

**PROOF**

**PARLIAMENT OF VICTORIA**

**LEGISLATIVE COUNCIL**

**DAILY HANSARD**

**Wednesday, 2 May 2007**

5. The committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
6. Four members of the committee will constitute a quorum of the committee.
7. The chair of the committee will be a non-government member and the deputy chair will be a government member.
8. The committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.
9. The committee may commission persons to investigate and report to the committee on any aspects of its inquiry.
10. The committee will present its final report to the Council no later than 30 June 2008.
11. The presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions.
12. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

### Establishment

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

That —

1. A select committee of seven members be appointed to inquire into —
  - (a) the sale or alienation of public land for development;
  - (b) the sale or alienation of public open space for the purposes of private development; and
  - (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.
2. The committee will consist of two members from the government party nominated by the Leader of the Government, two members from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals, one member from the Australian Greens nominated by the Australian Greens Whip, and Mr Peter Kavanagh, MLC, from the Democratic Labor Party.
3. The members will be appointed by lodgement of the names with the President by the persons referred to in paragraph 2 no later than 4.00 p.m. on Friday, 4 May 2007.
4. The first meeting of the committee must be held no later than 4.00 p.m. on Monday, 21 May 2007.

We are in the first decade of a new century and already it is clear that communities and Victorians are becoming more and more concerned with the natural and built environments that surround us. Victorians are taking a keener interest in the form and style of our city that is our capital, and the character of the country and regional towns that make up our great state. Importantly Victorians are taking a much more proactive interest in the character of the neighbourhoods in which they live and in the preservation of the existing public open space in those cities and towns.

But since the turn of the century it is clear that public open space has come under attack. It has become a commodity to sell or develop, rather than to preserve. As land prices have risen dramatically across the city over the last few years, principally near central activities areas, and moreover due to the establishment of a rigid urban growth boundary, the state government appears to have become a land speculator with its public land holdings. Unfortunately public open space has become more of a line item in the Department of Treasury and Finance's Excel spreadsheets first and a public, economic and social asset second.

This motion has been put forward for debate today to establish this select committee in the hope that this chamber will view this issue with exceptional importance, because once open space is lost, as we all know, it cannot be replaced. Further, it is clear that the

Bracks government is disposing public land across the state in order to get a quick financial gain with little or no regard to the open space that is being lost forever.

The proposed committee would be composed of two Liberal Party members, one member from The Nationals, one member from the Greens and a Democratic Labor Party member. It is the same formation as that of the Select Committee on Gaming Licensing. It is a formula that is fair and representative and, most of all, one that has been found to be working well in the first select committee that adopted this formula earlier this year.

09:55 If it is formed, the committee will clearly have wide-ranging powers and the ability to call and hear evidence from many people across Victoria — from departments, developers, community groups and local people — all of whom have a role in shaping our cities and towns.

While during this debate some people may say that the existing standing committees can accomplish the work this select committee seeks to achieve, that is clearly not the reality. Standing committees have either half or a majority of government members and thus are unrepresentative of how this chamber is formed, given the way Victorians voted for the members of this house. Could anyone seriously expect, if a committee is formed with more than half its members from the government of the day, it will be a genuine inquiry into the sale of public land by its own government? Is it believable that a committee formed with more than half its members from the Labor government will not work to tone down any evidence or language that may possibly not be in the government's best interests? I think not.

Members of the government say members of the opposition should ask questions in the house if we have concerns about this issue. Members of the government no doubt would say that opposition members should use the adjournment debate or members statements to get our points across. The point is: is the government listening? Have any non-government members in this chamber had any success with any minister on an issue of significance when leading a deputation to them? A more salient point is: will a minister even meet with them?

The only way to achieve a real outcome and to find the answers to the issues surrounding the sale and alienation of public land is for this state to have a fair and representative upper house inquiry, as is proposed by this motion today. It is for members of the upper house to fulfil the role the house was designed to play:

to be a check and balance on government — that is, for its members to ask fair, reasonable and tough questions about government policy such as the sale of public land, which is so profoundly impacting on the lives of so many citizens whom we represent today may represent into the future.

I turn to address briefly the *Melbourne 2030* policy. As members of this house know, the government is deeply committed to that *Melbourne 2030* document. It is a metropolitan planning strategy that aims by 2030 to load an extra 1 million people — the population of greater Adelaide — into the metropolitan area without any major expansion of the urban footprint. Its key aims are to maximise the use of vacant land in existing suburbs and to promote the construction of high-density homes — many in areas where low-density homes are currently the only style of home there, as I have pointed out in this chamber.

Before even debating the rights and wrongs of that strategy, the question that must surely be asked is: if we are going to cram an extra 1 million people into the Melbourne metropolitan area, predominantly into existing urban areas, surely we should be preserving our current open space at all costs? Surely public open space becomes even more important to the future of our city and our lives and our children's lives if our population rises from 3.7 million to 4.7 million people without any major growth in the urban footprint. How could the state government justify the sale of the public open space — that is, the removal of public land — on one hand and say it is promoting a policy of creating a fairer and greener city on the other hand? The two are totally inconsistent. I doubt there are many people who disagree with the proposal that Melbourne should become a more compact city, but if it is to be a more compact city, the state government should be seeking to expand our stock of public open space, not sell it off.

A number of highly controversial land sales in Victoria have more or less come to a crescendo, and that has led to moving this motion and its subsequent debate today. The former Kew Cottages site, which I am sure many members are aware of, is 27 hectares of parkland in the inner city area. There are numerous significant and very, very old trees and heritage buildings, which, apart from a dozen or so, will be lost forever. The former Royal Park Psychiatric Hospital site in Parkville has heritage buildings on 20 acres of prime inner city land, and there are thousands of trees throughout the site. In return for the land being used temporarily to house the Commonwealth Games athletes the government built 80 social housing units which will be provided to the community. That is quite amazing when it is compared to the 1956 Olympics. The 2006 Commonwealth

Games were substantially larger than the 1956 Olympics, which provided around 800 freestanding homes for public housing — and that was 50 years ago.

10:00 The showgrounds site near Epsom Road is another example that I, for one, have brought to the attention of this chamber on a number of occasions. It is public land that was hived off for a new supermarket complex. It is not close to heavy rail, it is not in an activities area and is a proposal under which an existing heritage building would be turned into a bottle shop. The design of the supermarket complex that was considered by the government provides for a large, wide, open and windswept car park — a plan that is utterly in contrast to everything that Melbourne 2030, this government's bible for planning, says should apply. It certainly says urban planning should not be what has been put to the government in this proposal, but that plan nonetheless was being considered and still is being considered by the state government for development on public land.

. The government has still not ruled out allowing up to 200 poker machines to be located on the showgrounds site just across the road from the city of Moonee, a municipality from which the state government has said pokies have to be removed because it has too many. That is all being done in the name of Labor's Melbourne 2030 strategy and there has not been a single constructive response from the government in this Parliament to elected members or those in the community who have raised this issue in quite a serious manner and with much concern.

Outer Melbourne has not escaped the government's eye either. Some members may be aware that there are 40 hectares of land at Devilbend Reservoir on the Mornington Peninsula which, as with land across the metropolitan area, the government plans to have sold off to the highest bidder. There are many examples of the sales of public open space across the state that are of deep concern, but I want to take this time to talk about two in particular. The first is Kew Cottages, which has a very long history, as many members know. The 27-hectare parkland site is in Melbourne's inner east, right on the edge of the Yarra Bend parklands. The future of the site becomes cloudier as every day passes, and the processes that have led to the development of this land have presented many questions that the current government appears exceptionally unwilling to answer. In its current proposed form the site will house up to 4500 residents on 27 hectares — that is, the population of a town the size of Anglesea. It is a site that is not near trams, is not near trains, has only a limited bus network nearby and is not near an activities area. The government has made no promises to upgrade schools close to the area or to upgrade water and road

infrastructure to cope with the influx of the expected additional 4500 residents.

A project like the showgrounds project flies in the face of the *Melbourne 2030* document. In fact it is utterly contrary to the ideals of the state government's much-publicised planning policy. It adheres to very few, if any, of the principles of Melbourne 2030, yet it is one of the hallmark planning developments that the state government boasts about. The successful tenderer for the site was a Sydney company called Walker Corporation. It has since sold the site to Mirvac, which is now in the first stages of developing the site. But there is more about this site than meets the eye. In Western Australia Labor's Mr Fix-it, as we all now know, is a fellow by the name of Brian Burke. In Victoria Labor brings in a Mr Fix-it by the name of David White, and in New South Wales they bring in a Mr Fix-it called Graham Richardson. Graham Richardson is a man who prides himself on a whatever-it-takes attitude. It is a crash or crash through mentality that has typified a brutal, adversarial, win-it-or-wreck-it approach that many Labor politicians of today have been brought up to adhere to and still do.

Just before the Victorian election last year Mr Richardson ventured down to Melbourne to have high-level meetings with Bracks government officials. Whether or not he met the Premier is debatable, mainly because, not surprisingly, as one would imagine, the Premier refuses to say. Many people in the planning industry are saying that Graham Richardson was certainly down here to lobby the government on issues related to this site. Why would he not be? The question has to be asked: was Graham Richardson here to discuss the change of ownership and, if so, why? Those are questions we just do not know the answers to. It is also important to note that Minister Theophanous, whose portfolio is responsible for the development of the Kew Cottages site, was forced to admit that he met Mr Richardson when he came down from Sydney just prior to last year's state election. Again, as one would imagine, the minister has refused to say whether he met Mr Richardson and discussed the Kew Cottages site.

He certainly will not say whether that was a topic entertained by both of them. What do they have to hide? Mr Bracks and the government will not answer these questions and nor will anyone connected to the development. The committee controlled by the Labor Party certainly will not have the political will to ask the hard questions of those involved, and they are questions to which the community is seeking answers. However, I have no doubt that an upper house select committee would ask these questions.

10:05

I believe there are very good reasons why the likes of Graham Richardson are becoming involved in the development. That is because the project is worth close to \$1 billion in sales — \$1000 million dollars of public land. Kew Cottages is the fire sale of the century for the Bracks government, and it appears that Richo has come down from Sydney to ensure that it all goes right. A controversial fire sale of public open space, bitterly opposed by the community — —

**Mr Viney** — On a point of order, Acting President, in the light of Mr O'Donohue's continued raising of the matter of members reading their speeches, I draw your attention to the fact that the member is clearly reading his speech and has been doing so for the 12 minutes he has been on his feet.

**Mrs Coote** — On the point of order, Acting President, I am sitting beside Mr Guy and I can see that he is referring to copious notes as he is the major speaker on our behalf.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Guy is to continue on his motion.

**Mr GUY** — I note for Mr Viney's interest that I certainly do have copious notes — in fact, about 30 or 40 pages of notes and documents that I will be reading from — —

**An honourable member** interjected.

**Mr GUY** — I certainly will be reading from them.

**An honourable member** interjected.

**Mr GUY** — I will be referring to these notes throughout my speech. While Mr Viney has made interjections throughout my speech, I would like to remind the house that this is a serious issue. This is not a joke; it is the public fire sale of the decade. It involves land holdings worth \$1 billion. It is, as I was saying, a controversial sale of public land. I repeat that it is the fire sale of the century, and it is bitterly opposed by the community in the area. If we want the truth to be told here, we need to have a mechanism that will get it. A select committee is the only mechanism that will deliver the truth.

Another example I would like to draw to the house's attention is the suburb of Notting Hill. It was Australia's first preplanned neighbourhood, if you like, the first estate built by renowned builder AVJennings. It is a quiet, peaceful suburb with kids, families and people kicking the footy in the street. It is a place where the dogs do not bite. It is a place where people can live what many of us would regard as the great Australian

dream, with a house on a block of land in the suburbs, where the neighbours are all still friendly to each other. However, Notting Hill is under siege, as residents know. In the last four years they have lost their day care centre, their kindergarten, their primary school and their secondary school.

Unfortunately when AVJennings built the estate it ran out of money, and the public land in the middle of the estate that was set aside to be a park never eventuated. As I stated, both the primary and secondary schools recently closed. It was those two schools that the community used as public open space. Realising that they were under siege, members of the community rallied together. They went to the local council and presented a plan for part of the site of the now closed secondary school to be used as public open space, because their suburb does not have any left. The council went to the government and was told that this was not a problem, so long as the council paid market rates for the land. This was a wild and ridiculous suggestion, as the government knew no council could possibly afford to do so.

