

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 24 March 2010

(Extract from book 4)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Planning and Minister for the Respect Agenda.	The Hon. J. M. Madden, MLC
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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
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Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Acting Secretary: Mr C. Gentner

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew ⁷	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter ²	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André ³	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill ⁴	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William ⁸	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene ⁵	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice ⁶	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 13 February 2010

⁵ Elected 28 June 2008

⁶ Resigned 18 January 2010

⁷ Elected 15 September 2007

⁸ Resigned 6 August 2007

CONTENTS

WEDNESDAY, 24 MARCH 2010

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL <i>Introduction and first reading</i>	961
BUSINESS OF THE HOUSE <i>Notices of motion: removal</i>	961
PETITIONS <i>Electricity: smart meters</i>	961
<i>Police: Hastings</i>	961
<i>Planning: growth areas infrastructure contribution</i>	961
<i>Rail: Mildura line</i>	961
DOCUMENT	962
LIVESTOCK MANAGEMENT BILL <i>Council's amendment</i>	962
MEMBERS STATEMENTS <i>Eleanor Burke and Auntie Maria Starcevic</i>	962
<i>Schools: psychology services</i>	962
<i>Australian Friendship Games</i>	963
<i>Cultural Diversity Week: bestchance Child Family Care</i>	963
<i>Fishing: border anomalies</i>	963
<i>Jan Wilson, AM</i>	963
<i>Sherbrooke Art Society: opening</i>	964
<i>Thompsons Road, Bulleen: bus stop</i>	964
<i>Police: city of Manningham</i>	964
<i>Glenroy West Primary School: 2010 leaders</i>	964
<i>Public transport: Doncaster electorate</i>	965
<i>Brunswick Music Festival</i>	965
<i>Bairnsdale Regional Health Service: consulting suites</i>	965
<i>Beaufort: multiservices centre</i>	965
<i>Public transport: Metcard retailers</i>	966
<i>Housing: Ferntree Gully development</i>	966
<i>Angliss Hospital: Ferntree Gully auxiliary</i>	966
<i>Archbishop Oscar Romero</i>	966
<i>Kokoda Track: reunion dinner</i>	967
<i>Hanging Rock: summit path project</i>	967
<i>Infrastructure: Mornington Peninsula</i>	967
<i>Seabrook Primary School: community night</i>	968
<i>Bushfires: fuel reduction</i>	968
<i>Cultural Diversity Week: Ballarat</i>	968
<i>Nanaksar Thath Isher Darbar Sikh Temple, Lyndhurst</i>	969
<i>Casey Interfaith Network</i>	969
GRIEVANCES <i>Police: numbers</i>	969
<i>Opposition: performance</i>	972
<i>Transport: government performance</i>	974
<i>Liberal Party: policies</i>	976
<i>Electricity: smart meters</i>	979
<i>Western Health: opposition allegations</i>	982
<i>Anticorruption commission: establishment</i>	983
<i>Housing: opposition policy</i>	985

STATEMENTS ON REPORTS

<i>Environment and Natural Resources Committee: approvals process for renewable energy projects in Victoria</i>	988, 990
<i>Environment and Natural Resources Committee: Melbourne's future water supply</i>	989
<i>Scrutiny of Acts and Regulations Committee: review 2009</i>	990
<i>Electoral Matters Committee: misleading or deceptive political advertising</i>	991
<i>Public Accounts and Estimates Committee: Audit Act</i>	992
DAMS: OPPOSITION POLICY.....	993, 1010

QUESTIONS WITHOUT NOTICE

<i>Former Minister for Major Projects: media plan</i>	997, 999
<i>Economy: performance</i>	998
<i>Health: regional and rural Victoria</i>	1000
<i>Minister for Planning: media plan</i>	1002
<i>Solar energy: government initiatives</i>	1003
<i>Planning: Hotel Windsor redevelopment</i>	1004
<i>Soccer: World Cup</i>	1004
<i>Mental health: services</i>	1005
<i>Automotive industry: government support</i>	1006

TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL

<i>Second reading</i>	1025, 1028
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EQUAL OPPORTUNITY BILL

<i>Second reading</i>	1028, 1040
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ADJOURNMENT

<i>Portsea: beach erosion</i>	1059
<i>Volunteers: Geelong plan</i>	1060
<i>Planning: shire of Wellington</i>	1060
<i>Forest Hill College: sports funding</i>	1061
<i>Motor vehicles: registration</i>	1061
<i>Pascoe Vale war memorial: restoration</i>	1062
<i>Wild dogs: control</i>	1062
<i>Coral Drive–Hallam Road, Hampton Park: traffic lights</i>	1063
<i>Disability services: Mooropna accommodation</i>	1063
<i>Peace Street, Glen Iris: noise levels</i>	1064
<i>Responses</i>	1064

Wednesday, 24 March 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.35 a.m. and read the prayer.

**ENVIRONMENT PROTECTION
AMENDMENT (LANDFILL LEVIES) BILL**

Introduction and first reading

Ms MORAND (Minister for Children and Early Childhood Development) — I move:

That I have leave to bring in a bill for an act to amend the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies and for other purposes.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill.

Ms MORAND (Minister for Children and Early Childhood Development) — The key objective of this bill is to augment the government's policy to reduce the generation and disposal of solid waste in order to better capture the environmental, social and economic benefits of recovering valuable material from waste.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 97 to 101, 143, 189 and 225 to 227 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly'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 in stalled; 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 Assembly 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 VICTORIA (Bayswater) (92 signatures),
Mr JASPER (Murray Valley) (91 signatures) and
Mrs POWELL (Shepparton) (235 signatures).**

Police: Hastings

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, draw the attention of the house to moves to downgrade the 24-hour Hastings police station to a 16-hour station; closing at night between 11.00 p.m. and 7.00 a.m. daily.

We, the undersigned concerned citizens of Victoria, therefore request the Legislative Assembly of Victoria to request the state government to immediately return the Hastings police station to 24-hour status, in the interest of community safety.

By Mr BURGESS (Hastings) (55 signatures).

Planning: growth areas infrastructure contribution

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, draw the attention of the house to very strong community opposition to the state government's proposal that as part of an expansion of the urban growth boundary (UGB) it will impose a growth areas infrastructure contribution (GAIC).

We, the undersigned concerned citizens of Victoria, therefore request the Legislative Assembly of Victoria to request the state government to withdraw its proposal to impose a growth areas infrastructure contribution (GAIC).

By Mr BURGESS (Hastings) (99 signatures).

Rail: Mildura line

To the Honourable Speaker and members of the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura-Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and

disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (31 signatures).

Tabled.

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

DOCUMENT

Tabled by Clerk:

Auditor-General — Management of Safety Risks at Level Crossings — Ordered to be printed.

LIVESTOCK MANAGEMENT BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Eleanor Burke and Aunty Maria Starcevic

Mr WYNNE (Minister for Aboriginal Affairs) — I am delighted that the Minister for Women's Affairs recently inducted two outstanding Aboriginal women to the Victorian Honour Roll of Women. Eleanor Burke has been a passionate advocate for Aboriginal people

for over 40 years. Her particular focus has been on education. She was a founding member of the Victorian Aboriginal Education Consultative Group, represented Victoria at the national level and provided advice to the Australian College of Educators and the Family Law Council. Eleanor has been a director of both the Aboriginal research centre at the University of South Australia and Aboriginal programs at Monash University, at which she is also chair of Australian indigenous studies. She is a member of the Baringi Gadjin Land Council Aboriginal Corporation and a board member of Native Title Services Victoria. From 2001 Eleanor was co-chair of Reconciliation Victoria for five years and is now chair of the Victorian Aboriginal Heritage Council.

Aunty Maria Starcevic has been actively promoting Aboriginal progress for over 30 years. Maria has focused on the area of family violence within indigenous communities. She brought her expertise to this role by providing guidance and direction to many initiatives addressing the family violence issue. Maria was a founding member of the Victorian indigenous family violence forum and was a member of the southern metropolitan regional Aboriginal justice advisory committee.

The commitment of both Eleanor and Maria to the cause of improving the lives of ordinary indigenous Victorians cannot be summed up in words or adequately reflected in our appreciation. I am sure all members of the house will agree that their dedication sets no better example for all Victorians to follow.

Schools: psychology services

Mr DIXON (Nepean) — Another bright idea and top-down policy initiative: the Minister for Education has imposed a new system for allocating specialists such as psychologists to assist Victorian government schools. I know it is an initiative of the minister because it ticks off important prerequisites for any education policy initiative under her administration. It adds another layer of bureaucracy — tick. It adds time to processes and involves many pages of forms to fill out alongside complex flowcharts — tick. It removes decision making and autonomy from schools and principals — tick. It applies a new, one-size-fits-all centralised process — tick.

Under the previous system schools had at worst fortnightly timetabled access to a psychologist. The psychologists knew the schools, the teachers, the students and their parents and were always a phone call away. Now a 7-page form has to be filled out — as if teachers have the time to do this! That form is sent to a

centralised decision making and allocation process. A psychologist is then nominated who must then make contact with the school, which they are not familiar with, to make a time to visit the school and meet with the student in question.

This new model is not working, according to principals and psychologists. It is adding time and complexity to what used to be a timely, simple and effective process. The Brumby government should start listening and trust principals and specialists who have the local knowledge, experience and expertise to tackle the growing social problems in Victoria's schools. It must realise that this socialist, one-size-fits-all approach is an insult to our schools and is unworkable.

Australian Friendship Games

Ms MORAND (Minister for Children and Early Childhood Development) — On Sunday I had the pleasure of attending the Australian Friendship Games at Monash University, a great event organised by the Victorian Sikh Association with the support of Hockey Victoria. A series of four hockey matches has been played between the best of the Indian-origin players and players from different hockey clubs across Melbourne. Many of the players on Sunday were current Indian students studying in Melbourne. It was a great event and a great game, attended by many people.

The Victorian Sikh Association aims to promote social, cultural and sporting activities among its members and members of the Victorian community. Sport is of course a fantastic way of connecting in the community and developing great friendships. I commend the Victorian Sikh Association because its activities are part of the reason Victoria has such a successful culturally diverse community. I want to commend particularly the president, Harvin Dhillon, the organiser of the event, Jagdip Bal, and the secretary, Gurbinder Gill. The Indian-born community is a significant and growing part of our Victorian community, with nearly 80 000 people identifying as having Indian ancestry in the 2006 census.

Cultural Diversity Week: bestchance Child Family Care

Ms MORAND — I also want to congratulate bestchance Child Family Care for organising a multicultural festival as part of Cultural Diversity Week. The festival was on Saturday in the grounds of bestchance and it aimed at, and I think succeeded in, celebrating different cultures that are part of the diverse community that uses the services of bestchance.

Bestchance is an organisation that provides a range of early years services.

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

Fishing: border anomalies

Mr JASPER (Murray Valley) — I bring to the attention of the house the frustration of recreational fishermen and women along the border between Victoria and New South Wales at not being able to achieve reciprocal fishing licences between the two states. Border anomalies continue to be a major issue, with an estimation that there are at least 1500 anomalies that need to be resolved by reciprocal arrangements, mutual recognition or by amending legislation on the part of each state.

Reciprocal arrangements for fishing licences were addressed by the former Border Anomalies Committee during the 1980s without success, followed by little action during the 1990s. A new border anomalies organisation emerged in 2005, following my strong negotiations with former Premier Steve Bracks, and its first meeting was held in Echuca in July 2006. Since that time there have been annual meetings along the border with some positive progress being made. It was indicated that general agreement had been reached for reciprocal fishing licences to be implemented in early 2009. However, when I raised the issue for discussion at the annual meeting in Albury in September 2009 it was confirmed that with the changes to the premiers and the staff in New South Wales the reciprocal arrangements had stalled.

This is now a ridiculous situation, and I call on the Premier to act decisively and negotiate with his counterpart in New South Wales to proceed with reciprocal fishing licences immediately to eliminate a most irritating border anomaly and to continue to support eliminating border anomalies more generally.

Jan Wilson, AM

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to honour Jan Wilson who recently passed away. Jan was the member for Dandenong North between 1985 and 1999, and for a period was shadow Minister for Sport, Recreation and Racing. After she retired from politics Jan was chairman of Greyhound Racing Victoria for more than 10 years. In 2000 she was made a member of the Order of Australia. To me, she was my first Labor boss. Jan was prepared to give young people a go, an opportunity for us to cut our teeth and learn about politics. Before

me, she gave people such as the Minister for Water an opportunity as well. I will be forever grateful that she took a punt on me. Working for this formidable Scottish woman alongside my friend Cathy Sword was a great experience. Jan was a wonderful person, deeply loving of and deeply loved by her husband, Eric, and son, Craig. She lived a full and happy life and will be sadly missed.

Sherbrooke Art Society: opening

Mr MERLINO — On 13 March I had the pleasure of officially opening the refurbished facilities at the Sherbrooke Art Society, an icon in the Dandenong Ranges. The society was founded in 1966 and moved to its present site in Belgrave in 1971. It conducts the renowned annual Streeton Roberts McCubbin Awards and strongly supports the development of young artists. In recent years the building was in significant need of repair and refurbishment to ensure it remained viable. I was proud that the Brumby government committed \$77 000 towards this project. Together with significant funds raised by the society, that funding has enabled the facility to be transformed, and the improvements include the refurbished gallery, upgraded storage and kitchen facilities and expanded studio space for the artists. Congratulations to Gordon Richardson and all the members of the society who have worked so hard to make this wonderful project a reality.

Thompsons Road, Bulleen: bus stop

Mr KOTSIRAS (Bulleen) — On 2 September 2009 I requested a meeting between the Minister for Roads and Ports and a group of local residents whose wellbeing, health and safety were being put at risk by the construction of a bus stop outside their homes without any public consultation. The first time the residents found out about this new bus stop was via a letter advising them that the decision had been made and they would have to live with it. Unfortunately the position for the bus stop chosen by the bureaucrats is wrong and dangerous.

After six months I finally received a response from the minister. It states:

I refer to the matter you raised during the adjournment debate ... 2 September 2009 regarding a bus stop on Thompsons Road ...

This matter no longer falls within my portfolio responsibilities and should be redirected to the Minister for Public Transport.

It took this incompetent minister six months to advise me that he is no longer responsible for the construction of bus stops. Why is this government refusing to take

responsibility for matters it is responsible for? Its members are experts at playing pass the parcel, but they refuse to listen to Victorian families. What do ministers do? How do these Labor ministers justify their extra ministerial allowance? Is it any wonder that this Labor government is fast becoming a joke and is seen as lacking ability?

Since the Minister for Roads and Ports does not speak to or liaise with the Minister for Public Transport, I refer this matter to the Minister for Public Transport — or will he ask me to refer this matter to his chauffeur?

Police: city of Manningham

Mr KOTSIRAS — On another matter, we need more resources for our police in Manningham. Several sporting clubs in Manningham have been targeted by burglars. Thirteen clubs have been broken into over the past three months.

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

Glenroy West Primary School: 2010 leaders

Ms CAMPBELL (Pascoe Vale) — Congratulations to Glenroy West Primary School 2010 leaders, as announced on Monday.

The leadership team members are Bridget LeRoy, Taylah Lambert and Thomas Clarke.

The student representative councillors are Jack McCartney, Vincent Faletau, Heshitha Galhenage, Jaiden Cabandong, Benjamin Bilotta, Joel Dess, Samantha Clarke, Zack Lovell, Jasmine Perera and Chloe Taylor.

The house and vice-captains for Chapman are Harry Hurley, Sarah Miskimmin; for Clovelly, Chloe Bushell, Naomi Ball; for William, Melanie Scott, Harry Ferraro; and for York, Caitlin Lovell, Matthew Austin.

Activity leaders are Aaron McConnell, Anzel Pyakurel, Ashley Crawshaw, Bridget LeRoy, Brittney Pretty-Mann, Brooke Copland, Caitlin Lovell, Carmen Mackey, Charlee Crocker, Chloe Bushell, Chloe Taylor, Deanna Gramola, Dean Robertson, Grace Edmunds, Harry Hurley, Isabella Rahme, James Greer, Jasmine Perera, Rebecca Turner, Roger Soula, Stephanie Bradfield, Taylah Lambert, Taylah Vere-Flint, Tekura Tumu and Zack Lovell.

To all the monitors, congratulations to those who were elected to art, assembly, bell, bins, flags and gates, goal posts, house points and pupil of the week, ICT,

interschool sports, library, Mr Hay, Mr Millott, PMP, prep assistants and recycle bins.

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

Public transport: Doncaster electorate

Ms WOOLDRIDGE (Doncaster) — The government has finally said it is going to release the long awaited and very overdue Manningham bus review. In the meantime commuters continue to endure overcrowded buses, poor weekend and off-peak services and gaps in routes. Doncaster residents want a far superior public transport service to what this government delivers. We want a public transport service that can accommodate the people who want to use it. We want a service which runs in the evening and over the weekend, and we want public transport that allows us to go easily on public transport to the places we want to go to.

One prime example of the government's lack of regard for commuters is the removal of the 289 bus service. Students who used the 289 bus to commute to schools in Box Hill have tripled their travelling time without it. I call on the government to replace that service to enable students to get to school easily and on time. Residents also need improved services and connections to easily travel to our neighbouring suburbs to access community services, including the Box Hill Hospital and education institutions such as Deakin and Monash universities. Other improvements we need are for the Manningham Mover bus service to operate during the hours equivalent to the main road services for which it is a feeder. The route should also include local amenities such as Aquarena.

Finally, the government has put out a glossy flyer and the minister has confirmed that the Doncaster area rapid transit (DART) system will not start until early 2011. This improved bus service must start as soon as possible. Residents should not have to wait another year. Doncaster residents need to have new buses providing improved services on our roads and I call on the government to bring forward the commencement of the DART system.

Brunswick Music Festival

Mr CARLI (Brunswick) — Last Sunday saw the conclusion of the 22nd Brunswick Music Festival. There have been 22 years of a great festival which began as a festival to represent the multicultural nature of Brunswick and to produce folk music, which we now call world music. This year's festival was

immensely successful. The great success was due not only to all the performers who came from all around the world but also the Sydney Road street party, at which an estimated 50 000 people participated.

This was the first year that the festival organisation was undertaken by Performing Arts Moreland, the new company entrusted with running the festival. The chair is Judy Small, who is a musician, and the director of the program was John MacAuslan, who has directed the Brunswick Music Festival for a number of years. The festival has been very successful and this new model with a company to organise the festival will bring even greater success.

As I said, the performers came from all over the world. There was a very strong Scottish influence, which included Emily Smith, Dougie Maclean and Eddi Reader. There were also Apodimi Compania and George Xylouris from Greece; a great uilleann piper, Paddy Keenan, from Ireland; and I Viaggiatori, with Italian music performed by Kavisha Mazzella, Irine Vella, David De Santi and Mark Holder-Keeping. It is a terrific multicultural event, much loved by the people of Brunswick and Moreland.

Bairnsdale Regional Health Service: consulting suites

Mr INGRAM (Gippsland East) — I rise to express my concern about the dispute between the consulting specialists due to the implementation of fees and the poor condition of the Bairnsdale Regional Health Service's consulting suites. Many specialist physicians and doctors who visit East Gippsland have expressed to me their concern about this dispute. They have also indicated that many of them will pull out of providing specialist services in Bairnsdale due to their objection to paying fees for what are very poor quality consulting suites.

It is essential for our region that we have access to these specialist services. I call on the government and the health service to do all they can to resolve this dispute and make sure that people in Bairnsdale and East Gippsland generally have adequate access to specialists. We have had a number of issues in the past when the Bairnsdale Regional Health Service had major disagreements with the specialists who operate there. It is unacceptable for my community not to have access to specialist services in our local community.

Beaufort: multiservices centre

Mr HELPER (Minister for Agriculture) — On Monday I had the great pleasure of turning the first sod

at the Beaufort multiservices centre, which is to be constructed in conjunction with the Beaufort education centre project in the beautiful town of Beaufort. It is terrific that the Minister for Children and Early Childhood Development is in the chamber, and I use this opportunity to pass on to the minister the thanks of both the Beaufort community and the broader regional community for making \$500 000 available for this development.

The source of funding for the project was \$500 000 from the state government, \$900 000 from the commonwealth government — and I appreciate its commitment to this project — and an extraordinary commitment of \$100 000 from the Pyrenees Shire Council. We have to put on the record that the Pyrenees Shire Council is extraordinarily well engaged with its community, and I congratulate it on this commitment.

There was another extraordinary funding contribution of \$21 000 from the Elizabeth Watkin Kindergarten parent committee — that is the existing kindergarten in Beaufort. I congratulate it for two things: firstly, its commitment to making this project happen through its funding commitment and, secondly, for its long advocacy for this project.

Public transport: Metcard retailers

Mr WAKELING (Ferntree Gully) — I wish to highlight to the house the concerns of the Wellington Village lotto outlet proprietor, who has been trying for a number of months to become a Metcard ticket retailer. I am informed by the proprietor that a number of residents from Heany Park come into his store each day asking for Metcards. In response to this demand, the owner has contacted Metlink in an attempt to become a retailer for Metcards. Metlink has responded by informing the owner that there are already enough retailers in the area. However, Metlink's website has only two retailers in Rowville, one being 1.5 kilometres away and the other 2.5 kilometres away. If the government is committed to encouraging the use of public transport and, further, encouraging pre-purchasing of Metcards for travel, surely it should be committed to ensuring tickets are available for purchase in convenient locations.

Housing: Ferntree Gully development

Mr WAKELING — I wish to raise an issue of concern regarding the housing development at the former Ferntree Gully Primary School site. Concerned residents have contacted my office after trying for three months to obtain answers about the development from Community Housing Ltd following an information

session held in December 2009. The residents who live near the development had simple questions concerning how the development would affect them and their properties, but it seems Community Housing Ltd was more interested in continuing the government's practice of keeping residents in the dark and failed to provide any answers for over three months. It was only when my office contacted Community Housing Ltd that an answer was finally received. It is just not good enough that the community is still being kept in the dark over this development.

Angliss Hospital: Ferntree Gully auxiliary

Mr WAKELING — I would like to congratulate the Angliss Hospital Ferntree Gully auxiliary for its fantastic fundraising efforts. The auxiliary has donated over \$61 000 to the Angliss Hospital, beating its previous total by \$7000.

Archbishop Oscar Romero

Ms BEATTIE (Yuroke) — I rise today to commemorate the life and death of Archbishop Oscar Romero of El Salvador. Archbishop Romero was gunned down 30 years ago, on 24 March 1980, as he said mass at the altar of his church.

Archbishop Romero was a thorn in the side of the ruling elite of El Salvador. Made the Archbishop of San Salvador in 1977, Romero followed his beliefs to the letter. He was unable to stand by and watch El Salvador spin into a cycle of corruption, violence and murder. At that time approximately 3000 people were being murdered each month in that country. Many senior clergy stood by helplessly: not Archbishop Romero. He visited poor communities in far-flung areas of the country and spoke out for people who had no voice, either because they were poor or oppressed or both.

Despite strong objections, Archbishop Romero held a mass which was attended by over 100 000 people. In his final sermon he said:

I know that many are scandalised at what I say and charge that it forsakes the preaching of the gospel to meddle in politics. I do not accept that accusation.

Two weeks before his death, 72 sticks of dynamite were found in the basilica where just the previous day Archbishop Romero had said a mass for a Christian Democratic leader who had been murdered. Archbishop Oscar Romero paid the highest price for his beliefs; he lived and died a hero.

Kokoda Track: reunion dinner

Dr SYKES (Benalla) — On 12 March over 150 people met at a reunion dinner in Parliament House, Melbourne, to commemorate the heroic deeds of the men of the 39th battalion — the veterans of the Kokoda Track. Twelve veterans attended, and they stood proudly as they were acknowledged for their role in one of Australia's most significant wartime battles. Major Charlie Lynn spoke passionately of the veterans' selfless acts of courage, mateship, endurance and sacrifice. These four words are etched in four granite columns at the memorial at Isurava, where Private Bruce Kingsbury's heroic deeds saw him awarded the Victoria Cross — regrettably, posthumously.

Australia's young and free will forever be indebted to the men of the 39th battalion. Proceeds from the Kokoda reunion dinner will go towards helping educate the children in the villages along the Kokoda Track, the grandchildren and great-grandchildren of the fuzzy wuzzy angels, whose compassion, courage and endurance saved the lives of many Australian soldiers. Well done to the member for Narracan for organising this magnificent annual event.

One last request from a Kokoda veteran was for the Kokoda memorial at Ferntree Gully to be upgraded. Granting this request is the least we can do as one further acknowledgement of the brave young soldiers whose legendary deeds ensured that Australia remains the best country in the world to call home.

I encourage all members of Parliament to come along next year and show their gratitude to the Kokoda veterans and support the education of the descendants of the fuzzy wuzzy angels.

Hanging Rock: summit path project

Ms DUNCAN (Macedon) — Last Friday I had the pleasure of being part of the official opening of the Hanging Rock summit path project, along with the mayor of the Shire of Macedon Ranges. In early 2007 a risk manager from the Department of Sustainability and Environment visited Hanging Rock Reserve, and it was as a result of this visit that this project gathered some momentum. The majority of the walking path up the rock had previously been sealed with bitumen, apart from the final 200 metres to the summit.

After finalising the design concepts the logistical challenge was to determine the best method of delivering the required materials to the site at the top of the rock. After some consideration it was determined

that the use of a heavy-lift helicopter would be the safest method. In summary, 20 cubic metres of crushed rock and cement was required to be carted by helicopter to the top of the rock, as well as 60 lineal metres of a specialty fibreglass and concrete combination drainage channel and 32 square metres of fibre-reinforced plastic grating.

Rising 105 metres from the plain and formed 6 million years ago, Hanging Rock is a place of mystery and intrigue. Who cannot help but be impressed by this amazing symbol of the Macedon Ranges? Hanging Rock is now a popular destination for local tourists and is home to the popular races on New Year's Day and Australia Day and also the harvest picnic. It is of course well known worldwide for the film *Picnic at Hanging Rock*.

Hanging Rock is still a great place to picnic and explore the numerous walking paths and trails of the rock and the reserve. The summit path project undertaken by the Macedon Ranges Shire Council and the Department of Sustainability and Environment will make the journey to the summit safer and enhance the already fantastic tourist appeal of this area. I encourage all members of this house to visit the beautiful Hanging Rock, Woodend and the Macedon Ranges.

Infrastructure: Mornington Peninsula

Mr MORRIS (Mornington) — The Brumby government has completely failed to provide for the rapidly increasing population of Melbourne's fringe and particularly for the Mornington Peninsula. Eleven years and more than \$300 billion after its election there has been next to no improvement in basic infrastructure. Despite rapid population growth in the Mornington district there has been spectacularly little investment in either physical or social infrastructure. There is no better example of this than the chaotic traffic conditions on Mornington-Tyabb Road. A decade or more of sustained housing development in the East Mornington area has led to a huge increase in the number of cars using the road each day. However, the last time any serious works were done was when the council, of which I was a member, built a roundabout at the intersection with Dunns Road in the early 1990s. This is not a council road; it is VicRoads responsibility, but the government refuses to meet that obligation. It is too busy spending a fortune on fairy lights and advertising to do the necessary work to keep our roads up to standard.

Speaking of infrastructure failures, the latest monthly rail reliability figures show the Frankston line again got the wooden spoon for punctuality. It was the worst line

in the state, with more than one in five trains more than 5 minutes late. The Frankston line did a little better on the cancellations front — it was only the fourth worst out of a total of 16.

It is time for the government to stop taking peninsula people for granted and start providing the basic services to which all Victorians are entitled.

Seabrook Primary School: community night

Ms HENNESSY (Altona) — I rise to congratulate the Seabrook Primary School on the magnificent primary years program community night it held on 18 March. The turnout of children, teachers, parents, grandparents and other local community members was truly impressive. At the community night I had the pleasure of participating in a grade 1 forum at which students discussed their attitudes on the topic of respect. We all have much to learn from these young children who spoke about respecting difference, respecting cultural diversity, respecting their bodies and respecting the environment. Afterwards they performed some terrific songs, including some in different languages, and they read a story to the grown-ups returning to their focus on respecting difference — a great topic.

The students from Seabrook Primary School come from 48 different cultural backgrounds. As one teacher said to me, 'We truly live the richness of multiculturalism at this school'. The 750 students at Seabrook Primary School, supported by the wonderful teachers, parents, carers and helpers, have developed a culture at the school which was inspiring to observe and gives me great hope for the future. I congratulate the teachers, parents and students for organising this terrific night, and I wish to acknowledge my appreciation of their contribution to the west and our community.

Bushfires: fuel reduction

Mr TILLEY (Benambra) — It comes as no surprise for those in north-east Victoria to see this city-centric Labor government fail again when it comes to bushfire management. For years Victorians in the north-east have been pleading for Labor to take fuel reduction burning seriously, yet the government has steadfastly refused to take into account local knowledge when it comes to fire management.

As I have said many times in this place, fuel reduction is absolutely critical. There are many sites, be they state or national parks or public lands, from Wodonga to Beechworth through Corryong and beyond, which require substantial fuel reduction to ensure the safety of local communities. When the Department of

Sustainability and Environment announced a new program of fuel reduction burns, locals thought that they were finally being heard. But they were wrong. Instead of taking locals into its confidence, Labor has haphazardly drawn up a list of burn sites without taking into account local knowledge and local conditions. Recently many local winegrowers have had what could be called a bumper vintage threatened by smoke taint from fuel reduction burns which have been planned without their knowledge or input. The concerns expressed by the winegrowers were met with absolute contempt by Labor. They were told to go away and pen a formal request for a meeting to be heard. Fuel reduction burns are critical, and so too is listening to locals who know the land.

Cultural Diversity Week: Ballarat

Mr HOWARD (Ballarat East) — Last week was Cultural Diversity Week, and I was pleased to see that over the week many celebrations of our cultural diversity took place in Ballarat. Under the coordination of the City of Ballarat the week was officially launched when a harmony flag was raised outside the town hall and the Ballarat and Clarendon College Choir sang songs celebrating our Australian diversity. This was followed by a walk led by Chinese lion dancers to Alfred Deakin Place, where a concert was held involving a diversity of Irish, African, Indian and other cultural entertainment, with Japanese, Indian and African food also on offer to attendees.

During the week a broad range of events were held at the Mining Exchange so that school students and other members of the community could experience activities ranging from henna hand painting, Chinese craft making, yoga and meditation, African dance and many other things. Events were also held at Sovereign Hill, the Ballarat library, the Regent Multiplex cinemas, and the Kirrit Barreet Aboriginal Art and Cultural Centre. The week culminated in an interfaith forum at G Place and a sizzle and cricket challenge between Ballarat police and the Ballarat culturally and linguistically diverse community.

I congratulate the City of Ballarat, particularly Elizabeth Hardiman, who coordinated the program; the Ballarat Regional Multicultural Council; the Ballarat African Association; Pinarc Support Services; Sovereign Hill; staff of the Ballarat library; the Ballarat Japan Friendship Association; the Ballarat China friendship group; and the many other groups and individuals who worked to ensure that Ballarat could truly celebrate its cultural diversity.

Nanaksar Thath Isher Darbar Sikh Temple, Lyndhurst

Mr DONNELLAN (Narre Warren North) — On 13 March together with the member for Narre Warren South I had the wonderful opportunity to visit the Nanaksar Thath Isher Darbar Sikh Temple in Evans Road, Lyndhurst. This temple had recently, on 10 January, suffered the terrible indignity of having a fire deliberately lit while the Sikh community is building a new temple. I was fortunate to be met by my good friend Avtar Singh Gill, one of the leaders of the local community, who has been working in that area with the Sikh community since the early 1990s. I was fortunate to come into contact with the community many years ago when I worked for Greg Wilton. At that time the Ganga Sagar, a relic the Sikh community holds in great esteem, was brought to Australia and there was a wonderful celebration.

Casey Interfaith Network

Mr DONNELLAN — I was also fortunate enough to visit the Casey Interfaith Network, which is ably led by Matt Harry and Pam Mamouny. These two marvellous leaders have made the interfaith network work very well so that it includes all the religions in the local community. They do a magnificent job, so it was a marvellous afternoon which greatly improved the understanding between the various religious communities of their beliefs and the like. I congratulate both the interfaith network and the Sikh community.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Police: numbers

Mr RYAN (Leader of The Nationals) — I grieve today for all Victorians, but very particularly for Victorian families, for Victorian businesses and for police officers, who so proudly wear the blue on behalf of Victoria Police. As I have said many times in this place and beyond its walls, policing is a difficult gig, and I have great admiration for those who undertake the task — all the more in circumstances where patently, clearly and obviously we do not have enough police in Victoria. We simply do not have enough front-line police out there doing what needs to be done on behalf of Victorian families and Victorian communities.

I want to give the house a snapshot of life in contemporary Victoria drawn from a range of headlines

in the media over the course of the past seven days. If it were the Premier speaking, he would refer to these as the clippings; I have the clippings. I will just run through them briefly: in Bendigo an ABC Central Victoria website headline of 15 March is ‘Teens accused of bashing man ... \$10’; in Narre Warren a Berwick *Leader* headline of 17 March is ‘Stabbed, robbed’; regarding an incident in North Coburg a *Herald Sun* headline of 18 March is ‘Thieves grab ATM cash in daring ram raid’; with respect to an incident in Box Hill a *Herald Sun* headline of 18 March is ‘Six youths charged in violent attack at Box Hill shopping precinct’; in relation to an incident in Moonee Ponds a *Herald Sun* headline of 19 March is ‘Boy’s throat cut on tram — callous driver wouldn’t help, says victim’s mum’; and in relation to an incident in Oakleigh concerning Calder Park Raceway a headline of 19 March is ‘Vic: man charged over riot as photographer tells of bashing’ — a riot, do you mind!

In the regional areas, an AAP national news list headline of Friday, 19 March is ‘Man brandishing shotgun breaks into home in country Victoria and demands cash before fleeing with laptop’; referring to Maryborough an ABC South West website headline of 22 March is ‘Nightclub attack leaves man with serious injuries’; a Ballarat *Courier* headline of 22 March is ‘Lydiard Street stabbing: accused gets bail’; a *Geelong Advertiser* headline of 22 March is ‘Half ear bitten off in inner city fight’; a *Herald Sun* headline of 23 March is ‘Hero’s bear hug sends pistol pair packing’ in relation to an incident in St Albans.

Yesterday in Ballarat there was an armed hold-up at a Ballarat pharmacy. Someone wielded a knife there — or so the report says. Yesterday there were four burglaries in a spree in Maryborough. This is life in contemporary Victoria. It is an appalling state of affairs. It is happening for a variety of reasons — yes, that is so. But the reality is we simply do not have enough police on our streets to deal with these issues. We are now seeing the outcomes of those figures across Victoria. We see the growth of crime in different forms, particularly assaults and crimes against the person. All of this is happening while we have the lowest number of operational police of all states per capita in the Australian nation. We have the lowest spend per capita on police and resourcing in the Australian nation. In the last five years Victoria had the lowest increase in expenditure in relation to the capital resourcing of our police in the whole of Australia. What three more deplorable statistics could one put on the record than those? This is an appalling commentary of this government over its 11 years of purportedly running the state.

What is the outcome as well as the matters I have already referred to? I will refer to some districts. Interestingly enough, a lot of these apply where government members predominantly represent particular areas. In the district of Ararat from 2001 to 2008–09 — these are the statistics that apply across that time frame in these different areas — there has been an increase of 137.9 per cent in the number of assaults and 145.1 per cent in the number of crimes against the person. This is substantially in the electorate of the member for Ripon, who is the Minister for Agriculture.

In the interests of time, as I flip through these statistics I will refer to the figures for assaults and then those for crimes against the person over that period of 2001 to 2008–09. In the Ballarat area, which is represented by the member for Ballarat East, the member for Ballarat West and, partially, the member for Ripon, who are all government members, assaults have increased by 77.5 per cent and crimes against the person have increased by 50.4 per cent. In Bendigo, which is represented by two ministers of the Crown, assaults have increased by 67.1 per cent and crimes against the person have increased by 64.8 per cent.

In the Central Goldfields area, incorporating Maryborough, which again is represented by the member for Ripon, who is the Minister for Agriculture, assaults increased by 38.1 per cent and crimes against the person increased by 30.8 per cent. In East Gippsland assaults have increased by 49.5 per cent and crimes against the person have increased by 38.2 per cent. In Frankston, which is represented by the member for Frankston, the member for Cranbourne, the member for Hastings, who is a member of the Liberal Party, and the member for Carrum — but the three government members substantially represent that area — assaults are up by 82.7 per cent and crimes against the person are up by 49.2 per cent. In Geelong assaults are up by 68.7 per cent and crimes against the person are up 21.3 per cent, and on it goes; I can keep reaming through these.

What we see is a similar pattern across the state of Victoria: in those areas to which I specifically referred, as well as those many others that I would go through if time permitted, we are seeing this pattern. This enormous growth in the percentage of assaults and the percentage of crimes against the person has become established over the almost 11 years of this government.

In all this I say again, and I emphasise the point, the police are doing a magnificent job with the resources they have available but they need more assistance, and that is the reality of it. People throughout the state

recognise it as such; although of course there are some exceptions to that general recognition. In Ballarat we have had some commentary over the last few months that shows there are a few recalcitrants to the basic argument. For example, on 26 February 2010 the Premier went to Ballarat, and he is quoted in the *Courier* as having said:

... crime was down across all areas, including violent crime and crimes against people and property.

However, Mr Brumby said Labor would be making commitments towards police numbers near the end of the year.

We need the numbers now. That is the whole point of this. It is what the people of Ballarat are telling the Premier, and they are also telling the two local government members. In commentary reported in the *Courier* on 15 March this year the member for Ballarat East said he:

... reaffirmed his claim Ballarat police were better resourced than ever before.

'I don't accept they are significantly underresourced, they have more resourcing than they have ever had', he said.

It was a bit different down there the other day. Indeed the day after that commentary, on 16 March, it was reported locally in the *Courier* that:

An estimated 50 police marched on Ballarat East MLA Geoff Howard's office yesterday in a desperate bid to have more officers posted to the region.

The article goes on to say:

Mr Howard said he would convey the message of Ballarat police to police and emergency services minister Bob Cameron directly but continued to maintain the city was not underresourced.

'I think they are well resourced at the moment but more police would help', he said.

That is classically what you would call a bob each way.

Then we have the situation that prevails in Frankston. On 23 February a report in the *Frankston Independent* stated:

Frankston police officer Glenn Holland has told Frankston councillors they would be better off helping the Police Association lobby the state government for more resources than hiring private security guards to patrol the streets.

I am sure members will recall this commentary, which came out in the context of do-it-yourself policing being introduced to the poor folk of Frankston. Because there are not enough police in the community there, the council has seen fit to allocate funds to enable security

guards to be hired. As was reported in the same newspaper on 2 March:

The council last month agreed to spend close to \$1 million to hire eight security guards to patrol streets, beaches and the railway station.

The decision to run a trial prompted the city's top police officer, Superintendent Wayne Taylor, to call a news conference to play down fears of a crime wave.

He said policing was 'far more complicated than just walking around the streets'.

'I would say to Frankston Council: be careful what you have these people doing.'

We see this reflected in various locations across the state of Victoria. I have spoken of Ballarat and I have spoken of Frankston. Recently we have had a situation spillover in Bendigo where we had reports about a meeting being conducted, outcomes derived from it and a course of action which has been settled upon.

As I said in the course of flipping through these figures before, the position in relation to Bendigo is something that does need to be re-emphasised, bearing in mind that the Minister for Regional and Rural Development is one of the members from Bendigo and, more particularly, the other member from Bendigo is the Minister for Police and Emergency Services. This is the bloke who purportedly runs the show. This is the minister whose responsibility it is to be at the cabinet table to obtain the resourcing which is made available to Victoria Police to in turn ensure we have enough police officers on our streets doing what they need to do and that police command has at its disposal sufficient forces to enable that to occur.

What we see in the figures, as I have already said, is that from the period 2001 through to 2008–09 assaults in Bendigo increased by 67.1 per cent and crimes against the person increased by 64.8 per cent. I pause to say these are the police statistics. All the statistics to which I have referred are the police statistics, so I am simply reciting the reports which the police have provided.

In Bendigo, faced with those sorts of challenges, we see that a meeting was called recently. It was called just last week by the two ministers. It was not a public meeting where you would expect people would be invited to come along and express their concerns, where the people of Bendigo would be able to tell these ministers firsthand what the problems are. After all, it was the Minister for Police and Emergency Services and the Minister for Regional and Rural Development who convened this meeting. Would you not expect that in a city of 100 000 people there would be a public forum

conducted, if this is what these ministers were seeking to do, so that people would have the chance to have their say?

Not so. This was a meeting by invitation for about 30 people who came along and it was held behind closed doors. The ministers apparently convened it, and as I understand it they participated in it. This, after years of reports of assaults escalating in the way that I have indicated and crimes against the person escalating in the way that I have read out based on these police statistics and referable to the City of Greater Bendigo. Some would say that we now have an election 248 days away as I speak. So this meeting was called about 255-odd days away from the next election, which is due to be held on 27 November.

The Minister for Police and Emergency Services was given his role at the cabinet table on behalf of police in November 2006. So here he is, as the Minister for Police and Emergency Services, after the best part of three and a half years plus a bit. He suddenly decides, in concert with his colleague the Minister for Regional and Rural Development, that in Bendigo, where people are suffering the consequences of this enormous growth in assaults and crimes against the person, they will all of a sudden, out of the blue, have this meeting behind closed doors. I gather various resolutions were passed at the meeting, but the principal thing was that there has been an agreement that the whole of the community needs to cooperate in relation to dealing with this issue.

As I said when I started this, I accept there are contributing factors of different sorts and all elements of the community need to be involved. I applaud the fact that all of the community in Bendigo is going to get behind what is said to be a proposition to reduce crime in that fair city by 20 per cent by the year 2012. But there is one essential feature that was not discussed openly, at least not in the subsequent press material. There was no specific comment in relation to an issue fundamental to the role performed by the Minister for Police and Emergency Services — that is, there was no mention about the need to increase police numbers. How can it be that a meeting of this nature was conducted and that issue was not front and centre of whatever might be the outcomes in Bendigo? We need more police on the streets in Bendigo.

What it goes to show in Bendigo, as in other places, is this is a government in denial. It is not listening; it is out of touch. The problem is always someone else's fault. It is a statement of sheer arrogance that these ministers can go through a meeting such as this, intended to get — and I share the fact — constructive outcomes in terms of achieving these goals and yet there is nothing

produced by way of the publicity arising from this to do with adding more police on the street. We need more police on Victorian streets. Until we get them, the same circumstances are going to apply.

Opposition: performance

Ms RICHARDSON (Northcote) — Today I grieve on behalf of all Victorians, and I do this because this lazy and incompetent opposition is consistently doing its very worst to undermine Victoria's economic recovery. Members opposite, in particular the member for Scoresby, have become masterful at the monumental stuff-up. They are experts in getting it wrong, and they show no signs whatsoever that they have learnt from their mistakes. At the last reshuffle the Leader of the Opposition stripped the member for Scoresby of some of his responsibilities, perhaps in a vain attempt to ensure that the reduction in responsibility would somehow deliver greater attention to detail. But this has not happened, either.

The member for Scoresby is still proving himself incapable of making any sort of statement that could be considered of value to the economic debate in this state. Worse, his statements are so inaccurate that they actually work to undermine confidence in our economy. Take for example his recent blunders over the *2009–10 Mid-Year Financial Report*. This report was released on 11 March, and on that same day at 2.10 p.m. the member for Scoresby issued his first inaccurate press release of the day. The release stated:

The 2009–10 year financial report for Victoria released today showed the budget surplus was just \$11.7 million, compared to a surplus of \$1.2 billion this time last year.

I am not sure quite how he got this figure so terribly wrong. If you look at the report, on page 28 there is the correct figure for last year — not \$1.2 billion, but \$85.9 million. That is a discrepancy of more than \$1.1 billion between the correct figure and the member for Scoresby's wild stab in the dark. The mistake was of course pointed out to him, but as far as the member for Scoresby is concerned, why make one mistake per day when you can do it all over again exactly 2 hours later? In his second press release, issued at 4.10 p.m., he made another wild stab at the midyear budget surplus figure. The figure he came up with for the midyear surplus at this time last year was \$46.2 million. That was wrong again. As I said, the figure in the table on page 28 is quite clear: it was and still is \$85.9 million. The member has taken the figure published in the *2008–09 Mid-Year Financial Report* and completely overlooked the revised figure published in the latest midyear financial report.

I know that millions, perhaps even billions, do not mean much to a person like the Leader of the Opposition who, let us face it, is rolling in money, but every Victorian is absolutely entitled to expect that the opposition, and in particular its shadow Treasurer, would at least be able to work out what the budget surplus actually is, especially when it is printed in the latest financial report, which the shadow Treasurer is commenting on. I happen to like the member for Scoresby. I think he is a nice enough bloke for a Liberal. He and I share a love of my country of birth, Tanzania. We have chatted at length about our mutual climbs of Mount Kilimanjaro. But let us face it: being a nice guy is just not enough when it comes to commenting on our economy. The one quality that every shadow Treasurer must have is the ability to add up.

Just in case members opposite want to take comfort in the idea that this is just one little mistake — or actually two little mistakes — in one afternoon, let me remind them of the catalogue of errors that have been chalked up by the member for Scoresby. It is a record that in my view helps to explain why the opposition is continually unable to formulate, let alone promote, a single detailed policy. Its members are consistently unsure about how to cost anything that they come up with.

Let us look at what has happened in the recent past. Last year the member for Scoresby got it completely wrong when he referred to the government's budget forecast. He said in his press release of 2 September titled 'Brumby and Lenders backflip on economic growth' that the state government's forecast economic growth rate is 3 per cent this financial year. The facts are that the 2010 state budget forecasts growth of 0.5 per cent in 2008–09 and 0.25 per cent in 2009–10. He went on to say that the state government has failed to deliver manufacturing and freight logistics policies, when in fact the state delivered an industry and manufacturing statement, *Building Our Industries for the Future*, in the previous year. It includes an industry plan for manufacturing, tourism, ICT (information and communications technology), international education, aviation, and financial services. It is all there in the statement, but that has been completely overlooked by the member for Scoresby. He went on to say that close to 5000 jobs had been lost in Victoria since the beginning of that year. The fact is that employment in Victoria had actually increased by 6200 jobs in 2009. Embarrassingly for the member for Scoresby, it all came out in the wash that he had just reissued his media release from the previous year — blocked out the date at the top of the page and reissued it.

Mr Helper — He got the date right.

Ms RICHARDSON — Yes, Minister, he got that right, but he just reissued the data and of course was wildly inaccurate in what he put forward. Imagine if a person who engages in this kind of buffoonery were in charge of Victoria's \$42 billion budget. I shudder to think about it, but there would be the member for Scoresby doing his sums, saying to himself, 'Let's just go back to last year's figures; there cannot be much of a change, can there? Let's just pretend that the global financial crisis did not happen, and let's rely on figures from before the meltdown of the world's markets. No-one will notice, will they?'. The sad fact for the member for Scoresby is that everybody has noticed and drawn some rather disparaging conclusions about his performance as a consequence.

The catalogue of blunders does not end there. The member for Scoresby has of course predicted on many occasions dire consequences for Victoria's AAA credit rating, none of which has come to pass. In fact, under Labor, Victoria has enjoyed a AAA credit rating for the past 10 years, while under the Liberals the AAA credit rating was enjoyed for only three months. He has also predicted dire consequences for Victoria's growth rate, stating on 9 June 2009 that:

...the state budget's forecast of 0.25 per cent growth now look decidedly shaky and extremely optimistic. ... it is highly possible that Victoria could be looking at negative growth of over 1 per cent next financial year, or a turnaround of minus 1.5 per cent.

