided evidence on some real incidents, and there has been correspondence about that in the *Weekly Times*.

16:55 It is not good enough for the government to come in and say, 'It is someone else's problem'. The fact is farmers out there are being charged on multiple occasions and it should not be up to them to sort out the governments' mistakes and failures. Again, as a member for Eastern Victoria Region, I have constituents who are in the same position as those of Mr Vogels, and I echo the comments made by Mr Vogels.

The issue of the smart meters has been a debacle. It was interesting listening to Mr Barber. From his comments it appears that all the political parties, save for Mr Kavanagh who has not spoken in this debate, have declared their support for the concept of smart meters. As Ms Pulford said, the opposition has supported smart meters for some time, but there is a great difference between supporting the idea and rollout of the program and then supporting a disastrous, ad hoc process that has led to enormous cost blow-outs and inefficiencies. Sadly, yet again we are in this chamber reflecting on a huge waste of Victorian taxpayers money.

I have said in this chamber before that the last decade has been a golden opportunity for Victoria and Australia to save for the future and the time when the baby boomer generation retires, to set up the infrastructure to cope with a diminishing workforce — at least as a proportion of the population — and to avoid the sorts of issues countries in Europe now face as a result of demographic change, the failure to save and the failure to invest in infrastructure for the future. Whilst our issues in Victoria and Australia are nowhere near the challenges facing Greece, Italy or Spain, the same general principle can be applied. The Howard federal government paid back Labor's debt, saved money, squirreled it away for the proverbial rainy day — that rainy day being when the demographic changes in our population kicked in and were a drain on our economy. But the Prime Minister, Kevin Rudd, has come along and spent the whole lot.

Labor in Victoria has seen an enormous growth in revenue. But what has it done? We have seen escalating debt and ballooning spending, as Mr Rich-Phillips so eloquently outlined last night in his brief speech for the opposition in reply to the budget. What have we left? We have a situation where Kevin Rudd is running

around trying to tax the miners to pay for recurring expenditure rather than having the situation of a country like Norway which has money squirreled away for future generations that will pay for changing service needs as a result of demographic change.

I give that background merely to provide context to this debate about smart meters. The failure of smart meters is yet one more item in a long list of failures and costly blow-outs by this government when it comes to managing infrastructure development, saving money to pay for the retirement of the baby boomer generation, treating taxpayers money with respect and trying to derive a dividend, a return and a good use and purpose for hard-earned taxpayers dollars.

Sadly, as the Auditor-General described in his report of November 2009, this smart meter rollout has been an absolute disaster. In the foreword of the report, on page viii under the heading 'Overall conclusions', he states:

The ... project has not used the checks and balances that would ordinarily apply to a major investment directly funded by the state. This highlights a gap in the project's accountability framework.

There have been significant inadequacies in the advice and recommendations ... on the rollout of the ... project. The advice and supporting analysis lacked depth and presented an incomplete picture ...

The report goes on on page ix to look at the economic merits of the project. It states:

The cost-benefit study ... was flawed and failed to offer a comprehensive view of the economic case for the project. There are significant unexplained discrepancies between the industry's economic estimates and the studies done in Victoria and at the national level.

The Auditor-General went on to describe the cost that consumers will pay. As described in the motion moved by Mr Vogels, consumers will pay for this enormous mess and waste of taxpayers money. Those with limited means will particularly bear the brunt of these cost blow-outs. Those with resources will not feel the pain to the same degree. Sarah-Jane Collins wrote in an article in the *Age* of 19 May 2010 that:

... the Victorian Council of Social Services and St Vincent de Paul —

and others —

have warned the meters will result in steeper power bills, with pensioners and the poor the worst affected.

What I find amazing though is that Ms Pulford came in here and said, 'There has been no cost blow-out. There are no concerns'. She said, 'There is no blow-out in

costs for this project'. I suggest to Ms Pulford that she go back and look at the original cost for the project and look at the minister's evidence to the Public Accounts and Estimates Committee. It is clear that at the very minimum, even by Mr Batchelor's own admission at PAEC, there has been a \$500 million blow-out. But as Mr Vogels states in his motion, the Auditor-General found that the cost has blown out from \$800 million to around \$2.25 billion. This is a very sorry story.

17:02 It is with reluctance that I personally endorse paragraph 4 of the motion that calls for this rollout to be frozen, because the opposition has supported the concept of better metering and more efficient use of energy for the benefit of the environment and the benefit of the consumer. This smart meter rollout has inflicted on consumers additional costs which disproportionately affect pensioners and those on low incomes whilst they are still waiting for the technology to deliver.

It is time that we took stock of what has gone on and considered how we can fix the problems. Until we know where we are, paragraph 4 of Mr Vogels's motion that calls on the Brumby government to immediately freeze the rollout of the smart meter program until a full and independent cost-benefit analysis can be undertaken to ensure that consumers will not be worse off as a result needs to be endorsed.

I am pleased to learn that the Greens will support the motion, even if, as often is the case, we are coming from these issues from a different perspective. We can all agree that, notwithstanding the good idea, this has been yet another disaster from an old, tired, out-of-touch and arrogant government that no longer deserves the benefit of the confidence of the people of Victoria.

As I said, put into the broader context of the blow-outs associated with myki, the upgrade of the Monash Freeway, the West Gate Bridge project and a range of others, over the last decade this government has compromised the next generation's capacity to pay for the retirement and health-care requirements of the baby boomers and others. It is an indictment of this government, and it is an issue that will have to be picked up by the next coalition government. I support the motion.

Mrs PEULICH (South Eastern Metropolitan) — I rise to join in supporting the motion brought forward to the chamber by Mr Vogels. He moved:

That this house —

- (1) notes the Brumby government's gross mismanagement of the smart meters project, and in particular —
 - (a) the Auditor-General's finding that the project cost has blown out from \$800 million to around \$2.25 billion, all of which will be paid for by electricity consumers in higher bills;

I just note that the current value of EastLink is \$1.89 billion, so that is certainly huge. The government could have purchased EastLink with the blow-out —

- (b) the Auditor-General's finding that, as a result of the government's poor judgement, the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

that is quite clearly the case, given the plans that have been exposed and the costs that have been imposed upon consumers. In particular, it is obviously of concern to those who are on fixed and low incomes —

- (c) the harsh impact on farmers and others who are forced to pay multiple smart meter charges where a property has more than one meter, even where a meter may be used for only a few days a year;

Mr Vogels spoke about that at some length, and I certainly endorse his comments —

- (d) the unfairness felt by many consumers and small businesses at having to pay for smart meters before they are installed and functional; and

that just makes it highway robbery —

- (e) the impact of the government's smart meter cost blow-out falling disproportionately on lower income households, families with young children, pensioners and others with limited discretion over energy use;
- (2) condemns the Brumby government for its failure to safeguard the interests of consumers in the design and implementation of the smart meter program;
- (3) condemns the Brumby government for misleading Victorians over the true cost and functionality of its smart meters; and
- (4) calls on the Brumby government to immediately freeze the rollout of the smart meter program until a full and independent cost-benefit analysis can be undertaken to ensure that consumers will not be worse off as a result.

In supporting that motion I would like to say that Australians have always been very keen in taking up new technology. The reason is that we live on a very large island and are often isolated, as we are distant from and do not share borders with other countries. The prosperity of Australia has depended largely on a very high uptake of technology, especially where technology allows us to be more effective and efficient in what we do. Clearly smart meters — as currently being installed

by the current Brumby Labor government — are dumb meters, because they are offering neither improved effectiveness nor efficiency.

We heard Mr Barber talk about the big picture. He contested the policy assumptions of competition in support of a more collectivist nationalised approach. Collectivism and nationalisation — government control over everything that moves — has been discredited, largely by the fall of communism and other authoritarian regimes. In this globalised world we cannot exist in a bubble. Whilst it is feelgood, misty-eyed, romantic left-wing ideology, it gave a surprise view into the heart of Mr Barber, who is ordinarily a very logical thinker with a mind like a steel trap. That was an interesting little exposé into the heart and mind of a member of the Greens.

Ms Jaala Pulford said that this motion is really more about pre-election cynicism. It is certainly not pre-election cynicism; it is just plain old cynicism about Labor's capacity to manage anything. To show that it is not just about pre-election cynicism, I remind everyone in the chamber about what is obviously the biggest debacle to date in Victoria — that is, the implementation of myki, yet another failed implementation of a new technology, and the failed very fast train project, which blew out from \$80 million to close to \$1 billion. Both of those projects involve the mismanagement of the public transport system and have some links to Peter Batchelor, who is currently the Minister for Energy and Resources and is responsible for the implementation and rollout of smart meters to Victorians.

17:10 Without reflecting on the minister, let me say that many people do not really call him Mr Batchelor but rather 'Mr Botchelor' because of the track record he has demonstrated in his appalling implementation of major projects in the state of Victoria which have cost Victorians an arm and a leg — a lot of money down the gurgler. That money could have paid for schools, hospitals, more police or more infrastructure, but it has gone down the gurgler through sheer plain old Labor Party incompetence and lack of accountability.

The list continues. Labor's bushfire mismanagement, headed by the Premier, the Minister for Police and Emergency Services and the then Chief Commissioner of Police, Christine Nixon, was an absolute debacle. This is not just about pre-election cynicism, as Ms Pulford suggests; it is about Labor incompetence, Labor arrogance and failed Labor policies.

It is not just the state Labor government, either — incompetence is vertically integrated across all levels of

government where the Labor Party is involved. One has only to look at the federal Minister for Environment Protection, Heritage and the Arts, Peter Garrett, and his implementation of the pink batts regime to see the vertical incompetence, What an absolute farce; what a debacle! A great deal of money has been wasted in the implementation of this program and now much more has been wasted in cleaning it up. It is still an issue because while a single roof remains uninspected and there is the possibility of a fire occurring which could threaten life or property, it continues to be a very serious problem for Victorians and all Australians. That man should not be on the front bench, and every time I see him on the front bench I want to throw my slippers at him.

The desalination plant project demonstrates the ongoing mismanagement of water in this state. This is not just re-election cynicism, this is a guilty plea from the Labor government. The BER (Building the Education Revolution) is another case of vertical integration — federal Labor, state Labor, local government Labor — all incompetent when it comes to the administration of public funds; all lacking accountability and transparency when it comes to making decisions as public officials. The BER has seen millions of dollars wasted, 30 per cent skimmed off by members of the state Labor regime, probably so it could pork-barrel and on election days put banners on school fences saying, 'We are doing this'. What they are doing is stonewalling — and we have seen it done repeatedly in the chamber by the Treasurer. The Minister for Education has not been prepared to answer for and audit the BER program, which itself also continues to see so much money wasted.

The Minister for Planning is here in this chamber, and his portfolio is yet another area of absolute debacle. There is no doubt whatsoever that planning in the state of Victoria is a mess and that unfortunately the current minister has continued on the failure of his predecessors. Another example is the social housing debacle, and all of these debacles should amply illustrate to Ms Pulford that this is not just pre-election cynicism; this is a very long list of Labor failures and confirmation that she and her government do not deserve to be re-elected in November.

Ms Pulford defended the concept and said that it was reasonable that we have these meters that provide information remotely at 30-minute intervals. The only problem is that to provide information to customers will require another console that will need to be —

Mrs Petrovich — How much is that going to cost?

Mrs PEULICH — I am not sure exactly how much that will cost, but I would imagine that consumers and householders will have to pay, so this is probably only half the bill. I doubt very much whether they know this. It is another Batchelor botch-up, and I think Michael O'Brien, the shadow minister for Energy and Resources in the other place, has been onto the minister from day one, especially since the release of the Auditor-General's report on 11 November.

The 2009 report is a damning report which examined the advanced metering infrastructure, or AMI project, and the Auditor-General found that:

project governance has not been appropriate;
there is no risk management strategy for AMI;

Had we not seen that? Thirdly:

the merits of the economic case for the project are quite uncertain;

Certainly Victorian consumers now understand that:

the completion date has already been delayed by a year;

That was then, in 2009:

if the emerging risks delay the installation of smart meters it is likely that consumers will face further cost increases and gain fewer benefits;

it is ... possible that there will be an inequitable ... transfer of economic benefits from consumers to industry;

That is precisely the point that Mr Vogels is making; and lastly:

the estimated installation cost — to be paid for by consumers — has blown out from \$800 million to \$2.25 billion.

All of which is, of course, Victorian taxpayer money.

The smart meters are the myki of metering, and of course Peter Batchelor and the Labor Party are bringing this incompetence to every home in Victoria. There should be no doubt about who is responsible and why. It is a fiasco that continues the pain of blow-outs, long delays, costs and more pain for long-suffering Victorian families.

Victorian families could see, as a result of being able to identify the leap in cost of peak usage of electricity, that electricity bills would continue to increase, and as was said earlier, the most vulnerable are those who can least afford it. Peak time is when it is either really hot or really cold, when people need cooling or heating, yet in order to save money you need to be able to turn the electricity off at these peak times. Clearly the scheme

will only work in favour of the rich and powerful, and this Labor government does not give a continental about ordinary working families — families with children, struggling small businesses and the like.

Pensioners on fixed incomes will be the ones feeling the pain, and what options will they have? They will probably go to their local shopping centres and spend the day in the food mall or, worse still, they will go to their local pokie venue; and I bet my bottom dollar that this is the secret plan for increasing revenue from the pokies. That is what you will get — people who are either hot or cold, who cannot afford to put either their heater or their air conditioning on, and they will go to another public venue where the climate is being controlled. That will be the effect of this measure.

The Minister for Energy and Resources and the Premier must explain to Victorian families why they have left the bill for yet another Labor monumental stuff-up for Victorians to pay. Victorian families do not deserve this debacle. The *Herald Sun* reported that distributor SP AusNet is seeking to increase peak summer rates from 8 cents per kilowatt hour to 42 cents per kilowatt hour, and these new prices are proposed to apply from 2011 to customers with these so-called smart meters, now being known as dumb meters.

The Brumby government claims the smart meters will save consumers money. I cannot see how, and no-one outside this government can. So why will consumers with smart meters pay such a staggering increase in peak electricity bills? The motive is clear: Labor wants families to reduce their energy use during peak periods; but Victorians cannot be expected to turn their fridges off for a few hours a day, in the middle of summer, just because it suits the government or because it is a way of saving on their electricity bill.

In November 2009 the Auditor-General found that the cost of the project had blown out and it had been delayed, and as I mentioned before, because it does not reflect the cost of installation of consoles, who knows what sort of bill we are looking at?

The Victorian coalition is demanding that the Premier immediately freeze the rollout of the smart meters, which has blown out and has been plagued by delays, poor functionality and poor risk management. In addition to the 17 per cent increase in electricity charges imposed by the Brumby government there is the proposed 20 per cent increase in electricity charges proposed by the Rudd government as a result of the now failed emission trading scheme, which would have seen the government even more exposed, and who knows what the impact of the mining tax will be? If the

proposal goes through unamended, the coal coming out of the Latrobe Valley will feed into much higher electricity prices for Victorians and we will be looking at even higher electricity prices not just for mums and dads but also for business and industry and for all those flow-on businesses that depend on the mining sector.

17:20 This is not just about stinging the rich; this is about making policy on the run and without thinking through the effects on those who can least afford it and who are vulnerable.