Why would the government not want these two school sites sold to the highest bidder? It is because, irrespective of the fact that no open space now exists in this small suburb, according to the *Melbourne 2030* document the land on which the two schools are located is right in the middle of the Monash University health research precinct.

So it is not just an average surplus-to-government-requirements school sale anymore. It is a couple of plots of public land that are now worth millions upon millions of dollars more than they would be if they were schools stuck out in the suburbs somewhere else. Land on the edge of Notting Hill is already being sold for high-rise student accommodation. Right next to the old secondary school is land that is being sold to have new office blocks of four or five storeys. So the sale of the high school by this government, so pious about its record in education, is because the government has seen the flashing dollar sign first.

Like Kew Cottages, there is more to this story than meets the eye. I am informed by the residents that the school closed on 22 December last year for good. By the end of January 2007 it was already deemed surplus to government requirements. It was not even a month later. This means that the Department of Education (DOE) had written to all other government departments and offered the land to them. After receiving replies it had then gone to all other schools in the area and offered it to them and got replies back. This was all

done over the Christmas period. Then it declared the school surplus. Are we seriously expected to believe that the process to declare this school surplus was conducted by DOE over the Christmas period, that it contacted all involved and it was done in the proper way?

There is more about Notting Hill that we need to know about. A German school was approached and it became interested in establishing what is called a co-host school similar to, I am informed, one in Caroline Springs at the old primary school site. Surprisingly, the Department of Education refused to meet or talk to that school. When the Germans left a Chinese group came in. The department refused to talk to that group as well. We are talking about a school site a couple of kilometres away from Clayton and Springvale where those communities have large numbers. We should not be surprised. As I mentioned earlier, it is becoming clearer to all of us that DOE does not want to talk to any of these people because the monetary value of these sites is more important than the actual use of the school.

I should inform the house at this point that the Notting Hill residents association contacted their local MP, Hong Lim, the member for Clayton in the other place. The association never received a reply and it did not contact him once but multiple times. It also sent over 130 letters to the then Minister for Education and Training, Lynne Kosky, now the Minister for Public Education. Ms Kosky appeared to have the same attitude in education as she does in transport because she did not want to hear about its letters; more than 130 letters were sent to her but she did not reply to a single one.

So Notting Hill is set to be a small suburb with no schools, no shops and now no public open space. The public land has been entirely sold off for development over the last few years because the state government is obsessed with being a land speculator first. It is a suburb that will now have all the hallmarks of Melbourne 2030 — what the minister and this government want — with hundreds of additional people living in the suburb but with vastly reduced open space.

The main question we have to ask ourselves today is who speaks for these people? When the government is not listening, when the Department of Education is obsessed with selling off every scrap of public open space in this suburb for the highest price with no desire to negotiate reasonably, who helps these people in Notting Hill? How can we ensure that the processes to dispose of this public land were audited, examined and investigated so that they were done on proper lines?

The answer is in this motion today and the proposed select committee.

There are many people who have been fighting the battle to preserve open space for a number of years. The battles have become ever more important as the discussions for a more compact city and regional centres become more and more, I guess, the accepted norm. This government needs to learn that people do not object to living in a more compact city. This government appears to be utterly obsessed with this idea, but it needs to understand that people do object to living in a more compact city that has less open space within it. To increase the density of the city at the expense of open space is no longer an option. The government wants to add an extra 1 million people into the metropolitan area without any significant expansion of the urban footprint. A government that has that kind of attitude and policy should be valuing existing open urban space. It should be appreciating open space, not selling it off.

The government has questions to answer when it comes to the processes by which open space is being disposed of, particularly in the last few years when land prices have risen dramatically, predominantly due to the imposition of an urban growth boundary.

Questions surrounding the sale of open space at Kew Cottages, the showgrounds and Notting Hill are as relevant today as they were a year ago and they will be in two or three years time.

10:15

The government has conducted fire sales in the past, and it will continue to do so in the future. The problem Victorians have is that questions about the manner in which those sales have taken place — the secrecy behind them and the lack of openness, honesty and transparency on the part of a government that is remaining tight-lipped — can only be answered by a select committee.

The current planning minister frequently says that he does not want to live in a city where you have to use a litre of petrol to buy a litre of milk. I simply say to him: under his policy, and without this committee, we may be living in a city where you have to use that litre of petrol to go to the nearest park. I urge all members to support the motion.

**Mr VINEY** (Eastern Victoria) — I am pleased to join the debate and to respond to some of the issues raised by Mr Guy. I was disappointed that he would — —

**Mrs Coote** — You are not reading, are you?

**Mr VINEY** — There is not a lot to read. There is an amendment and a couple of very scratchy notes in my very poor handwriting, and not even half a page on a pad.

One of the problems that meant I was disappointed in Mr Guy's contribution was his criticism of the integrity of joint committees. I know Mr Guy is relatively new to this Parliament, but I urge him to do a little bit of research and learn a little history. The joint committees of this Parliament have an enviable record throughout Australia, and even some considerable international repute. I name but one, the Road Safety Committee, which I have never served on but which has a reputation for having achieved substantial amounts of change in road safety in this community, so much so that the road toll has come down from, I think, around 1000 people per annum to just a few hundred, which is still of course too many, but that is the kind of success and record joint committees have had in this place.

There have been academic studies of joint house committees in this Parliament that have talked about those committees being a model of how parliamentary committees can work effectively in a Westminster-style democracy. It is disappointing that Mr Guy believes it is not appropriate to send a reference such as this off to a joint committee.

The second point Mr Guy was making and of which he was giving us a number of examples — reading from his copious notes, in fact referring to his notes most generously — was about supposed atrocities in public land sales and alienation under this government. Again Mr Guy could do with a bit of a history lesson and a little bit of research. He described the alienation of public land in Victoria under this government as, firstly, the worst in a decade and then, about two sentences later, the worst in a century. I am glad he stopped at that point, because we would have had the worst since white settlement if he had kept going.

He forgets the record of the Kennett government in this regard. The Kennett government closed over 300 schools, and they were flogged off, often for housing developments.

10:20 In fact when I ran for the Legislative Assembly seat of Frankston East at the 1999 state election one of the commitments that the Labor Party made in opposition was to buy back the Monterey Secondary College site, which had been closed by the Kennett government and sold to a housing developer. That site was in the heart of the Frankston North community, and it was a significant commitment we gave to that community to buy that land back. In fact we bought it back in our first

term in government at a significantly higher cost than the Kennett government had sold it for. That land is now a public park in the heart of Frankston North, which is one of the most disadvantaged communities in our state. Unlike the Kennett government, which ripped a school out of the heart of that community, we invested in the community.

I give yet another example. Today we are constructing a substantial aged-care residential facility in Mornington at the site of the old Mornington High School. The proposition of the previous government, supported by the former member for Mornington in the other place, Mr Cooper, was to flog off that site for a housing development. This government resisted that proposal and is now building an aged-care facility on the site. They are just two of the hundreds of examples of the selling off of public land under the previous government.

Let us look at the opposition today. The opposition was absolutely mute on the Point Nepean Park debacle. The federal government was proposing to alienate a substantial portion of the Point Nepean National Park, and it was only really strong community activism and the leadership of this government that saved that park. The Liberal Party was mute on that matter.

It is our view that a matter such as this should be considered by a joint committee. There are good reasons for that, not the least of which is that joint committees in this Parliament are very well resourced. They have an executive officer, research officers and the experience and reputation of many years of practice. As I said, they have an outstanding reputation for what they achieve. It is our view that a reference of this matter to a joint committee would be an appropriate and proper way to go. We do not have a concern about a joint committee, or even for that matter a select committee, investigating this or any other matter. This government has been very open and transparent about the way it does business, and we do not have an objection about there being a parliamentary investigation into this matter. The objection we have is the development that is taking place in this chamber under the new structure of establishing select committees on anything. We already have a committee system that has served this Parliament extremely well over many, many decades, and we do not believe that it is appropriate to keep referring every single item that members in this place have a concern about to a select committee.

For that reason I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this house requires the Outer

Suburban/Interface Services and Development Committee to inquire into and report by 30 June 2008 on -

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private use or development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.

10:25 I do not believe this closes off the option of this house establishing a select committee into this matter in the future if, as Mr Guy has suggested, a joint committee does not adequately investigate the concerns of members opposite. Members opposite have 21 votes, the government has 19. They can establish a select committee at any point once they get all the numbers together. This does not close off that option. What I am saying is that this is a proper and appropriate process. If members opposite are unhappy with the investigations of the joint committee — and I do not believe they will be because in my experience joint committees take their responsibilities very seriously — in three or six months they can establish a select committee. But that should not be the first port of call every time a member opposite wants an inquiry into something.

This house has already referred the issues associated with bushfires to the Environment and Natural Resources Committee, of which I am a member, and I can assure the house the committee is taking its reference extremely seriously. As members of Parliament we have all taken on and understood our responsibilities to investigate the matter referred to us, and that is what committee members intend to do. I think, from memory, the inquiry into the bushfires was originally proposed, and Mr Hall will know, as a select committee.

**Mr Hall** interjected.

**Mr VINEY** — It was not? I apologise; I thought there were some discussions and we came to that. But in any case it was an absolutely appropriate reference. It is one that is supported by all members of the house and one the community would generally support. I do not see any reason for not using the same method to undertake an investigation into the matter of public land and public open space — that is, by using the resources of the joint committee system.

In relation to the policy position the government has taken on public open space and public land it is my view that our public land is better protected in this state under this government than it ever has been. In the last financial year alone 4781 hectares of land was reserved

for public purposes, but in fact only 15 hectares was sold. This is in addition to some pretty significant new reservations, including the Great Otways National Park and of course the 13 marine national parks and 11 marine sanctuaries that were established by this government — a world-leading initiative in marine protection.

Public land across Victoria is protected by a comprehensive array of legislation. We have the Alpine Resorts (Management) Act 1997, the Land Act 1958, the National Parks Act 1975, the Crown Land (Reserves) Act 1978 and the Forests Act 1958. There is a very comprehensive framework of public land management in Victoria. The government has put in place a number of policies on policing of Crown land which include the demonstrated public and economic benefit, an approval in-principle requirement, a transparent lease allocation and process, appropriate lease terms and conditions and consistent lease documentation.

We have put in place the government land monitor to administer strict policies on the sale of public land. The monitor oversees all sales, purchases and compulsory acquisition of land by the Victorian government. The government land monitor is responsible for ensuring that government policy and instructions on the purchase, compulsory acquisition and sale of land is adhered to. That policy requires the sale of land to be through a public process, except in a number of very limited circumstances. The first right of refusal to purchase land no longer required by an agency must be offered to another agency which identified the land as being required for its purpose. This process is aided by a sales bulletin regularly produced by the government land monitor.

As I said earlier in the debate, this stands in pretty stark contrast to the performance of the previous government where not even public land with the highest level of protection under the National Parks Act was sacred. When it was in government the opposition excised a large area of the Alpine National Park at Mount McKay for a private ski field development. That decision was reversed by this government in 2001. The public has had to mount huge campaigns at great expense to prevent developments such as the one at Wilsons Promontory. There was also, as I mentioned earlier, the closure of 366 schools between 1992 and 1999, many of which were subsequently sold for private purposes.

The performance of this government in terms of public land management is a pretty good record. If there are issues that are worthy of investigation by a committee, we have no objection to that. We have no objection to

parliamentary scrutiny of government policy and government initiatives. Mr Guy gave examples which included the Kew Cottages and a school I do not know of in Notting Hill.

10:32 There has been a long history associated with Kew Cottages, and there has been a long history associated with the need for renewed living opportunities for people who were residents of that facility. Much of it came out of the tragedy of the fire that occurred in the 1990s — I cannot remember the exact year. I do not believe there would be an example of a land management program that had greater scrutiny than the development occurring in relation to Kew Cottages. There has been enormous public scrutiny in relation to that project, and it has all been driven with the express intent of delivering a community benefit particularly to people who were residents of those cottages and who desperately needed rehousing. So while the opposition may well want to have a further parliamentary layer of scrutiny on issues such as that — and we do not have an objection to that — I think the proper process is to take it through a joint parliamentary committee. I do not believe Mr Guy covered himself in glory by casting aspersions about the performance of joint parliamentary committees. All members of Parliament take their place on those committees with considerable seriousness and responsibility.

The reforms to this chamber have provided an opportunity for the minor parties to be represented in this Parliament for the first time in its history, although members of The Nationals may see themselves as having been well represented in here over the years because they have been part of the mainstream political process and have represented particular parts of our community.

