

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Tuesday, 31 March 2009**

**(Extract from book 5)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs . . . . .	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing . . . . .	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services . . . . .	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation . . . . .	The Hon. J. M. Allan, MP
Minister for Health . . . . .	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources . . . . .	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections . . . . .	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business . . . . .	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events . . . . .	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation . . . . .	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts . . . . .	The Hon. L. J. Kosky, MP
Minister for Planning . . . . .	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs . . . . .	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs . . . . .	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians . . . . .	The Hon. L. M. Neville, MP
Minister for Industry and Trade, and Minister for Industrial Relations . . . . .	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects . . . . .	The Hon. T. H. Pallas, MP
Minister for Education . . . . .	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs . . . . .	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Mr A. G. Lupton, MP

## Legislative Council committees

**Legislation Committee** — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

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

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

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. R. F. SMITH

**Deputy President:** Mr BRUCE ATKINSON

**Acting Presidents:** Mr Eideh, Mr Elasmarr, Mr Finn, Mr Leane, Ms Pennicuik, Mrs Peulich, Ms Pulford, Mr Somyurek and Mr Vogels

**Leader of the Government:**

Mr JOHN LENDERS

**Deputy Leader of the Government:**

Mr GAVIN JENNINGS

**Leader of the Opposition:**

Mr DAVID DAVIS

**Deputy Leader of the Opposition:**

Ms WENDY LOVELL

**Leader of The Nationals:**

Mr PETER HALL

**Deputy Leader of The Nationals:**

Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Ms Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue <sup>1</sup>	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William <sup>2</sup>	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
			Vogels, Mr John Adrian	Western Victoria	LP

<sup>1</sup> Appointed 3 February 2009

<sup>2</sup> Resigned 9 January 2009



# CONTENTS

## TUESDAY, 31 MARCH 2009

BUSINESS OF THE HOUSE	
<i>Photographing of proceedings</i> .....	1605
<i>General business</i> .....	1622
<i>Orders of the day</i> .....	1622
<i>Budget speech 2009–10</i> .....	1622
ROYAL ASSENT.....	1605
SELECT COMMITTEE ON TRAIN SERVICES	
<i>Membership</i> .....	1605
QUESTIONS WITHOUT NOTICE	
<i>Hospitals: data reporting</i> .....	1605, 1607, 1608
<i>Public sector: wages policy</i> .....	1607, 1609
<i>Planning: growth areas infrastructure contribution</i> .....	1610, 1611
<i>Forests: river red gums</i> .....	1611
<i>BankWest: jobs</i> .....	1612, 1613
<i>Costco: Melbourne retail store</i> .....	1614
<i>Planning: fire zone regulations</i> .....	1615, 1616
<i>Bridges: Barwon Heads</i> .....	1616
SUSPENSION OF MEMBERS	
<i>Mr Finn</i> .....	1606
QUESTIONS ON NOTICE	
<i>Answers</i> .....	1617
PETITIONS	
<i>Tatura and Shepparton Racing Club: funding</i> .....	1617
<i>Water: north–south pipeline</i> .....	1617
<i>Rail: Sunbury line</i> .....	1618
<i>Healesville Amateur Racing Club: picnic meetings</i> .....	1618
<i>Yarra Valley Racing Club: picnic meetings</i> .....	1618
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE	
<i>Review 2008</i> .....	1618
<i>Alert Digest No. 4</i> .....	1619
PAPERS.....	1619
STANDING ORDERS COMMITTEE	
<i>Establishment of standing committees</i> .....	1620
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Membership</i> .....	1622
MEMBERS STATEMENTS	
<i>Autism Awareness Expo</i> .....	1622
<i>Police: Ashburton station</i> .....	1623
<i>Swan Marsh: community hall</i> .....	1623
<i>United Way Geelong: campaign launch</i> .....	1623
<i>Wildspace exhibition</i> .....	1623
<i>Public transport: city of Stonnington</i> .....	1624
<i>Cheong Park Reserve, Croydon South: facilities</i> .....	1624
<i>Scoresby Secondary College: Advance volunteer program</i> .....	1624
<i>Technical and further education: student fees</i> .....	1624
<i>Maffra RSL: liquor licence</i> .....	1625
<i>Agriculture: Kerang cropping trials</i> .....	1625
<i>Quambatook Bowling Club: synthetic playing surface</i> .....	1625
<i>Community Response to Eliminating Suicide: shire of Pyrenees</i> .....	1625
<i>Colac: Bushfire Appeal Variety Concert</i> .....	1626
<i>Bridges: Barwon Heads</i> .....	1626
<i>Heidelberg: Harmony Day</i> .....	1626
<i>George Zangalis</i> .....	1626
CARDINIA PLANNING SCHEME: AMENDMENT.....	1627
DUTIES AMENDMENT BILL	
<i>Reinstatement</i> .....	1632
RENEWABLE ENERGY FEED-IN TARIFFS: PRODUCTION OF DOCUMENTS.....	1635
MELBOURNE UNIVERSITY AMENDMENT BILL	
<i>Second reading</i> .....	1636
<i>Third reading</i> .....	1640
POLICE REGULATION AMENDMENT BILL	
<i>Second reading</i> .....	1640
EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL	
<i>Second reading</i> .....	1648
<i>Committee</i> .....	1654
<i>Third reading</i> .....	1656
BUS SAFETY BILL	
<i>Second reading</i> .....	1657
ADJOURNMENT	
<i>Rooming houses: registration</i> .....	1661
<i>Water: charges</i> .....	1662
<i>Women: suffrage centenary</i> .....	1662
<i>Melbourne Wholesale Fish Market: relocation</i> .....	1663
<i>Water: Macalister irrigation district drought reserve</i> .....	1663
<i>Autism: student funding</i> .....	1664
<i>Litter: cigarette butts</i> .....	1664
<i>Real estate agents: advertising</i> .....	1665
<i>Geelong Ring Road: community infrastructure</i> .....	1665
<i>Australian Formula One Grand Prix: economic benefits</i> .....	1666
<i>Weeds: control</i> .....	1666
<i>Bushfires: Crown land fencing</i> .....	1667
<i>Walla Secondary College: funding</i> .....	1667
<i>Commissioner for environmental sustainability: strategic audit</i> .....	1667
<i>Responses</i> .....	1668



**Tuesday, 31 March 2009**

**The PRESIDENT (Hon. R. F Smith) took the chair at 2.04 p.m. and read the prayer.**

## BUSINESS OF THE HOUSE

### Photographing of proceedings

**The PRESIDENT** — Order! I remind members that the official photograph is to be taken. This is to reflect the fact that we have a new member in the house. That will be done straightaway, then the house will go on to normal business.

## ROYAL ASSENT

**Message read advising royal assent to:**

**18 March**

**Liquor Control Reform Amendment  
(Enforcement) Act**

**24 March**

**Sheriff Act  
Victoria Law Foundation Act.**

## SELECT COMMITTEE ON TRAIN SERVICES

### Membership

**The PRESIDENT** — Order! I advise the Council that within the time set by the resolution of the Council I have received from the party leaders and the Australian Greens Whip advice in which Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney were nominated as members of the Select Committee on Train Services.

## QUESTIONS WITHOUT NOTICE

### Hospitals: data reporting

**Mrs PETROVICH** (Northern Victoria) — My question is for the Treasurer, Mr Lenders. As custodian of the state's finances, what steps has he taken to ensure that government payments are not made inappropriately to those Victorian hospitals that are guilty of manipulating waiting lists, falsifying records and fraud?

**Mr LENDERS** (Treasurer) — The health portfolio is answered for in this place by Mr Jennings, but in the spirit of answering Mrs Petrovich's question I will take it on behalf of my colleague the finance minister, who has carriage of the Financial Management Act, or most sections of it, and therefore oversees the governance areas.

There are a couple of things that I will say firstly to Mrs Petrovich. This Labor government has done more than any government in the history of this state to bring accountability into place.

*Honourable members interjecting.*

**Mr LENDERS** — The opposition members scoff. They have an opinion on everything and a policy on nothing! The question I was asked was on governance and oversight of governance. The Minister for Health and the Premier have made it quite clear that what happened in the hospital being referred to by Mrs Petrovich is unacceptable. Let us put that straight on the record, but then let us address the issue of governance.

This Council and the Assembly sit every month of the year except January. When we got into government the Parliament resumed in November after not sitting since May, so if we are talking about governance and accountability — —

*Honourable members interjecting.*

**Mr LENDERS** — Other members may not want to hear the answer about governance and accountability. This house sits and ministers answer questions. Even though it is not a question that falls within my portfolio areas, the fact that I am on my feet and answering — —

**Mrs Petrovich** — On a point of order, President, on the issue of relevance the minister needs to stick to the answer.

**The PRESIDENT** — Order! I am of the view that the minister is well within the guidelines for answering questions as set down by the standing orders.

**Mr LENDERS** — Mrs Petrovich asked about governance and about supervision. Firstly, this house is sitting and this Parliament is sitting. It is unique in the state of Victoria that ministers want to answer questions on this and that they do it. Secondly, if we are talking of governance, the most effective monitors of the state and how the bureaucracy works are the Auditor-General and the Ombudsman. These are independent officers of the Parliament that were given their teeth by this Labor

government. In this house we deal with Auditor-General's reports. We receive them — —

**Mr Finn** interjected.

**Mr LENDERS** — I take up Mr Finn's interjection that it does not help the people. That is exactly the attitude which, after the Mitcham by-election in 1999 and the general election, saw Mr Finn put out to pasture, because his party had no idea.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn!

**Mr LENDERS** — That accountability and governance are centred on issues like giving independent officers, like the Auditor-General, powers. If we go back to 1999 when Mr Finn was put out to pasture, we see that the Victorian electorate made a judgement, and this government has delivered on that.

In response to Mrs Petrovich's question about the governance arrangements, they are: one, we are not afraid of facing the Parliament; two, we will not gag public servants and officials like they were gagged by the Kennett government; and three, we require reports to be presented to the Parliament before the Parliament goes into recess at Christmas. Under previous governments the reports would all wait. They would be held over until March or May of the next year. Under this government, the Premier's guidelines, as set out in the Premier's circular, are that every report is tabled in these houses before the end of the year.

What happened in this hospital has been addressed by the Premier and the health minister, who have clearly enunciated a government position. In response to Mrs Petrovich's question, 'What has the government done on governance?', we have made the Parliament sit, we have given the Auditor-General powers, we have given the Ombudsman powers, we make the annual reports available and we are not afraid of open, accountable and transparent government. In fact, we brought it in and we welcome it.

**The PRESIDENT** — Order! Before I call the supplementary question, I remind members of the house that there is a degree of latitude given during question time, particularly in terms of interjections, but Mr Finn made a remark by interjection that was extremely close to the wind, in my view, of being unparliamentary. I do not want to repeat the remark. I will talk to Mr Finn about it later, but I think he knows which one I am talking about.

**Mr Finn** — No, I do not.

**The PRESIDENT** — Order! I will put it on the record, if that is what Mr Finn wants. Mr Finn's interjection to the minister, 'No wonder you wanted euthanasia', is totally unsatisfactory in my view. I do not intend to argue with Mr Finn. Mr Finn is warned to be careful with his comments.

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! I will put Mrs Peulich on the list too if she likes. It will not be a problem at all for me to put her on the list.

**Mr Finn** interjected.

**Questions interrupted.**

## SUSPENSION OF MEMBER

**Mr Finn**

**The PRESIDENT** — Order! Under standing order 13.02, I ask Mr Finn to vacate the chamber for 30 minutes.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Does Mr Finn have a comment to make?

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn is to resume his seat. Mr Finn had a remark to make, but I note that he does not want to make it. He just wants to make a backhanded comment on his way out of the chamber. That is highly disrespectful to the Chair, and I ask him to apologise.

**Mr Finn** — I apologise.

**The PRESIDENT** — Order! Mr Finn can now take his 30 minutes.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn is to resume his seat. This is an interesting start to the week. I understand Mr Finn has made another remark, a remark which I did not quite hear. Would Mr Finn like to repeat it?

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! I am not talking to Mrs Peulich.

**Mr Finn** — I have no idea which remark you are referring to, President.

**The PRESIDENT** — Order! Mr Finn is to vacate the chamber for 30 minutes.

**Mr Finn withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

### Hospitals: data reporting

Questions resumed.

#### *Supplementary question*

**Mrs PETROVICH** (Northern Victoria) — Given the clear warnings from the coalition since October 2007, has the Treasurer undertaken an investigation to ensure that all payments made to Victorian public hospitals have not been and will not in future be corrupted and falsified by false data?

**Mr LENDERS** (Treasurer) — I have answered Mrs Petrovich's comment in my substantive answer.

### Public sector: wages policy

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Treasurer. Can the Treasurer inform the house of the impact of the Brumby Labor government's new wages policy for public service employees in light of the global financial crisis?

**Mr LENDERS** (Treasurer) — I thank Mr Elasmar for his question and his interest in the effect of government wages policy on our citizens at a time of global recession. These are not easy times for governments, and these are not easy times for citizens. These are times when we have a global economic downturn, and it is obvious to anybody who looks at declining revenue and the private sector, where retrenchments are becoming the order of the day in some industries, that the government needs to address its situation and also be an exemplar for the community as a whole. In that environment the government has responded with a more modest wages policy than was previously in place. It is a more modest wages policy of 2.5 per cent increases in negotiations from the time of the budget onwards.

In this environment that does several things. One, it allows the delivery of services in this state to continue to be viable. Any government in the year 2009, when there is a global recession, knows something has to give, and that has to be either service delivery, the

capacity to keep jobs or the capacity to deliver wages. What the government is seeking to do is to deal with wages, which we believe will be in excess of inflation over the next several years. What we are seeking to do is to give a commitment to our public sector workforce that there will be no retrenchments.

*Honourable members interjecting.*

**Mr LENDERS** — Some opposite may laugh at this going on. Perhaps Mrs Peulich is not laughing at the retrenchments; perhaps she is laughing at a private joke from another member. But this government does not believe in retrenchments, unlike the previous government, which had no issue with sacking 8000 teachers, 8000 nurses and 10 per cent of the police force as well as gutting the community sector. This government believes in jobs. It believes in no retrenchments and in delivering jobs.

The final thing I will say in response to Mr Elasmar's question is that — —

**Mrs Peulich** interjected.

**Mr LENDERS** — Mrs Peulich said that is why we are losing so many jobs. She has an opinion on everything and a policy on nothing. There would not be a person on this planet who would not have worked out that there is a global recession and that some jobs are going. Mrs Peulich parrots that out, saying, 'Well, jobs are going'.

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! Mrs Peulich.

**Mrs Peulich** — I take offence at the President's admonition of me — —

**The PRESIDENT** — Order! Mrs Peulich should resume her seat. If she wants to raise a point of order, she can do so in the proper manner.

**Mrs Peulich** — On a point of order, President, I am absolutely gobsmacked that the President should be admonishing me for objecting to the minister during question time, using question time — —

**The PRESIDENT** — Order! Mrs Peulich knows full well that that is not a point of order. The fact is that her constant interjections drew my attention, and that is what I was referring to. If Mrs Peulich thinks she is allowed to continually interject, she can go right ahead and I will deal with her in the appropriate manner. Mrs Peulich is simply being given a warning that she is on notice for interjecting constantly.