The aftermath of the installation of smart meters will also be of concern to the local community because of those proposed increases in tariffs during peak periods. As I said before, the rollout has been a bungled project — yet another one in a very long list of John Brumby and Peter Batchelor-bungled projects — typified by waste and mismanagement which costs Victorian families and small businesses every day. These projects continue to send a strong message to the community about how out of touch this state government really is.

The point to be made here is that each and every local Labor member of Parliament is rubber-stamping and endorsing and is a silent witness to this bungling and mismanagement. For each and every Labor member of Parliament, whether it is members in the other place such as the member for Mordialloc, Janice Munt; the member for Mount Waverley, Maxine Morand; the member for Frankston, Alistair Harkness; Jenny Lindell, the Speaker and member for Carrum; or the MPs representing the Casey region, their silence bears witness to their endorsement. That includes Gavin Jennings and of course Justin Madden in the new seat he is going to ask voters to vote for him.

Labor members have got to understand that they are silently witnessing and agreeing to all of these policies which have hurt Victorians, that they are actually supporting smart meters and supporting increasing the cost of electricity to Victorian families, businesses and households. With those few words, I would like to commend Mr Vogels for bringing this motion forward. I am very pleased to hear that the Greens will be supporting it as well.

Mr KAVANAGH (Western Victoria) — I have received a lot of complaints from people about the installation of smart meters. The newspapers and other media do not seem to have picked up on it very much but there is a lot of anger out there about the way that smart meters are being installed and forced on people. Indeed if the government's position is that installing a smart meter will save you money, then surely there is

no need to make it compulsory anyway. If there is a financial incentive, people will do it voluntarily. I think it should be made voluntary to install a smart meter; we should cease forcing them on people.

A couple of weeks ago there was a segment on talkback radio about the smart meters. It was surprising how many people rang up with a similar story: that they got home from work or — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Finn) — Order! I ask the small gathering to my right to desist in their conversation as we are having a little bit of trouble hearing Mr Kavanagh at the minute.

Mr KAVANAGH — Several people rang up with the same story: that they got home and found a note on their door saying that the electricity to the house had been cut off in order to facilitate the installation of a smart meter, for some reason the installer could not turn the electricity back on and therefore they had to go and ring up an electrician. For some people it was about half a day before they could get an electrician there to turn the power to their homes back on. That is an enormous inconvenience and affront to people, obviously.

The costs are very high. I have had a lot of people angrily telling me how expensive smart meters are and how they are stuck with these big bills to pay off meters that they did not want in the first place. I think there is a lot of merit in the motion itself. However, it does include a word that I have never liked much in this house in that it 'condemns' the government. Perhaps it is my own psychological glitch — —

Mrs Peulich — You're a nice guy.

Mr KAVANAGH — It is just not a word that I like very much in political terms. I will have to give it some thought before I decide how to vote on the motion.

Mr VOGELS (Western Victoria) — It was interesting to listen to the debate on this motion. I still find it amazing that when smart meters, or interval meters, were first talked about seven, eight or nine years ago, as quite a few speakers have mentioned, they were basically supported by everybody in this house. Everybody thought they were a good idea. It has taken the mismanagement of this Labor government for us to find that at this stage the punters out there are not happy. As Mr Kavanagh said, if the smart meters were so smart and were going to save you money, people would be saying, 'I want one, I definitely want one', but they are not. They do not want one at all.

Once again we see the cost blow-out from \$800 million to \$2.25 billion — that is just unbelievable. I will not be here, but I bet my bottom dollar that when the coalition wins the election in November 2010 and goes through the books the \$2.25 billion will probably be \$3 billion if not more. I find it amazing how we roll billions off our tongues now and they just seem like everyday dollars. Once upon a time \$1 billion was an unbelievable amount of money; now we lose a billion here and a billion there and it does not seem to matter.

Ms Pulford claims that farmers or businesses will not have to pay for more than one meter. I beg to differ. We have talked to the retailers down our end of the world and they have said every meter on your property will have to be replaced and each of the new ones will cost you whatever the going rate is at the time. My prediction, as I said, is \$2.25 billion divided by 2.4 million meters, which equals \$900 or close to \$1000 a meter.

That is probably all I need to say. I hope that the house supports the motion.

House divided on motion:

Ayes, 21

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

Noes, 19

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

Motion agreed to.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL

17:27

Second reading

Debate resumed from 8 June; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr TEE (Eastern Metropolitan) — Last night I was talking about the differences between judicial registrars and judicial officers. I suppose there are three key differences. They are important because the underlying assumption in the amendments circulated by Mr Gordon Rich-Phillips is that judicial registrars are judges — that is, they are judicial officers — and therefore they should have unlimited tenure.

In summary, the three differences between judicial registrars and judicial officers are: firstly, judicial registrars are not independent but are supervised by judges; secondly, the work they do is of a routine, mechanical nature; and thirdly, and perhaps most importantly, their decisions are of an interim rather than a final nature — that is, their decisions cannot be binding, lawful or enforced unless all parties agree to them.

That last difference is a fundamental distinction between a decision of a judicial registrar and that of a judge. It means that if any party in any way or for any reason objects to a decision of a judicial registrar, that decision will then be set aside. Not only that but the decision can be set aside by either party, or any of the parties if there are more than two, and it can also be set aside by the judge who is overseeing the work of the judicial registrar. That is an important distinction. Essentially it confirms that the procedural nature of the work of the judicial registrar is such that on most occasions the parties will be quite happy to accept a decision to adjourn a matter or a decision on the date for the listing of a matter or a decision on the date for the filing of documents.

17:35

In the ordinary course of events, the decisions made by a judicial registrar will not be contentious or difficult but they would otherwise take up the time of our judicial officers. The courts have asked for reform as they see it as an opportunity to free judges from the work which non-judicial officers can do. It is clear that judicial registrars are not to be treated in the same way as judges.

The other point is that it is not as if a decision of a judicial registrar can be reviewed or appealed. If the parties or the judge seek to set aside a decision, it will

be set aside and the judge will then come to a fresh determination at a hearing de novo, seen through fresh eyes. The judge will step in and make the decision as if the judicial registrar had not made the decision. In some senses, the judicial registrar will make decisions more akin to recommendations which the parties may or may not accept. For those reasons it is a different role from that of a judge.

The tenure of a judicial registrar has been limited to five years. That has been done deliberately and it is about flexibility. The work that we anticipate judicial registrars will do may change over time. For example, the model that has been proposed will allow the Chief Justice of the Supreme Court to identify the need for a judicial registrar to perform a particular function. She will then need to provide guidelines to fulfil that need; she will effectively provide a job description. That is the role of the chief justice: to identify and describe that need, provide guidelines and then recommend individuals who can meet that need. There is a role for government because ultimately it is a funding issue; if nothing else, the government is the funding provider. We cannot have the number of judicial registrars multiplying without government control. In the same way, the government currently makes decisions about increasing the number of judges.

The tenure of a judicial registrar is limited to five years also to address the fact that we know that the needs of courts change. The use of technology, particularly computer technology, might mean that the position becomes redundant. The emphasis in the courts today is to move towards the use of more technology. In Victoria there are 16 different registries, so there are 16 different places where documents can be physically filed. There is a large amount of paperwork, and the courts are looking at ways of addressing that by electronically filing or moving documentation. Members can envisage a situation where the directions hearing role of today will be subsumed by an electronic process. It is envisaged also that the role will be to pick up a spike or a backlog. It is about trying to unclog the work. There might be other roles, but it is envisaged that that role will be undertaken on a short-term basis.

A number of reviews will be conducted. A civil procedure review is currently under way. Once that review is completed and its implementation takes place there may be an initial spike in the work in that there may be changes which generate the type of work that would be appropriate for a judicial registrar to pick up.

This is a court-driven change which protects and enhances the role of judges because it will free them to do the important work of judging. They can be in court

to determine the rights of individuals. It will free them from the trap of determining the paper trail. It is a change, but it not a dramatic one. It reflects models which are in place. We have judicial registrars in the Magistrates Court, the Family Court of Australia and the Federal Court, and they are all engaged for five years.

I passionately support the independence of judges. It is fundamental and a cornerstone of our democracy. It is also clear that this proposal does not infringe on that important separation of powers. On the contrary, it will ensure that the important work which judges do in our community to uphold the law and protect individuals becomes the focus of judges.

The other issue I want to briefly refer to is the question that has been raised in the Assembly and also by Mr Rich-Phillips — that is, whether judicial registrars will be able to set terms of imprisonment for individuals. The answer to that is clear. In the past judges have not delegated that power to associate judges, and I am confident that they will not attempt to delegate it to judicial registrars. It is also clear that they cannot do so because the Victorian charter of human rights provides that each individual is entitled to a fair hearing and to liberty. It is clear that that would be breached.

The Scrutiny of Acts and Regulations Committee raised the issue, and I understand the Attorney-General has responded to it. It is also worth remembering that the role of the judicial registrar is such that, even if it were to occur — which is cannot — it is worth remembering that in that hypothetical situation the parties would have to consent to the outcomes. The parties would have to agree to that outcome before it could have any impact or any force. It is simply not consistent with the model.

A number of other changes were identified and picked up in the bill. They go to ensuring that an acting coroner is paid the same salary and allowances as a magistrate, which preserves the status quo. There are some amendments to transitional provisions for judicial pensions for County Court judges so that a person who is an associate judge and is subsequently appointed to the Supreme Court will be treated the same way as a person who was the judge of another court and was subsequently appointed as a judge of the County Court.

17:45

I support the bill. It fits into the current regime in which there are judges. We have associate judges who do some of the lesser judging work and who are treated, for all intents and purposes, as being judges. With the passing of this bill there will be judicial registrars whose role will be to make sure that the process of our

courts proceeds more smoothly. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — I am happy to make some brief remarks on the Courts Legislation Miscellaneous Amendments Bill 2010. There are three main provisions in this bill. The first, under clause 3, amends section 14 of the County Court Act to allow associate judges of the Supreme and County courts who have been appointed as judges of the County Court to have the same entitlement to pensions as judges.

In clauses 4, 5 and 6 the bill amends the Coroners Act so that acting coroners will be paid the same salary and allowances as magistrates. Clause 6 also makes some technical amendments to the principal act. The main provision that has been discussed by other speakers is the creation of the new position of judicial registrar in the Supreme, County, Children's and Coroners courts.

Mr Rich-Phillips outlined in his contribution — and it is an issue about which we had some concerns — the rationale behind the creation of judicial registrars, what they would do and what powers they would have. There has been some discussion, prior to the bill coming to the chamber for debate, about those issues.

In the contribution he has just made Mr Tee outlined the three key differences the government sees as reasons one would not see a judicial registrar as being equal to a judge or associate judge. I will not repeat those reasons because they have just been outlined by Mr Tee, but they are important distinctions. If that is the regime being set up by the bill, then we are reassured by that, particularly by the ability for any party who is the subject of a recommendation or interim decision by a judicial registrar to disagree with it for whatever reason and then the decision would not stand.

I understand that the courts to which these judicial registrars will be appointed at some stage, are supportive of the appointments and wish to see judicial registrars appointed to help with the caseload in the courts. I could not let the opportunity go by without saying that if members look at budget paper 3 — it is nice to return to the budget papers — it tells us that there will be:

... \$103 million over four years ... for further prison extensions for both the men's and women's corrections systems. These extensions are required to respond to Victoria's growing prison population, in line with general population trends and the government's focus on law and order.

I have raised concerns about this focus on law and order and increasing penalties, which obviously

requires more prisons to cater for a growing prison population. It was with concern that during the budget estimates hearings I raised the fact that the number of women prisoners has escalated over the past year with no particular explanation being given by the government as to why that might be the case. The number has basically doubled, and nobody can give a reason for that, but obviously more women are being sentenced to custodial sentences. It is difficult to understand why there would be such an exponential growth in the female prison population in one year. I am waiting for a response from the minister and the Department of Justice as to why that has occurred.

While more people are receiving custodial sentences, we should start from the principle of keeping people out of jail unless there is a very good reason to send them there. All I can extrapolate from that is that this increase must be creating chaos in the courts so we need to have more judicial officers and the idea of judicial registrars has been raised as a way to deal with what Mr Tee has called perhaps lower level judicial functions to free up the judges to handle higher level judicial functions.

That is a concern, but I accept that the courts themselves are in favour and supportive of the idea of judicial registrars. I take the point that this has been trialled in the Magistrates Court and the trial took place over two years. We are told in the second-reading speech that it has been very successful and there has been an evaluation, but as usual the evaluation is mysteriously not publicly available.

I have asked the department for the evaluation, but so far it has not appeared. We are told that something is going well and there has been an evaluation and that is why it has been extended throughout the other courts. We should understand that the Magistrates Court is a different court from the Supreme, County, Children's and Coroners courts; it is a different kettle of fish. If a successful judicial registrars program has been run, has been evaluated and is being extended by this bill, then that evaluation should be available for members of Parliament to see before we are presented with the bill.

The Greens are always having to raise these issues with government members in terms of their rationale and transparency. Members of Parliament should be provided with the full range of information on which to base their decisions. We should not have to scurry around and find out the rationale for things being done in a certain way, as Mr Rich-Phillips and I have had to do.

Mr Rich-Phillips and the Greens are concerned about the delegation of powers. The bill provides that judges

of the Supreme Court have the power to delegate anything to the judicial registrar, because there is nothing in the bill precluding that from happening; whereas there is provision in the bill to preclude that from happening in the County, Children's and Coroners courts. It is a puzzle why that is not specifically provided for in the bill.

During his contribution Mr Tee referred briefly to some discussions we had with the department at which it was indicated that it would be inconceivable to delegate the power to imprison. But because the bill allows the Chief Justice of the Supreme Court to delegate any power; there is no limitation. We are being asked to accept that because the Supreme Court is the highest court in Victoria it would be inconceivable for the Supreme Court to delegate that particular power — the power of imprisonment; we are being advised that because it would be against the charter it just would not happen. I still remain concerned. This issue needs to be revisited in some detail during the committee stage to make sure that that is clear. The fact that it is not clear in the bill concerns me and others.

One aspect of clause 24 of the bill has come to my attention, and perhaps it could be discussed during the committee stage. I refer to proposed section 113J(6), which provides that the chief justice needs to recommend that a judicial registrar be dismissed following an investigation of the registrar, and that natural justice would apply. All those things sound good. The only question I want answered is: how does the investigator decide when the issues that go to incapacity or misbehaviour are proven? How does the investigator decide? What standard of proof would apply? How does the investigator arrive at the recommendations that they would make to the chief justice? Those matters would have to be clarified because we are talking about an investigation of a judicial registrar.

I do have some concerns about the five-year period of tenure that judicial registrars would have under this bill, and I have raised that matter with the government. I have discussed the matter with Mr Rich-Phillips on behalf of the opposition parties. I did have some sympathy for Mr Rich-Phillips's amendments to give the judicial registrars full tenure. However, I am also sympathetic to the argument that the judicial registrars who already exist in the Federal Court and the Family Court — and now in the Magistrates Court, after the trial — will also have five-year contracts. I suppose the precedent has already been set for that particular way of employing judicial registrars.

Given what we have already said about the function of judicial registrars not being the same as judges or associate judges, and that they do not have the same level of independence that judges or associate judges have, I am reasonably satisfied that that five-year tenure is appropriate for judicial registrars. I will ask some questions about that during the committee stage because I, too, am very concerned that judges, associate judges and people who are making very important sentencing decisions about criminal matters are completely independent.