I do not believe the reforms to this chamber are a licence for this chamber to establish a select committee on everything and anything, and I am concerned that that is what is taking place here. The use of select committees has been invariably for political purposes, and certainly in the seven and a half years that I have been a member of this place select committees have invariably been used to inquire into matters that enabled the opposition to score some political points. I suspect that is what Mr Guy is attempting to do in this process.

I do not think this house ought allow itself to be used for that purpose. There are ample opportunities for members in this house to make their political points. There are ample opportunities in terms of members statements, the adjournment debate, question time and opposition business on a Wednesday morning — or, with the new sessional orders, all day on a Wednesday

if members want. There are ample opportunities for non-government members to raise issues, and to raise issues of scrutiny in relation to the government. If there are genuine matters of public policy that opposition members want to investigate and genuine matters where there could be added benefit to the public policy debate by having a parliamentary inquiry, then the joint parliamentary committee process is the way to go, and that is why I have moved my amendment. Of course the government reserves the right to make further amendments to this motion in relation to the structure of the committee, and Mr Tee will move them later.

Again we have a proposition before this house that 19 members — 47.5 per cent of the members of this house — get two out of seven positions on a select committee. So 21 members delivers five votes out of seven, and 19 members get two votes. This government has stood absolutely on the issue of proportionality. We have argued and delivered in terms of proportional representation in this chamber. Many of the new members of this chamber will not know this, but the Minister for Education, Mr Lenders, and I and others were part of a Standing Orders Committee process that reviewed and delivered proportionality in terms of question time, members statements, the adjournment debate and speaking times. We have always been committed to proportionality. When non-government members reach 21 in number in here, having benefited from our commitment to proportionality, that goes out of the window. According to the motion, proportionality only applies when non-government members benefit. When they do not benefit and it is not in their interest, then proportionality goes out of the window. We think it is absolutely improper that 19 members of this house get two representatives on a seven-member select committee, and no argument put will justify what the opposition does with those numbers every time it proposes such a committee. It is absolutely improper and flies in the face of everything this government has been trying to do to make this house properly representative.

Mr Tee will propose some amendments should our amendment to refer this matter to the joint investigatory committee process fail. We are absolutely committed to openness, to transparency, to proper accountability and to good public policy; we are absolutely committed to that. We are more than happy for a joint committee to investigate these matters and to report back to the Parliament in the normal way. That is why I moved my amendment, and I urge members of the house to support it.

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak today on behalf of the Greens to

support the motion before the house to set up a select committee of seven members of the Legislative Council to inquire into — and I quote:

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.

We take this to include the sale or alienation of public land or public open space for housing, industry, roads and/or utilities and including the sale of heritage sites and heritage buildings and other built assets having existing or potential public uses.

I would like to make some comments about the setting up of a select committee to inquire into those matters rather than referring them to a joint committee. Obviously we support the setting up of a select committee. Parliaments all around Australia set up select committees to inquire into important public issues, including the national Parliament, but up until now it has not been the case in this Parliament and it is timely that we set up select committees to inquire into important public issues.

The Greens planning and open space policies call for development that will make our cities more sustainable and communities that are connected to each other and to the land. The Greens support measured urban consolidation and the protection of public open spaces. Planning decisions on these issues need to be ones which future generations can be thankful for.

10:42 We need to reduce our ecological footprint and recognise that climate change, oil depletion and urban sprawl are signs that we need to change the way we live. Increased open space and habitat for native plants and animals in urban areas can be provided while minimising urban sprawl. Urban open spaces need a firm legal basis, like that afforded to wilderness parks under the National Parks Act. Local governments and communities need genuine opportunities to participate in decision making about planning and open spaces in their area. There is increasing pressure on public open space, particularly in urban areas and around green wedges but also in regional areas as land values escalate and population pressures increase.

The government, through Melbourne 2030, has targets for increasing urban density and wants to add another million people to Melbourne. Where is the target for increased open space to meet the needs of these future residents? Will it be the sort of open space those future

residents need? Who will provide it? If it is to be local government and Parks Victoria, do they have the funding to deliver the vision? The Greens think not, so this inquiry is timely.

*Linking People and Spaces* was the government's 2002 strategy for Melbourne's open space network, and I will quote from that document:

#### **The Vision**

A linked network of open space for all to enjoy as a part of everyday life, preserved and enhanced into the future.

... so that open space becomes an integral part of our everyday life. Planning will also be undertaken now to meet Melbourne's future open space needs.

It goes on:

Open space is not only for recreation and conservation of environmental and cultural values; it is the foundation of urban livability. It underpins many social, ecological and economic benefits that are essential to the healthy functioning of the urban environment.

We agree. It states:

Open space belongs to the community.

We would like to see this committee review progress against that strategy. 'Public open space', as defined by those three words, is important because it means that however derelict and degraded and abused an area is — for example, much of Albert Park before the Kennett government attacked it; some of the area taken over for the netball and hockey centre in Royal Park; the grounds and buildings of Royal Park Hospital before it became a Commonwealth Games village, and we are still waiting for the promised finish to that development — it is still public open space, a precious almost irreplaceable resource in the urban context. Governments of all persuasions have been very quick to flog off public open space for short-term monetary gain and for long-term degradation of the public interest.

The issue of the use of public land and the protection of public open space is one of great concern to the community. Mr Viney mentioned one example of parkland in Frankston; however, there are plenty of horror stories. People have been dismayed by the loss of public open space in their communities over the years and the long campaigns they have had to engage in to keep it. For example, the Abbotsford convent and surrounding open space was offered for sale by the Kennett government and the current government gazetted a planning scheme amendment to facilitate this. The public had no opportunity for input. It was community action that scuttled that bad plan, and the site remains open to the public thanks to that

community action. The grand prix in Albert Park illustrates sadly how public open space can be alienated for private lease so that a foreign billionaire can use it for a car race at the expense of all other activities in the park for about a third of the year and the mounting losses can be covered from the public purse.

We are currently looking at a bill concerning the EastLink tollway. The issue of completing the ring-road with a link across the north-east green wedge cannot be far away from bursting upon an astonished world.

Mr Guy has already mentioned Devilbend on the Mornington Peninsula, which the local community is fighting to preserve. All over Melbourne and Victoria individuals and community groups are fighting against alienation of public open space in their local area for other uses or they are fighting to stop the sale of public land for development — usually overdevelopment. It should not be this way. We need public open space now more than ever in this era of increasing housing density and diminishing private open space — that is, backyards.

I have been disturbed to see the use by developers of highly paid — probably obscenely paid — lobbyists to push their interests to the detriment of the planning processes and the public interest. This week's *Four Corners* program 'The dark arts', which looked at the activities of lobbyists, politicians and public servants in relation to a proposed development at Smiths Beach in Western Australia was very disturbing, to say the least. The *Age* reported on 28 March that Mr Graham Richardson was lobbying the Victorian state government on behalf of one or both developers involved in the redevelopment of the Kew Cottages site. The truth is hard to find because everything is so secret, despite this being a state-listed heritage site. Everything that is happening on the site should be transparent and open to public scrutiny. This issue is not divorced from the issue of donations by developers to candidates or political parties in local and state elections and in particular to parties that are in government. This is a recipe for undue influence at best and corruption at worst. But there is no crime and corruption commission here to keep a watchful eye out.

The foregoing has assumed that this all about the sale and alienation of urban public land. The National Parks Act provides a far better legislative basis than is available for urban public open space, but there are of course still many issues around the sale and alienation of public land in regional Victoria.

space in urban areas have been comparative cinderellas. Enormities have been perpetrated with hardly any proper public inquiry, and the law relating to parklands and public open space is a mess. The establishment of this select committee is timely, if not long overdue. I predict that it will attract submissions from individuals, community groups and local councils from all around Victoria who are frustrated and angry about this most important public issue. That is why we will support the setting up of the committee.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the motion and to congratulate Mr Guy on bringing this it before the chamber. Let us be clear: this is a motion to set up a select committee of seven members to look at the sale or alienation of public land for development, the sale or alienation of public open space for the purposes of private use or development and the sale and development of public land and the relationship to Melbourne 2030 policy and the green wedges.

Let us make no mistake, this motion comes after more than seven years of this government's poor treatment of public land and a lack of focus on what is important about public land. A series of sites have been damaged by this government or not treated by it in the way the community expects. I make the point that in many cases the processes by which this has been done are unsatisfactory. The community believes they are unsatisfactory. Wherever you go in metropolitan Victoria there is an outcry for greater public open space, and in rural and regional Victoria there are similar demands for key sites to be protected. The fact is that this government has not protected those sites. The fact is that to date the Parliament has not been able to get to the bottom of how a number of these deals and arrangements on certain sites have been managed or handled. The community cries out to know the facts about the management of a lot of these public land sites that have been alienated or face alienation under this government.

The site of the former Royal Park Psychiatric Hospital in Parkville consisted of 20 hectares and nearly 2000 trees on parkland with heritage buildings. The Commonwealth Games village was built on that site to serve during the Commonwealth Games period and the site was developed by a developer through that process. The community understands that the Commonwealth Games had to be supported. Indeed it was a Kennett government initiative to get the Commonwealth Games to Victoria. However, the property deal that surrounded the development was not fully open to the community. The arrangements that are in place until 2011, if I am not mistaken, are open to significant question.

10:50 However, while the Land Conservation Council and its antecedents have got a lot of investigation going on into reservation for biodiversity, the issues of public open

In an exchange with Ms Pennicuik just a moment ago Mr Viney talked about the Devilbend Reservoir on the Mornington Peninsula. That is a good example of public land that has — —

**Mr Viney** — Been protected.

**Mr D. DAVIS** — It has not, Mr Viney, through the Chair.

**The PRESIDENT** — Order! Through the Chair!

**Mr D. DAVIS** — The Liberal Party plan for Devilbend Reservoir was to protect the whole site, to protect all 1057 hectares of that land. You are going to sell 40 hectares on the north side of the property. You are going to flog it off. That is the truth.

**The PRESIDENT** — Order! Mr Davis will speak through the Chair. He will not engage in a personal debate with Mr Viney on my watch.

**Mr D. DAVIS** — I am not, President, but I am being provoked. The truth of the matter is that these are — —

**The PRESIDENT** — Order! Mr Davis may well be being provoked. I could say the same thing, although I will not. I would appreciate it if the member would help the Chair out.

**Mr D. DAVIS** — The truth about Devilbend Reservoir is that it is a very important piece of land in the centre of the Mornington Peninsula.

**Mr Viney** — Absolutely — that is why we are protecting it.

**Mr D. DAVIS** — But you are not, Mr Viney, through the Chair. The government is not protecting the whole site. The process by which the government slashed 40 hectares from the site has not been explained to the community. That site should have been moved into long-term public use in a transparent process. The government did not adequately explain to the community why those 40 hectares had to be sliced off. In fact it should have come across with the rest of the land. It was an integrated site. Sites of this size rarely become available for broader community use or, as in this case, for protection as a conservation park. This site would act as a biodiversity centre on the peninsula, providing access to corridors for wildlife and other important values. I have to say that the Liberal Party was determined to protect the whole site. In my view the government made a historic mistake in selling off part of that site. However, my point here, and the point of this motion, is the government has not explained to

the community why it moved those 40 hectares out of public hands. It needs to do that in a transparent and open way.

I make the point that there are a number of examples of this type. The Kew Cottages, or Kew Residential Services, site has also been talked about in the chamber today, and I want to add my comments about that site to those of others. I believe that massive site in Kew — a site of great significance, its being contiguous with the large Studley Park — deserves a higher level of protection than this government has afforded it. I believe that the residents of that site have not been treated in a way the community would expect. I believe that the process by which this has been undertaken has been a travesty. I make the point that I know this area very well, having lived within a short distance of the site for well over two decades. I know the views of both the longstanding residents of the site and those who live in the vicinity of the Kew Residential Services site.

**Mr Jennings** — If you know that, you could not have just said what you said.

**Mr D. DAVIS** — I think the minister has not listened to the community of the Kew Residential Services site, and he has not listened to the community around the site.

**Mr Jennings** — I have been very actively participating in those conversations for a number of months.

**The PRESIDENT** — Order! Minister!

**Mr D. DAVIS** — I will not be deviated. I will continue — —

**Ms Darveniza** interjected.

**The PRESIDENT** — Order! Ms Darveniza is warned!

**Mr D. DAVIS** — My point is that that large area of public land was slated for development by the government at a high density — a density that few in the community supported. The original proposal was for 7 to 10-storey towers. The original proposal was for a massive development. The community fought very hard to have that scaled back somewhat. Nonetheless 2000 people will go on that site. In my view that development is beyond the scope of how the site should have been progressed. It is a development that puts at risk many of the values held by the community around the site. The community should have been listened to. Instead the government called the proposal in and

enabled the minister to take planning control. It took it out of the control of the council and the community.