In fact the most recent economic figures released by Australian Bureau of Statistics show that Victoria had a strong 4 per cent economic growth rate in 2009, which is a major embarrassment to members opposite.

Then of course over the past few months members opposite have made continual attempts to talk up a recession, no matter what the consequences are for working families in Victoria. I watched in horror a video on the Liberal Party's website in which the Leader of the Opposition states that the Australian economy is in recession. The shadow Treasurer has also done all he can to talk up a recession, building on his very inaccurate statements following last year's budget, including statements such as:

To make matters worse we find in the budget papers that the Premier and Treasurer remain silent on the r-word. Everyone else is in recession but apparently not Victoria. The economic indicators contained in the budget are optimistic in the extreme and are predicated on Victoria not entering recession and benefiting from a fast recovery.

That was the member for Scoresby on 7 May 2009. How spectacularly wrong can you be? While leaders around the world are doing their very best to respond to the challenge of the global financial crisis, here in

Victoria we have a lazy and incompetent opposition doing everything it possibly can to talk down the Victorian economy no matter what the consequences are for all of us. If opposition members do not get the bad figures they are desperately hoping for, they simply make up something. They issue a press release, no matter what it says and no matter what the damaging consequences may be. Meanwhile they have no plans, not one, to create a single job anywhere in the state except to expand the government payroll. Does anyone seriously believe the opposition in government would do anything to expand government services when the last time it had an opportunity it slashed the number of police by over 800, it slashed teacher numbers and it slashed thousands of nurses' jobs as well?

I am very proud of Labor's record on jobs. It has been brought about by our strong response to the global financial crisis. Since April more than 97 000 new jobs have been created in Victoria, which is almost twice the number of jobs created in any other state. Since last year's jobs-building budget we have secured higher job growth than any of the other states. To date we have defied the ongoing impact of the global financial crisis with growth rates in excess of the national average, and Victoria's quarterly growth of 3 per cent was the best of all of the states. In the December quarter we also saw a sharp rise in private business investment of 14 per cent — the largest increase of any state.

In short, Labor's job-building budget, the one so denigrated by the opposition and by the member for Scoresby in particular, is delivering much-needed infrastructure around the state. It is delivering and has delivered big time for the people of Victoria. What is the best that members opposite can do? In the absence of any detailed policy, and among a barrage of embarrassing blunders, the plan so far seems to be as follows: the Liberals will freeze or cut taxes — and we have already shown how on the forward estimates that would punch a \$6 billion hole in our state budget. That is part A of the plan: to freeze or cut taxes. The Liberals will increase public service jobs, they will cut debt, and they will maintain and/or increase the state's infrastructure spend. How can all of this happen? Of course we know it cannot.

Meanwhile opposition backbencher after opposition backbencher comes into this place demanding more spending on this or that in their electorate. It brings to the forefront of my mind just one question: is there anyone opposite who is capable of providing some form of budget discipline? We know neither the member for Scoresby nor the Leader of the Opposition is capable of getting a budget paper accurate, but is there anyone opposite who is prepared to stand up in

defence of all Victorians and argue for a coherent and sensible economic policy?

The reason this is all so very important is because accurate, coherent economic statements are what our economy needs, but is not what we have had from members opposite. If there is a better way to do things, then they should tell us. They should not just run around and undermine our economy by running down confidence in the economy. We all know how important confidence is to the health of any economy, let alone an economy trying to weather the global financial crisis. We see that while consumer confidence fell in the month of March, it remains high at 115.5 points, which is significantly higher than 12 months ago when it was 78.6 points. We know consumer confidence is crucial to the performance of the Victorian economy and, unlike members opposite, we are not in the business of talking down the economy and trashing our state. Confidence drives investment and investment creates jobs. We have also generated confidence by maintaining budget discipline and implementing long-term plans for the development of the state.

It is time for members opposite to stand up on behalf of all Victorians and to fight for all Victorians. They need to present accurate arguments. They need to present a detailed policy — any policy in fact — that does not seek to undermine our economy. They will then find that people will sit up and take notice of what they have to say. Until that day all members opposite are doing is undermining the chances of our economy weathering this terrible global financial crisis.

I urge members opposite to take the member for Scoresby aside and have a chat with him. They should give him a few pointers with respect to reading the budget papers if they can spare the time or have the inclination. Someone needs to speak for the opposition. Ideally it would be the Treasury spokesperson or the Leader of the Opposition, although those two have ruled themselves out. If opposition members could take them aside and give them some pointers, it would be of value to all of us.

Transport: government performance

Mr MULDER (Polwarth) — I rise with a sense of despair in relation to the grievance debate. I grieve for the users of our public transport network and for those people who use our road infrastructure, particularly some of the road infrastructure in and around Melbourne. Some events have been highlighted in the media in recent weeks in relation to failing infrastructure, unsafe bridges, bridges that are on the

verge of collapse and rail infrastructure that is on the verge of collapse. The message being put out continually is that our public transport network is not safe and poses a significant risk to the lives of people who are travelling on the trains. These are not spook tactics from the opposition. Documents have been provided to the opposition and to the media which tell a story about what is going on behind closed doors with the government of the day.

We are now on our second Minister for Public Transport. In his early days he is lurching from crisis to crisis. Once again we have a public transport minister in this state who has proved to be simply not up to the job of protecting the public or dealing with the issues that the public transport network faces on a day-to-day basis. He cannot provide a safe and reliable service.

What we get from the government, which is going into its 11th year in office, is, 'We need another eight years to fix the problem', but 19 years is just a little bit too long to deal with the problems with our public transport network. Before it took over last year Metro Trains Melbourne warned the government about problems with the ballast, the rails, the sleepers, the signals and the points and the crossings and said they posed a significant risk to public safety. Before that company took over it told the Victorian government there was a real risk of derailments and catastrophic events. This is not something that occurred yesterday; it has been going on since this government came to power. There has been a continual running down of the public transport network to a point where we have a situation today where there is a serious risk of trains being derailed. As soon as the new operator came into Victoria to take over the network over 400 hotspots which need urgent repair were identified.

The concerns we have are in relation to what has not been revealed at this point in time and what is possibly going to be revealed in the future about the public transport network. What else is being hidden away? Why were these issues not highlighted in the government's so-called transport plan? Hidden away from the public are uncosted projects, and no-one really knows what the true cost of getting the system sound, and indeed getting it safe, again is going to be. One has to ask, as I have: what else has the government been hiding?

You would think that in this day and age organisations such as VECCI (Victorian Employers Chamber of Commerce and Industry) would be out there promoting business and promoting the government's role in supporting business. However, such is the state of the public transport network here in Victoria that a survey

is being conducted by VECCI which asks: 'Public transport — are cancellations hitting your business productivity?'. This is how bad it has got: we have an organisation out there representing business across the state putting out a survey about the government's appalling record on public transport. An article on the VECCI website states:

The state and performance of Victoria's public transport network has been under the microscope over the past week — with newspapers, television reports and talkback radio airwaves full of stories about the performance of public transport provider Metro and the state of current infrastructure.

But how is this impacting on Victorian employers?

Vote to have your say ...

In one of the responses Shelly Kerr says:

I catch a 9.22 a.m. train from Altona to the city which is outside the peak time. It has arrived on time twice since Metro took over in December. Lately it is 10–15 minutes late or cancelled without announcements. The train is to arrive at 9.48 a.m. at Flagstaff. It never has since I have been catching it 15 months ago and I am late to work most days. I then have to stay back to make up my time. Absolutely appalling service.

This has been reflected across the network.

I have been emailed recently by an individual who has forwarded an invoice to the Minister for Public Transport for the time he has lost on the public transport network. He believes the government should be paying him for lost time. On 15 March he lost 27 minutes; on 16 March, 17 minutes; on 21 March, 22 minutes; and on 22 March, 31 minutes and 5 minutes. That adds up to 102 minutes — an hour and three-quarters — lost over a very short period from the time someone could have been spending at home with his family.

There has been a lot of discussion about Metro, and the Premier has said Metro should lift its game. I am not sure the community understands that the government actually runs a rail network of its own. It is called V/Line Corporation, and there is a single shareholder — the Victorian state government.

Mr Nardella — Correct.

Mr MULDER — You actually do run a rail network.

Mr Nardella — Correct.

Mr MULDER — Correct; thank you, the member for Melton. For the first time the service levels in country Victoria have trumped Melbourne for late-

running and cancelled trains. The service being run by the Victorian government is now officially worse than the one being run by Metro. On average V/Line trains ran officially late 17.9 per cent of the time in February, while 16.6 per cent of trains in Melbourne were late. V/Line is now worse. It cancelled 2.45 per cent of services — 139 services — while Metro cancelled 1.2 per cent. So the government-run operation is now far worse than what we see in Melbourne. Can you believe it?

Twenty-seven per cent of the Bairnsdale trains turned up late, as did 21.2 per cent of Warrnambool trains, 20 per cent of Geelong's, 17.9 per cent of Seymour's, 16.6 per cent of Bendigo's, 19.9 per cent of Echuca's and Swan Hill's — and it goes on and on. Traralgon and Bairnsdale trains have now run officially late for 25 months; for Geelong it is 42 months in a row — after the spending of nearly \$1 billion on a fast train project. Forty-two consecutive months! It does not get much better when you look at Ballarat, Bendigo and the other lines in terms of consecutive late running. The government of the day is worse than Metro — far worse — at running a rail network.

I refer now to the policy the opposition has rolled out in relation to having protective service officers (PSOs) on metropolitan train stations from 6.00 p.m. to the last train at night seven days a week. This policy was mocked by the Premier at the time, and the role of the PSOs was also mocked by the Premier at that time.

I turn now to some documents I have in relation to these issues which point to what actually takes place on our rail network. I will give a bit of an overview of June of last year. At 9.50 p.m. on 13 June 2009 a group of 10 youths fought each other at Footscray, while at 5.55 p.m. on 15 June a male student was assaulted by three individuals at Oakleigh. Within 65 minutes from 5.30 p.m. on 16 June there was an alleged assault on a passenger at Broadmeadows station and later an assault by 10 to 15 youths on passengers about to join V/Line's Seymour–Albury service. At 5.38 p.m. on 24 June a train driver was allegedly assaulted at Flinders Street station, while at 3.30 p.m. on 25 June a station assistant was assaulted by a group of rollerbladers on platforms 12 and 13.

At 9.00 p.m. on 26 June one man threatened another with a knife at Dandenong station, while two days later at the same location at 8.30 p.m. two males were assaulted by a group of three males who were also kicking glass doors, drinking and being abusive to other passengers. At 3.30 p.m. on 30 June at Sunshine station three female passengers assaulted a couple who had declined to give the three a cigarette. A fight then broke

out in the waiting room on platform 1. At 11.09 p.m. on 17 June a passenger suspected of carrying a gun on a late-night Craigieburn-bound train was removed at Flinders Street. At 8.30 p.m. on 27 June there was a brutal assault of a known troublemaker by a man at St Albans station.

On 1 June there was a brutal assault of a woman mid-afternoon on a Footscray platform; on 2 June an alleged assault and rape on a train between Frankston and Chelsea in the late afternoon, an alleged assault on a Frankston-bound train at Glen Huntly at 8.45 p.m., and terrified passengers were intimidated at St Albans station at 10.20 p.m. On 14 June on the first train from Frankston on that Sunday morning two youths abused others, and there was a reported attempted stabbing. At 3.35 p.m. on the same day two men bashed another on a platform at Frankston. An hour and a quarter later a passenger produced a knife on a Frankston to Stony Point Sprinter railcar.

Mid-afternoon on 5 June passengers fought in the Essendon station subway. Two hours later, an abusive beggar was at St Albans, followed by abusive youths at Noble Park at 9.00 p.m., unruly passengers at Laverton and youths engaging in life-threatening train surfing on a train's rear coupling at Altona. At 5.50 p.m. on 10 June a man and a woman fought one another in Frankston's platform 1 pit or track. Just before 8.00 p.m. on 27 June a wheelchair-bound passenger was assaulted at Southern Cross station. It goes on and on.

At 1.33 a.m. on 13 June, in the small hours of the morning, a male youth travelled on a rear train coupling through Ringwood. A similar incident occurred at Laburnum at 2.45 p.m. on 13 June. Two days later at a similar time in the afternoon there was an attempted incident at Box Hill, another at 11.49 a.m. on 7 June at Tecoma, and a further incident at 11.19 a.m. on 20 June at Surrey Hills on a Belgrave-bound train. At 7.00 p.m. on the same day a similar alleged incident occurred at Middle Brighton, while at 12.12 p.m. on 27 June more unauthorised riding on a rear coupler took place at Diamond Creek.

This is an ongoing issue. At 6.12 p.m. on 17 June trespassers somehow rode the side of a train at Gowrie. At 12.32 a.m. on the same morning a bashed male was discovered lying on the floor in the foyer of Pakenham station. At 4.00 p.m. on 15 June at Dandenong station a girl's boyfriend was assaulted by her previous boyfriend. At 3.50 p.m. on 12 June a girl was assaulted in the Broadmeadows station subway, and less than two hours later four mildly intellectually disabled teenagers

were assaulted while walking up the main platform ramp at Moorabbin.

I can continue. When you go through these incident reports filled out by railway staff or employees, is it any wonder that the community came to the opposition pleading with it to do something about safety on the rail network? The evidence is here. The government is prepared to spend taxpayers money on advertising a transport plan that is funded with monopoly money, but when it comes to the basic issue of protecting the public riding on the trains and around the stations and providing safe infrastructure, no funding is available.

Our policy is to put PSOs (protective services officers) on train stations and more transit police on the trains. We do not want to see repeats of these types of incidents on our public transport network. We want to make sure that women, children and teenagers feel safe travelling on the public transport network at night. We want to encourage patronage on the public transport system at night. The only way you will achieve that is by ensuring that when people turn up there is a strong police presence.

The PSOs will be Victoria Police PSOs; the same people who protect us here at the Parliament of Victoria. If that protection is good enough for us, surely it is good enough for the people who travel on the public transport network and mingle around the train stations, so that they know they can do that with a sense of security and safety, without fearing for their lives or that they will be beaten or bashed up or sexually or physically assaulted. It is simply not good enough. I grieve for those people out there today under this Labor government. We are the only ones who will turn things around.

Liberal Party: policies

Mr NARDELLA (Melton) — Today I grieve for the Liberal Party and its lack of policies, especially regarding transport and roads and ports. It has been 651 days since the Leader of the Opposition made the announcement that he would release a transport policy. On 11 June 2008, during the Kororoit by-election campaign, he made the statement:

Today's announcement will form part of an integrated transport strategy for Victoria which will be progressively announced in the lead-up to the next state election.

That was in an opposition media release. We have had 651 days for this opposition, the Liberal Party and The Nationals in coalition, to put together a policy. But what have we heard? We have heard nothing. We have just heard 15 minutes of whingeing, whining and

carping — no policy, just whingeing, whining and carping. All they do is criticise and say, ‘This is wrong; that’s wrong; this is not right’. They know everything, but they have not come up with a solution and they have no plan for themselves. They cannot do it. Members of the coalition want to do what the federal Leader of the Opposition, Tony Abbott, did in the health debate yesterday, when he went down like a lead balloon: go to the next election without telling people what they plan to do. They are sneaky, because they have no idea what they want to do about transport, roads, freight or the ports. We will not let them get away with it. We will make this opposition accountable, just as Prime Minister Kevin Rudd did yesterday in the debate with Tony Abbott.

I did some research on this topic to find out if I was wrong. I went to the parliamentary library looking for the Liberal Party policy on transport, roads and ports. Did I find any policy? No, I did not find any policy on transport, roads and ports. I then went to the internet and looked for Liberal Party policy on transport, roads and ports. Did I find any policy? Of course not. The answer is no because it does not have any policy. I then searched *Hansard*. You can go onto the internet and look at the words of honourable members on the other side in their contributions in this and the other house. Have they put together a policy on transport, roads and ports? Did I find any policy? No, I did not find any policy. All they do is complain. They whinge, they criticise, they mock, they protest, they moan, they protest again, they wail and they whine — but they are not stringing two words together to develop a policy.

They would have to think, to use the grey cells between their ears — the amount that is remaining between their ears — to come together, to workshop, to form a policy. The animosity between them is so bad that it is really difficult for them to get together to workshop. They cannot string two words together to develop a policy. They would have to imagine — think of opposition members having to imagine a transport system — a transport plan for this state that would work. The last policy that opposition members had was that when they were in government whenever there was a problem they would shut down the system. They shut down six country rail lines. The member for Polwarth said we have a problem, and he listed a string of assaults on the public transport system. What was their solution? They shut down the rail lines to Bairnsdale and Mildura and four other lines. That is their policy — they shut things down.

The opposition cannot run things because its members cannot think. They cannot string two words together. Thinking is anathema to members of the Liberal Party

and The Nationals. It would be like Dracula walking into the sunlight. It does not happen and it will not happen. It is too hard. It is easier to be lazy, and that is what this opposition is: lazy. It wants to sneak into the election come 27 November and to say to the great people of Victoria, ‘We don’t have a policy. Don’t look at our past record in the seven long, dark years of the Kennett government. Don’t look that far back. Year 0 is 3 September 1999’. The coalition will say, ‘That’s what we are taking our yardstick from. Don’t look further back than that. We have a plan for transport, roads and ports here in Victoria but we are not going to tell you what it is, because we have not really got a plan other than carping, whingeing and complaining’.

In the past the opposition has tried to develop policy. It has actually got some people to look at developing policy. Remember the EastLink tolls? That was one of the genius policies it came up with; it took over 300 days to come up with that genius policy for EastLink. Mr Robert Doyle, who was then the Leader of the Opposition, said, ‘No tolls’. That was going to be the policy he took to the 2002 election.

Mr O’Brien interjected.

The ACTING SPEAKER (Mr K. Smith) — Order! The member for Malvern!

Mr NARDELLA — The opposition was going to take a policy of no tolls for EastLink to the 2002 election, and it took over 300 days to come up with that. It got the Liberal Party intelligentsia, the brains trust, together and then the issue went through to the Liberal Party brains trust in the shadow cabinet. That is a real brains trust, is it not? Members just have to look at the coalition frontbenchers and imagine any of them being ministers in a government. Anyway, the coalition then went to the shadow cabinet — fancy taking anything to the shadow cabinet — where it adopted its policy: the EastLink no-tolls policy. The shadow cabinet went out to the eastern suburbs and, after 300 days, it said, ‘We are going to give you a no-tolls policy’. But was it a no-tolls policy? No. Was it no tolls for a period of time? No. Was it half tolls for the duration of the EastLink contract? No, of course it was not.

What did the intelligentsia, the brains trust, the grey matter between the ears of the Liberal Party and The Nationals come up with? This brains trust elite, the bravest of the brave, the smartest of the smart, got together a policy of half tolls for three years. In a 35-year contract, it came up with half tolls for three years. The coalition took that to the election in 2002 and got smashed; most of its frontbench went and most of its

backbench went, because it could not string together a policy, a couple of words, or do some thinking in regard to EastLink tolls.

Now the opposition is doing it again and it cannot work out anything. It did that with the regional rail upgrade. The member for Polwarth has just made his contribution, and he talked about regional rail upgrades. After the \$750 million the government spent on the regional rail upgrade, the member whinged, carped and complained about and opposed the upgrade. He asked why it was not being done in the centre of Melbourne. Why was the work not being done where there is accident modelling in Melbourne? He said we should not be doing it out in Bendigo, Ballarat, Bairnsdale or Seymour. The member whinged, whined and carped, but he opposed this \$750 million program that we put together to build a system for the 21st century.

The opposition opposed the new rail lines, the new sleepers, the new rolling stock. In actual fact, what it opposed was the upgrade to the rail crossings along all those lines. They came here today, these opposition members who see the light — it is a bit hard for them because they are all Draculas — and said we should upgrade railway crossings, but they opposed the railway crossing upgrades. Every single railway crossing upgrade for the regional rail was done along those lines and the coalition opposed them.

The opposition opposed the 200 extra country services; the new rolling stock and the V/Locity trains. It opposed the linking of the country to the city because it does not care about country Victorians. This applies especially to The Nationals — the sell-outs. You would not want to get between one of them and a white car because you would get knocked over in the stampede between The Nationals member, a white car and a chauffeur. These people hate country Victoria and they hated the regional rail upgrade.

The member for Polwarth was in Ballarat when the new timetable that we put in a number of years ago with 200 new extra services for country Victorians was announced. The member attended the press conference and said, in effect, 'I oppose this, I do not like this, this is not good; I need to whinge, harp and carp because I have no policy of my own. The only policy I have is to close them down, as I did in Bairnsdale, Ararat and Mildura, where I was out waving the flag for the Liberal Party to make sure that these things were not problems for us'.

I will quickly examine the issue of channel deepening. Did Liberal Party members stand up to create more jobs in Victoria? No, they did not. Did they support that

project? Not the member for Nepean, who came into this house time and again, opposed to channel deepening. The member criticised it and said that the Liberals and The Nationals were concerned about lots of things.

We can go through the things that the Liberal Party and The Nationals were concerned about. The opposition was concerned about the seals, penguins and fish that were going to be affected by the channel deepening, the big dredger and the big ship. It was opposed to the flooding that would occur in the bay. It was out there hammering with its hammers. It got the wood, it was building the ark, and that is how concerned it was about the flooding that would occur in the bay because of channel deepening. The Liberals and The Nationals were being supported by the Blue Wedges Coalition, members of which were out there spreading these concerns alongside it. The opposition was in bed with the Blue Wedges Coalition, and they were both out there building the ark together because they were concerned about the flooding they said was going to occur.

The opposition was not concerned about Victorians, their jobs, their families or industry. It could not scratch a policy together if it tried. No seals were killed because of the bay deepening; fish continued to live and breathe in the bay; the penguins continued to thrive, the fishers continued to fish. The Armageddon that the member for Nepean said consistently in this house, and in conjunction with the Blue Wedges Coalition, was going to result from bay dredging did not occur.

Today the biggest ship that has ever come into the port of Melbourne arrived. It would be nearly the height of the Eureka Tower if it were put on its side; it is 100 metres short of that. The ship can carry 3000 containers. It means that the jobs, the welfare, the employment and the economic growth that we on this side of the house support can continue in Victoria. The livelihoods and lifestyles of Victorians can continue because we make the hard decisions, because we put Victorians first, because we are able to scratch the grey matter together. We on this side of the house have the grey matter to put together policies and implement them to make sure that the welfare of every single Victorian, regardless of where they live in Victoria, is looked after by this government.

The opposition has said it will scrap the Victorian transport plan — \$38 billion worth of upgrades to transport in Victoria. What is its alternative? It is a law and order alternative. It is an alternative of getting rid of all the conductors on V/Line services. That is the sneaky part of it. It has not told you how it is going to

pay for it. That is how it is going to do it. Every single conductor on V/Line services will be sacked to pay for the protective services officers.

This opposition is bereft of any ideas. It cannot be trusted. All it does is whinge, whine and carp, and I grieve for its policy-making.

Electricity: smart meters

Mr O'BRIEN (Malvern) — I grieve for all Victorian families and small businesses who are suffering now and will suffer for years to come because of the gross incompetence of the Brumby government's oversight of the rollout of smart meters across this state. The smart meter project has gone from shambles to scandal under the incompetence of the Brumby government.

Let us look at what this government has delivered when it comes to smart meters. These are coming out to 2.5 million Victorian households and small businesses. Every single household in Victoria will get one of these smart meters and will be touched by the delays, the poor functionality and the huge cost as a result of this government's incompetence.

As the Leader of the Opposition said in this house yesterday, the smart meter project makes even myki pale into insignificance in terms of the waste and the cost. This government has said that 2.5 million smart meters will be rolled out across Victoria and that this will help consumers to control their electricity use and take advantage of lower prices. We will examine that claim in a second, but first of all let us look at the cost of this project.

I hope we in this Parliament would all agree that when a government spends money it is spending taxpayers money, and when a government is entering into commitments that will be paid for by electricity users it should take care. It should realise that families are under financial pressure and their money should be used very conservatively and not be wasted. It should realise the difficulties that small business owners face in trying to make a living in tough economic conditions, and it should make sure that no more money than absolutely necessary is required from those small businesses.

When the government decided it wanted to roll out these smart meters to every single household and small business in Victoria, it costed the project at \$800 million. I have it on the authority of no less than the Auditor-General himself. His November 2009 report entitled *Towards a 'Smart Grid' — The Roll-out*

of Advanced Metering Infrastructure — advanced metering infrastructure is otherwise known as smart meters — was absolutely scathing.

But let us just focus on this \$800 million cost of the entire project that the government claimed it would undertake. On page 30 of the report the Auditor-General referred to significantly larger cost estimates, which I will come to in a minute, and said:

This amount is nearly 50 per cent higher than the \$1.56 billion estimated in the 2008 national MCE and three times higher than the early cost estimate of \$800 million upon which the AMI project was recommended, and which was acknowledged by DPI —

the Department of Primary Industries —

in 2008 to be flawed.

So the government has rolled out this project and entered into these commitments on the basis of an \$800 million cost.

How does that stack up with the reality, bearing in mind that that cost is not paid for by the electricity distributors; it is not even paid for by the government? Every single cent of this money is going to be recovered by Victorian families and small businesses through higher electricity bills. The government said it was going to cost \$800 million. What is it going to say now? Again I refer to the Auditor-General's report at page 30, where he said:

Under the AMI —

Again I remind the house that advanced metering infrastructure is the longhand term for smart meters —

legislative and policy framework, the Victorian electricity distributors are responsible for the deployment of AMI. Consistent with the framework, and to allow cost recovery for the AMI project, the distributors lodged their AMI project pricing proposals with the ESC —

Essential Services Commission —

in December 2007. These proposals showed that the AMI implementation full metering services costs were projected to be \$2.25 billion.

The government has implemented this policy based on an \$800 million cost. The distributors who are actually rolling it out say, 'Sorry, government, you are wrong. The cost is \$2.25 billion'.

To get it wrong by that amount is extraordinary. Does anybody in this state, apart from the Brumby government, enter into contracts on the basis of, 'Yes, we think it is going to cost \$800 but in fact it is going to wind up costing \$2250'? You might ask, 'What were

you thinking of to enter into a costing commitment which is so wrong?'. But this is the government that gave us myki, which was supposed be a modest little ticketing project that has now blown out to \$1.35 billion. This is a government that cannot count. This is a government that is incompetent when using taxpayers money. This is a government, like most Labor governments, that cannot manage money properly and particularly cannot manage the money of taxpayers. This mob opposite really has a sense of entitlement. Government members believe it is their money and they can spend it however they want, that they can waste it however they want. If you were getting a house renovation done and you thought it was going to cost you \$80 000 but the builders came in after you had signed the contract and said, 'Actually it is going to cost you \$225 000', you might say, 'Barley Charlie, hang on, that's not what I signed up for'. But this is a government that is so incompetent, so poor at managing public money, that it has signed the Victorian public up to a process blow-out that has gone from \$800 million to \$2.25 billion.

What does this mean for individual households? That is a key point. We talk about big numbers in this place all the time, but what is going to be the impact on Victorian families? There are going to be 2.5 million smart meters rolled out across the state, so if you divide that \$800 million original cost by 2.5 million you get \$320, so the actual cost of the hardware for these smart meters coming to every single household is \$320. That was under the government's original estimate upon which it went ahead with the project. Based on the \$2.25 billion figure referred to in the Auditor-General's report, that cost is now \$900 per household, per small business. The original cost was \$320, but because of this government's incompetence every single Victorian household and every single Victorian small business will be paying \$900 just for the smart meter hardware. That is essentially a \$580 Brumby government incompetence tax that every single Victorian household is going to have to pay because this government cannot get its sums right. It will now cost \$900 per household, \$900 per small business.

But it gets worse than that because the way the government has arranged this rollout, every Victorian household and small business is paying for smart meters before they even have them. This is a four-year rollout process but people are paying higher bills today, so every single Victorian is paying higher electricity prices because of smart meters they do not even have yet. Not only do we have a huge cost blow-out and Victorians paying for smart meters they do not have, but let us look at what happens when they actually get the smart meters installed.

The government was boasting about this back in October 2009. A press release of the Minister for Energy and Resources of 16 October 2009 states:

Mr Batchelor said implementing the benefits of smart meters, such as time-of-use pricing, would be a key issue ...

The government says one of the key reasons we want smart meters in every single home and small business in Victoria is so we can introduce time-of-use pricing, which essentially gives the electricity companies, the retailers and distributors the ability to charge different prices for electricity at different times of day. That is a very basic concept, or so you would think. The government has said it believes this is a fantastic consumer benefit and that is why it is rolling out the smart meters, but what did the government say this week in another press release from the Minister for Energy and Resources? The same minister who issued a press release on 16 October 2009 talking about the benefits of smart meters such as time-of-use pricing also issued a press release dated 22 March 2010, with the headline, 'Moratorium to ensure smooth smart meter rollout'. The Minister for Energy and Resources has announced that there will be a moratorium on time-of-use pricing. The government has now said that it will not be implementing the very benefit that is supposed to exist in relation to smart meters — time-of-use pricing.

You have to wonder about this: you have got people who are paying through the nose because of the cost blow-out and paying for smart meters they do not have, but now when these smart meters are being installed they are not going to have what the government says is one of the key consumer benefits. What planet is the government on?

It gets worse than that. Not only are people paying for smart meters they do not have, a cost blow-out and features that will not be operating, but smart meters are going to lead to much higher power bills in other ways. At the moment Victorian households are paying between \$70 and \$152 per year because of smart meters; that is just for the hardware. When time-of-use pricing is introduced those consumers will pay a lot more for their peak electricity use. The retailers will get their share as well. The retailers will have costs as part of providing smart meters and those costs will be recovered from electricity consumers. The Auditor-General's report headed *Towards a 'Smart Grid' — The Roll-out of Advanced Metering Infrastructure* states at page ix of the audit summary:

Retailers could also pass their costs on to consumers, with one retailer recently indicating in a public statement that consumers may have to pay an extra \$100–150 each year.

In addition to the hardware charges and time-of-use pricing when it comes in, there will be retailer charges. In addition to that of course we are in an environment where the government has allowed severe underinvestment in network infrastructure and has been holding prices back for political reasons over a number of years. We have recently seen the Independent Pricing and Regulatory Tribunal in New South Wales allow massive price rises, and something of that scale could well be on the cards for Victoria as the government's political manipulation of the system comes home to roost. Victorian energy users are going to be paying through the nose for this government's incompetence.

There is one other cost which has not been factored in yet and that is the cost of this government's spin. The aforementioned press release dated 22 March 2010 from the Minister for Energy and Resources states:

Mr Batchelor said the moratorium would enable a joint assessment between government, industry and consumer groups to —

and the fifth dot points states —

Investigate the need for an extensive consumer education campaign to provide clear information about smart meters, the new tariffs and what this means Victorians.

Presumably there is supposed to be a 'for' in there somewhere.

In addition to all the other costs that are going to be lumped onto the poor old electricity users will be the cost of this government's spin campaign that will attempt to explain to Victorians why smart meters, which have been so badly handled, are actually good for Victoria.

Whether it is transport disasters, lack of safety on the streets, an inability to manage water infrastructure, which is killing gardens and sportsgrounds across the state, this government thinks the answer to everything is more advertisements. Forget the reality: 'Look at what is on your television set. We are telling you it is okay, so please believe us'.

The government knows it is under the pump with smart meters, and it knows about the consumer backlash. I hear it in my electorate office. All members of this house are getting phone calls, emails and letters from their constituents saying they are unhappy about the smart meters and they do not see why they should have to pay for something they do not have. They do not see why they should have to pay through the nose for this government's incompetence. The government's answer

is going to be an attempt to solve the problem through spin.

There are also a lot of functionality issues with these smart meters. I have already discussed the moratorium on time-of-use pricing, which presumably will only be until after the election and then the government will implement it straightaway.

Solar energy compatibility is a real issue. The government's smart meter program has been designed without bearing in mind those who are making a personal effort towards energy efficiency and conservation by installing solar panels. In many cases the smart meters are not compatible with solar panels that are feeding back into the grid. This is a government that talks a lot about its concern about climate change and trying to encourage renewable energy. When it comes to rolling out the smart meter hardware, it says bad luck to all the people who have got solar panels.

There is also a lot of dishonesty about this. The government has been dishonest with Victorians about this project and its incompetent management of it. One example of the lack of transparency of this government is the outrageous attack by the Minister for Energy and Resources on a retailer which dared disclose the smart meter charge on its electricity bill to its customers. In this house on 2 February of this year the Minister for Energy and Resources said:

Certain customers ... will notice a new item listed on their electricity bills because some electricity retailers, like Origin Energy, for example, are listing the smart meter charge separately to the service-to-property charge ...

Electricity retailers like Origin do not want consumers to have the technology to reduce or control their electricity use ...

What an outrageous attack on a company that was being up-front and transparent with its customers about the cost of smart meters. If this government was not embarrassed about its own incompetence, presumably it would welcome customers knowing exactly what components of their electricity bill relate to what. This government is so desperate to try to hide its own incompetence and hide the fact it has blown out this cost from \$800 million to \$2.25 billion, to hide the fact that the burden is going to fall on the most vulnerable, that it will attack anyone and anything to try to mask its own incompetence.

This truly is the myki of metering, except it has cost far more and the impact will be far more widespread.

Western Health: opposition allegations

Ms HENNESSY (Altona) — I rise to grieve about the opposition and its members' shameless attacks on the hardworking staff of Western Health. Opposition members have made a number of false allegations about the hardworking staff of Western Health, and I believe it is important for the integrity of those hardworking staff members and the integrity of hardworking health staff in the west generally that we set the record straight.

The background to this is as follows. Some time ago opposition members requested information from Western Health. They asked for — and this is important, because they were given what they asked for — the number of patients who had come off the elective surgery waiting lists because those patients had had their surgery. Western Health provided that information, but what happened next is where it becomes interesting and shameful. Opposition members then went around and asserted that the 2900 patients who had come off the elective surgery waiting list because they had had their surgery were on a secret waiting list. This allegation is not only false but it is also damaging — damaging to the staff and damaging to our local community. When caught out about this misrepresentation opposition members continued to perpetuate it by dragging it around media outlets and running it out. When this was exposed, opposition members failed to apologise. I find it incomprehensible that opposition members did not care about the facts and about the impact their attacks would have on the hardworking staff at Western Health. However, I ought not be surprised, because opposition members have form on this front — they have done it before.

Robert Doyle, a former leader of the Liberal Party, knows this. He was forced to point this out two years ago when the opposition was caught out manipulating data from the Royal Melbourne Hospital for the purposes of political point-scoring. It is important for democracy that we have a credible opposition that is prepared to engage in a credible discussion about health policy, but I do not think we can hold much hope for that, because in the opposition we now see the emergence of a pattern of conduct of misrepresentation of the facts around health performance, and this credibility needs to be questioned.

Let us introduce something a little foreign to the opposition into this debate — the facts. The facts are that last year almost 14 000 patients had elective surgery at Western Health. This is on top of all the other wonderful services that Western Health provided.

This is a great outcome that ought be celebrated. It is a partnership that occurred between the state and federal governments on funding because of the hard work of doctors, nurses and allied health staff. It defies belief that, rather than come out and congratulate and support these hardworking staff the opposition has attacked this performance and denigrated it.

It was not enough that the last time the opposition was in government it closed the Altona hospital; it was not enough that the last time the opposition was in government it sacked 3500 nurses; it was not enough that opposition members ran down hospitals by way of providing no investment and no new buildings and stood by while the Howard government slashed the commonwealth dental program in 1996; and it was not enough that at the last election the Liberal Party plan for the public hospital system had absolutely not one mention of any commitment to health in the western suburbs, but in that context opposition members have now had the audacity to come out and attack the hardworking doctors, nurses and allied staff of Western Health and then not apologise.

I can only surmise that members of the opposition feel embarrassed. They must feel deeply embarrassed that in the context of their record of closures, sackings, making no specific health commitment and running down the health system in the western suburbs they have now come out to try to attack the government and hence the hardworking staff at Western Health.

The performance of the opposition is in stark contrast to the performance of the Brumby Labor government — a government which has delivered record funding for record numbers of patients and which has delivered record levels of treatment. The number of nurses at Western Health has risen more than 84 per cent since the opposition was last in government. Some \$147 million of capital works has been funded at Western Health. There has been the redevelopment of the emergency department at Williamstown Hospital, and a new emergency department at Werribee Mercy Hospital, as well as new operating theatres and expanded maternity services. Yes, there is a yawning chasm between the government and the opposition when it comes to health policy — between the Brumby Labor government, which is a government that invests in and supports the health sector, and opposition members, who just attack it. Opposition members have had nothing positive to say, have made no commitments and have no detailed funding platforms. In political life I ought not be surprised that a little bit of political football is played between the government and the opposition, but what is so unfair, so undignified and indecent around what has recently occurred is that

opposition members have not played the ball on this topic. They have played the staff, and the impact has been hurtful and negative to the community and to the doctors, nurses and allied staff. This attack has been so hurtful that the director of surgical services, Dr Trevor Jones, has had to come out and state that he absolutely and categorically refutes the allegations the opposition made. He also stated that he and his staff found this attack demoralising and demeaning, and why would they not?

I have had the privilege and the honour of working with the hardworking staff at Western Health, and I know them to be hardworking, dedicated and committed to our community. They work tirelessly and their dedication is first rate. Their many achievements, especially that of cutting the elective surgery waiting list, ought to be celebrated. Day after day and night after night they bring their wisdom, their experience, their labours and their humanness to the patients of the western suburbs. They do not want to be forced into the political fray by dodgy assertions made by the opposition. Our job as MPs is to fund them, to listen to them and to support them. Our job is to ensure that we have the policy settings right and to acknowledge people who work in the health sector and respect them.

I, for one, acknowledge and respect the hardworking staff at Western Health. I deeply wish that opposition members would do the same by acknowledging their mistake and apologising.

Anticorruption commission: establishment

Mr McINTOSH (Kew) — Today I grieve for the people of Victoria. With the Brumby government racked by continuing allegations of corruption, I grieve that there is no independent body that can look at the whole of government in relation to corruption. Most importantly what this state desperately needs to deal with all of these ongoing corruption allegations is an independent broadbased anticorruption commission — a body that is truly independent of government and, as exists in other states, that is accountable to a joint standing parliamentary committee, a permanent committee such as those which oversee such bodies in New South Wales and Queensland. To take that independence even further, there is the idea of having a public interest monitor, something that became obvious to members of the Liberal-Nationals coalition at a recent conference. The effectiveness of a public interest monitor, as operates in Queensland, is something we would implement if we were in government.

Most importantly such a body does not exist. Indeed a raft of different bodies, such as the Ombudsman and the

Office of Police Integrity, deal with areas at a micro level that they can investigate, but they do not investigate across the public sector, including not only the police and public servants but also ministers, their officers and MPs. Those bodies do not truly investigate allegations of corruption across this state. A body such as an independent commission against corruption would concentrate efforts in relation to corruption.

Corruption can take many forms. It can take the form of illegality or it can be quasi-legal or just a bit shonky. Corruption can be inappropriate conduct or misconduct, or it can be secret and unaccountable to the people of Victoria. It can take many guises, but the impact of corruption is the delivery of poor services. For example, I note the recent report of the Auditor-General in relation to hospital waiting lists at a number of our public hospitals. The report is critical of the way the whole process has unfolded, and the Auditor-General was critical of how waiting list figures had been fudged. A real issue is whether the Minister for Health was aware of those figures prior to the report being handed down. There seems to be strong evidence that a number of people, including the Australian Medical Association, had been alerting the minister. However, he took no action and hides behind the fact that he did not know what was going on. It may not be illegal, but it is certainly corrupting the process and leading to poor services as a result.

We know about the allegations at the Brimbank Council. Obviously there is evidence of clear illegality if not just inappropriate behaviour, but certainly in relation to Brimbank there is a finding that that council was allocating public funds in an inappropriate way that was not in the best interests of the community as a direct consequence of that corrupt behaviour. There is also poor decision making — for example, the myki ticketing system. It is not just about a dud contract; it is about the tendering process, and I will go into that in a moment.

But most importantly, this has now blown out and has cost Victorian taxpayers over \$1.3 billion. It still does not work; nobody actually wanted it. It is a costly white elephant that may never operate effectively. It is just a bleeding sore on the public funds of the state. It is a poor decision when you look at the totality of the thing. It certainly raises the question: why could the government not have bought something off the shelf from other systems around the world that work quite effectively?

There are also decisions. I noticed that the member for Malvern highlighted the problems associated with smart meters. Again, that is something that people are

now paying for and in many cases smart meters are not being installed, let alone services being delivered and provided. All that poor decision making, inappropriate allocation of resources and downright bad decisions means a drain on the public purse which will lead to higher taxes. We know this government has had to implement some 26 additional taxes since it came into office.

At the end of the day it is an issue that begs the question: why do we not have an independent broadbased anticorruption commission in this state? We know that Queensland has one, New South Wales has one and Western Australia has one. Before the recent election the former Tasmanian government had announced and introduced legislation setting up its anticorruption commission. It was the policy of the Liberal Party at the last election to have one in South Australia. Victoria is the standout. It is a clear and unequivocal policy of the coalition here in Victoria that when we come into government we will introduce an independent broadbased anticorruption commission.

My journey with all of this started many years ago leading up to the 2002 election. The then Minister for Police and Emergency Services, André Haermeyer, stood in this place and mounted a political attack on a political opponent. That attack related to a police investigation. The information the then minister used could only have come from the LEAP (law enforcement assistance program) database. There was a storm of protest about that political attack that clearly came from information provided by the police LEAP database.

The process that unfolded before the former Minister for Police and Emergency Services resulted in an inquiry being conducted by the Ombudsman. Rather than the then minister being vindicated by the inquiry, as he said he was, the case was far from it. The Ombudsman made a clear and open finding because he said he could not investigate a minister, a staff member of a minister or a police liaison officer who was employed at that stage in the minister's office. So the Ombudsman could make no investigation of that office; he was not able to take the matter any further. Clearly there had been a breach of the LEAP database.

Since then we have had a litany of disasters associated with the LEAP database, including inappropriate access and the downright theft of material from that database. Yes, the government has set up a commissioner for data security enforcement, but that commissioner has repeatedly reported a continuing flow of breaches of the LEAP database. Five years ago the former Premier promised us a brand-new system by August 2008. It is

now 2010 and we are not any closer to having that system. We have clearly dodgy practices in the IT section that were found out last year. We are all aware of those dodgy practices and poor dealings that perhaps cost taxpayers of this state almost \$100 million. Again, it may be illegal or it may just be inappropriate conduct, but it is clearly corrupt conduct. This government has not been held accountable for it because it says it knew nothing about it, but that conduct has been going on year after year. It started, as I said, with the discovery of the leaking of the LEAP database material through the former Minister for Police and Emergency Services.

We have constant and continuing allegations that Labor mates get significant benefits from this government. It is quite inappropriate that people get appointed in those circumstances. Today there have been revelations of Graeme Holdsworth being appointed to the Windsor Hotel panel created by the Minister for Planning. As Matthew Guy, a member for Northern Metropolitan Region in the other place, correctly pointed out, Mr Holdsworth is a rolled gold Labor mate. Apparently the Premier knows nothing about him! The Premier says he has never met him, although he was a senior officer inside the Labor Party who has worked for two federal ministers and one state minister. The most important thing is that the appointment questions the whole integrity of that process. Are we making correct decisions based upon the proper data and the proper material or are we just making decisions to suit Labor mates or someone who has paid a donation to Progressive Business, the ALP fundraising body? It is not independent by any stretch of the imagination; it is another sham process.

Early in the term of the Bracks government a Bracks government mate, Jim Reeves, was appointed to the former Urban and Regional Land Corporation. There may not have been anything illegal about the process, but it was quite inappropriate. Mr Reeves did the right thing and stood down very quickly after the public announcement. Are we getting the best or are we just getting a good Labor mate?

There is also my old colleague Mark Dreyfus from the Victorian bar. Mark Dreyfus was a Labor candidate in the last federal election. He is now the federal member for Isaacs. He was paid hundreds of thousands of dollars to provide legal advice about the toxic waste dump. The toxic waste dump idea was a waste of money and the proposal was eventually abandoned by this government, but we paid hundreds of thousands of dollars to Mark Dreyfus, a Labor mate. It was a complete waste of money. It may not be illegal; it may not be corrupt, but it was completely inappropriate. It was a waste of taxpayers money.

There was the appointment of Andre Zamurs, also a Labor mate, to head an inquiry into the Royal Children's Hospital notwithstanding that his own wife was the chairperson of the board. That is just bizarre. It may not be illegal, but it is completely inappropriate.

Fabian Reid was appointed to Coliban Water. He is another Labor mate. He is bankrupt. He was a completely inappropriate choice to chair a board such as the Coliban Water board.

Then there is Evan Thornley, a former member of the other place. He was no less than the Parliamentary Secretary Assisting the Premier on the National Reform Agenda and Innovation and as such had access to all aspects of government. He left this place in utter silence. He did not provide an explanation until much later when we discovered he had gone to Better Place Australia, a company that provides environmentally friendly cars. What has now transpired is, notwithstanding the statements by Mr Thornley and indeed the Premier, he apparently had had a large amount of contact with Better Place Australia, an Israeli company coming into Victoria, and had dealt with it as parliamentary secretary prior to his departure from the Parliament. He left all of a sudden and an explanation was not provided at the time. It had to be provided later on.

We have another bizarre set of circumstances in relation to the myki ticketing system. An examination of the tendering process — and this comes out of a leaked section that did not appear in the final Auditor-General's report, but certainly the allegations are out there — points to Keane, which is the parent company that is implementing myki, being the preferred tenderer from day one. There are suggestions of a shonky tendering process to the point where there was evidence of clear collusion between the two — that is, Keane and the Transport Ticketing Authority — during that tendering process identifying that Keane was the preferred tenderer.

There is still no explanation as to why the chief executive officer of the Transport Ticketing Authority at that time stopped off in Washington. The probity auditor has been unable to account for something like 18 hours of the CEO's time in Washington. It was an unscheduled visit and was not reported to the board, and it is the city in which Keane is headquartered. The trip was supposed to be to Europe — this was just a special stopover which is unaccounted for. All of these things raise serious questions that need to be answered and, most importantly, there is not a body that can deal with this appropriately, and it should be dealt with.

We have the manipulation of hospital waiting lists and the consequences for the allocation of resources. But we also see it in the crime field. We have been told time after time that we live in the safest state. We have the lowest number of the police — we know that now. We have the lowest number of front-line police — we know that now. We also know that we have the lowest spending on police. We also know from the official data that, notwithstanding the Ombudsman's report last year that questioned the whole basis of the collection of the data and said things like violent crime such as assault is chronically underreported, we have astronomically rising levels of violent crime. We talk about it daily. There are newspaper stories daily. There are television stories and radio stories about violent crime on our streets day after day, evidencing the lie that we are living in the safest state.

Again this government is in utter denial about the matter. All it can do is parrot the line that it has added all of these extra police. It begs the question: where are they? — because they are certainly not showing in the statistics. The fact that we have fallen to the lowest level of policing in this country for the last five years is a demonstration that it is an utter lie and this government is in denial — again, the manipulation of the whole process for a particular outcome.

This government is addicted to spin over substance. It is not interested in delivering on-the-ground practical, reasonable and responsible services. What it will do is tell a story and then use everything it possibly can to manipulate that story so it is a good story. What happens down on the ground is that hospital waiting lists, police numbers, the Windsor Hotel redevelopment — all of that — is manipulated to get an outcome that is a political outcome based on spin rather than substance. Rather than stand on its record and demonstrate that it has delivered for the people of Victoria, the government is manipulating the process. I say that is corruption to the nth degree, and that is why we need an independent, broadbased anticorruption commission in this state and we need it very quickly.