**Mr LENDERS** — The world is seeing rising unemployment, and many people will notice that and have an opinion, saying there is rising unemployment. What the government needs to do is to have a policy to address it. We are dealing with our public sector in the way we think is fair — through pay rises at a sustainable level going forward and a commitment to no retrenchments and further by being an example to the private sector by saying our workforce is our most valued resource as an employer. As the private sector has said to government for most of my time as minister, one of the most critical issues is having a skilled workforce available. What we say to the private sector is that, like government, we hope people will seek to maintain their workforce because it is a great investment in people; it is treating people with dignity. Also from the employer's point of view it is going forward so that when Victoria, Australia and the world come out of this global recession, businesses will have that investment in the resource of their own people to take them forward with great success.

This is not an easy decision for government, but it is committed to no retrenchments, looking after its own people and sending a signal to the private sector that workers need to be valued, our workforce needs to be valued and this is a way we can assist.

### Hospitals: data reporting

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Treasurer. I refer to reports from October 2007 onwards by the coalition and others that hospitals were manipulating waiting lists and fraudulently falsifying records. I also refer to the Paxton Partners report into the manipulation of waiting list data and subsequent false-figure work at the Royal Women's Hospital reported to the Department of Human Services, and I therefore ask: has the Treasurer ascertained that the data reported across the Victorian public hospital system is accurate and that fraudulent reporting, like that by the Royal Women's Hospital, will not compromise commonwealth government payments to Victoria under the Australian health-care agreements (AHCA)?

**Mr LENDERS** (Treasurer) — I thank Mr David Davis for his question. I find it very interesting that his premise is that the fact that the opposition has an opinion on something means it actually has some gravitas. His shadow Treasurer's opinion on collateralised debt obligations caused a run on a bank. It caused a financial institution to take out full-page advertisements in newspapers to stop a run on a bank at a time of global financial crisis. I will take seriously any question on government administration, but it makes it

hard to take it as seriously when the opposition's premise is that the fact that it having an opinion on something means that the community should pay attention. If we paid attention to every opinion members of the opposition had, we would have aided and abetted a run on a bank in a time of global crisis.

This government takes the issue of the accounts of public hospitals seriously. This government, from the day it was elected, has always looked to where it can improve its administration and go forward. That is why we gave the Auditor-General powers. We gave him those powers so that he could tell us — often unpleasant — news. And what do we do? We act on it.

Every system can be improved. This government, like any good government, will work on any system that has flaws and seek to improve it. Unashamedly that is what accountability is about. That is why we gave powers to the Auditor-General, that is why we have the sitting of this house, that is why we put out annual reports of government departments and that is why we put contracts on the websites — because we are not fearful of accountability. I would welcome a debate in this house — anytime, any place, anywhere — on accountability. Our action in giving authority to independent watchdogs outshines the opinions of the opposition any day.

### *Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I am disappointed that in that answer — —

**The PRESIDENT** — Order! It is a supplementary question. The member does not need to debate it.

**Mr D. DAVIS** — I am disappointed that the minister could not mention the health-care agreements. I therefore ask: has the minister ordered an audit of health-care data provided to the commonwealth under the Australian health-care agreements to ensure accuracy and to guarantee that future commonwealth grants under the agreements are protected?

**Mr LENDERS** (Treasurer) — I thank Mr David Davis for his question. In the interest of accountability I have been answering a question that is more appropriately directed to the Minister for Health or the minister representing the Minister for Health, my colleague Mr Jennings.

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr David Davis, and Mrs Petrovich before him, asked a question on

governance and accountability, and I am answering questions on governance and accountability.

A single error is inexcusable. No-one is defending what happened in this particular medical institution. It is not a question of that. It is where you go forward; it is what you learn from it and how you deal with it. We can go forward and have a discussion about the AHCA (Australian health-care agreements). We can have a discussion about the Financial Management Act, we can have a discussion about the Audit Act and we can have a discussion about the Ombudsman Act. We can have a discussion about the state constitution. We can discuss — —

**Mr D. Davis** — You don't want to mention the health-care agreements.

**Mr LENDERS** — I actually mentioned the AHCA for Mr David Davis, but he clearly was not listening. All these things are relevant parts of the debate. This government unashamedly says, 'If we could do better, show us how and we'll do better'. We have reports on this matter, and clearly we will work through them.

The underlying premise here — and this is where the government and the opposition are fundamentally different — is that the opposition has an opinion on everything. This government has a view that we are obliged to govern well. We will govern, and as we do so if there are ways in which administration can be done more effectively, we will be all ears. That is why we set up an Auditor-General's office.

**Mr D. Davis** interjected.

**Mr LENDERS** — It is interesting that the word 'audit' actually escaped Mr David Davis's lips. The word 'audit' is exactly what this government is unashamedly in favour of. We established the Auditor-General as an independent officer of the Parliament after his office was neutered by the Kennett Liberal-National government. Mr David Davis actually voted for the neutering bill; his was a vote for the neutering of the Auditor-General.

I guarantee Mr David Davis that we will continue to support mechanisms to keep governments accountable and to keep the Auditor-General's report, parliaments in sitting, the Public Accounts and Estimates Committee interviewing ministers, annual reports being released in time and the house in session. We will ensure all these accountability measures. That is what Labor is about, unlike those opposite who have opinions on everything but hide from the Parliament when they are in government.

## Public sector: wages policy

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Industrial Relations, Martin Pakula. Can the minister outline to the house how the Brumby Labor government is taking action to protect public service employees from the global financial crisis and what message this sends to Victorian businesses?

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — I note that Mrs Peulich has started interjecting again already. I have said in this place on a number of occasions that this government values every job in the state. The decision made last week by the government to alter its wages policy is a concrete demonstration of that. We are the no. 1 employer in the state. We are the largest employer, and we have decided on a course of action which will not just protect public service jobs but should also serve as an example to the private sector of our willingness and determination to protect those jobs and as a marker for them in our call to them to protect jobs in the private sector as well.

As the Treasurer outlined a few moments ago, the change of government wages policy after the state budget is from a headline rate of 3.25 per cent plus productivity to a headline rate of 2.5 per cent plus productivity. As a dividend of that change, unlike other governments and unlike some in the private sector, we will be neither embarking on a program of wage freezing nor embarking on any program of retrenchments.

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** — That decision by this government is aimed fairly and squarely, Mrs Peulich, at protecting and shielding public sector employees from the impacts of the global financial crisis.

When we made the announcement last week I called on the private sector to follow the lead of the Brumby Labor government and to make holding onto jobs its no. 1 priority, as it is our no. 1 priority. It was not so long ago that in terms of this economy we were talking about the difficulties being created by skills shortages. Now as a consequence of the global financial crisis we are talking less about skills shortages and more about the importance of holding onto jobs for the duration of this global crisis.

Make no mistake: the global financial crisis will end — we know it will end one day — and the companies that will be able to capitalise on the upswing, the companies

that will be able to come out of the global financial crisis stronger, more adaptable and more capable of taking advantage of the inevitable upswing in the economy, will be those companies that have held onto their skilled workers for the duration of this global crisis.

We have decided as a state government that we are going to protect and hold public sector jobs. We hope that decision will engender confidence. We hope it will encourage workers in the public sector to consume in the lower cost environment that we currently live in in a whole range of areas. We hope it will help to buttress our economy from the effects of the global financial crisis. But more importantly it is our indication that we are not going to go down the Peter Debnam road, where he pledged 20 000 public sector job cuts at the last New South Wales election. We will not go down the Lawrence Springborg road, where he pledged 12 000 job cuts in the last Queensland state election. Instead we are a government that will continue to deliver fair wage rises and protect public sector jobs. Our call is for the private sector to hold those jobs as well so it is able to capitalise on the inevitable upswing that will happen at the end of this global crisis.

### **Planning: growth areas infrastructure contribution**

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the proposed growth areas infrastructure contribution, which will slug developers or landowners with an up-front tax bill of \$95 000 per hectare, and, noting that some developers will be hit with an immediate bill of up to \$100 million as a result of this new tax, I ask: can the minister provide a guarantee to Victorians and to the planning industry that the up-front nature of this new tax will not kill development projects and as a result cost jobs?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's question because for the first time in a long time I get a sense that he is looking at the detail of some of these planning issues. I welcome it because it would lead me to suspect that there is a policy in the offering, but I am not convinced.

We have a plan for the future. We announced Melbourne @ 5 Million. We did that on the back of making sure we provide the necessary level of housing and land for housing going into the future as well as maintaining and reinforcing our commitment to consolidation within the current city footprint or the urban growth boundary. So we remain committed to

both of those, and we announced that in Melbourne @ 5 Million.

We also recognised in that announcement the need to provide the infrastructure and for developers to be involved in the provision of that infrastructure. We did that by announcing that in any future changes to the urban growth boundary there would be a contribution we would expect to be made to the development in terms of infrastructure in the urban growth boundary. We made that up-front. We made that commitment, and we do not steer away from that commitment. It is part of the plan; it is part of the policy we have — an overt, well-known and expressed policy position.

What we are doing through the Growth Areas Authority is discussing with developers the mechanisms around how they believe and we believe that contribution should be made, as well as the timing and mechanics around that.

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I take up Mr Guy's interest in this matter. We do not want to hold off the opportunity to develop in these new areas. We also do not want to see windfall gains to those who might turn land, which is outside the urban growth boundary at the moment, into huge capital sums overnight. We also want to make sure that developers are in a position to proceed with their developments.

I want to make this quite clear to the opposition, because if it is going to go down this path, it needs to have a plan of its own. If it is going to commit to freeing up land, as we are, there is no doubt that infrastructure will have to be funded. We have made a commitment to how that will occur. The growth areas infrastructure contribution charge would probably account for about 15 per cent of that infrastructure; the rest of the infrastructure funding would come from the government anyway. If the opposition is going to say we cannot or should not have it, it should come out and say it now. I say to the member opposite that we are enthusiastic about negotiating with the development community about the best mechanism for this. If Mr Guy does not recognise that there will be substantial windfall gains for the owners of land currently outside the urban growth boundary, then he needs to acquaint himself with the planning system — he needs to know that.

I appreciate that Mr Guy is interested. He tries to be all things to all people, from the grassroots community groups to the developers. We will work through the technical arrangements of how that contribution will be

made. I look forward to legislation based on this coming to the Parliament. I look forward to Mr Guy and the opposition supporting it, because they have been very vocal about land, and making land available comes at a cost to everybody. The government looks forward to the opposition's support of the way in which infrastructure will be delivered in the community. We want to maintain the state's competitive edge, to continue to make housing affordable and to continue to make Victoria the best place to live, work and raise a family.

*Supplementary question*

**Mr GUY** (Northern Metropolitan) — I sincerely thank the minister for his answer to that question. By way of supplementary question, I ask: can the minister inform the house what advice he has received as to the possible impact of a \$95 000 per hectare up-front charge on lots within the 2005 and onward urban growth boundary, particularly in relation to housing affordability, the current availability of credit, possible employment impacts and possible impacts upon developers who cannot get credit and cannot afford to pay the minister's new up-front charge, and will he release the details of this advice?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's question, because it shows that for once he has gone into the minutia and the detail of this. This is the first time the minutia has undergone forensic analysis by the opposition, because I suspect these details have been provided to it by the development community. Firstly, I acknowledge that. I also make the point that the government wants to support the development community. We want to get infrastructure into these communities, and we want it funded. We want to make that happen. If the opposition has an alternative way of providing infrastructure without it being funded, without releasing land or without it being contributed to by the development community, it should put its cards on the table.

Secondly, we are mindful of the liquidity and credit issues of some of these developers. In discussions with these developers, we have been mindful of the fact that many second-tier financiers, who might have had lower criteria for lending money or making finance available, have gone back to their own domain. They might have gone back overseas. They might have decided not to continue to provide that credit in Australia, so they have gone back to where their head offices are. What that means for many of these developers is that they have to rely on banks, and the banks in Australia fortunately have much stricter lending criteria. For many of these developers liquidity is no doubt going to be an issue,

not only because of what we have announced but also because of the state of liquidity right across the board. They have to be mindful of that.

Let us not forget that in changing the urban growth boundary those landowners outside the urban growth boundary will extract windfall gains from this. As I have said, if the opposition does not want us to do that, it should put that on the record now. If it does not want land made available, it should put that on the record right now. If it does not want infrastructure funded, it should put that on the record right now. If Mr Guy has an alternative plan, he should put it on the table right away. I suspect, as my colleague Mr Lenders has said, that he has an opinion on everything and the ability to resolve absolutely nothing — he has not one iota of policy to present to this chamber. I welcome the interest, but I also welcome any alternative policies that might be presented to this house.

**Mr Atkinson** — On a point of order, President, I think, mercifully, the minister might have finished, but the reality is he was debating at the end of that answer in a way that is in contravention to previous rulings and the standing orders of the Parliament.

**The PRESIDENT** — Order! Like the Deputy President, I am of the view that minister has finished. Is that correct?

**Hon. J. M. Madden** — Yes.

**Forests: river red gums**

**Ms DARVENIZA** (Northern Victoria) — My question is for the Minister for Environment and Climate Change, Gavin Jennings. I ask the Minister if he can inform the house of how the Brumby Labor government is taking action to protect Victoria's iconic river red gums against the threat of drought and climate change and what steps will be taken to preserve this vibrant cultural part of Victoria's heritage.

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Darveniza for the opportunity to talk about something that is very important to the Brumby government — that is, to provide protection to the river red gums along the Murray and to provide for their preservation through national parks, which is a very prominent commitment that has been made by the Brumby government.

*Honourable members interjecting.*

**Mr JENNINGS** — I am very pleased to hear that a number of members of the chamber are acutely interested. I hear their voices rising in a cacophony of

support for the program. That is something I am very keen to hear — that is, what the level of support throughout the Victorian community may be.

In the last sitting week, President, you may remember that Mr Drum asked me a question about the support provided by the government to help the transitional arrangements. He put the acid on me in no uncertain terms, because in his contribution he made it pretty clear what his views on the matter were. He asked me a reasonable question, which was to outline the commitments of the government to ensure that we provide for transitional arrangements to support any workers who may be dislocated through the reduction of timber effort in the forests. We recognise that significant investment is required, and \$4.5 million has been allocated to support a transitional adjustment for the industry. Those payments that will be available to licensees, contractors and individual workers will be outlined to the local community tomorrow in a seminar that the Department of Sustainability and Environment, Parks Victoria and the Department of Innovation, Industry and Regional Development will hold in the region to make sure the relevant stakeholders in this industry are better informed about what transitional payments may be available to them to enable them to retrain, retool or maybe in some instances resettle. Our overriding objective is to try to make sure we provide for a smooth transition to the new arrangements.

We are also interested in adding to the number of jobs, so there is a commitment to employ 30 park rangers for these parks. Additional work will be available in restoring the quality of the native vegetation and in streamside protection. We think that through the implementation of these programs there may even be a net gain in the number of jobs available in the region.