It is no secret that I personally did not support the urban design framework that the Boroondara City Council put in place at one point. However, it was simply ignored by the government as it called in the planning for the site.

to enforce the vegetation protection overlay or the heritage protection tree zone.

Why, is the question that strikes me, has Heritage Victoria failed to act? Why has it failed to step in and enforce the permit conditions? Why has it failed to stop or put in place a system that will prevent further breaches? I do not understand why —

**The PRESIDENT** — Order! Mr Davis should address his comments to the Chair rather than to the gallery.

**Mr D. DAVIS** — President, I do not understand why Heritage Victoria has not stepped in. But it is not just Heritage Victoria either; it is the Department of Sustainability and Environment. The vegetation protection overlay is the responsibility of the DSE. Why has it not stepped in? The council made the DSE aware of this. The DSE wrote to the council, as I understand it, earlier this year — in February, if I am not mistaken — saying that it was investigating. Nothing further has happened and yet development on the site has continued.

It seems to me that it is not only the native trees, the river red gums on the site, that need protection; there is also a stunning avenue of introduced trees that also needs to be protected. The community deserves a guarantee that the law will be observed, that breaches will not occur, and the government needs to accept that it has a responsibility. Heritage Victoria needs to accept that it has a responsibility to ensure that the rules and the law is enforced on this site. It is not clear to me why that has not happened, but this is another example of the way this process is operating. There is a hand-in-glove approach between the government and the developer, with the community, the council and other interested parties just cut out of the process, unable to understand precisely what is going on day to day.

There are real issues, and the issue of public land and other land is much broader. It was only a few months back, in the last Parliament, that this chamber dealt with a ratification motion — a ratification motion that was introduced and passed in the lower house within 24 hours — alienating public land. If people are interested in the detail of my criticisms they can look at the contribution I made at the time. The motion concerned the piece of land at the quarry near Frankston, the Whittlesea site in the north, and the marina site on the north of Port Phillip Bay near Werribee. The government pushed forward and crunched the ratification motion concerning those three sites through this Parliament in exceptionally speedy

11:00 The fact is that on this site there are trees to be protected — vegetation throughout the site that should have been more adequately dealt with. There should have been an understanding that if this sort of development was going to occur, the proper services should have been provided in the area. People who live in Kew understand that if you put thousands of people onto a site like that you actually need to do something about the traffic and you need to do something about the sewerage. You also need to do something about Kew Primary School which is currently massively overcrowded on a very small piece of land, and it will suffer further increases in its school population without adequate support or without the possibility of adequate additional land.

My point is that this process has been bad. The community needs to get to the bottom of what has occurred here. The government has done an unusual deal with the developers; an unusual deal that will see the state government retain ownership of the land until its final sale to the final purchaser. This is a very novel approach. I am being generous in calling it novel. It is basically designed to squeeze the City of Boroondara and to avoid the developer having to pay rates to the city during the process as it goes forward. The truth of course is that the council should have been involved in these processes all the way through and the matter should not have been called in, in the way that it has been.

I also make the point that the vegetation and heritage protection of the site is under significant threat. This, again, is where the processes that are occurring — the secret and behind-door approach that this government has adopted with this development — is most concerning to me. I understand that an independent report went to Heritage Victoria last week about the future of the 300-year-old river red gums on the eastern border of the site. Those river red gums have been damaged by the contractors' earthmoving equipment. It seems to me that when you are doing a large-scale development things can happen. I accept that contractors, developers and humans are not perfect, but what I am concerned about is that significant vegetation has been put at risk. The government has not moved to protect that vegetation. The government has not moved

time. The motion was crunched through in a way that did not allow proper examination and crunched through in a way that alienated public land, perhaps justifiably. But the truth is that no-one in either chamber had sufficient time to even examine the issue, to understand the issue in full or to question the government in the way that was required. Instead the government forced the legislation through, alienating certain parts of the public estate.

It is interesting the idea of public land seems to have been lost. Public land for public enjoyment, public purposes, seems to have been lost by this government. It has not understood that public land needs to be protected, that there needs to be a proper process before key pieces of public land are alienated into some development approach. Let us be very clear that I am not arguing that public land should never be moved into private ownership and that development should never occur like that. What I am saying is that there needs to be a process to test how that occurs. We need to get to the bottom of what processes the government is using at the moment because the fact is that no-one knows. These decisions are made internal to the department. They are made by the minister, perhaps. As Ms Pennicuik quite rightly pointed out in her contribution, we have had the intervention of New South Wales Labor power brokers in Victoria in recent times. At the Kew Cottages site Mr Graham Richardson flew down to meet with Mr Theophanous, the Minister for Major Projects, who is responsible for the Kew site and many other sites around the state.

**Mr Guy** interjected.

**Mr D. DAVIS** — I do not think this is the Arthur Daley as Mr Guy correctly pointed out. We know that Mr Richardson, retired federal senator, also met with a series of other Labor figures, including members of the government, while he was in Victoria.

11:07 It is not clear precisely who has been — —

**Mr Jennings** — Did he meet with me?

**Mr D. DAVIS** — Did he meet with you? Did he? I am not sure.

**Mr Jennings** — Have you asked me? Has anybody in the chamber asked me?

**Mr D. DAVIS** — President, through you, the minister seems to be indicating that he may well have met with Mr Richardson. I am not sure if that is true — —

**Mr Jennings** — I can assure you and the house that I have not!

**Mr D. DAVIS** — But it highlights the point that I make. The community deserves from the government a list of whom Mr Richardson met with and whom he did not meet with. We need to know which government ministers were on his shopping list, and we need to know which of the government's chiefs of staff and senior advisers were also met with. I do not believe Mr Richardson came down here for a picnic. I think he came down here for reasons associated with his business. As Ms Pennicuik has told the chamber, in Western Australia there is a very damaging arrangement operating in regard to property development, and there needs to be caution exercised in Victoria when Labor powerbrokers like Mr Richardson come to Victoria to influence certain developments and decisions. The community has a right to know whether the Premier Bracks met with Graham Richardson. The Premier has been coy on that.

**Mr Jennings** — Ask the question.

**Mr D. DAVIS** — I did ask the question, and he gave a very coy answer.

**Mr Jennings** — Where?

**Mr D. DAVIS** — Through the press, I have to say, President. The Premier gave a very coy answer, which made me think that either he or his chief of staff had in fact met Mr Richardson. I do not know the answer to that. Mr Richardson knows the answer, and the Premier knows the answer — or perhaps Mr Pallas knows the answer, if it was the Premier's former chief of staff he met with. These are matters of great concern regarding public land management in Victoria, and I think the community has a right to know what processes are going on.

Returning to my central points, there is a long list of issues in public land management in Victoria. We have seen the government's development plans for the Camberwell station site. Again they are plans being imposed against community wishes. That whole process stands in a freeze-frame at the moment with the community waiting to see precisely which way the government is going to jump. The truth is of course that the community has made its views very well known. It does not want intense development in and around that site. It wants to protect the heritage aspects of the railway station, and that was demonstrated by a number of large public gatherings that were held in and around that site. The community is concerned about Melbourne 2030 and how it will impact on certain public sites. We

need to be clear about the increasing density that is going on with 2030 and the need for proper public land support. More population seems to mean a need for greater parkland and greater public open space rather than less public open space.

Indeed it is my view that when high-density developments are occurring there should be a requirement to look at the provision of sufficient public open space. I do not see why that is a big ask from the community. If we are going to increase density, people need places for recreation and a whole range of community and social activities. That use of public land just reinforces the importance of this motion. It is a timely motion. There are long-term issues at stake. There are management issues about a number of these large projects about which the government has not been open, has not been transparent and has not been accountable in the way it has managed them. There are specific issues of an urgent nature that I think a committee such as that proposed by Mr Guy could tackle. I would like to see such a committee look at issues like heritage protection on some of these sites and why the state government is not taking the steps it is legally required to take to protect them. I commend this motion to the house. I think Mr Guy has done the right thing in moving the motion.

I am not sure that a joint committee, given the other work that a joint committee might have in train, is necessarily the best way to achieve these outcomes. I think a committee focused sharply and directly on these matters may well be a better way of achieving the outcomes the community would want from such an investigation. The idea of sending the issue off to a joint committee is a second-best option rather than a first option. We need to ensure that there are good processes in place, but they need to be transparent, sharp and quick processes, because there are some matters that need to be dealt with as a matter of urgency.

In the case of the Kew Cottages site there is very little time to waste, and a select committee could quickly get to the bottom of what has occurred and get an understanding of what remedies and what approaches might best be used. There has to be a very close examination of the processes occurring now in the department and the close linkages with developers in an evolutionary way that occurs on site after a contract is signed and where there is no accountability in the process.

I will give the chamber one more example. Aside from EastLink the Melbourne Convention Centre project is arguably the biggest project of its nature in this state at the moment. What we saw there more than 12 months

ago now was the signing of a contract by this government with Plenary Group. I cast no aspersions on Plenary Group and its particular activities. It is the government that I have a question with on this. We had the letting of a large contract, and, let us make no mistake about it, this is a massive contract.

**The PRESIDENT** — Order! Mr Davis!

**Mr D. DAVIS** — The contract has 1038 pages, for those who may wish to avail themselves of some reading, but they will be surprised as they wade through it to discover that there are massive omissions from the document. There are large sections of the document that are empty. Much of the detail of the contractual arrangements as they relate to finance is missing. That is a problem. The contract had been in place for 12 months before the it was posted on the government tenders website, so there was a 12-month hiatus before the community could even begin to look at the document, which was sliced down as the government took out any damaging or troublesome information. What is more, as the contract goes forward there is an agreed to arrangement. The government has begun to notify the developers of modifications — for example, in the case of the hotel site, an additional five storeys. Let us have a think about that: five additional storeys on a massive commercial development. Five storeys at 28 rooms per floor is what I make it out to be on the plans I have seen. Twenty-eight times five is 140 rooms or suites. Some country members may have recently stayed in a reasonable quality hotel in Melbourne in the last week or two — I do not know — and I would be interested to know what the going rate is for a hotel room. I would say maybe \$400 a night. In my back-of-the-envelope calculation that makes it \$20 million — —

**An honourable member** interjected.

**Mr D. DAVIS** — No, this is a massive new development — —

**The PRESIDENT** — Order! Mr Davis — for the last time!

**Mr D. DAVIS** — I am sorry, President. I was responding to the interjection.

**The PRESIDENT** — Order! I am not interested in why.

**Mr D. DAVIS** — On a back-of-the-envelope calculation it seems that \$20 million a year would be the windfall to the hotel group from those changes that have never seen the light of public scrutiny, those changes that have not been advertised to the

community, those changes that have been made in the dead of night, as it were, by the planning minister simply signing off on changes on that site. That is a \$20 million a year windfall for a group that has a 25-year concession on that site.

11:17 If you keep multiplying it out, it is about \$500 million, it seems to me — a windfall for a developer that has not gone through a proper tender process for those changes.

Think about the failed tenderer who was dismissed. The government said, 'You do not get the contract, but they do'. The company given the contract is given highly commercially significant modifications. I understand there will also be a massive air bridge which goes across the ingress to the convention centre site and which will darken and close part of the site. Again the development plans are being done on the run. It has only been several weeks since the plans got to the department and then to other authorities. This process is being done on the run without community involvement, which is inconsistent with the incorporated document — which, for those who do not know the jargon, is the planning document, if you like, for the convention centre site. These changes appear to be inconsistent with what is in the incorporated document. They are being made in the dead of night without community oversight or input, without the community having the capacity to say yes, no or change it. None of these capacities is there. These developments are occurring, and they will be very significant for the future shape of the city.

Further on the convention centre site — it is an important example, because it just happens to be the biggest development of its type under way at the moment — it is behind on its time line, and that is not unusual. Think about the strip of public land around the Yarra River juxtaposed with the site. The original incorporated document — the planning document for the site — and the contract did not envisage the involvement of the old wharf sheds that run around the edge of the river. It was not envisaged that those sheds would be completely subsumed into the development. Now we find the government has done another deal with the developer and has put \$30 million of government money into it. What is the process that has occurred here? Is that what the community wants for those wharf sheds? Has the community had input? Has it had any say? The wharf sheds are structures of heritage relevance, and they have a stunning position around the water. From my understanding — getting to the bottom of what the arrangement is with those wharf sheds is the sort of work the committee could well do — the government is in effect saying these sheds will now totally be part of the development and provide

an additional windfall for the Multiplex Plenary group and its development approach.