Those are my concerns about the bill. Most of them have been partly addressed, but we need to go into them in some detail during the committee stage. They were generally answered by Mr Tee during his contribution, but they were not addressed to the level of detail which I think is required in this important matter.

Mr SCHEFFER (Eastern Victoria) — I am pleased to support the Courts Legislation Miscellaneous Amendments Bill. This bill amends five acts — the County Court Act, the Constitution Act, the Supreme Court Act, the Children, Youth and Families Act and the Coroners Act — so as to adjust pension entitlements, the role of acting coroners and to establish the position of a judicial registrar in the Supreme, County, Children's and Coroners courts.

Legislation of this type was foreshadowed in the government's justice statement 2, and the objective is to modernise the court system in Victoria as part of the government's commitment to judicial independence and to the delivery of fair and accessible justice. In 2005 the Parliament, through the Magistrates Court (Judicial Registrar and Court Rules) Act, created the first office of judicial registrar in the Magistrates Court. I understand that this is now working successfully and is ready to be used as a model for the creation of a framework for the other courts, even though there will be a need for some modifications to reflect the individual circumstances and situation of each court.

The introduction of judicial registrars in the Magistrates Court has been successful in assisting the court to more effectively and efficiently manage its workload, and it is timely that these learnings be made available and extended to the other courts. As is the case in the Magistrates Court, judicial registrars will not be judicial officers but they may be delegated specific judicial functions under the court rules. They will be appointed for a period of up to five years by the Governor in Council upon the recommendation of the Attorney-General by the relevant head of the jurisdiction — that is, the chief justice, the chief judge,

the president of the Children's Court and the state coroner.

The Law Reform Committee's inquiry into alternative dispute resolution found that, according to the Productivity Commission, Victoria's civil court system costs about \$95 million per annum and that ways need to be found to reduce that expenditure while maintaining the integrity of the justice system. Alternative dispute resolution is one way of doing this, and the creation of judicial registrars in courts is another.

18:02 According to the Magistrates Court of Victoria 2008–09 annual report there are currently:

... five judicial registrars who hear a range of matters that do not concern questions in relation to a defendant's liberty. Work that has been delegated to a judicial registrar in the criminal jurisdiction includes (but not limited to):

- infringement applications
- licence restoration applications
- certain council prosecutions,
- certain traffic prosecutions
- Department of Infrastructure (DOI) prosecutions
- returns of property seized under warrant.

The initiative has been successful in that it has been cost-effective and efficient and has helped the Magistrates Court to better manage its workload.

Judicial registrars perform high-volume judicial work of a relatively straightforward nature that enables a degree of specialisation. This in turn facilitates increased consistency in decision-making. As well as this sitting days for magistrates have been saved, and this allows them to attend to more complex matters that they are better fitted to undertake.

When the Magistrates' Court (Judicial Registrars and Court Rules) Act was passed in 2005, the opposition expressed reservations about the creation of judicial registrars due to the potential for registrars to suffer duress because they are on limited contracts and because the Attorney-General could remove them from their position. In other words, the opposition felt that the arrangements would expose judicial registrars to undue pressure to deliver outcomes that the government, for example, would approve of. The government's view at that time was, and now is, that the Victorian model is constitutional. That view is based on a decision of the High Court, which had considered the matter in the context of a case that had been brought before it.

Basically the position is that judicial functions can be delegated provided that the delegation is limited so that judges and not judicial registrars constitute the court. Decisions made by a judicial registrar are subject to review or appeal by a judicial officer of the court, and the court will always have a supervisory role over decisions made by judicial registrars. This acts as a protection against judicial registrars making determinations that are not based on the merits of the matters under consideration.

I believe the opposition remains concerned that the present bill is a move that threatens to compromise the independence of the court system. In his statement on the compatibility of this bill with the Charter of Human Rights the Attorney-General restated the view that was put in the 2005 debate on the Magistrates' Court (Judicial Registrars and Court Rules) Act that the High Court's ruling on *Harris v. Caladine* in 1991, the case I referred to previously, indicated that the right to a fair hearing under a delegation to the judicial registrar is protected because the decision of the registrar is oversighted by a judicial officer and is reviewable by a court.

The bill before us seeks to ensure the independence and integrity of the judicial decision-making process by ensuring the basic independence of the individuals holding the position of judicial registrar. Judicial registrars are not subject to the direction of any person, including judicial officers, in exercising their decision-making powers. They are not public servants and they are not subject to the direction or control of more senior public service officers. Judicial registrars are appointed by the Governor in Council for a maximum of five years at a time, as I said earlier. During their term of tenure they can, I understand, only be removed for misconduct or misbehaviour, and they will have the same immunities in civil and criminal matters as judges and magistrates.

As I have suggested, the question of the independence of judicial registrars has been raised in the debate about the creation of their office, and the government is clear that all these issues are accommodated in this legislation. As I said, judicial independence is safeguarded by the judiciary, and that is why the High Court supported that provision in the bill. Judicial registrars will generally exercise functions under the courts, and to emphasise a point that has already been made litigants will be able to have a matter they have brought before a judicial registrar reconsidered. All of those safeguards provide the protections I have indicated.

We need to be clear about the role of judicial registrars under this bill. This legislation responds to the concerns of the opposition, and I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I also rise to support the Courts Legislation Miscellaneous Amendments Bill. The amendments contained in the bill for the most part seek to modernise the current system of judicial administration and to correct salary anomalies and judicial superannuation pension entitlements that occurred unwittingly through the introduction of the Coroners Act 2008 and subsequent amendments to the County Court Act 1958.

The first amendment is consistent with amendments made in 2008 by the Courts Legislation (Juries and Other Matters) Act 2008, and preserves superannuation entitlements for lower court judges in the event they are appointed to a higher court.

The second amendment to the bill is to ensure that from 1 November 2009 acting coroners are paid the same salary and allowances as magistrates. It seems that previously appointed short-term or acting coroners who are later confirmed in a set-term appointment are disadvantaged financially by having their allowances lowered upon confirmation. Clearly, this is an unacceptable and unintended consequence of previous laws clashing with the new. The operation of this amendment will be retrospective and will apply to any appointments of acting coroners that occur on or after 1 November 2009.

The efficiency of our courts system has also been improved immeasurably by the establishment of the position of associate judge, formerly known as master of the Supreme Court. Waiting lists have been effectively tackled in an attempt to streamline the day-to-day operations of our judicial system and to ensure a swifter justice outcome for all litigants. However, in doing so, judges and associate judges, members of the Supreme, County and Coroners courts have been disadvantaged, and this is not fair or equitable. These amendments will rectify this injustice.

The third and last amendment in this bill is to the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroner's Act 2008. It involves the creation of the office of judicial registrar in the Supreme, County, Children's and Coroners courts. The office of judicial registrar was created in the Magistrates Court in 2005 by the Magistrates' Court (Judicial Registrars and Court Rules) Act 2005. This role has already demonstrated its effectiveness by assisting and undertaking minor judicial roles that would normally be undertaken by

judges, thereby releasing judges to carry out their more important duties on the bench.

The amendment proposes to allow the Governor in Council to appoint judicial registrars for periods of up to five years upon the recommendation of the Attorney-General.

The purpose of the creation of the office of judicial registrar in all of the courts is to provide them with the flexibility to operate more efficiently and make inroads on the ever-increasing demands on our court system. However, importantly as a safeguard, decisions of judicial registrars will be able to be reviewed or appealed to a judicial officer of the court by way of a rehearing.

The object of these amendments is to provide a swifter, more accessible but at the same time more cost-effective and efficient justice system for all Victorians. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! The committee will be dealing with a series of suggested amendments because of the financial implications they would have.

Clauses 1 to 18 agreed to.

Clause 19

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 19 is the clause which sets out the power of the Supreme Court to make rules as to the functions of judicial registrars. Clause 19(3) will insert after section 25(1)(dd) of the Supreme Court Act 1986 in part:

- (df) delegating to judicial registrars all or any of the powers of the Court specified by the Rules in relation to proceedings prescribed under paragraph (de), including, but not limited to, the exercise by judicial registrars of the jurisdiction of the Court;

That provision suggests that a judicial registrar will be able to exercise the full jurisdiction of the Supreme Court if the rules that are created under clause 19 allow a judicial registrar to do that. As a starting point I ask the minister: is it the government's intention that the judicial registrar, by virtue of this provision, will be

able to exercise the full jurisdiction of the Supreme Court if the rules of the court allow?

Mr TEE (Eastern Metropolitan) — The intention is that there is a general power, but of course that general power is subject to a number of restrictions which are in place. So yes, it is a general power, but it is not unlimited.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Could we have an understanding of what the limitations are on that power and where the limitations come from?

Mr TEE (Eastern Metropolitan) — For example, a rule which would seek to interfere with personal liberties would be a rule which would be ultra vires the rule-making power.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Mr Tee referred to the Charter of Human Rights and Responsibilities in his contribution to the second-reading debate, and I have a copy of a letter from the Attorney-General to the chair of the Scrutiny of Acts and Regulations Committee addressing this particular matter. The Attorney-General has referred to the charter as the basis on which a rule that conferred the full jurisdiction on a judicial registrar would be ultra vires. However, my concern with this letter, and I guess Mr Tee's position, is that we are not suggesting a rule of the court would create a power for a judicial registrar to imprison somebody. A judicial registrar would obtain that power by exercising the jurisdiction of the court with respect to an existing statute. We are not suggesting the rules of the court would create a new power; it would merely be the case that the registrar would be exercising, as a judge does, existing powers under existing statutes, and therefore it would not be a matter subject to constraint by the charter of human rights.

Mr TEE (Eastern Metropolitan) — The letter Mr Rich-Phillips refers to is the letter the Attorney-General wrote in response to this issue which was raised by the Scrutiny of Acts and Regulations Committee. The response to the issue in relation to the delegation of any power to imprison is, I suppose, threefold. Firstly, for associate judges the courts have not exercised that power of delegation; it is not something they have tried to do in the past. But secondly, to delegate that power to imprison a judicial official would be, as I said, ultra vires the rule-making power under section 25(1) of the Supreme Court Act to the extent that the delegation in the circumstances would impermissibly limit or destroy a human right protected by the charter. But it is also worth noting that

the rules of the court which delegate powers to judicial registrars are disallowable by the Parliament under section 27 of the Supreme Court Act. If it allays Mr Rich-Phillips concerns, there is parliamentary oversight.

I also remind Mr Rich-Phillips that the ultimate protection is the individuals affected do not have to accept any determination by the judicial registrar.

18:20

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The difficulty we have with that explanation, if I could put the question this way, is: is it not the case that the existing Supreme Court Act provides judges of the Supreme Court with the power in certain circumstances, in procedural matters, to imprison people? That head of power for judges already exists under the statute — that is, the Supreme Court Act.

Mr TEE (Eastern Metropolitan) — The question is: can judges in certain circumstances imprison individuals? The Supreme Court has unlimited original and appellate criminal jurisdiction. As a matter of practice the Supreme Court tries at the first instance only the most serious class of proceedings, such as murder, treason and terrorism, which lower courts may lack the jurisdiction to deal with. The answer is in extreme cases they do; ordinarily, they do not.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Accepting that in the circumstances Mr Tee has outlined they do have that capacity, why can they not delegate that capacity to a judicial registrar when it is not creating a new capacity that is outside the scope of the existing charter? As Mr Tee has already said, that capacity already exists under the jurisdiction of the Supreme Court. It would not be expanding the jurisdiction inconsistently with the charter; it would merely be delegating that existing power. It is not creating a new power, it is delegating existing power to a judicial registrar by way of one of the rules of the court. Therefore I have difficulty with the argument that the charter is relevant when that power already exists, by the government's own admission.

Ms PENNICUIK (Southern Metropolitan) — I have a couple of questions. Where judicial registrars already exist, what rules have been in place in terms of the delegation of powers? Under this bill, particularly if you look at, say, clauses 35 and 40, for the other courts the power to delegate expressly precludes the power to imprison or to impose an intensive correction order, but that is not the case in terms of the Supreme Court. Would the rules have to expressly preclude that power because, as I understand it, the power already exists?

For the power not to be delegable to the judicial officer, would it have to be precluded by the rules?

Hon. J. M. MADDEN (Minister for Planning) — Mr Tee is getting advice which will assist me. In relation to Ms Pennicuik's argument, I am trying to condense a response, because there are two things here: Ms Pennicuik's area of interest and Mr Rich-Phillip's area of interest in relation to the delegation of those powers. Am I right that Ms Pennicuik's question relates to what powers are precluded, or what powers are assumed to be delegated?

Ms PENNICUIK (Southern Metropolitan) — I would like to clarify that. I think Mr Rich-Phillips is saying that the power exists under other statutes. Because this bill says that any power can be delegable, will the rules have to expressly preclude that power?

Hon. J. M. MADDEN (Minister for Planning) — Is Ms Pennicuik referring to sentencing in terms of the powers?

Ms PENNICUIK (Southern Metropolitan) — I am referring to sentencing for a term of imprisonment or an intensive correction order. Do they put the same limitations on the registrars as there are in the other courts?

Mr TEE (Eastern Metropolitan) — To answer the earlier issue about the powers that currently exist for magistrates in the Magistrates Court, there has not been a delegation of the power to imprison. In terms of the question about whether or not the rules would have to prescribe any such power, the answer is yes. The powers of judicial registrars will be only those powers which are specifically articulated in the rules.

Ms PENNICUIK (Southern Metropolitan) — I think there needs to be some clarification. As I was saying to the minister when Mr Tee was getting advice, because the power is not limited by the bill, in fact the power to delegate is unlimited at the moment. Theoretically there is no limitation on the delegation of the power. My question is: if the Supreme Court devises rules that say, for example, the judicial registrar can impose a fine or enforceable undertaking, and that is all, does that cancel out its ability to impose a custodial sentence or an intensive sentencing order because they already exist? How can they not be included?

Mr TEE (Eastern Metropolitan) — The powers of the judicial registrar will be those powers delegated to them under the act by judges in the rules. That means if a power is not articulated in the rules, that power does not exist, because it is only powers the court has

delegated to judicial registrars in the rules that enliven the jurisdiction of judicial registrars.

The DEPUTY PRESIDENT — Order! Is there anything further on this?

18:27

Ms PENNICUIK (Southern Metropolitan) — I want to go to the issue of disallowance because the statement concerns me, and it may need to carry over, that the rules are disallowable by Parliament and SARC would be authorised to recommend that to Parliament if those rules came to SARC. It concerns me that SARC will be raising the issue in the first place. We are in a bit of a circular argument where the Attorney-General is saying SARC can disallow the rules, but SARC is actually raising the concern.

Mr TEE (Eastern Metropolitan) — I think it is put as an additional means to alleviate any concerns that SARC has. The position is that it will not happen but, notwithstanding that, there is an additional comfort — that is, they are disallowable.

Ms PENNICUIK (Southern Metropolitan) — I think the point that we have got to is that if it is the case that the only powers are those that can be delegated by the rules, then that is very helpful for understanding this.

Mr TEE (Eastern Metropolitan) — I can confirm that the way it operates is that the act provides a power of delegation. That power of delegation is not a power that is enlivened by the judicial registrar. That power can be enlivened only by the court — by the judges — through the rules, and therefore it is only to the extent that the rules prescribe powers for judicial registrars that they have powers. If a power is not prescribed in the rules, the judicial registrar does not have that jurisdiction.