**Mr Drum** — That is clearly not true.

**Mr JENNINGS** — Mr Drum does not believe this. He described the package I have just outlined as ‘a rancid piece of fruit’. His views on this subject are pretty clearly on the record, as are the views of his colleague Mr Weller, the member for Rodney in the other place. Mr Weller recently came in with a delegation; he jumped on the bandwagon of a delegation of timber workers I met recently. Mr Weller was very keen to be there. He was so keen to be there that at the end of the meeting he expressed the biggest sentence of any that he uttered through the whole meeting. He said, ‘Can I have a photo?’. Five words! And he used those five words very well, because the photo ended up on the front page of the local newspaper, and he saw himself as a freedom fighter protecting the interests of the workers.

Mr Weller and Mr Drum are lined up and have made it pretty clear what their view is. Interestingly enough, one of their colleagues, Mr Crisp, the member for Mildura in the Assembly, says it is a victory for the common man. Maybe Mr Crisp’s view is discounted because he is a New South Welshman; maybe that is the reason his view is discounted within The Nationals. However, it is good to know that The Nationals have a 360-degree view on the subject. The fascinating thing is: what is the Liberal Party’s view on this question? I ask myself this, because members know that through the course of this year, in September, I am going to try to get this bill through the Parliament. We made that announcement in December.

*Honourable members interjecting.*

**Mr JENNINGS** — There might be a bit of interjection to put me off, but there is no policy, no commitment, coming from the other side. There has been a deafening silence since December. Am I supposed to take it from the tone of the interjection, from the tilt of a head, the wink of an eye or the tie of a kerchief — —

**Mr P. Davis** — On a point of order, President, I ask that you point out to the minister that this is the time for him to give an answer to the last question.

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

**Mr JENNINGS** — I know Mr Davis may feel this is a touchy area, because I am trying to elicit some policy response from the opposition and he knows there is not one. There is no doubt he wants to shut me up. However, I would be keen to know how the Liberals stand on this issue. On every occasion in the past Liberal members have supported the recommendations of the Land Conservation Council or the Victorian Environmental Assessment Council to establish national parks, and in this instance they have been deafeningly silent. Who is going to determine the policy of the coalition? That is a reasonable question for the community, not just me, to ask. The Brumby government is determined to deliver the national parks, to deliver appropriate transition to support local communities, to provide jobs in the region and to protect these forests for all time.

### **BankWest: jobs**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question is to the Treasurer. I refer to the slideshow the Treasurer spruiked around town last year bragging about the jobs that were coming to Victoria. It listed

700 jobs from BankWest. Given that BankWest has now announced staff cuts of 400 nationally, what has happened to the 700 jobs the Treasurer repeatedly promised from BankWest last year?

**Mr LENDERS** (Treasurer) — I thank Mr Dalla-Riva for his question and his opinion on jobs. The state of Victoria has one of the most dynamic and vibrant economies in the world. It has an extraordinarily diversified economy, which is based on a skilled workforce, on strong infrastructure investment by government and the private sector, on skills from government and the private sector, and on a regulatory and taxation environment that makes it a more attractive place to do business than anywhere else in Australia and much of the Pacific rim.

In that environment, in a world economic downturn there are challenges. We as a state seek to bring employment into Victoria. As I stand here today, there is a series of employers across the state looking to make decisions as to the size of their workforce. Many employers look to what they can do to keep their workforce in place for as long as they can — firstly, to help themselves go forward and, secondly, to look after the welfare of those whom they employ. There are also in Victoria, as I speak today, people actually putting on workers.

If we look at where Victoria stands today — Mr Pakula is looking nervous, but I am not about to steal his thunder — I think it was two weeks ago that the *Australian Financial Review* reported that Woolworths announced it would employ 7000 more Australians, not just Victorians, this year. That is Woolworths. There is probably not a person in this chamber who is not familiar with Woolworths.

If we go out towards the west of the state, we note that just last week the Premier announced a new gas-fired power station in Mortlake, and I think Ms Tierney was with him. If we go to the east of the state, we see new jobs being created.

*Honourable members interjecting.*

**Mr LENDERS** — I hear this talk of reannouncements. This is not a reannouncement. This is a statement that in the state of Victoria today some employers are laying off employees; other employers are creating jobs. The role of a state government in that environment is to facilitate jobs, to assist with jobs and to deal with transition issues, because we are actually part of a global financial crisis.

**Mr Drum** interjected.

**Mr LENDERS** — Again Mr Drum has opinions on everything. He is with the coalition spirit: he has an opinion on everything. He has an opinion that the world is in crisis. Everyone in the house shares that opinion; there is a global financial crisis.

It may not be a surprise to the President, but President Obama also has an opinion that there is a global financial crisis, as do Prime Minister Brown and Prime Minister Singh. I am sure if Mr Netanyahu has been elected Prime Minister today, he too will have an opinion that there is a global financial crisis. But the making of a leader and the making of a government is what they do about it. Having an opinion is fine. Children in kindergarten also have opinions. The measures we should look at are what you do to go forward and the policies you have to deal with it.

Mr Dalla-Riva asked for my view about a particular company and employment. I will say to Mr Dalla-Riva that BankWest has made some announcements. In particular it has been very harsh in the state of Western Australia, where I might note his Liberal colleagues, the Premier and Treasurer, have been mute — they have not uttered a word about it. But BankWest has made some decisions, and my view is that it should hold onto its workforce, which will assist it in going forward.

But the key point is that this state is a financial services hub. It has the ability to grow in that regard. We will continue to work with the private sector to grow jobs in the state. I thank Mr Dalla-Riva for his opinion, but I hope he and those on the opposition side of the chamber have some policies to grow the state and create jobs.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — The minister knows the BankWest job cuts are the tip of the iceberg. Will he confirm that employment in Victoria's financial sector has fallen by 16 000 over the last year and that there are thousands more positions under immediate threat?

**Hon. M. P. Pakula** interjected.

**Mr LENDERS** (Treasurer) — I do not think a lot of Nostradamus either. What I will say to Mr Dalla-Riva is this: there is a global financial crisis and there is a recession. At a time of global recession, what we are seeing in the state of Victoria is a financial sector that is more resilient than most. Mr Dalla-Riva, along with Mr David Davis and Mr Kim Wells, the member for Scoresby in the Assembly, was at a financial sector forum a few weeks ago at the Hyatt in Collins Street here in Melbourne.

*Honourable members interjecting.*

**Mr LENDERS** — They were not on their feet screaming ‘Fire!’. If they had attended the whole seminar and not just the meal, they would have heard from the speakers at the forum — —

**Mr D. Davis** interjected.

**Mr LENDERS** — I am flattered that Mr Davis was there to hear me speak; I hope he learnt something. But if they had stayed for the entire forum, they would have heard some of the leading financial services figures from this country and globally praising the state of Victoria for where it is with pensions, venture capital and funds management and for what it has done to generate jobs.

I have been on watch in the financial services portfolio for a very short time. When my colleague Mr Theophanous had the portfolio, he and this government consistently worked to build up the financial services sector in this state. What we are seeing in this time of global recession is a more resilient sector than anywhere else in Australia, and certainly a more resilient sector than that in Western Australia, where the Liberal state government has been mute.

### **Costco: Melbourne retail store**

**Mr LEANE** (Eastern Metropolitan) — My question is for the Minister for Industry and Trade, Martin Pakula. Will the minister outline to the house how the Brumby Labor government is taking action to attract investment and jobs to Victoria from international companies like Costco?

**Mr Atkinson** interjected.

**Hon. M. P. PAKULA** (Minister for Industry and Trade) — I thank Mr Atkinson for indicating he is reading our literature. The Brumby government is working very hard to attract major investments to the state of Victoria, and there could not be a more exciting investment than that of a major global retailer like Costco. The Costco investment in the state of Victoria is one more example of a range of investments totalling almost \$25 billion of projects facilitated by this government since it came to office in 1999 — projects that have delivered more than 60 000 jobs in this state.

This particular company, Costco, is the fifth-largest retailer in America and the eighth-largest retailer in the world. It has more than 550 warehouses in nine countries and employs more than 140 000 people worldwide, and Melbourne is about to have a piece of that action.

March has been an exciting month in Melbourne. There has been a lot of activity and a lot of confidence generated by the airshow, fashion week, auto week and the grand prix, which took place over last weekend. But one of the most exciting things that happened was when the chief executive officer of Costco, Patrick Noone, and I were at the Docklands site a couple of weeks ago to announce that job advertisements had gone out to attract 225 new workers at that new Costco facility. They include payroll clerks, cashiers, sales assistants and maintenance workers. All those jobs and that investment by Costco at Docklands is a vote of confidence in Melbourne. It is another example of why we are considered the leading investment location in the Asia-Pacific region. It will not be just a boost to visitor numbers down at Docklands but also a boost to the retail mix in Melbourne more generally.

**Mr Jennings** interjected.

**Hon. M. P. PAKULA** — That is right. I am sure the Liberal Party and all its frontbenchers will enjoy coming to Docklands, where there will be a new retail experience, more spending and a better retail mix.

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** — I can say to Mrs Peulich that it will be one more example of why Melbourne is considered the shopping capital of Australia. It is not just about retail, it is about Victorian suppliers, whether it be another company or another retailer, providing opportunities for supply to Victorian manufacturers of food and other things. It is made possible because the government has cut the cost of doing business in this state. That is why it is possible to have this kind of retail positioning and this kind of retail mix and diversity, which are so important, in our retail spend.

We want more of it. We will be chasing more Costco stores and we will be chasing Costco distribution centres. But we will be chasing investments in this state more generally. We will be chasing every opportunity we can to create jobs and activity in this state, whether it is through companies like Costco or whether it is through attracting more direct flights into Melbourne by Emirates, by Qatar Airways or by Tiger Airways, or — while I am talking about Tigers — whether it is attracting Tiger Woods! That is something that is going to generate jobs in the hospitality sector and in the hotel industry. We support it, even though others do not.

Whether it is Tiger Airways or Tiger Woods — and I want to congratulate Tiger on his win at the Bay Hill invitational yesterday, which makes the decision

prescient — it is good to see that some Tigers are performing up to expectations.

**Mrs Coote** — Bernie's not even here to hear it!

**Hon. M. P. PAKULA** — I know — it is so wasted! It is just another example of this government's practical and successful approach to encouraging investment in Victoria. We want to see more of it. We will continue to encourage that investment, and it is time everybody else got on board as well.

### Planning: fire zone regulations

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Planning and is in relation to the new building standards for bushfire protection. Back on 11 March in this place, in relation to the CSIRO's research, he stated:

This is the highest standard we can achieve on the basis of all the work that has been brought together ...

He also stated:

The national standard has been through an incredibly thorough process. The CSIRO has gone through it with a fine-tooth comb ...

I was therefore surprised to hear on *AM* this morning the CSIRO expert — I gather it is the relevant expert — claiming that this is a significant weakening of the code. Since the minister made that statement, has his government received or sought any independent advice from the CSIRO?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Barber's question, because it is a very astute question, given that he is obviously listening to the radio in the morning. It is very useful for him to listen to the radio. I will bet you other members of the opposition wish they had been listening to 3LO this morning as well.

**Mrs Coote** — It's not 3LO any more; it's 774. You're wrong!

**Hon. J. M. MADDEN** — Thank you very much.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — We as a government have recognised the need for people affected by the bushfires to start the rebuilding process, to return to their communities and to re-establish their lives. That is why we have introduced tougher building standards for homes, targeting high bushfire-risk areas, to help better protect lives and property.

We have adopted the highest Australian standard available. It is the most stringent, and it is better targeted than the previous standard. I just want to make that absolutely clear. The standards committee, of which the CSIRO is a member, considered the new bushfire standard over a number of years and consulted widely. This standard was agreed on and was due to be adopted nationally in May 2010, but in light of the devastating bushfires we have brought forward the adoption date to allow Victorian communities to rebuild their homes to that higher standard.

The new building standard has six risk categories or bushfire attack levels, compared to the current four categories. These new requirements ensure a more detailed risk assessment for each building site, addressing different levels of exposure that could result from different levels of fire attack. I am advised that the CSIRO supported the 1090-kelvin temperature in its formal response to the Australian Building Codes Board consultation regulatory impact statement, the temperature which the majority of other stakeholders, including the fire authorities, supported and which the board, the Victorian government and the Australian Capital Territory government have adopted. I understand the CSIRO did not raise any other technical or policy matters in that submission. It is worth bearing that in mind. I also reinforce that under the previous standard only homes in certain bushfire-prone areas were covered. The new standard is statewide, allowing for a site-by-site assessment of homes to offer people across the state the highest protection available.

We also announced that the royal commission would inquire into all aspects of the recent bushfires, including questions relating to improving the fire safety of housing and other buildings and of the materials used in construction. If further recommendations, comments or qualifications are made by the royal commission, the government will look at adopting those.

To assist homeowners whose principal place of residence was destroyed by the bushfires, the bushfire appeal fund announced that all homeowners will receive a rebuilding and recovery grant of \$50 000. This consists of \$35 000 for rebuilding and \$15 000 to replace contents and will assist people in meeting any extra or additional costs of rebuilding, particularly if it means raising the standard of housing in line with the building code. This will give people more certainty and more confidence. We are committed to ensuring that we do what we can on the best possible advice on the best available standard — that is, a national standard — and we have adopted this sooner rather than later to assist people with rebuilding their lives.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — The minister did not say yes or no in response to my initial question. Does he stand by the statement, ‘This is the highest standard we can achieve’?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Barber’s supplementary question. There are a number of areas that establish with no doubt at all that this is the highest available standard. One is the flame temperature on which this standard is based, which I understand is 1090 kelvin. That is certainly much higher than any threshold that has been in place before. After investigations into the most recent bushfires, we may find, as I think reflects the preliminary advice, that the threshold will be even greater. The flame temperature was quite high — between 1300 and 1400 kelvin — so I would expect that there will be comments made in relation to that. But in terms of a national approach on a highly technical standard, I think we can have confidence that this is the highest standard.

It is also the highest standard above and beyond what was presented before, because whereas this applied to areas under various planning overlays, or bushfire-prone area nomination, this will be applied to all dwellings for which a building permit is sought going into the future. All dwellings will be considered. Even for people living in the suburbs all dwellings will be considered in this light. Given the description within that standard and the prescriptive nature of the threshold issues and the tests, either those issues will be discounted immediately or people will fall into one of the six risk category areas and the permit assessed accordingly. I am confident that this is the highest possible standard that can be attained. I am confident that the scope of all dwellings right across the state makes it the highest possible standard.

No doubt there will always be views on what can or what could or what should happen in relation to standards. This has been through a thorough process. Standards Australia has voted on it, and it has been adopted. If there are those who have a sense that it should be a higher standard in any particular technical area, no doubt they will have the opportunity to make submissions to the royal commission. If there are any recommendations made by the royal commission, we will consider those thoroughly with the hope of implementing them in one fashion, if that is possible.

**Bridges: Barwon Heads**

**Ms TIERNEY** (Western Victoria) — My question is also for the Minister for Planning, Justin Madden. Can the minister update the house on how the Brumby Labor government is taking action to deliver its commitment to improve infrastructure, particularly in regional Victoria?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Ms Tierney’s interest in this matter. I know this is specific to her local area, so no doubt she will be very keen to hear this answer. I welcome her support for this matter.