It may well be that having the sheds fully integrated into the site is a good outcome — I pass no judgement on this because, like almost every other Victorian, I have had no opportunity to see in detail the chain of argument and the plans for exactly how it will occur — but we do not know that, because the community has never had a say or the capacity to look at it.

Today I have tried to put on the record my support for Mr Guy's motion. I listed a number of examples from around the state — and there are many more — where the planning process and the government's use of its extraordinary powers have not led to good outcomes in terms of the protection of public land. Real questions remain regarding several of these examples. Some of these are live issues, involving matters of protection and urgency. A strong case emerges when you look across the sweep of sites around Victoria that have not been protected by the government in the way they should have been. It is for that reason that I urge the house to support Mr Guy's motion.

**Mr HALL** (Eastern Victoria) — I am sure that one thing that none of us will disagree with in this debate is the importance of public land. Whether it is used for recreation, for the delivery of services or just as a community meeting place, we all appreciate the presence of public land close to where we live. It is absolutely vital that we maintain an appropriate balance of public land in the communities in which we live. Therefore, when public land is being disposed of, or indeed acquired, this should be subject to some degree of scrutiny.

The issue of public land, and the debate we are having this morning, is important, but let me get this off my chest first of all: one thing I am disappointed by is the lack of support shown by Mr Guy's own party regarding this motion. Given that this issue is so important, and given that the motion proposes the important step of setting up a select committee to inquire into this matter, it surprises and disappoints me that Mr Guy has lacked support from his own party — —

**Mrs Coote** — Excuse me!

**Mr HALL** — In respect of that, Andrea Coote, the Deputy Leader of the Opposition, has sat here through the debate — as has Mr Guy; David Davis came in later — and I commend her for it. But if you look at the others in the chamber, you see that the Labor Party has had strong representation all morning, the DLP has

been represented by 100 per cent of its membership throughout this debate, the Greens — except for a bathroom break taken by their speaker — have had 66.6 per cent of their party here, and we Nationals have had 50 per cent of our party here. When others argue in this chamber about proportionate representation on committees et cetera I say, ‘You ought to have a look at the way people participate in debates in this chamber, because it is the minor parties that participate man for man at a greater level than the major parties’.

11:25 There will always be an argument from me when Mr Viney and others argue on the basis of proportionality. Why do we not have those people who are interested in a topic serve on this committee? Indeed I think the minor parties represent themselves well in terms of participation in debates and on committees of this chamber. I say to Mr Guy that I commend him for moving this motion; it is an important topic. I feel somewhat sorry for him that he has not been supported to the extent he should have been by members of his party. It is an important step and an opportunity for non-government parties to move notices of motion through the general business program we have on Wednesdays in this chamber.

Having got that off my chest, let me go to the issue before the house. We are looking at setting up a select committee to look at certain aspects of the disposal of public land in Victoria.

**Mr Jennings** interjected.

**Mr HALL** — I will say what I want to say anyway, so it does not matter.

This particular select committee is to provide scrutiny for the disposal of public land in Victoria. As I said in my opening remarks, there is also a need to have some scrutiny of the acquisition of public land in Victoria as well. In recent years we have seen some significant increases in the classification of public land, for example, in the increase in national parks we have had in this state. Yet that acquisition and increase have not been accompanied by the appropriate resources put into maintaining that public land to the degree it should be maintained. You would have heard from me, and you will hear it a lot from country people, that we do not well enough look after the public land we have in this state now. So as well as providing scrutiny of the disposal of public land there should also be scrutiny of the acquisition and maintenance of it.

Public land is particularly important in the area defined in the Melbourne 2030 strategy. That particular term is mentioned in this motion. I agree that public land in

heavily populated areas is scarcer than it is in less populated areas and therefore it becomes more critical for those who live in heavily populated areas. Those of us who live in the country are fortunate that there is land where we can stretch our legs to walk and exercise and generally to meet. Certainly it becomes a crucial issue in metropolitan Melbourne. I will not elaborate on some of the examples which have been quoted here this morning — Kew Cottages, Royal Park, the showgrounds, some land in the Mornington Peninsula, Notting Hill and Docklands. They are all important in their own right.

Equally I say there are lots of parcels of public land that have been disposed of or acquired in country Victoria and regional centres. It is my view that they should also be the topic of consideration by the proposed select committee if it is supported by the house this morning. In country areas we have plenty of examples of government buildings that are no longer used — new facilities have been built or they have been replaced. We need to look at the processes whereby that public land on which there were previously government buildings, including hospitals and schools, has been disposed of. Public halls are another example when councils or government look to sell them off. VicTrack is an owner of much public land in country Victoria. Quite often the disposal or acquisition, but particularly the disposal, of some of those lands by VicTrack is the subject of much local community discussion. With the invitation extended by the eighth term of reference in the motion to people to make submissions to this committee, I would expect that there are a lot of people in country Victoria who have strong views on public land acquisition or disposal who will make submissions to this committee.

It was common in this chamber to have legislation go through every session of Parliament that was a land reservation revocation act of some sort. It commonly described certain parcels of land for which the government was revoking the reservation applied to the land for the purpose of some other development. That was the way in which public land disposal in those particular instances could be scrutinised by the Parliament itself. I have seen fewer of those land reservation revocation pieces of legislation go through this chamber in recent times.

I want to turn to the issue of the scrutiny of disposal of public land to which I am adding the acquisition of public land as well. I do not think we have had an argument against the need for some sort of scrutiny. Even the government argued that such scrutiny could be performed by an all-party parliamentary committee. Essentially I think its words were that it is not opposed

to some scrutiny over the disposal of public land; it is more that it is opposed to the way in which this motion proposes to perform that scrutiny, by the establishment of a select committee.

If you look at the different ways in which these actions are scrutinised, the Auditor-General is a very good scrutiniser of government actions. If you look at the reports of the Auditor-General that periodically come before this house, you will often see comment on the government disposal of certain public lands. I think the Auditor-General is a fiercely independent person by the nature of the position, which has been demonstrated consistently by a number of auditors-general. That particular position serves the most worthwhile scrutiny function and I am sure it will continue to do so. But the Auditor-General does not always have the ability to scrutinise all public land that has been disposed of by a government because of the resources available. The Auditor-General has to be selective in being able to provide some degree of scrutiny.

The Public Accounts and Estimates Committee is another vehicle for scrutiny of the disposal of public land. Obviously when assets are received from that disposal then various ministers involved can be questioned by the Public Accounts and Estimates Committee which provides a scrutiny function.

There are two other ways in my mind in which we could provide that scrutiny. The first is by a committee of Parliament. The government has argued by way of its amendment to this motion that this matter could be scrutinised by the Outer Suburban/Interface Services and Development Committee. I am not saying that it could not, but I do not believe it is the best way of doing it. The second way is to establish a select committee of the Parliament, which this motion seeks to do.

11:32 I want to comment about the amendment moved by the government seeking to refer this inquiry to the Outer Suburban/Interface Services and Development Committee of the Parliament. That may have worked had there been some discussion on the terms of reference prior to a proposal to refer this as it stands to an all-party parliamentary committee

Mr Viney gave an example of the motion I moved some weeks ago to give a reference to the Natural Resources and Environment Committee on the management of public land and its impact on bushfire risk. In responding on this point I remind the house, and Mr Viney in particular, that the best way of providing a reference to an all-party parliamentary committee is to sit down and discuss with all the parties what you want

to do and get some agreement on the terms of reference before you come into the chamber and debate it. By its very nature an all-party parliamentary committee provides pretty much a bipartisan analysis of a topic under discussion, but it will only do so if there is some broad agreement as to the terms of reference. I am critical of the government giving all-party parliamentary committees references without any debate or input from the other parties that are participating on those committees.

It would be helpful if there were some agreement as to what subjects those committees were undertaking and what terms of reference were assigned to them, and it would be helpful and would produce better outcomes. As it is, the vast majority of references to all-party parliamentary committees are passed by a simple resolution in the Legislative Assembly, where the government has the numbers, without any debate whatsoever. I cite as an example the position with the Education and Training Committee, of which I am a member. The committee was given two references and did not have any say in the priority of those references or in the terms of reference themselves. We are working at the moment on a reference on a school dress code — that is, we are looking at school uniforms. My response is that, important topic as that topic is, I could list probably 50 more important topics in the education area that the parliamentary committee would be better spending its time on.

The point I was making was that if there were some genuine debate, some sitting down and talking to members of that committee and the parties of those members as to what would be appropriate terms of reference for that committee, then we would have better inquiries. If the government would like the Outer Suburban/Interface Services and Development Committee to look at this issue, then why not sit down with the Liberal Party, The Nationals, the Greens, the DLP and the Independent in the other place, and ask, 'What are your views on this? Let's have a discussion about this to see if we can come to some agreement about what we should be looking at and how we go about it?' That is the best way to give a reference to an all-party parliamentary committee. That is the way the terms of reference this house agreed to were given to the Natural Resources and Environment Committee on the management of public land and its impact on bushfire risk.

The other comment I make about the amendment moved by Mr Viney and why The Nationals will be opposing it, is that giving this reference to the Outer Suburban/Interface Services and Development Committee would not provide any real focus on public

land in country Victoria. I am firmly of the view that we should be giving consideration of public land disposal in country Victoria equal weight with a consideration of public land disposal around the city of Melbourne and the outer suburbs. I do not think it is appropriate for that reason that this reference be given to the parliamentary committee suggested.

I indicate that The Nationals will be supporting the motion, but it is our strong view that the topic should not be looked at as a political witchhunt. We do not believe that will serve any worthwhile purpose. This chamber is in its infancy in the use of select committees in this Parliament, and we are yet to see what will be the real effectiveness of those and how they will work. It is our fervent hope that they will work constructively and will bring about outcomes that will serve Parliament and the people of Victoria well. If any of the select committees established by this Parliament become just becomes a simple political witchhunt and things are achieved for political purposes rather than for substantial beneficial purposes, then we would certainly review our participation on such a committee.

I will probably be the nominee for The Nationals on this committee if this motion is passed this morning. It will be my intention to ensure that the committee operates in a balanced and constructive way. I am sure that was the intention of Mr Guy in establishing this as well. That is why I have said that we should be looking at not only the disposal of land but acquisition as well. Although the terms of reference do not provide for the committee to look at acquisition, perhaps some of the submissions will force the committee, if it is established, to look at some of the acquisition issues. At the outset I can say that I am not opposed to public land being disposed of or, vice versa, I am not opposed to public land being acquired, but there needs to be a proper look at and consideration of the purpose of a disposal or acquisition. We will be supporting this motion. The Nationals will be doing all they can to ensure the select committee works in a constructive way. It is a big commitment from all of us to participate in such a committee, and that is why we need to ensure that that committee will operate efficiently and constructively.

The last comment I want to make is in response to a comment made by Mr Viney, who said he was worried by the trend to seek to establish select committees on almost everything that came into this chamber. I would share some concern if that were the case. I do not think that as a chamber with 40 members and given the structure we look at for select committees we could have select committees on five, six or seven different topics running at the same time. It is my view that the

maximum we can physically and financially support is two or three select committees, so we need to be selective and judicious in the way in deciding what are appropriate topics to be the subject of a select committee inquiry. We are in our infancy. There is currently a select committee running on the gambling issue. If this motion is passed this morning we will have a select committee running on a public land issue. Those are both important topics in their own right. It is our view that we want to make the select committees work in a constructive way. We support the motion and encourage others in the chamber to do so.

**Ms PULFORD** (Western Victoria) — I want to make a couple of comments on the debate so far. Ms Pennicuik seemed to be unaware that the Devilbend site has been saved. It was no longer needed by Melbourne Water, and the government had a process of extensive public consultation. All of the land apart from 40 hectares is being preserved. A distinction has to be made in this discussion between public land and public open space. Sometimes lines in the debate get blurred. This was not public open space, but all the proceeds from the sale of the 40 hectares will be invested in the ongoing maintenance of the remaining space. I wanted to respond on that point.

In his opening comments, Mr Guy, as he often does, talked about housing affordability and growth boundaries. An article in the *Australian* of 17 March states:

Australian Property Monitors operations director, Michael McNamara, says arguments from housing lobby groups that release more land is the key to improving affordability is 'a myth'.