The DEPUTY PRESIDENT — Order! The committee is aware that I recognise that Mr Tee has been involved with the formulation of this legislation and bringing it to the Parliament. Therefore, as I have indicated on previous occasions, for significant bills, I regard his technical advice on some of the clauses and their intention to be valuable to the committee and to be of standing as far as the government is concerned. On this occasion, given that the matters referred to in clause 19 have a direct and quite important impact on the courts and on matters that appear before the courts, I seek the minister's assurance that the position put by Mr Tee on the matters raised with him in respect of clause 19 is consistent with the government's position and that the explanations are accurate in respect of the intent of the legislation.

Hon. J. M. MADDEN (Minister for Planning) — I recognise your request, Deputy President, and also the fact that Mr Tee has been intimately involved in bringing this legislation to the Parliament. I also recognise that he has a broad understanding of many of these matters, not only because of his background but also because of the discussions he has had with departmental officers and members from the other side of the chamber. His comments accurately reflect the views of the government, and accordingly I have been keen for you to allow him to involve himself in these discussions in that fluid manner. I certainly recognise that his comments are accurate and accord with the government's views.

Clause agreed to.

20:00 **Sitting suspended 6.32 p.m. until 8.03 p.m.**

Clauses 20 to 23 agreed to.

Clause 24

The DEPUTY PRESIDENT — Order! Clause 24 is where we come to the amendments proposed by Mr Rich-Phillips. He has proposed a series of amendments which, if accepted, would have financial implications for the government. As amendments of this type are outside the Legislative Council's constitutional powers, these proposals must be considered as suggested amendments.

If any of the suggested amendments are agreed to by the committee the relevant clauses so affected will stand postponed. If this occurs, once the committee has concluded its consideration of the remainder of the bill it will report progress and a message will be sent to the Assembly seeking its consideration of the suggested amendments. The committee would resume its consideration of the bill once the Assembly has responded by message to the Council in respect of those suggested amendments.

I call on Mr Rich-Phillips to formally move his suggested amendment 1, which concerns the period of appointment of judicial registrars in the Supreme Court. I consider it can also be regarded as a test of his suggested amendment 12, which relates to the same principle but in regard to the County Court. In addition I consider it a test for suggested amendment 20, which involves the proposed insertion of a new clause to follow clause 8.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — If it assists the committee, I would also regard it as a test of amendments 2 to 5, being the

subject matter of providing tenure to a judicial registrar up to the age of 70 years.

I move:

That it be a suggestion to the Assembly that they make the following amendment:

1. Clause 24, page 16, lines 28 to 30, omit "for the period, not exceeding 5 years, specified in his or her instrument of appointment".

I will speak to the amendment only briefly, given that these matters have already been canvassed in the second-reading debate on this legislation.

Essentially what the coalition parties are seeking to do with amendment 1 and the consequential amendments is to omit the provisions in the bill that would allow judicial registrars to be appointed for a period of up to five years, and require that they be appointed until they attain the age of 70. The reason we are seeking to do this is to put judicial registrars on the same basis as judges — that is, they are appointed to the age of 70 and therefore their tenure is not dependent upon reappointment by the Attorney-General. It will also ensure the independence of judicial registrars.

Having heard the second-reading contributions from Ms Pennicuik and Mr Tee and some of the early comments from Mr Tee in the committee stage, I have to say that this side of the house does not take comfort from those comments with respect to the way in which judicial registrars will operate.

The issue was raised by Mr Tee of de novo appeals and the fact that any decision made by a judicial registrar will be or could be subject to a de novo appeal, and it was put to the committee that we should accept the lower level of independence — and that is my phrase — attaching to a judicial registrar, being someone subject to reappointment, on the basis that any decision that a judicial registrar makes could be subject to de novo appeal.

I would submit to the committee that from our perspective that does not make a case for a lower level of independence for a judicial registrar. The mere fact that a decision a judicial registrar makes can be subject to de novo appeal is not of itself a reason for a lower level of independence.

A parallel argument would be to say we do not need independence in the Supreme Court because decisions of the Supreme Court are appealable to the Court of Appeal and therefore we can accept that it does not matter if decisions in the Supreme Court are wrong or are somehow biased because there are appeals. I accept

that that is not always the case — not every decision of the Supreme Court can be appealed — but the principle is the same. The government is basically asking the committee to accept that because de novo appeals exist for decisions of judicial registrars it does not matter if those decisions are in some way influenced by the fact that a judicial registrar has less independence by virtue of being reliant upon continued reappointment by the Attorney-General.

The other element I would like to take up on this issue relates to a comment made by Mr Scheffer in his contribution to the second-reading debate, and I think Ms Pennicuik picked this up as one of her reasons for being comfortable with what is proposed in the bill being the fact that that is the case with judicial registrars in the Magistrates Court. All I would say to that is that when judicial registrars were introduced to the Magistrates Court, the coalition parties did not support those appointments being for a fixed period of time — five years — for the same reasons that we do not support it being introduced in other jurisdictions. We did not think it was a good model then and we do not think it is a good model now.

Mr Scheffer said that this is a model that is already working in the Magistrates Court and therefore it is appropriate to continue that model in the other court jurisdictions, but we do not accept that argument because we did not accept it in the case of the Magistrates Court.

20:10 The other point I would make with respect to this amendment relates not only to the independence of a decision or an action taken by a judicial registrar but also to the fact that a person appointed for a fixed term and not for the effective period of their career will always have in mind a need to ensure their future career path. It would seem inevitable that a person who is appointed for a fixed term of five years or less, particularly a younger person, is going to look to what appointment they will have at the expiration of their appointment as a judicial registrar, particularly if it involves them returning to legal practice where they may seek to work for a legal firm or another party that has come before them while they have been acting as a judicial registrar. For this reason as well we believe it is appropriate that judicial registrars who will be exercising judicial functions as laid down in the legislation be appointed on the same basis as judges — that is, to the age of 70 — so that they have security of tenure and are not influenced by concerns about their reappointment by the Attorney-General or concerns about a future career path should they need to return to private practice in the legal profession.

For those reasons I would urge the committee to support this amendment to remove the need for judicial registrars to be reappointed by the Attorney-General and give them tenure to the age of 70.

The DEPUTY PRESIDENT — Order!
Mr Rich-Phillips indicated that he regarded his suggested amendment 1 as a test for his further suggested amendments 2 to 5, and I indicated that I would be prepared to accept that. However, in reviewing that proposition it is my view that his suggested amendments 3 and 4 would also test suggested amendments 13 and 15 and suggested amendment 5 would test suggested amendment 16. I ask if Mr Rich-Phillips is happy therefore to not proceed with his suggested amendments 2 to 5, particularly suggested amendments 3 to 5, on the basis that suggested amendment 1 is also testing those further amendments, which from my point of view all relate to the same principle but in regard to the County Court?

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Yes, I am, Chair, for the reason that they do relate to the one issue of providing tenure to the age of 70 as distinct from the other issue that we will consider in further amendments.

Mr TEE (Eastern Metropolitan) — I would like to respond to a couple of issues that Mr Rich-Phillips raised, starting I suppose where he concluded — that is, with the issue of whether or not a judicial registrar would be influenced by seeking reappointment. I think it is important to recognise that with the way the bill is structured it is a matter for the Chief Justice to recommend a judicial registrar, so a judicial registrar is supervised by and accounted for by the judges and particularly relies on the Chief Justice to be recommended to become a registrar. That is really the first distinction between this role and that of a judge: judicial registrars are not independent. They are supervised by judges, and that is consistent with the way in which they gain appointment through a recommendation from the Chief Justice. It is not a recommendation from the Attorney-General, although the Attorney-General does make a recommendation to the Governor in Council.

The other two substantive reasons that we say the judicial registrar is not a judge are that, firstly, their decisions are not final; they are quasi-recommendations. Mr Rich-Phillips says a Supreme Court judge's decisions are reviewable and therefore they are in the same position. That is not actually the case. Generally the decisions of Supreme Court judges, or indeed any judges, are reviewable, but

there are a number of steps that often need to be gone through.

You often need to seek leave to appeal and often appeals are limited to errors of law, are limited to reviewing whether or not the judge made an error of law, or there might, in limited cases, be a review to examine whether the appeal court might consider whether the judge could make the findings that they made in the first instance based on the evidence. There are a number of criteria that may be involved in that review, but it is a genuine review of the judge's decision. It is a review of the judge's decision to see whether or not there was an error of law, to see whether or not the judge could make the decision, had the evidence on which the decision was made. That is not the case here where effectively the decision is set aside and the judge makes the decision afresh, with fresh eyes, *de novo*. To have the capacity to appeal a judge's decision is a very different regime from this case where any party who for any reason does not like the outcome can have another go. That is not the case when you review the decision of a judge. It is a very different regime that is in place.

The third reason of course is that the judicial registrar's work is of a more mundane nature. It is the more straightforward, routine tasks that the judicial registrar would exercise. For those reasons we will not be supporting the amendments.

Ms PENNICUIK (Southern Metropolitan) — I think from the second-reading debate and the points made by Mr Tee then and from this committee stage it has been made clear that judicial registrars are not the same as judges.

20:17 That has been clearly established. It is fundamental, as Gordon Rich-Phillips said, that judges are independent and that to maintain that independence they are not subject to renewable contracts, but I think it is clear that the two roles are not the same. As Mr Tee said, judicial registrars are supervised by judges and do not fulfil the same role.

While I have great interest in the amendments Mr Rich-Phillips is putting forward, as I said before, given the government's explanation it is clear that judicial registrars do not fulfil the same role as judges and it is not intended that they fulfil the same role. I agree with what Mr Tee said about the decision of a court being appellable and how it is quite different from the situation of a judicial registrar who is supervised by a judge and whose interim decisions or recommendations can be easily cast aside if any of the parties involved do not agree with them. That is quite a

different situation. If we are to confer the sort of independence that we do upon judges, we should not do it lightly.

The other point I would throw in is that the precedent for a maximum five-year term seems to have been set in the Federal Court, the Family Court and now in the Magistrates Court. This bill is copying or extending the precedent that already exists in other courts and in another jurisdiction — the federal jurisdiction. However, on reflection, even given that precedent it probably would have been better if a maximum term had not been imposed by this bill and perhaps in those other jurisdictions. Judicial registrars would still be appointed — and could still be removed, as outlined in the bill — but a maximum term would not be set. I think this would go some way towards achieving what Mr Rich-Phillips is trying to achieve but without giving judicial registrars tenure until the age of 70, which is what we confer on judges. It has come to me on reflection during the debate that imposing that arbitrary five-year maximum might not be the best way to go, even though I understand the precedent.

The point I am making is that that is something the government should bear in mind, and maybe at some stage this issue could be looked at again. At that time five-year terms and how they are working in the courts could be better evaluated in a public way, so we could see the evaluation. I suggest that perhaps in the future judicial registrars should not be appointed for maximum terms as there is a process for their dismissal if there is misbehaviour or misconduct, and I will ask a question about this after we have gone through the amendments. Perhaps given the fact that judicial registrars are not judges, they ought not to have the same status in terms of tenure as judges.

For those reasons I will not support the amendments; I hope it is clear why.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I do not wish to repropose the arguments. Clearly there is a difference of views around the committee on this matter, and I do not think repropose the arguments will reconcile that.

However, I will pick up on a point Mr Tee raised in his comments about the appointment process for judicial registrars. He referred to a recommendation from the head of the jurisdiction to the Attorney-General who then makes it to the Governor in Council. That is covered in proposed section 113E, which is inserted by clause 24, which we are dealing with. I would like the minister or Mr Tee to clarify whether there is anything in the clause that requires the Attorney-General to

accept the recommendation of the head of jurisdiction. Is there anything that prevents the Attorney-General from recommending to the Governor in Council that someone other than the person recommended by the head of jurisdiction be appointed?

Mr TEE (Eastern Metropolitan) — The steps provided for are that the recommendation comes from the chief justice to the Attorney-General, so a recommendation from the chief justice is required. The recommendation of the chief justice is forwarded to the Attorney-General, who may make a recommendation to the Governor in Council. In answer to the first part of the question, the Attorney-General does not have to accept the recommendation. In answer to the second part of the question, the Attorney-General cannot proceed without a recommendation.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I appreciate that that is what the legislation says, but if the Attorney-General receives a recommendation from the chief justice, is there anything to prevent the Attorney-General from then making a different recommendation to Governor in Council?

Mr TEE (Eastern Metropolitan) — The advice I have received from the department is that under the bill the Attorney-General cannot insert what would in this case be his recommended candidate; it needs to be a recommendation from the chief justice.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — If that is the government's interpretation of the clause — if that is the minister's interpretation — then obviously the committee will accept that, but it is not entirely clear from the wording that that is the case.

Hon. J. M. MADDEN (Minister for Planning) — I reinforce Mr Tee's comments in relation to the interpretation of the clause. In relation to the other comments made by members opposite, Ms Pennicuik's cautionary approach to this issue is recognised.

20:25 We also recognise the integral reliance on the independence of the judiciary. We are as a government committed to that. As Mr Tee has mentioned — and it is quite pertinent to the arrangements in this bill — the Chief Justice has to make a recommendation, and the Attorney-General cannot proceed unless he has a recommendation. Not only that, but the important element, as Ms Pennicuik has mentioned, is that the Chief Justice will supervise the judicial registrars, so in a sense they are answerable to the Chief Justice. Hence

the chief justice is the relevant person to recommend the reappointment of any judicial registrar.

The DEPUTY PRESIDENT — Order! I am of the understanding that Ms Pennicuik's further question has no bearing on the vote on the amendment. I propose to test suggested amendment 1 moved by Mr Rich-Phillips. As I have indicated, it is a test for further suggested amendments 2 to 5 and, therefore, also a test for suggested amendments 13 to 16.

Committee divided on suggested amendment:

Ayes, 17

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

Noes, 21

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

Pair

Hall, Mr	Lenders, Mr
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Suggested amendment negatived.

Ms PENNICUIK (Southern Metropolitan) — My question is in relation to that part of clause 24 which inserts new section 113J into the act. To assist Mr Tee and the minister, it is on pages 19 and 20. I raised this matter briefly during the second-reading debate. It is headed 'Investigation of judicial registrar and report'. There is no detail. Perhaps some detail could be provided as to how that is to be carried out, who would conduct such an investigation and how that person would come to a view that misconduct or misbehaviour has been proven such that they would recommend to the Chief Justice that the judicial registrar be dismissed.

Mr TEE (Eastern Metropolitan) — The scheme provided for under the legislation is that the Chief Justice will appoint an individual to undertake the investigation. There is some guidance in terms of procedural fairness set out in the bill, but essentially there is High Court of Australia authority which says

that in circumstances such as these natural justice applies. So an individual judicial registrar will be given the allegations and an opportunity to respond to those allegations, and that response will be considered.

20:35 That process is reviewable by the courts under the relevant administrative law legislation, so to the extent that the procedural fairness provisions are not set out in this bill, they are determined by High Court authority and the dismissal, if we get to that stage, is reviewable by the courts.

The DEPUTY PRESIDENT — Order! I call on Mr Rich-Phillips to move his suggested amendment 6 which relates to the cessation of office of a judicial registrar in the Supreme Court. I consider it a test of suggested amendments 7 to 11 and in addition to that, it can be regarded as a test of suggested amendments 17 to 19 which relate to the same principle but in regard to the County Court.

I call on Mr Rich-Phillips to formally move that a suggestion be made to the Assembly that they make suggested amendment 6 circulated in his name.