Housing: opposition policy

Mr LANGUILLER (Derrimut) — Today I grieve for the people of Victoria who are faced with an opposition that stands for nothing and supports nothing when it comes to providing housing and support for those who are most in need. As members of the house know very well, the Brumby Labor government is engaging in the biggest construction program for new social housing and affordable accommodation in decades. Right across the state the Brumby government is building new homes for low-income Victorians and

families in need. With a growing population, ageing public and social housing stock and a legacy of underinvestment by coalition governments at the state and federal levels, the challenge of growing Victoria's social housing system is as real as ever.

We ought to remember what happened under the Kennett government. I certainly have a recollection, having kept in touch with public housing residents and being a former resident of high-rise housing in Flemington. I remember that under Kennett the waiting list was in the order of 56 000 people. Under Labor it is 39 000. There has been a significant reduction in the waiting list because this government and the Rudd federal government are serious when it comes to social housing and are fair dinkum when it comes to addressing the needs of people who are in most need.

In 2007 the Brumby government met that challenge and stepped up its focus on growing Victoria's social housing system by committing \$500 million in capital funding which will deliver 2350 new dwellings for low-income Victorians over the next four years. So Labor's work in housing — and indeed the job being done by the current Minister for Housing, who is absolutely committed to people who are most in need in this community and is doing a wonderful job for the Brumby government on behalf of all Victorians — means that we are building 2350 new dwellings for low-income Victorians.

Labor's work in housing has laid the groundwork for the renewed partnership Victoria has built with the commonwealth since the election of the Rudd government. It has delivered new agreements at the Council of Australian Governments, including the national affordable housing agreement and the national partnership agreement on homelessness, which are bringing together and coordinating investment in social housing in programs aimed at tackling homelessness and reforms to the planning system, and the \$5.6 billion Nation Building economic stimulus plan social housing initiative. Indeed in Victoria the Nation Building initiative has delivered \$1.167 billion in investment, which will build 4500 new homes across the state, as well as nearly \$100 million in urgent repairs and maintenance works that will improve a further 5600 existing homes.

These investments are very welcome, because we know that there will always be families and individuals in need who need some additional support to get ahead. This is particularly true given the historically low vacancy rates in Melbourne's private rental market, which stand at 1.5 per cent across metropolitan Melbourne. As members will be aware, the Brumby

Labor government is working to tackle the short supply of affordable rental accommodation through the national rental affordability scheme (NRAS), which provides investors, builders and not-for-profit agencies with a subsidy of more than \$8000 per dwelling per year to build and let new homes at 20 per cent below market rents for 10 years. Three thousand new NRAS units are already under construction across Victoria, and earlier this month the Brumby government committed to building another 4500 units through this program.

As I said, these investments are very welcome. But unfortunately the contrast with the opposition's position is glaring as there has been little by way of support from members opposite to match Labor's commitment to helping those in need. It is telling that in four years as Leader of the Opposition the member for Hawthorn has committed a grand total of \$5 million to long-term rental housing — it is enough to build two new homes in Hawthorn and two in East Brighton.

In place of any real commitment the opposition has opposed housing developments across Victoria, smeared public housing tenants and misled communities by claiming that projects in Doncaster and Moorabbin did not go through council planning processes. Sadly this record is hardly surprising. When last in government in Victoria the Liberals did not spend a single dollar more than they were obliged to on accommodation and support services for homeless people. They avoided the tough issues like providing more support for tenants living in the private rooming house market and they let Victoria's public housing system decay by refusing to renovate and refurbish older housing stock.

In fact the Kennett government spent more money in improving the Premier's office at 1 Treasury Place than it did on maintaining the high-rise public housing in this state, as I know only too well. Given that record of neglect it is not surprising that the waiting list reached a staggering 53 000, as I indicated earlier, against the current situation under our government, with approximately 39 000 people on the waiting list. During 11 years of coalition government at the federal level under former Prime Minister John Howard the commonwealth cut its contribution to social housing by more than \$1 billion in real terms, funding which could have provided up to 6000 more new homes for Victorian families on low incomes. Indeed the Howard government's neglect of public housing reached staggering proportions in 2007 when Mr Howard's responsible minister, the lamentable Mal Brough, boycotted the housing ministers conference and rolled out his proposal to abandon the commonwealth-state

housing agreement, which has formed the cornerstone of the national approach to housing affordability since 1945. The opposition's stance shows it has learnt nothing and fundamentally does not believe that every Victorian should have a home that is safe, affordable and secure.

Some might have thought that issues as important as this might have seen some leadership from the Liberal Party. There was a glimmer of leadership earlier this month from Mr Baillieu as reported in an article by Shaun Campbell published in the *Maroondah Leader*, which states:

He backed the increased powers given to the planning minister that led to last year's controversial approval of the eight-storey social housing development in Ringwood.

Of course the powers that this article refers to are provided under the amended planning scheme adopted by the government in 2009, which gives the Minister for Planning the power to issue some planning permits for projects funded under the Nation Building economic stimulus package. Unfortunately Mr Baillieu's fine words have not been backed by actions of his Liberal Party colleagues. Instead a number of Liberal Party members have used the powers as an excuse to blow the dog whistle in communities across the state, thereby fostering division and opposition to social housing projects amongst constituents.

In 2009 a member for Southern Metropolitan Region in another place repeatedly misled the community by stating that a social housing development at 999 Nepean Highway, Moorabbin, had been granted a planning permit by the Minister for Planning, bypassing the local community. That is not accurate, and in fact the project was granted a permit by the local council on a 7 to 2 vote under the planning processes.

I will go on. The member for Doncaster in a matter raised on the adjournment on 15 September said, as reported in *Hansard*:

I call on the Minister for Housing to postpone the commencement of the social and affordable housing development on Tram Road, Doncaster ...

At the same time the member for Doncaster published the claims on her website — —

Ms Asher — On a point of order, Acting Speaker, the member for Derrimut is making a number of observations about individual members of Parliament, and if the member wishes to make comments about the member for Doncaster, he could do so by way of

substantive motion, not in the course of this approach to debate.

The ACTING SPEAKER (Mrs Fyffe) — Order! I uphold the point of order and ask the member to stay with the text.

Mr LANGUILLER — I will not go into that, but I simply remind members to read *Hansard* and indeed to refer to the information on the website, a copy of which I will table.

These disturbing and indeed possibly paranoid claims are perhaps explained by the actions of other Liberal Party colleagues who have objected when possible and where appropriate for them in their minds to social housing and public housing projects. I think it is important to remind ourselves that this has happened on a number of occasions. In fact I will now refer to a report of what the federal Leader of the Opposition, Mr Abbott, has said. An article published on 16 February by Michael Perusco states:

I was in Canberra last week and had the opportunity to ask opposition leader Tony Abbott whether a government under his direction would continue with the Rudd government's goal of halving homelessness by 2020. His answer was no.

In justifying his stance, Abbott quoted from the gospel of Matthew: 'The poor will always be with us', he said, and referred to the fact that there is little a government can do for people who choose to be homeless.

I refer members to the article by Michael Perusco. A lot of people do not choose to be homeless. There are a range of reasons why people can be homeless. Unemployment, mental health issues, disability and a whole range of other problems that people young and old face in the community on occasions may lead to homelessness. Members would know that we define the homeless not only as those who have no roof over their heads but also those who are in transitional housing, including those who may need to live with a friend for a month then with another friend for another month.

The federal Leader of the Opposition is a Christian — I am too but perhaps not as much as he is — and Christians believe we must do justice on earth, so to say, and we must look after the poor. I have not read any gospels in the New Testament or Old Testament that would lead us to understand what Mr Abbott has said, which is that the poor will always be with us and that there is nothing we can do for them. The opposite is the case. Perhaps those who, like Mr Abbott, believe in the gospels should understand that better than others. I say with respect we must look after everybody in our community.

Indeed, a measure of a good democracy, a good civilisation and a good and healthy society is that it has a capacity to look after its minorities. I have said many times in this chamber that it is quite easy to look after the majority in our community, including the well-to-do, those who are educated, who have employment and who have inherited wealth of one type or another. It is harder to look after those who unfortunately through mental health or disability, whether it is physical or cognitive impairment, or for a whole range of other social and family reasons, cannot look after themselves. I stand proud in this chamber hand in hand with other government members including the Premier to say to those opposite that there is one political party that looks after the needy and that is the Australian Labor Party.

Question agreed to.

STATEMENTS ON REPORTS

Environment and Natural Resources Committee: approvals process for renewable energy projects in Victoria

Mr PANDAZOPOULOS (Dandenong) — I want to talk about the Environment and Natural Resources Committee's report on the approvals process for renewable energy projects in Victoria. It is good to see two other members of the committee in the chamber. I thank all committee members and the committee staff for their work on this report. Again, it highlights the good work that can be done in a bipartisan way by parliamentary committees. All bar one of the recommendations in the report were unanimous, which I think shows that when you take politics out of the process of learning and recommending from available evidence — we are politicians and we built a little bit of politics in there — you come up with very good reports.

The report arises from a reference to look at the approvals process, how Victoria compares with other jurisdictions and where we are in terms of renewable energy projects. As we know, the reality is that in Australia, in particular in this state, we are very dependent on brown coal to generate our electricity. That has worked well for a long time, it is cost effective et cetera. But the world has changed, and just as we are seeing water diversification projects and getting water beyond dams from other sources, we also need to diversify in our electricity generation and renewable energy, of course, provides an opportunity to do that.

Renewables are about cleaner energy production. In a growing economy in a state that has a big industrial base these things are very important. Only 1.8 per cent

of all our electricity is generated from renewables, yet here, in a bipartisan approach at both a state and national level, we are saying that 20 per cent of all electricity in the country has to be generated from renewables by 2020. The task of the committee was to consider the best way of doing that. The reality is, and what the committee saw, was that Victoria is not as efficient as other states have been. To get a renewable energy project up in Victoria can take anywhere up to 51 months, compared to 6 or 7 months in New South Wales or South Australia. The reality also is that some renewable energy projects are more viable than others. That is why so much of the work the committee did focused on wind farms. Whether we like it or not, we recognise that at this stage there is no commercial, large-scale solar or geothermal production in Australia. Although we have the technology to make it feasible to do it commercially, they are not available.

We also recognise there are other restrictions for those investing in these projects because nowadays we have a private sector generation industry. The private sector competes against other projects to raise dollars to build projects. Unless you have a streamlined renewable energy regime that encourages renewable energy projects you are not giving the marketplace an opportunity to have a bit more confidence to invest in such projects or to lend the money needed for them to be built. There are companies out there with good products, but they are finding it hard to get access to or borrow the money to build these projects.

Where there was a point of difference between members of the committee was that the majority believe that it would be good practice for the Minister for Planning to be the responsible authority for wind farms. The reason is that we heard loud and clear from people in local government that they do not have the resources or the expertise — —

Mr Walsh — The majority of the committee said that.

Mr PANDAZOPOULOS — Yes, that was the majority view. But we did hear, and I think we agree on this, that councils are saying they do not have the resources, the staff or the knowledge and at the same time it is better to go for a one-track model rather than a two-track model, which is what applies now for most projects. We also recognise that because local councils do not have these powers the Minister for Planning and his department should be the responsible authority for enforcement. The committee heard about a number of issues relating to projects once they are off the ground. How do you enforce permits if you do not have the knowledge in the first place? This was a compromise

that was made. I think it is a very good report, and I thank all members for their work.

Environment and Natural Resources Committee: Melbourne's future water supply

Ms ASHER (Brighton) — I, too, would like to comment on a report from the Environment and Natural Resources Committee, although in this instance it is the inquiry into Melbourne's future water supply. I note with disappointment that the Minister for Water has contravened the Parliamentary Committees Act by not responding to the report within six months. That is a great shame, because while there were two minority reports associated with this report, as you would well know, Acting Speaker, the majority of the recommendations were supported across party lines.

I draw the attention of the minister to page xxii of the report. On the issue of stormwater and rainwater harvesting, the committee made the following observation:

Stormwater in Melbourne is currently managed as a drainage problem rather than as an alternative water supply. An estimated 400–550 gigalitres of stormwater runs off Melbourne's urban catchment annually.

The report goes on to say that:

Less than 0.25 per cent of the resource is currently used. It has been estimated that stormwater harvesting in new inner city developments can reduce demand for potable water by 35 per cent.

The report makes a number of key findings on stormwater in particular, and basically talks about the potential for a contribution to potable water substitution for Melbourne's water supplies. Indeed, I draw the attention of the minister to page 117 of the report and to the committee's support for the completion of the statewide urban stormwater strategy. Obviously I am aware that there are some legal issues that presumably the government has to deal with, but the fact is that this strategy is long overdue and the minister needs to get on with it.

The report sets out at pages 120 and 121 a good analysis of some environmental concerns, but most importantly I want to pick up on the issue of the storms we experienced in Melbourne on the weekend of 6 and 7 March. Melbourne Water put out a number of press releases about the storms and their impact on the catchments. In a press release dated 8 March, Melbourne Water says:

In the 48 hours up to 8 a.m. on Monday, 8 March, Melbourne's major water supply catchments had received up to 55 millimetres.

It goes on to say:

Approximately 2 billion litres has been added to storages so far ...

But then on 12 March Melbourne Water issued the press release that everyone was expecting, entitled, 'Sponge effect limits impact of rain'. Melbourne Water went on to say what everyone knows, of course, and that is that:

During the recent storms Melbourne's catchments had 65 millimetres of rain, yet storages went up by just 0.2 per cent. A similar rain event in October last year — one of our wettest months — saw storages rise by 0.8 per cent ...

The point I wish to make, stemming from the committee's observations about stormwater, is that given that the government was due to release its report on stormwater years ago, this is a lost opportunity. A significant amount of this water could have been caught and stored. Had the government unfortunately not been so tardy on the issue of stormwater, that could have occurred.

A number of people agree with the opposition's and the committee's approach to the issue of stormwater, and I draw the minister's attention to a document entitled *Sustainable Water Strategy — Central Region — Action to 2055*. At page 59 of the report the government said:

Urban stormwater is an underutilised water source in the central region.

That is particularly pertinent. I also want to draw the minister's attention to the Maddocks report — its update on sustainability and climate change. John Thwaites, the minister's predecessor, who was genuinely concerned with environmental management of water and a range of other issues, is listed as being on the consultancy team. Indeed this is a very good report on what action needs to be taken by government in order to position itself to take advantage of, for example, the storms we had in early March.

I conclude my comments with the fact that the minister has breached the parliamentary committee's reporting by not responding to this report in the six-month time frame. I should have thought the minister would be glad of some advice, particularly where the advice was supported by all parties of the spectrum. I urge him to respond.

Environment and Natural Resources Committee: approvals process for renewable energy projects in Victoria

Ms BEATTIE (Yuroke) — It gives me great pleasure again to talk on an Environment and Natural Resources Committee report — this time not into water but into the approvals process for renewable energy projects in Victoria. The report was tabled only last month. Most of us here know and understand we must look to renewable energy sources as the way of the future. Unfortunately, although Victoria has a wealth of renewable energy resources, less than 2 per cent of the state's primary energy consumption is derived from wind, biomass and other renewable sources.

I must congratulate the committee, ably chaired by the member for Dandenong, on its work. As is the way when you look at these reports, you initially turn to the executive summary, and I will talk about that executive summary in a moment. There were 39 submissions made to the committee, and many of those were made by local councils.

When I read the executive summary I was not surprised to read that local councils advised they did not currently have the capacity, expertise or resources to act as the responsible authorities for wind farm projects of less than 30 megawatts. Councils identified the impacts of wind farms and the monitoring and enforcement arrangements as significant issues. The committee also examined community concerns created by wind farms. I was really quite surprised on reading through the report to find at its end a minority report, one recommendation of which — and the minority report was made by two Liberals and a Nationals member — was that local councils be made the planning authorities for all wind power plants. I find that astonishing when councils themselves — and, as I said, many councils had made submissions — had said they did not have the necessary capacity or expertise. The minority report would seem to me to indicate that the minority wants to force councils to be the authorities when councils themselves say they do not have the expertise or resources. I find that quite astonishing.

As I say, we all know Victoria has to look to other forms of energy. One of the problems is the impact of falling water levels on hydro-electricity generation, which has translated into renewable energy production falling to 1.8 per cent of the total electricity generated in Victoria in 2009. The committee also noted that South Australia has had a more aggressive program on renewable energy than Victoria. Again I point to the figures showing that geothermal, solar and tidal energy

combined account for less than 1 per cent of our energy — so we have to look to other energy resources.

The committee held public hearings in regional Victoria, and I think it is always a good thing when we go out to the regions and seek views. However, I am disappointed that the Liberals and The Nationals want to foist work on local councils when they do not have the capacity, expertise or resources to handle it. They are saying to councils: 'We don't care what you say; we are going to do it'.

Scrutiny of Acts and Regulations Committee: review 2009

Mr JASPER (Murray Valley) — I wish to make comment on the Scrutiny of Acts and Regulations Committee's annual report for 2009, which was tabled in the Parliament yesterday. I am the deputy chair of the committee. I recommend that members read the report; it is not a huge report, but it is an important one. I think it is important that members understand the responsibility of the committee in reviewing all the bills that come before the Parliament and regulations made under the acts of Parliament within the state of Victoria.

I believe the work being done by the committee is critically important to the operations of the Parliament. We have now seen an expansion of the role of the committee with it having to review all bills and regulations as they relate to the Charter of Human Rights and Responsibilities. I will come to that in my contribution on the report which has been tabled in Parliament.

It is critically important to understand that as they come before Parliament all bills are referred to the committee and reviewed under the terms of reference provided in the report and which members can see. Members will notice in appendix 1 that the committee reviewed 98 bills through 2009 and in appendix 5 that 167 regulations were reviewed through 2009. I want to make clear to the house that I have great concerns about the extended work of the committee with the need to review all bills and regulations against the provisions of the Charter of Human Rights and Responsibilities. That has increased the workload of the committee enormously. If you look at the second-reading speeches presented to the Parliament, you will see that often the statement of compatibility provided by the minister is longer than the second-reading speech. It is a huge area of concern as these statements need to be reviewed by the minister and by the department prior to the bill being presented to the Parliament. Additional work is required of the committee with it now not only having to review the bills and regulations as they come before

the Parliament as per its terms of reference but also having to look at all the bills and regulations against the provisions of the Charter of Human Rights and Responsibilities.

The Parliament needs to understand that this has increased the committee's workload so much that I believe future parliaments will need to divide the work of the committee between those who will look at the bills as they come before Parliament and those who will review regulations. I recall back in my early days in Parliament, going back into the late 1970s and the early 1980s, when the scrutiny of regulations was done by a committee on its own. That was the only job of that committee. In fact at the time one of the clerks of the Parliament was the secretary of the committee. That was the role of the committee then. That expanded through the 1980s and the 1990s, and the committee now has an additional role associated with the Charter of Human Rights and Responsibilities. My view is that in future parliaments we will see the committee separate into two committees — one that will review the bills that come before the Parliament and one that will review the regulations. Importantly we will see a large number of regulations, which will increase the role of the committee even further into the future because of the current consideration of extending the role of the committee in reviewing regulations.

In the final few minutes I have I want to comment on the following: it is disappointing that often when the committee reviews bills it has to get responses from ministers and on many occasions we do not receive a response from the minister prior to a bill being debated in the Legislative Assembly and often prior to a bill being debated in the Legislative Council. The committee is in a position where it reviews the bills coming before the Parliament and provides a commentary on the bills that it reviews, which is presented to the Parliament each sitting week, and often makes recommendations that information be sought from a minister. I think ministers need to review their responses and that Parliament needs to look at whether legislation can be debated before a response is provided by a minister. These are concerns I have with the Scrutiny of Acts and Regulations Committee as we go into the future.

Electoral Matters Committee: misleading or deceptive political advertising

Mr SCOTT (Preston) — I rise to make a contribution on the Electoral Matters Committee's inquiry into the provisions of the Electoral Act 2002 relating to misleading or deceptive political advertising. This was a complex and difficult issue to examine.

What the committee found as the issue was examined in detail was that regulating political advertising throws up unintended consequences or serious questions relating to the role of the judiciary, the electoral commissioner or any other body set to regulate electoral advertising, which has the effect of shifting electoral contests away from the ballot box towards the judiciary or some quasi-judicial process.

This is a difficult area. I note that the member for Gippsland East is here. I note also that opposition members have attacked Mr Stephen Newnham for particular types of election campaigning which I understand were used by members of the coalition in Gippsland East.

Mr Ingram — And in Mildura.

Mr SCOTT — Yes, and in Mildura; I was about to get to that. But that issue does not remove the requirement to examine these issues carefully and thoughtfully. I note that in the analysis of this issue some inference has been drawn that the Labor majority stood in the way of any reform or regulation of this area. While I cannot discuss the in camera meetings of the committee, no divisions were recorded within the committee report. There were no divisions on any of the chapters or on the adoption of the report. While a minority report was lodged, there were no divisions within the hearings, and I will allow members to draw their own inferences about the position of opposition members during the discussions.

I will move to the issues. A number of academics who are well respected for their understanding of Victorian politics gave evidence to the committee: Professor Brian Costar, who has a special relationship with this Parliament in relation to Victorian democracy, and Professor Jock Given. They opposed the regulation of political advertising and speech essentially because they saw the consequences of doing so as being worse than the problems that exist. No-one should pretend our political system is perfect; that would be a laughable contention. But regarding the options for establishing a case for change, we have to establish that the alternative would produce a better outcome. For a number of reasons the committee felt that none of the alternatives which were presented to the committee would improve the situation.

At the heart of some of this debate is really a question of to what degree people feel that electors themselves can regulate the political discourse. There are certainly a number of people, among the judiciary in particular and others within the legal profession, who do not have faith in electors regulating political discourse. They

believe electors are unable to make decisions about such matters and that there needs to be a further level of oversight from a judicial or quasi-judicial body regarding these matters. I happen not to share that view, because if members look at these sorts of contributions, they will realise they bring to mind the notion of false consciousness that Marxists put forward as a reason for the failure of their political ideologies to draw out strong support from the community.

An honourable member — They are not here to defend themselves.

Mr SCOTT — The interjection was that they are not here to defend themselves, and that is because they failed at elections.

Persons who advocate false consciousness, though, believe the failure of their views to achieve electoral support is due to the failure of the electorate to understand their true interests. I think any member of this house should have difficulty with that particular notion. Similarly the questioning of electors' ability to review election material raises further questions. If people are unable to make distinctions, are people able to elect members to represent them? These are difficult issues to deal with.

Further, I have personal concerns about the politicisation of the electoral commission if it is given responsibility, and that has been the issue in South Australia, and also if courts are made responsible for arbitrating on electoral discourse, there is the inevitable politicisation of the judiciary, which is something that I find very troubling. I agree with other interjections that we have a very good electoral system in Victoria, but it is not perfect. However, I do not believe in any of the alternatives that were put forward.

Before I conclude, I will make a brief comment on one option in particular that was suggested. The idea was put forward by Ken Coghill, a former Speaker, of having in effect an office of truth and a situation where all political advertising would have to be checked by the office of truth through electronic communications. That is an odious and silly proposition, which I would not support.

Public Accounts and Estimates Committee: Audit Act

Mr WELLS (Scoresby) — I rise to make comments on the Public Accounts and Estimates Committee's report entitled *Inquiry into Victoria's Audit Act 1994 — Discussion Paper* dated February 2010, which was the committee's 92nd report to Parliament. The last time I spoke on this topic I focused on the issue of the

Auditor-General wanting to have the right to enter private premises to obtain documentation and evidence when it came to contracts with the government. One of the points that was also raised at that time was that if one is entering a contract with the government, then surely the contract should be of such detail that those documents should be readily available to the Auditor-General as a matter of right, rather than having special legislation for that to take place.

Today I focus on chapter 2 in the report headed 'The role of the Auditor-General within the Westminster system of government'. Obviously the cornerstone of democracy is the executive government, Parliament and the judiciary. The question is: how should the Auditor-General conduct himself or herself with regard to the accounts of the judiciary and the Parliament? This question is obviously straightforward when it comes to the executive government, but how does the Auditor-General handle the judiciary and parliamentary accounts?

At page 28 of the report it states very clearly:

The Auditor-General conducts an audit of the annual financial statements of Parliament by arrangement.

Further on in that chapter it states:

In correspondence to the committee, the Auditor-General has proposed that the financial audit of Parliament currently undertaken by arrangement be formalised as a legislative requirement.

That is a shift from what is happening at the moment, where the Auditor-General comes into the Parliament by arrangement and does a financial audit, whereas the Auditor-General is now suggesting that should be in legislation and more formalised.

At page 29 the report says that the matter is addressed by Erskine May in *Parliamentary Practice*. It also states:

Because of the supreme constitutional status of the Parliament, it has been traditionally accepted that the Auditor-General does not have any explicit or implicit authority or power to undertake performance audits of Parliament's formal functioning as Victoria's legislature.

In recognition of its accountability commitment, the Parliament, through its Presiding Officers, has, in the past, formally invited the Auditor-General to conduct the external audit of its administration ...

The Public Accounts and Estimates Committee report indicates it is looking for comment from the public. Further on at page 29 it states:

Against the above background, the committee wishes to consider during this phase of its inquiry the views of interested parties ... or otherwise of formalising within the

Audit Act the right of the Parliament and the Auditor-General to enter into agreements for the conduct from time to time of performance audits of Parliament's administrative activities.

It is an interesting point about what right the Auditor-General has to come into Parliament without invitation to audit the financial statements or to conduct a performance audit. This question also goes, to the same extent, to the issue of audits of the judiciary. We would expect that the Auditor-General should have the right to conduct a financial audit into the courts, but at what point does the Auditor-General have the right to make comment on, for example, the length of time certain cases take to conduct? That is where the issue becomes a grey area.

The Auditor-General has made clear that he wants the arrangements to be formalised, to be a lot clearer and to be put into legislation, and for those points to be unequivocal in every aspect. However, as pointed out by Erskine May, the Auditor-General does not have explicit or implicit authority or power to undertake performance audits. We therefore have two differing opinions at this point. The report also notes:

In recognition of its accountability commitment, the Parliament, through its presiding officers, has, in the past, formally invited the Auditor-General to conduct the external audit ...

We hope that with feedback received from the public the Public Accounts and Estimates Committee can deliver a proper report.

DAMS: OPPOSITION POLICY

Mr HOLDING (Minister for Water) — I move:

That this house calls on the Liberal Party and The Nationals to rule out building new dams on the Mitchell River and its tributaries or any other Gippsland river, and in the Otways, or building Big Buffalo or other dams impacting on the Ovens River.

This is a red-letter day for the members of the opposition.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Prior to the minister continuing, I will set the ground rules early: we will have less interjection and more of the minister.

Mr HOLDING — This is a red-letter day for members of the opposition because it is the Victorian people's opportunity to hear from them what they would do to respond to Victoria's water challenges. The Victorian government has put its position on the table.

Its policies are clear: they are being implemented as we speak.

We have built the Wimmera-Mallee pipeline; we have built the goldfields super-pipe; we have built the north-south pipeline — projects completed well ahead of schedule. We are building Australia's largest desalination plant. The project is on track. It will deliver water for Victorians by the end of calendar year 2011. We are modernising irrigation infrastructure in northern Victoria — the biggest irrigation upgrades and the biggest water savings in Australian history. We have put our position on the table. We have made it very clear where we stand in relation to securing Victoria's water supply.

Now is the opportunity for us to hear from the opposition what it would do, because the truth is that we have heard different things said to different audiences. That has been the opposition's tactic to date, and because we have been outside the election cycle it has got away with it. I can see the member for Swan Hill grinning. He knows the opposition has got away with being able to say one thing to one community and something completely contradictory to another community. It has got away with saying to the people of regional Victoria that Melbourne should be on stage 4 water restrictions. That is what John Vogels said in regional Victoria at the very same time that the member for Brighton was saying that stage 3a water restrictions and target 155 were harsh and unreasonable. That is what she said, while John Vogels told the people of regional Victoria that Melbourne should be on stage 4 restrictions.

We saw the farce around the pipeline where first the opposition said it would not take water from the pipeline, then that it would. Now it is trying to say it would not take water, but its latest comments are that under certain circumstances it would take water from the north-south pipeline. There is one position for people in northern Victoria and another position articulated in Melbourne by a different water spokesperson. That has been the tactic outlined by those opposite, and it is no more apparent than on the issue of dams.

This is a great day for opposition members because they can come in here and say whether or not they support the building of dams. If they support dams, this is their opportunity to put up or shut up. How many dams do they support? Where will they put them? How much will they cost? Which rivers will they dam? Which tributaries will they dam? How much water will these storages collect? What will the environmental impacts of these measures be? How will they get

environmental approvals for them from the federal government? What is their policy in relation to dams? Are they for them or against them?

Let us look at what the Leader of The Nationals had to say. At The Nationals state conference in 2007 he was emphatic when he said:

Wouldn't it be terrific to have some more dams in Victoria in appropriate places?

... You are better to have a dozen upper dams, each of them 20 per cent full than what we have now got for heaven's sake.

That is what he said in 2007. In 2008 at the next Nationals state conference he said:

For goodness sake, build more dams.

My question to the Leader of The Nationals is: for goodness sake tell us where you are going to put them, tell us how much they are going to cost, tell us which rivers are going to be dammed and what the impact will be on downstream users.

What has the Leader of the Opposition had to say in relation to dams? He has tried to word it more carefully because he has been through the grill on this issue a few times.

Well, we haven't made a commitment to any particular dams, but we have said that we are prepared to look at all options for dams.

Then he said on 23 October 2008, whilst standing boldly at Lake Eildon with the Leader of The Nationals:

We will consider and look closely at dams.

The Leader of The Nationals at the same doorstep said:

The reality is dams are on the agenda that will be part of the overall proposals we announce as we come up to this next election.

We are coming up to the next election. Victorians are waiting with bated breath. Where are these dams going to be? What did the member for Swan Hill have to say in relation to dams when he was slapping down his upper house colleague Mr Phil Davis after he had the temerity to rule out building a dam on the Mitchell River? He said:

There has been no new storage built in Victoria since 1980 and we've seen a huge increase in the population of Victoria. We're doing that work and we're making further announcements in the lead-up to the 2010 election.

We are in the lead-up to the election and we want to know where their dams are going to be located. What did the Leader of The Nationals say in the *Business Excellence* magazine put out by the Victorian

Employers Chamber of Commerce and Industry? He said:

Tim Holding MP perpetuated the myth that Victoria did not need new dams because it did not lack storage capacity ... The government cannot reasonably argue there are no opportunities for additional dams or water storages in Victoria.

We would have pursued opportunities to build new dams or increase capacity of existing storages ... In government, we will pursue the options outlined above.

What is the latest comment? The latest comment is on the Liberal Party website, as of right now, as we are speaking. If you go to the Liberal Party website, you find the following statement:

The coalition is committed to a long-term, sustainable water solution. That's why we support initiatives such as recycling, stormwater capture, new dams and water tanks.

The opposition's position has been unambiguous. It supports the building of new dams, or so you would think. You would think it had made it absolutely clear. But the great backdown started last week when the Leader of the Opposition at his doorstep interview was asked about stage 3 water restrictions and whether he was committing to new dams following the next election if he found himself in government, and he started backing away. He said:

We are not ruling anything in or out at this stage. We are keeping our powder dry in relation to these issues.

That is what the Leader of the Opposition is saying now. We can picture it: the Leader of the Opposition would have been summoned to the meeting. The member for Swan Hill would have been there. The Leader of The Nationals would have been there. They would have sat the member for Brighton in the corner, and The Nationals would have said, 'Dams are very popular in regional Victoria. People in regional Victoria love dams. We have to give the impression that we are in favour of dams'. And the member for Brighton would have been interjecting and saying, 'But, Ted, dams are electoral poison in outer metropolitan parts of Melbourne and in inner city areas where we will be chasing Greens preferences or trying to build up the Liberal vote. Dams are electoral poison in those areas. We need a little bit of wriggle room. With each dam option we need to be able to say we support the principle of a dam but we rule out that particular dam'.

What happened in the Otways? We had the ludicrous spectacle of 500 delegates at the Liberal Party state council voting to support a dam in the Otways, sending the subliminal message — well, hardly a subliminal message; a very clear message — that it is Liberal Party

policy to build a dam in the Otways. Then a spokesperson for the member for Brighton was sent out to tell the media it was not Liberal policy, so 500 members of the Liberal Party voted for it, and the spokesperson for urban water was sent out to deny and disavow the policy as soon as it was uttered.

What did we have up in north-east Victoria — and we look forward to hearing the member for Murray Valley's position on this because he has made it absolutely clear that he supports an expansion of Lake Buffalo. That is the position he has taken. He wants to turn Lake Buffalo into the Big Buffalo dam.

What we in government have been saying for some time is we have a cap on extractions from the Murray-Darling Basin that goes back to 1994 and that has been agreed to by all basin states and the commonwealth government. If you want to create a new storage in northern Victoria and fill it, you have to identify where the water is going to come from. Frankly, under the sustainable diversion limits that are being worked through by the new Murray-Darling Basin Authority as we speak, the likelihood of there being more water available in the Murray-Darling Basin is very remote indeed. In fact I think after the sustainable diversion limits are put in place there will be less water available for consumptive use, not more water. So where on earth would the water going into the so-called Big Buffalo proposal come from?

It is very easy to say you support the proposal, but which irrigator is going to give up their entitlement so that it can be put in this storage to provide for urban consumption needs or whatever it might be that the member for Murray Valley advocates? I have to say that the member for Murray Valley could well have spent his time taking aside The Nationals candidate for Murray Valley, Mr Tim McCurdy, who himself has a bit to say about the government's water policy. Firstly, in relation to the modernisation project, what did Mr McCurdy have to say back in November 2009? He said he was concerned about the food bowl modernisation project. He thought it was a bad idea that we were investing in irrigation upgrades to save water in northern Victoria. I will quote from Mr McCurdy because the member for Murray Valley is shaking his head; I shook my head when I saw this as well, I have to say. Mr McCurdy said that instead of delivering the food bowl modernisation project:

... the Labor government would have done better by building a new dam or extending the William Hovell Dam, to generate more water for sharing equally between irrigators and Melbourne.

That is the position of a candidate for The Nationals in north-eastern Victoria. He wants to build a new dam regardless of the sustainable diversion limits and the cap on the Murray-Darling Basin. He wants to build a new dam in northern Victoria so that water can be shared 'equally between irrigators and Melbourne'.

Frankly this is another policy proposal that was disavowed and disowned almost as soon as it was uttered. Everybody knows what an absurd proposition this is from The Nationals candidate for Murray Valley. I am sorry that the people of Murray Valley are going to lose the services of the current member at the next election and that he will be replaced by goodness knows whom, but if it is Tim McCurdy, I have to say he has a bit of studying to do on the question of water policy.

The dishonesty of those opposite has been the most pronounced in the debate around the Mitchell River and its tributaries. This is where they have had one set of candidates and members of Parliament out saying that under no circumstances will they put a dam on the Mitchell River and at the same time they have had members of The Nationals set the dogs barking in relation to whether you can in fact put an additional storage on the Mitchell River or its tributaries.

We in government simply say that in relation to this proposal we have had a close look at a number of different dams and storage proposals. In fact the Sinclair Knight Merz report *Eastern Water Recycling Proposal* that looked at alternative dam locations — we looked at eight different dam locations across Victoria — including storage options on the Mitchell River, made it absolutely clear that in financial, environmental and water yield terms, in terms of impact on surrounding communities, be they fisheries, parks users, tourism or whatever it might be, the arguments for dams do not stack up.

However, these arguments are most compellingly rejected in the case of the so-called on-storage Mitchell River tributary scheme, the so-called Wentworth River scheme. This is the scheme, the proposal, that was considered as part of an RMCG report provided to the Mitchell River Catchment Agricultural Business Association, called *Irrigation Water Supply Security — Final Report* and dated November 2007. This report looked at a dam on the Mitchell River, a dam on a tributary of the Mitchell River, on-farm storages, groundwater recharge and recycled water. In terms of investigating storage on the Mitchell River or a tributary of the Mitchell River, the report looked at a dam or storage with a capacity of about 15 billion litres. In fact the proposal that is being surreptitiously put

forward by The Nationals in eastern Victoria is for a bigger storage than that — a capacity of 20 to 25 billion litres is the number that is being kicked around.

What did the report say in relation to this? Firstly the report found that putting a dam, even a small dam, on the Mitchell River or one of its tributaries would have serious downstream impacts on the already fragile health of the Gippsland Lakes. This in turn would have disastrous impacts on the tourism and fishing industries. In terms of the Wentworth River itself, the independent evaluation done in 2007 to which I have been referring found that the run-off might be insufficient in drought years unless the total flow was captured.

All of these people who have been talking about this on-stream storage on the Mitchell River or on the Wentworth River realise we would need to capture the total flow in a drought year of the Wentworth River if this proposal were to generate the security that irrigators are seeking. What would the costs mean? This RMCG report found that the cost of obtaining this water for irrigators would be \$349 per megalitre in 2007 dollars. These irrigators are now paying between \$10 and \$15 per megalitre, which is frankly a high-end quote for what they are currently paying per megalitre for their water. This would be extraordinarily expensive water for the irrigators unless you could find someone else to pay, unless you could find someone else to stump up the cash for this proposal. We all know the Liberal Party is being dragged by The Nationals in the lead-up to the next election. The Nationals want to be able to promote this scheme. It is not really a dam; it is called an 'on-stream storage'.

Today in the *Weekly Times* there is an article by David McKerrell which is laced with denials that the proposal is actually a dam. What is the heading of the article? It is 'Dam now for our future'. There are not the subliminal messages any more. Members of the coalition have thrown away the dog whistle. They are screaming from the rooftops in regional Victoria that they want to put a dam on the Mitchell River. They are screaming from the rooftops that they want to put a dam on the Otways. They are screaming from the rooftops that they will be enlarging the Buffalo Dam into Big Buffalo, and sending the message to regional Victoria that they are in favour of a dam.

What are The Nationals doing in metropolitan Melbourne? At every opportunity they are backing away from it. In his interview with the *Sunday Herald Sun* of a couple of months ago, what did the Leader of the Opposition say? He said he did not rule out ditching the proposal to build a dam. What did he say last week? He said that now that desalination is on the way we

have to look at the changed supply equation. That is what he is saying now, so what are we seeing? We are seeing the inevitable backing away from all the coalition's outlandish and bold statements made early in the term by those opposite when they wanted to be bullish and stand there with regional Victoria to say, 'We are in favour of building a new dam'. They have had a look at the polling. This is poll-driven politics from those opposite. They have no water plan, and they are the ones who are backing away now from the things they said were absolutely essential.

In 2008 the Leader of The Nationals said 'For goodness sake, build more dams'. For goodness sake! Would he mind telling us where he is going to build them? Would he do Victorians the courtesy of letting them know how much they will cost? Will he do Victorians the courtesy of saying where they are to be located and how he will get environmental approvals for them, what the downstream impacts and the environmental impacts will be, what will be the impacts on tourism and our fisheries industries, what will be the impacts on those people who are required to surrender land as part of the proposal, and what will be the impact on those communities that would be potentially flooded from some of the Mitchell River proposals that have been kicked around in this debate?

We have had a look at the broad range of storage options available. We had a close look at them back in 2005 when we were devising our water strategy. We have had a look at them since that time with the financial assistance we provided to the Mitchell River crew in relation to the Mitchell River storage. We have had a look at all the proposals. You cannot fly in the face of the compelling evidence — that is, that these proposals just do not stack up. They do not stack up financially or environmentally, they do not stack up in terms of the water yield you get from them and they certainly do not stack up socially. They will not deliver water, which the opposition says Victorians need, in anything like the time frame that opposition members have laid out for this plan.

Instead we have made our position clear. We support the north-south pipeline, and the opposition is coming around to that view, too. The fact that it is built and finished and now delivering water to Melbourne may have something to do with that. We say we support the food bowl modernisation project. Despite the silly comments from Tim McCurdy, The Nationals candidate for Murray Valley, the truth is that most members in this house, when they are pushed and dragged to it, will actually admit that they support spending money to upgrade outdated irrigation infrastructure in northern Victoria.

We say we support connecting the state with a statewide water grid — the Wimmera–Mallee pipeline project, the goldfields super-pipe, the north–south pipeline, the Melbourne–Geelong interconnector, and the Hamilton–Grampians pipeline. We say we support these projects. In fact, we are building them, and many of them have already been completed. We say we support desalination and the provision of a non-rainfall-dependent source of water for Melbourne. We say that we support the conversion of seawater into drinking water, and we know that this water not only will secure Melbourne’s urban supplies but will be hugely beneficial to the people of Geelong, the Western Port area and towns in South Gippsland.

This government has nailed its colours to the mast. We say we do not support dams. We have looked at the options to see if they are viable, and seen that they are not. They do not stack up financially, environmentally or in terms of their water yield. They are not better options than those that the Victorian government has already implemented or is implementing at the moment as part of our water plan.

Opposition members now say that they support the north–south pipeline, or at least taking water from it. They also say that they support the desalination project, even though the member for Bass has been demuzzled and sent off to pretend that he opposed each and every part of it for the community in that area.

We say we do not support more dams, and the opposition is coming around to this view as well. We wish they would call off the dogs in The Nationals. They should have an honest dialogue with the people of Victoria and answer the question, ‘Which side of this debate are you on?’.

Mr Walsh — Woof, woof!

Mr HOLDING — The member for Swan Hill is barking. I know from time to time you have to take the muzzle off. When they take the muzzle off — —

The DEPUTY SPEAKER — Order! It is time for the lunch break. The minister can conclude his comments following question time.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Former Minister for Major Projects: media plan

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to a copy of a leaked confidential ministerial media plan prepared for the former Minister for Major Projects, and I ask: given that this plan provides media advice to the minister on media opportunities for the construction of a new aged-care facility and that under the heading ‘Photo opportunities’ the plan advises the minister to ‘sit in the bulldozer and mingle with construction workers’, is it not a fact that — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to come to order, particularly the member for Burwood.

Mr BAILLIEU — Is it not a fact that every time we see the Premier on TV with a hard hat and construction workers it is all just part of another one of the Premier’s media plans?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I did not quite pick up the date of the document from which he is quoting — it could have referred to Mark Birrell, I suppose, though I must say he has improved enormously since he left Parliament! As part of Infrastructure Partnerships Australia, he would say that the state that does the best in terms of infrastructure investment and delivers more projects than ever before — —

Ms Thomson interjected.

The SPEAKER — Order! I ask the member for Footscray to cease interjecting in that manner.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. I appreciate that the Premier does not want to remember Mr Theophanous, but Mr Theophanous is a former Minister for Major Projects.

The SPEAKER — Order! I am not prepared to uphold the point of order at this time given the breadth of the question asked.

Mr BRUMBY — As I was saying, a former minister, Mark Birrell, is full of praise for our government and full of praise for the leadership that we have provided in terms of public-private partnerships, a model which has been picked up by the rest of

Australia and adopted by all the Australian states, and the former minister, Mr Birrell, is full of praise for the significant new additional investment that we have made in economic infrastructure across the state. The current Leader of the Opposition might not like to acknowledge it — —

The SPEAKER — Order! I ask the Premier to confine his comments to government business.

Mr BRUMBY — The current Leader of the Opposition may not like to acknowledge it, but the level of investment which is occurring in major projects today is the largest in our history by a long, long way. This year we will be spending something like \$11.5 billion. It is true that when you get onto building sites — and there are so many of them across the state — it is important to comply with occupational health and safety requirements. You can wear a hard hat and a vest when you are knocking something over, and the Leader of the Opposition knows all about knocking over projects, knocking over schools, knocking over hospitals and knocking over railways.

Honourable members interjecting.

The SPEAKER — Order! Premier!

Mr BRUMBY — On our side we build things.

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition not to interject in that manner. I ask the Premier not to debate the question.

Mr BRUMBY — This year, from our budget last year, as the house is aware, we are investing a record \$11.5 billion in major projects across the state. Of course we are doing all that within a level of debt which is, in percentage terms of gross state product, actually lower today than when we were elected. With a AAA credit rating — —

Mr Wells interjected.

Mr BRUMBY — The member for Scoresby says, ‘Be careful’. I think last week he made three errors in one day.

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order, particularly the member for Yuroke. I ask the Premier to conclude his answer.

Mr BRUMBY — We are getting on with the job — we are getting on with the job of building projects

across the state in education, health, transport and roads. We are doing that right across the state. We are generating record numbers of jobs as a result of that, and while jobs may not mean to the Leader of the Opposition, they mean a lot to Victorian families.

Economy: performance

Mr STENSHOLT (Burwood) — My question is for the Premier and it is about the economy. I refer to the Brumby Labor government’s commitment to make Victoria the best place to live, work, invest and raise a family, and I ask: can the Premier inform the house how the government is getting on with the job of securing the economy and employment for working families in Victoria?

Mr BRUMBY (Premier) — I thank the member for Burwood for his question and for his obvious interest in a strong and robust Victorian economy. We on this side of the house, under our Labor government, have been busy building things. We have been busy getting on with the job. Unlike former governments which spent most of their time and most of their effort knocking things over and selling things off, we have been busy investing and building and creating jobs. As I said before, many people have been very complimentary about the endeavours of the government in that regard.

This morning I was with the Minister for Roads and Ports and the Minister for Major Projects as we visited the port of Melbourne to look at the largest container ship ever to berth at the port of Melbourne, the *Xin Yan Tai*. This ship is the largest that has ever been here. It is 280 metres long; it is as long as the Eureka Tower is high.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Polwarth that he cooperate with the smooth running of question time or he will find himself outside the chamber during question time.

Mr BRUMBY — We were there because if our government had not completed the channel deepening project, this ship would never have been able to dock in the port of Melbourne. It is an example of the importance of having some vision, some policies and a plan for the state of Victoria, something that we have on this side of the house. We remember all of those who, when we announced the channel deepening project, were too smart by half in opposing it. They said it would destroy civilisation as we know it, that it would destroy Port Phillip Bay and that it would kill all the fish in the ocean.

Mr Baillieu interjected.

Mr BRUMBY — That is true. The reality is that our port of Melbourne is the most important container port in Australia and attracts around 40 per cent of all the container traffic. In short, what this project means is jobs for Victorians, and that is why we got on with the job and did it.

When you think of all the other great projects across the state, you think of the children's hospital. Anybody driving up Flemington Road will see the extraordinary progress we are making on that new children's hospital, which is funded by our government. It is a great project for our state and one that we are proud of. By the way, I think on that project at the moment there are well over 1000 people — in fact I think it is 1500 people — working on that site.

Work is under way now on Peninsula Link, which is a \$750 million project linking Frankston to the Mornington Peninsula. It is a great addition to our road network.

I think of the rectangular stadium, which will be opened in May with that first Rugby game there between Australia and New Zealand. Again it is a great example of the leadership, policy, plans and vision of our government to make that precinct the best sports precinct not just in Australia but anywhere in the world.

Of course you also think about the rollout of our Victorian schools plan in partnership with the federal government. You think about what we have done in terms of police stations, where we have rebuilt dozens and dozens and dozens of police stations across Victoria. You think of the work that is commencing on the tennis centre, with funding of \$363 million.

With all that plus the \$3.5 billion desalination plant and the projects in regional Victoria under our Regional Infrastructure Development Fund, it is no wonder that for successive years Victoria has been leading Australia in building approvals and over the last year has been leading Australia in new jobs generation. Indeed, as most of the commentators have said, it is Victoria which has been and remains the engine room of the Australian economy. None of this could have happened without strong policies, strong plans and a genuine vision for our state. The results of this are plain for people to see — that is, a stronger economy, a more productive, livable and sustainable Melbourne and Victoria, and jobs for generations of Victorians.