I would like to update the house on how the Brumby Labor government has taken action to ensure that the historic bridge at Barwon Heads is reconstructed to provide safety and amenity to the local community. This project, as we have said on many occasions, is too important for the local community at Barwon Heads to allow the opposition or the Greens, or whoever else, to use it as a political football. Stopping this project will rob the community of its entitlement to certainty when it comes to a safe crossing and an improved link. Therefore — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I take up the interjection from Mr Drum, because this is a regional project. If ever there was a project that The Nationals should have supported in regional Victoria, as opposed to hanging onto the shirt tails of the Liberal opposition, it should have been this one, because we had no choice but to request that the Governor in Council issue an order under section 16 of the Planning and Environment Act to exempt the Barwon Heads bridge from the constraints placed upon it by the reckless actions of the Liberal Party and the Greens.

I am pleased to say that this project can now proceed with certainty and as it was intended under the already-issued statutory coastal and heritage approvals. This project will redevelop the historic bridge to cater for vehicle traffic. A second bridge will be built to accommodate pedestrian traffic and cyclists as well as the fishermen who might want to dangle their lines off that pedestrian bridge.

In 2005 VicRoads found the bridge had only about four to six years of life left unless significant rehabilitation works were undertaken to address serious structural problems, but we know that did not concern the opposition. Now the existing bridge will feature many

of the heritage characteristics whilst allowing VicRoads to meet essential safety and load-bearing requirements.

Community consultation on the Barwon Heads bridge proposal was comprehensive and extensive, and it provided the community with numerous opportunities to make written and verbal submissions.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — Let us go into the detail for Mr Drum. Four public forums were held as well as a week-long public display. There was a series of information bulletins and, newspaper advertisements, and a round table discussion was held with key stakeholders. With projects such as these there will always be a variety of local views, but now the whole community down at Barwon Heads can be guaranteed of certainty, knowing that the bridge will be built and that it will provide safety and amenity for the local community.

Not only did the opposition and the Greens try to jeopardise public safety by trying to stop this bridge and ignore heritage but also, in the midst of the global financial crisis, they were trying to deny new jobs in regional Victoria.

**Mr Drum** interjected.

**Hon. J. M. MADDEN** — How does Mr Drum sleep at night, trying to deny regional Victoria its right to new jobs? We will not let this happen. This is another example of the Brumby Labor government taking action for regional Victoria. We know for many years the albatross for regional Victoria was The Nationals, and it still is. We are delivering on our election commitments, securing jobs and continuing to make Victoria the best place to live, work, invest and raise a family.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 665, 668, 671, 975, 976, 993, 994, 1004, 1006, 1010, 1032, 1033, 1317, 1318, 1573, 1745, 1959, 1961, 2033, 2078, 2174, 2211, 2309, 2664, 2705, 2771, 2772, 2860, 2864, 2914, 2954, 2968, 2997, 3020, 3035, 3075, 3076, 3079, 3130, 3276, 3281, 3369, 3373, 3376, 3457, 3533–5, 3550, 3551, 4152–4, 4158–61, 4165–8, 4172–5, 4179–96, 4200–3, 4730, 4737, 4738, 4745, 5178–81, 5220, 5221, 5225, 5226, 5228–34, 5236–8, 5850, 5998, 5999, 6389, 6396, 6403, 6410, 6417, 6424, 6433, 6440, 6447, 6454, 6461, 6468,

6475, 6482, 6489, 6496, 6503, 6510, 6517, 6524, 6531, 6538, 6545, 6552, 6559, 6566, 6573, 6580, 6615–49, 6651–67, 6671, 6672, 6680, 6681, 6684, 6686, 6687, 6689, 6694–97, 6708–10, 6712, 6714–19, 6733, 6740, 6747, 6754, 6761, 6768, 6775, 6782, 6789, 6796, 6803, 6810, 6859–62, 6866–9, 6957, 7269, 7276, 7283, 7290, 7515, 7517, 7518, 7522–5, 7529–32, 7536–9, 7543–6, 7550, 7552, 7553, 7557–60, 7564–7, 7571–4, 7578–81, 7585–8, 7592–5, 7599–602, 7607–9, 8015, 8101, 8103–6, 8371, 8397, 8591–3, 8597–624, 8629–37, 8707, 8724, 8725.

## PETITIONS

### Following petitions presented to house:

#### **Tatura and Shepparton Racing Club: funding**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposed removal of funding for maintenance of horse training facilities at the Shepparton and Tatura race club.

Your petitioners therefore request that funding for maintenance of training facilities remains at current levels for the Shepparton and Tatura race club.

**By Ms LOVELL (Northern Victoria)  
(61 signatures).**

**Laid on table.**

#### **Water: north–south pipeline**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorian farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

And your petitioners, as in duty bound, will ever pray.

**By Ms LOVELL (Northern Victoria)  
(10 signatures).**

**Laid on table.**

**Rail: Sunbury line**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the government without any community consultation proposes to electrify the train line to Sunbury and end the existing V/Line service, which train users wish to retain.

Your petitioners therefore request that the state government undertake an extensive community consultation to ensure an accurate reflection of the local community's sentiment on future transport solutions before proceeding with the planned electric train line expansion.

**By Mrs PETROVICH (Northern Victoria)  
(301 signatures).**

**Laid on table.**

**Healesville Amateur Racing Club: picnic meetings**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the Healesville Amateur Racing Club strongly objects to the removal of four of their picnic race day meetings.

Your petitioners therefore request that the state government immediately reinstate the 2008–09 full program of picnic race meetings for the Healesville Amateur Racing Club.

**By Mrs PETROVICH (Northern Victoria)  
(206 signatures).**

**Laid on table.**

**Yarra Valley Racing Club: picnic meetings**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the Yarra Valley Racing Club strongly objects to the withdrawal of training facilities, which will have an economic impact on the racing and broader community of Yarra Glen.

Your petitioners therefore request that the state government immediately withdraw the proposed reduction of training facilities for the Yarra Valley Racing Club.

**By Mrs PETROVICH (Northern Victoria)  
(153 signatures).**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

**Review 2008**

**Mr EIDEH (Western Metropolitan) presented  
report, including appendices.**

**Laid on table.**

**Ordered to be printed.**

**Mr EIDEH (Western Metropolitan) — I move:**

That the Council take note of the report.

I am pleased to introduce the Scrutiny of Acts and Regulations Committee's *Annual Review 2008*. The committee has been fortunate to have the continued and dedicated support of a professional secretariat. I take this opportunity to thank the committee's senior legal adviser, Andrew Homer, for leading the secretariat team effectively during 2008. The committee is also indebted to Helen Mason for her experienced guidance in the scrutiny of regulations and to Simon Dinsbergs, Sonya Caruana and Victoria Kalapac for their efficient management and administrative support during the year.

The committee is fortunate to have the ongoing assistance of Associate Professor Jeremy Gans as its human rights adviser. The committee also thanks its consultants from the Office of the Chief Parliamentary Counsel, Annette O'Callaghan and Adam Bushby, for their valuable advice during the inquiry into redundant corporations law.

As expected, the committee's charter functions have significantly expanded the rights and freedoms related issues considered by the committee and the consequent complexity of issues that now come before it.

**Mr O'DONOHUE (Eastern Victoria) — I would like to make a few remarks in relation to the tabling of the *Alert Digest* and particularly the annual report. I would also like to put on record my thanks for the work of the secretariat staff, in particular human rights adviser Dr Jeremy Gans, who brings with him a great deal of expertise and understanding in this area.**

This period has been one of continued transition for the Scrutiny of Acts and Regulations Committee in the implementation of the charter of human rights. It must be said that the government ministers and drafters of the compatibility statements have been delivering to the Parliament compatibility statements that are well drafted, but often there are still contradictions, mistakes

and errors that are made by ministers in addressing the charter that those ministers advocated for and voted in favour of. I believe more needs to be done by the government to address the charter that it has introduced to ensure that it follows the procedures and answers the questions that the charter demands for the benefit of the Parliament.

We have seen some situations where the statement of compatibility tries to jump through hoops to make the bill compatible with the charter. As was foreshadowed before the charter was introduced, sometimes that is very difficult. Fitting the desire of the government to effect legislative change within the parameters of the charter can be very difficult. We have seen that on a number of occasions in the last 12 months, and I think that has been illuminating.

The five-year review of the charter is not far away, and some of these issues will no doubt be of interest when that review is conducted. With those remarks I endorse the tabling of the annual review.

**Motion agreed to.**

### *Alert Digest No. 4*

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 4 of 2009, including appendices.***

**Laid on table.**

**Ordered to be printed.**

## PAPERS

**Laid on table by Clerk:**

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Charter 2008, pursuant to section 43(1) of the Act.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems and Strategic Audit: Environmental Performance Reporting Supplementary Report 2007–08, January 2009.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, March 2009 and Summary of Variations notified between 9 October 2008 and 30 March 2009.

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

Bayside Planning Scheme — Amendments C52, C72 and C79.

Boroondara Planning Scheme — Amendment C86.

Campaspe Planning Scheme — Amendment C43.

Casey Planning Scheme — Amendment C96.

Glenelg Planning Scheme — Amendment C45.

Golden Plains Planning Scheme — Amendments C14 and C36.

Greater Bendigo Planning Scheme — Amendments C102 (Part 1) and C110.

Greater Dandenong Planning Scheme — Amendment C87.

Horsham Planning Scheme — Amendment C39.

Hume Planning Scheme — Amendment C100.

Indigo Planning Scheme — Amendment C35.

Manningham Planning Scheme — Amendment C71.

Moreland Planning Scheme — Amendments C65 and C101.

Moyne Planning Scheme — Amendment C24.

Stonnington Planning Scheme — Amendments C94, C104 and C106.

Victoria Planning Scheme — Amendment VC54.

Yarra Planning Scheme — Amendment C111.

Special Investigations Monitor's Office — Report for the period 1 July 2008 to 31 December 2008, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 25.

Disability Act 2006 — No. 26.

Subordinate Legislation Act 1994 — Nos. 27 and 28.

Whistleblowers Protection Act 2001 — No. 29.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 21, 22, 23, 27, 28 and 30.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 17 and 24.

Wildlife Act 1975 — Wildlife (Control of Game Hunting) Notices —

No. 1, 9 March 2009.

No. 2/2009, 13 March 2009.

## STANDING ORDERS COMMITTEE

### Establishment of standing committees

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

That the resolution of the Council of 10 September 2008, as amended on 13 November 2008, requiring the Standing Orders Committee to inquire into and report by 31 March 2009 on the establishment of new standing committees for the Legislative Council be further amended so as to now require the committee to present its report by 31 July 2009.

By way of explanation, the Standing Orders Committee is undertaking and making good progress in relation to the issue of future standing committees of the Legislative Council. It is dealing with not only the nature of those committees but also how they might be structured and resource issues associated with the servicing of the committees. There has been a good degree of work done by all members of the Standing Orders Committee, with the assistance of the clerks.

While the committee is cognisant of its need to provide a timely report to the house, this is clearly not going to be achieved by the previously set date. Members of the committee are seeking an extension of that date to ensure the quality of that report and to ensure also that discussions between members of the committee and the research that is being undertaken can be completed as well as possible so that the Legislative Council is properly serviced by a new committee structure.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to make some comments on this motion and to indicate that the opposition supports the decision to extend the reporting time for the Standing Orders Committee. As members of the committee will be aware, the committee is making significant progress. Last week it made contact with the Senate and with the Legislative Council in New South Wales to look at alternative standing committee structures, and there are a number of issues around that that will require further discussion by the committee. It is important to put on record on this occasion that the committee structures that I think are desired by many in the chamber are of a more permanent nature, with likely committees shadowing areas of government and having a range of more defined responsibilities.

Another important matter considered by the committee relates to the issue of committee resources. It certainly became clear to us that committees need significant and satisfactory resources to achieve their particular aims. It is no use having committees with important references that are unable to do the research and the background work that is required. One clear distinction in the current arrangements in Victoria, where there are

12 joint standing committees of the Parliament, is that those committees are extremely well resourced by comparison with other jurisdictions, but in this state the upper house committees are quite poorly resourced. It is interesting to note that the committee secretariat of the New South Wales Legislative Council has 17 full-time staff. It is a significant difference from what is experienced in Victoria. That limits the capacity of our upper house committees to do much of the important work they are required to undertake.

However, I do want to indicate that there have been fruitful discussions among the various parties on the committee and that those discussions will continue. For those reasons I support the sensible extension of the reporting deadline.

**Ms PENNICUIK** (Southern Metropolitan) — I will just make a few brief comments on the extension of the work of the Standing Orders Committee on the reference for it to consider a committee structure and function for this Legislative Council. When I put forward the motion to establish that reference to the committee I made the point that the reform of the Victorian Legislative Council will not be complete until an effective committee structure is in place to scrutinise the executive government, proactively examine matters of public interest and importance and make recommendations to government about them.

The committee has met a number of times and discussed these issues. As Mr Viney and Mr Davis have said, we have been making progress. Part of the reason we are seeking the extension is that we decided it would be a good idea to visit the Senate and the New South Wales Legislative Council, and possibly even the Legislative Council of Western Australia, as they are the most appropriate models for us to consider in terms of how to set up a committee structure in the Legislative Council of Victoria.

We were unable to organise a visit to the New South Wales Legislative Council and the Senate in Canberra at a time that suited both the members of the Standing Orders Committee, the people in the Senate and the people in the New South Wales upper house until last week, when we undertook that visit. I would like to put on record my thanks to the staff, the clerks, the deputy clerks and the staff of the committees in the Senate and the Legislative Council of New South Wales as well as the various MPs from both the government and non-government sides who made time available to come and speak to us and share their views on the value and the structure and function of the committees in both the Senate and the New South Wales Legislative Council.

I think we learnt a lot from our visit about how those committees operate and about their value from the perspectives of the committee staff and MPs, be they government or non-government, whom we met on our visit. I think the other committee members would agree that the message from all of them was that the upper house committees are valuable. As Mr Davis said, other jurisdictions really do not have much of a system of joint committees, but there is value in setting up upper house committees. With those brief comments I will support the motion.

**The DEPUTY PRESIDENT** — Order! I have allowed some latitude to both Ms Pennicuik and Mr David Davis in respect of the matters canvassed. This is a fairly narrow motion. It is a procedural motion to extend a deadline. I am not sure that we ought to have been canvassing the merits of some of the work of the committee as such. At any rate, I have allowed the debate. I will now ask the Leader of the House to make some comments on this motion.

**Mr LENDERS** (Treasurer) — I appreciate the latitude, because the notice of motion concerns an extension of time. The other alternative for the committee would have been to do an interim report. I think it has been useful for the chamber to have had the capacity to address some of these issues. I would echo other members in saying that it was very productive. The motion seeks to extend the reporting period, but I think it is important to report to the house that the work of the Standing Orders Committee has actually been very productive to date.

I was pleasantly surprised by the visit. What was certainly useful to me — and I think I can speak for other members — was that we had a chance to reflect on what was happening in other jurisdictions and how this chamber should go forwards. We do not often get that chance in the life of this chamber. We have Standing Orders Committee meetings here, but they tend to be when we are running between bells and amid preparations for other meetings and the like. That visit was very productive.

There are a couple of observations I would make about looking at the other chambers. We looked specifically at how the committees operated and the resources given to them. What I found interesting was how the Senate, which in a sense is the parent of all upper houses in Australia, goes back to the reforms by Lionel Murphy and Vince Gair in the late 1960s and early 1970s — a very unlikely alliance. It is perhaps something to with that ALP-DLP alliance in place in those days. We were reforming the upper house in those days.