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

That it be a suggestion to the Assembly that they make the following amendment:

6. Clause 24, page 19, lines 1 to 35, and page 20, lines 1 to 29, omit all words and expressions on these lines and insert —

“113I Cessation of office

A judicial registrar ceases to hold office only —

- (a) if he or she resigns in accordance with section 113H; or
- (b) if he or she is removed from office by the Governor in Council in accordance with Part IIIAA of the **Constitution Act 1975**; or
- (c) if his or her office is abolished by or under an Act; or
- (d) if he or she is not capable of continuing in office because of section 113F(3).”.

It goes to the matter that was raised by Ms Pennicuik and Mr Tee — that is, the extent of the process surrounding the removal of a judicial registrar. For the reasons outlined in the earlier consideration in committee of this bill relating to the tenure of judicial registrars, it remains our belief that the independence of judicial registrars should be put on the same footing as that of judges and other judicial officers and part of that

is the means by which a judicial officer can be removed from office.

This suggested amendment proposes to delete the sections in the bill relating to the removal of a judicial registrar, the process that Mr Tee and Ms Pennicuik spoke about, the investigation and a recommendation through the head of jurisdiction to the Attorney-General, and replace it with a mechanism the same as that which applies for judges. That provides that an officer can be removed either as a consequence of their resignation or through a mechanism which arises from messages from both houses of Parliament to the Governor in Council.

It puts the removal of a judicial registrar beyond the hand of the Attorney-General and makes it a matter for both houses of Parliament, giving a message to the Governor in Council, which is parallel to the process that applies for the removal of judges. As I said, consistent with our view that these officers should be removed on the same basis as judges can be, we are seeking to remove the existing provision that puts the ultimate termination in the hands of the Attorney-General and put in place a mechanism the same as that for judges and that requires the involvement of Parliament making a recommendation to the Governor in Council.

Ms PENNICUIK (Southern Metropolitan) — The whole argument turns on whether we believe a judicial registrar is the same as a judge and we have established through the debate and through the committee that they are not.

I take the opportunity to say again that I gave the suggested amendments put forward by Mr Rich-Phillips serious consideration and considered supporting them, but through discussions, the debate and the committee stage, I have come to the view that judicial registrars are not the same as judges and therefore by not supporting the first amendments, and also by fleshing out through my question to Mr Tee exactly how natural justice would apply and what steps would be required to be taken to dismiss a judicial registrar, I am satisfied that quite extensive steps are required. I am also satisfied that those steps would not be subject to interference by the Attorney-General. In fact the Attorney-General comes right at the end of the line in the process and only receives the recommendation at the end of the process in which he or she is not involved. For those reasons, I will not be supporting this amendment.

Mr TEE (Eastern Metropolitan) — I will not repeat the basis on which we argued that a judicial registrar is

not a judge. Notwithstanding that, it is worth noting that the grounds for removal of a judicial registrar are proved misbehaviour or incapacity. Those are the same grounds available for removal of a judge. In this regard, the rights in terms of the removal are the same for a judicial registrar as they are for a judge.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Mr Leane) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may determine whether the required majority has been obtained, I ask those members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

BUDGET PAPERS 2010–11

Debate resumed from 8 June; motion of Mr LENDERS (Treasurer):

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

Ms PULFORD (Western Victoria) — I am pleased to speak on this motion to take note of the budget papers 2010–11. This is an opportunity for us to say a few things about the great range of areas that are impacted by the budget. Everything we do in this place has impacts on the budget, so there are many things to say. The Victorian budget is a \$45 billion exercise in accounting for revenue and making decisions about what is the best use of that money.

Some of these decisions are pretty straightforward and terribly obvious. There are decisions about things that are essential services, and there would not be a lot of debate in our community, or in our Parliament for that matter, about the need to fund those essential services. There is, however, through the shaping of a budget an opportunity for a government to determine priorities and to articulate the things that are the most important areas of investment for that government.

This budget maintains Victoria's place as the engine room of the Australian economy. It ensured Victoria maintained its AAA credit rating. This was confirmed by Standard and Poor's and Moody's Investors Service in the week the budget was brought down by the Treasurer.

There was an enthusiastic response to the budget from many quarters of the Victorian community. To give a couple of indications of the different views, the Master Builders Association of Victoria was pleased with the budget and said that the \$2000 boost to the first home bonus and the regional first home bonus will improve

20:42 Committee divided on suggested amendment:

Ayes, 17

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

Noes, 21

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

Pair

Hall, Mr	Lenders, Mr
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Suggested amendment negated.

Clause agreed to; clauses 25 to 52 agreed to.

The DEPUTY PRESIDENT — Order! Mr Rich-Phillips's amendment 20 will not be proceeded with because it is effectively consequential.

Reported to the house without amendment.

Report adopted.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — I move:

That the bill be now read a third time.

I thank members of the chamber for their respective contributions.

The ACTING PRESIDENT (Mr Leane) — Order! As I am of the opinion that the third reading of the bill requires to be passed by an absolute majority, I ask the Clerk to ring the bells.

housing affordability. The response of the CEO of the Victorian Council of Social Service, Cath Smith, was to say that this government works incredibly hard and most of the time it gets it right.

We certainly hope to get it right, that we get those important balances right. We try to get right the settings in the economy so the pace of construction and home ownership can be maintained, so housing affordability can be impacted by the increased availability of land for development at reasonable prices in rural and regional communities and so the social dividends of a strong economy are shared in an equitable way. The government takes this very seriously and applies itself to the important task of ensuring that government services are there for those in our community who most need assistance.

The Victorian economy has withstood the onslaught of the global financial crisis. A look at the financial pages in the newspapers or at the world news on television on any night reminds us that the strength of the economy we experience on a day-to-day basis and the optimism we encounter is in stark contrast to conditions in many countries in the world that are struggling to keep their economic fundamentals viable. Economies comparable to the Victorian economy are juggling the challenges of wage cuts for public servants and reductions in welfare payments to some of the most needy members of their community. In Victoria we have also experienced 12 years of drought, and it has been pleasing to see every time we have stuck our heads out of the building today that rain has been falling in Melbourne.

The impact of long-term drought is an enormous challenge, but the Victorian economy has continued to grow, and the Australian economy is one of a handful of economies in the developed world that has continued to experience economic growth in the last couple of years. That is a truly fantastic thing. It is a great thing for many reasons, but none more important than the fact that that is an environment that supports job growth. Almost 110 000 new jobs have been created since April 2009, and this is higher jobs growth than in other states. Importantly, when full-time employment figures are compared to the figures for more seasonal and temporary employment, Victoria is getting the lion's share of those permanent, full-time jobs.

The government has worked hard throughout this period, with increased spending on major infrastructure projects in partnership with the federal government through its significant economic stimulus projects across the state, to create a climate that is conducive to creating and, importantly, sustaining jobs. In the first quarter of last year we were confronted with frequent

bad news. In some cases employers were forced to make the very difficult decision that they could no longer continue in their businesses. In other cases they had to ask their staff to drop a day a week or to agree to a shorter working day because there was a need for the entire organisation to tighten its belt while the worst of the global investment slump passed. It is heartening to hear that in some of those companies a corner has been turned and in many instances those organisations now feel confident enough about the future to employ people or to restore people to the full-time employment they enjoyed before the downturn.

State final demand grew by 4 per cent in 2009, and the Victorian economy grew by an annual average rate of 3.2 per cent, which is the highest of the non-resource states. There has of course been much discussion about a two-speed economy in this country since the federal budget, and in comparing Victoria to other comparable economies our growth rate is one of which we can be proud.

Since 1999 the number of Victorians in employment has increased by 560 000 or 25 per cent, and unemployment has fallen by 1.3 per cent. Being able to support employment and job creation through the right budgetary and economic settings is important for the wellbeing of the people who want to be in the workforce and for those who depend on their incomes. It is important for the kids who have parents in work, and for stay-at-home mums or dads who have a partner at work. For people's own sense of wellbeing and financial security having a job is about as important as it gets. For people who are of an age where they would like to be in the workforce and for people who have finished their schooling or post-school education and up to the time of retirement, the role of a job as a means of showing a person's identity, not to mention their ability to fund the things they need to sustain their independence, is absolutely essential. 21:00

Employment in country Victoria has grown by 2.5 per cent, which exceeds the national average growth of — —

Mr Lenders interjected.

Ms PULFORD — Yes. I see Mr Lenders has joined us in the chamber. Congratulations on a fine budget, a budget that is — —

Mr Lenders — A budget that supports employment growth in regional Victoria.

Ms PULFORD — That is exactly what I was going to say: it is a budget that supports employment growth in regional Victoria. As is mentioned around here from

time to time, Victoria is of course a great place to live, work and raise a family, and Victoria attracted 44.2 per cent of all skilled business migrants to Australia and 25.6 per cent of all skilled migrants. This presents new challenges for us in our great population growth that is the result of Victoria being the place of choice for people to come to and live in. Our challenge is to maintain our fabulous standard of living with all the new people among us. We have experienced a very large increase in international students as well, as Victoria is a place of choice for study location too.

As I mentioned, housing affordability is incredibly important. Melbourne remains more affordable than Sydney, and regional Victoria is the third most affordable region. When I have been talking to people in my electorate about the state budget I have heard a high level of enthusiasm for the regional first home bonus and the opportunity it presents for people for home ownership that might previously have been a little bit too hard to achieve. People can have a three-bedroom house built on a good sized block in a country town or in one of our regional cities and achieve their dream of home ownership and get a first foothold in the housing market. That is a wonderful thing. The ongoing boost that provides to the construction industry across regional communities is truly wonderful, and I was delighted to see the boost to that already very successful set of arrangements in the budget.

In the current year Victoria has had the most housing starts of all the states. In 2009 dwelling investment grew by 4.5 per cent, which we believe reflects the relative availability and affordability of land in Victoria. The extension of the urban growth boundary will in time provide the longer term land supply security that people need. It will ensure housing affordability continues to enable people to keep a roof over their heads or to invest in a home, depending on their circumstances and the point they have reached in their lives.

Victoria also recorded the highest level of building approvals in the 12 months, ahead of New South Wales and Queensland. For the last 23 consecutive months Victoria has had the highest number of dwellings approved. There is a degree of confidence in the construction sector, which is an absolutely essential part of the economy. It provides a great deal of employment, which has flow-on effects throughout the community. If this building activity is going on across the state then the benefits flow throughout the state.

A great many programs or projects are specifically funded in a budget in any given year. To mention but a few in my electorate, the budget provided — —

Hon. M. P. Pakula — Mention them all!

Ms PULFORD — Mention them all? Mr Pakula, I would be here all night! I would like to mention one that Mr Pakula has a keen interest in, as do I. The regional rail link, which is funded in this budget, is a sensational \$4.3 billion project. As members would know, I am a frequent user of the regional rail service between Ballarat and Melbourne in particular. This service, which has received significant overhaul in recent years, will be further improved by the construction of the regional rail link. The link will have its own set of tracks for trains coming from regional Victoria, which will enable better travel times and greater reliability. At the moment these new and very comfortable regional rail services hurtle down the track until they get to just outside Melbourne, at which point they have to intersect with the metropolitan network, and often they then have to wait for those trains to pass. Any frequent user of those rail services will understand exactly where the 10 minutes or so of improved travel time will come from. That this project is funded in this budget is a fabulous thing. The long-term Victorian transport plan will continue the improvement of our road and public transport networks in Victoria, and this budget commits to the delivery of that plan.

The budget provides funds for the rebuilding of the Woori Yallock Primary School, and for renewing walking trails, pedestrian bridges and toilets in the Great Otway National Park. It provides money for new dental training clinics at Melton, and redevelopment of the hospital at Coleraine, which is a \$25.8 million investment into that community. I know there was great happiness in Coleraine at the news of a hospital redevelopment. The budget also provides for planning for a new hospital for Geelong.

The population growth some of our coastal communities is experiencing has been an amazing thing. The renowned demographer Bernard Salt refers to this as the Sigrid factor — the factor that has people responding to the things that Sigrid Thornton made into cult classics by the roles she played on television. In this instance the Sigrid factor is the sea change phenomenon, and many people are choosing to make their homes in our beautiful coastal areas. Part of the growth around Geelong is driven by this, and planning for a new hospital will provide the essential basis for a new hospital to be built in time for that rapidly growing part of the state.

There was \$13 million in the state budget to underpin funding for a cancer centre that will be built in Ballarat. A great many people have campaigned long and hard for this to be delivered. My colleague Karen Overington, the member for Ballarat West in the other place, and our colleague Catherine King in the federal Parliament worked together for many years with the community and health services in Ballarat to ensure that all the planning was in place to enable this project to happen. The Victorian government's commitment to the project, combined with the federal government's program to support the development of regional specialist cancer centres, will provide a sensational service to people from right across the electorate I represent. Specialist services will be able to be accessed in Ballarat and people will not have to go to Melbourne, where there is additional time, trauma and cost for cancer treatment. It could only be a terrible thing to go through at the best of times. Accessing services closer to home or supporting a family member closer to home will end the whole travel imposition on top of the cancer treatment.

The budget also provides funding for a police station at Daylesford and improvements to the Ballarat-Buninyong Road and Mount Clear-Sebastopol Road intersection, which is something my colleague Geoff Howard, the member for Ballarat East in the other house, has worked hard on, ensuring that investment has happened and is in the budget. On the topic of roads, the funding of section 4C of the Geelong Ring Road will provide a significant benefit to many people whom I represent in this Parliament. This connection will take the road to the Surf Coast Highway.

Mr Hall in his contribution last night asserted that he was struggling to think of much good that the government had done for regional Victoria or much in the way of major infrastructure projects. I remind Mr Hall of the Geelong Ring Road, because now a whole lot of people do not have to sit through 27 sets of traffic lights on La Trobe Terrace. Those people know about the government's support for our communities beyond Melbourne. They can see a pretty good major infrastructure project right there, not far from where those 27 sets of traffic lights used to be.

Mr Rich-Phillips made a couple of observations in his contribution. He was talking about an era of big government in the way that Liberal Party members sometimes do. He talked about government spending being a greater proportion of gross state product now than it was in 1999. After saying government spending was a bit higher than he would like, he immediately went on to talk about the government's failure to, as he

put it, reduce land tax and payroll tax. When we talk about these things there is only one conclusion that you can come to: Liberal Party members like to have their cake and eat it too. Members of the opposition who will speak after me — —

Mrs Peulich — Less waste.

Ms PULFORD — Less waste! Government advertising — it is a tired old thing.

Mr Lenders — They called for 26 campaigns for government advertising in the last election and they want to cut it, Ms Pulford.

Ms PULFORD — Twenty-six campaigns. I noticed that funding for the protective service officers on railway stations is coming out of the state advertising budget — that would also be the state advertising budget that provides a lot of information to the community about road safety and workplace safety. It requires a little more work and a little more creativity.

Mr Lenders — George Bush, Sr, called it voodoo economics.

Ms PULFORD — George Bush, Sr, called it voodoo economics. There you go! Among the many things he said, Mr Rich-Phillips in his long and wide-ranging discussion of the budget last night brought those old two arguments out about government spending being too high and the government's failure, from the Liberal Party perspective, to cut away revenue to not much at all. There is only one conclusion you can draw from that: cuts to government spending and government revenue have to come from somewhere. We know that means cuts to services, and that is a very scary thing.