Former Minister for Major Projects: media plan

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to a copy of a leaked confidential ministerial media plan prepared for the then Minister for Major Projects, Mr Theophanous, and incorporating a draft press release announcing how the minister 'swings behind demolition works at new aged-care centre', but then goes on to recommend at the suggestion of the media adviser that the minister takes a hammer and 'lays waste to centralised, state-run and funded' centres 'while simultaneously making way for a quasi-private development', and concludes, 'That ought to have the media rushing over to attend.' I ask: does the Premier endorse this cynical attitude towards the manipulation of the media by his government?

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition to cease the jeering and howling that breaches every standard of parliamentary behaviour, and I ask members of the government to cease interjecting.

Mr Batchelor — On a point of order, Speaker, as a former major projects minister myself, if the Leader of The Nationals is referring to a document, we would like him to table the document so we can check its veracity.

The SPEAKER — Order! Was the Leader of The Nationals quoting from a document?

Honourable members interjecting.

The SPEAKER — Order! Members of the government will cease jeering in that manner also.

Mr RYAN — On the point of order, Speaker, I was referring to my extensive notes — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Children and Early Childhood Development, the member for Eltham, the member for Seymour!

Honourable members interjecting.

The SPEAKER — Order! The member for Bentleigh is warned.

Mr RYAN — I was making reference to a document, and I am more than happy to make it available to the clerks.

The SPEAKER — Order! Is the Leader of The Nationals in a position to make that available now?

Mr RYAN — Save for the fact that it is otherwise needed during question time.

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order!

Ms Marshall interjected.

The SPEAKER — Order! The member for Forest Hill is warned. The Leader of The Nationals should make that available to the Clerk as soon as he possibly can.

Mr Stensholt — On a point of order, Speaker, I refer to page 156 of the *Rulings from the Chair* dated December 2009 — which has just been distributed; I am not sure if the Clerk actually has a copy of this one — regarding ‘Question on issue arising prior to the Premier’s administration’. We actually do not have this document from the Leader of The Nationals and we are unable to ascertain the date. Previous speakers Delzoppo and Plowman have ruled that if the question related to a matter which took place before the period of the Premier’s administration, it was not appropriate, and the Speaker should advise the member to raise the matter during the grievance or adjournment debate.

The SPEAKER — Order! Without knowing the date of the Leader of The Nationals’s document, it is difficult for the Speaker to rule on the member for Burwood’s point of order. The Leader of The Nationals could clarify this for the house by furnishing the date of the document.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals can give it to the Clerk.

Mr Nardella — What’s the date?

The SPEAKER — Order! The member for Melton is not helping. The question is out of order.

Honourable members interjecting.

The SPEAKER — Order! I remind the Minister for Energy and Resources that gestures such as he has just made are not parliamentary, and I ask him to refrain from that. I ask government members once again to cease jeering in that manner.

Dr Napthine — On a point of order, Speaker, I seek your advice with respect to your ruling. The document referred to is dated January 2007, which was after the last state election, so we are in the same administration even though the Premier may have changed. I put it to you that the question was relevant to this Premier and to this day because while it referred to a document dated January 2007 the question went specifically to the Premier’s endorsement of the content of that document and the cynical media manipulation proposed in it. It went to the views of the Premier and this government on that issue. It did not ask him to comment specifically on the document itself.

I put it to you, Speaker, that the question is relevant on two grounds. Firstly, this is the same government that was elected in 2006, and this government cannot run away from its past and its history as much as it would like to. Secondly, while the document is dated 2007 the question was about today and the attitude of the Premier and the government today to media manipulation and spin by him, his government and his ministers. Therefore the question is absolutely relevant.

The SPEAKER — Order! I do not uphold the point — —

Dr Napthine — Come on!

The SPEAKER — Order! I warn the member for South-West Coast. I do not uphold the point of order. The question referred to a document that was produced before the Premier was indeed the Premier. There is no point of order. The member for Seymour.

Mr Ryan — On a further point of order, Speaker, I seek your additional guidance. With respect, does the logic of this mean that had the Premier become the Premier yesterday the opposition would be precluded from referring to any such documents as those to which I have referred today?

The SPEAKER — Order! The Leader of The Nationals referred a document to the Premier, and asked for his views as Premier about a document that was produced in the time of a former Premier.

Dr Napthine interjected.

The SPEAKER — Order! I suggest to the member for South-West Coast that I will not hear more.

Health: regional and rural Victoria

The SPEAKER — Order! I call the member for Seymour.

Mr HARDMAN (Seymour) — Thank you, Speaker.

Honourable members interjecting.

The SPEAKER — Order! The member for Seymour has now been called twice to ask his question. I will hear the member for Seymour on his question. I am not prepared to ask him to accede on another occasion. The member for Seymour has the call.

Honourable members interjecting.

The SPEAKER — Order! The member for Seymour has the call, and I ask the Leader of the Opposition to resume his seat.

Mr HARDMAN — My question is to the Minister for Health. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby Labor government's support for small rural health services?

Mr ANDREWS (Minister for Health) — I thank the member for Seymour for his question and for his very passionate advocacy on behalf of the small communities in his electorate. As you know, Speaker, some proposals for the reform of our health system have been advocated by the commonwealth government. One is the application of activity-based funding right across health services, or local health networks as they are referred to in the Prime Minister's plan, without any due regard for the size and scale of those health services. What the proposals from the commonwealth government would mean for small rural health services in our state, 44 of which operate across often very small rural and regional towns, is that almost certainly you would change the nature and mix of services provided in those health services.

I would have thought that every member in this house would know and understand and would have nothing but praise for the first-class care given by our small rural health services and the dedicated way in which they work. As Minister for Health I have had the absolute pleasure of visiting many of these health services and seeing firsthand the fine work that is done by them. Just last Friday I was in Boort, St Arnaud and Inglewood. They are fantastic local communities that are well supported by their boards, their CEOs, and their doctors and nurses. One of the reasons why they are able to meet and respond to the needs of their local communities is that they have a flexible funding model, a block grant — that is to say, they have been unshackled from the burdens of activity-based funding. In 2004 they were given a more flexible model of

funding by our government. We are proud of that; we are delighted to have been able to do that. It makes a world of difference — —

Mr O'Brien — On a point of order, Speaker, the minister has just referred to funding arrangements under what he said is, 'Our government in 2004'. You just ruled that there is no government other than that of the Premier, so either the minister is out of order on the basis of your previous ruling, or if he is not, I ask you to revise your previous ruling.

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

Mr ANDREWS — As I said, I hope all honourable members support the work of our small rural health services. Sadly, that does not seem to be the case. What I am making clear — and it may not be important to the member for Malvern — is that in small rural communities right across this state patients benefit from the funding arrangements we put in place.

Mr Clark — On a point of order, Speaker, my understanding is that you have not ruled on the point of order raised by the member for Malvern. If you have then certainly those on this side of the house in my vicinity were unable to hear your ruling.

The SPEAKER — Order! There is no point of order from the member for Box Hill, and there was no point of order from the member for Malvern.

Mr ANDREWS — As I was saying, one of the reasons why small rural health services are able to respond so effectively to the health needs of their communities is that they have flexible funding from our government. The national health reform plan as advocated by the commonwealth would have put that at risk. We have been steadfast and absolutely clear with the commonwealth government and with the broader community that we will not support that change because we know it cannot and will not work. It will not benefit patients in those small rural towns.

We have been very pleased to stand up for those rural communities — the patients, doctors and nurses — and defend the unique arrangements they have in place. That is why yesterday I was very pleased to see the Prime Minister make it clear that his government will no longer pursue the application of per patient or activity-based funding in those 44 small rural health services. I am very pleased to see an acknowledgement from the commonwealth government that its proposed funding model would not have benefited patients. We are very pleased to see that acknowledgement.

But as pleased as I am there are others who are also pleased. I want to quote a media report of the views of one particular CEO, and of course that is Heather Byrne from the Alexandra District Hospital which is in the electorate of the member for Seymour. She has indicated that Alexandra District Hospital is very firm in its view that the government — —

An honourable member interjected.

Mr ANDREWS — Where we are building a \$15 million extension at that hospital — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister — —

Mr ANDREWS — What about protection from this rabble?

The SPEAKER — Order! I ask the minister not to respond to interjections, and I ask the member for Caulfield to stop the constant interjections while the minister is responding to the question. I warn the Minister for Health that another outburst like that will see him not in the chamber.

Mr ANDREWS — The CEO of the Alexandra District Hospital is reported on radio today as being very pleased and acknowledging that Victoria's block funding model for country hospitals is effective.

We are delighted that the Prime Minister has acknowledged that his proposed funding model would not benefit patients across small rural and regional communities. It is important to be clear about this. This is not the model that was introduced in the 1990s. It is a complete modification of the model introduced in the 1990s such that per-patient funding does not apply in these hospitals; a block grant is applied. That benefits patients, and it benefits communities. We are delighted the commonwealth has seen fit to recognise that. We look forward to continuing to work in other ways to ensure that national reform actually benefits patients right across Victoria.

Minister for Planning: media plan

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's statement on radio on 26 February following the leak of the so-called Madden media plan, and I quote:

I've never seen a plan like that before ... I've been in Parliament since 1993. I've been Leader of the Opposition, Treasurer, Premier. I've never seen a plan like that. I don't get plans like that.

And I ask: given the revelation of the Madden plan and other plans, is it not a fact that cynical, manipulative media plans and endless spin are the way this government operates, whether it is inside the Parliament or outside the Parliament, and it is all orchestrated by the Premier and his office, or is the Premier simply upset that he has been caught out again in a cover-up?

Honourable members interjecting.

Mr Stensholt — On a point of order, Speaker, I once again refer to the *Rulings from the Chair 1920–2009* of December 2009, particularly the guidelines which stem from Speakers Edmunds, Andrianopoulos, Edmunds, Delzoppo, Coghill and Delzoppo. Guideline 1 is in part 'The purpose of a question is to seek information' and guideline 3 is in part 'Questions should not seek opinion'. I suggest to you, Speaker, that the question — even though it failed on being direct, succinct or factual — was not seeking information and was actually seeking an opinion. I ask you to rule it out of order.

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

Mr BRUMBY (Premier) — I note that in relation to media plans, the subject of the Leader of the Opposition's question, and the media plan that I understand was referred to by the Leader of The Nationals before, the problem he had providing that to you, Speaker, was because the opposition had provided that to the media before providing that to the Parliament. Is that right?

Honourable members interjecting.

The SPEAKER — Order! Members will come to order, particularly the Deputy Leader of the Opposition.

Mr BRUMBY — As I have said earlier today in relation to questions, on our side of the house we have a strong record, a positive record, a record of getting on with the job and delivering projects in our state. I am proud of the projects we have delivered in our state. These are projects which could never ever have been delivered by those opposite. They are projects which improve the productivity, the livability and the sustainability of our state. They are projects which provide opportunities for ordinary Victorians.

As I have said before, I have not seen the documents to which the Leader of the Opposition refers, but what I do know is that on this side of the house we have been committed to providing the right framework and the right policies to get on with the job and make a

difference. On our side of the house we build things and we create jobs in our state.

Mr Baillieu — On a point of order, Speaker, if ever the Premier was debating the question, he is debating the question right now. I referred to the Madden media plan. The Premier just said he has not seen it. Four weeks have gone by, and he pretends he has not seen it!

The SPEAKER — Order! The Leader of the Opposition knows that is not an appropriate way to take a point of order. I do uphold the point of order, however. The Premier is debating the question. I ask him to come back to responding to the question asked.

Mr BRUMBY — I think you could create a media plan — to look angry, to pretend you care and to try not to look aloof. That would be your media plan.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bass and the Premier, if they wish to have a conversation, to do so outside the chamber.

Solar energy: government initiatives

Ms RICHARDSON (Northcote) — My question is for the Minister for Energy and Resources. I refer to Labor's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on recent developments regarding solar systems and the future of large-scale solar electricity generation in Victoria?

Mr Seitz interjected.

The SPEAKER — Order! I ask the member for Keilor not to interject in that manner.

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Northcote for her question and her interest in solar energy. I think the people of her electorate, just as the people in Mildura, are interested in this important issue. That is because the Victorian government sees solar power as a key part of Victoria's energy future, so it was great when the Premier and I got the opportunity last week to visit the Abbotsford solar manufacturing site. At that site Silex announced that it had taken over the ownership of Solar Systems technology, taken over the ownership of its pilot plant at Bridgwater and taken over the development rights for the large-scale solar system up near Mildura.

This is world-first technology, and the really important thing is that it is being continued to be developed right

here in Victoria. Solar Systems, as we know, had gone into administration, so that this news that the development of the technology and the largest solar power station in Australia has resumed and will continue is really great news. It is great news in Mildura but it is also great news in Abbotsford and it is great news for all Victorians, because we need to see more solar power produced here in Victoria.

The government worked with the administrators and also with the commonwealth government to ensure that this groundbreaking project was kept alive, and it certainly has been. We think the involvement of Silex, which is an Australian-owned company, is really fantastic news for the Victorian renewable energy industry. That is why we have had the confidence to bring forward a payment of \$3.5 million to Silex to enable the continued development and research into this world-first technology. This is groundbreaking technology.

Solar Systems has developed a patented dense array concentrating solar conversion technology. This technology uses ultra-high-efficiency photovoltaic cells that were initially developed for the space race, so it is taking technology that was developed for the space race and it wants to apply it here in Victoria. The important part of it is that it includes 'triple junction' solar cells which are capable of at least 35 per cent efficiency, which is more than double the efficiency of today's best silicon-based cells. So they are a lot more efficient than the traditional household photovoltaics.

This technology has been and will continue to be developed right here in Victoria, in Abbotsford, Bridgwater and Mildura. It is great news that Silex wants to build the power station near Mildura. Our \$50 million worth of funding will be available for the project and for the continued development of this technology.

This government is driving investment in solar. As you would know, Speaker, we have already placed \$100 million on the table for funding for a second large-scale solar power station here in Victoria. What has this meant? It has meant that of all those making applications that are currently being made to the federal government Solar Flagships program, around about a third would want to locate their solar power station, or part of it, here in Victoria if they are successful under that commonwealth program. It can be seen that we are doing everything we can to encourage large-scale solar power here — because we know that renewable energy will play an important part in changing the overdependence on carbon-intensive generation here in Victoria.

Planning: Hotel Windsor redevelopment

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Did the Premier or his office advise the Department of Premier and Cabinet to make the submission referred to the Windsor Hotel planning advisory committee, or did the department act without the knowledge or approval of the Premier?

Honourable members interjecting.

An honourable member — The question doesn't make sense.

The SPEAKER — Order! I will ask the Leader of the Opposition, if he would not mind, to ask the question again.

Mr BAILLIEU — Did the Premier or his office advise the Department of Premier and Cabinet to make the submission referred to the Windsor Hotel planning advisory committee, or did the department act without the knowledge or approval of the Premier?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I am not clear from his question — I am not trying to be critical of him; I am just not clear from his question — as to what document he is referring to. But if he is suggesting there was a submission in relation to this matter from the Department of Premier and Cabinet, I am not aware of such a submission.

Mr Baillieu — On a point of order, Speaker, the question was very clear. The document circulated by the government last week entitled 'Melbourne planning scheme permit application ... Hotel Windsor', the advisory committee report of February 2010, on page 11, refers to a letter from the Department of Premier and Cabinet, and it is treated as a submission by the document.

The SPEAKER — Order! I believe the Premier has answered the question.

Honourable members interjecting.

Mr Baillieu — On a point of order, Speaker, the Premier made no attempt whatsoever to answer the question. I took a point of order to clarify it for the benefit of the Premier. If the Premier's modus operandi is to spin, manipulate and worm his way out of any question in this house, what is the point of being in here?

The SPEAKER — Order! The Premier in his response clearly said he was not aware of any document.

Soccer: World Cup

Mr EREN (Lara) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house the government's support to bring World Cup football to Geelong?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Lara for his question. The member for Lara would be very familiar with the front page of the *Geelong Advertiser* of 2 March, and I read:

World class

...

The biggest sports event on the planet — the soccer World Cup — could come here as part of Premier John Brumby's plan to stage matches in Geelong.

Following lengthy discussions with both the FFA (Football Federation Australia) and the AFL, the Brumby government has put forward Skilled Stadium in Geelong and the MCG as the two stadiums to host World Cup football in Victoria. The government is pushing hard to get that outcome. It will be a win for the World Cup bid, a win for AFL football and a win for Geelong.

Under the plan, Skilled Stadium will be upgraded to a 44 000-seat stadium for the event, and then have the legacy of being a permanent 35 000-capacity AFL stadium post the World Cup. It will open up Geelong to a global audience in the billions, economic benefit for the region in the tens of millions of dollars and tourist numbers in the hundreds of thousands.

The Brumby government is working closely with the FFA to make Australia's bid as strong as it can possibly be. Geelong will give the FFA the 12 stadiums it needs for Australia's bid book. It is a win also for our nation's indigenous game, AFL. It is not acceptable to the Brumby government to have a situation where an AFL season is ruined. The plan will allow the AFL to continue to play games at Etihad Stadium.

The plan has near-unanimous support. Ben Buckley, CEO of the FFA, said:

We certainly think Geelong can be part of the overall bid.

Andrew Demetriou, CEO of the AFL, said:

We fully support the World Cup bid and also support the Victorian government's view that Skilled Stadium ... is a perfect solution to resolving the FFA's World Cup stadium issue.

Brian Cook, the CEO of the Geelong Football Club, said:

It legitimises, for want of a better word, our importance in the tourism and sports world.

The bid also has the full backing of the City of Greater Geelong, the Committee for Geelong and G21. As our Geelong members can testify, this plan has captured the imagination of the Geelong community.

There are, however, a small number of silent voices on this bold bid, whose only foray — —

Honourable members interjecting.

Mr MERLINO — Easy, tiger. Their only foray — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition to cease interjecting in that manner, and I ask the minister to restrict his comments to government business.

Mr MERLINO — Their only foray into supporting major events in Geelong is this headline, 'Baillieu vow to bring Red Bull air race to Geelong' — a nice little event if you are not worried about value for money, and why would the Leader of the Opposition be worried about value for money?

Honourable members interjecting.

The SPEAKER — Order! I warn the minister not to continue in that manner or he will not be heard. I ask once again for opposition members not to jeer in that most unparliamentary manner.

Mr MERLINO — Only the Brumby government is committed to bringing the best major event opportunities to Melbourne and Geelong. The World Cup would be an outstanding event for this nation, and only the Brumby government is doing what it can to ensure that occurs.

Mental health: services

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Mental Health. Is it not a fact that on Monday night people experiencing mental illness were left to languish in emergency departments because

there were no acute psychiatric beds available in any hospital in metropolitan Melbourne?

Ms NEVILLE (Minister for Mental Health) — I thank the member for her question. What I know is that this government is getting on with the job of building more beds in mental health — —

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members once again not to shout down a minister.

Ms NEVILLE — Just from last year's budget's record investment in mental health we will see 150 mental health care beds at Dandenong. In addition to that, just two weekends ago I was very pleased to open new beds at the Northern Hospital — an additional 25 beds.

In addition to that, we are also building youth prevention and recovery care beds. We are also building adult prevention and recovery care beds.

Dr Napthine — On a point of order, Speaker, the question was quite explicitly about the availability of mental health care beds on Monday night, and I ask you to bring the minister back to answering the question.

Mr Hulls — On the point of order, Speaker — —

Mr K. Smith interjected.

The SPEAKER — Order! I remind the member for Bass that any member in this chamber has a right to take a point of order. I am sure if I checked the records, they would show all members have been afforded an opportunity to take a point of order.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass will come to order, and the Deputy Premier will be allowed to take a point of order.

Mr Hulls — On the point of order, Speaker, the question was specifically about mental health care beds. The answer is specifically about mental health care beds.

The SPEAKER — Order! I do not uphold the point of order. The Minister for Mental Health, to respond to the question as asked.

Ms NEVILLE — As I was saying, we have been getting on with the job of building more acute beds in Dandenong Hospital. We announced new beds at the Geelong Hospital. I recently opened new beds at the

Northern Hospital. Late last year I opened beds at the Maroondah Hospital. We are in the process of building youth prevention and recovery care beds and also adult prevention and recovery care beds.

If the member for Doncaster understood mental health, she would understand that these beds are all about — —

Honourable members interjecting.

The SPEAKER — Order! Members of the opposition will come to order.

Ms NEVILLE — If she understood mental health, she would understand that prevention and recovery care beds are critical parts of our overall acute mental health system. They are about preventing people from needing an acute-care bed or assisting people to move back into the community.

These investments are making a difference. If we look at the waits in emergency departments, we have seen record lows, and all of these are trending down.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. The question was framed with specific reference to the availability of beds last Monday night and, whilst it is so, I readily agree, with respect, that the minister can make a broader reference to the topic at large, she has more than done that by now, and I believe she should be asked to answer the question which has been put to her.

The SPEAKER — Order! As the Leader of The Nationals took his point of order, the Minister for Mental Health was referring to emergency department beds, and I think that, hopefully, is where the question and the response are leading.

Ms NEVILLE — These investments that we are making in beds and emergency departments for short-stay units are making an enormous difference in terms of access to acute beds for people when they need it, so our commitment is to building more beds, providing better emergency responses and better supporting people in our community with a mental illness.

Mr Ryan — On a further point of order, Speaker, I renew the point of order I just made in that the minister, having defaulted to her lines out of the PPQ — possible parliamentary question — then proceeded to address issues regarding mental health generally without making any endeavour to answer the question she has been asked. I would ask you to have her answer what really ought to be regarded as a pretty simple question.

The SPEAKER — Order! The Leader of The Nationals knows full well that the Speaker does not have the authority to direct a minister as to their answer, as long as that answer is relevant to the question as asked. That is the standing order, as the Leader of The Nationals well knows. Has the minister concluded her answer? The minister has concluded her answer.

Automotive industry: government support

Ms HENNESSY (Altona) — My question is for the Minister for Industry and Trade. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: given that we are celebrating Automotive Week, can the minister update the house on actions this government is taking to support the car industry and responses to this?

Ms ALLAN (Minister for Industry and Trade) — I thank the member for Altona for her question. In the short time the member for Altona has been in this place she has proven to be a firm and strong advocate for the automotive industry, particularly for all those workers in her electorate who work at Toyota's Altona plant.

Before I talk about the automotive industry, can I remind the house that March is Marvellous Melbourne Month. The Minister for Tourism and Major Events knows this very well. Not only have we hosted the Food and Wine Festival and the Fashion Festival, but the Comedy Festival has just kicked off.

Honourable members interjecting.

Ms ALLAN — Who would have thought the opposition would be anti-Melbourne? We are also hosting the Melbourne International Flower and Garden Show.

The SPEAKER — Order! I ask the minister to come back to the question as asked, which referred to Automotive Week.

Ms ALLAN — Certainly, Speaker. What I am pleased to advise the house is that, in addition to all these wonderful events that Melbourne has an international reputation for hosting, this week is Australian Automotive Week, which is also being hosted here in Melbourne. This is a week-long celebration of the innovation of Victoria's car industry — an industry that is backed by the Brumby government. We are backing Automotive Week, and we are also going to be supporting the grand prix. I am sure many members of the house will be there on Sunday, as we cap off this week with the grand prix at Albert Park.

I think all members of the house would appreciate just how vital the car industry is to the Victorian economy. The industry directly employs 35 000 Victorians but employs tens of thousands more Victorians throughout the supply chain, and many of these workers too can be found in regional and rural Victoria working for car component companies.

On Monday I launched the Victorian Automotive Chamber of Commerce innovation and technology showcase, and I was very impressed. The showcase is at the Melbourne Convention Centre. It is a fantastic showcase, and I was impressed by the high-tech innovation that was on display and is driving the future of our car industry in the state.

I refer to one car that was on display, and that is the Bolwell Nagari sports car. This was a fabulous orange-coloured vehicle, a carbon fibre-bodied car that can achieve speeds of up to 280 kilometres an hour in, of course, the appropriate circumstances. This car is made right here in Seaford in Victoria. It was described recently by motoring writer Rob Luck, who said that with this car:

There are just two positions — foot flat on the throttle, foot flat on the brake.

I think it is fair to draw an analogy with the way the Brumby government is supporting the automotive industry. Our foot is flat down on the throttle supporting the car industry and working very hard, whilst those opposite have their foot on the brake. They are not interested in supporting the industry here in Victoria.

The SPEAKER — Order! The minister will bring her comments back to government business.

Ms ALLAN — Also on display at the showcase on Monday was the Toyota hybrid Camry. It was the Brumby government that wanted this car built here in Altona. We wanted this car built in Melbourne because we knew it was vital for jobs, vital for the future of the car industry and vital for the Victorian economy. As a result of the partnership between the Brumby Labor government and the Rudd Labor government we have seen the first ever Australian-made hybrid car roll off the production line at Toyota's Altona plant.

But it is not only about supporting the future of fuel-efficient cars; it is also about securing the jobs of 3200 workers who work at the Altona factory. Not only is this great for workers, but this is a car that is great for drivers as well. It is a world-class car, and that is why the Brumby government, as part of its arrangements

with Toyota, has committed for the government fleet to purchase 2000 of these vehicles.

I know the member for Altona is already very pleased with her hybrid Camry, which she picked up last week. I am sure many other members of the house, myself included, look forward to driving the hybrid Camry.

In addition, today I announced further Brumby government support where, in partnership with Holden, Caltex Australia and Coskata, the government is investigating the establishment of a \$400 million bioethanol plant that will be able to convert everyday household rubbish into fuel that in turn can be used to power the next generation of cars that Holden, particularly, is investigating.

These are just two great ways that the Brumby government is supporting green innovation in the car industry. Not everyone, though, I must say — and I will finish on this point — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition once again to have some regard and respect for the Parliament, and I ask the minister to confine her remarks to government business.

Ms ALLAN — Certainly, Speaker. The member asked about approaches on this matter, and I have just outlined the government's strong commitment, the strong foot on the throttle, foot down on the pedal commitment to the automotive industry here in Victoria, which unfortunately is not shared by all Victorians.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby is asking, I think, the Speaker to anticipate what a member is going to say. I think all members, particularly the members for Scoresby and Bass, know that that is a very dangerous place for a Speaker to go. I ask the minister to confine her remarks to government business.

Ms ALLAN — Thank you, Speaker. This government is looking to work with the federal government, and looking to work with the car industry to support the industry in Victoria. Unlike the former Premier, who questioned support to the car industry, and unlike the federal Liberal shadow Treasurer, we think there is a great future in Victoria for the car industry. This is a government that backs the car industry.

Mr Ryan — On a point of order, Speaker, I take umbrage at the aspersion which has been cast upon Mr Bracks by way of reference to ‘the former Premier’. I ask the minister to withdraw.

The SPEAKER — Order! There is no point of order. The member knows full well that one can only ask for a comment directed at the member to be withdrawn and cannot ask on behalf of anyone else. I believe the minister has concluded her answer.

Honourable members interjecting.

The SPEAKER — Order! The minister will not be shouted down.

Ms ALLAN — On a further point of order, Speaker, to clarify for the Leader of The Nationals, of course it was Premier Kennett, who you loved following — —

Honourable members interjecting.

The SPEAKER — Order! The time set aside for questions has expired.

Mr McIntosh — On a point of order, Speaker, during question time there was a question from the Leader of The Nationals which you ruled out of order. I ask you to review overnight the ruling you made and to take the opportunity to look at the *Hansard* record of today’s question time.

I will point out a number of reasons you should do so. In my respectful argument, it is an incorrect decision and a misinterpretation of previous rulings from the Chair. The reason I argue that is that while there was reference to a document that may have been created during another administration, indeed under another Premier, most importantly the question did go on to ask, ‘Does the Premier’ — the current Premier — ‘endorse this cynical attitude towards the manipulation of the media by his government?’. Clearly the question was directed to his government — that is, the current Premier’s government. While there was an example given that related to a previous Premier, the most important thing is that this question related to the current Premier’s government. Therefore it was in order.

Secondly, I also indicate that, by way of example, it would be quite permissible for any member of this Parliament to refer to a policy position that the current government had when it went to an election. For example, it would be quite permissible, I suggest, to refer to the Labor government’s policy in 2002 to not toll EastLink and indeed ask the question, ‘Is the current government’s intention to remove tolls from

EastLink given the previous commitment?’. That is still a question that relates to the current administration. Likewise, a question could be asked about the north–south pipeline. Given the previous government’s commitment in 2006 to not build a north–south pipeline or indeed take water from north of the Great Dividing Range to south of the Divide, it would be quite permissible to ask, ‘Will you plug the pipe?’, for example. That is quite permissible, and it relates to a current regime and a current Premier.

Thirdly, Speaker, I ask you to look at the ruling listed on page 156 of the *Rulings from the Chair*, the ruling that was identified as being made by Speaker Delzoppo on 9 November 1993. When you look at the questioner, you see it was the then Leader of the Opposition, the current Premier.

In all my arguments, this question was in order. It certainly was not relating to something from a previous Premier’s administration. It relates to this Premier’s administration because the question was directed to his government and accordingly should have been ruled in order.

Mr Clark — In support of the point of order raised by the member for Kew, Speaker, I think it is going to be very important that you give consideration to the precise terms of the ruling that you made earlier and perhaps give considered reasons for the ruling tomorrow. As you would appreciate, your ruling has potentially very broad impact indeed, and it is going to be important for the future business of the house that the scope of your ruling be clarified.

In the previous instance of the ruling made by Speaker Delzoppo referred to on page 156 of *Rulings from the Chair*, the reference preceding the issue of the question relating to a matter which took place before the period of Premier’s administration makes clear that the question to the Premier concerned the Premier’s alleged private use of government cars prior to him becoming Premier. It was a question that related to something that concerned the person of the Premier prior to him taking on the role of Premier. It was a very narrow point in that prior instance rather than a broad suggestion that anything directed to the current Premier in relation to an event that took place before he became Premier was out of order.

As you would appreciate, Speaker, if the latter were the interpretation put on your ruling, then the breadth of your ruling would have enormous implications indeed because every time there was a change of Premier in Victoria, in effect the slate would be wiped clean and it would not be permissible for the opposition or indeed

for any other member of the house to ask of the Premier any question that related to any matter prior to him or her coming into office. That would of course be an enormous restriction on the ability of any member of Parliament to raise questions and an enormous encroachment on parliamentary democracy in Victoria. I do humbly suggest it is very important and very desirable that you give a considered and detailed response to and reflection on the ruling you have made today.

Mr Batchelor — On the point of order, Speaker, the issue that you are being asked to reflect upon and advise Parliament on at a later date is this issue that was addressed by Speaker Delzoppo in November 1993. I can remember the events surrounding this. The ruling very specifically related to that part of the question that referred to things that occurred prior to and outside the then Premier's area of responsibility, and accordingly he ruled it out of order. That ruling has stood, not only on that occasion but, as you will see from *Rulings from the Chair*, it was subsequently referred to the following day by Speaker Delzoppo and was also referred to by Speaker Plowman about three years later.

So, Speaker, I put it to you that your ruling was correct. It follows the precedents that have been laid down. It relates to a time in the Parliament when the government of the day was being asked to comment on prior matters in exactly the same way as things were today. In your reflection I ask you to take these matters into account.

Mr Ryan — On the point of order which has been raised by the member for Kew and which I support, Speaker, I ask you to consider the matter on the basis that when I put the question the reference to the document as the ministerial media plan was simply as a point of referral and foundation for the question. The question itself related to the position of the Premier at the present time — the Premier of the state of Victoria now — with regard to a proposition or series of propositions which were advanced in a document dated, as we now know, back in 2007. With respect, the danger in leaving the ruling stand is that we are faced with the prospect that this issue has arisen during question time, and I used the document for the purpose of constructing a question.

It seems to me that the logic of the situation would suggest that if the ruling stands, we will risk being precluded from having reference to documents constructed within previous administrations as are now being defined, and surely that would make an absolute mockery of the Parliament. We need to make sure that questions are delivered in a way that is appropriate to the Premier and the administration of the day. That is

certainly so. I unequivocally agree with that, with respect, but all this document did in my reference to it was represent a reference point. That is all it did. I was simply seeking a statement of policy, in effect, from this government as to what the Premier's views are now with regard to the content of that document.

Mr Holding — On the point of order, Speaker, I have listened to the various points being made in relation to the point of order, and you will no doubt give due consideration to the points that members have made. In relation to the point that the Leader of The Nationals has made, I believe he has in a sense misrepresented the way the question was posed and the series of questions which the opposition put during question time. The central element of the opposition's series of questions, and no doubt there would have been more if your ruling had not have intervened —

Mr Ryan — Well, that's not right, for a start!

Mr Holding — The central element of it was that there was a document, the quotes from which formed the basis of the questions which opposition members then asked.

Honourable members interjecting.

Mr Holding — It is true. The central element was built around the quotes that opposition members relied on in order to make their point. To then re-present that to the Parliament now by way of point of order by saying, 'It was merely an example', or, 'It was merely illustrative', I do not believe accurately represents the series of questions which the opposition had put to the Parliament.

Mr Ryan — No, it wasn't.

Mr Holding — It was. There was first a question from the Leader of the Opposition, and then there was a question from the Leader of The Nationals, and each of them relied on this document to make the point, to illustrate their point, and then appear to make a series of assertions based on it. Therefore I think your ruling, Speaker, in relation to the document and its status was accurate. It was not merely one element of the series of questions, it was central to it.

Mr O'Brien — On the point of order, Speaker, just picking up some of the points made by the Minister for Finance, WorkCover and the Transport Accident Commission, the question that was asked by the Leader of The Nationals and the quotes from the media plan that was referred to by the Leader of The Nationals were clearly used to be illustrative of a type of conduct to which the Premier was being asked to draw his

attention and provide a statement to the house on whether or not he endorsed this type of conduct. It was not about the specifics of the document or when it was created or whether then Minister Theophanous acted in accordance with that. It was being used to illustrate a type of conduct to which the Premier was being referred, and he was asked to provide a statement to the house as to whether this was the type of conduct which he as Premier endorsed within his administration.

My view — which I would ask you, Speaker, to take into account — is that it would not matter whether the example being used was from 100 years ago or from yesterday. It was being used to denote a type of conduct, and it was entirely appropriate to bring that to the Premier's attention and seek his statement as to whether that should apply or that sort of conduct was acceptable in his administration today.

Mr Stensholt — On the point of order, Speaker, as the one who raised this point of order I am always happy to defer to the member for Malvern in appropriate circumstances. I do note that the member for Malvern actually said that the Leader of the Opposition — even though the member for Malvern had a very poor memory as to dates — did raise a matter, and that is exactly what you have said, and I am sure that *Hansard* will report that. I refer to this ruling which says that the question related to a matter. It is not just a reference; it related to a matter. I raised the point of order because it was a matter, and a matter is a significant thing. It is not simply, as the member for Kew had said — —

Mr McIntosh interjected.

Mr Stensholt — If the member for Kew would listen, it might. It is not simply, as the member for Kew had said that it was, about a policy. This was related to a matter, so that is why I raised it, and that was the ruling of former Speaker Delzoppo, which Speaker Delzoppo reaffirmed and which was subsequently reaffirmed by Speaker Plowman. Speaker, I suggest that your ruling was correct.

The SPEAKER — Order! Let me assure all members that I will examine *Hansard*, and I will examine the source documents and the rulings of former speakers as well as the rulings themselves. They are always based on *Hansard*, which often gives much more of the sense of why those rulings were made at the time that they were made, and I will come back to the house in due course after consulting with the Clerk.

DAMS: OPPOSITION POLICY

Debate resumed.

Mr HOLDING (Minister for Water) — As I was saying before the lunch break, this is the opposition's great opportunity to come clean on its position in relation to a dam. It is its chance to provide the Victorian people with some information about something which opposition members have said so much about in general terms but refused to say anything about in specific terms. Can we please use this motion as a golden opportunity for those opposite to tell us something? I ask them to show us a little bit of leg on the question of what their commitment to a dam actually means. Where will they put it? Which rivers will they dam? How much will it cost? What will the environmental implications be? What will the impact be on downstream users? How on earth will they get the environmental approvals necessary from the federal government? And what will the water yield be? This is their opportunity. This motion — —

Honourable members interjecting.

Mr HOLDING — Say something!

Ms Asher — In your dreams!

Mr HOLDING — 'In your dreams', says the member for Brighton. I am happy to let the house know that I do lie awake at night sometimes wondering what it is the opposition is going to do with its water policy. Now that the opposition has endorsed the north-south pipeline, now that it has said it sees desalination as part of the supply equation, will it finally admit it is going to ditch its dams policy in the lead-up to this election but continue the surreptitious campaign with The Nationals of telling people in regional Victoria, particularly the irrigators in Gippsland, that it will secretly put a storage on the Mitchell River or tributary of the Mitchell River? The opposition does not want to call it a dam; it wants to call it something else. It wants to call it anything but a dam. But as we know, if it quacks like a duck, walks like a duck and looks like a duck the chances are it is a duck. I reckon we will find that this on-stream storage on the Wentworth River in Gippsland is nothing more than a dam by any other name.

I am imploring the opposition to put the Victorian people out of their collective misery and tell us its policy in relation to dams. Where is it going to put them? How much are they going to cost? How much water are they going to yield? What will the downstream consequences be? What will the environmental consequences be? Where and how will it

get the environmental approvals from the federal government to proceed with this insane and unsustainable policy? This is the opportunity for members opposite to put up or shut up. This is the chance for them to put on the table something — anything at all — in relation to their water plan. I say to the opposition: please tell us something about it. We are desperate to know; we are eager to hear. We have given the opposition a rolled gold opportunity for it to tell us what its water policy is.

Opposition members have spent three or four years drifting around the state saying all things to all people, and now the Parliament has provided them with some of our precious collective time so they can inform us all what their policy is going to be. We heard from the Liberal Party state council; we have heard from Liberal Party identities; we have even heard from The Nationals candidate for Murray Valley that he supports dams and wants to put one in north-east Victoria so we can share the water — that is, 50-50 — with irrigators in Melbourne. We have heard from The Nationals candidate for Murray Valley. Now can we please hear the official coalition policy on this issue?

I went to the Liberal Party website yesterday. According to the website on 23 March 2010, the Liberal Party supports new dams. It has taken the new dams reference down from all the other collateral. It has taken it off the Leader of the Opposition's website. Liberal Party members have stopped referring to it in their speeches, but it is still on the Liberal Party website because we know it is still secret Liberal Party policy. Despite their public denials in recent weeks, Liberal Party members want to build a dam somewhere. Please tell us where! This is a great opportunity to level with the Victorian people in the lead-up to the election and provide us with a little information about where they might be going in relation to water. This is a great opportunity. The Parliament has provided time for it.

We cannot wait to see which spokesperson we will hear from. Will we hear from the shadow minister for urban water first or will we hear from the shadow minister for country water resources first? We know they have been out there saying different things to different people. They said it on stage 4 versus stage 3a water restrictions; they have said it on the north-south pipeline; they have been saying it in relation to dams. The opposition has multiple positions on every piece of water policy in Victoria, because it does not expect people to put their heads together and try to reconcile the ridiculous and often contradictory statements opposition members make around the state. The opposition has been caught out again in relation to dams. This is its chance to put up or shut up. Where is

the dam going to be? Which river is going to be dammed? How much is it going to cost? What will the water yield be? What will the environmental consequences be? How will it get the environmental approvals from the federal government for it? This is its chance to put the Victorian people out of our collective misery and put to rest the deep-seated suspicions that Victorians have about exactly where the opposition is going in relation to water policy in this state.

Mr WALSH (Swan Hill) — The Minister for Water asked the opposition to show a bit of leg. I assume it would be unparliamentary for me to raise my leg, put it on the table and show the minister a bit of it!

The DEPUTY SPEAKER — Order! I agree.

Mr WALSH — The Minister for Water has made a very — —

Mr Holding interjected.

Mr WALSH — I am sorry to disappoint the Minister for Water. It is great that the Minister for Water has given the house a half-hour dissertation on a whole heap of nothing, in reality, and then has chosen to leave the house before we have the chance to answer the question he actually asked.

Honourable members interjecting.

Mr WALSH — He is still listening. Does he have long-distance hearing? I suppose the question that needs to be asked in this house is: why does the Brumby government, particularly the Minister for Water, hate dams? What does the minister have against dams in this state? If anyone listened to the diatribe delivered in the last half-hour they would believe Victoria would have no dams at all. I ask the rhetorical question of the Minister for Water: if Victoria had no dams at all, which is what he wants and what the Brumby government wants, where would we have got the water we have had available to us since Australia was settled by white man?

If you go to the history of Melbourne, you find that Melbourne was first settled at Sorrento. The first settlement in Victoria failed because there was not an adequate water supply. If you look at the history of when Melbourne was first settled and the history of Melbourne's water supply, you find that over time we had severe water restrictions and challenges regarding water supply. The Yan Yean Reservoir was the first to be built to supply water to Melbourne. According to the history, there were times when water supply to the people of Melbourne was restricted: some areas of Melbourne had water for only 8 hours a day.

These were the sorts of restrictions that were experienced back in the early 1800s in Victoria because there were no dams to supply water to the city of Melbourne. The Minister for Water has spent half an hour bagging dams. He is against dams in this state, so he is against Victorians having any water to enable them to live, to have economic development and to do all the great things that we do in Victoria. The minister would stop all that because he does not want to see any dams built in this state.

The question I put back to the Minister for Water and to the Brumby government is: which dam are you going to decommission? If you are so anti dams, which dam are you going to decommission? Are you going to take out the Thomson Dam? Are you going to take out Lake Eildon? Are you going to take out the Hume Dam? As the previous Minister for Water, John Thwaites, said, dams take water away from rivers. We cannot have dams because they take water away from rivers, so which dam is this government going to decommission?

If we look back in history we see that a couple of very famous photographs were taken by the Murray River. One is the photograph of the Myall community near Murrabit, where the community held an Easter Sunday picnic in 1914 in the bed of the dry Murray River. There are horses and carts and some pushbikes in the dry riverbed because there had been a series of droughts and the river ran dry. There is another famous photograph taken at Mildura in that same period of drought of Commissioner East from the State Rivers and Water Supply Commission standing with a trickle of water, which was the Murray River, running around his legs. At that time the Murray River had stopped flowing. Fortunately our forefathers had the foresight and the commitment to build some dams in this state to make sure that we had a water supply.

The minister would have us not build any dams at all. As I say, which dam would he decommission? Is he going to decommission the Hume Dam? Is he going to decommission Lake Eildon? There would be no water for the north–south pipeline if the minister were to decommission Lake Eildon. Is he going to decommission Glenmaggie Weir, in the seat of the member for Gippsland East? Or is he going to decommission Yan Yean Reservoir, the very first reservoir that was built to supply Melbourne?

Honourable members interjecting.

Mr WALSH — There is one other question to ask. The last dam that was built to supply Melbourne with water was the Thomson Dam. Would this government have built the Thomson Dam if it had been the

government at the time? After listening to the presentation by the Minister for Water for the last half-hour I would make an assumption that the Thomson Dam would never have been built and Melbourne would not have had the water supply and the water security that it has enjoyed — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Prior to the start of this debate I laid down some ground rules. The ground rules were less interjection and more silence for the member on their feet. The member for Swan Hill, without interjection.

Mr WALSH — If the Thomson Dam had not been built, Melbourne would not have had the water it has had in recent times.

The minister spoke in glowing terms about the Wimmera–Mallee pipeline, and he is very much trying to rewrite its history. It was well and truly designed, started and funded before this government got involved, and I think we need to give due credit — —

Mr Nardella interjected.

Mr WALSH — The member for Melton was there recently for a parliamentary committee hearing. Obviously the member for Melton did not listen very well while he was there with the committee. He was too busy berating — —

The DEPUTY SPEAKER — Order! I did say no interjections from the other side. The member for Swan Hill does not help if he responds to interjections. The member for Swan Hill, without assistance.

Mr WALSH — The minister gave glowing compliments to the Wimmera–Mallee project, which is a fantastic project. But the minister was busy rewriting history, because it was a project that John Forrest, the then federal member for Mallee, and John Anderson, when he was Deputy Prime Minister of Australia, lobbied very hard for. Mr Anderson was one of the great people who made sure that funding was made available for that project. Sure, it is being finished at the moment and the government of the day can take some credit for that. But the government of the day also needs to give due reference to those who went before who got that project started. The Wimmera–Mallee system would not be what it is today and would not have water to put down that pipeline if our forefathers had not built dams in the Grampians to store water so it could be sent down that particular pipeline.

We have also seen in recent times the floods in Queensland. It is fantastic that there has been substantial rainfall across part of Australia. Some of that water will be stored in the Menindee Lakes and in reservoirs, and in a reservoir at Lake Victoria, which will enable Victoria to keep back more of its water in the Murray and Goulburn systems to help Victorians into the next season. The water is being stored in dams for the benefit of Victorians next year. But the Minister for Water says that dams are no good and in effect that we should not have any dams in Victoria.

The Minister for Water broadened the debate substantially and talked about a whole range of water issues. In my view that means this motion is about water policy as well as about dams. If we look at some issues on water policy we see this government has substantial form when it comes to water policy. The government went to the 2006 elections with its *Our Water Our Future* strategy, and part of that was the Central Region Sustainable Water Strategy to 2055. It says on page 64 of the document entitled *Our Water Our Future*:

The government considers that Melbourne must tap the significant potential for conservation, efficiency and reuse and recycling gains within the central region rather than connecting with northern Victoria ...

It goes on to say:

There is also a critical need to recover water from supply systems in northern Victoria for the environment, most notably as part of the Living Murray initiative and commitments to restore environmental flows to the Snowy River.

Further, it says:

Due to the magnitude of water required, the significant potential alternate options to meet Melbourne's shortfall and the challenges already facing the irrigation community, the government does not support Melbourne buying water from irrigators in northern Victoria to meet Melbourne's future consumptive needs.

This was one of the core planks of this government's 2006 election policy. The minister talked about 'rolled gold commitments'. The government made a rolled gold commitment that it would not take water from northern Victoria to southern Victoria because of the magnitude of water needed in northern Victoria and the fact that Melbourne had other options with its own catchment to meet its own demands.

What happened? In July 2007 the government totally broke that commitment and started to build the north-south pipeline to take water to southern Victoria. For the information of the member for Gippsland East, some of that water was destined for the Snowy River

and the savings that were going to be made. That leads me to the issue of the promises this government has made about savings.

The Minister for Water talked about the issue of the irrigation upgrades. If members go to the promises that have been accrued since this government came into office, they will see it promised to find 17 600 megalitres for the Central Goulburn 1-4 channel savings, 52 000 megalitres for the Shepparton modernisation, 25 000 megalitres through the Goulburn-Murray water reconfiguration, 225 000 megalitres from the savings out of the food bowl modernisation stage 1 and 200 000 megalitres from the food bowl modernisation stage 2.

This government — and this minister and this Premier in particular — have driven around Victoria making promises about how much in water savings they are going to find to get extra water for Victorians. It is a grand total of 519 600 megalitres; effectively it is 520 000 megalitres of water savings that this government has promised.

Over the last few years the losses out of the Goulburn-Murray system have been less than 400 000 megalitres, so the Minister for Water has a real credibility issue. He has promised 520 000 megalitres of savings. There are less than 400 000 megalitres of losses even if you save every single drop. If you actually look at the metropolitan water system, the best it can run at is 92 per cent or 93 per cent efficiency. This government has been caught out on the spin it is promising Victorians because it cannot achieve the savings it has promised. It cannot do the things that it promised on those savings. It was sprung by the Auditor-General who on page 31 of his April 2008 report *Planning for Water Infrastructure in Victoria* made the comment about the food bowl upgrades and the savings:

The level of rigour applying to the components of the plan varies considerably. For example, the food bowl upgrade costs represent the lowest level of rigour and were, at that time, based on a preliminary study by a stakeholder group (the Food Bowl Alliance).

We have the government praising itself for its projects that were based on a stakeholder group's submission that the Auditor-General said had very little rigour. The next page goes on to say:

At that time the supporting documentation consisted of the submission by the Food Bowl Alliance advocating the project. We found this documentation did not have the depth of analysis and level of rigour commensurate with a project business case.