**An honourable member** interjected.

**Mr LENDERS** — That is right. I look to Mr Kavanagh to have an ongoing ALP-DLP alliance in this house.

The significance of the Murphy-Gair reforms, which have now passed through to many upper houses, was literally the issue of the committees becoming part of the house. What will be interesting in the debates we have in this house is that in the Senate the presumption is that estimates committees and standing committees have a government chair and a government majority but reference committees have a non-government chair and a non-government majority. We are seeing that that works in the Senate, which is an interesting point for the debates we have in this house as to the role of committees.

In New South Wales members essentially follow the same principles. Standing committees have government chairs, and what they call general purpose committees have non-government chairs. The model needs to be worked out quite clearly, but that was something I found interesting and that was a bit of an eye-opener for me. I had not realised that these committees set up in the Murphy-Gair model through the Senate had such a role for the government.

The final thing I will touch on is resources for committees. This is an issue which was a feature that members of the committee, the clerks and others raised on a range of occasions. In New South Wales the Assembly has 25 staff for its committees and the joint committees and the Council has 17 staff for its committees. This Parliament of course has more staff allocated to parliamentary committees. The question of whether they are correctly allocated is a legitimate issue. I am not getting into that debate. However, other parliaments have done very interesting work on their committees.

In concluding I would say it was a very valuable exercise for the five parliamentary members of the committee and the two clerks who came with us to see in particular the Senate in action. Many of those senators had of course recently been in government or opposition for a long time and had changed roles in November 2007. One of the interesting lessons there was that although the Senate had Labor senators who had been in opposition for up to 11 years, and who were reflecting on 11 years in opposition and 1½ years in government, and coalition senators in the reverse situation, it is fair to say their views were fairly similar on their committee system.

In New South Wales we did not have such a luxury, because there was no one who had been in both government and opposition. There was the Reverend Fred Nile, but he had been in neither, although he had been around and had watched governments of both persuasions go. So his was probably the only observation from New South Wales that spanned that arch. It was a worthwhile visit; I think we all learnt a lot from it, and the committee's final report will be a lot more informed as a result of us having seen those parliaments in operation and having had the opportunity of talking to chairs and members of committees and the clerks in both houses than it would have been had we not made the visit and spent that time.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### General business

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

That precedence be given to the following general business on Wednesday, 1 April 2009:

- (1) notice of motion 33, standing in my name, relating to the production of certain documents relating to the extension of clearway times, which has been altered pursuant to standing order 6.04 to update a date;
- (2) the notice of motion given this day by myself relating to the production of certain documents relating to the carbon pollution reduction scheme;
- (3) notice of motion 34, standing in the name of Mr Barber, relating to the production of certain transport documents;
- (4) notice of motion 32 standing in the name of Ms Hartland, relating to the introduction of a bill to establish a beverage container deposit and recovery scheme;
- (5) notice of motion 31, standing in my name, relating to a reference to the Electoral Matters Committee;
- (6) the notice of motion given this day by Mr Koch, relating to the Barwon Heads bridge; and
- (7) order of the day 7, resumption of debate on the motion moved by Mr Hall relating to the Victorian bushfires.

**Motion agreed to.**

### Orders of the day

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

That orders of the day, government business, nos. 13 and 14, be read and discharged.

By way of a brief explanation, items 13 and 14, orders of the day, relate to letters from the chairman of the Standing Committee on Finance and Public Administration. Representing the government, I move that those letters be taken into consideration with a view to conducting a debate on the structure of that committee. As members would know the government has had a view that some of these committees have not been structured in a way proportional to the structure of the house. Given that the standing orders committee is currently conducting an investigation into standing committees of the house and given that that will include the structure of those committees, it is our view that any further debates on these matters ought to be held over for that committee's report.

**Motion agreed to.**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Membership

**The DEPUTY PRESIDENT** — Order! The President has received a letter from Mr Barber resigning from the Public Accounts and Estimates Committee with effect from today.

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

That Ms Pennicuk be a member of the Public Accounts and Estimates Committee.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Budget speech 2009–10

**The DEPUTY PRESIDENT** — Order! The President has received a message from the Assembly in regard to the Victorian state budget 2009–10:

The Legislative Assembly informs the Legislative Council that under section 52 of the Constitution Act 1975, approval has been given for Mr Lenders, MLC, Treasurer, to attend the Legislative Assembly on Tuesday, 5 May 2009, for the purpose of giving a speech in relation to the Victorian state budget 2009–10.

## MEMBERS STATEMENTS

### Autism Awareness Expo

**Mr DRUM** (Northern Victoria) — Bendigo is to host Australia's largest ever autism awareness event on

1 May this year. The full-day Autism Awareness Expo will involve hundreds of Victorians, families, government agencies, health organisations, researchers and counsellors and include a wide range of experts. Put together by the Southern Mallee Autism Working Party, the expo is an effort to greatly expand the level of awareness of autism and its many variations. Organiser Annie May is hopeful the expo will give Victorians the most up-to-date information on autism research and treatment options.

The recorded autism rate in northern Victoria has skyrocketed in the past 15 to 20 years, with some authorities putting it as high as 54 per 10 000 births, with boys four times more likely than girls to develop autism spectrum disorder. This unique, one-day event aims to raise awareness on autism and related disorders while showcasing the relevant providers, interventions, resources and dietary and lifestyle options that are now available. The expo will be held from 9.00 a.m. to 9.00 p.m. at the Phoenix room of La Trobe University's Bendigo campus. Discussion sessions will be repeated in a rotation throughout the day so that they are accessible to as many people as possible.

Participants will include government and independent intervention service providers, counsellors, support and respite services, lifestyle professionals, medical professionals and allied health workers. More than 900 families from the region are expected to attend the expo, and many professionals have been invited as well. I urge all families in the region to attend the expo, because it will give so many other families that are dealing with autism spectrum disorders an opportunity to network with providers and learn as much as they can to help deal with this issue.

### **Police: Ashburton station**

**Mr D. DAVIS** (Southern Metropolitan) — My matter concerns the Ashburton police station. This is a very important police station that provides security to people in the Ashburton area. The government has chosen to cut resources to this police station. The rosters I have seen from 2007 show approximately 10 staff members; that number is to be cut to 1 staff member, who will man the police station between 9.00 a.m. and 4.00 p.m. each day. The station will basically become a front office, with no police available to follow up issues or crimes — in other words, to do the work that is necessary in the local area.

In an article in last week's Progress Leader the director of Craig Family Centre is quoted as making a number of comments about the special bonds police have formed locally and the fact that there is a need to

maintain those relationships. The Ashburton Traders Association has over the years strongly supported the local police, among other things donating bicycles, computers and other resources to ensure that the station remained in operation, protecting the community, the traders and others in the area.

This is a scandal. Bob Stensholt, the member for Burwood in the Assembly, who is the local member, has been as silent as a church mouse. He thought he had saved this police station, but he has saved a mere shell with one police officer in it. It is a disgrace; he should hang his head in shame.

### **Swan Marsh: community hall**

**Ms TIERNEY** (Western Victoria) — Halls in small communities are often the focal point of social, organising and emergency support activities. The hall at Swan Marsh is a prime example. Over the years the local community has determined that it is an important community asset and has raised money to assist with its maintenance. Over the last 27 years members of the community have worked at the Colac Cup, providing food and refreshment. All profits from this activity have been directed to the hall.

It was therefore very pleasing to announce at Swan Marsh on 16 March that \$31 500 from the Small Towns Development Fund will provide heating, enhanced security, lighting and paintwork for the hall. It is just another example of communities and the Brumby Labor government working together and making a difference in regional Victoria.

### **United Way Geelong: campaign launch**

**Ms TIERNEY** — I would also like to take this opportunity to mention the United Way Geelong campaign launch for 2009, which was held at the Ford Discovery Centre. I encourage employees to approach their employers to organise payroll deductions for donations to the campaign and to join the workplace giving program. People are feeling the effects of the economic crisis — some much more than others. It is past time to act and for local money to be used to directly support local projects that assist local people who are disadvantaged and needy.

### **Wildspace exhibition**

**Ms PENNICUIK** (Southern Metropolitan) — On 20 March I attended the inaugural Wildspace wildlife art exhibition at the atrium in Federation Square. The exhibition is the brainchild of Rheya Linden from Animal Active, who established it as a way to showcase

the work of artists who are passionate about animals and animal welfare.

The exhibition was open for the public to enjoy for approximately one week. The artworks were terrific and included paintings, photographs and videoart. I congratulate Wildspace artist of the year, Mark Hayward; Lee-Anne Shepherd, who received an honourable mention; and Ian McNair, who received the people's choice award.

It is planned that the Wildspace exhibition become an annual event, and I encourage artists and all those who love art and animals to participate in or support it in future years.

### **Public transport: city of Stonnington**

**Mrs COOTE** (Southern Metropolitan) — A public transport forum was recently conducted for Stonnington residents who are fed up with the public transport service to which they are subjected. Attendees were lucky enough to hear from the following experts in the field: Tony Morton of the Public Transport Users Association; Graham Currie, chair of public transport at Monash University; and Terry Mulder, the shadow minister for roads and shadow Minister for Public Transport. Over 70 angry residents from throughout the city of Stonnington gathered to voice their disgust at the system and to suggest ways it could be improved.

Topics of discussion included fares. Melbourne's public transport service is amongst the world's most expensive to use. Most public transport fares around the world are half what residents are currently paying, and Stonnington residents have been the victims of faster increases in fares in recent years than those in any other Australian capital city. Traffic congestion costs Melbourne \$3 billion annually. The average public transport railway speed in Perth is 55 kilometres an hour; in Melbourne it is a disgraceful 30 kilometres an hour. Eighty per cent of Melbourne residents have only access to buses, rather than trains. The sum of \$1.3 billion has been wasted on the myki ticketing system.

Tony Morton said good public transport systems have the following attributes: they are fast, cheap, frequent, clean and reliable. He said that Melbourne's public transport does not fulfil any of those criteria. Stonnington residents are appalled that they pay \$6.80 for a daily ticket — and that is if the trains come; mostly they do not — while in many places around the world they would be paying \$3.40. To make matters worse, they were also hit with the most severe increases

in public transport fares of any Australian capital city in recent years — a 5 per cent rise from \$6.50 in 2008.

### **Cheong Park Reserve, Croydon South: facilities**

**Mr LEANE** (Eastern Metropolitan) — Last week I was very pleased to attend the official opening of new canteen and food preparation facilities at Cheong Park Reserve. The state government contributed \$20 000 to the project, and the new facilities were opened by the Minister for Sport, Recreation and Youth Affairs, James Merlino. Cheong Park Reserve is the home of the South Croydon Football Club and the South Croydon Cricket Club. It was also fantastic to see one of the grounds that is part of the Eastern Football League, state government and Yarra Valley Water program to install summer grass at playing fields. It was fantastic to be at a cricket ground that is soon to be a football ground. It is already covered in lush green grass.

### **Scoresby Secondary College: Advance volunteer program**

**Mr LEANE** — On another matter, it was good to be with the Premier when he announced at Scoresby Secondary College the latest round of funding for the Victorian government's Advance program, a program that supports young people to volunteer in their local communities. Scoresby Secondary College students were part of an Advance program in which they involved themselves with the Nadrasca organisation. Nadrasca mainly supports adults with intellectual disabilities. On that day it was fantastic to see the secondary school students interacting with the people from Nadrasca. I am sure both groups get a lot out of it.

### **Technical and further education: student fees**

**Mr O'DONOHUE** (Eastern Victoria) — I am most concerned about the impact on TAFE students of the government's proposal to introduce HECS (higher education contribution scheme) style fees from 1 July. I received an email from a constituent, which states:

I am thinking of extending my education studies in the next year but I am concerned of the cost involved. I heard that there will be a HECS-style price and an increase in TAFE fees.

By implementing this new strategy will leave many women feeling disempowered at the prospect of not being able to study or further their education. The reality of wanting to change professions for a mature person will seem too hard as most adults will not want to take out a loan to fall further in debt.

Education should be acceptable for everyone at an affordable price. This change will affect the vulnerable and people from

lower socioeconomic areas. I know I don't want another loan to match all my other ones but I do want more options in my career choices. This change will stop me and many more from studying.

It just is not fair and limits choices for people willing to study to further their knowledge and career options.

That is one of the issues with the scheme, because many people who choose a TAFE education course do not come from affluent backgrounds and do not have the resources to pay HECS fees. This move by the government during this severe economic downturn will affect the ability of many people to access education. It is a disgrace, and it should not occur.

### **Maffra RSL: liquor licence**

**Mr HALL** (Eastern Victoria) — The Maffra RSL sub-branch has brought to my attention the costs it is likely to incur if it seeks a simple time variation on its liquor licence. At the moment the sub-branch, which is very small, only has a restricted licence which enables it to serve alcohol on Anzac Day between the hours of 11.00 a.m. and 10.00 p.m. and for which the club plays \$93 a year. As we would all know, many of the old diggers attend a dawn service and then enjoy a breakfast, and it is not uncommon to have a beer or two before 11.00 a.m.

The Maffra RSL sub-branch sought a variation of its liquor licence so that the club could serve alcohol from 6.00 a.m. until 10.00 p.m. on Anzac Day. The sub-branch found out that the cost of that variation alone will be \$250 but, moreover, the annual cost of that licence would then be \$850 per annum. For a small sub-branch like the one at Maffra, that cost is exorbitant and its members simply cannot afford it. I call on the Minister for Consumer Affairs to have a look at this particular matter and to facilitate a low-cost option for sub-branches of the RSL, like Maffra, to be able to trade liquor from 6.00 a.m. until 10.00 p.m. at a very reasonable cost.

### **Agriculture: Kerang cropping trials**

**Ms DARVENIZA** (Northern Victoria) — On Wednesday, 25 March, I was pleased to visit Kerang and have a look at the Victorian Irrigated Cropping Council's trials to determine the value of pre-irrigating crops. After a run of poor starts to the season over the past few years farmers are looking for a degree of certainty that fodder will be available from season to season. I understand that the aim of these trials is to look at the effects of the timing of pre-irrigation on securing crop yields, which will give farmers the confidence to plan for the future. The Brumby government provided \$27 000 worth of funding to

assist with these important trials, and it was great to have the opportunity to view them.

### **Quambatook Bowling Club: synthetic playing surface**

**Ms DARVENIZA** — I was also pleased last Wednesday to officially open the Quambatook Bowling Club's new green. This new, durable, drought-resistant surface gives everyone in the community a chance to play bowls in all seasons, whatever the weather. The challenge of the drought meant that we had to consider new ways to keep our various sports, like bowls, alive, and synthetic surfaces have proven to be a great alternative to local communities. The new synthetic green is expected to save 350 000 litres of water each year, which will reduce the club's impact on its precious potable water supply.

### **Community Response to Eliminating Suicide: shire of Pyrenees**

**Mr VOGELS** (Western Victoria) — While I was in Avoca last week I was approached by two very concerned residents, Lyn Mather and Gavin Gollop, to see if I could help raise awareness of the tragedy of suicide, especially in rural areas. They informed me of an organisation called Community Response to Eliminating Suicide, which is known as CORES. CORES has proven to be very successful in preventing suicide tragedies in many rural communities across Australia. Sadly, in Avoca over the past 12 months five people have committed suicide. Country towns are like big families, and the whole community is touched when a suicide occurs. Questions are asked — 'Why?', 'How is it possible?' — and people say, 'Nobody recognised the symptoms' and, 'Perhaps we could have done something if we had only known'.