Demand for housing is extremely flat and developers haven't been able to sell the projects that they've got, let alone launch new projects — so we totally dismiss the argument that releasing more land on our cities' outskirts is going to affect affordability.

The article goes on to point to available housing lots that have already been zoned for residential development in Australia's major cities and indicates that in Melbourne there are 81 000, or eight years supply, of lots zoned for development. The article further refers to the impact on affordability and suggests that in many cases capital city prices are much more affected. It quotes Macquarie Bank analyst Rory Robertson as saying, 'For lots of people a better house meant a better house closer to town'. He also referred to a surge in demand for better houses closer to the beach.

The use of land has to be taken in the broader economic context as well as in the context of the impact of

financial deregulation on people's capacity to lend ever greater amounts of money.

11:42 Under the Bracks government's current arrangements public land and significant state assets have never been better protected or managed. It is ludicrous to suggest that a select committee is required to inquire into the sale of public land given the rigour and transparency that is now in place. In the last financial year 4781 hectares of land were reserved for public purposes and, in contrast, only about 15 hectares were sold. This is in addition to significant reservations including the Great Otway National Park and many marine national parks and marine sanctuaries. Public land across Victoria is protected by a comprehensive array of legislation and policy, including the Alpine Resorts (Management) Act, the Land Act, the National Parks Act, the Crown Land (Reserves) Act and the Forests Act. These statutes together provide a complete framework for the management of public land.

The transparency, accountability and consistency of the administration of processes of public land management are what sets this government apart from the Liberals. The government has in place the government land monitor to administer strict policies about the sale of public land. The policy requires the sale of public land to be through a public process in most circumstances and that the first right of refusal to purchase land that is no longer required by a government agency is to another agency which might have identified the land as being required for its purposes. This is in contrast with the previous Liberal government and Liberal Party members opposite. The previous Kennett government sold and developed public land with no public consultation and no transparency. Not even the National Parks Act was sacred. The Liberals were keen to develop Victoria's iconic public assets, including the Twelve Apostles and Wilsons Promontory. Members of the public had to mount significant campaigns in opposition to prevent these developments going ahead.

In his contribution Mr Guy accused the government of being obsessed with selling public land. He said that open space once lost cannot be replaced. This strikes me as the pot calling the kettle black. Public space that the Kennett government sold, in so many cases, had a school or hospital on it. There were 366 school closures between 1992 and 1999, many of which resulted in the sale of public land to the private sector. We all remember the advertisements from the state election, do we not? One can speculate that they shut schools and hospitals so they could sell the land. Let us also not forget the Point Nepean debacle where Liberal Party members in the federal government were not in any way hampered by their state colleagues in their attempt

to sell Point Nepean. This motion is essentially about the opposition's public relations problem. Their own campaign review admitted as much that they were light on for ideas. We know they stand for closing and selling things and not a whole lot more.

I support the amendment moved by Mr Viney that this issue be considered by the Outer Suburban/Interface Services and Development Committee. I note Mr Guy is a member of that committee and I wonder if he doubts his own ability to pursue his agenda in the forum in which he already has the opportunity to have a say on this issue. Duplication is unnecessary. It would be an outrageous waste of taxpayers funds to establish a select committee to examine this issue. Victoria has an enviable reputation in public land management and the government will continue to dedicate its efforts to the ongoing protection and enhancement of public land.

**Mrs COOTE** (Southern Metropolitan) — I have much pleasure in speaking on this motion presented to the chamber today by Mr Guy. It deals with public open space. As Mr Guy and David Davis have outlined in great detail and in a very articulate way, public open space is a particularly important issue for this state. It is something that this government has not dealt with adequately. The motion details a lot of the issues involved with the use of public open space and the expectation of Victorians for public open space into the future to make this a better place for all Victorians to live.

Areas such as Notting Hill, Royal Park and the Kew Cottages were mentioned in the debate this morning. I will come to the Kew Cottages in a moment. David Davis outlined in great detail and in a very objective way the history of this government's attitude towards public space and its lack of transparency in dealing with it, as indeed did Matthew Guy. If we look at the debate today, there is one element missing. As I said, Matthew Guy spoke very articulately on what is involved with public open space and put the suggestion about how we can properly scrutinise the government on this vital issue of public open space.

Ms Pennicuik spoke at length about public open space and looked at the issues for the scrutiny of government in select committees across the country. Her contribution was commendable. She put very clearly for someone so very new to this chamber exactly what we should be doing in this chamber and indeed our role in the scrutiny of government as members of this Parliament.

Mr Viney spent his 20 minutes bemoaning the fact that he cannot get his own way. Ms Pulford made quite an

extraordinary contribution in which she bagged the Kennett era once again. The most disturbing element of that contribution was that she said the establishment of a select committee would be a waste of taxpayers money. Let us be absolutely certain that it is our role to scrutinise government. Maybe Mr Viney and his party cannot get their own way in the new configuration of this place with the very good members that we have from the non-government parties. It is refreshing to hear a member of the Democratic Labor Party and members of the Greens make their contribution to debate. I believe they have raised the level of debate in this chamber. The scrutiny of this government is absolutely vital if we are to move forward.

However, there is one element of this debate that has been left out, and in the short time I have left I want to raise it as an issue. The Minister for Community Services in an interjection said that we should not be playing politics with the current residents of Kew Cottages. All of us agree with that. In this debate, aside from David Davis, no-one has mentioned the current residents of Kew Cottages. I think we would all agree about deinstitutionalisation that it was fraught with difficulty and moving many people into the community was difficult and challenging. I also think that in many instances it was the right thing to do. I quote from an article in the *Age* of 19 August 2003 in which Barbara Carter, the then acting public advocate, states:

The experiences of people with intellectual disabilities moving out of institutions have been overwhelmingly positive. People flourish when they are given the opportunity to be part of the community. They have more control over their daily lives, they develop a wider circle of friends and they become involved in a greater range of activities. At the same time their support needs and need for medical care can be met.

In 2002, at the time of the budget, the Bracks government in the *Growing Victoria Together — Innovative State. Caring Communities.* document, said:

Announced the closure of Kew Residential Services (Kew Cottages), rebuilding new homes for residents from 2002.

We are now in 2007. Of those 20 residential units that were promised only 1 is partially completed. This is certainly not good enough.

Mr Viney suggesting that this inquiry be referred to a joint parliamentary committee, and I might add that in his amendment it is the Outer Suburban/Interface Services and Development Committee that he proposes. What will its members know about the needs of these residents? What will they care about the needs of these residents?

Mr Viney says that we should have this joint committee. He said in his contribution to the debate that, if it does not work, it can come back here after two to three months. Two to three months more! How long have these people been waiting? When is their voice going to be heard? It is a great pity that the Minister for Community Services is not still in the chamber, because quite frankly someone has to be the voice for these people. It is important to debate this issue and have it heard for all Victorians.

**Mr TEE** (Eastern Metropolitan) — I am proud of the fact that that the Victorian government has taken the initiative to ensure that we do not have urban sprawl in Melbourne and that we do have the capacity to accommodate the growing population of Melbourne in a way that, as Mr Guy has said, means we do not have suburbs where you use a litre of petrol to buy a litre of milk.

Melbourne 2030 is about limiting urban sprawl, with its expensive infrastructure costs, expensive public transport costs and expensive power and sewerage delivery costs. Melbourne 2030 is also about protecting the lungs of the city, the green wedges. It is about ensuring that those wedges do not become a concrete urban sprawl. It is important to realise, though, that only a small percentage of the green wedges is publicly owned. The overwhelming majority of green wedges land is privately owned. The challenge for us as a government is in how we get the balance right so that we assist those private land owners in being able to maximise their use of the land in a way that is consistent with ensuring that these spaces are not overdeveloped. That is why the government has funded public land management plans to help private owners utilise their land in a way which is consistent with limiting overdevelopment.

I might add that our approach is in stark contrast to that of the opposition. As Mr Viney said, the Liberal Party when in government gladly overdeveloped, sold off public land and sought to utilise the Alpine National Park as a private ski field. It gladly sought to develop Wilsons Promontory and the Twelve Apostles. The Liberal Party's response is to say that the Kennett era was some sort of historical anomaly, some sort of historical accident, some sort of bad dream for the

11:52 Where are these people going to get their voice? Where are these people's voices going to be heard? We are talking about millions of dollars for developers. We are talking about hundreds of thousands of dollars for local and interstate lobbyists when we have 100 people still living at Kew Cottages who need to be relocated and who have been promised they can be relocated. Still, in this debate today we have an amendment from

Victorian public. But the reality is that its policy approach is unchanged. At the last election the Liberal Party policy in relation to green wedges was only to protect that small percentage of green wedges that was held in public hands. That policy would see the overdevelopment of all but a very small percentage of the green wedges. If the Liberal Party had its way, the lungs of Melbourne would have been concreted over. This policy was tested and rejected by the electorate at the last election, and I am concerned that this motion today is another attempt to revisit that failed policy. It is another attempt by the Liberal Party to promote a policy of overdevelopment, of concreting over the green wedges.

On this side of the house we are happy for that policy to be scrutinised. We are happy for the Liberal Party policy to be scrutinised by the public and scrutinised by the relevant committee. But I am opposed to this issue being sent to a select committee which is stacked to ensure an outcome that promotes the Liberal Party agenda. That is why I am supporting Mr Viney's amendment to send the motion to the appropriate committee, a committee that has ALP, Liberal Party and Greens representation. But if Mr Viney's very sensible approach fails, I will be putting forward further amendments that reflect the outcome of the election. In fact I will do so now. I move:

1. In paragraph 1, omit "7" and insert "9".
2. In paragraph 2, omit "2" (where first occurring) and insert "4".

In essence, my amendments seek to ensure that the size of the select committee is increased from seven to nine members and that the government's representation is increased from two to four. This reflects the outcome of the last election, an election which as I said rejected the Liberal Party policy of concreting over our green wedges. I am very concerned that the select committee will be used by the Liberal Party to relitigate its failed policy.

12:00 Having lost the debate in a fair election process it now wants to relitigate its policy in a committee which is stacked in its favour. Liberal Party members know that stacking the committee is the only way they have any chance of promoting their policy. I urge the house to support Mr Viney's amendment, and failing that to support my amendment.

**Mr ATKINSON** (Eastern Metropolitan) — I am keen to speak in this debate, particularly following the last speaker, because Mr Tee drew an extraordinarily long bow in providing some sort of motive to the Liberal Party which is so far-fetched as to be ludicrous.

When the government takes debate to this level to try to camouflage what is really its intent — which is to blunt the scrutiny of government activity to prevent the house from using the instruments available to it to fairly, on behalf of the public of Victoria, inquire into matters of relevance and importance to the people of Victoria, and then perhaps to recommend on protocols that might safeguard the interests of the people of Victoria — it is demonstrating that it is far from the transparent government that it so often claims in rhetoric. This government has gone to extraordinary lengths, if Mr Tee's contribution to the debate is to be accepted by this Parliament as a party line as distinct from some extraordinary notion that he dreamed up under the shower this morning. This is an amazing line and it is absolutely ludicrous.

The reality is that the Liberal Party's proposition before the house today has absolutely nothing to do with an attack on the green wedge. The green wedge issue interests me because part of my electorate, and indeed part of Mr Guy's electorate, involves green wedge areas. We are both very cognisant of the importance of those wedge areas to Victoria and particularly to people in Melbourne. We understand there are some people in the development community who have their eyes on parts of the green wedge and would suggest that perhaps that is not the best use of that land, but there is certainly a recognition by the Liberal Party that the green wedge policy — which stood during the time of Liberal governments — is a policy that is very important to Victorians and to people in Melbourne.

What interests me about the notion that Mr Tee introduced into the debate today is that I have cause for alarm about some development proposals that I have heard have been surreptitiously approved of late by this government within green wedge areas. Surreptitiously under this government there have been approvals for development in the green wedge. That very issue of the integrity of the green wedge might well be one of the matters this committee looks at, and these developments that I refer to, of which I have sought further information, might well be a matter of particular interest to the committee because the green wedge is a very important part of Melbourne's overall planning regime, and supports our notion, if you like, of Melbourne as a very livable city.