So we have this minister saying he has done a fantastic job for Victoria, that it is all part of the plan and that the

government has a plan that is going to save Victoria — but the Auditor-General says in effect that the plan is not worth the paper it is written on.

The government has invested \$1 billion of taxpayers money one way or another in the irrigation upgrades, something that needed doing, something that needed to be done in an actually structured and good business way, and we have the government building a \$750 million pipeline to take savings that may never, ever be achieved.

There is another promise that the minister has made. The minister has stood up in this house and given a categorical guarantee that the north–south pipeline is going to deliver 75 000 megalitres of water to Melbourne in calendar year 2010. The original supposed business case said 75 000 megalitres in financial year 2010–11, but the minister in a grand statement last year said it was ahead of budget, ahead of time and was going to deliver it in calendar year 2010.

Last week before an upper house parliamentary committee the Melbourne Water people who appeared reiterated the commitment the minister had given that they would not pump water through the north–south pipeline outside the irrigation season. I thank the government for that commitment, although I do not believe it because we cannot believe what has been said. One has only to recall the rollovers that have happened so far. If you do the maths, you recognise that it is mathematically impossible for the minister to get 75 000 megalitres down the pipeline to Melbourne in calendar year 2010. The minister has a real credibility issue when it comes to what he has promised on water policy.

The next issue we have is the report from the Environment and Natural Resources Committee inquiry into the future needs of Melbourne's water supply. I was a member of that committee, as was the member for Gippsland East, who is also in the chamber. We put a lot of work into the inquiry about Melbourne's future water needs. A lot of people went to great effort to make submissions and to appear before the hearings. The staff put literally hundreds of hours into writing this report. It was tabled in June 2009.

If the minister and the government in particular were serious about water issues in this state, they would have done what they are obliged to do under parliamentary procedure and responded to this report by the end of 2009. But it is now March 2010, and the government is at least three months overdue in responding to this document, a document which I think has some very good information about the opportunities for meeting

Melbourne's future water needs, particularly recycling and stormwater harvesting. There is some simple arithmetic to suggest that approximately 500 000 megalitres of stormwater run off the streets and roofs of Melbourne into the bay, and there are 300 000 megalitres of wastewater pumped out to sea. If Melbourne harvested a relatively small percentage of the stormwater and wastewater that is running off and being pumped out to sea, the future needs of Melbourne for non-drinking purposes could be met to free up extra drinking water. So there would be no need to take water from northern Victoria.

But on re-reading the report this morning I found a particularly interesting part of the report, the minority report by the member for Gippsland East. The member for Gippsland East will be a following speaker in this debate. I will make an assumption based on previous comments made by him that he will be opposing any issues to do with dams. It is very easy for the member for Gippsland East to oppose dams because he has a solution for the water supply. He believes we should be having purified, recycled water, and it should be put back into the drinking supply. The member for Gippsland East can easily say we do not need any more dams for Melbourne, we do not need any more dams for Bairnsdale, we do not need any more dams for Painesville and we do not need any more dams for Metung. We do not need to store water because we can just recycle our sewage. We can put it back into the drinking system. The member for Gippsland East can very easily oppose the thought of any future dams because he has a solution.

I seriously wonder what his constituents would think if this was an issue that he wanted to adopt in the Gippsland East electorate and not just talk about its being done in Melbourne, which is a long way from his community. I will be very interested to hear his contribution later because it is very easy from a great distance to say Melbourne should drink its sewage. It is a lot harder to stand up in your own community and say that that should actually happen there.

I look forward to hearing the contribution of the member for Gippsland East later in the day if I can get back from the secret meeting of the Dispute Resolution Committee that I have to attend while the Parliament is sitting, which is one of the issues — —

Mr Pallas — It is not secret.

Mr WALSH — It is secret — —

The DEPUTY SPEAKER — Order! On the motion please.

Mr WALSH — It is secret because it is my understanding we cannot talk about it outside.

The DEPUTY SPEAKER — Order! On the motion please!

Mr WALSH — The Minister for Water kept talking about how the Brumby government has a plan for water here in Victoria. The Brumby government has a plan for everything in Victoria but particularly a plan for water.

An Auditor-General's report dated November 2009 contains the results of a 2008–09 audit of water entities in Victoria and reports on the government's plan as to what should happen in Victoria. It talks about the fact that the majority of urban water businesses in Victoria are in financial trouble. I will quote from parts of the report, including where it states:

When analysing the trends of each indicator over the four-year period, Coliban Water has been identified as having a high financial sustainability risk.

That is a very nice way of putting that effectively it is going broke.

The DEPUTY SPEAKER — Order! If the member is quoting from a report, could he give the title of the report?

Mr WALSH — I thought I did, Deputy Speaker.

The DEPUTY SPEAKER — Order! I am sorry; I did not hear it.

Mr WALSH — I am happy to give it again. It is the Auditor-General's report dated November 2009 entitled *Water Entities — Results of the 2008–09 Audits*.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Swan Hill does not need any assistance. The member for Swan Hill, without interjection.

Mr WALSH — What I find fascinating is how you can isolate dams from water. I thought dams were built to store water so water authorities could provide that water to customers and they can have something to drink and they can produce food or do other things. I would have thought that talking about the fact that water authorities in Victoria are going broke as part of this government's plan was very much an issue to do with water.

When talking about Coliban Water we know it has a high financial sustainability risk. The report goes on to state that:

One possible strategy involves the ESC reopening the previously approved prices within the five-year water plan with a view to increasing prices due to its deteriorating financial performance and position.

Further it states:

In the short term the corporation has approval to draw upon new borrowings to pay operating costs.

It is my understanding that when a business is borrowing money to pay operating costs it is going broke.

Mr Nardella — On a point of order, Deputy Speaker, the motion before the house is very specific and calls on the Liberal Party and The Nationals to rule out building dams on specific rivers. The Coliban system has nothing to do with the Mitchell River, the Gippsland River, Big Buffalo or the Otways, and I ask you to bring the member back to the motion.

The DEPUTY SPEAKER — Order! The Minister for Water referred to a whole range of issues in regard to water policy including the Wimmera–Mallee pipeline, the north–south pipeline, desalination, the Goulburn River, modernising the irrigation system, water restrictions, dams and government policies to secure water supply. Therefore I do not uphold the point of order.

Mr WALSH — The minister also referred to the goldfields super-pipe which takes water out of the Goulburn system to supply Coliban Water and Central Highlands Water. He also spoke about the state government's vision for a water grid that would make water shiftable around the state. That very much links Coliban Water to the Goulburn system. The minister articulated his water plan for Victoria but the Auditor-General has exposed that the plan is not working because the majority of the urban water corporations in Victoria, both metropolitan and non-metropolitan, are going broke.

There is a further quote I want to use which I cannot lay my hands on at the moment but effectively it says that Melbourne's water entities are having to borrow money to pay the public sector dividend taxes. The government is taxing the water authorities. From memory, since the government was elected it has collected more than \$3 billion from the water authorities in Victoria for consolidated revenue. As those of us on this side of the house have said continually, if at least some of the \$3 billion had been invested in stormwater harvesting,

recycling or into some of the things we have talked about as options for augmenting the water supplies for Melbourne and other major cities, we would not be in the perilous situation we are in this state.

The Minister for Water constantly asks why the opposition will not stand up in the Parliament right this minute because he has deemed it is time we articulate the Liberal-Nationals coalition's water policy. I remind the Minister for Roads and Ports, who is at the table, that we are not at the beck and call of the government as to when we release the coalition's policies for the November 2010 election. The coalition will release its water policy at a time and a place of its choosing, not at the behest of the Minister for Water.

A lot of work has been going on, and there have been a lot of discussions and varying degrees of comments in newspapers, some of it correct and some of it incorrect. One of the things I find interesting, and which has been commented on in the newspapers, is the issue surrounding the Mitchell River. The minister talked at length about the Mitchell River, particularly around the issue of water security for the vegetable growers on the Lindenow Flats. I know the Parliamentary Secretary for Environment, Water and Climate Change, the member for South Barwon, has been there and has met with the vegetable growers. He understands the issue they have with continuity of supply of water particularly in the late January, February and early March period. If they cannot get their water at that time and the crops fail, they lose a window of supply of some two to three months. When I was down there recently and met with some of them they said that before this year the last time they had severe water restrictions was four years ago and they are now only just getting back to supplying some of the people they used to supply who refused to deal with them after that period because they were deemed not to be regular suppliers. The industry on the Lindenow Flats creates something like 1000 jobs in the area, which is a lot of jobs and a lot of wealth that goes into that area.

One of the things I find interesting from the press reports about the issue of the Mitchell River and the people on the Lindenow Flats is that the member for Gippsland East would rather heckle from the side and be disruptive than work together to try to find a solution to the issue of water supply for those vegetable growers so we can guarantee the jobs in that community into the future. I would have thought the member for Gippsland East would be very happy that people are trying to talk about a solution to a particular supply issue on the Lindenow Flats out of the Mitchell River.

The DEPUTY SPEAKER — Order! I am not sure how comments about the member for Gippsland East relate to the government's motion.

Mr Ingram — I will have plenty of time to make my contribution, don't you worry about that, Peter.

Mr WALSH — I look forward to hearing the comments from the member for Gippsland East. I know it is a vain hope that they will be constructive and concern how we might deal with some of those issues instead of him just being an apologist for the Labor government he put into power. I would have thought after 11 years he might have learnt the error of his ways, but obviously the people of his electorate will realise he is still just an apologist for the Labor government.

The coalition is not going to stand up here at this time at the minister's behest to actually — —

Mr Ingram — On a point of order, Deputy Speaker, with the assistance of the house I would be very happy to offer leave to the member for Swan Hill to give him extra time to outline the coalition's actual policy on dams.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr WALSH — I would love to have the extra time, but I have to attend the secret meeting of the Dispute Resolution Committee! The coalition will launch its water policy when we choose and at a place of our choosing.

Mr CRUTCHFIELD (South Barwon) — It gives me great pleasure to speak after the A-team water spokesman from the coalition; I am intrigued about what we will hear from the B-team in terms of the Liberal Party's position on dams. Whilst I will endeavour to be parochial and talk about Geelong, I may stray into areas of statewide policy. Certainly from the Geelong perspective our policy has been clear, coherent, consistent and well considered. As we speak, our water policy is delivering dividends. In combination the Anglesea aquifer, the northern treatment plant and the interconnector, along with the Black Rock recycling plant, will add some 75 per cent of our current demand to Geelong's water supply. That positions us very well.

In about 10 months we have not heard the d-word in Geelong other than from the member for Swan Hill; at least he has been consistent about dams in the Otways. Looking at the Liberal Party perspective, we have not heard the d-word mentioned for 10 months. I will quote

from Peter Cullen, a very well-respected water specialist who said at a recent conference in Sydney:

... the ill-informed frequently call for new dams to resolve water shortages. They rarely identify sites where a dam could be built or assess the chances of it getting water.

Another well-known individual, a former environment minister in the Howard government and former leader of the federal Liberal Party, Malcolm Turnbull, also made a point about dams. He said if you had a choice between a new dam, a new major water recycling facility and a new desalination plant, whilst they would cost about the same, unlike the other two the new dam was rainfall dependent and therefore a much greater risk. On purely economic grounds, he argued, dams do not stack up. There are a couple of people who are certainly supporting the contention that new dams do not stack up.

If I go back to 2008, a councillor with the City of Greater Geelong started the debate in Geelong about dams in the Otways. In the *Geelong Independent* of 9 May 2008 Cr Katos said he wanted a feasibility study on a new dam to address concerns that proposed population growth could drain the city's water supply. In the *Geelong Independent* of 16 May 2008 we had both the member for Polwarth and Geelong councillor Andrew Katos calling for the water authority to reconsider putting a dam on a site in the Otways. Cr Katos was quoted as saying a dam might be a cheaper and more effective option than the government's \$600 million plan for the region's water supplies. Cr Katos then went further. After the 2008 state Liberal Party conference, when he moved a motion that was passed for exploring dams in the Otways, he called in the *Geelong Advertiser* for the G21, a very well-regarded organisation that represents the five councils in the Geelong region, to consider a study of that.

In that 2008 article the G21 chairman of the day, Ed Coppe, replied that he had never heard of the Liberal Party motion. Mr Coppe went further and said the organisation was not pursuing a study of the type suggested by Cr Katos. He said G21 was concerned:

... to ensure that the Geelong region has a reliable water supply to meet current and future needs ...

'The state government has an active water plan to meet the Geelong region water needs and Barwon Water is working through the detailed implementation plan'.

'We support the state government and Barwon Water efforts to improve the Geelong region's water supply'.

I thank G21, which represents the councils in the region, for its support of a clearly articulated, fully

costed plan for expansion of Geelong's water supply, one which is definitely not rainfall dependent.

That was back in 2008. We did not hear much about the d-word from the Liberal Party for a considerable period of time, at least until the next state conference when the Portarlington branch of the Liberal Party put up a motion about supporting a dam in the Otways. With a great deal of surprise — because I thought the issue had gone away — I noted that that motion was passed resoundingly at that conference.

Whilst the next speaker, the B-speaker for the opposition on water, the member for Brighton, said then that the opposition did not have a policy on water and that dams were not part of a policy, the Liberal member for Polwarth was quoted in the *Geelong Advertiser* on 26 May as saying that he did not see damming the Gellibrand River as necessary. He was quoted as having said:

There is already a dam option there for farmland at the foot of the Otways. The property was purchased because the layout of the land lent itself to a dam site ...

Not long after, Barwon Water said the Dewing Creek site was no longer suitable due to forecasts of climate change in terms of effects on long-term rainfall. That was 26 September 2009.

We have the member for Polwarth supporting a dam in his constituency. We have Cr Katos calling for a dam in the Otways. There are very few others — other than, as I say, those in The Nationals, who have been very consistent about that.

I now quote from a media release from the Otway Ranges Environment Network, and this gives a flavour of the outrage that will emanate if we can confirm that the Liberal Party is supporting a dam in the Otways. According to the Liberal candidate for South Barwon that is where it is going, and according to the member for Polwarth that is where it is going. This press release was issued on 29 May 2009 and states:

'Studies have already been undertaken and ruled out building big dams in the Otways', said Simon Birrell, spokesperson for the Otway Ranges Environment Network.

He quoted a number of parties. He finished off by saying:

The Liberals' idea about building new dams in the Otways is nothing more than irresponsible fantasy.

This is, as I said, a flavour of what is to come if we can ever flush out the policy position of the Liberals. I am not too sure what the central Liberal Party policy is in respect of dams in the Otways, but local Liberal

connections are advocating very strongly for a dam there.

I will touch further on the issue of a dam in the Otways. A couple of Liberal people from Geelong seem to get confused about the two Dewing Creek projects. There is one Dewing Creek project which is the diversion weir. This is identified in the Central Region Sustainable Water Strategy as action 4.16 and Barwon Water has identified the reinstatement of that weir for 2010–11. Some 700 megalitres of storage is to be built in 2010–11 at a cost of around \$576 000. That is the Dewing Creek weir — very small, very geographically isolated.

The second is the one which the member for Polwarth and Cr Katos have been banging on about. The Dewing Creek site is some 255 hectares in area. They have talked about what building a 10-megalitre dam and an associated pipeline from the Gellibrand River would cost. In the short time left I want to give a demonstration of the cost. In cost, in time and in yield a dam does not stack up. Look at the Anglesea bore field which has an average of 7000 megalitres per year. It is up and going. It has cost around \$55 million and it is going now, as of this year. In Melbourne, the Melbourne–Geelong interconnector will provide 16 gegalitres of water at a cost of around \$140 million, and it will deliver water at the end of 2011. The Dewing Creek pipeline that the member for Polwarth is advocating would provide around 7 gegalitres of water, or 7000 megalitres. It would cost between \$145 million and \$180 million to construct, and it would not be built until 2020 at the earliest.

So in terms of time, yield and cost you would not build a dam unless you were ideologically bent on it. You would not do it. That does not take into account the damage it would cause to the Gellibrand River and the consequent environmental and economic damage it would cause to those small communities and members of the broader Great Otway National Park communities who go there to enjoy that environment. It is clear and utter madness. It does not stack up on any of those criteria. I know why the member for Polwarth and Cr Katos have gone frighteningly quiet on it. I believe it is because they are going to back out of it. If they are, can speaker B please nominate that they are going to back out of their policy of damming the Otways? Can they please put the poor people, particularly those in the member for Polwarth's electorate, out of their misery and say they are not going to do it?

Ms ASHER (Brighton) — Today we have seen two stunts from the Labor Party in relation to water. Stunt no. 1 is this motion, where clearly the Minister for

Water thought we would immediately respond to his request for what our proposals are. Stunt no. 2, I feel duty bound to inform the house, was announced by the Premier. Today the Premier announced that to mark the easing of water restrictions Victorians who are gardeners will get a free water-efficient trigger nozzle provided they return their old twist nozzle. The Premier has announced today that he will hand out 14 000 nozzles, and for that the gardeners of Melbourne and Victoria are meant to be grateful. Under this government we cannot have an adequate water supply in Melbourne and across Victoria but we can have a free nozzle. 'Joy, oh joy!', I can hear the gardeners of Victoria say, 'We're going to get a free nozzle!'. That is the sum total of what the Labor Party has offered up in recent times.

At the outset I can say to members opposite that the Liberal-Nationals coalition's policy will be released when we choose. We have chosen to release a number of policies already. We have announced a policy on suspended sentences, for example; we have announced a policy on the abolition of home detention; we have announced policies about protective services officers on railway stations. We have announced 60 or 70 policies so far, and we will announce our policy on water when we choose. This is politics 101, but the Minister for Water may have missed that lecture because he was probably too busy fiddling around with student IDs. The minister should focus on his own performance and not be distracted by the opposition.

For the edification of the member for South Barwon, let me briefly explain the internal mechanisms within the Liberal Party. We have a body called the state council. The policies or motions that it passes are not binding on the state parliamentary party; they are not official policy until they are released by the state parliamentary party. I know Labor has a different system, but let me explain to the member that that is the structure of the Liberal Party.

The government has failed on many accounts in relation to water. Melburnians and people in other areas have been on very strict water restrictions for years. Whilst the government, given its announcement of a slight easing of restrictions, expects us all to be grateful, I think the government may well hear what people think of this later this year.

The government has a very important role: to guarantee the supply of water. Clearly the government cannot make it rain, but one of the roles, a constitutional role, of a state government is to supply water for the population to drink, to bathe in, to use on their gardens, to produce food, to do whatever. This government has

failed in that. The government could have done a number of things much, much earlier, and that is my fundamental point of criticism about the government.

The government has consistently forecast 1 million extra people in Melbourne, but it did nothing about water supply until 2007. I remind honourable members that the then Premier, Steve Bracks, said on 5 December 2002, as reported in the *Age*, that water was the new no. 1 issue for the government's second term. The government's problem is that from 2002 until 2007 when it announced its plan it did absolutely nothing. And for that it should be condemned.

We also need to look at the key components of the government's water policy — for example, the north–south pipeline, which the minister spoke about. According to a document entitled *Sustainable Water Strategy — Central Region — Action to 2055* the government said, prior to the election, that it would not do what it is now doing. At page 64 the document states:

... the government does not support Melbourne buying water from irrigators in northern Victoria to meet Melbourne's future consumptive needs.

This is an example of the Labor government indicating prior to the last election what it would do and then doing precisely the reverse.

Here is a policy idea the Liberals enunciated prior to the last election, and that is building a desalination plant. The government ridiculed that at the time we announced it in 2006, and John Thwaites, who was then Minister for Water, on 14 November 2006 on ABC radio, said:

... to go ahead with a desal plant there is ill thought out and will have environmental consequences.

That was his view at the time. I also note that in an interview with the *Herald Sun* on Monday, 13 November 2006, then Premier Steve Bracks said, 'What a hoax it is'.

This was the opposition policy flagged prior to the last election, which is now endorsed and embraced by this government. This government is building a desalination plant with a capacity of 150 gegalitres per annum and the capacity above and beyond that to go to 200 gegalitres. The government has those two elements of form, where what it has said prior to the last election is actually the reverse of what it is doing.

The government has an obsession with dams which I assume has led to this motion being moved today. The government is doing some furious opinion polling

about damming. In 2007 Millward Brown did some opinion polling for the government and oddly enough the then Premier Steve Bracks said in response to that polling:

We can't fill up our existing dams. We don't want to take water off the country for the city.

But of course that is precisely what the government is doing via the north–south pipeline.

Again, in 2009 the Ipsos-Eureka Social Research Institute conducted a series of surveys for the government relating to dams, drinking water based on recycled water, desalination, the north–south pipeline and so on. The government is furiously undertaking a range of opinion polling on dams. The government has also instructed Melbourne Water, and the water retailers in particular, to put information that is anti-dams on water bills to consumers. The government is actually using water retailers to perpetrate its anti-dam information.

The Labor Party has a lot to answer for. Public gardens are dying, sportsgrounds have hard and unplayable surfaces and our private gardens are dying. I refer to comments in the *Age* of 23 January. At page 15, Neil Robertson, the chief executive of the Australian Open Garden Scheme, is quoted as saying:

'It's wicked', he says. 'The garden scheme has done its best to bring people to gardening but there hasn't been much help from the powers that be.

We have to change attitudes and need to get people into positions of power. It would make a difference if John Brumby was a keen gardener, or Tim Holding. Then they'd be approaching it with some sympathy.'

The government probably needs to talk to people in the turf industry where there has been a 90 per cent layoff because of the government's water restrictions.

The Minister for Water needs to focus on his own job. My colleague the member for Swan Hill has pointed to the fact that the minister has not responded to an excellent report on water from a parliamentary committee. He should have done so within six months but has failed to do so. I also point out the minister's lack of knowledge of his own portfolio. When the minister was interviewed by Neil Mitchell on 17 March, he said:

... permanent water restrictions — we've never been on them in Melbourne ...

I draw the attention of the minister to the fact that on 21 February 2005, when he was a minister, permanent water-saving rules from 1 March 2005 were announced by then Premier Steve Bracks.

I can only say in conclusion that the ideal for Melbourne would be to be on permanent water savings because permanent water savings require people not to waste water by watering at inappropriate times of the day or by hosing down paths, which is ridiculous in this day and age. The government's aim should have been to have permanent water savings all along. That should be the aim of any responsible government in terms of water supply.

What has happened on the other hand has been a series of very harsh restrictions in Melbourne — which is obviously my centre of interest, as I am the spokesperson for my party on urban water — but also in other areas. It is for that reason that the government needs to stand condemned. It was designated as the no. 1 issue in 2002 and the government did absolutely nothing until 2007.

Ms DUNCAN (Macedon) — I am pleased to hear the Deputy Leader of the Opposition, who is also the opposition spokesperson for urban water, support the government's permanent water-saving rules. As she said, we have introduced those since, I think, 2005. They are working very well and have a high level of acceptance across the community.

In all the time we have sat here this afternoon listening to the members of the Liberal Party and The Nationals, we have not heard one of them rule out dams. In fact, if I could summarise what the Deputy Leader of the Opposition has just said, we have heard a lot about her opposition to water restrictions. She is strongly opposed to water restrictions and is critical that the government is handing out water-saving hose nozzles. She sarcastically suggests that we should all be grateful for that. I suspect that those thousands of people who will get one of those water-saving hose nozzles will be very grateful to the government for providing those to them.

I am not quite sure what the deputy leader is suggesting. She wants no water restrictions, she is opposed to permanent water savings and to governments giving people water-saving devices but she has not said one word about being opposed to dams. From what we have just heard, we can assume that her water policy, although she has not told us what it is — and we will all wait with bated breath to hear the policy when it is finally announced — will have the effect of removing water restrictions from Melbourne and allowing households to use unlimited water. That is obviously what she has proposed. We really look forward to hearing what sort of augmentation the Liberal Party will propose that will allow for the permanent removal of water restrictions in and across Melbourne. She is highly critical of Melbourne being

on any form of water restrictions. I am not sure what they say in the country.

I guess if you ever wanted an example of where the opposition is on water policy, there could be none better than the fact that it has two water spokespersons, a rural one and an urban one; that says a lot. If ever there was a source of confusion, you would have to point to that. It is difficult to understand why the opposition needs to have two spokespeople. Although many opposition members do speak with forked tongues, surely they cannot have two people in two different places saying two different things. The Deputy Leader of the Opposition, the member for Brighton, will be here in urban Melbourne talking about urban water supply and a member of The Nationals, the member for Swan Hill, will be in the north talking to a different bunch of people and espousing a completely different view.

I think we can also assume from her contribution that the Deputy Leader of the Opposition supports dams. What we have heard again this afternoon is the bizarre suggestion that this government is forcing water authorities — presumably it is forcing every scientific person in this state in a similar way — to put up on their websites anti-dam messages. Apparently the government is forcing water authorities to adopt an anti-dam message! It seems to me — if we read between the lines, and not too far between the lines — that what she is suggesting is that the opposition is really pro-dams. I think that is what the Deputy Leader of the Opposition is trying to suggest to us.

We have heard from previous speakers and we have had numerous quotes from the member for Murray Valley, a candidate for the Murray Valley electorate, the Leader of the Opposition and the Leader of The Nationals in all manner of forums as to where they are on this whole dam issue. It is very clear that as a general policy they do support dams, but when pressed to ask where they would propose such a dam there was nothing. I have a quote here from the Leader of The Nationals at a coalition media doorstep at Lake Eildon on 23 October 2008, where he said:

We are not in the business of nominating locations for dams. The last people you want doing that are people who are directly involved in politics.

I am not sure who you would ask. I suggest — and what this government has done — that opposition members might actually ask the scientists. They might ask the people who understand water. They might ask the people who understand the environment, as we have done — people like Professor John Langford, whom I will quote shortly.

We have had very colourful contributions, and indeed quite contrary contributions, from members of both opposition parties this afternoon. The member for Swan Hill and the Deputy Leader of the Opposition were very critical of the government's policy on water. They went on and on about it, saying, 'You know, desal, no good; north-south pipeline, no good; permanent water savings, no good; water restrictions, no good'. But in 2006 we had the promise of a dam on the Maribyrnong River. Together with an article in the *Age* of 9 October 2006 was a photograph of the Leader of the Opposition striding very purposefully alongside the Maribyrnong River, promising to build this dam on the Maribyrnong River at Keilor, and it was described as the centrepiece of the state opposition's election policy to tackle Victoria's water crisis. The dam on the Maribyrnong River was described as the centrepiece of its policy.

The Leader of the Opposition, in the course of that announcement, did say the one thing that I agreed with, which was that you cannot put an extra 1 million people into our city by 2030 without increasing our access to water. We would agree with that sentiment. It would be the only point that the Leader of the Opposition made with which I would agree. Every other single thing that the opposition announced on that day was an absolute nonsense.

The Arundel dam proposal had been put to this government, and it had been put to me some time before that announcement in 2006. It was described to me as a flood mitigation option, and we all know flood mitigation only works when dams are empty. So we had from the opposition at that time a promise that this was its centrepiece for solving Melbourne's water supply. We know that in the years following 2006 we have had some of our worst drought periods. It proposed that the yield that would have been produced from building a dam on that river, which was the centrepiece of the opposition's policy at a cost of \$80 million, but which we suggested would be closer to \$160 million, would be 17 gigalitres a year. We understand now the actual potential yield over three years from 2006 to 2008 would have been 6.4 gigalitres, so less than half of what the opposition said would be yielded, twice the cost and a quarter of the water. Where would we be today if the opposition had won that election in 2006? The Deputy Leader of the Opposition has the audacity to sit here and say Melbourne should not be on water restrictions. My goodness, if the opposition had won the 2006 election, we would all be dying of thirst. There would not even be water for consumptive use, let alone water for watering lawns that the Deputy Leader of the Opposition is suggesting we should all have.

I would also like to refer — and it has been referred to earlier today — to the inquiry into Melbourne's future water supply by the Environment and Natural Resources Committee, of which I am also proudly a member. I think the opposition referred to some of the minority reports that were produced as part of that report. One of the minority reports was from The Nationals and Liberal Party members who are on that committee. Apart from the fact that they completely ignored — breathtakingly so — all of the evidence that this committee received, they made recommendations that were the opposite of the evidence that was put to our committee, with the desalination plant being the classic. Whereas all of the evidence suggested that we should build one and that we should make it big, members of the opposition actually said in their recommendation that we should have a whole bunch of small ones. I think from memory the number that you needed was something like 380 desalination plants around the Victorian coastline, or Melbourne's coastline presumably, to replace the one at Wonthaggi.

But apart from that, members of the opposition also did not accept the recommendation of Labor members, which was that there would be no more dams. Instead again being a little bit tricky, or a little bit sneaky, they understand that there is no science to back up their proposal to build more dams, so they have stopped using the d-word. They now refer to them as 'off-river storages' or 'additional water storage capacity'. They do not talk about dams. We had the Leader of the Opposition say just recently that they do not call them dams; I think it was 23 March, which was yesterday. The opposition has introduced alternative water solutions such as recycling and storages. Opposition members do not even call them off-river storages now; they just call them storages. That of course is code for dams. I would urge anyone who does not understand the impact of dams to read this report and the thousands of other reports that talk about their environmental damage.

Mr RYAN (Leader of The Nationals) — It is a great pleasure to join this debate, but I must say what an absolute circus! Of course yesterday — —

Ms Duncan interjected.

Mr RYAN — Question time yesterday was a more interesting one again in the context of this debate because what happened was that the government got badly sprung. What it tried to do was a Rudd-Abbott type of outcome yesterday. It bowled up a Dorothy Dixier to the Minister for Water and had him answer that as the last question. He came out with a preposterous proposition that there is no distinction at

all between the government and the opposition in relation to water and its general management, and I am sure he had hoped that we would be drawn into some sort of half-baked debate which would thereupon have led to the suspension of standing orders and our being drawn into a debate there and then.

Of course it did not happen, and now we have had the minister move a motion which is the subject of today's proceedings. This whole circus fell away right from the start. The government got it wrong yesterday, and it has perpetuated it by trying to proceed again with this motion today.

I make it very clear to the house and to Victorians at large that the opposition parties — the Liberals and The Nationals in our coalition arrangement — will deliver our policies in relation to all issues leading into the election, which is 248 days away, when we are ready. We will do that at a time of our choosing, and I am sure people would expect no less from us.

The whole issue of the important aspect of developing policies across a range of areas of service delivery is of course a critical proposal that each party goes into and goes through for the purposes of going to an election. When the appropriate time comes, at a time of our choosing and at a place that we consider appropriate, we will make those announcements, because without a shadow of a doubt these issues are, of course, vitally important to all Victorians, not least to country Victorians. At our time, at our choosing, in the place we consider appropriate, those announcements will be made.

On the other hand I can absolutely assure this government and this chamber and the people of Victoria that we will not be drawn into a half-baked stunt of the nature of that which this government has attempted to bring forth today. We simply will not do it. This is an issue like so many other issues of policy that we will deal with at a time of our choosing. Of course we do so for other reasons. It is interesting to look at this from the other side of things, at how this government, as it now is, presented its case 250-odd days or thereabouts before the last election in 2006, about the same length of time we have now before the forthcoming election. If ever you wanted a good reason to demonstrate why we in opposition will not be releasing policies on this and other issues now but rather choose to do so at a time and place of our making, you would not want to look past what this current government had to say about this point in time, 250 days before the last election, win 2006. What we heard then about water policy was absolutely and utterly diametrically opposed to what it is now. We

have seen this change driven by the current Minister for Water, who has provided this motion which is currently under debate.

I pause to say that late last year the minister got lost on Mount Feathertop. I say very genuinely that all of us in this chamber were concerned for his welfare. We engage in argy-bargy across this chamber, but of course everybody in this chamber shared that concern. I must say that I reckon that when he came down from the mountain he should have had regard to what happened to the last bloke who came down from a mountain. The last bloke to come down from a mountain and gained any sort of notoriety was Moses. He had with him the Ten Commandments. The ninth commandment that Moses brought down with him was 'Do not tell porkies'. There is a lesson in that for the current Minister for Water because what the minister has been putting to the house today and outside this chamber, as is his wont, is a position representative, he says, of the position of the coalition parties, and that is simply not the case.

More particularly, the minister has chosen to completely ignore the propositions which this government, then in opposition, advanced about 250 days before the election in 2006. As a rough summary of those proposals, what the government was then saying was, 'We will never pipe water from north of the Divide; over our dead bodies collectively; it will not happen'. It was a good policy, strongly endorsed by literally decades of politics on both sides of the house. It was a good policy because it was soundly thought out, properly based and directed toward ensuring that country Victoria would continue to enjoy, as much as possible at least, that last great competitive edge — namely, the capacity to be able to use water to the betterment not only of our communities but of Victorians at large. It was a good policy.

What have we got now? This government has absolutely gone back on that sacred promise. Now we have the government building this pipeline. All the history of this has been well told by the member for Swan Hill. We have the government expending vast amounts of money on a proposition which inevitably will prove to be a white elephant, in circumstances where, as Peter Ker observed recently in a front-page article in the *Age*, the water, in all probability, simply will not be needed.

In addition to that we have subsets from this minister about the north-south pipeline. His absolutely sacred promise made in this Parliament and outside was that, come what may, in this calendar year 75 000 megalitres would be pumped down that pipeline to Melbourne. As

we now know from evidence that has been given in hearings, that simply will not happen. Again a proposition was advanced by the minister and we will not see it happen.

Back before the election in 2006 government members had the temerity to say that desalination was a hoax. That was the proposition they took to the election. Now of course they are building a desalination plant at vast expense to the people of Victoria that is about three times as large as the one they swore they would never build in the first place. Here they are suggesting that we are the ones not telling the truth on these important issues. There is all the rhetoric around the development of the food bowl modernisation scheme, which, if it were done properly and for the right reasons, would surely have been one of the great projects of the state. It is now getting into difficulty, of course, because propositions which underpinned it simply cannot be met because the savings are not there.

I have a reference to the evidence given by Mr David Downie in a VCAT (Victorian Civil and Administrative Tribunal) hearing on 17 June 2009. During the hearing, when Mr Downie was not the subject of cross-examination by the barrister who was there on my behalf — I was a party to the case — but in relation to a statement he completely volunteered to the VCAT hearing, the proposition was put to him by the chair of the VCAT panel that he, Mr Downie, was saying that the modelling that underpins this whole arrangement includes that the savings are not there. He said:

The modelling sheets that were done in April 2008 were based on a number of scenarios about all those variables. They were just one set of assumptions, most of which have proved to be wrong, even to this day.

We had the senior bureaucrat from the Office of Water of this government telling VCAT on a voluntary basis that the assumptions were absolutely wrong. We have a minister coming in here supported by these lightweights from his own side trying to say that we, as members of the opposition parties, are not telling the truth about water policy matters.

Unfortunately time precludes me from going through a chapter of other events. However, I note that the member for Gippsland East is warming up in the traces, and I will be very interested to hear what he has to say. This is a person who regularly wears the carpet thin going in and out of the Labor Party office and in and out of the Premier's office. Here he is! He put the Labor Party in government when he had the chance, and here he is doing its bidding yet again. I will be interested to hear what the member has to say, and equally the people at Lindenow will be interested to hear what he

has to say. There is the issue of supplying water to the great horticulture industry out there and how we secure water supply for those folk. About 1000 people are to differing degrees dependent upon this horticultural industry. I want to hear what the member for Gippsland East has to say to those people about securing their jobs and their future. What does the member for Gippsland East say about one of the great industries underpinning the electorate that he represents? I will be very interested to hear what he has to say. This whole thing is a joke.

Mr INGRAM (Gippsland East) — What a fizzer this debate has been! Really! The motion before the house was all about calling on the opposition parties to state their policies on dams and where would dams be built. The Leader of The Nationals joined with the Leader of the Opposition up on the wall at Eildon and said, 'We will build a dam for Melbourne'. That got my interest — —

Honourable members interjecting.

Mr INGRAM — There was the doorstep interview that was done and the commitment to build a new dam. People in Gippsland were fairly concerned about this policy commitment because the spot which is usually identified as part of the water supply future for Victoria when people talk about dams is Gippsland. We have already seen the history of the Thomson Dam, and I will go into that a bit later. This is one of the issues that is a touchstone issue for The Nationals — new dams. In 1999 dams were the biggest issue during the election campaign, and The Nationals' only commitment to regional Victoria, apart from taking away trains and other infrastructure, was building a new dam on the Mitchell River. That was soundly rejected in 1999 because the community at the time was absolutely opposed to it because of the impact it would have on the Gippsland Lakes.

Time and again we have seen dams raised as a solution to Victoria's water needs by a whole range of political and media commentators, and Gippsland is normally raised as the location for them. I have with me reports of comments from such groups as the Victorian Farmers Federation and a number of Liberal Party members and members of The Nationals who have always said that Gippsland should be the location of new dams.

The two reasons for building new dams that are put forward are to provide irrigation water supply for agriculture and to provide Melbourne and other urban areas with water. There are very few rivers in Victoria which are not already fully committed, stressed or

overallocated. I know the federal leader of the Liberal Party got into trouble for saying that the Murray-Darling Basin was overallocated, and there are many systems in Australia and Victoria which are overallocated. It is very difficult to claw back irrigation entitlements for environmental flows, and that is the only way you can get the sharing of the water back to a level that is sustainable.

I turn to the history of the Thomson Dam. The Thomson Dam proposal was to build an irrigation storage supply. The proposal circulated for a number of decades and the irrigators in that area were very keen to have a dam on the Thomson River, but they could never come up with the funding for it. Melbourne Water — the Melbourne and Metropolitan Board of Works at the time — stepped in and said, 'We will build your dam and, guess what? We are going to take your water', so the water went back to Melbourne. The people of Gippsland are very angry at this proposal because the irrigators believe that they were sold out.

In 1999 the then member for Morwell stood up at a public meeting and said, 'We will get your rightful water back'. It was not government policy, but he made that commitment because he thought that that would go down well. I refer to Keith Hamilton. He thought that would go down pretty well, and it did. It got a run in the local papers and a lot of support, but the only problem was that the government would never deliver on that promise. This is exactly what is going on at the moment. The Nationals are running around Gippsland saying, 'Hey! We will build your dam, but we are not going to say anything about it. We do not want to say anything about this'. Do you know why? This is not very popular. It is not popular in Gippsland, and it is definitely not popular in Melbourne. Now we are having this debate, but members of The Nationals and the Liberal Party are not going to say where they will build their dam. They have said it — on the wall of the Eildon dam they said they were going to build a new dam for Melbourne. Everyone says the Mitchell River is the spot.

I will take up the comments made by the Leader of The Nationals about the irrigators. There needs to be water security for the farmers on the Mitchell flats. At the last election we set up a process to provide water security. Funding was given — through Southern Rural Water, from the Department of Sustainability and Environment, from local government and some from the local community — and the first stage of the investigation was carried out. The irrigators walked away the day after The Nationals had their little secret meeting and The Nationals said, 'We will build you a dam. Just don't say anything! At the next election we will promise it and we will deliver your dam'. So when

is a dam not a dam? Sorry, this is not a dam; it is a storage on a tributary. It is not a dam; it is a bit of concrete across a major tributary of the river, but it is not a dam. Today in the *Weekly Times* there is response to this debate.

This all started because the federal member for Gippsland put out a press release. I understand he was not supposed to put the press release out, even though it quoted the Deputy Leader of The Nationals. He was not supposed to put that out because it highlighted exactly what was going on. This is the commitment The Nationals made to the irrigators. In today's *Weekly Times* is the headline 'Dam now for our future'. I get a bit of a guernsey in the article, as does a member for Eastern Victoria Region in the Legislative Council, Phil Davis. We are criticised because we dare oppose what is being put forward, because it will cause enormous damage to the Gippsland Lakes and the Mitchell River. There are other options, and there are other options to increase water security. There are other proposals, including groundwater recharge or a genuine off-river storage. These are acceptable, and as part of that all the stakeholders and all the agencies in Gippsland agreed that this is the way forward and they supported the farmers in looking at those options. However, that is not what the irrigators want. They want to put the dam on the Mitchell catchment.

Who supports the dam? An article in the *Age* of 3 May last year states:

Liberal senator Julian McGauran ... called on the state government to dam Gippsland's Mitchell River to boost Melbourne's dwindling water supplies.

An ABC news report of 12 December 2008 states:

The Liberal member for Narracan, Gary Blackwood, has refused to rule out new dams for Gippsland ...

The election policy of Darren Chester, the federal member for Gippsland, included a statement that it is foolish for any government to blindly rule out construction of dams in the future, and that there is great potential for a storage to be built on a tributary of the Mitchell River. The Leader of The Nationals has made plenty of comments about dams. Most recently I notice with great interest that Andrew Bolt is a great advocate for dams in Gippsland to supply Melbourne. Former premier Jeff Kennett came out and backed a dam on the Mitchell as the solution for Melbourne's water future.

The federal member for Murray, Dr Sharman Stone, said on 29 October 2008:

Now is the time for the state government to rethink its no-dams policy and capture Gippsland's floodwaters.

There is plenty of commentary around from the coalition about dams, but because they have refused to come in here, my constituents can only assume that means the policy is to put a dam on the Mitchell River to send water to Melbourne because members of the coalition said they would build a dam for Melbourne. That was their policy commitment.

That is why the community is pretty upset about the silence, particularly when a press release is delivered. It was not put out broadly. The federal member for Gippsland, Darren Chester, is pretty good at publicising what he is doing. There is a photo of him, the Leader of The Nationals and the Deputy Leader of The Nationals with the irrigators. He put a press release out. Did he widely distribute it? No, he did not. He gave it to the local paper and it appeared on the agricultural page. He did not want to tell everyone; he just wanted to tell a few farmers, 'This might be a good outcome. We are going to build your dam for you. Do not worry about that. This is a great option'. This is a disappointing debate in that we have not got —

The ACTING SPEAKER (Ms Munt) — Order! The member's time has expired.

Motion agreed to.

**TRANSPORT LEGISLATION
AMENDMENT (COMPLIANCE,
ENFORCEMENT AND REGULATION)
BILL**

Second reading

Debate resumed from 10 March; motion of Mr PALLAS (Minister for Roads and Ports).

Mr MULDER (Polwarth) — The Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010 before the house is an omnibus bill. It basically deals with a number of government machinery issues. It makes some amendments to the existing rail, bus, taxi, marine and port regulatory schemes. The main provision of the bill involves the introduction of voluntary enforceable undertakings for rail and bus operators and the director of public transport. These provisions will enable rail and bus operators to undertake and deal with matters raised by the director and agree to remedy breaches identified by the director without penalty notices being issued. This in effect will able the director to negotiate with a bus or rail operator where they deem there has been a breach and to sit down and negotiate that with the operator without the issuing of a penalty notice.

Once the accredited rail or bus operator has agreed to accept an undertaking under these provisions, they will not be allowed to vary or withdraw that undertaking without consent from the director, public transport safety. Once the safety director has entered into an agreement with the bus or rail operator that they are prepared to go down a certain course of action to deal with a safety breach, under no circumstances whatsoever are they allowed to vary that order. An accredited rail or bus operator is in a position to apply to VCAT (Victorian Civil and Administrative Tribunal) for a review if the safety director refuses to vary or withdraw an undertaking. The bus and rail operator goes through their processes. If they have remedied the situation to the satisfaction of the safety director and they have asked for a withdrawal of an undertaking and the safety director says no, there is still an opportunity available to rail or bus operator to take this matter to VCAT.

In summary, in cases where they are minor breaches, rather than issue a penalty notice the director will provide the operator with the opportunity to address safety issues that have been raised. I will ask the minister to further advise the house by answering this question in his summing up of this debate: does the history of an individual or entity in relation to safety breaches play any role as to whether the director decides to issue a voluntary enforceable undertaking notice or a penalty notice? For example, one individual or entity might have a history of many minor breaches but another operator or individual might have a relatively clean sheet. What I am asking is whether someone who continually comes to the notice of the safety director for minor breaches will be treated differently from somebody who comes before the safety director on a single safety breach. Is it a judgement call by the safety director on the nature of the breach, or are there templates or benchmarks in place to determine what course of action the safety director will take?

Clause 7 inserts new section 228ZZSB(2), which provides that the safety director:

... must not accept an undertaking ... if —

- (a) the undertaking is in connection with a matter relating to a contravention or alleged contravention of an indictable offence ...

According to this bill, the safety director is not obliged to put in place measures that would ensure continual improvement in relation to safety concerns about an individual or entity, but must deal only with the breach at hand. That is the concern that I have about these provisions: how many times will minor safety breaches

that can be dealt with under these provisions be accepted before the safety director decides to take another step or stops entering into these types of arrangements and instead determines that in the case of an individual or entity that continues to offend, the next course of action will be taken? I ask the minister in summing up to explain to the house how that will work.

Clause 10 substitutes a new section 230C of the Transport Act. It is headed ‘Supervisory intervention order’ and provides that:

A court that finds a person guilty of an offence against a relevant law may, on application by any of the following, make an order under this section ...

It further provides that:

- (2) The court may make a supervisory intervention order requiring the person (at the person’s own expense and for a specified period not exceeding one year) to do all or any of the following —
 - (a) to do specified things that the court considers will improve the person’s compliance with a relevant law or specified aspects of a relevant law, including (for example) the following —
 - (i) appointing or removing staff ...
 - (ii) training and supervising staff;
 - (iii) obtaining expert advice as to maintaining appropriate compliance;
 - (iv) installing monitoring, compliance, managerial or operational equipment;
 - (v) implementing monitoring, compliance, managerial or operational practices, systems or procedures;
 - (b) to conduct specified monitoring, compliance, managerial or operational practices, systems or procedures ...
 - (c) to furnish compliance reports to one or more of the following as specified in the order ...

I now go to clause 11 of the bill, which substitutes a new section 230DA of the Transport Act 1983 and touches on the issue of exclusion orders. It provides that:

- (1) A court that finds a person guilty of an offence against a relevant law may make an order under this section on application by —

...
- (2) For the purpose of restricting opportunities for the person to commit or be involved in the commission of further offences against relevant laws, the court may, if it considers it appropriate to do so, make an exclusion

order prohibiting the person, for a specified period, from —

- (a) managing or operating rail infrastructure or rolling stock, or managing or operating a particular type of rail infrastructure or rolling stock; or
- (b) being an operator of a taxi-cab or being an operator of a particular type of taxi-cab (other than for the purpose of transferring a taxi-cab licence or assigning the right to operate the taxi-cab); or
- (c) operating a commercial passenger vehicle (other than a taxi-cab) or operating a particular type of commercial passenger vehicle (other than a taxi-cab); or
- (d) providing a taxi-cab network service (within the meaning of section 130A(1)) or providing a particular type of taxi-cab network service; or
- (e) being a director, secretary or officer concerned in the management of a body corporate involved in the carrying out, in the State, of any of the activities referred to in paragraphs (a), (b), (c) and (d); or
- (f) being involved in the carrying out, in the State, of any of the activities referred to in paragraphs (a), (b), (c) and (d) except by —
 - (i) driving a train or rolling stock or a commercial passenger vehicle (other than a taxi-cab); or
 - (ii) operating a taxi-cab.

It goes on to place an enormous emphasis on trying to control the operators of taxicabs. We have had a lot of contact with the taxi and hire car industries in relation to the additional penalties being directed at their industries by the government. I have a note provided to me by an operator of a limousine company in which he says:

While it is well and good to penalise and prosecute legitimate vehicle licence-holders who might have been technically incorrect and inadvertently have an unaccredited driver or slightly operating outside their licence condition, this bill does absolutely nothing to stop the flourishing unlicensed hire car industry.

Over the last five years there has been a steady increase in vehicles who operate as hire cars without any licences, no driver accreditation, no insurance et cetera, et cetera and the VTD will not act on complaints.

They believe it is all too hard. He goes on to say:

Last year while at the spring carnival I saw taxi operators working in their networks with unlicensed HC vehicles transporting to and from Flemington without a care in the world.