The Avoca community is endeavouring to establish CORES in the region, as this organisation has proven that setting up a suicide intervention program will save lives. In most cases volunteer participants who enrol and complete the one-day course feel they are much more aware of the issues facing their friends and families when they are depressed. Once people are trained, these signals can be picked up through feelings, words and behaviour. Recognising these symptoms early can prevent suicide. To establish CORES in Avoca and the Pyrenees shire would cost approximately \$30 000. I ask the Brumby government to work with the local community group and the council to progress this wonderful cause. Life is precious, and a suicide intervention program would save lives.

### Colac: Bushfire Appeal Variety Concert

**Ms PULFORD** (Western Victoria) — On Friday, 13 March, it was my absolute delight to visit Colac and represent the Premier at the Bushfire Appeal Variety Concert. Throughout the concert auctions and raffles were held, and the event was attended by more than 250 people. Some \$3149.20 was raised for the Red Cross Victorian Bushfire Appeal Fund. Every aspect of the event was donated. The RSL donated the venue. Others donated prizes, their time and talents as artists, and sound, light and advertising were also donated. Some 75 businesses generously donated or contributed to the evening, and without their support this event could never have taken place.

The concert had a little bit of something for everyone. The performers included a band called Sophistication from Trinity College in Colac; VicRoads mascot, Thingle Toodle; Colac Secondary College students Atrisha Welford, Stephanie Daniel, Chantelle Ferrari and Jake Kennedy; a dance group from Colac Secondary College; Marlene's Jazz It Up School of Dance; singer Travers 'Tex' Hammond; Colac Rock and Roll Club; comedian Stefan Popovic; singer Gracie Hester; and backing musicians Grant Dick, Don Holland and Andrew Gibson.

The aim was to create an event that was accessible to members of the entire community, who through their attendance could make a contribution to the bushfire recovery. I would like to acknowledge the tremendous efforts of Leigh and Ammie Moneghetti in conceiving and executing a great fundraiser. In addition to performing, Leigh was the master of ceremonies for the evening. Without Leigh and Ammie's energy and desire to help, this event simply would not have taken place.

### Bridges: Barwon Heads

**Mr KOCH** (Western Victoria) — Despite the Victorian Liberal-National coalition's efforts in Parliament's upper house to block Labor's two-bridge option for the Barwon River, the Brumby government has deliberately used ministerial powers to forge ahead with its plan. This is a slap in the face for the Barwon Heads and Ocean Grove communities, especially as there has been no local consultation regarding this two-bridge proposal. The Brumby government has snubbed the City of Greater Geelong's planning scheme and the council's recent motion in support of one bridge.

The Minister for Planning, Justin Madden, has resorted to rarely used legislative provisions to ride roughshod

over the community and quash the Parliament's disallowance motion, which was supported by all non-government members in the upper house. The use of section 16 of the Planning and Environment Act 1987 not only overrides the will of the people and the Parliament but also means that any future planning disallowance motions are now effectively useless and that all planning schemes can apparently be bypassed on the minister's whim.

This is a deliberate act of a petulant government desperate to get its way at any cost. The local community sees this for what it is: an abuse of ministerial power. It demonstrates explicitly that there is one rule for the people and another for this arrogant Brumby government.

### Heidelberg: Harmony Day

**Ms MIKAKOS** (Northern Metropolitan) — On 21 March I had the pleasure of attending an event held by the Heidelberg United Football Club and Mission Australia to celebrate Harmony Day. The Heidelberg United Football Club was founded more than 50 years ago by Melbourne's Greek community. Its members have experienced the difficulties that come with migration. They have much to share with and offer to Victoria's newly arrived migrants from countries in Africa, and as football is Australia's no. 1 participatory sport for juniors they have decided to do this in an innovative way through sport for young people.

The focus of the day was the awarding of 20 football-based scholarships to young local boys and girls participating in Mission Australia's African pathways program. The scholarships will pay for one year of club membership, including the cost of uniforms, registration, insurance fees and the like. I congratulate each of the scholarship recipients, and I commend Heidelberg United's innovative way of promoting cultural diversity within our community.

### George Zangalis

**Ms MIKAKOS** — On another matter, on 27 March I attended the launch of a book entitled *Migrant Workers and Ethnic Communities — Their Struggles for Social Justice and Cultural Rights — The Role of Greek Australians* written by my friend and comrade George Zangalis. George is well known to many in the labour movement for his role as a unionist, having served as an organiser and president of the Australian Railways Union from 1988 to 1993, as chairperson of the Ethnic Public Broadcasting Association and president of the National Ethnic and Multicultural Broadcasting Council, and as a longstanding advocate

for migrant workers. I congratulate George on his years of research and the publication of his book, which documents the contribution of Australia's Greek community to social justice for all working people.

### CARDINIA PLANNING SCHEME: AMENDMENT

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That, pursuant to section 46AH of the Planning and Environment Act 1987, amendment C105 (part 2) to the Cardinia planning scheme be ratified.

I will make a few brief comments. I approved amendment C105 (part 2) to the Cardinia planning scheme on 27 January 2009. I understand there is a degree of cross-party support for the amendment; no doubt that will be clarified in remarks by members opposite. Edward O'Donohue, a member for Eastern Victoria Region, raised this matter in the Parliament on 21 November 2007 and again on 8 October 2008. Mr O'Donohue requested that I expedite the request and urgently examine the issue so a satisfactory resolution could be reached. My colleague Johan Scheffer, another member for Eastern Victoria Region, has also long campaigned on behalf of the owners of the land, Mr and Mrs de Jong, and asked me to expedite this amendment.

Specifically this amendment reintroduces a site-specific control to land at Dixons Road, Cardinia, to allow for the completion of an eight-lot subdivision at this site. This land at Dixons Road, Cardinia, was formerly a fertiliser depot, which was considered an inappropriate use on the edge of the Cardinia township. In 1999 the previous government introduced a site-specific control to allow an eight-lot subdivision of 1 hectare each at Cardinia as part of the relocation of the fertiliser depot to Koo Wee Rup. The owners of the fertiliser depot, Mr and Mrs de Jong, also entered into a section 173 agreement with Cardinia shire, as required under the site-specific control, to relocate the fertiliser depot.

The first stage of the subdivision was completed in 1999, creating five of the eight lots, with the remaining three lots to be created following the complete relocation of the fertiliser depot. Unfortunately the previous site-specific control in the planning scheme expired in 2000, with the remaining three lots still to be created following the complete relocation of the fertiliser depot. This relocation has now been completed, with the associated slabs, footings and shedding removed in 2006. If the site-specific control had not expired, the subdivision would be able to

proceed without the need for an amendment to the planning scheme.

In 2004 Dixons Road, Cardinia, was rezoned green wedge under the Cardinia planning scheme, and in accordance with section 46AF(1)(b) of the Planning and Environment Act 1987 the amendment requires ratification by both houses of Parliament as it allows land in the metropolitan green wedge to be subdivided. The subject land is located on Dixons Road, Cardinia, and is zoned green wedge, schedule 1, under the Cardinia planning scheme. The green wedge management team in the Department of Planning and Community Development has considered the proposal and finds it appropriate for the amendment to proceed given the history of the site. The successful ratification of this amendment will be welcome news to the Shire of Cardinia and in particular to Mr and Mrs de Jong.

**Mr GUY** (Northern Metropolitan) — It is interesting that we are debating the C105 amendment to the Cardinia planning scheme amendment today, given that the opposition had, I think, about 3 hours notice that we were going to do this. I guess we should expect that, given the haphazard way in which we are treating planning matters in Victoria. I might put on record that we on this side have been watching the days remaining for this notice of motion tick down from 20 days, when notice was given, to 2 days to go; Mr O'Donohue has certainly been watching it. We have looked at the notice paper, spoken to our whip and asked when the government was going to move this motion, but of course it has never been mentioned. It is almost like it was forgotten. I understand the government realised at a minute to midnight yesterday that it had better do something about this motion it gave notice of 18 sitting days ago.

At 12 minutes past 1.00 p.m. we worked out that we were going to be debating this motion today, which is fine because we on this side of the chamber were quite prepared for the debate. As the Minister for Planning accurately pointed out, it is not a motion that will draw much contention, except to say that it is a reflection on the government's haphazard, poorly prepared and generally poor approach to planning matters in Victoria that we had 50 minutes notice of the debate when the government was alerted by third parties that its notice might expire if it did not deal with it this week.

Mentioning that at the start, it is always good to talk about planning matters in this chamber, and it is good to go over the ratification of amendment C105 (part 2) to the Cardinia planning scheme. As the minister said, the land in question was part of a former fertiliser facility in Dixons Road, Cardinia. I will not go through

most of the specifics of the site, because I think the minister has done so. As he said, that use was deemed inappropriate for a location so close to the Cardinia township, and discussions were entered into in relation to the removal of the fertiliser factory some time ago. In fact I was alerted to this issue by Mr O'Donohue. He was the only one who raised it in this chamber. With respect to the minister, I do not know where the mention of the other member came from. I think that is just a gratuitous attempt to pump up a Labor colleague, without any fact, as usual.

The reality is that this issue was raised by Mr O'Donohue in this chamber last year. It was raised with seriousness and with an intent to find a solution. But it seems, typically — no doubt Mr O'Donohue will speak about this a bit later — as with most adjournment matters raised in this chamber, particularly those for the Minister for Planning, the matter was treated with either contempt or in a flippant manner and was not taken seriously. The government has had to change the urban growth boundary and wait 18 sitting days to come into this chamber and be alerted by third parties that it might actually want to follow through with its own bill.

That aside, the negotiated settlement included the development of this site to eight low-density residential lots, as has been pointed out, of around a hectare each in size. It really is just a perfect example of the inherent stupidity of the government's Melbourne 2030 legislation that, when the government is responsible for the governance of 5.3 million Victorians, this chamber is spending time today debating the rezoning of eight 1-hectare residential lots in Cardinia.

**Mr O'Donohue** interjected.

**Mr GUY** — Actually it is the remaining three — Mr O'Donohue is right. Three 1-hectare lots; that is what this chamber is debating. If ever there was an example — —

**Mr D. Davis** — Three lots on the run.

**Mr GUY** — That is very true, Mr Davis — three lots on the run. If ever there was a more glaring example of the complete idiocy of the government's legislation, I do not know of it. We are not talking about transport, health or gaming issues; we are talking about three 1-hectare lots of land in Cardinia, which the Parliament must debate in order to have them rezoned. That is astounding.

*Honourable members interjecting.*

**Mr GUY** — Is there something the minister would like to add to this debate?

*Honourable members interjecting.*

**Mr GUY** — What I find amazing is that government members find this to be humorous. This is their legislation. This is the legislation they put into place, which means this Parliament has to debate these things and waste time. I can see the new member — I am not sure of her name — frantically taking notes. Is she going to get up here and defend the government?

Here we have the government debating three 1-hectare lots of land. I point out to the gallery, the media and the people listening that the government of this state is not concerned with trains. It is concerned, because it is required by its own legislation to be concerned, with three 1-hectare lots of land being rezoned in a growth area.

If we want to talk about growth areas, we should talk about the serious topic for growth areas — the GAIC, the growth area infrastructure contribution — which is a \$95 000 up-front charge to developers. Some developers have been calling my electorate office in desperation, saying, 'The planning minister's office knows nothing about it. We have to go straight to Brumby'. It is Premier Brumby's office that organised it.

The planning minister likes to talk about little hand puppets and all the rest — he is one himself, and so are his officers. They are all saying it: the minister's office has nothing to do with it; his office did not arrange it. It has come out of the Premier's office. So have the new planning staff: they have all come out of the Premier's office, at the Premier's direction. The planning minister has no idea what is going on.

Speaking of growth areas, one of which this bill addresses, the GAIC will ruin developers in this state, and they are saying openly that they are terrified — small developers, large developers, international firms and local firms. They are saying it to me, to the media and to anyone who will listen. But it appears there is only one group, typically, that is not listening: the state government. There is no use going to the minister's office, because he does not make the decisions; you need to go to the Premier's office about it. Unfortunately the Premier's office is not listening, or it has not realised that factoring in \$50 million in the forward estimates is either a gross underestimation for its future slush fund or it will cost developers hundreds of millions of dollars more. But that is the government's plan for growth areas in the future.

Indeed, as the opposition says, this bill relates to 3 hectares of land in a growth area. Mr O'Donohue

pointed out both issues — the GAIC and this matter. We need to be aware that if this was a regular land sale in a growth area, it would come up for a \$285 000 up-front charge, simply because of the government's own covenant. It is amazing that while we have a retrospective bill looking at an impost of \$95 000 per hectare — about \$6500 for a housing lot — on an average subdivision around the suburbs, which of course will add to housing unaffordability in Melbourne, the government seeks to solve it by putting on a new tax. This land would be subject to a \$285 000 charge.

I will be interested to hear the comments of the mumbler's opposite when they stand up and talk about the \$285 000 this property would have attracted under the legislation they are bringing in. And they think no-one notices this! They think the development industry has not noticed. The industry minister kind of reached over to me in question time, saying, 'You know, it is not that bad; they are not that upset'. They are that upset. Developers and land-holders are furious. If you were hit with an up-front charge of \$95 000 per hectare when you were brought into the urban growth boundary, in some cases against your will, what would you do?

We on this side of the house have never opposed development contributions — far from it — but when they become an up-front charge, it changes the dynamic. I say to the new member opposite: keep writing your notes up the back there. I am glad she is awake; she can keep writing her notes. I will be interested to hear her comments at the end of it. The reality is that this government will destroy development in Victoria, in growth areas like the area covered by amendment C105 (part 2) of the Cardinia scheme, and it will destroy it at a time when development is most needed, when the government should be providing incentives to development.

I am sure the minister will remember from his football days that incentives were provided to players. I am sure he can go back and provide some to the industry.

*Honourable members interjecting.*

**Mr GUY** — I am over here. Look at me up here. You can look at me if you like, Minister. You are welcome to look up at me. The minister can provide incentives to people on taxation, and he will probably get support for it from this side of the house if he gives incentives to people to get business and development happening. But if the government taxes them — —

**Hon. J. M. Madden** interjected.

**Mr GUY** — Listen, I am not opposing the contribution. I just said that. The minister did not listen to me.

**Hon. J. M. Madden** interjected.

**Mr GUY** — You claim I do not read your releases. You should read mine. You have 12 staff. The previous planning minister in the last government had 6; this minister has 12. I am not sure what he needs 12 for, but he should read the releases. We have never opposed developer contributions. We have just said that if the government is going to impose them as an up-front charge at a time of economic recession, it is not economically the smartest thing to do — it may in fact kill development.

There is something that members, including members of the minister's party, keep talking about. It is called a global financial crisis. There is a lack of money in the system. And now the government is expecting developers to come up with \$100 million in some cases.

**Hon. J. M. Madden** interjected.

**Mr GUY** — Do not have it out with me, Minister. The minister should go down to the next conference. I am sure there will be plenty going; it is coming up to that season, as we know.