I support this motion for a number of reasons, and I reject both of the amendments. Indeed the Liberal Party will be voting against both of them. In the first instance, the Liberal Party is opposed to the amendment that would refer the investigation off to an existing committee — the Outer Suburban/Interface Services and Development Committee. We reject that

amendment in part because of matters referred to by Mr Hall relating to the scope of what inquiries might be made. At this time the focus of the all-party committee is clearly on the fringe areas of Melbourne — the metropolitan area's outer edges — and many of the issues it is considering relate to the conflicts between city uses, farming uses and in some cases even recreational land uses. So that committee is very much focused on the fringe areas of Melbourne. It does not have a mandate at this time, and I suggest that even with this amendment there is not an effective mandate suggested by the government that would allow it to inquire into matters concerning land in Victoria more broadly, or indeed land in the inner metropolitan area. Places like Kew Cottages have been mentioned in the course of this debate, and clearly at this time the mandate would not allow for that to be pursued adequately by this committee on the amendment that the government has moved.

I think the whole proposition is really to fob off this inquiry; to try to have a review of our practices bottled up and managed through the government's majority process to ensure that there is really no effective scrutiny of the proposals. I do not think the government has a lot to be fearful of in this whole inquiry — or it should not have. I would have thought that there was a lot to gain from this inquiry. I see this as a constructive and positive step forward. It is one of the reasons why I have no problem at all in supporting Mr Guy's motion.

In terms of the second proposal put by Mr Tee, effectively it is a fairly naked attempt to hijack this whole process. He has already suggested that Mr Viney's amendments ought to get up. As I have suggested, Mr Viney's amendments are designed to try to bury the whole notion of this inquiry by sending it off to a committee that does not really have a mandate to do the work, but he thinks it can be got rid of with a sideways handpass. So Mr Tee says, 'Yes, that is the way to go. But in the event it is not agreed to by the house then the government has another way of trying to control the process, and that is to stack the committee and to increase its members by adding two extra members — —

**Ms Darveniza** interjected.

**Mr ATKINSON** — Ms Darveniza was not in the chamber at the time and so probably she has missed the amendment being moved. The amendment seeks to add two extra members to the committee and, extraordinarily, both of those members would come from the government. So it is an attempt to stack the committee. It is unfortunate that Ms Darveniza was not in the chamber to hear Mr Tee's reasoning because it

was simply to say that the committee ought to reflect the outcome of the last state election. Indeed, this house does reflect the outcome of the last election, much to the chagrin of the government, because what has happened is that the Greens and the Democratic Labor Party have representation in the house now, and have an opportunity to contribute. As Mrs Coote said in her contribution to this debate, I also believe that the standard of debate in this place has improved, in part because previously government members treated this place most discourteously, very often not participating in debates at all. Where they did participate in debates they relied on the fact that they had the numbers rather than on any need to explain the motives or the actions of the government to try to win the intellectual debate. Now because this is a hung house government members are spending a lot more time trying to win the intellectual debate, and I think that is for the betterment of this chamber.

In this case I do not think Mr Tee won the intellectual debate with his viewpoint that the government ought to increase the number of people on the committee simply to reflect the outcome of the last election. I think the substantive motion put before the house by Mr Guy adequately reflects the results of the last election because it incorporates an opportunity for the minor parties to participate in this process, and I think they have a significant interest in the matters that would be referred to the select committee.

The Nationals draw their membership and support from regional and rural Victoria. Many great decisions are made by governments that affect local communities in regional and rural Victoria, and it is more than appropriate that they be represented. If we were to talk about the green wedge then I would have thought that the policies related to the green wedge were of absolute importance to the Greens party, and therefore it would seek to have a view on those issues alone, but also more broadly on the use of public land. I am sure that Mr Kavanagh, no doubt given the electorate he represents and some of the public landholdings within it and the understanding he has also shown for rural and regional Victoria, would also share a significant interest in the use of public lands. 12:10

As Mr Hall said in his contribution to the debate, all members of this house recognise the importance of public land and the proper utilisation of public land. There is a recognition that the needs of communities change, and it is possible at times that public landholdings ought to be sold and other land needs to be acquired for public purposes. We look at facilities such as hospitals and so forth, which need to be established in communities and require landholdings

that are perhaps not already available to the government. This is an ongoing process; it is not a situation where you just sit on a parcel of public land and say, 'This is what we have and we will simply protect it' for some bizarre reason.

**Mr Hall** — Roads are another good example.

**Mr ATKINSON** — Indeed, acquiring land for roads, and in some cases disposing of land that is no longer required for roads. One of the road reservations that I have a particular interest in in my electorate, and this goes to part of my argument in supporting this motion, is the reservation for the Healesville freeway which starts at Springvale Road and proceeds through to Vermont. That reservation has been planned for decades, and there is land held for the purposes of constructing that freeway. It has been my long-held view that we do not need that freeway, that if we get it right with some of our other facilities including public transport in the eastern suburbs and certainly the Scoresby freeway going forward — EastLink as it is now known — we do not need the Healesville freeway land reservation. That begs the question of what is to happen with that land. It is a great parcel of land. It is in an area that has a very high land value in terms of residential value, but it is an area where the community would expect, want and, I believe, deserve to have some ongoing access to public open space. That raises the question of how that is to be achieved. Are we to expect that the City of Whitehorse would pay millions of dollars to buy that land which, I would argue, as many members before me have, is surplus to the needs of government?

It is interesting that the only reason why that land has not been sold in the past is that VicRoads cannot be assured that the proceeds of a sale will be returned to it for road purposes. In other words, the bureaucrats at VicRoads have avoided selling land that is no longer really needed in a public policy sense because they do not want that land to go into general revenue and be lost to VicRoads. That is a policy issue that this committee could and should look at; that is a positive thing that is not party political — it is not partisan — but ought to be investigated, because there is land lying there for a purpose that is unlikely to be required for that purpose. There are a range of issues in terms of the community's access to it in the future, whether or not it can be used for some public open space, how much of it might or ought to be available for private development, whether or not there are other government purposes that that land could be used for — perhaps a hospital or something — given that the government has used in a different way land that was to have been provided for. It was certainly provided for by the Kennett

government for a public hospital at Knox in Wantirna Road. There are also issues, as I have said, of where the proceeds of that land goes: whether or not it should go back to the agency to allow it to reinvest in other road acquisitions that it has to make, or whether it should go into general revenue.

There is a similar dilemma in my electorate at Junction Road, Nunawading, with land which is surplus to the Eastern Freeway requirements and which has been under discussion for two elections so far, so that matter stretches back over five years. The City of Whitehorse is concerned that it should protect that land against development. Certainly the local community wants to see that land used for recreation purposes and is concerned about any threat of further development on that land. All of the policy questions, if you like, and the practice of government in terms of disposal of land seem to have come to nothing after over five years. It seems to be at a stalemate despite the member for Mitcham sending out letters from time to time telling people that the matter is moving along and he hopes for a great conclusion. It is not happening; it has not happened for five years. Yet that land also begs the question of the processes that have stopped a suitable community resolution for this land and its having been held up.

I also look at an area like Dandenong, which is now subject to plans for urban redevelopment programs. I welcome those, and I think it is most appropriate that we look at what we can do to revitalise the Dandenong CBD (central business district) area.

It is a significant district. It is basically the second largest CBD after Melbourne. It is a gateway to Gippsland and South Gippsland. I think it holds a very important status both historically and in a contemporary sense in the Melbourne metropolitan area. As I said, it is subject to urban renewal programs and the government has formed an authority to try to redevelop Dandenong to aid that urban renewal process.

I think that is appropriate. It is an important project. However, I have some concerns about the scrutiny and the land deals that must inevitably be associated with the revitalisation of Dandenong. I note that two of the private sector parties represented on the organisation that is guiding that urban redevelopment have a very significant vested interest in what happens in Dandenong — in other words, two entities with substantial commercial investments in Dandenong are represented on the organisation that is guiding this urban renewal project in Dandenong. I think that needs to be considered very carefully because it is open to abuse. I am not suggesting that either of those

12:17

companies might seek to unduly influence processes, but there is an opportunity for that to happen in the existing circumstances. The assembly of parcels of land and the disposal of land are often very important components of achieving an outcome in any urban renewal project. I think that needs to be looked at carefully in terms of this government's administration. It is an appropriate matter for this committee to examine.

I am also mindful of the number of schools being closed by this government, making the sites available. I refer to schools in Ferntree Gully in my electorate and to schools in the city of Monash and Broadmeadows. I understand there are some in Albert Park, and no doubt other members could chip in with further schools that are subject to closure by this government. That means school sites are no longer being used for their primary purpose, and there are question marks about how they will be used in the future. I understand and accept that there is an established process for looking at government land-holdings. Where land is no longer required for a particular purpose, there is a process whereby that land is shown to other departments and in most cases to local government, as a protocol, to enable them to consider whether they might have a use for that land before it is subject to sale. That is the regular process, and we need to establish that that process has been adhered to. We need to establish whether that is the right process and whether other aspects should be taken into consideration by government, government valuers and so forth when they look at disposing of land.

Mr Hall referred to the amendment that has been moved to send this matter off to an all-party committee and spoke about the value of some of the references to all-party committees. I have to say that I prefer a focused committee formed for a particular purpose that works under specific terms of reference and gets the job done, rather than having committees take on work that is not relevant to their expertise, is not relevant to the mandate they have and in many cases is simply make-work. I have a real concern at the moment because I am on the Economic Development and Infrastructure Committee and we are supposed to be working on two inquiries at the moment. One is on biofuels and the other is on financial services. Unfortunately the government has made announcements in both areas in the last couple of weeks which make the work we are doing absolutely irrelevant.

The government has already made announcements on what it is doing with biofuels, so why are we as a parliamentary committee investigating them? We are

underresourced, and we have also been asked to look at financial services, despite the fact that the Department of Innovation, Industry and Regional Development — one of the minister's own departments — is already conducting a separate exercise looking at financial services in conjunction with a highly credentialled accounting firm. We do not need make-work on committees, we need to be focused on proper work, on proper terms of reference, and to make sure we address issues that are of concern to the community.

The government is trying to derail the motion moved by Mr Guy, but I think this is a very important motion. The substantive motion deserves the support of the house, because we need to look at and scrutinise a number of procedures. As I said, in many cases the procedure might refer to the community aspirations for land. It would certainly refer to matters in regard to the national and state park system we have in Victoria. It certainly would refer to some of the local reserves. It might well refer to the green wedge areas, though not, I would suggest, in the terms Mr Tee raised — as some sort of bogeyman, saying that the Liberal Party's real agenda is to try to somehow destroy the green wedge. The committee might refer to the green wedge in the context of how we ensure that some of the existing transgressions of green wedge areas are addressed and considered very carefully. It might well consider whether we need to put some further protocols in place.

An area of government that would welcome a vigorous and fair dinkum inquiry as moved by Mr Guy is local government. Local government is often at the end of the queue when it comes to government decisions on public land. In some cases local government is expected to pick up the tab. In fact, with the Junction Road land I referred to in Nunawading that runs alongside the Eastern Freeway, it has certainly been the contention of the member for Mitcham in another place, Mr Robinson, and other members of the government that the Whitehorse City Council should pick up the tab. The council has obviously resisted that. Several million dollars is involved, and the council is concerned that this is a rather heavy impost on it given that the land is already in public ownership. It is protesting that, and the matter of who should pay remains unresolved. However, this goes to the point that in so many of the decisions that are made on public land local government is expected to pick up the pieces. We need to understand what local government's position is on some of these matters. We need to understand whether the protocols that are in place to meet local government's needs in assessing public land disposals are adequate.

We also need to look at whether our processes in terms of private development of public land are adequate. One of the real concerns I have as a member of Parliament is the tender system. When it comes to some of the public land disposals it is quite possible that some of the land will be sold by tender. I only have to look at the new convention centre to see an example of what is wrong, in my view, with the tender system. That major project was put out to tender by this government, and one of the companies that lodged a tender has now dramatically changed the scope of the project. The other party in the tender had no opportunity and no access to government to put in a bid that might have paralleled that of the successful tenderer. Often we see in the tender process a company put in a bid to win the tender and then sit down with the government and say the plan does not work so it needs to change the project. It says it needs to shift the boundaries and do different things, and the government says that is terrific because it wants some good press releases out of it.

12:27 The reality is that it has been a total corruption of the tender process, because if the project was not viable weeks or days after the tenders closed, then it was not viable when those very tenders were being formulated. Proper and genuine proposals from genuine developers are being put at risk by people who are trying to play a tender game rather than taking an interest in proper and legitimate development in this state under fair rules that allow the government to properly analyse and scrutinise tenders and compare them. If we are going to have tenders, then they need to be handled properly.