Representing a large rural electorate, I know there is a great deal of anticipation about the government's regional blueprint, which will be launched before the end of this month.

There is, of course, also a degree of anxiety about the Liberal-Nationals coalition's proposed regional growth fund and what exactly that will fund in the way of core government services, whether it will be used for things like early childhood services and roads. Once they start spending the regional development money — and they are proposing \$1 billion over eight years — on major road projects a lot of small projects and a lot of support to industry to create jobs will suddenly not be paid for.

I know that people in our regional communities remember well the toenails years. They have worked with the government to rebuild and restore confidence

and optimism in our regional communities. That is why we have thriving, dynamic regional communities. In spite of 12 years of drought, regional Victoria is a fantastic place to be. There is job creation and new investment and housing is being built apace.

Communities are beginning to see glimpses of hope after 12 years of drought. Other communities can look forward to water security, which is of course an essential part of supporting our regional communities. Projects such as the Wimmera–Mallee pipeline and the Northern Victoria Irrigation Renewal Project will ensure great things for our regional communities for many years into the future.

These are the kinds of infrastructure projects that responsible economic management can ensure we have the funds to deliver. I congratulate the Treasurer on the budget, and I certainly look forward to working with him over the coming months — and I hope longer — to deliver many more great projects for people across our Victorian communities.

Mr ATKINSON (Eastern Metropolitan) — This is possibly one of the most significant times for the state government to consider a state budget that we have had in many years. It is significant because of some substantive changes that are suggested to the revenue base of this state and other tax reforms that have been canvassed by a federal-appointed investigator and which have sweeping ramifications for state governments.

It therefore surprises me to find that the Treasurer's speech accompanying this budget reads so much more like a press release than a budget evaluation. It is interesting to note that in the days subsequent to the Treasurer's speech being made there have been no questions without notice, there have been no ministerial statements from the Treasurer, the Premier or the Minister for Health, and there has been no reference in this Parliament to the most significant change to this state's financial position possibly since this state surrendered its income tax opportunities to the federal government in wartime circumstances.

Mr Lenders — We have had four Wednesdays of general business in which to raise it. The opposition has not raised it. It has not been an issue for the opposition in four Wednesdays.

Mr ATKINSON — I take up the interjection by the Treasurer. It might seem to have some validity to some members of this house. The Treasurer's interjection was that we have had opposition business on several occasions and the opposition also has not taken up an opportunity to explore this particular issue of the health

changes proposed by the Prime Minister, Mr Rudd, and signed off by the Victorian government. Perhaps that is a reasonable proposition to put to some members. Can I suggest, though, that in fact it is incumbent on the government — the Treasurer and the Premier — to make such statements to the Parliament and not to rely on an opposition business process when it comes to such a fundamental change in the state's financial position and revenues and responsibilities.

Does the Treasurer not think he owes it to this Parliament to explain what that deal is all about? Why should it be that the opposition should raise it in opposition business through some sort of a motion that condemns the government for not making comment or that in some way tries to tease out the details of the agreement that the Treasurer has refused to detail to this Parliament?

Mr Lenders — You have not asked a question, Mr Atkinson.

Mr ATKINSON — Treasurer, I and my colleagues do not have to ask a question. The Treasurer has Dorothy Dixers. When members look at the quality of some of the Dorothy Dix questions, the Treasurer might well have contemplated placing such a question to be asked by someone in his own ranks. Irrespective of that, it is not a matter of people asking the Treasurer for information and trying to tug information out. Why is the Treasurer not prepared to detail to this Parliament all that information on that health package, what its implications are for Victoria and what the projections are for the budget going forward? What are his projections for this state's capacity to actually deliver on the range of other services going forward, given that it has surrendered 30 per cent of the one growth tax, the one real revenue opportunity, that it had to actually deliver services?

I think that the Treasurer has treated this Parliament with contempt and that the Premier has treated this Parliament with contempt by not coming to the Parliament with a ministerial statement. They are quite happy to come with press-release-type and media-release-type happy stories and ministerial statements at other times, and yet on this most fundamental issue there has been dead silence. The Treasurer has the audacity to say that the opposition ought to be asking questions about it, so that he can have a chance to carry on like a pork chop, as he usually does, and be dismissive of these issues. It is crucial —

Mr Lenders — You have not even read a budget paper table. Read budget paper 6 for the first time ever.

21:25

The ACTING PRESIDENT (Mr Leane) — Order! Mr Atkinson does not need assistance from the Treasurer, and Mr Atkinson should direct his contribution through the Chair.

Mr ATKINSON — I am happy to direct my contribution through the Chair if you will accept the blame for all this, Acting President!

I have read the budget papers. The reality is that they do not take away any responsibility from the Treasurer to actually make a statement on the health reform agreement. The interesting thing is that the budget came down in May and the Premier signed off on that agreement but two weeks ago, but there has been no statement since signing off on it. When the budget came down, and given what has been elaborated on in those budget papers in this respect and what was said previously, all the discussion went to the fact that the detail had to be determined.

We have an in-principle, broad-brush agreement but the details had to be determined. Have the details been determined? If they have not been determined, why have we signed off on this agreement? Why have we given away 30 per cent of our GST revenue if it has not been nailed down? I think the Treasurer owes it to the house to come in here with a ministerial statement to explain what has been done, what that agreement says, what the details are and what the implications are for Victorians. He owes it to the house and to the state and so too does the Premier, but, no, not a word. There is absolute silence on this.

The extraordinary thing about that whole health reform package is that it is simply an attempt to try to revive the political fortunes of a damaged Prime Minister who was losing out in every other area and on every other project on which he tried to deliver. All the bloated promises that he made to Australian voters were failing. He had problems with the pink batts, problems with the Building the Education Revolution — all of them were in strife. He cast around and thought, 'I'm in a bit of political trouble here; what can I find that will rescue me? What issue can I find in my market research —

Ms Mikakos — On a point of order, Acting President, I understood we were debating the state budget, not the federal budget.

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

Mr ATKINSON — Correct. Ms Mikakos should have listened to the rest of it, and she should take an interest in the fact that a federal decision that has been made and the motives behind that federal decision

being made are absolutely germane to this Victorian budget and this state's financial capacity going forward from now on, because this Premier has actually signed an agreement with his Labor colleagues simply to rescue a troubled Prime Minister — to try to save a floundering Prime Minister electorally.

The Prime Minister came up with the decision five weeks prior to a meeting of the state Premiers in April. That decision did not go out for consultation with the health sector; it was scarcely discussed in a public sense with the rest of Australia, with all the other stakeholders involved in this. I wonder — and it has not been explained by this Treasurer, this Premier or the health minister in this state — what sort of explanations and discussions in detail went on before they that Council of Australian Governments meeting with the Prime Minister to discuss this so-called health reform package?

Boy, did we get shafted. The animosity between the South Australian Premier, Mr Rann, and the Victorian Premier has landed us with an absolute dog of a situation that will dog this state's financial position going forward, but we have heard not a word from this government.

Two weeks ago the Premier signed off on the agreement, which was another good photo opportunity for the flying Prime Minister and Premier Brumby. He signed off on it, but still the details are not forthcoming, and this minister has the absolute arrogance to say, 'Well, if you really wanted this issue discussed in the house it should have been the subject of an opposition motion or opposition questions'. What extraordinary contempt for Parliament and its process, that there is not a willingness to share with this Parliament and the people of Victoria the details of such a fundamental change.

I might go further to also say —

Ms Mikakos — Your shadow health minister hasn't even asked one question about it! We know he doesn't consult you on tactics, but it's a bit rich!

Mr ATKINSON — The member apparently thinks it is fine that the Treasurer, the Premier and the Minister for Health do not report to the Parliament, that the executive is above this Parliament and the people of Victoria and that executive members can sign a document to save the neck of the Prime Minister without any reference back to this house and any consideration of the implications for this Parliament going forward.

What did signing this giant health reform achieve? It has allowed the Prime Minister to take up some of the initiatives that we already have in Victoria and roll them out nationally. Interestingly, those initiatives were all introduced by the Kennett government and have been maintained by this government. Our health system, with all its shortcomings, which we grant, is still better than most of the other state health systems. They probably will benefit from introducing some of the initiatives that we have introduced here in Victoria, but we have very little to gain from this process in that respect.

More importantly, the change simply reverses the funding formula. Where the states previously funded 60 per cent and the federal government 40 per cent, it now flip-flops and reverses those percentages. It introduces another layer of bureaucrats in Canberra to look over everybody's shoulders and effectively, under the 60-40 deal, does not put any more beds, facilities, doctors or nurses into hospitals.

Granted, some additional funding has come into the areas of disability and mental health, but that funding should have come anyway, and the reality is that in the 1990s the hospital funding split was 50-50. We should have been arguing — and shame on both sides of Parliament for not doing this — that the federal government ought to have gone back and picked up its additional share to get it back to a 50-50 funding position rather than simply surrendering possibly more than 30 per cent of our GST. I am told by the shadow Treasurer, the member for Scoresby in the other place, that in the end it may be as much as 33 or 34 per cent of GST — but we do not know, because the Treasurer has failed to inform the house of the exact position.

We have a situation where that GST money has been handed over to the federal government, which is an extraordinary precedent for the future. What happens when the federal government comes along next time to discuss some other area of our administration? What if it looks at our urban transport system and says, 'You're not doing a very good job with trains' — and boy, would I grant the federal government that one — 'We think we can do a better job. You give us another 25 per cent of the GST and we will take over the trains as well. We will do it the same way that we are doing it with health — you can still look after them and actually do all the work'.

So where is the change? Where is the great reform? Where is the great step forward and what of the promise of an improved outcome in health policy in this country from the so-called Rudd reform on health? This was not health reform. This was a tax grab, and the

Treasurer, the Premier and his Labor colleagues around this country all fell for the trap. It is interesting that Alan Kohler, a respected economic commentator, said in an article that appeared in *Business Spectator* on 20 April:

The premiers and the Prime Minister are pretending to talk about health reform for the cameras this week, but they are actually talking about John Howard's reckless decision in 1998 to give the states all of the GST.

We probably won't know until the former PM writes his memoirs whether it was an ideological decision to entrench Australian federalism or just a desperate wheeze to get the GST through, but either way it was a big mistake.

That is a comment on former Prime Minister Howard's policy. From a state perspective, we would regard that as the most significant tax reform in this country. Interestingly enough, that was a tax reform on which the Liberal Party was prepared to contest an election. Not too many oppositions will contest an election on a GST.

Yet we did it under Hewson and then we came back and we tested it again with the electorate. We did not just come along and suddenly pull it out of thin air. That policy was tested on two occasions by the Liberal Party. In this article Kohler says:

Kevin Rudd's health reform plan is a Trojan Horse to reverse it. He could have simply exposed the way in which the states have wasted the GST —

and hooray to that; I agree with that —

and gone straight to a referendum, but obviously he felt it was too risky. Better to talk about hospitals and try to pressure the premiers politically.

This whole thing is a ruse, and it is obvious it is a ruse when you look at what is actually being delivered in terms of health reform, because it is absolutely nought. For all the boasting and big talking of the Premier prior to the April meeting with the Prime Minister and his Premier colleagues, when it came to push and shove the interests of the Labor Party and a troubled Prime Minister were put ahead of the interests of the people of this state. What a sad day that was, and certainly from our point of view that has created, as I said, an enormous problem for us going forward financially.

I will also comment briefly on the Henry tax review — again, what a cynical exercise by Labor in government! Here we have a Prime Minister who receives a review, a review that he commissioned, containing 138 recommendations. He took forever to release it — he obviously looked at it for quite some time and muddled over it — and then he accepted 2½ recommendations out of the 138 in that review.

There are implications for the state's finances from the Henry tax review as well. Many of the recommendations could impact on the state's finances and the state's capacity to raise funds. Again, there is absolute silence from the Premier and the Treasurer, despite the fact that they have no doubt had a legion of public servants mulling over the Henry tax review. Where is the information to this Parliament and to the people of Victoria on what some of the implications of those recommendations are? The government's attitude is: 'No, there is no commentary on it from the state's perspective, because we really want to ensure that Mr Rudd is re-elected at the federal government level, and that is our priority'. It is a party political priority and agenda, not an agenda that is in the interests of Victorians. Again, that is a very sad state of affairs.

One of the interesting things about the tax that the Prime Minister has picked up, the resources tax, is the question of its constitutionality. I wonder if we as states ought not to be kicking up a real fuss about that tax at any rate, because under the constitution the states are responsible for land issues, for land matters. Land use is a responsibility of the states, and the Prime Minister is imposing a tax on land use. There is a sovereignty issue here, and it is one that we ought to explore because it is a very significant issue; again, a fundamental issue to the future of the states.

I am happy to enter into a debate about whether we have states going forward. I have said on previous occasions that I am happy to enter into a debate as to whether this house should continue, whether we need two houses of Parliament at the state level. I have said that before. I am certainly happy to have the debate on states, because it is an absolute nonsense to continue the way we are now where Canberra, by a process of attrition, takes away the state's responsibilities and bedevils the state with all of the inefficiencies that come from a lack of economy of scale and from being beholden to take a begging bowl to Canberra to achieve any sort of initiative in terms of an agenda for improving services for Victorians.

I am happy to have the debate as to whether Australians want to maintain state governments and to make sure that we understand what exactly the future of the states ought to be. If Australians want to maintain state governments, then we ought to talk about the accountabilities that each level of government should have so we stop the buck-passing.

Certainly Mr Rudd's plan on health will not stop the buck-passing, which was one of the supposedly great benefits of that whole program. Essentially what he said was, 'We will not have buck-passing now because we

are the federal government and we are in charge of it'. We have still got 40 per cent of the funding and we are the ones who are still doing the work in the hospitals, so do you not think that Minister Andrews is going to sit up there on every possible occasion when he is starting to look bad and say, 'It is a federal bureaucrat that is stopping me from doing this'? This has not stopped the buck-passing.

But we do have to stop the buck-passing; that is true. The taxpayers, the people who live in Victoria and more broadly across Australia, expect their governments to do better. They do not care who delivers services but they want them delivered properly.

I think that if it went to a referendum, the people of Australia would retain the states. I do not think they support the attrition of responsibilities and, as I said, the wherewithal to deliver on those services that we provide by a process where the federal government simply flexes its muscles and in some cases uses some rather left-field legislation — very often the companies act — to impose its way through the High Court in trying to get jurisdiction over the states in so many areas.

When it comes to this state's position going forward, we need to establish whether we are going to have states. I do not want to see the death of the states by a thousand cuts through some surreptitious means such as handing over large slabs of our income, the growth income of our budget, to the federal government as a politically expedient solution to save a Prime Minister and damn all Victorians. We need to think about this far more carefully.

I hear Ms Pulford and others, particularly the Treasurer, so often in this place go back to the Kennett years and talk about what we have done in the past, what we would have done as a party — a very proud political party — in the past. I want to put into this debate that I think it is absolutely absurd, it is asinine, to go back to the Kennett years, just as it is for us to go back to the Cain-Kirner years. Labor has been in government for 10, nearly 11, years, and it would not be true to say that this government is the same as the Cain and Kirner governments.

I take issue with the government on many issues, and I am concerned about its approach to debt. Debt is rising, and the situation bears some resemblance to that which existed during the final years of the Kirner government. But I think Labor learnt lessons from that period in government. It made changes, and this administration reflects that. It is therefore absurd and unhelpful to the political debate for the government to keep coming

back and saying, 'We saw what you did under the Kennett government; you would just do the same again'. This is a very different coalition with new policies — very different policies — and the government likes our policies. I know the government likes our policies, because so far it has pinched 62 of the more than 70 we have released, and some of them have been significant.