**Hon. J. M. Madden** interjected.

**Mr GUY** — I do; I am very confident of them. It is very easy: \$95 000 per hectare on an 1100-hectare development — I will let you do the math.

*Honourable members interjecting.*

**Mr GUY** — On a 900-hectare development. There are plenty of them.

**Hon. J. M. Madden** interjected.

**Mr GUY** — We will have a private conversation afterwards; we will not put it on the record.

**Hon. J. M. Madden** interjected.

**Mr GUY** — I am very sure there are. In fact I am very confident there are because those people have come to see me. I am sure the minister's office will be trawling through all the details now, running off there — the 12 staff he has — —

**Hon. J. M. Madden** interjected.

**Mr GUY** — Okay, we will talk after this. I can guarantee we will talk after this. As I say, the minister

has 12 staff. The planning minister in the previous coalition government was always attacked. Minister Maclellan had six staff, and he had three portfolios. This minister has 12 staff and he has one portfolio! I am sure his staff are out there now, scurrying around, trying to find the examples and trying to find out who might have talked to the opposition. We know how terrified this government is of people who go and talk to the opposition, whether it be a ranger, a police officer or a teacher, some of whom it has actually employed. It is terrified.

I am sure those 12 staff are off, scurrying around, looking for examples. In fact they are probably feeding it back to the Premier's office, as is the case now, where everything has to be fed back into the Premier's office, where the decisions are made. That is the case, is it not? It is like, 'You might be the ruckman, but the captain is making the decision'. I understand there is a bit of a pride issue in all of this; I am sure there is. But the reality is that the poor old Premier's office is making all the decisions; the minister and his guys are all doing their best. I know the minister might think he is good at managing and he says he is good at it, but when it comes to leading it seems that the Premier's office is leading and the minister's office is told, 'You manage this. You are no good at leading, mate. You go away and manage this'. That is what the minister is told. He tries his hardest, and he is doing his little puppet routine, but at the end of the day — —

**Hon. J. M. Madden** interjected.

**Mr GUY** — I hope I have not hit a raw nerve with the minister. I am glad he is looking at me at this stage because, as Hansard notes, he never does much of that. But that is okay; I understand it would be a bit uncomfortable for him sometimes.

As I said, there are a number of issues about amendment C105 that have concerned us. I have talked about the timing and the pathetic manner in which the government had to be told about its own motion. Again, I am not sure what the minister's 12 staff are doing. If they are not leading policy, you would think that 12 staff could at least have told the minister that the motion was coming up. It is not hard. When you look at the notice papers it shows that they are counting down: 9, 8, 7, 6, 5, 4, 3 — and we got to 2 days. With 12 staff, the minister had to be told that his motion was coming up.

**Hon. J. M. Madden** — It's been there for 20 days.

**Mr GUY** — I know it has been there for 20 days. That is the point. It was not on for this week.

**Hon. J. M. Madden** interjected.

**Mr GUY** — You can ask your Government Whip, Minister. He was the one who ran around at a quarter past 1 saying, 'We'd better put this on the paper because the minister's forgotten'. The minister for 12 staff seems to have no idea of what he is doing.

**Hon. J. M. Madden** interjected.

**Mr GUY** — We have hit that little raw nerve, have we not? It is tweaked out. The minister is 6 feet 8 and there is a raw nerve there somewhere, is there not? You can always find one. It is not that hard. You can always keep pressing and at the end of the day the man who has not had much criticism in his life just comes out. At the end of the day there are hundreds of similar cases of landowners across the suburbs, which the minister knows and I know — —

**Hon. J. M. Madden** — Get your figures right!

**Mr GUY** — Sorry, 6 feet 8. The minister might be 6 feet 7. I did get the figures wrong; he is right. I am sorry.

**Hon. J. M. Madden** — All the figures you have presented so far are wrong. On every front your figures are wrong.

**Mr GUY** — As I said, we will take that up. We will come back and debate that at a later date.

There are hundreds of similar cases around Melbourne where this kind of situation could apply and, indeed, the government could in fact intervene to assist people with matters such as the one being considered today. It is bizarre that we have to go through this process for three 1-hectare lots. We on this side certainly do not oppose the ratification of amendment C105. Parliament's time should not have been wasted like this. Parliament's time should not have been taken up with debating such a trivial matter. We should have in place across the city a planning scheme that is pragmatic enough to facilitate these kinds of issues, without the minister for SMSs or office reactions — sorry, the Minister for Planning — having to interject or having to bring into this chamber this kind of motion 18 days after it was put on the notice paper.

As I come to the end of my contribution, it is clear that Parliament is not the best forum in which to debate the rezoning of three 1 hectare lots in suburban Melbourne. That is something that should be done at a different level, not at the level of the Parliament of Victoria. It should be part of a process that is put in place in a metropolitan planning scheme that is pragmatic enough

to deal with these issues. I understand if government members are a little bit upset and have very little to say on this bill, apart from hiding their embarrassment that the planning scheme they put in place requires this kind of debate to take place. While it is presented before this Parliament and it is about a growth area, opportunities emerge for other issues to be raised and we have taken notice of them today.

I again place on notice that the opposition does not oppose the ratification of amendment C105 (part 2). I pick up a number of the comments of the Minister for Planning and look forward to placing those on the notice paper and having a debate for which he actually fronts up in the chamber, which is very rare for debate on opposition motions, and participates in the debate, to ensure that the figures he claims are incorrect are debated. In fact he does not claim it; he gets the SMS message from his staff — all 12 of them. We will have that debate with the planning industry and in this Parliament, much to his embarrassment again in the future.

**Mr BARBER** (Northern Metropolitan) — That was a feisty 15 minutes from Mr Guy. If this matter were being dealt with by a council planning subcommittee, I do not think we would have allowed such levels of recrimination to be expressed and an expansive kind of bemoaning to have gone on. What we are doing here is making an administrative decision, so it is a good practice run for Mr Guy if he ever wants to be the Minister for Planning. If that had happened, we would have as far as possible stuck to the merits of the case.

The Greens are concerned about the merits of this particular case. The specific test here is that, given that an exception is being made to what are supposed to be hard and fast planning rules, you would expect to find some exceptional circumstances backing that up. Whatever the particular issues associated with this development, this proposal and this land use in this corner of this municipality, I am pretty sure I could bring forth dozens more. I know for a fact that at the time when the green wedge zone was created there were many people putting forward proposals that their land should not be subject to the conditions of this zone.

The proposal here is to transfer the subdivision from one piece of land to another via a section 173 agreement. I have to say there is not a lot of information on the Department of Sustainability and Environment website about the proposal, because it has not had the sort of treatment that planning scheme amendments, including spot rezonings, which I have been involved in, generally have left behind them — that is, the paper

trail. There is the council documentation on this issue, but this is effectively the minister's application and there should be more there.

This is all being cooked up for the benefit of removing what is argued to be an inappropriate use. The problems I have with this way forward are as follows. There is a site-specific planning control that expired in 2000. If the applicants did not take advantage of that particular control at that time, then in some ways it is their risk. Prior to that they did in fact subdivide five of the eight lots that they were permitted to subdivide. This represents favourable treatment of particular applicants, which any other land-holder in the area with similar desires, arguments or needs cannot access.

The objection I have to that, not in the specific but in the general, is that the provisions of the planning scheme, particularly what is permissible in certain zones, is something on which this government is usually completely unwilling to budge. Time and again it knocks back council-sponsored planning scheme amendments for overlays, local policies and things that in some way change the table of permissible uses and other activities that are allowed in a zone. Time and again those are put up with very good strategic justification and the government knocks them back, saying, 'The zone is the zone'. There is a statewide menu of zones.

The philosophy of the government that introduced it — the Kennett government — was that it wanted the same zone to apply to every applicant. It did not want 2500, or however many zones it said at that stage applied, but in reality it just wanted a set of very similar zones; that figure was overinflated. Whatever it be, the argument then put forward by the Kennett government, and now backed up by this government, is that those zones must stay the same in each municipality, and anyone who is trying to propose a local policy or an overlay of some other planning instrument to change the provisions of those zones is ruled out of order. That is not acceptable. The only thing you can do is to provide a local policy that helps one interpret how the discretions can be used under that zone. While any member can get up and argue the merits of this particular case and this particular exceptional set of circumstances, they must know there are many such exceptions scattered across the landscape and for the vast majority of those cases the government would never countenance such a proposal, so we oppose the motion.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise and speak on this motion. This motion has a long history, as the minister correctly outlined. I first raised this matter in the house on 21 November

2007, virtually one and a half years ago. This issue has a history dating back to the mid-1990s when Mr and Mrs De Jong, owners of the subject land, decided to move their business, West Gippsland Fertilizers, from the township of Cardinia to the township of Koo Wee Rup which was something that would be of benefit to both the townships of Koo Wee Rup and Cardinia.

Whilst this is not relevant to the issue in front of us, I wish to put on the record the fact that Mr and Mrs De Jong are outstanding citizens of the shire of Cardinia. They are long-term employers in the shire; Mr De Jong is heavily involved in the Koo Wee Rup hospital and I understand he was previously nominated for citizen of the year for the shire of Cardinia. As I said, that is not strictly relevant to the matter before us, but it gives some context to the frustration being experienced by Mr and Mrs De Jong for the best part of a decade in their efforts to complete the agreement which they reached with council for the relocation of their business from the quiet township of Cardinia to Koo Wee Rup, and in return to be allowed to subdivide their property into eight 1-hectare lots.

As outlined by the minister, five of those lots were subdivided before the green wedge zone was enforced and in essence we have all been in limbo ever since. I concur with Mr Guy that this is not the appropriate forum to deal with a three-lot subdivision to ratify an agreement that was reached the best part of a decade ago. It is unfortunate that it has taken political pressure, raising this issue in Parliament on two separate occasions, discussions with the minister, and other advocacy on behalf of Mr and Mrs De Jong, for this matter to be before the house today.

Mr Barber and Mr Guy are both correct that there are literally hundreds of situations like this throughout Victoria where people's ownership of their land has been caught in a blanket rezoning or a change to a green wedge or some other zone. Although the integrity of the green wedge is critical, there must be enough flexibility to allow situations such as this where council supports the three-lot subdivision and where there was a longstanding agreement and understanding from the community and the owners about the subdivision so that this type of situation can be resolved other than by the matter coming before the Parliament of Victoria.

It is ironic that this matter comes a week after the Parliament debated the Barwon Heads bridge issue and that resolution of the Legislative Council was overturned by the minister. We have had some interesting examples in the last two sitting weeks of the planning system in Victoria, through this debate and through the debate in the preceding week about the

Barwon Heads bridge. I am disappointed that the Greens will not be supporting this motion.

In my view the process and arrangements that Mr and Mrs De Jong have had to go through over the last decade to arrive at this point are exceptional. Mr Barber, in his contribution, demonstrated a lack of understanding of the situation of the owners of the land and the work they have done with the Shire of Cardinia, and of the beneficial impact it will have on the township of Cardinia, noting the move of their business to Koo Wee Rup.

With those words I am pleased to support the motion. I hope this can lead to the finalisation of what has been an extraordinarily long process for Mr and Mrs De Jong. I hope the government reflects on the fact that it took the Parliament of Victoria to ratify a three-lot subdivision for this matter to be finalised. It is not good enough; it should not happen this way.

**Motion agreed to.**

## DUTIES AMENDMENT BILL

### *Reinstatement*

**Mr LENDERS** (Treasurer) — I move:

That, pursuant to standing order 6.15, the order of the day for the second reading of the Duties Amendment Bill 2008 be restored to the notice paper.

This issue was discussed at some length in the last sitting week, during which the house chose to adopt a reasoned amendment that the Duties Amendment Bill be deferred until further consultation had taken place. That resolution of the house left us with an interesting constitutional dilemma that has been discussed here before: how do you determine that consultation has happened?

I will report what most members of the Council would have read in an email I sent to all of them immediately after that resolution was adopted: on the first day back at Parliament I intended to seek to restore the Duties Amendment Bill to the notice paper so the house could speak to it. Seven members of the government and the government agency the State Revenue Office attended a round table discussion on 20 March. In addition to that, six other members of this Council and 20 stakeholders from groups including CPA Australia, the Australian Bankers Association, the Property Council of Australia, the Law Institute of Victoria and a range of individual companies and other associations attended. We discussed the outstanding issues in relation to the Duties Amendment Bill. I think it is fair

to say that those around the round table had an interesting discussion. The Commissioner of State Revenue made a presentation and took a lot of questions. I also made a presentation. We spent almost 2 hours going through the outstanding issues in the bill, as our debate had pointed to the fact that more consultation was required.

It is interesting to consider how we go forward from here. It is clear that we will not get agreement from some of the stakeholder groups representing those taxpayers who do not want to see the laws tightened in the way the government wishes to tighten them. There is always debate on these matters of anti-avoidance: every stakeholder group says it opposes avoidance and does not support the avoidance of taxation. However, it then starts to raise a litany of questions to a threshold that no government can ever cross in getting complete assurance. I will use one illustration: one of the stakeholders said, 'We want economic certainty. We cannot possibly support this'. I would say that any investor who wishes to come to the state of Victoria knows that if they wish to purchase land, there is stamp duty. They know stamp duty is 5.5 per cent on those transactions. The only economic uncertainty is if someone is trying to avoid paying the duty. If they want certainty from government, then that is what half of this debate is about.

As a government we seek to close anti-avoidance loopholes. The commissioner has put a draft ruling in place. There was a long debate among stakeholders about whether all threshold tests were met. Frankly, we are never going to meet the test of stakeholders who want to avoid duty. We need certainty. Later the government will propose an amendment to the rent reserve portions of the act.

But I will briefly talk about process. What I propose is this: I urge the house to support reinstating this bill to the notice paper and to do it today. If the house does that, I will then seek to adjourn the second-reading vote until the next day of meeting. I request the house to support that. If the house does that, then I commit to going into the committee stage and moving government amendments. Once they are moved, I will seek to adjourn the debate for one week so that every stakeholder can read and digest the amendments. I would also hope that if there are any other amendments at that time, they could be circulated so that the house and the community can clearly know what amendments are on the table.

If this scenario of mine is agreed to by the house, when we resume debate in budget week there will be a clear set of amendments that everybody has had a chance to

read. It is desirable to follow this course of action to move the amendments so there is no ambiguity — any stakeholder who wants to see them can see them and people cannot hide behind the argument that they were not consulted.

Essentially the issue is this: can anti-avoidance be codified? The government's view is that if it is codified further, it actually makes it easier to avoid the tax. We do not accept that, but on the rent reserve issue we can clarify it. There is an area of contention. I am bringing the time for revenue to be paid forward to 14 days from 90 days; that is in the hands of the house. It is an area of contention. It can be resolved by deleting the clause, amending the clause or supporting the clause. I urge the house to vote to reinstate the order dropped from the notice paper so that we can have an orderly debate on it later in the week and so that everything is on the table, just as a Parliament should operate.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to make a contribution on the Treasurer's motion to reinstate the Duties Amendment Bill to the notice paper. Firstly, I want to make some comments about process. I am respectful of the fact that in a sense the house has been innovative and a new process has been created with a reasoned amendment that has sought consultation. A process has occurred whereby consultation, of a sort, has taken place in a structured way outside the chamber with stakeholders and a number of members from all sides of this chamber, including minor parties. Now, following that process, the Treasurer seeks to reinstate the bill to the notice paper.