My concern with regard to this tender matter, coming back to the motion, is that the disposal of public land could well involve tenders, and organisations or companies could well put in tender bids which reflected something that the government might be enthused about only to find that subsequent to the transfer of that land private development proposals were varied markedly and not to the benefit of the local community. There are many issues here — and they are policy issues. They are not about simply trying to run a witch-hunt against the government. I suggest that this is a very constructive motion. There are many policy issues that this Parliament ought to have a look at. The government's position could be strengthened and aided by the work of this committee. The terms of reference are adequate and apposite to the work that needs to be done in to ensure that the interest of Victorians in public land is protected and that the protocols are established for the proper disposal and indeed perhaps acquisition of public land.

Both amendments ought to be rejected by this house because neither is an attempt by the government to genuinely enter into this investigation of public policy on land disposal and land development. Both amendments are attempts to simply sidetrack or derail the process and to manage it from a control point of view rather than embracing the opportunities Mr Guy's motion provides to the house. I urge members of the house to support Mr Guy's motion and reject those amendments.

**Ms DARVENIZA** (Northern Victoria) — I am pleased to rise and make a contribution to this debate. I oppose the motion put forward for the opposition by Mr Guy, and I support the amendments that have been put forward by the government. There is no need for a select committee to be set up to look at the issues of the planning for and the sale and development of public land as we already have a whole range of joint parliamentary committees that have references and would more than adequately be able to deal with a reference of this nature, if that were seen to be necessary.

I particularly want to take up the issue raised by both Mr Guy and David Davis when they used the example of the sale and use of the land at the Kew Cottages site and the lack of public land being made available through the closure of the Kew Cottages intellectual disability services facility, which has been there for a very long time. The process was put in place by this government to see the residents of Kew Cottages moved into community residential units. At the moment around 377 residents from Kew Cottages have been rehoused in the community, about 100 residents still reside at Kew Cottages and are awaiting rehousing in the community, and there will be new housing on the site. Modern residential accommodation for some 20 residents will be made available on the grounds of Kew Cottages.

I mention a little bit about what the government has done, because I will compare the process and procedures the Bracks government has gone through in relation to the deinstitutionalisation and relocation of residents at Kew Cottages with how the opposition behaved when it went through very similar processes when it was in government. It is simply outrageous that the opposition should come in here and people like David Davis and Mr Guy should use Kew Cottages as an example of the government having failed to properly consult in relation to the use of the land or the services that are going to be available and the configuration of those services for the clients as well as in relation to the planning and the protection of the heritage value of that particular site. There has been extensive consultation

with stakeholders and the community about all those issues, particularly with the residents of Kew Cottages and with the parents and support associations that have a real interest in the ongoing services for the clients at Kew Cottages. Initially members of the parents association were opposed to their children and relatives being moved out of Kew Cottages into community supported accommodation. We had extensive consultation with the clients and with that particular group of parents, and they now fully support the arrangements that have been put in place.

12:35 They support the service configurations, as do a whole range of other parties interested in the services that will be provided to those vulnerable individuals. As well as that, there was extensive consultation around planning for the land use. Half the profits from the sale of the Kew Cottages site, which is a very valuable piece of land, will go back into delivering disability services for the clients, the intellectually disabled people in Victoria. Public land is still being made available on that site.

I want to compare that with how members of the opposition behaved when they were in government and were faced with similar sale and development of public land on which congregate care facilities, some of those older institutions that were closed down, were located. Members opposite have the gall to come in here and use the example of the Kew Cottages site. I put to them: what about the former Larundel Psychiatric Hospital at Bundoora, that was closed down under the Kennett government? What consultation was undertaken with the community, not only those who were interested in the services that were being provided for the people who utilised the services there — the psychiatrically ill, in that case — and their families, and the community around it that was impacted on by any planning for the use of the land that Larundel was on? What consultation took place about the heritage value of some of the buildings of that particular institution? The answer is that there was none. What did members opposite do when in government? They simply sold it off, lock, stock and barrel, to developers. Yet they come in here and criticise members of the Labor government when we have undertaken extensive consultation about that bundle of land that Kew Cottages stood on.

**Mr Guy** interjected.

**Ms DARVENIZA** — Mr Guy probably does not remember what members opposite did. I do not know what he was doing back then, when Larundel was decommissioned, but members opposite did nothing. There was no consultation; they simply sold off the land to developers. I suggest that Mr Guy and David

Davis take a bit of a drive through the grounds of what was the Larundel hospital site, do a bit of a lap and tell me where members opposite left any of that land for public access. I ask them to find me a block that is used for public access. Certainly some heritage buildings have been protected, but that was because the community got behind them and fought really hard to make sure that they were protected. That is Larundel.

That was not the only place that members opposite closed down when in government. That is not the only bit of land involved with the delivery of services to the psychiatrically ill and the intellectually disabled that those opposite sold off to developers. I remind them about the Kingsbury Training Centre, which was on a bit of land, again, out there around Bundoora. What did those opposite do when in government to ensure that there was some consultation about that centre, that there was some protection of heritage buildings and that any of that land was kept for public access? Again, I invite members to take a bit of a drive.

*Honourable members interjecting.*

**Ms DARVENIZA** — Members opposite do not like to be reminded of the way they behaved when they were in government. Members on this side know that if they ever got back into government that is the way they would behave again. They come in here and put forward an argument that we need a select committee to look at the way that the government is dealing with the sale and redevelopment of government land, when their hands are dirty, dirty, dirty given the way they dealt with this issue. They did not have any consultation at all with the community.

But there is more. It was not just Larundel and the Kingsbury Training Centre that members opposite sold off without leaving even a slice of land for public access. Do members remember the very old Mont Park psychiatric facility? The services that were provided at Larundel have now been mainstreamed into our general health services. Mind you, it was closed down under the Kennett government, and I could go into detail of how those services were sadly depleted. It was only when the Bracks Labor government came to power that some more money was injected into mental health services. I will not go down that path, tempting as it is.

The former Mont Park Psychiatric Hospital was on a very big site. The grounds were probably not quite as big as those that Kew Cottages were on, but they would have been close to that size. When they were in government what did members opposite do about consulting?

**Mr Vogels** — Eight years ago!

**Ms DARVENIZA** — Mr Vogels, even though he is out of his place, says it was eight years ago. It was eight years ago, and in the eight years that we have been in government we have put in place open and transparent processes in the way that we deal with the sale and development of government land. Even Mr Atkinson acknowledged those processes. I would like to talk a bit about those processes, but there are more examples. I want to run through them because it is important that members opposite are reminded of how they behaved when in government. I cannot help myself in this. They have come in here and used the example of the Kew Cottages facility and the moving of those clients out into the community, which has been done in a way that involved an enormous amount of consultation, with an enormous amount of effort to work with the community and the clients — which is something that they never did when in government.

*Honourable members interjecting.*

**Debate interrupted.**

### SUSPENSION OF MEMBER

**The PRESIDENT** — Order! Mrs Coote's reference to the member standing by her first name is unacceptable. In fact I previously directed that her leader remove himself for such a transgression. I now direct that she remove herself for 10 minutes.

**Mrs Coote withdrew from chamber.**

**Debate resumed.**

**Ms DARVENIZA** (Northern Victoria) — I was talking about Mont Park. Again I invite members of the opposition to get into their cars and drive out there, take a bit of a spin around what was the old Mont Park hospital site and tell me if they can find a bit of land there for public use. There are fantastic houses there; it is a great development. There are a few houses out there that I would not mind living in — it is a lovely development. But I ask: how much consultation was there around the planning and sell-off and how much of the money raised from the sale of that land to those developers went to providing psychiatric services for the people who were using those services? The answer is: none. What members opposite did at the same time as they were selling off the land to developers was cut, cut, cut psychiatric services. They were closing beds and community facilities and sacking and retrenching nurses. They had an absolutely scorched-earth approach to our mentally ill. Again I suggest that members take a

bit of a drive around Mont Park and I ask them to find me a bit of land that is being used for public access. That is not what the government is doing at the former Kew Cottages site, where some of the land will be used for public access.

But there is more. Members opposite were vandals when they were in government. No wonder for eight years they have not had a shot. I like to use these opportunities to remind us all of the way they behaved when they were in government. We do not want to see them back in government for a very long time.

12:45

Plenty Hospital was another psychiatric facility. Those opposite should take a spin around what was Plenty Hospital and find me a bit of land for public access. They will not be able to find any. They will not be able to find public access land there or any consultation that happened. There is a heritage building at Plenty Hospital, but again it was the community that fought really hard to make sure it was protected. We have Larundel, Mont Park and Plenty hospitals. I remind members about Pleasant View drug and alcohol facility. What did those opposite do with that? They sold it off. Who to? Developers. Was there any land left for public access? No. Was there any consultation? No. Was any of the money used to go back into drug and alcohol services? No. What did they do? They closed down more of the drug and alcohol services, and I could rattle those off as well. Janefield was in a nice rural setting out past Bundoora. Again, find me a bit of public access land there. They will not be able to do it.

It is outrageous that the opposition should bring a motion like this when we know we have parliamentary committees that would be able to deal with these matters. The record of those on the other side speaks for itself. When they were in government they showed no inclination at all to consult with people or have a process that was open and transparent, unlike the one we have put in place since we have been in government. This motion should not be supported.

**Mr GUY** (Northern Metropolitan) — I want to thank members for their contributions to debate on this very important motion. The amendments moved by Mr Viney and Mr Tee should not be supported. With regard to Mr Viney's amendment, the Outer Suburban/Interface Services and Development Committee, of which I am a member, has a brief to look at issues surrounding councils outside the doughnut of the city. It does not have a brief to look at councils and issues within councils in the centre of the city or, as Mr Hall correctly pointed out, in country and regional Victoria. A substantial part of this motion deals with the proposed committee hopefully being able

to look into such matters. An example of the exceptionally important issues which must be examined was given by Mr Hall when he referred to the alpine fires and the fires in 2003 which devastated landholdings right next to public land. Certainly the Outer Suburban/Interface Services and Development Committee will not be able to look into such issues, nor will it be able to look into the showgrounds site, nor will it be able to look into Kew Cottages which, as we have all heard today, go to the absolute heart of this motion.

I also want to thank Mr Atkinson for his references to local government which are exceptionally important. As he said, local government would no doubt appreciate the opportunity for feedback to this committee. Some important issues have been raised: Notting Hill, the showgrounds, Devilbend, Kew Cottages, Royal Park and Camberwell station. They are all of tremendous importance, and I would urge all members in this chamber to vote against the amendments and for the substantive motion.

#### Mr Viney's amendment negatived.

**The PRESIDENT** — Order! Mr Tee's amendment 2 is a test of his amendment 1, and the two amendments will be voted on collectively.

#### Amendments negatived.

**The PRESIDENT** — Order! The question is that the motion moved by Mr Guy be agreed to. All those in favour say aye, against nay. The ayes have it. Therefore the motion is won.

**Hon. T. C. Theophanous** — We would like a division, President.

**The PRESIDENT** — Order! I am informed by the Clerk that in fact the minister did say no, and on that basis I am willing to accept that there was a nay. Therefore I call for a division.

#### Bells rung.

12:52 **Mr P. Davis** (*Speaking covered*) — On a point of order, President — —

**The PRESIDENT** — Order! Just as a matter of interest, the Leader of the Opposition no longer has to perform that party trick. That has now changed now in the standing orders, but I appreciate the fact that historically he would have had to.

**Mr P. Davis** — Thank you for saving me from embarrassment, President. The point of order I wish to

raise is that this division is out of order. The reason it is out of order is that you, President, declared the result of the vote on the voices quite properly given the circumstances at the time. The circumstances were that you called for an indication of the ayes and the noes. Those indications were given, and consequently you declared the result of the vote. As far as we are concerned this is highly disorderly and improper and the result is therefore — —

**Hon. T. C. Theophanous** — You are reflecting on the Chair!

**Mr P. Davis** — I am reflecting on the minister, in fact. There is no purpose served in having this division because you have already declared, President, the result of the vote on this matter.

**Hon. T. C. Theophanous** — On the point of order — —

**The PRESIDENT** — Order! I am not taking another point of order. The fact of the matter is that by and large the member is correct insofar as I did make a ruling. However, the minister did offer a nay that was heard by the Clerk. While it was not heard by me it was heard by the Clerk, and I have absolute confidence in his informing me of that fact. Therefore, while there may have been some confusion, I have the right to review what I declared and to conduct a division.

#### House divided on motion:

##### Ayes, 20

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

##### Noes, 18

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

##### Pair

Koch, Mr	Pulford, Ms
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#### Motion agreed to.