The government has unashamedly backflipped. Let us go back to the Treasurer's flip-flop of the other day. The government has unashamedly backflipped and taken our policies with all the audacity it is possible to show. The government likes our policies.

There is no doubt that we have moved on. We have cast a very different team and created a very different policy agenda for the future. In saying that, I am not rejecting the achievements of the Kennett government. What needs to be understood about that time — and what you guys on the other side fail to understand — is that the period in which that government operated, the circumstances that beset Victoria at that time, required significant reforms, changes and concessions by government. Yes, it also involved some hardship being suffered by all Victorians — we all shared in the pain. That was understood, and it was necessary at the time. The government we look forward to forming in November this year will be a government of a different complexion, because the circumstances will be different, if nothing else.

The Treasurer says opposition members often talk down the economy and that we are keen to talk everything down. We are keen to create jobs, just as the government is. We are, as the government is, keen on creating investment, particularly sustainable, long-term investment, investment that positions Victoria in the global marketplace. We are also very much committed to proper economic management, and we have demonstrated that in the past. We have always been renowned for that.

Opposition members are not trying to talk the economy down, but I caution the government that we are not out of the woods yet, that the world situation is such that we need to remain on guard. We know about what has happened in Greece and across Europe. Most recently we heard of some difficulties that Hungary might face with its sovereign debt; we certainly know about Spain and Portugal. We know that the UK's debt is ballooning. Europe is in strife; America is a sick man — it is not in recovery yet — and Australia, for all the good things that are in its favour, is not isolated from those other economies around the world and from global marketing conditions. From that point of view,

neither is China, and it would seem we are very much reliant on China to get through most of these problems.

Looking back over the turbulent past 18 months, one of the criticisms I have — certainly of the federal government but also of the state government — is that too much money was spent trying to maintain our economic equilibrium. We spent some money we need not have spent. We might well have spent some and then waited and watched to see the outcome of that spending, rather than rushing to spend more, leaving the economy awash with money. Right now we are starting to pay a price for that spending. Householders with mortgages are already paying a price for it, because they are in effect paying higher interest rates to compensate for the money the government has taken out of the economy to try to create an economic stimulus. I am not saying that some stimulus was not warranted, because clearly it was, but some of it went too fast.

With initiatives like Building the Education Revolution we are seeing significant problems. More than 20 per cent of those projects have cost increases which are more than you would expect — their value for money, if you like. In fact I was with some construction people the other day, and they said, 'If it is a government contract, we automatically put on an extra 10 per cent now, because we know it will pay it'. That is the truth.

One of the extraordinary things about this government is that it makes an unbelievable boast — it comes out time and again in this place and it is part of the budget debate — and that is, 'We are spending more money than any government before'. I just do not get that; I do not understand the boast. I do not know any woman who would go into a supermarket, shop for a trolley of goods and come out boasting, 'Guess what? I spent more than anyone else! I spent more than I have ever spent before!'. That supermarket shopper is interested in value; she is interested in spending the least amount of money possible to get what she needs. But this government has a mantra, an anthem — 'We spent the most. We spent more than anybody else did.' If a problem arises in transport, health or education, the government's response is, 'But we are spending more than anybody else. Do not criticise us, because we are spending more'. That is not the issue; the issue is value for money. The issue is trying to achieve the best outcome for Victorians, which far too often is not being achieved.

I have been going around talking to organisations about the \$33 million railway station. That is actually a lie; I have been telling them it was only \$32 million, because I did not know it was \$33 million until yesterday. It is

over budget, by the way; it went up by \$1 million. This is the railway station at Coolaroo, which I call Grand Central railway station. Is spending \$32 million for a rudimentary railway station value for money? For that money you could build four Bunnings Warehouse stores, a shopping centre with a supermarket and about 23 specialty shops, or four schools. However, instead of getting four schools at \$8 million each for that \$32 million, we get one lousy railway station.

21:50 That is not to say that the railway station is not warranted and is not an important project, it is simply to question whether this government has really got its eyes on the road and its hands on the wheel in terms of driving proper value for Victorians.

In conclusion, I want to make some remarks about our local area — it is an electorate that I share with you, Acting President. There was some good news in the budget for our electorate including money for a number of schools, particularly in the Knox area. Parkmore Primary School received some money, as did the Eastern Autistic School, which is a particularly good and significant project. All of that is certainly appreciated. However, I note that there are concerns that Whitehorse Primary School, which is a merged school, has a \$1.8 million shortfall in funding and that Blackburn High School also has a shortfall. Blackburn Primary School has completed a master plan and had expected funding in this current budget but has not received it.

I also note that the government has failed to support station redevelopments at Ringwood or the bus interchange project at Whitehorse. Both projects are significant for those activity centres but have been overlooked in terms of the budget. I note that the dental clinic in Maroondah has also been overlooked for funding. I further note that the Maroondah regeneration project, which has been so lauded by the Minister for Education, did not receive the funding to advance its program that it expected, although I note that the minister subsequently provided \$1 million to keep the schools talking. The government had arrived at a position where it could have acted and started amalgamating those schools. It had the school communities primed to support what was a pretty significant exercise. What the government has done is give the project \$1 million to keep the schools talking and effectively to keep them quiet so that they do not kick up a fuss about the fact that the real funding for the project is not there.

I am concerned about the fact that the government has failed to effectively fund the Box Hill Hospital project. The minister will be quick to say, ‘We have put the

funds in the budget; they are there as part of the forward estimates process’, but the reality is that when the budget for the last financial year came down this government was anticipating spending \$800 million on the Box Hill Hospital. By September Premier Brumby was in the Box Hill area saying that this project would cost \$1 billion. Just before Christmas, when everybody was busy shopping at David Jones or Myer, the government rushed out a press release that said the government was going to pay for the Box Hill Hospital and it would cost \$405 million.

I put a question on notice to the Minister for Health in effect asking, ‘If you are actually providing half of the money that it was anticipated it was going to cost, what has been left out? What aren’t you doing as part of the project?’. I got a terrific little public relations answer about all the wonderful things that are included in the project, but there is still absolutely no mention — where is the transparency the government talks about? — of what has been left out of that project. It is clearly not a rebuild; it is obviously a refurbishment. It is going to cost more than \$405 million anyway, because I dare say the building will be riddled with asbestos because of its age and it is going to need significant work in terms of its electrical plant and wiring and its water systems and so forth if it is going to be an efficient, modern hospital able to cope with the sort of machinery that we have in hospitals today for diagnosis purposes and for surgery and so forth. If this project is going to be achieved for \$405 million, this Treasurer must be Mandrake and the health minister must be David Copperfield, because I cannot see how a project that was costed last year at \$800 million is going to deliver the same for \$405 million this year. The people of the whole of the eastern suburbs, not just of Box Hill, have been short-changed by this government in terms of that project. It is a most alarming situation.

I say in conclusion that whilst this government talks about the business tax concessions that it makes in the budget and says that WorkCover costs are down and the percentages of payroll tax and so forth have been adjusted, the fact is that that will not mean more money back in the pockets of business. No more dollars will go back into business. A business does not spend fewer dollars on WorkCover premiums or payroll tax if it has the same number of staff doing the same sort of work and so forth. It is, if you like, a reduced cost compared to what it would have paid otherwise, but it is not a return of funds to the business. Businesses in this state and many Victorians are reeling about the significant cost increases right across the spectrum, both those that are here now and those that are prospective.

If people want to take a line on this government's attitude to them, this government's arrogance, this government's expectation that they will simply cast a vote in favour of it at the next election in November without considering its record or what it plans to do after that election, then they need look no further than the smart meters, which were the subject of an opposition motion. We have to be cynical because it has sent alarm bells ringing very loudly that Minister Batchelor would say that the government is going to continue to rollout the smart meters but will not turn them on until after the election. Why will we not turn them on until after the election? Because people would get a rude shock about what their energy costs will be as a result of the practices and strategies that are involved in using those smart meters going forward. They are going to get a rude shock from the increased costs.

With this on top of water costs, transport and so forth, people in Victoria are starting to hurt. Elderly people in particular are consistently talking to me about how difficult it is for them to get by. This budget, as a document, simply continues more of the same with respect to this government's agenda. It is not all bad; there are some good initiatives in this budget, like the autism project in Ferntree Gully. There are some good initiatives in terms of research and development in the public health sector, although we should be doing a lot more. Preventive health initiatives are still found wanting when it comes to public policy and budget resources. We need to do more, but I do not think this budget delivers anything like what it should. In that regard I stand waiting for the Treasurer to make a full and detailed response in respect of what the health reform package will mean for Victoria both now and into future as a result of our surrendering 30 per cent of our GST revenue.

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

That the house do now adjourn.

Housing: government performance

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Housing and concerns the homelessness and housing stress being experienced by the Carter family. My request is for the minister to personally oversee this

case and ensure he makes good on his promises that the Carter family will be housed as soon as possible.

Mr Carter and his family have been experiencing housing stress since September 2009. Without a stable roof over their heads they have moved from a hostel to caravans parks and hotels for months.

Mr Carter's wife, Debra, is blind and the three children, aged 13, 6, and 3, have health issues. Mr Carter advised me that he had been working with the local housing advocates in an attempt to secure temporary housing and to have his name placed on the segment 1 waiting list with the Office of Housing. Unfortunately, despite months passing, it is only this week that his name was finally placed on the segment 1 waiting list. 22:00

In sheer desperation Mr Carter took the story of his family's housing stress to the media. The media contacted the Minister for Housing for comment. On 26 May the *Shepparton News* quoted the minister as saying, 'The Office of Housing will provide emergency accommodation to the family by Wednesday', but that did not happen and the Carter family was left to secure its own accommodation in a hotel. On Friday, 4 June, the *Shepparton News* quoted the minister as saying, 'We expect to have a long-term housing option available for them as soon as possible'.

On Monday, 7 June, I was contacted by Mr Carter who advised that his segment 1 application had finally been lodged with the Office of Housing. Unfortunately Mr Carter has been told it might be more than 8 to 10 weeks before the family was housed by the Office of Housing. Mr Carter has no idea where he is on the waiting list.

The uncertainty is having disastrous effects on Mr Carter and his family. His eldest daughter, who suffers from Townes-Brocks syndrome, is receiving counselling due to the housing stress and is having difficulty settling at school. The middle daughter is worried about where they will live and believes that because they do not have a home the authorities will come and take her away. Mr and Mrs Carter's marriage is under extreme pressure and Mr Carter is worried it may crumble under the pressure of their housing situation. Mr Carter believes there is something wrong in Victoria when the Minister for Housing promises assistance in media stories, but fails to deliver on his promise.

I call on the minister to personally oversee this case and ensure that he makes good on his promises that the Carter family will be housed as soon as possible.

Planning: Footscray

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Planning, and it concerns three problems we have with the planning scheme amendment for Footscray. The problems are the consultation process, the lack of appeal rights and the proposed height limits.

In relation to the consultation process, the Department of Planning and Community Development sent out 11 000 letters to residents about the amendment, but it was just gobbledegook to most people. It is as if the department is deliberately trying to make it hard for residents to have their say. The letters do not say anything about how the amendment would affect them or even what the proposed comprehensive development zone is.

The department is insisting that all submissions must be in writing and by post. People cannot even drop their submissions into the one-stop planning shop in Footscray. To add another hurdle, two key documents are not on exhibition, but need to be. They are the revised skyline study to do with the height limits and the parking study.

The planning scheme amendment removes the community's voice and appeal rights, whether the development meets the guidelines or not — for example, an application for a 12-storey building will not be advertised, even when the guideline only allows for 8 storeys.

It gets worse. Outside central Footscray and around the Footscray central business district there are residential areas of low-rise, heritage housing. These homes would lose their residential zone protection. Cafes and restaurants would be allowed to pop up next door, as of right, with no planning application process, no controls on opening hours, parking, traffic and noise. I would say that this is a recipe for conflict.

Another concern is about the heights that are being allowed. Unfortunately I do not have enough time to cover those details tonight. When the state government took over planning control from the Maribyrnong City Council in 2008 it said it would respect the strategic work that had been done in consultation with the community, but it has not.

The action I ask of the minister tonight is to extend the time frame available for public submissions for a fortnight to address the problems with the lack of consultation process and to also put on exhibition the

two key documents that the planning scheme amendment relies on.

Bendigo hospital: funding

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the attention of the Minister for Health, Daniel Andrews, and concerns two recently publicised incidents at the Bendigo hospital: one in which a 92-year-old woman was left abandoned outside the hospital for 45 minutes, alone, at midnight, without a mobile phone and waiting for a taxi; another was in October last year when an 89-year-old war veteran with multiple sclerosis was discharged at midnight and sent home to Castlemaine in a taxi, despite the fact he had a broken neck. He died eight days later.

Stories abound where people have been left waiting for ambulance support. Some have in fact died as a result of paramedics being tied up at the emergency department of the Bendigo hospital because of the bottleneck that occurs when demand reaches crisis point at the hospital.

There needs to be an understanding of the real catchment of this hospital and the demands on the health system in Bendigo, because for 10 years there has been neglect and poor management of our hospital and ambulance service by this government.

I have personal experience of this emergency department and the doctors and nurses who attended my grandmother last September when she was treated by both paramedics and emergency department staff at the Bendigo hospital. They showed the highest level of professionalism and care for her.

Despite the member for Bendigo East in the other place crowing about the \$50 million allocated to the Bendigo hospital, this emergency department remains underresourced, staff are under enormous pressure and an eight-bed ward remains abandoned.

Human error thrives in underresourced, high-pressure environments, and the victims of these human errors were elderly patients whose care was completely inadequate. Staff have borne the brunt of the blame for the situation at the Bendigo hospital, and I know from talking to them that it is easier for this government to blame them than to properly resource a hospital in crisis. These elderly patients were sent home because there was no doctor to see them and no beds to put them into, and yet an eight-bed ward in medical unit 1 lies empty.

I ask the minister to ensure that the emergency department of the Bendigo hospital is adequately

resourced and that funds are appropriately spent on improving the facility for patients and staff. The action I seek is that the funding for the operational budget be directed to reopening the eight-bed ward to ensure that people are not left out in the cold, untreated and in life-threatening situations.

During the past 11 years, rising crime, particularly violent crime, has run rampant under the Labor government, resulting in the erosion of public safety values we have traditionally held close to our hearts. In Hamilton local police were recently overpowered when brawls erupted on the streets after drunken patrons were evicted from a local nightspot. The police were severely outnumbered, with one officer being punched from behind. Police were forced to use capsicum spray in an attempt to subdue the incident.

22:07

Abortion: health risks

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Health and relates to the apparent link between abortion and breast cancer. During the abortion debate in this Parliament in late 2008 I went into considerable detail, listing some of the scientific evidence which demonstrates that having an abortion increases a woman's risk of developing breast cancer. Even more recent scientific studies released in 2009 confirm such a link.

Such is the seriousness of issues like this that Southern Grampians service area Chief Inspector Don Downes recently spoke out regarding the lack of police officers available to attend incidents. Hamilton is a rural city where community security has always been valued and enjoyed. This confidence and safety has been threatened over recent years, principally due to the lack of resources being made available to police our streets.