The real worry here — and I know I have raised this in the past about touting at the airport — is that it is quite possible in this type of scenario, whether we are dealing

with the taxi industry or the hire car industry, for somebody to climb on board a vehicle without realising that the person behind the wheel is not an authorised driver, that they do not have any form of accreditation and that they could find themselves in a perilous situation.

It is a concern to people in the industry. It is one thing to bring into the Parliament these provisions in relation to the taxi industry. However, those in the industry out there consider that the government has not done the job it should have done to protect the industry, the income of drivers and the value of licences and to ensure that people who do get on board a taxi or climb into a hire car do so knowing very well that they are safe and will be looked after and that their movement is being monitored and there is some form of traceability within the industry. As I say, it does cause some genuine concerns.

I now go to clause 13, which inserts new section 230FA, dealing with adverse publicity orders. I suppose you could call it commercial tar and feathering of offenders. The new provisions state that where a court finds that a person is guilty of an offence:

- (2) The court may make an adverse publicity order requiring the offender to do all or any of the following —
 - (a) to take either or both of the following actions within the period specified in the order —
 - (i) to publicise, in the way specified in the order, the offence, its consequences, the penalty imposed and any other related matter;
 - (ii) to notify a specified person or specified class of persons, in the way specified in the order, of the offence, its consequences, the penalty imposed and any other related matter ...

In terms of an offence, these provisions will be in addition to any other penalty or order that the court makes. I would have thought the courts would be looking for a maximum impact in order to prevent a reoccurrence of an offence. The question we have about dealing with adverse publicity orders, which are a name-and-shame tool for the courts — and the legal eagles in this place would know how they work — is: with these particular orders, will a notice in an industry magazine deal with a particular offender whereby the offender would be easily recognisable by his peers and others within the industry, or will it be on television or radio or buried in the legal column of a very busy and very heavy Saturday newspaper?

A further question is: have the courts had feedback on such orders to judge their impact when they have been

used in other scenarios? What level of deterrent will these orders have, or are they a given in industry circles and does the name and shame have no impact? If we are to go down the path of providing for an adverse publicity order, you would expect and hope that there would be some massive deterrent to the parties who will be named and shamed. As I say, I will be looking for some sort of feedback about or advice on what level of success we have had and whether these orders could be used in other circumstances if the name and shame does work.

With some types of offences I wonder whether they are considered to be part and parcel of an industry and whether having your name associated with that type of an offence becomes nothing more than a bit of white-collar crime in a particular industry or profession. Perhaps in summing up the minister could explain just how it works and its level of effectiveness, because, as I say, it is one thing to go down the path of putting in place these orders; it is another then to assess exactly how effective they will be.

I turn now to clause 34 on page 40 and the working-with-children check exemption notices. We had some difficulties with this particular clause insofar as it relates to the bus industry. The bus industry has been quite successful in dealing with the government in terms of exemptions, I know, and it is picked up in this bill in relation to driver fatigue. In dealing with the problem we have in Melbourne with late and cancelled trains, exemptions were provided to the bus industry to allow drivers who had reached their permissible number of hours of driving for the day to continue to drive in order to move passengers from trains that have been cancelled or have broken down.

The question was asked at the time how well the government had thought through this legislation in the first place when we got to the point where we had to go down the pathway of providing exemptions for bus drivers. The bus industry has an exemplary record in relation to safety, and I am not questioning that, but here we have a situation in relation to working-with-children check exemption notices and it has to be asked why. How many of these are to be issued? Is it because the bureaucracy is so far behind in processing these checks?

I had an interstate bus driver present at my office who was pulling his hair out. He was accredited interstate. He had had his medicals done recently, and he had to go through all the hoops again, including the working-with-children check here in Victoria. He indicated to me that the process required to be able to drive a bus here in Victoria was so lengthy and expensive that he

was almost on the verge of giving up and taking on some other form of employment.

The question arises when you go back to the legislation on working with children. Given the great emphasis the government placed on that legislation, I think this particular matter deserves some very close scrutiny and an explanation from the minister as to how long these exemption notices can run for. I know that they apply when a driver has applied for accreditation and provided all the information that he needs to.

You would hope that there was some form of cross-checking to make sure that no-one slipped through the cracks, but it is a concern when you see so much emphasis placed on making sure that young people are in the charge of somebody who has been through all of the hoops and checks and balances to make sure they are a fit and proper person to be transporting children and then you start to see the word 'exemption', suggesting that somewhere along the way someone has seen fit to exclude people from the requirements. The fact is that this may well be something that is going to cause problems in the future.

I turn now to clause 74 of the bill. This bill seeks to clarify the Southern Cross station precinct. This is not an extension of the boundaries of Southern Cross station so that the security staff cannot push people out onto the road, as happened to us when we were handing out our PSOs (protective services officers) policy announcement. The heavies from Southern Cross station turned up and pushed us out onto the road and made sure we could not be on any of the area that they claim is the property of Southern Cross station.

Of course we know very well that under the cover of night the Southern Cross station building was sold by the government of the day to a union superannuation fund. You can understand, when opposition members turned up there to hand out our policy on PSOs, the phone calls that would have been made and the processes put in place to try to drive us out of the precinct of Southern Cross station so we could not get our message out to the community in relation to our very sound policy on PSOs.

The former Minister for Transport turned up at that particular precinct and on that particular property with Thomas the Tank Engine to promote the government and government projects and programs and was welcomed with open arms by his mate from the union superannuation fund. I think myki may be one of those projects that has been given significant promotion down at Southern Cross station.

Mr Hulls interjected.

Mr MULDER — You want a leadership speech? Hang on, I will put it down and start again.

As I said, it is a government machinery bill, an omnibus bill. The opposition will not oppose the bill before the house. It does raise some concerns and questions that I have mentioned in the course of my contribution to the debate, and I would ask the minister to address those in summing up.

Debate adjourned on motion of Mr NARDELLA (Melton).

Debate adjourned until later this day.

EQUAL OPPORTUNITY BILL

Second reading

Debate resumed from 10 March; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Mr HULLS (Attorney-General) pursuant to standing orders.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until later this day.

TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Minister for Roads and Ports).

Mr NARDELLA (Melton) — I rise to support the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill, which builds on best practice reforms to transport safety settings. In recent years a number of top-level, scheme-wide structural reviews have been conducted into rail safety, bus safety, transport integration, major projects and the marine area. The investigation in the marine area is still continuing and will be finalised later this year. These top-level reviews are supported by ongoing and business-as-usual changes to ensure the schemes remain current and reflect contemporary policy. The bill represents the lower level ongoing and business-as-usual element of this work. It is important to take into

account the work that has been undertaken with the reviews and so forth.

The legislation was announced in the 2010 annual statement of government intentions. It makes a series of important changes to transport policy and legislation. It also continues Victoria's leadership in improving national harmonisation of rail safety policy and regulation. The key objective of the bill is to improve compliance and enforcement and other key settings in transport regulation which are critical areas of support to overall safety scheme settings. The government is absolutely committed to making sure safety in these areas is paramount and that as a goal we make sure deaths and injuries are reduced if not eliminated. Particular emphasis is placed on enhancing safety and that standards ensuring best practice reforms are maintained and remain contemporary. A number of the changes are time sensitive.

The main measures in the bill include adding to the armoury of the safety regulator when he is trying to make sure there is a framework to provide rail and bus safety. The bill also introduces a new transport infringements framework for hazardous and other activities on port of Melbourne land or waters. It includes some of the hot works that occur there. It is important to have this framework. In my previous life on the tools, I worked at Coode Island and around the port with some of the hot works and chemicals there. The bill is important for that area.

The bill also introduces voluntary enforceable undertakings for rail and bus operators. These voluntary undertakings are not unusual. They occur in other areas, and certainly so far as the government is concerned it is important to make sure they are enforceable and that if somebody gives their word, they keep it. The bill introduces adverse publicity orders for commercial marine operations. I note there will be naming and shaming of offenders.

Other main measures of the bill include an extension of the Rail Safety Act 2006. It is recognised that Victoria's rail safety regulation forms part of a national rail safety scheme. This could not be done until other jurisdictions followed Victoria's lead. The purpose is to have a mutual recognition scheme, and this legislation does that work. The bill also validates a 1998 allocation statement transferring assets to Victorian Rail Track. The validation goes back 12 years, and is part of making sure that the transfer of assets is properly recognised. The bill also provides statutory recognition for minimum fees charged to accredited rail operators. The legislation provides for a few bits of tidying up, and that is also why it is important.

The bill strengthens probity standards in the taxi, bus and hire car industries. In the early 1990s, from 1992 to 1996, the member for Bass — who was then a member of the upper house and the chair of the all-party Crime Prevention Committee — and I took part in a review of the taxi industry. It is an ongoing process because in the taxi industry you can get rogue operators and rogue drivers. It is a difficult industry to oversee and provide enforcement for. Quite a number of recommendations came out of the review conducted by that committee. My understanding is that the standards will ensure that only the driver accredited to drive a particular vehicle will be permitted to do that, and that the responsibility for the vehicle is made clear so you do not have other people driving vehicles who are not authorised and should not be driving them.

The bill includes extension of sentencing options available in other areas of transport to taxi industry participants through adverse publicity orders, supervisory intervention orders, commercial penalty orders and exclusion orders. I could go through that in more detail, as they are very important, but they are set out in the bill.

The bill also clarifies and tightens the purpose of taxi industry accreditation after Victorian Civil and Administrative Tribunal decisions. It also ensures that only lawfully authorised people can permit taxis to be operated. There has been a VCAT case relating to people driving a taxi who should not have been driving it. The bill clarifies that only lawfully authorised people will be permitted to drive a taxi. There are other business-as-usual changes.

Other measures include further alignment of the bus safety powers of transport safety officers with those available in rail safety. The bill clarifies on-road responsibilities for the enforcement of the fatigue management scheme for bus drivers. VicRoads and Victoria Police will deal with on-road enforcement. It also introduces transitional provisions for bus operators required to be registered to allow staggered registration until 31 December. This is mainly for smaller bus operators, and my understanding is that the regulator wants the provision in the legislation.

The bill extends the operation of the public transport competition regulations 1999 beyond 24 May to dovetail with the proposed commencement of the Bus Safety Act 2009 and proposed bus safety regulations. It is a technical change of which the Victorian Competition and Efficiency Commission approves.

Other smaller measures include providing for service of parking infringement advisory notices on vehicles

parked in contravention of the road rules in park-and-ride facilities. This is important. Officers will be able to leave a notice or a flyer on a car if somebody has infringed a parking regulation, including staying too long at a park-and-ride facility. In the past and currently people find out about a parking infringement only when they get a notice in the mail.

The bill is also about clarifying regulation-making powers to reduce public transport fines for minors. It makes this provision solid; it started on 1 February. It is also giving legislative support to the holiday surcharge for taxidriviers.

This is a very comprehensive bill, one that is about safety, one that builds on the great record of the Brumby Labor government in looking after commuters and looking after people who use taxis, hire cars and public transport. It is a bill I fully support. It ensures we continue moving forward in this very important area.

Mr WELLER (Rodney) — It gives me great pleasure to rise and speak on the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010. It is always a pleasure to follow the member for Melton. I note he mentions the good performance of the Brumby government when it comes to transport. I do not believe the general public would have that view of transport and how it has been managed over the last 10 and a bit years.

This bill, relating to rail and bus safety regimes, introduces voluntary enforceable undertakings by rail and bus operators made to the director of public transport. As the member for Polwarth asked, I too ask the minister to explain in his summing up how this is actually going to work. I take it that ‘voluntary enforceable undertakings’ means bus and rail operators will make undertakings to the director and if they do not meet those undertakings there will be penalties they have agreed to; the penalties will be whatever they have to pay or some other type of penalty.

The bill also introduces court-sanctioned adverse publicity orders and gives legislative extension to the bus safety regulations due to expire on 24 May via an extension of the Public Transport Competition Regulations 1999 to align with the new bus safety regime scheduled to commence on 31 December 2010. It aligns bus transport safety officers’ powers with those of rail safety officers. It clarifies that Public Transport Safety Victoria is responsible for voluntary fatigue management scheme administration for buses while Victoria Police and VicRoads are responsible for on-road enforcement. It recognises that with South Australia and New South Wales moving into a national

rail safety regime, Victoria’s rail safety regulations form part of a national scheme.

In relation to taxis and hire cars it introduces a similar regime to that noted above for rail and buses. It introduces commercial benefit penalty orders of up to three times the annual profits from a particular course of action should applicable laws be infringed and introduces adverse publicity orders. It gives legislative backing to taxi holiday surcharges, so now taxis can legally charge extra on holidays; I would imagine that is on public holidays. It also makes minor changes to accreditation requirements for taxi operators.

While we do not oppose the bill, this is an area we need to have tidied up. In my electorate I have many taxi operators concerned about hire cars moving into the area when there has not been a proper process for those hire cars to come in. They cherry pick services and get a lot of the return service work — lucrative contracts — and take those away from the taxi operators in my area, who say their businesses may become unviable and that we may actually lose taxis from some of our smaller towns. The government and the taxi directorate must be very sensitive to these issues and make sure we do not do anything that undermines the viability of the taxi businesses in small towns.

The bill is unfortunately typical of this government. It is more spin than substance. I quote the explanatory memorandum:

This bill forms part of the second level of reforms.

We hear a lot about what this government is going to do in terms of reforms.

The bill introduces a number of priority measures such as —
enhancements to the rail and bus safety regimes ...

I am not opposing the bill, but the government is saying it is enhancing rail and bus safety regimes while at the same time the Department of Transport is conducting a review of school buses in the Echuca area which recommends that we put 70 students on a 57-seat bus. That means we will have children standing up on a bus in a 100-kilometre per-hour zone. That is not safe. We cannot accept that. The government has to be consistent. If government members are going to talk about increasing bus and rail safety, they have to be consistent with regard to the school bus operators in the Echuca district. They should not be asking the operators of buses to put 70 students on 57-seat buses. That is compromising the safety of the students travelling to schools in the Echuca area.

The Minister for Roads and Ports talks about safety in his second-reading speech. The minister needs to make sure that safety is of the utmost importance. I have had conversations with the Minister for Public Transport, saying that he needs to investigate what is going on with the review of school buses in the Echuca area so that we do not have bus operators being asked by the Department of Transport to have more students on the bus than there are seats for.

The explanatory memorandum says the bill will:

amend the Road Safety Act 1986 to enable authorised officers under the Transport Act 1983 to serve parking infringement advisory notices in relation to parking infringements committed in park-and-ride facilities ...

I am not opposing the bill but on this one we need to be careful. If we are encouraging more people to use public transport, why are we going to fine them for parking their cars at railway stations? If we are going to encourage people to use the railway stations — —

Mr Hudson — They are illegally parked.

Mr WELLER — You will get your turn. We all know that congestion on the roads is a problem in Melbourne. We are encouraging people to travel on public transport; we should be encouraging them to park at railway stations. I would have thought that would be a wise thing to do. Or are we going to insist that people get a taxi to a railway station rather than drive their own vehicle there?

This bill also talks about fatigue management and bus drivers and allows for variations to legislation concerning fatigue management. Last year we put through a bill about fatigue management. It is interesting that we have given bus drivers more flexibility than we have drivers of livestock transport. Does this mean the government thinks the welfare and safety of sheep and cattle is more important than that of the people who travel on the buses? Is that what the government is saying here? I ask the question: does this government value the welfare and safety of cattle and sheep more highly than that of our school students? This is something the government needs to be consistent on. We have asked for some flexibility for the livestock transport industries and that has not been allowed, but it is all right for it to occur when it comes to bus drivers who are driving humans around. This government needs to get its priorities right. It needs to look after and provide for flexibility for the livestock industry as well.

The bill also refers to working with children. Of course we need to have the checks there, because the welfare

of our children is of the utmost importance. The bill also refers to national consistency. Clause 39 inserts new section 11A which states:

“11A National consistency

It is the intention of Parliament that this Act form part of a nationally consistent scheme that regulates and promotes the maintenance of, and continuous improvement in, rail safety.”.

What does ‘continuous improvement’ mean? Does it mean we are going to set targets and that 13 000 out of the 14 000 rail problems will be resolved? What does it mean? It is a statement the government is making just for spin and something it is never going to deliver on. This bill is more spin than substance.

Mr TREZISE (Geelong) — I am pleased to speak in support of the bill before us tonight, the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010. I am pleased to speak in support of the bill because it highlights, once again, the Brumby Labor government’s commitment to a safe transport system for all Victorians, whether they travel by train, taxi, bus, tram or even boat. This government is committed to a safe, reliable and first-class transport system.

In particular this bill continues the work of the state government in enhancing or improving safety, compliance and regulation across the entire transport sector. The Brumby government recognises the importance of ensuring that the different transport sectors and the operators in them are subject to effective compliance, enforcement and regulatory regimes. The bill focuses on, importantly, the process of continuing to strengthen the national rail safety regulation system. In doing so the state will continue to lead the way in national rail safety policy.

The Brumby Labor government is committed to continually improving transport safety and has introduced many initiatives across the transport sector. As the Minister for Roads and Ports noted in the second-reading speech, reforms in recent years include those amendments relating to rail safety regulation, the bus safety scheme and an issue that as a member of the Road Safety Committee I hold very important and have a great interest in — that is, safety at rail level crossings. As I said, it is an important issue and one that has been addressed effectively over the life of this state government, and one that I have to say was ignored by the Kennett government.

As the member for Geelong, the city by the bay, I am well aware that this government is examining the Marine Act 1988 and in particular safety as it relates to

commercial shipping and also smaller craft. This is an important review. As a former employee of the old Port of Geelong Authority, I understand the importance of this review, and I look forward to the development of the new marine safety bill when it comes into this house.

From a road safety perspective this government also leads the way. As a proud and long-term member of the Road Safety Committee, I know that Victoria enjoys an international reputation as a leader in road safety initiatives, and deservedly so. The government is not resting on its laurels — far from it — and a review of the Road Safety Act 1986 is under way.

I fully support the legislation before us tonight. It is an important bill, and I therefore wish it a speedy passage through the house.

Ms WOOLDRIDGE (Doncaster) — I am pleased to speak this evening on the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010. It is an omnibus bill which makes changes to existing rail, bus, taxi, marine and port regulatory schemes. I want to focus on a particular issue that relates to my electorate of Doncaster.

The second-reading speech talks about provision being made in the bill for warning notices to be left on vehicles in designated park-and-ride facilities, giving early notice of breaches of parking restrictions to station car park users.

I want to talk about the focus on legislation and compliance versus the need to expand these services, particularly in my electorate. There is a park-and-ride facility in Doncaster. It was opened in 2003 and has proved to be particularly popular, so much so that it is full from very early in the morning with up to 400 commuters leaving their vehicles and using buses to get to the city. Residents tell me that it is full by 7.45 a.m. and that they are unable to park there during the day. I often receive complaints about the non-availability of parking spaces from commuters who are unable to park in the facility, and residents are very concerned because commuters who are unable to park at the facility leave their cars in nearby narrow streets.

Recognising that the park-and-ride facility is at capacity, more than two years ago the government sought the opinion of the Manningham City Council on options to further develop the Doncaster park and ride, and three options were suggested. One was to provide a multideck over the existing park and ride to create another 400 spaces, and other sites were considered, such as Kampman Reserve between Kampman Street,

Thompsons Road and the Eastern Freeway in Bulleen to create about 110 spaces, and the former Bulleen drive-in site which could hold about 600 car parking spaces. The council duly submitted these proposals to government, and two years have now passed. Like our bus review, which we are still waiting for, nothing has happened.

Despite dollars being identified in Meeting Our Transport Challenges for additional park-and-ride facilities in Doncaster, we have not seen any change. All that has happened during this time is the introduction of a bike cage for commuters, a facility which, while delighting an upper house member for the area, appears to be underutilised.

What we have today is a bill that covers many areas but particularly focuses, in its park-and-ride aspect, on compliance and on fining people who are not using the facilities instead of the broader policy commitment this government has made to expanding the services and making sure the services we have meet the needs of the Doncaster community. The government has a compliance focus, and we have been waiting for a long time.

Unfortunately Doncaster residents continue to wait. Commuters, in good faith, are waiting for delivery from this government, and the public transport travelling public continue to wait as well. Now all we will get is warnings about our non-compliance if we are not parking in the right spot. How is that going to encourage people to use public transport, use the facility and make sure that we get cars off the road.

It seems the government is pinning its hopes on the introduction of high frequency buses due in about 12 months time and it is saying it will need to reduce the use of park-and-ride options as a result. It is also going to expand the kiss-and-ride facility on Thompsons Road near the freeway, but that does not address the needs of people in Doncaster who are very concerned that the Doncaster park and ride is at capacity and this bill will only enable compliance notices in relation to people who try to use the facility but cannot find a spot and need to park elsewhere.

As many other members have mentioned, unfortunately this bill does not look at the broader policy aspects and does not ensure that the policy of the government is being implemented. Instead it is very narrowly focused on the compliance, not on the delivery of important services for people to enjoy and use public transport and park-and-ride facilities, in particular for my community in Doncaster.

Mr HUDSON (Bentleigh) — I think the member for Doncaster entirely missed the point of the bill, which is about safety regulation. This government has a great record in promoting safety and building a framework for safety in our transport system. This bill will improve transport safety and transport safety standards. It will strengthen our national rail safety regulation regime.

We should be very proud of the fact that Victoria was the first state to implement rail safety legislation based on the national model Rail Safety Bill. It is worth reflecting on the fact that when we first introduced our bill way back in March 2006 the opposition actually opposed it. The opposition said that we should not have a bill that brings together, under one piece of legislation, transport safety in relation to investigations and rail safety. It is worth reflecting on the fact that when that bill was introduced the member for Polwarth said:

The bill makes a monumental change in law from a self-regulatory safety system with some legislative intervention where needed to a regulatory safety system where the rail safety plan has to comply with set requirements.

That was the whole purpose of the bill. Its whole purpose was to ramp up rail safety, to ensure that there were very clear standards required, to ensure that there were very strict compliance requirements imposed on rail operators and to ensure that those standards were being met. The opposition at the time opposed that bill, but I am pleased to say that the state government in Victoria is still a leader. We did not wait for the national model bill to be enacted everywhere else. We got on with the job of implementing and introducing that bill. And here we are today, improving that bill even further with a number of additional amendments.

The government has complemented that effort in setting rail safety standards with its effort in relation to the maintenance and renewal of rail infrastructure to ensure that our system is safe. In the time we have been in government, for example, we have replaced the metropolitan train control computer system, Metrol, which included equipment that dated back to the 1970s; we upgraded that with an investment of \$88 million. We have also allocated through the Victorian transport plan more than \$200 million over four years to increase the capacity and reliability of our rail services.

In looking forward, in our contract with Metro Trains Melbourne, over the next eight years we have committed through that franchise agreement \$1.8 billion to maintenance works to ensure that our rail system is not only safer but also more reliable into the future. We have also introduced a new digital train

radio system. Whereas previously we had a radio network where there were black spots on the rail network, there has been an upgrade to ensure through a digital train radio system that communications can occur right across the network.

Likewise, we have also done that in relation to level crossings. Members should consider that this government has invested over \$150 million to upgrade more than 350 level crossings and has put in place a rail regulation regime to ensure our crossings are safer. We are investing the resources required to make sure that the system is safer.

It is interesting to note that in the Auditor-General's report today he makes it clear that the investment we have made has borne fruit. In that report, *Management of Safety Risks at Level Crossings*, in commenting on measuring and improving safety outcomes the Auditor-General said:

The decline in level crossing collisions over the past 10 years suggests that the department's actions have improved level crossing safety when it is recognised that risk of conflict between road traffic and trains has risen with increased volumes.

Despite the fact that there are more train services, more freight traffic on our roads and more cars on our roads intersecting with trains at these crossings, we have still been able, through our investment and safety regulation bills, to decrease the risks at these crossings right across the state.

I will also comment on the taxi industry and indicate what we have been doing to improve the regulation and safety of that industry. Some very significant improvements have been made to our taxi industry. Despite some recent incidents that have occurred — some isolated but nevertheless regrettable incidents — members should be aware that the government has done a significant amount to improve and strengthen the taxi accreditation scheme and the taxi safety regime.

If you go back to the Transport (Taxi-cab Accreditation and Other Amendments) Bill which we introduced in August 2006, you realise that that legislation lifted the business and service standards in the taxi industry and helped ensure that the taxi industry was safe, reliable and efficient. We want taxidriviers to meet stringent suitability requirements because we understand that those drivers interact with the public. They are dealing with passengers, and we want to ensure that when passengers are in cabs, they are safe and are being driven by someone who is suitable to be operating a cab.

This bill ensures that when people are operating cabs they are in fact accredited to do so. We have introduced new offences to ensure that a person cannot drive a taxi if the taxi operator is not accredited. What we saw in the past was the exploitation of a loophole whereby a person who was not an accredited operator could purport to act in partnership with someone who was accredited to operate a cab and would do things like bail the cab to drivers and carry out vehicle maintenance.

That opened up the possibility that you had not only unaccredited operators but also drivers driving that cab who were not properly accredited to drive that cab. We do not want to see that happening in this industry. We want to ensure that the people who have gone to the trouble and expense of ensuring that they meet proper standards in relation to the roadworthiness of the cab, the cleanliness of the cab and the operation of the cab have properly trained and accredited drivers who, for example, have been trained not only in the knowledge of Melbourne test but also in relation to how to deal with conflict and with potentially violent situations and manage them properly. We want to ensure that those properly accredited operators and cab drivers are protected and can go about their business in a proper way.

I would like to put on the record my appreciation of the role of the Victorian Taxi Directorate, because I believe that over the last four years the Victorian Taxi Directorate has improved its performance significantly. It has additional staff funded by the government. It has more transport safety officers, but more importantly it has played a very important role in educating the industry about safety. It is worth reflecting on the fact that at the last state election the opposition wanted to get rid of the Victorian Taxi Directorate. I do not believe we would have a better industry or a better regulated industry without that taxi directorate.

It fits also with a number of the other things that we have done to improve safety in relation to cabs. For example, we have introduced security cameras in taxis, but we have also brought in the next generation of taxi cameras which will provide instant downloads for police to view in relation to incidents in cabs. We have introduced driver protection schemes and prepaid fares so that there are no runners in relation to fares between 10.00 p.m. and 5.00 a.m., and we have improved driver safety training. This bill builds on that by improving the taxi and transport regulation scheme. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Transport Legislation Amendment

(Compliance, Enforcement and Regulation) Bill. The Nationals in coalition are not opposing this bill. It is an omnibus bill making changes to existing rail, bus, taxi, marine and port regulation schemes.

The provisions for the rail and bus safety regimes introduce voluntary enforceable undertakings by rail and bus operators to the director of public transport; introduce court-sanctioned adverse publicity orders; give legislation extension to bus safety regulations due to expire on 24 May 2010 via an extension of the Public Transport Competition Regulations 1999 to align with the new bus safety regime scheduled to commence on 31 December 2010; align bus transport safety officer powers with those of rail safety officers; clarify that Public Transport Safety Victoria is responsible for voluntary fatigue management scheme administration for buses while Victoria Police and VicRoads are responsible for the on-road enforcement; and recognise that South Australia and New South Wales are moving to a national rail safety regime and that Victoria's rail safety regulations form part of that national scheme.

For taxi and hire cars the bill introduces a similar regime of safety regulations to that noted above for rail and bus. It introduces 'commercial benefit' penalty orders of up to three times the annual profits from a particular course of action should applicable laws be infringed; introduces adverse publicity orders, supervisory intervention orders and exclusion orders in the taxi industry; gives legislative backing to taxis using holiday surcharges; and makes minor changes to accreditation requirements for taxi operators. In the port sector it introduces adverse publicity notices for commercial marine operations.

There are a number of concerns that I would like to raise with this bill. Firstly, clauses 34 and 35 concern working-with-children checks. This regime is creating difficulties for holders of interstate licences. People do move around for employment, and in border areas people who are licensed on one side of the border and are seeking employment quite often have to travel cross-border on their bus routes. There are still some issues there.

Not so long ago it was pointed out to me that in Mildura some drivers still required multiple licensing to even cross the bridge, and there is the expense and the difficulties that go with that depending on where they reside and where they work. That was difficult.

There are some safety issues the member for Rodney raised about students standing up in school buses as we endeavour to get students to school in a safe manner.

As to driver fatigue, I would like to pay tribute to the drivers who do the public transport runs, particularly to Mildura which is the end of the line for much of the Victorian public transport system in the north-west. They do understand the need for people to meet their connections, and when there are rail delays — and heat-related speed restrictions are not uncommon in the north — the bus drivers who think they are only running between Mildura and Swan Hill can end up in Kerang, Bendigo or Melbourne as they endeavour to meet those requirements. As they jokingly say, you may pack a lunch but you had better pack an overnight bag, particularly in summer. I think they do a marvellous job to try to make that work.

Clause 47 concerns smaller buses. I am looking for a little clarification here as to whether this affects self-drive buses; perhaps the minister might like to address this in the summing up. Are the firms that hire these 13-seat buses commercial bus operators or not, and what will that do, as these are often popular ways for people to move around?

On rail, there is much talk about the return of the Mildura passenger rail and the investigative reports that are going to be required. The safety standards that will be necessary are a key component of those reports. Once again I urge that the reports which are to do with track capability — in particular the speeds that can be undertaken on the track, the passing loops and signals, the stations and platforms, the locomotives and carriages, the rail crossings and others — be made publicly available, particularly with the transparent nature of the safety standards that are talked about in this bill. Those reports do need to be made public.

I also note that clauses 37 and 38 deal with tourist and heritage railways. I note that Steam Rail Victoria has shown interest in running trains to Mildura, and that is extremely welcome for our tourist industry. However, I notice that we cannot even resolve the issues around the turntable at the Mildura yards. It is of concern because if Steam Rail did want to run a steam train to Mildura, it would have to be able to turn it around. There is a turntable there, and it was unable to be used despite the efforts of my office trying to flag this as an issue many months in advance. We do want Steam Rail to run back to Mildura. As I said, it is a valuable plus for our tourist industry.

There are some concerns now being expressed — I know very much at the 11th hour — over tourist train stabling in Mildura as there is a reconstruction of the station precinct ahead of a riverfront redevelopment. What is called a no. 2 passing loop has become a significant local issue as the community now realises

that the tourist train operators would like to have stabling close to the river and close to the centre of the city. With the riverfront redevelopment and the redevelopment of the yards in Mildura, train stabling for tourist trains will need to be resolved.

Clauses 72 to 76 deal with Southern Cross station. My concern with this station, which has come up in some recent consultations in Mildura, is the lack of pick-up and set-down car parks. Country people who come to visit family and friends in Melbourne report difficulties in being picked up by car when making a connection or arriving from a connection.

The second-reading speech mentions the Marine Act review, which includes a review of safety for recreational boating. Recreational boating is a major pastime in the Mildura electorate. I urge that the review be required to come up with some practical common-sense solutions to those safety issues.

Finally, so much of this bill is underpinned by the term 'voluntary enforceable undertakings'. Are the enforcement penalties voluntary as well? I find the use of the words 'voluntary' and 'enforceable' together quite difficult to fathom. It seems quite bizarre to me. I presume that the penalties are not voluntary but they are enforceable. The combination of those words is quite difficult for me. The Nationals are not opposing this legislation.

Mr HOWARD (Ballarat East) — I am also pleased to speak on the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill before the house.

Essentially, as we have heard from previous speakers, this bill is about improving safety compliance across the public transport sector. That includes trains, buses and trams, and taxis in particular. The bill keeps Victoria in a leadership position on the safety of people using our public transport systems.

We have heard from others who have spoken before, particularly those on the government side, of the great leadership that this government has shown on legislation which has been introduced over previous years. Since 2006 we have had the rail safety regulation scheme, revised public transport safety regulator arrangements, the transport safety investigations scheme and revised organisational arrangements, a bus safety scheme and many other schemes and arrangements brought in through legislation.

This has ensured that other states have picked up on our lead and followed through with legislation on safety activity, particularly as it relates to rail transport. With

our government we have seen a very strong focus on public transport, with strong investment in public transport across the state. This government — unlike the former Kennett government, which cut back public transport, particularly in country Victoria by closing rail lines — has clearly been intent on investing in all forms of public transport, but of most interest to me is the public transport which has improved in regional Victoria.

In the early stages of this government we committed to upgrading rail transport between Melbourne and major regional centres, including Ballarat, Bendigo and the Latrobe Valley. That work was completed many years ago. As somebody who regularly uses the train service between Ballarat and Melbourne, along with so many others, I can say that it is a terrific service to use. It clearly gets people from Ballarat to Melbourne in less time than it would take them to drive. It allows people to travel in greater comfort than ever before and with the increasing number of services provided it increases people's options for travelling into Melbourne. Through our ticketing system we have been able to encourage people to see that when they get to Melbourne there are great options for flowing on and using other rail, tram or bus routes and so on.

We have also seen the reopening of passenger rail between Ballarat and Ararat, something that was closed under the Kennett government. We have seen the announcement that the government will reopen passenger services between Ballarat and Maryborough, which is a great boon and something that not just the people of Maryborough are pleased about. People in Creswick are also very pleased about this, because train services will link them from Creswick to Ballarat and from there on to Melbourne. Works on that service will be completed through this year and that is very exciting.

Further to rail improvements in my electorate, I have seen a great increase in the number of people using the public transport service of those trains. The new train services have been backed up with increased bus services. We have seen new services between places such as Gordon and Mount Egerton and back into Ballarat or into Ballan that link in with the bus services there. We have seen bus services from Hepburn and Daylesford through to Ballan, and increased bus services from Creswick into Ballarat, as we have seen many increases in the number of services offered within the bus system in the Ballarat area.

To back up this significant investment in rail and bus services in our region and across the state, this government has wanted to see top safety standards. We have put in place safety regulators and they are doing a

great job. We have the director of public transport safety, known as Public Transport Safety Victoria; the director of marine safety; the Roads Corporation; and the director of public transport, incorporating the Victorian Taxi Directorate, that others have spoken about. This legislation further adjusts the compliance arrangements for public transport.

I am very pleased to see this bill move forward so that many more people who are using public transport across our state can feel confident about the safety of that public transport, whichever form they wish to use. If this government continues to invest in public transport to make it a real option and to meet people's needs, then it is appropriate that we back that up with good safety legislation. This bill takes these safety issues a step further, so I am pleased to support the legislation.

Mrs FYFFE (Evelyn) — I am pleased so speak on the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill. This bill makes consequential changes to existing rail, taxi, bus, marine and port regulatory schemes to improve compliance, enforcement and regulatory safety in service standards across the state.

Without reliable transport we lose vital connections with our families, friends and communities. As important as reliable transport is, of equal importance is that our transport is safe. However, more and more people are beginning to question how safe Victoria's public transport is. The opposition is supporting this bill, because anything that can improve safety on transport is desirable.

I conducted a survey in my electorate last year and was appalled by the views expressed about public transport safety, especially by those who dare to use public transport in the evenings. I was told of horrible incidents in which elderly people had been assaulted while on trains, and other commuters observed offenders spitting, vandalising and destroying public property, despite the number of witnesses around and regardless of the time of day. Clearly offenders are growing in confidence while the victims are becoming more fearful, and it is so wrong. That is why I am grateful that the coalition has taken the lead and has announced that 100 additional transit police plus 940 additional protective services officers will be on trains from 6.00 p.m. until the last train runs. That will dramatically improve public transport safety.

Clause 28 of the bill clarifies that only a person who has lawfully been accredited to operate a taxicab may do so. The bill creates an offence for anyone other than the

operator or someone who has the permission of the operator, such as an employee, to operate a taxicab. I am not sure why it has taken so long for this provision to be included, given the troubles that have been reported with non-accredited operators sharing vehicles with accredited taxidrivers. Nonetheless I welcome its addition and the commercial benefit orders which will enable the court to order a person to pay a fine based on lawful profit obtained by committing an offence.

Both the member for Bentleigh and the member for Melton have talked about taxis, taxidrivers, rogue drivers and the need for safety in cabs. This has reminded me of an issue that has been brought to my attention in my electorate. I was approached by the current director of Yarra Valley Taxis, Mr Nassim Elyateem, who is concerned about the lack of taxidrivers available to serve patrons disembarking from trains at Lilydale station after 7.00 p.m. on weekends. I am informed that at present a metropolitan taxi company has exclusive rights to wait in the designated rank at the train terminus. However, Mr Elyateem claims that he frequently observes that no taxis are waiting at the station when young adults are seen coming home late at night from clubs.

Due to the lack of bus transport in the Yarra Ranges, particularly late at night, young adults require taxis to make it home safely, giving parents peace of mind. Mr Elyateem believes that if a local taxi company was given permission to wait at a special rank at the train station his drivers, who have fewer opportunities for custom, would be able to meet this need. As parking restrictions apply around the railway station, drivers of Yarra Valley Taxis cannot wait in these parking spaces. I am told by Mr Elyateem that one of his drivers worked from 2.00 p.m. to 7.00 p.m. recently and did not have a single fare, yet I often hear residents complaining to me that they cannot find a taxi when they arrive at the train station. It would not hurt if the taxi industry was exposed to a little more competition to give local taxicab drivers fair and reasonable access to the cab hire market, as clearly their services are in demand in the Yarra Ranges.

Part 4 of the bill makes a number of rail safety amendments relating directly to the payment of accreditation fees. One amendment that has not been included that should have been relates to pet travel on V/Line trains. I was contacted by a resident who visits their family in Bairnsdale and would love to be able to travel with her pet dog, Ricki, a small spaniel. Ricki is the loving companion of Mrs Denise McNelis. Ricki is not a vicious dog but a friendly little companion who has brought a lot of happiness to Denise. However, Denise is now forbidden from taking Ricki on the

V/Line train with her because of regulations brought in by the state government which prohibit all dogs from travelling with their owners on public transport unless they are hearing or seeing-eye guide dogs.

As many of my colleagues already know, this same rule does not apply on metropolitan trains. The rationale for this mystifies me. It seems supremely unfair that city people are still able to carry their pets on trains with appropriate restraint and muzzling, yet country people are not afforded the same right. Despite a government spokesperson having said in the *Lilydale and Yarra Valley Leader* of 16 March that pets were never allowed on V/Line trains, that is quite wrong. Perhaps, like Minister Madden, government spokespeople need to review their own policies and briefing notes before making such an ill-informed comment.

Part 5 of this bill addresses bus safety and compliance, with certain guidelines, such as registration, licensing and transport categories. Whilst painstaking care is taken by the government to ensure that as many offences are identified as possible, with many attracting a financial penalty, it is interesting that those same standards do not apply to the government for failing to deliver on long-awaited initiatives, such as the bus review for the Yarra Ranges, which was announced in October 2008, yet as of 23 March 2010 we are still no closer to finding out the results of the review.

I have noted that clause 78 of the bill deals with regulations for ticket and transport infringements. The bill prescribes a lower penalty for a transport or ticket infringement committed by a person aged under 18 years. I assume the logic behind this is that it is believed a person under the age of 18 years may not be able to afford a heavier penalty. Perhaps it also recognises that young people may not be aware of certain offences that apply on public transport. However, I note nothing is said about mental incapacity.

Last week I was contacted by a young woman who I will not identify as I do not want to embarrass her and her family. She was incredibly distressed after being approached by ticket inspectors on the train from Mooroolbark to Lilydale. The plainclothes inspectors asked to see her ticket. The young lady told me that when she produced the ticket, which she had purchased for her day's travel, the inspectors noted it was not validated. They then proceeded to take her details and confiscated her ticket, issuing her with an interim travel permit. The young lady in question suffers from Asperger's syndrome, a form of autism. Without wanting to be disparaging, but to make my point clear, it was obvious from the start that this young lady had an

affliction which affected her comprehension. She was terribly upset about the prospect of being issued with a fine. As she pulled out her purse to show me the interim travel permit she was issued I saw wads and wads of train tickets. This young woman clearly did not intend to breach any regulations as she had paid for her day's travel and all previous occasions. If the government is willing to take a soft approach to young people under the age of 18 years, why cannot the government give ticket inspectors the discretionary authority to decide in such cases not to issue a penalty notice when it is apparent that the alleged offender suffers from a disorder that affects their comprehension?

Although the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill focuses on relatively minor machinery changes, I hope through my contribution today the government now has a greater awareness of and appreciation of the transport situation in the Yarra Valley. The concerns raised are genuine, they require action, not just lip-service about aims, integration and sustainable transport.

Mr EREN (Lara) — I rise to support the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill. This bill makes several amendments to many existing acts — namely, the Transport Act 1983, the Rail Corporations Act 1996, the Road Safety Act 1986, the Working with Children Act 2005, the Public Transport Competition Act 1995, the Road Management Act 2004 and the Transport Legislation Amendment Act 2007.

Importantly the objective of this bill and the government's no. 1 priority is to improve compliance and enforcement settings across Victoria's transport regulation, with the emphasis being on that of improving safety for the people of Victoria. The legislation is also in line with the government's announcement made in the 2010 annual statement of government intentions.

This government has invested huge amounts of money in public transport — for example, in Geelong there are more users of public transport than ever, and more people are coming back to public transport because this government — the Brumby Labor government — has invested record amounts into it.

Going forward, in Geelong and in regional areas we will have the regional rail link at a cost of about \$4.2 billion, which will cater for all of those regional areas, particularly Geelong. That is a huge investment through a partnership between the state and federal governments; \$4.2 billion is a lot of money. Along with that investment we have to make sure we have policies

in place that will make journeys on that transport system as safe as possible. Accordingly, this bill is a continuation of this government's intention to modernise our transport system and to design a policy and legislative framework that is realistic, enforceable and reflects the needs and expectations of the Victorian community.

Good safety regulation must be backed up by a network of high-quality regulators as well as clear and consistent rules. We currently have many exceptional regulators such as Public Transport Safety Victoria, Marine Safety Victoria, VicRoads, which is the road corporation, and the Victorian Taxi Directorate. Together with this bill we must give these regulators the powers they need to enforce these rules and regulations in order for our policy to be effectively delivered.

This bill also seeks to extend existing arrangements to additional areas, namely the rail, bus, taxi and car hire industries. Under this bill transport safety law infringements will be introduced for the rail and bus sectors, providing the director, public transport safety, with additional powers to deal with minor offences and enforce regulatory standards. A range of sanctions is extended to the taxi and hire car industries, including the ability to prohibit persistent offenders from being involved in the industry in question, to order a person to improve their compliance with safety laws and to impose a fine on a person unlawfully profiting from committing an offence.

We are also introducing greater measures to ensure that the transport regulation in Victoria remains modern, flexible and responsive to changing circumstances. As our state continues to grow and evolve, we need to design policy and legislation which grows and evolves with it. It is well known, and especially apparent, that we are dealing with many outdated ideas and old technologies. In recent years we have had many reforms endorsed by the Parliament. These include a rail regulation scheme, a bus safety scheme and a transport safety scheme, to name just a few. We are also continuing with this across the transport system currently with reviews under way regarding water and roads as well as the review of the Road Safety Act 1986, which will work on building on current settings to establish a new road safety statute with the aim of further reducing road trauma. These are all very important issues facing the state.

I am the chair of the Road Safety Committee. We travel interstate and internationally. We hear from many road safety organisations about how well we in Victoria do compared to not only the rest of Australia but also the rest of the world. Particularly in terms of tackling the

behavioural side of driving, we are extremely good at it. We can add to that the investments we are making in our roads and transport infrastructure. That all contributes to making not only our roads safer to travel on but hopefully our public transport safer as well.

All of these initiatives by the Brumby Labor government demonstrate that —

Mr Wynne interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Housing!

Mr EREN — They demonstrate we are committed to improving the safety of all transport across the state. This bill reaffirms such a commitment. I commend the bill to the house.

Mr HODGETT (Kilsyth) — It is a pleasure to rise to speak on the Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010. We have heard a number of speakers outline the purpose of the bill: it is an omnibus bill that makes changes to existing rail, bus, taxi, marine and port regulatory services.

We know the main purpose of the bill is to amend the Transport Act 1983. The bill amends the Rail Safety Act 2006, the Bus Safety Act 2009, the Working with Children Act 2005, the Marine Act 1988, the Rail Corporations 1996, the Road Safety Act 1986, the Public Transport Competition Act 1995, the Road Management Act 2004 and other acts.

In the time I have available I want to devote my contribution to the debate to a few of the transport issues in my electorate of Kilsyth. Firstly I will speak about the Knox-Maroonah-Yarra Ranges bus service review. It is something the government made a lot of fanfare about. It trumpeted how this was going to be the be-all and end-all to fix some of our bus problems in the electorate of Kilsyth. It was announced in late 2008. We had our first round of public consultations in early 2009. I went along to one of those consultations. I put my name on the list to be kept informed and updated by the consultants, Booz and Co — an unfortunate name — but I never heard back from it.

We wonder where that bus review has gone. It begs the question: has the government shelved the report, and will it trot it out as part of its election announcements? Maybe it has some good announcements in it. But reading between the lines, the word amongst public transport gurus is that there is no money to fund any of the announcements. I heard the member for Warrandyte

make a contribution to debate about that bus review this week.

We call on the government to release that review and the recommendations, because we want to see the result of it. It is typical of the Labor government to pretend it is listening to the community, to put on consultations and take down ideas. I had a number of people who were encouraged to go to those consultations and meetings. They put forward their ideas but they have been treated with contempt. As per usual, Victorians are being taken for granted. That review has gone nowhere. We call on the government to release the Knox-Maroonah-Yarra Ranges bus service review so that we can see what it holds. I for one call for the upgrade of the Mooroolbark bus interchange. I hope it should be in the review, and it should be part of this year's budget announcements.

In terms of car parking at railway stations, I know a number of Labor people have been running around in various electorates claiming they have good ideas for car parking at railway stations. I went on a campaign which eventually saw the delivery of 90 new car parking spots at Ringwood East. We need to resolve the car parking issues at Mooroolbark railway station. The available land there has been held up by a land swap between VicTrack and the Shire of Yarra Ranges, I believe.

I have called a number of times for the Minister for Public Transport to intervene so as to have that matter resolved. I think from memory another 100 or 200 car parking spots can be added if that land swap goes ahead, and it will resolve the issues of some of the commuters not having to park in short-term car parking spots, with some of the traders then being able to park behind the shops. That would leave the car parking at the front of the shops available for people who want to stop and shop in and around Mooroolbark.

Croydon is a different issue; it probably needs a multilevel car park. More low-rider buses are called for, and I could go on and on. I wanted to talk about pedestrian safety and a number of road issues to do with transport in my electorate, but the time available does not permit me to add that to the debate tonight. I conclude by emphasising a few of the local problems that need to be addressed in my electorate of Kilsyth.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until later this day.

Sitting suspended 6.30 p.m. to 8.03 p.m.

EQUAL OPPORTUNITY BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Equal Opportunity Bill 2010 takes equal opportunity in Victoria badly in the wrong direction. The bill threatens the rights and freedoms of Victorians in both their working and their family lives, while doing little to improve the equality of opportunity. It exposes businesses and community organisations to sweeping government powers and red tape, and it threatens the rights of parents to send their children to schools that are able to give them the values-based education their parents desire for them. The Liberal Party and The Nationals strongly support equality of opportunity, and we are not prepared to stand by and let the numerous flaws and injustices in the bill undermine the cause of equal opportunity in Victoria.

Good equal opportunity law flows from the Aussie sense of a fair go, the sense that it is not fair to refuse to employ someone or provide them with goods or services on the same terms as everyone else for no good reason but simply motivated by the colour of their skin, their gender or some other irrelevant attribute. The Attorney-General claims to invoke the Aussie sense of a fair go to justify this bill, but then enmeshes the fair go in so many prescriptions, threats, uncertainties and injustices that it is likely to set Victorian against Victorian in a hostile, intimidatory and legalistic environment that will undermine the cause of equal opportunity.