Concerned Victorians who have some expertise in these matters have reported to me that they have approached various health organisations and health leaders in Victoria to alert them to the latest research, but they have not received any acknowledgement or any other kind of response.

The chief inspector said he would continue to lobby his superiors for additional police resources. The real problem with policing in western Victoria is that police and the public are being let down by a state government that is more concerned about selling spin than it is about providing front-line police for active duty. Unfortunately a lack of police officers is not limited to the south-western Grampians region; it is an issue right across western Victoria.

The submitted research includes the following: Ozmen V. and others 'Breast cancer risk factors in Turkish women' in *World Journal of Surgical Oncology*, 2009; 7:37; Xing P. and others in 'A case-control study of reproductive factors associated with subtypes of breast cancer in Northeast China' in *Medical Oncology*, e-publication online, September 2009; Dolle J. and others 'Risk factors for triple-negative breast cancer in women under the age of 45 years' in *Cancer Epidemiol Biomarkers Prev* 2009; 18(4), pages 1157–1166.

Recently the member for Ripon in the other place claimed investments in new police buildings in Smythesdale and Lexton over the last decade proved the government was on top of policing in western Victoria. However, the local member neglected to inform the public that during the same period, many police stations across western Victoria, including the police stations at Smythesdale and Lexton, have been left unmanned — in fact the Lexton police station and residence have been unoccupied for over three years.

Apparently these important warnings are being ignored by the health authorities to which they are being reported. It seems difficult to avoid the conclusion that ideological commitment to unrestricted abortion may be preventing a proper assessment of the health risks of abortion.

Under the Premier's leadership it has become the norm for government MPs to commend the government on law and order, but in a manner that is distorted with selective facts in order to influence community perceptions that are factually incorrect. Premier Brumby has always peddled the mantra that he governs for all Victorians, not just Melburnians. It is high time he backed up this rhetoric.

The action I seek from the minister is that he seek an objective review of the evidence of a relationship between abortions and breast cancer risk, and if such a link is shown to exist, to issue medical warnings along these lines, even if this has the effect of reducing the number of abortions.

Police: Western Victoria region

Mr KOCH (Western Victoria) — My issue is for the Minister for Police and Emergency Services and relates to the lack of police available on the ground to protect communities in western Victoria.

My request is that the minister review police resourcing and explain why he remains unwilling to allocate the necessary resources to allow police in western Victoria to undertake their professional responsibilities, by allowing them to properly maintain community safety

and security, especially in our rural cities and small community towns across western Victoria.

Lake Wendouree: restoration

Mr VOGELS (Western Victoria) — I raise a matter for the attention of the Minister for Water. The matter concerns the fourth attempt and promise by this Labor government to restore Lake Wendouree in Ballarat to its full glory. I will quote from various media releases from Labor over the past five years.

A media release from John Thwaites of 10 May 2006 says:

QUOTE NOT SUPPLIED IN TIME FOR VERIFICATION.

Low water levels in Lake Wendouree are a serious concern however careful planning is needed so we don't jeopardise Ballarat's water supplies.

A media release from then Premier Steve Bracks, issued in January 2005, states:

QUOTE NOT SUPPLIED IN TIME FOR VERIFICATION.

Bracks secures future of Lake Wendouree water supply.

Labor's Ballarat and Western Victoria policy for the 2006 election states:

QUOTE NOT SUPPLIED IN TIME FOR VERIFICATION.

A re-elected Bracks Government will continue to help restore Lake Wendouree to its full glory.

A media release issued by the Premier on 7 June this year quotes the Minister for Water as saying:

... it was now the right time to return Lake Wendouree to its former glory.

At this stage, with the lake still empty, the following sources of water have been identified, but that will cost millions of dollars: recycled water from Ballarat treatment plant, 600 megalitres. Due to incompetence this treated water is too salty and cannot be used unless it is shandied down with fresh water. Obviously due to dry seasons there is not much rainwater to shandy it with.

Another possibility is to take 250 megalitres out of Pauls wetland — robbing Paul to pay Peter, in other words sleight of hand. Yet another possibility would be to drain Gong Gong Reservoir of 200 megalitres. Even if these three measures were to be successful, the amount of water would still only be 30 per cent of the total lake requirements of 3200 million litres.

There is another election coming up, and all of a sudden we are going to divert water from Ballarat West bore field, which apparently can magically deliver 1700 million litres.

In theory we now have a total of 2750 megalitres, but only 450 megalitres to find. This bore has been kept as a reserve for Ballarat if and when required. The mineral content, especially phosphorus levels, are extremely high for this bore, which without proper treatment leads to blue green algal blooms.

On paper we now have four separate sources of water, and if we mix this cocktail together according to this Labor government the lake will be resplendent and the voters of Ballarat will forgive this government for all of its other failures; they will return the lower house seats of Ballarat East and Ballarat West for Labor. It would be a con job done for the 2010 election. There would still be no water in the lake unless we get decent rainfall over the winter-spring period this year.

The action I seek from the minister is that he guarantee the salt-laden water from the treatment plant, mixed with the high phosphorus content water from the Ballarat West bore field deposited into Lake Wendouree, is of a quality to support aquatic life — that is, fish, birds and plants — into the future. The quality of the water deposited into the lake needs to be carefully monitored by Central Highlands Water or the lake and its ecosystem could be destroyed forever.

Bridges: East Gippsland

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Roads and Ports concerning the maintenance of heritage-listed bridges in the shire of East Gippsland. The shire has five heritage-listed bridges, three of which are truss bridges. One is a suspension bridge and one is a multiple-span timber bridge. In all cases they have been replaced with new nearby bridges and they have been retained for posterity, with usage now limited to pedestrians.

The ongoing maintenance of these heritage bridges is essentially the responsibility of the shire council; however, it is clearly a task beyond the shire's resources. The shire has another 115 timber and time-and-steel road bridges to maintain, of which 53 have load limits in place, and the shire is unable to commit the necessary ongoing funding to preserve the heritage bridges.

Approaches for funding from Heritage Victoria were unsuccessful as it has a limited budget that is allocated in small grants for the rehabilitation and maintenance of

bridges of this nature. I would submit that the heritage-listed bridges in East Gippsland bear that status not only because of their importance locally but because they are of state and national significance; however, there is an issue of more pragmatic importance that has direct bearing on the shire's position in that cost shifting on the government's part has forced the shire to take responsibility for the heritage bridges.

The way this comes about is that VicRoads builds a new bridge and confines its responsibility to the maintenance of the new structure. VicRoads hands the heritage bridge over to the local community, which has the effect of transferring VicRoads' responsibility to the local shire. Given the age and condition of many of the heritage bridges, their preservation generally comes at a very high price.

Therefore I ask that the minister act to change the present arrangement to provide that in these situations VicRoads retains responsibility for heritage bridges to ensure their ongoing preservation.

Rail: Pakenham line

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Public Transport. It relates to the cancellation of train services on the Pakenham line at Springvale due to upgrades that are taking place at Westall railway station. I understand that this is due to an ongoing program of works that have taken place over a period of 12 to 18 months.

22:17 It involves the regular replacement of rail services with buses at Springvale at times when works are taking place down the line at Westall.

The particular matter I raise for the attention of the Minister for Public Transport is the need to ensure that the bus services that are replacing the rail services are compliant with the commonwealth Disability Discrimination Act. The matter has been raised by a number of groups in the south-east including the South Eastern Region Polio Support Group. Its members are concerned about the difficulty that disabled people have when train services terminate at Springvale and they are required to transfer to buses, because in many cases those buses are not suitable for people in wheelchairs. They have suggested that with typical train services at least one person on each service will require wheelchair access and the bus services that are being provided do not always have disability access.

A spokesman from one of the transport operators has indicated that this problem arises because of the 'unplanned nature of rail replacement'. It seems incongruous with a plan that has been laid out to do these works over 12 to 18 months that these works are in any way unplanned.

I seek from the Minister for Public Transport his undertaking that officers from the Department of Transport will work with the rail operator and the bus operator that replaces the rail service to ensure there is at least a minimum number of disability-compliant bus connections with each rail service so that people who require disability access do not experience any additional inconvenience when they are required to switch from rail to bus services to facilitate the rail upgrade.

Moorabbin Airport: master plan

Mrs PEULICH (South Eastern Metropolitan) — With your guidance, Deputy President, I would like to raise a matter for I think possibly the Premier in his capacity as head of state. I ask that he make representations to the federal government on a matter to do with aviation, specifically the Moorabbin Airport master plan, about which the mayor of the City of Kingston has written to me seeking a response to some correspondence and the particular position the council has taken. It potentially could have a state government overlay.

The DEPUTY PRESIDENT — Order! We will go with the Premier. It will be important to bring it back to a state responsibility or need.

Mrs PEULICH — Okay. There is a consultative committee on which members of the community as well as a number of stakeholders sit — the local state member of Parliament is a member as well, so there is a state overlay. There is also, I understand, some desire — and it may be just rumour-mongering; I do not know — for the state government to have a planning role in the development of non-aviation land uses. That is the link.

Mr Leane interjected.

Mrs PEULICH — Thank you. The draft master plan, which has obviously been developed at significant cost to the Moorabbin Airport Corporation, was completed many months ago. The final plan should have been released and is now about eight months overdue. There is some uncertainty about particular areas and issues of concern to the local community, and I have recently received a letter from the mayor of the

City of Kingston, Steve Staikos, asking for my support as well as, I would imagine, that of other members of Parliament from the area on a particular matter that can really only be concluded if we know what we are dealing with — that is, he is asking me to pin the tail on the donkey but I cannot see the donkey. In this instance the donkey has got to be the master plan.

I am very keen to be able to respond to the mayor as the head of the City of Kingston, but that can only be done if I am in a position where I am informed as to the content of the master plan, which is now eight months overdue.

What I am asking is that the Premier make representations to the federal Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese, asking that he expedite the prompt release of the master plan for Moorabbin Airport so these matters of community interest can be addressed and local members of Parliament who have representative roles can take some part in moving forward.

The DEPUTY PRESIDENT — Order! When Mrs Peulich started talking about donkeys I thought that maybe her request should have been directed to the Minister for Agriculture. At any rate I will allow the adjournment item to stand on the basis that she is seeking the release of the master plan so that the community, and presumably also the state government, can assess the implications of that plan. To that extent it is valid in a land-use planning sense. I know that in the past the Minister for Planning has had an interest in plans that have affected the environs in and around airports, particularly at Tullamarine, so it may well be that the Minister for Planning ends up with the responsibility of chasing this up, but at this stage I will leave the matter with the Premier.

Youth: Bentleigh

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Sport, Recreation and Youth Affairs. It is to do with very young youths — 11 to 14-year-olds — in Bentleigh. The issue is that these are on the whole pretty good kids, except that they are bored and hanging around in gangs and groups and we have seen a huge rise in graffiti in Bentleigh. I am not suggesting that these children are involved in this, but it is only a matter of time. As we all know, once they start tagging and getting involved with graffiti it is not long before they start getting involved in other petty crime-type situations and it is a slippery slope downhill from there.

These very young youths are hanging around Centre Road and in and around the shopping centres.

As the local member for Bentleigh in the other place says in a letter dated 1 June to Mark Brennan, the director of liquor licensing:

22:25

In the last 12 months residents and traders have complained about the increased prevalence of under-age drinking and antisocial behaviour at the Centre Road shopping precinct.

I and other people are not the only ones who are seeing this. The member for Bentleigh is seeing it as well.

Some of the youths are just smoking and drinking, but some are openly having sex in the streets and lanes off the main street. Recently, I had a deputation from two Bentleigh residents, Pamela Hutterer and Anne Buckingham, who are very concerned about these issues and who have identified many of the problems. They have formed a rapport with many of the young people and have listened to their problems. Some of them have quite profound problems. One in particular has an alcoholic mother and a very difficult home situation, as do some of the other children. These women have spent time with them, and they have helped one of the young people get an apprenticeship to get some hairdressing experience, and she is now staying off the street. They suggest an after-school program that is relevant and interesting to these youths — for example, kickboxing, something these young people will be interested in — and mentoring programs using the vast skills in the community.

The action I seek is that the minister as a matter of urgency establish suitable and relevant programs for these youths before they succumb to petty crime and are on a downhill slope leading to more serious crime?

Monash Medical Centre: patient care

Mr D. DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Health. It concerns correspondence I have received from Robyn Chen concerning her father who had a very unfortunate experience at the Monash Medical Centre, which is part of Southern Health. I think it is worth putting on the record some of the things that have occurred here.

The letter I received is dated 25 May and concerns the treatment of her father. Ms Chen says he had triple bypass heart surgery at the Jessie McPherson Private Hospital and 10 days later her father was transferred to Ward 325 of the Monash Medical Centre. He was in hospital for eight weeks and, very sadly, passed away on 13 December 2009, just two and a half months short

of his 80th birthday. He had been very healthy and independent until that point. She says that:

During his eight weeks in hospital he quickly became a frail man who could not stand unaided and had difficulty feeding himself.

He had heart surgery which went well:

... but he developed complications such as infections, low blood pressure, low sugar levels and difficulty eating — it was later discovered Dad had an ulcer and tears in his oesophagus. Doctors were slow to identify issues ...

This went on for six or eight weeks, and he was only fed intravenously in week 7. He lost weight and muscle mass and lacked nutrients. She says he had difficulty in fighting an infection. This went on and it was later confirmed that the site of the infection was near where a particular needle had been put into him.

There were difficulties with some fighting between nurses on the wards. Her father told her:

This place is a shambles, the nurses were fighting last night.

Some nurses bullied him as he tried to sit in a chair.

These are the reports from Ms Chen. She has contacted the minister and sought his response on this. She has also been to the Health Services Commissioner. Unfortunately, the Monash Medical Centre has not been prepared to respond to the complaints to the Health Services Commissioner, although they were submitted on 19 February. Up to tonight, I understand the Monash Medical Centre has still not responded and neither has the Minister for Health, despite Ms Chen's entreaties to him and his staff, seeking his assistance.

With this tragic case what I seek from the minister is that he contact Southern Health to seek an explanation of what has occurred here and find out what has gone wrong and a request that it respond to the Health Services Commissioner as a matter of urgency.

Medical practitioners: East Gippsland

Mr P. DAVIS (Eastern Victoria) — I wish to raise an outstanding adjournment matter. Regrettably, I would raise it, and have been waiting to do so, with the minister in this house who is responsible for dealing with it, who is the Minister for Environment and Climate Change, Mr Jennings. However, as he has not attended the adjournment debate for some time, I feel I must raise it with the Leader of the Government.

It relates to a matter regarding medical practitioners in East Gippsland that I raised for the attention of the Minister for Health on 16 September 2009. I have

written on three separate occasions to the Minister for Environment and Climate Change pursuing this matter: in December 2009, again on 29 March and most recently on 19 April. I regret to advise that I have had no response from the minister — that is, Minister Jennings — nor has there been a response to the outstanding adjournment matter from the Minister for Health. I therefore ask that the Leader of the Government take some action to remind ministers of their responsibilities to conform with the arrangement for the adjournment debate in this place.

Responses

Mr LENDERS (Treasurer) — I will certainly raise Mr Davis's matter with my colleague Mr Jennings and ask him to expeditiously seek that response from the Minister for Health.

I table 10 responses to adjournment issues from various members during this year.

Tonight a further 11 items were raised for ministers. I will pass them on to the appropriate ministers for their attention.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 10.31 p.m.