The Attorney-General's true contempt for the sense of a fair go can be seen by his determination to deny Victorians who will be affected by this bill any reasonable opportunity to examine and consider what it proposes. He rejected our requests two weeks ago to allow more time for the community to have its say, arguing that because the government had announced in broad terms what was in the bill, people did not need any more than two weeks to examine the 166 pages and 217 clauses of the bill or the 81 pages of explanatory memorandum or the 33 pages of the statement of compatibility — so much for open and accountable government, and so much for community participation in the democratic process.

The Attorney-General knows full well that the longer Victorians have to look at this bill, the more they will realise how much their rights and freedoms are being threatened. However, even in the short time available,

people and organisations are starting to realise the implications of the bill. Every day I receive more emails from practitioners, and from employer and community groups highlighting new uncertainties and unfair burdens they have found in the legislation.

There are three fundamental objections to the bill. Firstly, it gives intrusive, sweeping and unjust powers to the Victorian Equal Opportunity and Human Rights Commission. Secondly, it imposes uncertainties and complexities on businesses and community organisations. Thirdly, it attacks freedom of belief and freedom of association.

Under the bill the commission could launch an investigation into virtually any business or community organisation in the state; it could compel it, its staff and volunteers to hand over documents and give evidence, and then slap it with a compliance notice without even having to prove any discrimination had occurred. The bill will give the commission more powers to lay hands on documents and interrogate the staff or volunteers of a business, school or social club than our police force has to investigate the worst of criminals.

The potential for abuse of this power is enormous. The community is entitled to be seriously concerned that the commission will operate as a kangaroo court, like the workplace rights advocate used to operate. We saw with the workplace rights advocate how the Attorney-General used government agencies to harass employers simply to pursue a political agenda.

This bill gives the commission the power to be 10 times worse than the workplace rights advocate. The commission is already being used as a political tool by the Attorney-General, who axed its independent chair and concentrated all power in a single commissioner. Those who come before these investigations and inquiries will have no confidence in receiving a fair hearing. The commission was originally given powers of investigation and inquiry to be exercised only in limited circumstances, analogous to those of a commission of inquiry. Now the government has made clear it intends that those powers will be exercised as a matter of routine as part of its policy agenda against what it calls systemic discrimination.

To make matters worse, clause 140 of the bill provides that the commission 'may' — not must — publish a report on a public inquiry and 'may' give a copy to the Attorney-General who 'may' table it in Parliament. This lack of accountability and due process simply adds to concerns that these inquiries are to be used as political and intimidatory tools. It is like saying that a person can be charged in court, have the allegations

against them paraded in public and then the court will not publicly declare whether they are guilty or not guilty. Publication of reports should be the starting point presumption and grounds for withholding part or all of a report should be clearly specified.

The bill also gives sweeping powers to the commission, based on an investigation or inquiry, to issue compliance notices requiring actions to be taken if it believes discrimination has occurred. These notices are mandatory unless appealed. The bill also empowers the commission to issue practice guidelines on any matter relating to the act which are not binding but may be considered by a court or the Victorian Civil and Administrative Tribunal (VCAT).

The bill's guilty-until-proven-innocent approach in such a complex and often uncertain area as discrimination will enable the commission to use bullying and threats to force businesses and community organisations to do what it wants even without legal justification. It could well lead to the commission coercing employers into introducing measures such as de facto employment quotas in order to avoid being subject to an investigation or public inquiry purportedly looking for systemic discrimination based on no other evidence than the staffing profile of the employer.

Let us look at some of the other provisions in the bill. The bill does not introduce any new attributes discrimination against which is prohibited, and it confers few if any new rights that are not mired in uncertainty and ambiguity. Much of the bill simply re-enacts provisions that are currently in the Equal Opportunity Act 1995. Of the remainder, there are a handful of provisions that seem on their face to be reasonable, such as the redefinitions of special measures and needs and the changing of the dispute resolution role of the commission to a purely voluntary one on the part of both parties with freedom of either party to go straight to VCAT. However, most of the other provisions of the bill either definitely go in the wrong direction or raise a range of unresolved concerns.

The bill aims for equality of outcome rather than, as the Attorney-General put it, 'just' equality of opportunity. There is cause for grave concern about this goal of achieving equality of outcomes. The aim should be as far as possible to give everyone an equal opportunity in life, but the outcomes of equal opportunities are what people make in life, which is largely up to them. Certainly we should help people who for reasons beyond their control cannot be given an opportunity, and we should help those who fall on hard times. But the quest to engineer equal outcomes across the board

will end up with a regimented, unfree and stultified society.

The bill also introduces a proactive duty for employers, businesses and others bound by the act to take what it refers to as 'reasonable and proportionate measures' to eliminate discrimination. Imposing open-ended duties on employers and businesses to take such action to prevent discrimination by others, under a bill which leaves the decision as to what is 'reasonable and proportionate' in the hands of an ill-equipped court or tribunal or to be imposed through guidelines or coercion by an unaccountable commission, is not the way to go. Obligations like these should be determined openly as a matter of public policy, not with de facto policy decisions disguised as legal rulings.

The bill amends the definitions of direct and indirect discrimination to base them on concepts of unfavourable treatment and disadvantage rather than on the concepts of less favourable treatment and requirements that a person with an attribute finds harder to comply with. This broadening of the definitions of direct and indirect discrimination can make it much harder to work out what the criterion is against which the unfavourableness or disadvantage can be judged and makes it much easier for employees to mount unjustified claims based on spurious allegations. This change plus the reasonable adjustments for impairment requirement could also have unintended consequences contrary to other aspects of public policy, such as requiring employers to provide cigarette breaks for smokers.

The bill introduces a burden of proof on a person seeking to rely on an exemption or exception to prove that the exemption or exception applies, which imposes both a legal as well as an evidentiary burden. The Scrutiny of Acts and Regulations Committee (SARC) makes a further point that the secrecy provisions imposed on the commission and its staff are extraordinarily sweeping and could lead to appalling results such as prohibiting commission staff from testifying at a criminal trial.

In relation to freedom of belief, there is a package of changes. The bill restricts the freedom of belief exemptions for schools and other bodies to specified attributes. It further restricts the exemption for non-employment discrimination to discrimination reasonably necessary to avoid injury to religious sensitivities. For employment discrimination the bill restricts the exemption to where conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position. It also restricts the freedom of religious beliefs exemption to

specified attributes and where the discrimination is reasonably necessary for a person to comply with the doctrines, beliefs or principles of their religion.

We need to assess these changes in conjunction with dramatically increased penalties for job vacancy or other advertising that indicates that an advertiser is discriminating in a way not authorised by an exemption. This carries a fine of 60 penalty units for individuals and 300 penalty units for bodies corporate unless a defence of reasonable precautions and due diligence is established, compared with the current penalty of 20 penalty units.

Let me make clear that this is not mainly an issue about which attributes are covered or not covered by the freedom of religion and freedom of belief provisions; it is an issue about what test needs to be satisfied even to be allowed to take into account one of the attributes that are included. This is not just a question about reasonable accommodation, of competing rights or about how well the exemption is worded; this is part of a long-term war being waged by groups that are hostile to the very notions of religious or spiritual belief or objectively based values and hostile to the very idea that people of faith are entitled to participate in public debate in a way that is informed by their values. We have seen that in the past with groups such as Defence of Government Schools. Now the strategy seems to be that if we cannot cut off their funding, we can stop them operating as faith-based institutions.

This bill comes from an Attorney-General who is nominally a member of a faction that prides itself on being sensible and middle of the road. However, on this matter, as on so many others, he has thrown in his lot with social Left extremists who are hostile to any views other than their own relativist secular monoculture. The more level-headed members of the Australian Labor Party may have thought they had dragged the Attorney-General away from the radical attempt to cripple faith-based schools, but the provisions inserted in the bill do no such thing.

A faith-based school that wants to employ teachers who will uphold the school's values will be obliged to prove that conformity with the school's religious views is an inherent requirement of the position. If it advertises for staff in breach of that requirement, it can be fined over \$35 000. At the same time Brumby government ministers will remain completely free to discriminate on the grounds of political belief when hiring their office staff. There are no similar inherent requirements tests imposed on other exemptions such as political belief discrimination in political employment.

What does the inherent requirements test mean? There is no authoritative answer. Some hope it means that the commission, VCAT and the courts will accept that it follows from the nature of various faith-based schools and other bodies that it is an inherent requirement of teaching and various other roles that the teacher or staff member will uphold the values of the organisation, and they hope that having such an inherent requirement sought to be attached to the position will meet the bill's test of conformity with the doctrines of the religion concerned.

However, others read the bill as imposing an all-or-nothing test, that unless the organisation requires full conformity with the doctrines of its denomination or faith from all relevant staff, the organisation will have no right to require any conformity from any relevant staff. In other words, if a school employs a single teacher who is not of the school's faith to teach a secular subject, it will lose the right to require any staff to uphold the values of the school in their beliefs or way of life.

Yet others interpret the test as going even further than that. Their view is that if the bill is passed, it will be almost impossible, based on established cases, for faith-based schools or other bodies to demonstrate that any degree of conformity in either beliefs or lifestyle with the doctrine of the faith is an inherent requirement of any position that exists to perform a secular function such as teaching maths or science.

What is clear is that those who will administer and enforce the law under this bill support the third of the three views I have outlined. The commission has made clear it does not consider the employment of teachers such as maths teachers will satisfy the inherent requirements tests.

Similar views have been put to SARC by bodies such as JobWatch and the Victorian Independent Education Union. It is therefore clear we are not talking about some abstract or theoretical issue. The relevant bodies will be likely to be seeking to vigorously apply the law. As a result the rights of parents across Victoria to choose the values-based education their child receives will turn on whether or not this bill becomes law.

These concerns have been strongly expressed by a wide range of faith-based bodies. I will cite just three. A media release from the Australian Christian Lobby dated 22 March, entitled 'Rushed laws to give rights body draconian powers', says:

Mr Ward said that after examining the legislation, the ACL is also concerned that it imposes on religious bodies and religious schools an 'inherent requirements' test whereby the

organisation is only able to insist on employing people who share its beliefs and values if it can prove that this is 'an inherent requirement of the particular position'. Media comments by Rob Hulls and Helen Szoke make it clear that this clause will be interpreted in a way which would restrict religious freedom.

I have also been provided with the views of the Rabbinical Council of Victoria from its president, Rabbi Glasman, who has stated:

The Rabbinical Council of Victoria believes that religious schools should be able to operate in accordance with how they feel their ethos/culture/religion will be best preserved without external powers such as secular courts imposing their views on these schools.

Thirdly, I cite the Ad Hoc Interfaith Committee, which draws members from bodies including the Uniting Church in Australia, the Australian Christian Lobby, the Presbyterian Church of Victoria, the Orthodox Church in Australia, the Lutheran Church of Australia and the John Paul II Institute for Marriage and Family. The committee writes:

We are concerned that the 'inherent requirements' provisions in clauses 82 and 83, notwithstanding the effect of subclause (4) in clauses 82 and 83, may involve religious bodies and their agencies in years of litigation about the interpretation of those clauses.

Let there be no doubt that the Attorney-General is taking Victoria in a radical new direction under this bill. If that point requires any further demonstration, let me point out that the restrictions on freedom of religion and association in the bill are far greater than under most interstate antidiscrimination acts and the commonwealth's Fair Work Act. I will make that point explicit by quoting from section 351 of the Fair Work Act which, in subsection (1), provides that:

An employer must not take adverse action against a person who is an employee, or prospective employee —

because of various attributes; and goes on to say in subsection (2):

However, subsection (1) does not apply to action that is:

- (a) not unlawful under any anti-discrimination law in force in the place where the action is taken; or
- (b) taken because of the inherent requirements of the particular position concerned; or
- (c) if the action is taken against a staff member of an institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed — taken:
 - (i) in good faith; and
 - (ii) to avoid injury to the religious susceptibilities of adherents of that religion or creed.

This test in the Fair Work Act brought in by Prime Minister Kevin Rudd and Deputy Prime Minister Julia Gillard does not link an inherent requirements test to the freedom of faith-based schools and other institutions and imposes a simple, separate and freestanding test meaning an action is not caught by the prohibition if it is taken in accordance with the doctrines et cetera of the religion or creed in good faith and to avoid injury to the religious susceptibilities of adherents of that religion. This is a far broader, far more tolerant and far less hostile provision, which gives far better respect and recognition to the principles of freedom of religion and freedom of association.

In relation to freedom of association, the bill contains other provisions. It applies antidiscrimination requirements to all clubs of over 30 members that have a liquor licence and fund their own activities unless an exception applies. This is in contrast to the provisions of the current act, which apply only to clubs that occupy Crown land or which receive financial assistance from the state or a municipal council.

The bill will allow a club to exclude a person from membership on the basis of the person's sex if membership is only available to persons of the opposite sex. Such a club must make its membership eligibility rules publicly available without charge. The bill removes the right of clubs to confine membership to persons possessing a specific attribute where the club was set up to prevent or reduce disadvantage suffered by people of that group.

It is welcome that the Attorney-General has dropped his foolish and vindictive attack on single-sex clubs, an attack that was not even supported by the Labor majority members of SARC. However, SARC has raised further issues about the club provisions of the bill, pointing out that clauses 64 and 65, in conjunction with the expanded definition of 'a club', will prevent a political club excluding members on the grounds of political belief in certain circumstances. This seems nonsensical. The only feature that would seem to limit the scope of this nonsense is that to be a club within the definition of the bill, the organisation must have a liquor licence. That in turn seems a strange criterion to use to justify greater intrusion on freedom of association in some contexts rather than in others, a point well made by the Alexandra Club in its submission about the bill to SARC.

SARC also points out that this bill, which sets out to prevent discrimination, itself discriminates against single-sex clubs by requiring them to make their rules freely available, whereas this is not required of other

clubs, even clubs that take advantage of other exemptions under the bill.

Another issue that arises is that the removal of disadvantage as an objective of clubs, contained in current section 61 of the act, does not necessarily equate to the provision in the bill of promoting substantive equality as contained in clause 12. The upshot of this change is that sports clubs for disadvantaged religious or ethnic groups may no longer be permitted to operate under the bill.

I also mention the provisions in the bill relating to volunteers. If any further demonstration were needed of the rushed and ill-considered nature of this bill, then that demonstration is provided by the fact that the Attorney-General slunk into this house at around 5 o'clock this evening and circulated amendments to delete the provisions in clause 216 that would deem volunteers to be employees commencing on 1 July 2012, so that the volunteer-deemed employee provisions will apply only in relation to sexual harassment.

Had these volunteer provisions remained in the bill they would have caused huge difficulties for organisations that rely on volunteers. They would have also exposed volunteers to liability for discrimination for their treatment of fellow volunteers, including decisions on role assignments. That risk and threat is something that we in the coalition parties expressly warned about in our media release yesterday. If volunteers were deemed to be employees it would make sports clubs, social clubs and any other community organisations liable to claims that they have discriminated in roles they give to volunteers. As well, both organisations and individual volunteers would be liable to claims that a volunteer had discriminated against someone the organisation was trying to help.

Let us also look at a range of other changes made by the bill. It repeals exemptions and exceptions for family employment, small businesses, standards of dress and behaviour in employment, compulsory retirement of judicial officers, youth wages, gender identity, accommodation not suitable for children, and compulsory retirement of public sector employees.

The removal of the accommodation exemption for premises not suitable for children may have the consequence of forcing venues such as boutique hotels and bed and breakfasts to accept children despite the risk that may pose to furnishings and the disruption to other guests. The bill also restricts the 'care of children' exemption to discrimination 'reasonably necessary' to protect children, whereas the current exemption applies

to discrimination genuinely considered necessary on a rational basis. One would have thought it desirable to encourage the greatest possible flexibility in the selection of staff entrusted with the important role of the care of children.

The bill allows VCAT to grant exemptions for up to five years, compared with three years at present, but it also sets new factors to be considered by VCAT in deciding exemption applications, including whether the exemption is a reasonable limitation on the 'right to equality' claimed to be conferred by the Charter of Human Rights and Responsibilities Act. It is worth making the point that the claim that the charter provides a right to equality in those broad terms is wrong. Section 8 of the charter act provides simply that every person is equal before the law and is entitled to equal protection of the law without discrimination. Those rights, which are valuable and longstanding principles of natural law and common law and do not need any charter act to confer them, provide no justification for the government's new policy of equality of outcomes rather than equality of opportunity.

In relation to impairments, the bill requires employers, partners in firms, educational authorities, and service providers to make 'reasonable adjustments' for people with impairments. It prohibits discrimination on the grounds of impairment in providing access to public premises, with an exemption if the discrimination could not reasonably be avoided after considering various factors, including the measures required to allow access and commonwealth disability standards. The bill extends references to guide dogs to cover assistance dogs, and it extends the current obligation on landlords to allow tenants to make reasonable alterations at their own expense to meet special needs due to impairments to also cover alterations to common property of owners corporations. The obligation to make 'reasonable adjustments' for impairment is one of a number of open-ended duties and obligations in the bill that are inconsistent with the commonwealth legislation.

In contrast to the Attorney-General claiming that he was inserting an exemption for single-sex clubs expressly to provide consistency with the commonwealth law, in this context under the bill a building owner can be liable for failing to provide adequate disability access, even if the owner has fully complied with commonwealth disability access standards. However, imposing that greater liability under the legislation on a building owner may prove to be of little practical benefit to a person with an impairment because such a person will become embroiled in a long and expensive argument about

whether the modifications they need are reasonable, in circumstances where there is no clear guidance.

The Victorian Automobile Chamber of Commerce pointed out in a submission to us that the definition of impairment under the commonwealth's Disability Discrimination Act 1992 is different from that under the bill and that this could cause uncertainty and confusion. It also raised issues about the need for an employer to obtain medical advice in order to know whether an employee's behaviour — such as being aggressive, a poor communicator or an unwilling team member — is due to an impairment or to determine what reasonable adjustments may be needed.

Of course it is a worthy objective to get employers to make reasonable adjustments to fit in with the needs of employees with impairments because such employees can often make a valuable contribution with a bit of help. Amongst most employers there is considerable goodwill towards making those adjustments. It is important that heavy-handed or ill-considered measures do not alienate that goodwill or tie up employees and employers in expensive and divisive disputes.

The bill also provides that standards of student appearance and behaviour set by schools are subject to challenge by the commission and at VCAT on the ground that they are unreasonable, even if those standards are supported by the school community. That means any school, whether government or non-government, could be liable to discrimination claims over school rules about student dress or behaviour if a student or a parent claims the rule is unreasonable, even if the rule has the support of the school community. For example, a student could bring a claim that it is contrary to his or her political beliefs to be required to stand at school assembly for the singing of the national anthem. The UK's Commission for Equality and Human Rights has even told schools that separate uniforms for boys and girls may be illegal because they discriminate in relation to a person's gender identity.

The bill also removes the youth wages exemption, which would have the consequence of outlawing youth wages except in circumstances specifically authorised by the commonwealth's Fair Work Act. The Attorney-General has said it is okay to outlaw youth wages in Victorian legislation because youth wages are allowed under commonwealth legislation. This is the opposite of the argument he used to justify where he ended up on single-sex clubs. Not only does dropping the exemption cause confusion for all concerned, but it also means that youth wages not authorised by commonwealth legislation will in future be banned in Victoria — for example, when there is a youth wage differential as a

result of a common-law contract or over-award payments outside an industrial agreement.

In conclusion, it can be seen that across the board, rather than promoting equality of opportunity, this bill is intrusive and divisive while doing little to help those it claims to help. As I said at the outset, the Liberal Party and The Nationals strongly support equal opportunity in Victoria. We have a proud tradition of doing so. Victoria's first equal opportunity legislation was introduced in 1977 by the Hamer government, and the current Equal Opportunity Act, which has generally served Victoria well, was introduced by the Kennett government in 1995. However, Labor's bill is a step in the wrong direction for equal opportunity. Its bureaucratic, open-ended and unfair measures will impose huge and uncertain burdens on businesses and community organisations, while providing little practical benefit. Accordingly, we will be opposing the bill.

Ms THOMSON (Footscray) — It is a pleasure to rise to speak on the Equal Opportunity Bill before the house. I do so after listening to the member for Box Hill and wondering if we are debating the same bill, because what he described was not the bill as I or other members on this side understand it. In every instance when the member spoke about what action could be taken to limit certain freedoms we read the bill as ensuring that those freedoms can be practised. This is not a bill about not allowing people to practise their religions; it is about allowing people to practise their religions while also recognising the fact that Victoria is a diverse community and that everyone has the right and entitlement to practise their religion and their beliefs.

There has been extensive consultation on this bill. There has been consultation on the Garnaut report and its recommendations, and there has been consultation on the Scrutiny of Acts and Regulations Committee report which received over 150 submissions during the SARC inquiry. All these things indicate that communities have been consulted. In addition there has also been consultation undertaken by a member for Eastern Metropolitan Region in the other place, Brian Tee, on behalf of the government in relation to this bill.

The government has consulted extensively in relation to this bill and that is why changes have been made. The amount of work being done indicates that this is being supported by the majority of churches. In fact this process has taken longer in gestation than the birth of Mali, Melbourne Zoo's baby elephant; at least Mali was a cute outcome.

We are still hearing the doom and gloom that always comes from the opposition over bills about human rights and respecting people's rights no matter what their background is. This is not an anti-Christian bill, it is not an anti-Jewish bill and it is not an anti-Muslim bill; it is exactly the opposite of that. It is a bill that respects religion being practised by many people of many faiths and of our respecting their right to do so. That is what this bill provides.

I refer to the opposition's fear about the powers of the commission. This bill enhances the role of the commission in an educative role; it will work with businesses, religious organisations and other clubs and associations to ensure that they do not breach the legislation. It also allows the commission to look at issues where we have systemic problems that we have to deal with. As a community we should not bury our heads in the sand and think these issues do not arise. They do arise and we have to have a way of addressing them, but there are protections and mechanisms in place to ensure that they are not frivolous or vexatious, and that they are serious and mean something. They have to be approved by the board and the minister. There are proper processes in place to ensure that people's rights are being protected along the way.

Again we hear the doom and gloom of the opposition, but frankly it is now sounding like the extreme elements of a community and not the mainstream political party it once was. The opposition should hang its head in shame because it has a long tradition of small-l liberal values but we are seeing very little of it in this Parliament in this term.

I come from a community that has faced discrimination. I know what it feels like. I am proud to know that we are part of a government that says this is unacceptable and that it is not going to be tolerated. We do not want people being chosen because of their religious beliefs or lack of them. As a rule we will not have, or countenance, people being chosen because of their race, the colour of their skin or their sex, unless there is an absolute condition within the employment area that specifies the need for a woman or a man to be employed.

That is not what our society wants. We do not want to have an environment where we set standards by which everyone does not have an equal opportunity to obtain good sound employment and equal opportunity to participate to full capacity in our society. This bill is about ensuring that every citizen in Victoria has the capacity to do that. It is a good piece of legislation. It is legislation that we committed to before the last election. It is legislation that we will endeavour to see through

both houses of Parliament and enshrine in law because our community demands it.

This is a community that now says, 'We do not want to see discrimination, we do not want to see systemic discrimination and we want the mechanisms in place to stop it'. That is what this legislation does, but it does not do so without recognising that there are some grounds and reasons in religious circles to employ people from within your own religion. We can put out a scare campaign but the truth is that a religious school will still be able to employ people who respect and abide by the value system of that religious school. We will have the ability for employers to demonstrate the requirements that they have for their employees.

The legislation contains safeguards to ensure that there are no adverse effects on people attempting to do the right thing and employ within the bounds of the law. For the most part we hope the bill never has to be used, because we are hoping people will want to comply with the act because it is the right thing to do; and where it is not, action can be taken to ensure that they do comply and that people are not disadvantaged.

We believe the education program that the Equal Opportunity Commission has rolled out to date has proven that it works well with business, with religious organisations and with the education sector to ensure compliance with the act. I have been fortunate enough to spend some time with Helen Szoke, the chief executive officer of the Victorian Equal Opportunity and Human Rights Commission, in connection with her work on the overseas student education experience task force. The way Helen contributed towards making us understand some of the culturally and religiously significant issues relating to that group and how they see, feel and reflect on issues made our decision-making process even better.

We could all learn from the commission's experience, and if one examines the make-up of the board, it is not a frightening committee of faceless people. These are people of high standing in our community, with great reputations. There is no way you could imply — which I think the member for Box Hill did — that somehow this bill is an attack on the Christian church or on Christianity or on any other faith. This is about respecting all faiths, and maybe it might hurt people to hear this, but one faith is not better than another — it is just different; and people have a right and an entitlement to follow that faith so long as it does not impinge on or harm others.

Listening to the member for Box Hill, I was left confused over which bill we were debating. I am sure

other government members were equally confused as to whether we were discussing the Equal Opportunity Bill currently before the house or observing the fearful and scandalous approach that the opposition is taking to rouse an electorate prior to an election. I was left wondering whether the aim was to make people fearful of a piece of legislation that is being put in place to protect the rights of every individual and ensure that all people have a fair go and an equal opportunity in a society that really does want to give them that fair go. For those reasons, I commend the bill to the house.

Mr JASPER (Murray Valley) — I am pleased to join in the debate on the Equal Opportunity Bill. I listened with great interest to the contributions of the members for Box Hill and Footscray. What the member for Box Hill sought to do was to give an overview of the legislation as the opposition sees it, and given more time he would have been able to give further explanation on this major piece of legislation and the importance of it.

I concur with many of the comments made by the member for Footscray, and so far as I am concerned we need to eliminate discrimination wherever it appears, but I reject completely her suggestion that I might be an extremist. I absolutely may be a strong conservative; but to be an extremist is not an element that applies to me as the member for Murray Valley.

I should state from the outset that both the Liberal and National parties have a proud tradition of supporting equal opportunity. Victoria's first equal opportunity legislation was introduced in 1977 by the Hamer Liberal government, and the current Equal Opportunity Act, which has generally served Victoria very well, was introduced by the Kennett coalition government in 1995, when it was supported, of course, by The Nationals. I say from the outset that we certainly support equal opportunity and equal opportunity being presented across Victoria.

What I wish to deal with in the time that I have are the procedures as much as anything else in the legislation. Other speakers will speak on specific issues in the legislation about which they have concern, but I want to deal with the overview of it. As far as I am concerned I have an obligation to represent the people of my electorate of Murray Valley, and I have always believed that when legislation comes before the Parliament we need to seek the relevant information and seek to get responses to it from the people we represent within the electorate.

When I saw two weeks ago this massive piece of legislation — a complete rewrite of the Equal

Opportunity Bill — I thought being given two weeks to be able to secure responses to it from within our community was totally wrong of the Attorney-General and the government, and I spoke strongly on that when we talked about the two-week adjournment, which the Attorney-General proceeded with for this legislation. I was disturbed by his response because there were speakers such as me who spoke on this issue imploring the Attorney-General to give us more time to be able to investigate the legislation and be able to look at it clause by clause. It is only when you get legislation in the Parliament that you can have a look and see what it does.

What the Attorney-General said in his initial comments in relation to the two-week deadline for investigation of the legislation before it was debated was that we had the Gardner inquiry and we had the Scrutiny of Acts and Regulations Committee inquiry, and his indication was that as there had been extensive investigations into this legislation as revealed in the Gardner report and in the Scrutiny of Acts and Regulations Committee report we would not need more than two weeks to assess the legislation.

My experience in this house and in the Parliament is that you need time to investigate legislation. Governments bring legislation forward, but until you see the legislation you do not know exactly what is included in it. I am opposed to bulldozing any legislation through the Parliament, whatever it is. This legislation has been bulldozed through the Parliament without members being able to give appropriate consideration to it.

Equal opportunity is critical, but it needs to be done in balance and there needs to be balance in the implications of what it does. I am a member of the Scrutiny of Acts and Regulations Committee, which provided a report to Parliament on the legislation in November 2009. I want to quote one paragraph from that report by the Scrutiny of Acts and Regulations Committee. It states:

The response to the inquiry has been overwhelming, with approximately 1800 submissions considered and a significant level of public interest. The majority of the submissions made were in response to proposed changes to sections 75 and 76, the sections dealing with religious freedom. The overwhelming majority of those submissions sought the retention of those sections as they currently stand.

The investigation and the report were extensive, and there was also a minority report contained in that report.

We come to the investigation of the bill before us which was undertaken by the Scrutiny of Acts and Regulations Committee. We had two weeks to

investigate that bill. The interesting part about that, and I think it is worthwhile putting on the record, is that as of Monday this week, which was about 10 days from when the bill was introduced into Parliament, the Scrutiny of Acts and Regulations Committee had received in that short time 114 responses to the legislation before the house. Since then we have received further representations on the implications of the legislation and the important part the new bill is playing in making complete changes to the Equal Opportunity Act. They were the concerns which were expressed in the Scrutiny of Acts and Regulations Committee report which was presented to the Parliament.

I indicate to members that there are 15 pages in the report by the Scrutiny of Acts and Regulations Committee on the bill, and 8 pages are devoted to the human rights implications. It needs to be remembered that when reviewing all legislation the Scrutiny of Acts and Regulations Committee not only reviews the bill and the provisions that will operate under the act but also looks at the human rights issues. As I have indicated, the report on the human rights charter totalled about 8 pages.

I wanted to mention two or three items in that report. I think all members should read the report by the Scrutiny of Acts and Regulations Committee on the Equal Opportunity Bill and indeed read the issues that were raised in relation to the Charter of Human Rights and Responsibilities.

The issues are quite clear. Unfortunately I will not have time to mention all the issues that were raised through the charter, but importantly what it recommended was that we write to the minister and seek information on a range of issues that were believed to have implications as far as the charter was concerned. I want to make sure that the minister understands that this bill should not proceed through the Parliament until the Scrutiny of Acts and Regulations Committee has received an adequate response to the issues of genuine concern that have been raised about the bill.

We now have a situation where a bill has been presented to the house and we have had two weeks to assess the proposed legislation and get responses to it within our own electorates, as well as getting responses to the matters raised by the Scrutiny of Acts and Regulations Committee. After only 10 days I have received 114 responses, with more coming in that are raising genuine concerns.

We have raised these issues with the minister, but unfortunately this legislation will proceed through this

house and maybe through the upper house before we get a genuine response from the minister. I believe this lends strength to the argument that we put to the minister two weeks ago, which was that he should give more time not only to enable us as members of Parliament to scrutinise this bill and get all the responses we can, but also to be able to respond to the issues of concern raised by the Scrutiny of Acts and Regulations Committee in its report. The government needs to be careful in looking at this proposed legislation. Hopefully when this bill goes to the Legislative Council it will be delayed and time will be provided for it to be looked at carefully.

This proposed legislation has massive implications for the people of Victoria. Those of us in the Liberal and National parties have great concerns about this bill. We believe it will have considerable implications not only for the community generally but also for the various religious schools and single-sex clubs operating in Victoria, as well as other implications beyond that. A range of other issues need to be addressed and investigated. It is disappointing that we have limited time to respond to the legislation and deal with all the issues.

I trust that other members of the opposition parties will be able to provide further information. What I have sought to do in the short time I have had is present my concerns about the way the legislation has been presented to the Parliament. When genuine concerns are raised with us, we should be able to get responses to the legislation and have a genuine dialogue with the government to get legislation that will be suitable for all Victorians — not for just a section or small proportion of the community, but for all of us who live in the state of Victoria. My concern is that this massive piece of legislation will proceed through the house and then we will find there are difficulties with it.

Finally, the other concern I have is with the enactment of this legislation. The Scrutiny of Acts and Regulations Committee says it needs to be done within 12 months of the bill receiving royal assent. It is proposed that some provisions of the legislation will not come into operation until after that. This is a genuine concern as well.

Ms HENNESSY (Altona) — I rise today to speak in support of the Equal Opportunity Bill. This is a bill that aspires to ensure that all Victorians are given a fair go, and that is why this government has introduced it. Despite the incredible inroads we have made in recent decades into eliminating disadvantage and inequality, the fact is that there is still more work to be done. This bill recognises that, albeit along with a degree of

complexity. That complexity has been reflected in some of the contested debates that we have been hearing in the house this evening.

Tackling disadvantage and discrimination and improving people's lives is proudly part of the Brumby Labor government's agenda. This bill will bring Victoria into line with other jurisdictions. It will promote real equality of opportunity. It will improve outcomes for disadvantaged and marginalised Victorians. The sky will not fall in if this bill makes its way through this chamber and the upper house, despite what our friends on the other side might have to say. These reforms will genuinely equip Victoria with the ability to prevent discrimination, rather than just react to it, and to address it early and in a more enduring way when it does occur.

This is reflected in the new structure that the commission has been given. I have spent a lengthy period as a lawyer involved in equal opportunity disputes. I have spent time working inside and providing advice to organisations. I have been a manager. I have grappled with many of the issues that the opposition has canvassed today. One of the critical reforms outlined in this bill is the new facilitative and educative role this bill will give the commission.

I do not accept the assertion or the implication that has been made from the other side, that this will scare employers, organisations and people of faith, because it is my experience that most people genuinely want to do the right thing. This bill enables the commission to assist people who want to do the right thing, and it does so in a considered and sensible way. This bill is a moderate and proportionate response to the issues that were canvassed not only during the Gardner review but also through the SARC (Scrutiny of Acts and Regulations Committee) process. I note that the bill has adopted all but approximately three of the SARC recommendations.

To suggest that there is a yawning chasm between where the bill is and where the community is, or where the bill is and where the Gardner review was, or where the bill is and where SARC was, is not actually correct. The Attorney-General has been responsive to community concerns, and I am aware that an amendment was circulated today. I think the government will be responsive, particularly around issues to do with volunteers and direct discrimination. No-one in a volunteer organisation ought to be the subject of sexual harassment. This government has actually been responsive and accommodating of all concerns.

I will return to the issue of systemic discrimination. The Equal Opportunity Act has been incredibly successful in moving the norms, assisting people's behaviour and providing rights in a dispute resolution process, but society has moved on, as have dispute resolution needs. However, we are left with the fact that 53 per cent of people who suffer from a disability are not accessing gainful employment, unlike 80 per cent of people who do not have an impairment. We still have a 17 per cent difference in terms of gender pay inequity. We still have to deal with issues involving incredible levels of indigenous disadvantage.

We as law-makers need to have the maturity to accept the responsibility to look at what is systemically occurring to prohibit certain groups of people with certain attributes and what is denying them the ability to meaningfully participate in all areas of life, whether that be in terms of employment or accessing houses or goods and services.

I personally cannot understand what fear people have around actually giving the commission the power and the capacity to say, 'Let us look into this to try to understand it'. I am proud to be part of a government that is prepared to hold itself up potentially to be criticised about its activities and policies, should it be found wanting in this regard. I do not think the fearmongering and scaremongering has any legitimate basis whatsoever. This bill brings us into alignment with the legislative regimes in most other jurisdictions.

I am reminded of a similar debate that occurred in the United Kingdom when its equal opportunity legislation was enhanced. Certain groups within the community there were running around and claiming that the sky would fall in, yet after a review of that legislation, what did the government of the United Kingdom find? That employers had endorsed it; it found that not-for-profit groups had endorsed it; it found that the trade union movement had endorsed it. The evidence indicated that the legislation had actually reduced the level of vulnerability and disadvantage that occurred in the United Kingdom community.

It would be terrific if this bill became law, and we were able to point to the same kind of inroads within the Victorian community. I am proud to be part of a government that aspires to do so, and one that has done so in a consultative, considered, moderate and proportionate way.

I also think that moving from an individual-based dispute resolution model to one that attempts to target entrenched systemic discrimination is long overdue. When I worked as an equal opportunity lawyer the

practice was that if a person made an allegation of sexual harassment, whether you were the victim or the alleged offender, you sometimes waited up to nine months to have the matter resolved. This bill tries to say, 'Let us prevent discrimination, let us prevent harassment, let us have dispute resolution mechanisms that are targeted at resolving things. Let us go out and assist employers, let us go out and assist employees, let us go out and assist the not-for profit community in looking at what provisions they ought to put in place, not just in order to ensure that they are not excluding people but also to ensure they are accessing the most productive benefits for all people in the Victorian community'.

Through incredible reports such as the Productivity Commission's intergenerational report and projections about what is occurring in our demography, we become aware that we have an ageing workforce and we are ultimately going to have to deal with the issue of impairment and reasonable accommodation. Reasonable accommodation is exactly that. It is about saying, 'What can you do with the resources you have got to try to accommodate people who may have an impairment?'. That is not going to make the sky fall in, that is not going to make a small business fall over, that is not going to bring doom and gloom to small businesses and not-for-profit organisations. It is about assisting them in responding to the changes we see in our community. It is about assisting those who are currently excluded from meaningful participation in our community and our economy and saying, 'Let us together find another way whereby you can accommodate them'.

The big stick and the big fear campaign has no basis in fact. There has been a lot of misrepresentation about this bill. At all times this government has been reasonable, it has been consultative and it has been responsive, and that has been reflected in this highly contested debate. I speak in support of this bill because I believe it will fundamentally make a difference. I believe this is where the future lies and that the community will come with us on this bill.

Ms ASHER (Brighton) — Whilst I am a very strong supporter of equal opportunity legislation, I come at this bill from a different perspective. As has already been indicated, the opposition does not support this bill; in fact we oppose it.

I want to take up a number of the points raised by the Attorney-General in his second-reading speech. He indicated in his speech that three decades ago Victoria adopted equal opportunity legislation which attracted bipartisan support. I want to place on record, as has

been done by others, that a great political hero of mine, Sir Rupert Hamer, sponsored the second reading of that Equal Opportunity Bill in this place on 11 November 1976. The purpose of the bill, because it was 1976, was much narrower, and I quote from Sir Rupert Hamer's speech:

Its —

that is, the bill's —

purpose is to prohibit certain kinds of discrimination on the grounds of sex or marital status, and to promote equality of opportunity between men and women.

That was the starting point of this type of legislation.

I also note the contribution of one of my predecessors in the seat of Brighton, Jeannette Patrick, who did a lot of work on that bill prior to it coming into the Parliament. A huge amount of consultation occurred, and it is worth putting on record what Jeannette Patrick said on 6 April 1977:

As the fifth woman member of Parliament to darken the portals of this august building, I offer my sincere congratulations to the Premier on including in his policy speech the promise to introduce a comprehensive policy to ban all discrimination on the ground of sex.

I also note at that stage the contribution of the then Leader of the Opposition, Clyde Holding, whom my predecessor in the seat of Brighton generously described as not a male chauvinist pig. I think she meant that to be appreciative of the positive role that he played in the 1970s in the bringing of the first equal opportunity legislation to this chamber.

I also want to make mention, as the Attorney-General did in his second-reading speech, of the fact that the legislation was progressive in its day. He then referred to how the act was amended in 1995 to prohibit discrimination against a much broader category of attributes. That is correct. In fact the Scrutiny of Acts and Regulations Committee (SARC) in 1993 received a brief from the then Attorney-General, Jan Wade, to investigate how the Equal Opportunity Act should be improved. I was a member of that committee, and I was delighted to be part of that group which recommended to the Kennett government, supported by the then opposition, a significant broadening of the act at that time. On 4 May 1995 Jan Wade said:

The government is committed to ensuring that all Victorians, regardless of age, sex, race or any other attribute have equality of opportunity to access public benefits and resources.

She made reference to the fact that she believed the bill built on the legislation introduced by the Hamer

government in the 1970s. In essence — and let me use Jan’s words, because I thought she was an excellent Attorney-General — the bill in 1995 did the following:

At present, discrimination is prohibited on the basis of sex, marital status, parental status, race, impairment, religious and political beliefs or activity. In addition to retaining these, this bill introduces seven new attributes on the basis of which discrimination is prohibited. It prohibits discrimination based on the attributes of age, status as a carer, lawful sexual activity, pregnancy, physical features, industrial activity and personal association.

There was a very strong move forward under Attorney-General Jan Wade as part of the Kennett government’s reforms, which were referred to by the Attorney-General, without attribution of party, in his second-reading speech.

Mr Cameron — I can see where this is leading.

Ms ASHER — I turn to the 2010 iteration of this legislation. The Minister for Police and Emergency Services said, ‘We can see where this is going’. I am simply wishing to make the point that the opposition has a very strong track record on equal opportunity legislation. We instigated it and we improved it, and I acknowledge that the Labor Party supported those iterations that we introduced in this place. I think the idea of equal opportunity legislation was groundbreaking in the 1970s. I am sure members of the Labor Party will seek to attribute motives to the coalition that are not correct, but we support the status quo in equal opportunity legislation, and we have been the leaders in this legislation. However, what we are seeing in the 2010 iteration of the legislation is a bill that is heading in the wrong direction.

For me, there are three principle reasons this bill is heading in the wrong direction. Firstly, the bill interferes with the rights of religious schools to practise their faith in the way they wish to practise it. Indeed members of Parliament would have received a briefing paper from FamilyVoice Australia which goes through that organisation’s objections to this bill. There has been a raft of other objections from a range of religious groups. Whilst I do not attend church every Sunday, I strongly support the rights of religions to operate in the way they wish to respect their faith and to operate their schools in the way they wish to, and I think this bill is a step in the wrong direction on that front.

Secondly, I oppose this bill because it imposes a broad and undefined obligation on employers and I think that will have an adverse effect on small business. I refer members who wish to take this matter seriously to clauses 14 and 15 of the bill. The government is requiring businesses, including small businesses, to

eliminate discrimination, sexual harassment or victimisation.

Clause 15(2) the bill requires a person to take:

... reasonable and proportionate measures to eliminate that discrimination, sexual harassment or victimisation as far as possible.

I acknowledge that the government says at clause 15(6) that there are a number of determinants in terms of what is reasonable, which in part relate to the size of the person’s business or operations and a range of other factors. However, there is significant discretion in this. The government is removing the small business exemption which currently exists in section 21 of the act. I have read the SARC report and am well aware of what my side of politics said in terms of the commonwealth legislation, but the facts of the matter are that the small business exemption will be eliminated from this bill, and the government is saying to small business owners in particular that they have a very significant duty to take on tasks which to my way of thinking are vague and undefined and may well create significant difficulties.

The third reason I oppose this bill is the vastly increased role that the government wishes to give the Victorian Equal Opportunity and Human Rights Commission. What the government is proposing to do is move away from the individual case-by-case basis of complaints about discrimination. I strongly support that model, and I did in the 1970s and in the 1990s, but the government wishes to move to the equal opportunity and human rights commission having a much broader role. It wants the commission to start its own investigations, and it wants the commission to have its own inquiries into any matter. I think that is too broad.

On top of that the government wishes to give the commission the power to issue compliance notices which may well be draconian. I cite by way of example that given that the small business exemption will be removed, there could be a case of a small business owner, male or female, who in the commission’s view may not have taken sufficient steps to eliminate discrimination, sexual harassment or victimisation from the workplace, who will then be subject to a compliance notice. This is a step in the wrong direction.

I conclude where I commenced. I strongly support equal opportunity legislation. One of the great achievements of the Hamer government was to introduce the original Equal Opportunity Bill, and one of the great achievements of the Kennett government was to augment that bill in particular in relation to the elimination of discrimination against gay people. They

were very significant reforms, but this bill goes in the wrong direction.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to support the Equal Opportunity Bill 2010. It is always a pleasure to follow the member for Brighton. I note that the vast majority of her speech, so eloquently made, was a defence of the history of the Liberal Party's contribution to equal opportunity legislation rather than a half-hearted defence of this once proud party's now lame opposition to this progressive and sensible bill.

What this bill does, as we have seen from the context of the arguments in this place, is reflect the stark differences in world view and practical public policy between members across this chamber and elsewhere in this Parliament. We now have in this Parliament, as reflected by this debate, the position of this Labor government, which is the well-thought-out outcome of extensive research and consultation and the adoption of international best practice as adopted and modified for Australian and Victorian circumstances, all designed to build a fairer, more inclusive society that consciously seeks to build a coalition of support for these measures across that diverse society.

It does so necessarily with a range of accommodations and compromises that are the hallmark of a successful, tolerant community. This bill modifies and modernises the original 1977 foundation legislation to make it into a 21st century piece of legislation in a way that allows us as legislators to play a small part in building a society that values diversity. The bill modernises the golden thread of Australia's social progress, the notion of the fair go for all, and makes sure the legislation reflects the changes that are needed to deal with the real world and the varied forms of discrimination that Victorians continue to experience today both as individuals and groups.

On the other side of the debate we have the alternative government, the once proud authors of the 1977 legislation — the Victorian Liberal Party — which now opposes this legislation and condemns itself to the margins of this debate. It now cannot see beyond the boundaries of its blinkered and ever-increasing narrow political and social gene pool which will see it deny the move to greater equality of opportunity and equality of outcomes that this glowingly diverse community rightly demands.

Should this bill be lucky enough to pass this place, having been amended by the proposed amendments of the Attorney-General, when it comes before the Legislative Council in that form I hope that the minor

parties there, particularly the Greens, will balance up the significant progress this bill makes and at least deal with the following package of measures in a fair and reasonable way: firstly, the fact that this bill deals with the current complaints handling mechanism and will change it to one that is based on education which will facilitate dispute resolution along best practice and compliance models — that is, a modern regulatory approach that is well overdue; secondly, the commission having a greater role in working to encourage compliance through education, through the development of industry-specific guidelines and organisational engagement processes — that is, an international best practice model you would expect any modern regulator and stakeholder communities to engage with; thirdly, a part of the package is to promote the commission as a body with specialist expertise which can intervene appropriately and with due regard and measure in legal proceedings involving significant issues of equal opportunity and discrimination.

They are far from anything radical, they are far from anything extreme — they are modern mainstream values that support the achievement of equal opportunity rather than being vague and remote from our lives.

All of these measures are designed to address systematic discrimination in our community. In doing so, the commission will be able to investigate possible contraventions of the act that affect the group of people and engage with others for collaborative solutions to systematic discrimination, which sadly is still a blight on our community in so many ways.

I will perhaps use some of my remaining time to point to one such community that has faced and sadly continues to face such systematic discrimination despite substantial gains it has made over the past decade or so — that is, the gay, lesbian, bisexual, transsexual and intersex community which the electorate of Albert Park proudly embraces as a part of its diverse and extremely proud community.

By and large this community, including its organised and varied diverse representative groups, supports the thrust of this legislation. As the Acting Speaker would know, the Victorian Gay and Lesbian Rights Lobby noted its general support for some aspects of this legislation, particularly the approach to tackling systematic discrimination and the removal of the exception in the bill that covers those who are transitioning from one gender to another, which it noted in its submission to SARC (Scrutiny of Acts and Regulations Committee). But the group has some

particular areas of concern and notes the proposed government amendments.

I quote from the group's letter of 18 March 2010 to SARC. It was written by Dr Anthony Bendall, the male co-convenor:

Due to the substantive ways in which the bill will improve the right to equality of gay and lesbian Victorians, the VGLRL supports its enactment.

It then goes on to highlight areas of concern and says the bill does not go far enough in a number of areas which have been identified in the Victorian Gay and Lesbian Rights Lobby submission to SARC.

That sadly reflects the failure of those opposite to support that proposition, despite the contribution from the member for Brighton. It reflects the fear that their federal leader has quite openly referred to when he admits to being threatened by the homosexual community. We get the feeling that that continues to be the view of those opposite: they share that fear and the view that the only solution to dealing with that fear is for individuals in this particular community to accept that the harassment, discrimination and violence they continue to be subjected to in their daily lives must be dealt with on a case-by-case basis rather than through a systematic approach to these issues.

As the gay and lesbian rights lobby point out, there is still much unfinished business in this area to ensure that we have a community free from harassment and discrimination. It is work that goes on in areas such as health and legal rights, and around issues such as harassment and violence, which sadly continues to be a substantial blight on the majority of members of the gay, lesbian, bisexual, transgender and intersex (GLBTI) community.

The truth of the matter is what this legislation does in a measured, proportionate and sensible way is bring to bear the fruits of extensive consultation, of expert reviews and of substantial community engagement that had widespread support across a range of different areas of the community. If anything, the legislation has attracted a substantially greater argument that it does not go far enough, rather than an argument that it has gone too far. That reflects the arrangements that a modern, regulated system brings to bear in 2010.

Honourable members interjecting.

Mr FOLEY — The half-hearted, unconvincing contributions of the member for Malvern in particular, who is the leader of the caveman clan of the faction of backward-looking people in the Liberal Party, show

just how far this Parliament and this community have to go in ensuring that we have a community that is free from harassment, free from discrimination and free from the trauma that people such as members of our GLBTI community face in their daily lives. We hope that this sensible, measured, proportionate bill will play some role in bringing relief to those people and other communities by making sure that the notion of a fair go for all — the underlying thread that has brought so much social progress to Australia — continues in this day and age. I wish the bill a speedy passage.

Mr O'BRIEN (Malvern) — I am pleased to follow the member for Albert Park, and I am very pleased that the member for Albert Park has now made clear to all those groups in the community which have been concerned that this bill is going to infringe on their ability to operate in accordance with their beliefs, that this is only the first stage of the government's equal opportunity reforms. We now know that all the little concessions that the Attorney-General was dragged kicking and screaming to grant in this election year will be back on the table if Labor is returned on 27 November this year. I am grateful to the member for Albert Park for putting that on the record.

I am pleased to speak in the debate on this bill, and I reiterate the Liberal-Nationals coalition's opposition to it for the reasons comprehensively described by the member for Box Hill. Before turning to the specific provisions of the bill, I remind the house of the facts that equal opportunity legislation was the creation of the Liberal Party under the Hamer government in 1977 and that the Kennett coalition government significantly extended equal opportunity laws in 1995. This side of the house gave birth to the first equal opportunity laws in this state because a belief in the equality of opportunity of each and every individual is, to coin a phrase, an inherent requirement of the Liberal Party.

As the risk of labouring the point, I refer to a document entitled *Liberal Values*, which can be found on the website of the Liberal Party of Victoria. It states in part:

Among the main values that have motivated Liberals and Liberal governments are:

A belief in the equal rights and dignity of every person. All people should have equal rights, and equal responsibilities to their fellow citizens.

It goes on:

People should be free to pursue their values and control their own lives so long as they do not harm others ...

Governments exist to protect the rights and dignity of the individual person, and to establish a framework of

laws and institutions which empowers individual people so they can achieve their values.

That is the beating heart of what being a Liberal is all about, and that is why this side of the house was the side that gave birth to equal opportunity laws in this state. I make this point to underline the fact that this side of the house has the prouder record when it comes to respecting equal opportunity in our legislation. But there is a world of difference between equality of opportunity and equality of outcome. That is where we part company with members opposite, who believe the role of the state is to engineer the same for all, regardless.

I will give credit to the Deputy Premier; he was very up-front about this. If you look at the second-reading speech, he describes special measures in the bill and says 'to aim for equality of outcome, rather than just equality of opportunity'. There is a world of difference between those two concepts. It is turning equal opportunity on its head to introduce a bill which is all about equality of outcomes, not equality of opportunities. In fact this bill's name is a misnomer, because this government is now ripping up the heritage of this Parliament in legislating for equal opportunity. This bill is more about legislating for the Labor dream of equal outcomes instead of respecting the rights of individuals.

In many ways these differences are key to the differences between the government, being the Labor Party, and the coalition parties. Perhaps we should not be surprised. While I will defend equal opportunity to the hilt, I will not defend equality of outcomes, because that is not part of our philosophy. I wish government members opposite were a little bit more honest, as was the Attorney-General in the second-reading speech, and would say, 'This bill is not about equal opportunity; this is about equality of outcomes'. They are two fundamentally different philosophical positions. We are changing the way this type of legislation operates in Victoria, and we are ripping up our proud heritage.

This bill really reflects the priorities of the Brumby government. It will give sweeping powers to the Victorian Equal Opportunity and Human Rights Commission to issue compliance notices requiring actions to be taken if VEOHRC 'believes' discrimination has occurred. These notices will be mandatory unless appealed against. Again it is an example of the state saying to an individual, to a private entity or to an association, 'We believe you may have done something that is wrong, so we are going to tell you to do things our way. If you want to challenge us and all the resources of the state, then you can take us to

court'. In that way it is a reversal of the onus that has traditionally existed under our rule of law and under the Westminster system, whereby if the state believes that an individual has acted in contravention of the law, it is the state's obligation to bring a case against that individual or that private entity or that association. That has now been turned on its head as well through this bill.

The bill also empowers VEOHRC to conduct investigations and public inquiries into any matter that raises a serious issue, indicates a possible contravention and relates to a class or group of persons. So you will have an organisation which is empowered to obtain information and data which even Victoria Police cannot get, because VEOHRC thinks some body might have a discriminatory intent in its operations. You do get the impression the Brumby government is more concerned with providing extra resources and extra powers to what some might term the 'thought police' than providing extra resources and extra powers to real police.

Time does not permit me to examine the examples from around the world where overambitious human rights bureaucracies have used the resources of the state and coercive powers to stifle free speech and engineer conflict between groups in society for the purpose of making a political point. But there are a large number of them. We have always felt close to our fellow commonwealth country Canada, which is a liberal democracy, but Canada has had some appalling examples where overzealous state agencies of the type that the government now envisages through this bill have ruined the lives of individuals quite unfairly through pursuing political agendas. The government gives us no confidence at all that similar fates will not befall Victorian individuals, clubs, companies and associations.

It is not as though members opposite are doing such a fantastic job of running the basics of government — transport, community safety, water, health care — that they should feel justified in lifting their gaze to micromanaging businesses, faith-based schools, associations or sporting clubs in Victoria. Perhaps the government should get its own house in order before it starts trying to get more involved in telling others how they should be living their lives.

That brings me to the inherent requirements test, which is particularly relevant in relation to employment in faith-based schools. Who will judge the inherent requirements of a position in a religious school? Will VEOHRC do it? Will VCAT (Victorian Civil and Administrative Tribunal) do it? Will Jewish scholars be

brought before VCAT to plead before one of the Attorney-General's VCAT appointees why the school may wish to engage a Jewish cook at a Jewish school? Will VCAT decide that a person who once read a book on kosher cooking meets the inherent requirements test and should be employed?

These are the sorts of real issues which demonstrate that the government does not understand that people who are employed at a school are not just there to teach maths or to cook. They are there as leaders, counsellors, role models, people who guide and shape the ethos of the school. This government does not understand that; it does not get it. It believes that you can just compartmentalise every single aspect of a school, and that that will work. I am telling the government now that that will not work, and that is why the opposition is opposing this bill. This bill is ultimately more about social engineering and social control than it is about protecting human rights.

This government, and particularly this Attorney-General, is very excited by the idea of an arm of the state, such as VEOHRC, being able to investigate, intervene and interfere in the operation of non-government bodies. The Labor Party fundamentally wants to shrink the sphere of the private at the expense of the state. That is anathema to members on this side of the house. We stand for individual liberty, freedom and responsibility. We have a proud heritage in relation to equal opportunity legislation in this state, but we are not prepared to back a bill which, while using the name of equal opportunity, actually seeks to turn that concept on its head.

This bill is not about equal opportunity; it is about equality of outcomes, and they are two completely different concepts. The Labor Party supports one; we support the other, and ultimately we will be happy for the people of Victoria to determine who is right.

Mr CARLI (Brunswick) — I am a bit surprised by the member for Malvern and his attacks on what he says is the ideological position of this government, which he says is equality of outcome. He says he supports measures that are against discrimination, but he does not believe in this social engineering which is equality of outcome.

It probably shows how long I have been in this house, but I remember the debates of 1995 when the then Attorney-General, Jan Wade, introduced changes to the equal opportunity legislation. She introduced special measures and the idea that equality of outcome, not just equality of opportunity, was an element of equal opportunity in this state. It was a Liberal Party reform,

as was equal opportunity legislation in 1977. There has been a tradition of the Liberal Party defending equal opportunity, and members have actually been reformers. Liberal members now come here and criticise an element that was in the 1995 legislation, an element which suggests we have to find various ways to have exceptions and exemptions to the general principle of prohibition against discrimination.

One of those is in the area of equality of outcome, the idea of targeted measures, the idea that certain exemptions ought to exist so that we can have special measures for special groups that have certain attributes — groups that are disabled, that have been discriminated against in the past, and which seek greater purpose and position in society.

That idea is also protected in the Charter of Human Rights and Responsibilities in Victoria, which identifies that you can have levels of discrimination, or positive discrimination or positive measures can be taken for certain groups — for example, refugee groups or disabled groups. So it is extraordinary that members of the Liberal Party should come into this house and suggest that this is somehow about social engineering and is alien and not something that they would support. They supported it in 1995. I find it extraordinary that today, in 2010 — suddenly, as an excuse not to support this piece of legislation — this is rolled out and becomes the basis for opposing the legislation.

I have had a fair bit of involvement with this bill. As the Acting Speaker would know, I chair the Scrutiny of Acts and Regulations Committee. Members of SARC undertook a substantial review of the exceptions and exemptions in the Equal Opportunity Act. We had 1800 submissions and two days of hearings. Many people contacted the committee, and members addressed a number of community concerns. As an all-party committee we sought to find where we stand on a number of areas where we want exceptions and exemptions to the prohibition against discrimination.

One of those was targeted measures. I have already spoken about targeted measures as something that members of the Liberal Party believed in or supported during the Kennett era. I have on many occasions in this house criticised the Kennett era, but it was one area where Liberal Party members obviously shared a position similar to what we have in the bill today.

The other area that SARC members sought to address was conduct that falls within the private realm. Clearly there ought to be exemptions in cases where people's personal and private choices should not be infringed on. The committee accepted that people's choices in

employing people in the home for domestic and personal services, including personal child-care services, and in discrimination as to attributes in the disposal of land by will, should rightly be kept in the private realm.

I suppose the one matter that committee members had the most difficulty with and that led to some differences between us was the idea of competing rights. We have rights and certain exemptions where there is competition between the right to equality and the principle of antidiscrimination versus the right to freedom of religion or association. Those are very difficult. Obviously committee members considered the 1800 submissions we had in trying to work out where we thought community views were. We considered questions such as: what were the mainstream community views in those areas which carried a lot of community support? We dealt with a lot of groups whose members were very concerned particularly with those exceptions and exemptions that they said involved religious freedoms. The committee took the view that we did want to ensure protections for a number of areas where religion was important, such as employment in organisations that had a religious purpose or in religious organisations that run charities and other services, and certainly for religious practices.

There was a series of areas where we saw the issue of competing rights. Committee members tried to come to a position which balanced those rights, recognising that there are different rights. It seems to me that that is still an area of contention.

After the introduction of this bill, the committee received 114 submissions which had clear differences between them. Some suggested that we were not protecting certain rights, and others that we should go even further on the issue of antidiscrimination. In a sense they demonstrated to the committee — and then to the Attorney-General — that in this legislation we were clearly trying to position those competing rights so that the legislation was respectful of and reflected balanced community values. I accept that that is always a difficult process.

There is no doubt that the purposes of this bill and the aims of the Attorney-General and the government are clearly to ensure and define equal opportunity and to ensure that where there are exceptions and exemptions the legislation is very clear on what they are and that that is stated clearly and can be justified. The bill does that very successfully. It sets out very well those cases where there should be exceptions and exemptions to the prohibition of discrimination, if you like — to the basic

idea that we should not define differences and that we should provide equality.

The government has tried very hard to position this legislation in a way that first of all recognises the need of certain minority groups to have targeted measures which promote their situation in terms of employment or special measures to try to ensure that they have relative equality of access and equity in this society. I think in framing this bill this government has also tried very hard to define those areas that should not belong in the public realm, where the state should not be trying to impose its value system and its equality — where it should not be over-policing, if you like — and to define those areas which involve competing rights.

Within that context we then have to recognise that this bill is one of a series of pieces of legislation that have gone through this house which are the result of a need to modernise the equal opportunity laws in this state through the Gardner report. One of the major areas of need identified in the Gardner report in terms of the Human Rights and Equal Opportunity Commission was to look at the issue of systemic discrimination. I think that is a very positive element of the bill.

The Gardner report very clearly identified the need for the consideration of systemic discrimination, tackling those big questions and having them inscribed in legislation. It pointed out that the Human Rights and Equal Opportunity Commission should not simply take and deal with complaints but should actually be out there seeking to find in society, in the workplace or in the various structures of society points where there is systemic discrimination.

This bill does a number of things. It obviously re-enacts a lot of issues and exceptions and exemptions from previous legislation, particularly the 1995 legislation. It also tries to go a little bit further in terms of tackling the issue of systemic discrimination. Also it fundamentally puts the exceptions and exemptions into a more modern structure and set of definitions. That has been a really important process, which a number of people have been involved with.

Certainly that has happened partly through the role of the Scrutiny of Acts and Regulations Committee. It has also been through the role of the Attorney-General and of other members of government, who have sought to have a profound dialogue with the Victorian community to work out where people sit in terms of values.

The ACTING SPEAKER (Mr Jasper) — Order! the member's time has expired.

Mr KOTSIRAS (Bulleen) — Can I make it clear from the outset in the event that those opposite wish to lie or misrepresent my views — because this government is good at spin and misinterpreting members, as was illustrated by the member for Albert Park — that I support any legislation that stops intimidation, bullying and discrimination, whether that be based on gender, race, religious affiliation, impairment, marital status, physical features or social or economic background.

The Liberal Party has been very supportive and at the forefront of equal opportunity legislation in Victoria. Let us not forget that the groundwork for equal opportunity legislation in Victoria was laid by the Hamer Liberal government, which introduced the Equal Opportunity Act 1977. Jan Wade, as Attorney-General, strengthened this legislation in 1995. In her second-reading speech Jan Wade said:

This bill seeks to promote the recognition and acceptance of everyone's right to equality of opportunity ...

This bill does the opposite. It talks about equality of outcomes, which goes back to the Cain and Kirner years of the lowest common denominator. The legislation is not about equality of opportunity or giving everyone the opportunity; it is about equality of outcomes. History has shown that the Liberal Party is consistently committed to equal opportunity. Despite the rhetoric from government members, the Liberal Party has a good track record on equal opportunity in this state, but the current legislation before the house, I have to say, goes the wrong way. The legislation is flawed, and the fact that the Attorney-General has had to introduce amendments to it proves it is flawed. Unfortunately the minister refused to give us ample time to go out and speak to the community to find out its views about the legislation. What was he afraid of?

I wish to restrict my comments to the religious freedom the legislation restricts. Australia accepts migrants and refugees from many parts of the world, and many of them follow particular religions. Members from both sides of this house attend many functions where we encourage people to maintain their faith, and yet this legislation does the reverse: it restricts religion and it restricts people's choice. I have said on many occasions that all religions are different but they have the common core values of friendship, compassion and a fair go for all. This government is trying to take that away.

When migrants and refugees settle in Australia they sometimes experience various forms of discrimination and difficulty, from finding a home to having their overseas skills recognised. Some groups, especially

those from new and emerging communities, may experienced high levels of unemployment and language barriers. Due to their small numbers these new and emerging communities lack critical mass and often do not have the support of an established community of people from their own cultural background, and hence there have been occasions when newly arrived migrants have been discriminated against. I have had people come to my office to tell me they have been discriminated against in the workforce. Some employers do not take appropriate action to stop or eliminate discrimination.

There is already legislation that prohibits this type of behaviour, but the fact is these migrants are not aware of the law or of the responsibility of employers, and that is the fault of this government. After 11 years of standing up and talking about how it encourages people to migrate to this country and to this state, it does not have the programs and policies in place to eliminate discrimination.

The legislation challenges the religious freedom we currently have in Victoria. According to a library research paper and the many emails I have received in my office, some religious organisations have expressed concern about, and indeed are opposed to, the proposed changes to the religious exceptions outlined in the bill. Firstly, they object to the inclusion of the phrase 'reasonably necessary' in clause 82(2)(b). Such a provision restricts the freedom for religious bodies and schools to act according to their beliefs. Secondly, they oppose the inclusion of the term 'inherent requirement' with regard to employment by religious schools or organisations. What is wrong with a Christian school employing a Christian teacher or an Islamic school employing a Muslim teacher? It is not just about the teaching; a teacher is part of a school's community and part of a school's ethos. It is acceptable for a teacher employed by a school to believe in a religion and to practise the faith the religion offers the parents. Many parents send their children to religious schools for those reasons. Here we have a government that is saying, 'We do not believe in this. We do not believe you should have a choice', and it is trying to restrict it.

Finally, religious organisations are opposed to the new powers given to the commission whereby the commission can launch its own investigation into discrimination without clear guidelines. I believe this will increase red tape for small business and will cost jobs at a time when newly arrived migrants are finding it even more difficult to find employment. This legislation will ensure that there will be fewer jobs for migrants coming to Victoria.

Despite these concerns the Labor government is going out into the community and spreading misinformation and highlighting only half the facts. The Ethnic Communities Council of Victoria has put out a news release supporting the legislation without fully understanding its consequences. The legislation is an attack on religious freedom and freedom of association, and if the ECCV supports religious freedom and our multifaith communities, it should oppose the legislation. The bill restricts the freedom of religious exemption for schools and for other bodies.

Members of Parliament and ministers can employ staff who are members of the Labor Party; however, they will not allow religious organisations to choose the individuals who comply with the doctrines, beliefs or principles of their religion.

This legislation is flawed. It is against the principles of multiculturalism, and it should be opposed. We talk about multifaith and about supporting multiculturalism: this goes against the notion of multifaith in Victoria. I hear members opposite stand up, function after function, and talk about supporting our multicultural, multifaith community, yet they bring in this flawed legislation that does the opposite; it restricts religious freedom. It is poor legislation, and I urge members opposite to oppose this legislation, because it will do nothing for Victoria, it will do nothing for small business, and it will do nothing for Victoria's multicultural communities.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Equal Opportunity Bill 2010, which delivers on the government's election and social policy commitments to address systemic discrimination and to reform the Equal Opportunity Act 1995 and the Victorian Equal Opportunity and Human Rights Commission. The bill also meets legislative requirements referred to in the 2009 and 2010 statements of government intentions.

Recommendations in a report by Julian Gardner, entitled *An Equality Act for a Fairer Victoria*, follow his review of the 1995 act. I believe this bill will contribute to the realisation of a more respectful and inclusive community; I think 'respect' and 'inclusive' are the two keywords whereby everybody has the opportunity to participate in all aspects of Victorian society.

Before I go on to some of the details I want to talk about a couple of relevant matters, because in my view what we are hearing from the other side of the house is that they supported equal opportunity legislation in 1977 and again in 1995. I inform the other side of the

house that things change. The house has members, particularly on this side, who were not even born in 1977. Things do change, and legislation and social norms change too.

One of the previous speakers talked about our multicultural society. I am a firm advocate and supporter of our multifaith and our multicultural society, and that is reflected in my electorate of Yuroke, which sits within the municipality of Hume; it has constituents from some 150 countries. Despite all the scaremongering and hysteria of the opposition, I have received an email from only one constituent — one constituent in my multifaith, multicultural electorate with over 150 races in it and where many religions are practised.

Yuroke has a Sikh temple, a Buddhist temple and a Sri Lankan temple. There are many mosques and many Catholic churches in the area, yet I have received only one email. People can forget the hysteria exhibited by members of the opposition when they say so many people are concerned about the bill.

In replacing and reforming the 1995 act the government is going to change the commission from a complaints handling body to one that educates and facilitates dispute resolution, best practice and compliance. Dispute resolution is really a critical part of it. We do not want to be running off to the commission all the time. In the very few times disputes occur, we need to sit down and resolve those disputes.

The bill will give the commission more effective options to respond to systemic discrimination — for example, the ability to investigate serious systemic discrimination, engage directly with duty holders to reach enforceable undertakings, issue compliance notices where necessary and conduct public inquiries with the consent of the Attorney-General.

Another couple of things I would like to address include the Scrutiny of Acts and Regulations Committee report. I see the chair and deputy chair of SARC in the house, and I would like to congratulate them on the work they have done. It is an unenviable task to go through 1800 submissions, so I commend the committee for its dedication to the task in hand; and there were a further 114 submissions made after the bill was formulated.

The Deputy Leader of the Opposition raised some issues regarding small business, and I would like to address a couple of those issues. The small business exception only applies to recruitment, so its removal is consistent with commonwealth laws. I know the

Deputy Leader of the Opposition has great respect for the Victorian Employers Chamber of Commerce and Industry. I am not sure whether she has been able to catch up with people from VECCI, but I would like to inform her that VECCI is supporting the Equal Opportunity Bill, as is the Catholic Church. As I say, there have been extensive consultations, and those groups are supporting the bill.

I would like to talk about a couple of the targeted measures raised by SARC. The bill allows educational authorities to select students for a program on the basis of an admissions scheme that has a minimum qualifying age or that imposes quotas in relation to students of different age groups. I think that is really good. I want to talk also about a couple of issues of conduct that fall within the private realm. Clause 24 allows people to discriminate in relation to employment regarding the provision of domestic and personal services, including child-care services in their own home. One of the exceptions there applies to employers such as agencies that provide staff who provide home-based domestic or personal care services.

You often wonder where people's reasoning comes from. I think this is very moderate legislation. There is nothing in there that is scary. Things can be achieved through the commission's role in educating people and through a proactive duty to eliminate discrimination as far as possible. The fact that the Liberal Party supported legislation in 1977 and 1995 does not mean, and should not mean, that it does not support advancements to the Equal Opportunity Bill. There are many things in the world that have changed, and I think things in this world have changed for the better.

I understand the opposition's reticence to support this legislation, but given time opposition members will see that this is not Henny Penny; the sky is not going to fall in. We have had these tactics before from the opposition with much the same sorts of bills; the Charter of Human Rights and Responsibilities Act was one. Yet that bill has improved the lives of a majority of Victorians. In Victoria we have always been to the forefront of equality, and this bill will make sure we continue our leadership role in Australian society. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Equal Opportunity Bill 2010. In the few minutes that I have I would like to say that the —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — The question is:

That the house do now adjourn.

Portsea: beach erosion

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Environment and Climate Change regarding the erosion of Portsea beach. I am asking the minister to come down and inspect the beach and to subsequently address the problems that he will no doubt observe at the beach.

I had another look at the beach last week. It is incredible how much of it has disappeared in the last nine months or so. It has not been a gradual change; there has been a massive, sudden change. Many members might be aware of the Portsea Hotel. You used to be able to walk off the lawn at the Portsea Hotel straight onto the beach. You cannot do that any longer, because if you walk away from the Portsea Hotel, there is now a 3-metre drop down to what is left of the beach. If you stand on the beach, the edge of the foreshore is above you. Hundreds of metres of that section of beach is under water. We have lost thousands of cubic metres of that beach. Because of that, rocks that have never been exposed before are now exposed on the foreshore and what used to be a safe, sandy beach is now a rocky beach.

There has been exposure of many of the soak pits on the foreshore that are no longer used as the beach near the hotel and the other buildings has disappeared. The stormwater drain which used to be under the sand except for its outlet was fully exposed and collapsed because it no longer had any sand around it. It cost \$150 000 to repair that. Because the rocks that are exposed are limestone, the water is no longer clear but is cloudy and milky.

We are seeing massive swells every day when the tide comes in and also with northerly and north-westerly weather. The swells are metres high. When they come in at the Portsea pier it is unusable for a few hours each day, which seriously affects recreational users, especially dive boats — and the dive industry in Portsea is huge. It has also made the beach very dangerous, to the extent that the nippers who used to train down there cannot go there any more because the 2 to 3-metre swells knock the children over. It is very dangerous. This has had a severe effect on lifesaving and the dive industry, and it has also affected the trade in the Portsea village because people cannot go to that beach any longer. Something needs to be done very soon to restore what used to be a beautiful and safe beach.

Volunteers: Geelong plan

Mr TREZISE (Geelong) — I wish to raise a matter for the Minister for Community Development. The issue I raise relates to the important work volunteers carry out right across this state and also within my community of Geelong. The action I seek tonight is for the minister to support volunteering in my electorate of Geelong and the surrounding region and specifically to support the G21 volunteering plan.

As the minister would well know, and as you and all members of this Parliament would well know, Acting Speaker, volunteers play an important role within our communities. They coach our sporting teams, help our elderly, work with new arrivals to our country, run our school canteens and much more. All members appreciate that if it were not for our volunteers, many organisations, especially community organisations and clubs, would fail to exist.

The G21 Geelong region plan identifies volunteering as a key indicator of community strength and aims to increase community volunteering and engagement in a variety of activities. The idea is to increase the range of project-based volunteering opportunities for several skilled volunteer groups, including young people, unemployed people, employed people and retirees. It is an extremely worthwhile objective and one I believe our government and the minister in particular should be actively supporting.

G21 has a sustainability plan for the region that looks toward 2050. Its vision for volunteering will have benefits right across the five local government areas of the G21 region, being Geelong, Colac-Otway, Surf Coast Shire, Golden Plains and Queenscliff. The benefits will cover hundreds, if not thousands, of important local organisations. That is why it is important. The Brumby government must support the G21 volunteering plan to ensure that communities and individuals in Geelong and surrounding areas continue to benefit from the hard work of our local volunteers, as well as from the opportunities to get involved themselves.

As you no doubt appreciate, Acting Speaker, this is a very important issue. It is important to the community of Geelong and the wider region and to its clubs and other community organisations. Therefore I look forward to the Minister for Community Development having an input into volunteering and supporting the G21 plan.

Planning: shire of Wellington

Mr RYAN (Leader of The Nationals) — I rise to raise an issue for the Minister for Planning. I do so in relation to proposed amendment C33 to the Wellington

shire planning scheme. The action I seek from the minister is that he either suspend the process associated with the approval of that amendment or at least delay it until such time as proper and accurate information is available to the local community. Alternatively, I ask that the minister excise the township of Port Albert from the considerations applicable to C33.

The amendment is proposed to apply right across the whole of the Wellington shire. Essentially it deals with low land subject to inundation overlays or flood overlays and the application or extension of them as may be. The town of Port Albert was one of the first settlements in Victoria. It is in a beautiful coastal area in my electorate south of Yarram. It has a rich history associated with the early settlement of Victoria.

The passage of C33 as it is now constituted would have a profound impact on the current values of the properties in Port Albert and upon the future development of the town. Many representations have been made to me, primarily by the Port Albert Progress Association but also by many private individuals. One of those submissions has been made by a lady by the name of Vida Sobott from Port Albert. In the submission she has lodged she raises a number of primary issues about which she has concern. Amongst those she includes, firstly:

Official information regarding amendment C33 was contradictory, confusing and unclear, creating a disadvantage to those writing submissions. This raises the question of the responsible authority having fulfilled its common-law requirements —

and she sets out a number of examples. She then later says:

The premise for Port Albert's inclusion in Wellington planning scheme amendment C33 as a town prone to flooding is highly questionable and inequitable.

She gives instances of why that is so. Further, she says, referring to the land subject to inundation overlay, or LSIO:

If applied, the LSIO has the potential to cause lasting social and economic disturbance to the community of Port Albert.

Issue 4 is:

Amendment C33 may increase Port Albert's vulnerability to fire and sea emergencies.

Issue 5:

With the application of the LSIO, council may well be burdened with the question of responsibility and obligation.

Further, as issue 6, she says:

The compatibility of the LSIO and heritage overlay is questionable, as is the expertise of the West Gippsland

Catchment Management Authority to administer issues associated with it.

Accordingly, she requests action in the nature of that which I have sought of the minister. I ask the minister to act on this. Port Albert is not the only town affected by this proposal; there may be others in a similar situation. It is a matter that affects not only this town but other coastal areas. In the interests of the people of Port Albert I ask for the action that I have sought.

Forest Hill College: sports funding

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to support Forest Hill College's request for funding to assist in the installation of a four-lane running track and synthetic soccer pitch on the school's grounds.

Students at Forest Hill College do not have ready access to sports facilities as the closest facility to the school is Mahoneys Reserve, which is managed by the City of Whitehorse and is already at capacity under a share arrangement in place for local sports clubs.

The minister knows that across Victoria access to sporting facilities plays a vital role in encouraging people to get active and stay fit. More importantly, these facilities would provide many vulnerable families, struggling sporting clubs and students in the area with an avenue through which to build relationships and develop skills such as teamwork. They would also give students a sense of belonging and a sense of pride in themselves and the facilities that surround them.

Members of the school community have worked tirelessly to initiate this project, making contact with a number of sporting and local groups because they can foresee the advantages that these new sporting facilities would bring to students and local families. Recreational sporting facilities such as those planned by Forest Hill College play a vital role in encouraging more people to get active and stay fit, whilst at the same time helping to build a stronger and more inclusive community and ensuring greater social cohesion. Increasing the utilisation of Forest Hill College by the wider community through the enhancement of facilities would also, as research has shown, potentially decrease criminal activity such as vandalism in and around the school.

The estimated cost of the project is \$235 000, and the college is asking for the government's assistance in meeting this cost. I have been a part of this project since its inception and have had frequent meetings with college staff to assist in the development of the project and hopefully to secure funding. I am passionate about

this school, its staff and students and this project, so I ask that the minister offer what is needed for Forest Hill College to realise its plans to enhance the school and at the same time provide a great benefit to one of the more disadvantaged areas of our community.

Motor vehicles: registration

Mr HODGETT (Kilsyth) — I raise a matter of importance for the Minister for Roads and Ports. I draw the minister's attention to the VicRoads rules and regulations in relation to written-off vehicles, and the action I seek from the minister is that he review the rules with regard to the re-registration of vehicles that have been recorded as repairable write-offs due to hail damage.

I will illustrate this issue with an example. A constituent of mine, Mr Jones from Ringwood East, has contacted me about his son's vehicle, which was damaged in the recent storms of Saturday, 6 March 2010. The vehicle sustained significant hail damage. The insurance company assessed the market value of the vehicle, \$6000, as less than the cost to repair the damage, \$11 000. As such the vehicle has been written off.

The owner has negotiated with the insurance company to retain his car, and as such is left with his Holden Commodore 2000, Olympic edition, in good mechanical condition but with substantial hail damage to its body panels.

Enter VicRoads and the rules in relation to written-off vehicle registration. The written off vehicles register is designed to deter vehicle theft and to ensure written off vehicles are repaired to the manufacturer's specifications. There are two types of written off vehicles. The first is a statutory write-off: a vehicle will be recorded as a statutory write-off if it is a total loss and so severely damaged that it should not be repaired and therefore cannot be re-registered. The second type is a repairable write-off, where the vehicle can be re-registered after it is repaired in accordance with the manufacturer's standards. There is a process to go through to register a repairable write-off vehicle, and this is where the problem starts.

Mr Jones's son's vehicle was damaged by hail. It is for all purposes mechanically sound and roadworthy, and the damage is cosmetic in that the car's panels have hailstone dents. Mr Jones's son wants to continue to drive his car in this condition. He does not want to spend thousands of dollars removing the hail dents or purchasing another motor vehicle. However, under the VicRoads rules, because the insurance company has recorded the car as a repairable write-off, before the vehicle can be re-registered it must be repaired to the

manufacturer's standards and a vehicle identity validation certificate must be issued by VicRoads.

The absurdity of this situation is that other vehicles with hail damage, such as a \$100 000 Toyota LandCruiser with \$11 000 in hail damage, can be sold and driven around, but the \$6000 Holden Commodore with \$11 000 in hail damage cannot be driven around until the reason for the write-off has been repaired. In this instance the hail damage is the reason for the write-off, although the car is still perfectly drivable. Mr Jones's son has a sound vehicle but is prevented from driving it.

I am led to believe that Victoria is the only state where this situation exists. I am not for one moment suggesting that unroadworthy vehicles be allowed to be registered and driven on our roads. However, in this case common sense must prevail. I call on the minister to immediately review the rules with regard to the re-registration of vehicles that have been recorded as repairable write-offs due to hail damage.

Pascoe Vale war memorial: restoration

Ms CAMPBELL (Pascoe Vale) — The matter I raise is for the attention of the Minister Assisting the Premier on Veterans' Affairs, and the action I seek is that he carefully examine the proposal put by Moreland City Council in relation to the state government's Restoring Community War Memorials grants program. It is a very important program, and it is very important to the Pascoe Vale RSL, the local residents and their families who go to the Pascoe Vale cenotaph in Rogers Reserve every Anzac Day and Remembrance Day.

I believe seating needs to be installed under or near the cypress trees, in a position that gets shade in the mid to late-morning periods to accommodate Anzac Day and Remembrance Day services. I have observed that attendance at these services has risen each year, which is a great tribute to our local community, to the work of the local RSL and the work of my fantastic electorate officer, Kerrie Loughnan.

I have also observed the ageing of our returned service men and women who struggle more and more each year to get through the commemorative services. Last Remembrance Day I was worried about the flag bearer standing in the hot sun; he could have undergone the same fate as three people at the last Anzac Day commemoration when a number of people, including an elderly man, fainted; he had to be attended by an ambulance.

We need more seating around the cenotaph in Cumberland Road. Seating in the shade would make a

big difference to these wonderful men and women who wish to commemorate and pay their respects to their war dead. This applies not only to the Anzac Day and Remembrance Day services but at other times when people just simply like to go along to sit and reflect on their loved ones who are no longer with them.

I note that this request for the provision of seating around the immediate commemorative site meets the eligibility criteria for the grants program. It also meets the assessment objectives to enhance the experience for people attending commemoratives services and involves community participation at a local level.

I had the opportunity to take Tony O'Brien from Moreland Council, who was assisting in writing the submission, to the Pascoe Vale RSL; he was able to see first hand what we were requesting, and I understand he has written an excellent submission to those considering the memorial grants program. I ask the minister to give this request active, urgent and positive consideration.

Wild dogs: control

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Agriculture. The action I seek is for the government to reject the proposed changes to the wild dog controllers and dog trappers operations. Specifically the proposal is to impose 24-hour trap checks on wild dog controllers. This is on top of the recently implemented changes in trap sizes. That combination would reduce the effectiveness and efficiency of the trappers and their ability to do their job.

The government must reject these changes, which have been put in place because of the department's international or national agreements on animal welfare issues. Basically the changes will make the wild dog controllers unable to economically or efficiently do their job. I give an explanation of how this will affect them.

For 24-hour checks on traps, wild dog controllers will set trap lines. On a Monday the doggers will have to go out and uncover the traps that they have had to cover. On a Friday they will have to go back and cover the traps for the weekends, which means that any wild dogs walking up that road or along that trap line would see the human activity. Wild dogs are very suspicious and careful, cryptic animals. This would effectively make the trap lines useless. Basically the wild doggers would no longer be able to do their jobs.

The wild dog controllers are a very important asset for communities. Wild dogs cause incredible damage to farming communities, both to sheep farmers and now cattle producers throughout my electorate.

The action I seek is for the government to draw a line in the sand and make sure that it rejects any of these further proposals to reduce the effectiveness of the wild dog controllers, to make sure that the wild dog controllers are allowed to do their job and cull wild dogs which are impacting on a daily basis on producers right across my area.

It is absolutely essential that the government takes a hard line on the animal welfare issues which are being dictated to it by other countries, because the proposals put forward will effectively ensure that wild dog controllers will not be able to do their job. These proposals need to be rejected, including the 24-hour trap checks and also the changes in trap sizes.

Coral Drive–Hallam Road, Hampton Park: traffic lights

Ms GRALEY (Narre Warren South) — The matter I raise for the attention of the Minister for Roads and Ports concerns funding for road safety measures in my electorate. The action I seek is for the minister to provide funding for right-turn signals at the intersection of Coral Drive and Hallam Road in Hampton Park.

The Coral Drive–Hallam Road intersection is home to many community facilities, including the Hampton Park Uniting Church, and is close to the busy Hampton Park shopping centre. This makes the intersection a very busy one in peak periods. It is also en route for many parents who take their children to Coral Park Primary School.

I am strongly committed to securing the safety of the many local residents who use this intersection and these roads on a regular basis. Last year the community mourned the loss of five young lives on Hallam Road at the Ormond Road intersection. The Brumby Labor government took action to prevent any further loss of life by quickly installing traffic lights at the intersection. I can assure members that the loss of life is something we all remember with great grief, and we certainly want to see action taken to prevent any further loss of lives. I am totally committed to doing everything possible to ensure that Hallam Road is as safe as possible for both motorists and residents.

Hallam Road needs to be duplicated. In fact, I had an email only yesterday from Dennis Luke, a truck driver, and I must say I speak to him quite a bit about road

issues because he is also a keen Western Bulldogs supporter. He emphasised in his email to me that no other primary road in Melbourne that fronts such a busy and large shopping centre is single lane; all are dual or multicarriageway, and Hallam Road could have two lanes or more.

This is something that I am working towards, and I know my community is completely behind me on this. We are fortunate that there have been no fatalities at the Coral Drive intersection, but there have nonetheless been a number of injuries. During the five-year period between 1 January 2004 and 31 December 2008 there were nine casualty crashes at the intersection.

Controlled right-turn signals will significantly enhance the safety of local residents at this intersection — both motorists turning onto Hallam Road and pedestrians crossing Hallam Road. I ask that the minister provide funding for right-turn signals at the intersection of Coral Drive and Hallam Road in Hampton Park.

Disability services: Mooroopna accommodation

Mrs POWELL (Shepparton) — I raise an issue with the Minister for Community Services about two vacant supported accommodation places in Mooroopna. The action I seek is for the minister to immediately investigate why these places are vacant when there is such a demand for supported accommodation in my community and why they have not yet been allocated to people who need this sort of accommodation.

I am deputy chair of the Family and Community Development Committee, which has just completed an inquiry into supported accommodation for people with a mental illness or disability; the committee heard that supported accommodation is at crisis point, particularly in country Victoria.

The committee heard evidence that 70 people in the Goulburn Valley are in immediate need of disability accommodation, and hundreds more are still to be identified. We also heard from ageing parents who feel their adult child with a disability or mental illness will not receive love, care and decent accommodation before they die, or in the days when the parents are too frail to look after them any more.

The two accommodation places that I heard about in Mooroopna have been vacant for quite a number of months. One of the houses — and I can inform the minister of the address — has been vacant since October last year, and the other one has been vacant since December last year, so one of them has been vacant for five months; the other, for three months,

which is a fairly substantial period when people are desperate for this sort of accommodation. I am not sure why they are vacant.

On 12 March this year I received a letter from a Mrs Diane Thomas, who, along with her husband Bill, cares for her daughter, Kylee, who is 34 years old and has a disability. She attends day programs in Shepparton. The letter states:

Kylee has been on the waiting list for residential accommodation for the past nine years. Each year we have a review to place her on the list, and each year it tends to be a different person conducting the review.

Last week the reviewer requested I move Kylee from a residential list and to apply for shared supported accommodation. I remain unsure of the difference and as a result agreed to move in order to obtain supported accommodation for Kylee in the near future.

Mrs Thomas heard of the two units and came to see me about why, when there is such a need for this sort of accommodation, there are two perfectly good places vacant in Mooroopna. I would like to know why the houses have been vacant for so long. I would like to know whether it is a matter of maintenance or upgrades and, if so, when will that maintenance or upgrade take place; also, has this maintenance started; and, more importantly, when will these really vital supported accommodation rooms become available?

Peace Street, Glen Iris: noise levels

Mr STENSHOLT (Burwood) — My adjournment matter is directed to the Minister for Roads and Ports, and the action I seek is that he consider noise attenuation actions in my local area. At the bottom of my electorate is the Monash Freeway, which extends from Huntingdale Road past High Street to the Nettleton Park Reserve. Local residents have over time made known to me their concern with noise in their streets and through the Gardiners Creek-Glen Iris valley.

Recently the very extensive and very welcome upgrade to the Monash Freeway has been undertaken by the M1 Alliance. This has now virtually all been finished, although CityLink has been unfortunately slow to complete its section. I represented the interests of local residents who were keen that the M1 was accompanied with actions to attenuate freeway noise. There was concern that increased traffic might mean increased noise.

I have had a good working relationship with the City of Boroondara on this matter, especially with the former director, Vince Haining, and I wish him well in his

future career. I have also lobbied the Premier and cabinet successfully to include \$100 million in funding in the transport plan for noise attenuation. I would like the minister to now spend some of this money in my local area. Recently I received an email from a resident in Peace Street, Glen Iris, seeking my assistance with noise attenuation. He brought to my attention problems with excessive noise, particularly from trucks using exhaust brakes. This seems to be related to city-bound traffic near the Darling railway station, reducing speed from 100 kilometres per hour to 80 kilometres per hour.

I ask the minister to initiate action to ensure drivers do not use their air brakes in this area. As my constituent said, this can be done by appealing to the professionalism of vehicle drivers to respect the nearby residents by appropriate signage and enforcement. I refer the minister to his press release of 23 February on noise camera trials, and I ask him to consider trialling as soon as possible a noise camera in the area near the Darling railway station and thereby enforce the heavy vehicle national noise emission standards, with non-compliance, of course, ultimately resulting in suspension of a truck's registration.

I also ask the minister to ensure that appropriate warning signs are installed along the M1, advising drivers that it is illegal to use air brakes in the built-up area and that offenders will meet the penalties as specified by the law. I would hope these measures will enable residents in Peace Street to sleep more peacefully at night, and I am sure that they and Boroondara council will support these measures.

Responses

Ms D'AMBROSIO (Minister for Community Development) — The member for Geelong raised with me the importance of volunteering in our community and the need for volunteering in the Geelong region, especially in terms of the support that we can offer them. I had the pleasure of meeting with representatives of a number of community organisations in Geelong last week and was able to have very fruitful discussions with them about the challenges of attracting and supporting volunteers. We certainly went through and identified those issues, and I was very pleased to have been able to indicate to them that this government stands ready to be able to assist them.

It is a very important issue that the member raises and one I know that the member for Geelong certainly takes a very keen interest in. It is also a very timely subject given nominations for the Premier's community volunteering awards close today. The Brumby government has long recognised the importance of

volunteers in our community. We know that a diverse and inclusive volunteer culture is a common feature of stronger communities and that strong communities offer better social, economic and environmental outcomes for everyone.

We also recognise the challenges faced by our local community organisations in attracting volunteers. Whilst the percentage of adults volunteering in Victoria has been increasing, the average number of hours volunteered per person has been in decline. What this tells us is the way people give of their time is changing, and organisations certainly need to be able to adapt to this.

This is why the Brumby Labor government devised its \$9.3 million volunteering strategy to provide practical and effective support for volunteering in Victoria. From this strategy we hope to achieve the best possible match between the way people are willing to offer their time as volunteers and the sorts of volunteering opportunities that are available to them. Key actions from this volunteering strategy include a major volunteering awareness and recruitment campaign which will go live in May to coincide with National Volunteer Week.

We are also creating a single-entry website for volunteering and participation in Victoria. This will help match volunteers with the right opportunities for them. It will also enable community organisations to network and share valuable ideas and experiences through online forums and blogs. This website will be the first of its kind in the country. Several Geelong-based organisations have recently been involved in focus groups about the content, tools and resources for this website, which I believe will be a terrific community asset.

We have also designed a new targeted grants program to support innovation in volunteer attraction, engagement and retention. There is a volunteer recognition strategy, which includes, as I have previously mentioned, the Premier's Community Volunteering Awards. The Brumby government also supports volunteering through its Victorian volunteer small grants. These grants are available to help organisations attract volunteers from diverse backgrounds, create new volunteering opportunities and strengthen existing volunteer programs. Since 2004 we have allocated more than \$5 million in volunteer small grants to over 1400 community organisations across the state.

As the house can see, the Brumby government has been very active in its support for volunteers, and it will continue this support well into the future. I urge

community organisations in Geelong and across the state to make the most of the initiatives coming out of the government's volunteering strategy. We are keen to ensure that our volunteers have the support they need to continue to make Victoria the best place to live, work and raise a family.

Mr ROBINSON (Minister for Gaming) — The member for Pascoe Vale has asked me this evening to closely study a very worthy application that has been made by Moreland City Council for funding to upgrade the Pascoe Vale war memorial under the Brumby government's Restoring Community War Memorials program. I assure her I certainly will give that application my closest consideration. The program has been running for about five or six years, and although it is one of the smallest programs on offer in Victoria, it would have to be amongst the most popular. It is wonderfully supported every year, and over the past several years around 230 projects have been approved with funding of about \$1.25 million.

Whenever I have the privilege of meeting locals either to discuss applications for funding or announce that an application has been successful and a grant made, I am always amazed by the strength of the community response. Even in localities across the state that would appear to have no-one living nearby we see a strong turnout of people from the region or from the district who are unanimous in their support for an upgrade to the memorial, because that memorial stands for something. It reminds them of the service and sacrifice of people who lived in that area many years ago; it also stands as a memorial to guide and help shape future generations.

Certainly over the last year I have had the opportunity of going right around the state. Last year I was with the member for Gippsland East at Briagolong, where we made a grant announcement. At Rosedale, Sale, Erica, Noojee, Pahrnan, Port Melbourne, Kangaroo Ground, Kangaroo Flat, Avenel, Bowenvale, Timor, Plenty, Healesville and right across the state these grants have proven to be very popular.

Interest in attending commemorative services is increasing. Crowds are continuing to grow. That is the case as much in Pascoe Vale as it is anywhere else in the state. The member for Pascoe Vale has indicated the need at the Pascoe Vale war memorial for additional seating to be provided in a shaded area. I think that is an eminently sensible proposition because, as the member for Pascoe Vale quite correctly points out, our veterans are getting older and providing seating is an important way of ensuring that they can continue to attend events in the vicinity of those memorials.

I understand that the memorial also needs some cleaning and regrouting in different places, which is consistent with memorials of that vintage. Moreland City Council has made a very strong application, and I look forward in coming days to considering that. Just as the member for Pascoe Vale has made mention of this, last night the member for Burwood also raised the issue of a couple of applications by Camberwell RSL and Ashburton Primary School. I can also assure him that these will be given close consideration in coming days.

The member for Burwood raised for the attention of the Minister for Roads and Ports his concern about the need for noise attenuation along the Monash Freeway in Gardiners Creek valley. I will pass that matter on to the minister.

The member for Shepparton raised for the attention of the Minister for Community Services an issue with respect to vacant supported accommodation premises in Mooroopna. I will pass that matter on to the minister.

The member for Narre Warren South raised for the attention of the Minister for Roads and Ports the need for road safety measures, particularly right-turn signals, to be installed at an intersection in Hampton Park. I will pass that matter on to the minister.

The member for Gippsland East raised for the attention of the Minister for Agriculture an issue regarding concerns about wild dog controller regulations and practices, seeking a rejection of recent changes to those practices. I will pass that matter on to the minister.

The member for Kilsyth raised for the attention of the Minister for Roads and Ports a request for a review of VicRoads's written off vehicles register as it affects hail-damaged vehicles. I will pass that matter on to the minister.

The member for Forest Hill raised for the attention of the Minister for Sport, Recreation and Youth Affairs her support of Forest Hill College — an excellent school; one that I have some familiarity with — and its application for a four-lane running track and synthetic soccer ground. I will pass that matter on to the minister.

The Leader of The Nationals raised for the attention of the Minister for Planning his concerns about the C33 Wellington planning scheme. In particular he is seeking a suspension, delay or excise of that scheme as it impacts on Port Albert. I will pass that matter on to the minister.

The member for Geelong raised for the attention of the Minister for Community Development an issue with respect to volunteering plans for the G21 Geelong region plan. I will pass that matter on to the minister.

Finally, the member for Nepean brought to the attention of the Minister for Environment and Climate Change concerns about the erosion of Portsea beach and very kindly extended an invitation for the minister to visit the beach and inspect the damage that has been done by the erosion. I will pass that matter on to the minister.

The ACTING SPEAKER (Mr Nardella) —
Order! The house is now adjourned.

House adjourned 10.39 p.m.