My concern is as follows: in the spirit of that consultation, the Treasurer has now indicated that he will seek to move a series of amendments. I have not seen those proposed amendments; no-one that I am aware of in this chamber, other than the Treasurer, has seen those amendments. He flagged them with Gordon Rich-Phillips, who would normally handle these matters in the chamber, but for a good personal reason he is not here at this point. It is not satisfactory for us to proceed until we have the opportunity to see those amendments. I believe those amendments should be taken to stakeholders.

They should be taken to not only those who were present at the stakeholder consultation — the other members of this chamber — but also to certified practicing accountants, the Law Institute of Victoria, the Australian Bankers' Association and the Property Council of Australia. I believe they should see those amendments.

Let me be clear: this bill is very complex, and at the stakeholder consultation a reasonable person would have observed — and I confess I was not there for the whole of the consultation, but my colleagues were — that the SRO (State Revenue Office) was not able to allay the concerns people had and it was not able to give satisfactory explanations as to how the bill would operate in certain circumstances. I do not propose to go through each and every one of those complex examples now, but I would have thought that in that forum the SRO, the minister or other senior officials would have been able to satisfactorily explain to those stakeholders exactly how the bill would operate.

The minister, on top of that complex and frankly chaotic bill, is going to propose a series of additional amendments. Some of those amendments may well be worthy. I cannot make that assessment now; it is something that would require me to go and consult successively with a number of groups to work out what is going on with those individual amendments and establish the effects they would have. Already the SRO cannot explain the impact of a number of clauses in the bill. We have a ruling by the SRO, separate to the legislation, that was necessary because of confusion with the legislation. What is the interaction between these amendments, the ruling and the current legislation? I am aware that others in this chamber also want to propose amendments to the bill.

We are at a point now where if we want to do this consultation properly, the bill should remain as it is — sitting on the notice paper for further debate. My preference, as I mentioned to the Treasurer today, was that he not bring this motion forward today but rather that we leave it as it was and undertake that consultation after he has circulated the proposed amendments. The Treasurer indicated to me about an hour ago, just before question time, that he would provide those amendments, and I appreciate that. That will enable a consultation process to begin, but it certainly will not be completed this week; I cannot see how that could be possible. Equally I cannot see why the Treasurer so urgently wants to bring this forward today, given that he also gave an undertaking today that he would not proceed to bring the bill, including the amendments, to a vote this week. I am thankful for that commitment, but I also believe it would have been better practice, given that consultation is the essence of the reasoned amendment that was moved in this chamber, for the proposed amendments to have been circulated widely.

**Mr BARBER** (Northern Metropolitan) — I appreciate the dialogue the government has entered into on this bill, and I appreciate that it is now

foreshadowing amendments. Without getting into the substantive issue of the bill, which I am sure the chair would call me up on, I would like to argue the case as to why we will support the bill being reinstated, with an understanding about a certain way forward.

If the ruling is that the notice of motion and this particular procedure are in order, in light of the strict wording of the second-reading amendment to the bill that the Liberals crafted last time, then we are happy to see the bill reinstated. But the philosophy of that second-reading amendment last time was that further consultation is needed, so if the basis on which we support this motion is that the government plans to bring forward some amendments — which I have not yet seen, but I have a rough idea of the topics they might cover — then we should not be debating the bill within 48 hours of seeing those amendments. If the amendments were merely to remove an entire section of the bill — one of the sections with which we have had difficulty in relation to time lines — I guess that is not controversial, but if the amendments relate to other sections of the bill where there is legal argument about the meaning of particular words and how words have been used in a previous court cases and the possible impact on the community of various arrangements, then clearly we need more time to review those amendments, which, as I said, at this moment I have not seen.

We are willing to support reinstatement, perhaps over the objections of some others, but if the amendments are substantive and are still being brought to light right now, and given that the whole focus here is consultation, debate on the bill is not something we would support. There may be various other motions that would be brought to bear to act on that.

**Ms HUPPERT** (Southern Metropolitan) — I am pleased to rise to speak in support of the motion to restore the second reading of the Duties Amendment Bill to the notice paper. As speakers before me have said, we have seen a very interesting process in relation to this piece of legislation. Following the reasoned amendment moved by the opposition, we have had extensive and quite open and free public consultation on this piece of legislation. A large number of members of this house, together with representatives of many different stakeholder organisations, sat around a table and listened to presentations from both the Treasurer and the State Revenue Office about the operation of the bill. We sat down and listened to the concerns of the many stakeholders who had something to say about this legislation.

In some respects Mr David Davis is quite correct: the concerns of a number of stakeholders were not satisfied, and that is for one very good reason. Those particular stakeholders are concerned about closing a loophole that currently allows the transfer of effective control of land without payment of millions of dollars in tax to the state.

We have had public consultation. The Treasurer has outlined a process which will allow further public consultation when government amendments to the bill are put to the committee on Thursday. There will be sufficient time for the particular wording of those amendments to be reviewed and commented on by stakeholders and then debated in committee. For this reason I commend the motion to the house and ask that it vote to put the second reading of the Duties Amendment Bill back on the notice paper.

**Mr KAVANAGH** (Western Victoria) — I also support the reinstatement of this bill on the motion paper. I would just like to respond to a couple of comments made by Ms Huppert. Ms Huppert described the consultation process, and indeed there was a wide variety of stakeholders and several members of this house at the meeting. In terms of the reservations about some of the stakeholders at that meeting, however, I would like to offer the view that not everyone there who was expressing concerns about the bill did so because they wanted to avoid stamp duty — for example, it was very clear to me that the Australian Bankers Association has very strong reservations about the reduction in the period of time allowed for the payment of duties from 90 to 14 days. Its reservations were clearly not based on a desire to avoid stamp duty but on the practicalities of complying with such a reduction in the amount of time available. Nevertheless this is an important government measure. The government has made attempts to consult with stakeholders and the broader community. On that basis I am happy to support it being reinstated on the notice paper.

**Mr LENDERS** (Treasurer) — I thank members for their very measured contributions to a debate which, as has been said, is unusual. It concerns the way this house deals with a reasoned amendment and how we can go forward from there. I can certainly see Mr Kavanagh's point though. I was referring there to the people who did not like the anti-avoidance measures. He is absolutely correct. There was another argument about the practicalities, which I think both he and Mr Barber have views on, of bringing forward the requirement for when stamp duty is paid. I am certainly not implying there is an anti-avoidance argument there.

Thirty-four people were at the round table. All of the members who have spoken here today were at that meeting. In summing up I will reiterate what I see as the process and answer a couple of Mr David Davis's comments. He is correct in saying that people would like to see the actual amendments, but the government is between a rock and a hard place. The amendment needs to be out there for people to see it, and everybody has to have access to that amendment; that has been part of the debate. My proposal is that, if this motion is carried, this item goes back onto the notice paper. I propose that later in the week it would go to a second-reading vote. After that vote I would then move the government amendments and seek to have the debate adjourned until budget week — that is, in three weeks time. People would be able to see what the government or other members are proposing and three weeks later the house would then have a debate over the merits and demerits.

There is no ambush. It means that simply by moving the motion and adjourning the debate we have three weeks to see exactly what the government is proposing. I think that addresses the issue of consultation. Assuming the second reading of the bill is ultimately passed, the government will move an amendment that deals with the rent reserve. There will be discussion on the time line from when the bill comes backwards and forwards, which I think from the government's perspective are the two real outstanding issues; then it is in the house's hands. I would urge that this motion be passed, and that will be the last we hear of it today. On Thursday, if the house passes the second reading, we will actually see the colour of the government's amendments or any others that are proposed.

**Motion agreed to.**

## RENEWABLE ENERGY FEED-IN TARIFFS: PRODUCTION OF DOCUMENTS

**The Clerk** — I lay on the table the following documents received in accordance with the resolution of the Council of 11 March 2009:

- (1) Brief to Minister for Energy and Resources, 17 July 2008;
- (2) Brief to Minister for Energy and Resources, 18 August 2008;
- (3) Brief to Minister for Energy and Resources, 16 October 2008;
- (4) Briefing constituting comparison of premium feed-in tariff v. green power by Department of Primary Industries;

- (5) Report on feed-in tariffs for solar photovoltaic (PV) in Europe;
- (6) Briefing constituting feed-in tariffs cost by Department of Primary Industries;
- (7) Briefing constituting data and spreadsheets by Sustainability Victoria;
- (8) Briefing constituting data and spreadsheets by PricewaterhouseCoopers;
- (9) McLennan Magasanik Associates report, 29 August 2008;
- (10) McLennan Magasanik Associates report, 17 November 2008;
- (11) Victorian premium feed-in tariff scheme presentations, 8 October 2008 and 10 March 2008;
- (12) Briefing constituting feed-in tariff forum presentation and summary of outcomes from the forum, 28 September 2007;
- (13) McLennan Magasanik Associates report, 31 May 2007;
- (14) Brief to Minister for Environment and Climate Change, 4 December 2007;
- (15) Brief to Minister for Energy and Resources, attaching report on survey on PV systems owners experience, 19 February 2008;
- (16) Brief to Minister for Energy and Resources, attaching report on the photovoltaic rebate programme, 21 January 2008;
- (17) Briefing constituting a presentation by Sustainability Victoria;
- (18) Firecone report, April 2008.

I also lay on the table a letter from the Attorney-General received on 31 March 2009, which reads:

I refer to the Legislative Council's resolution of 11 March 2009 seeking production of certain documents relating to solar or other renewable energy feed-in electricity tariffs.

I also refer to my letter to you of 28 October 2008 noting the limits on the Legislative Council's power to call for documents. Those limitations centred on the protection of public interest. In that letter I set out factors which the government would consider in assessing whether the release of documents would be prejudicial to the public interest.

The executive government has now assessed the documents sought by the Legislative Council against the factors listed in my letter. It has determined that the release of some of those documents would be prejudicial to the public interest. Accordingly, the executive government, on behalf of the Crown, makes a claim of executive privilege (or public interest immunity) in relation to the documents described, and on the grounds set out in, the attached schedule.

Some of the documents provided contain the names of individuals. In the interests of personal privacy, and in accordance with normal practice, those names have been excluded.

The remaining documents sought by the Legislative Council in the resolutions referred to above have been produced by the government this afternoon.

The schedule of the 67 documents over which the government has claimed executive privilege has been circulated in the chamber.

## MELBOURNE UNIVERSITY AMENDMENT BILL

### *Second reading*

#### **Debate resumed from 12 March; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr HALL** (Eastern Victoria) — It is my pleasure today to indicate that the Liberal-Nationals coalition will be supporting the Melbourne University Amendment Bill. This is a rather small bill, which on my reading essentially does two things. Firstly, it facilitates an amalgamation of the faculties of the Victorian College of the Arts and of music at Melbourne University into a single faculty, which will be called the faculty of the VCA and music. The second provision contained in this bill will ensure that if there is a future decision to rename that faculty then that can be done by the university's council by regulation and will not require legislation. That is a sensible provision. I must say it surprised me to hear that it requires an act of Parliament to merge two faculties of a university at the request of its own governing body. However, it did, and so it was, according to the minister's second-reading speech, that the Melbourne University governing council requested that such a merger of the two faculties take place. The council requested that at its meeting on 12 May last year; hence today we have this legislation, which will enact that decision.

I just want to make a couple of brief general comments related to the merger of these two faculties and on music and the arts in Victoria as a whole, because there are some fairly interesting issues there that one might want to comment on. Firstly, the development of programs relating to music in schools in recent years has been magnificent. To attend our schools, particularly on awards nights toward the end of the year, and to hear the music of the school band or various individuals or groups within the school is really something. I make a comparison with the situation many long years ago when I was at school: music never

received such prominence. I think we can be very proud today of what our young people in educational institutions have been able to achieve in terms of music programs.

That has certainly helped tertiary providers of music programs, in particular the Victorian College of the Arts, the Australian National Academy of Music and Melbourne University through its various faculties of music and the arts. They have really given a great service to the people of Victoria and Australia and to people internationally in producing some top-quality artists through their programs. That is something I think we need to preserve.

That is why towards the end of 2006, when this Parliament debated and passed legislation through which the Victorian College of the Arts became a faculty of Melbourne University, there was some controversy in respect of that decision. I know that not all those who were at or connected to the Victorian College of the Arts were all that gleeful about that decision being made. There was the feeling that it was forced upon the VCA by funding pressures, and indeed I personally think that was the case. The Victorian College of the Arts, an institution which had served Victoria well for many years, became through that legislation and because of those funding pressures a faculty in its own right of Melbourne University.

Beyond that we had the extraordinary decision of the federal government in October of last year to cease funding for the Australian National Academy of Music. That organisation has trained some of the very finest of Victoria's musicians and describes itself on its website as:

... a unique institution for training the country's finest classical musicians. With an emphasis on individual growth through tailored programs, the academy is committed to supporting talented musicians in refining and strengthening their individual musical voice, thereby empowering them to address the exciting challenges and possibilities of a life in music in the 21st century.

I am sure those who have gone to some of the concerts provided through the academy will share those views about the quality and excellence that people within the academy have been able to demonstrate.

The federal government's decision was made by Peter Garrett, the federal arts minister. One cannot help but feel surprised that a musician would cease funding an organisation training the finest classical musicians in the country. It seems a surprising decision to cease the funding of \$2.5 million previously provided by the federal government. I might add that the academy itself

worked with a far bigger budget and sought money from the private sector to assist with its operations.

With the federal government removing that funding from the Australian National Academy of Music, its future was thrown into doubt. I believe its future is still not assured. Some press articles — I have one from the *Australian* newspaper of 26 November last year — have reported students demanding that the government keep the academy open until a new institute is in place. They were told that their future may lie with the Australian institute of music performance, which will be embedded in the faculties of Melbourne University. To my knowledge that new institute has yet to be formed. There is an extension of funding for the academy at its present site for the moment, but its future is clouded.

Those comments reflect some of the concerns being expressed by the broader community in relation to music programs in this state. The changes we have seen, particularly with the Victorian College of the Arts and now with the Australian National Academy of Music, go some way towards explaining the concerns expressed that there may be a diminution in the focus on excellence in music and that the opportunities provided in the past may not be provided in the future.

People with an interest in this area will watch closely the developments over the next few years. This legislation concerns those matters, because in it we are seeing an amalgamation or merging of two faculties of the university. I hope within that single new merged faculty there will be the opportunity for excellence in music and for musicians to exhibit and develop their skills for the future.

As I said, the Liberal-Nationals coalition will support this legislation, but I again express our hope that the focus remains on music and the quality of musicians in this state and that these musicians are looked after, cared for and developed in the way they should be.

**Ms PENNICUIK** (Southern Metropolitan) — As Mr Hall outlined, the main purpose of this bill is to facilitate an amalgamation between the Victorian College of the Arts and the faculty of music at Melbourne University, which was approved by the university on 12 May last year. The bill also allows for the renaming, post-amalgamation, and for future renaming to occur without parliamentary approval.

The Victorian College of the Arts was established in 1973. It was unique among Australian art schools, offering tertiary courses in visual arts, music, dance, drama, film and television, and studies in creative arts.

Tuition was centred on experimental studio and performance-based training. The college included a secondary school for young dancers and musicians. It became an affiliated college of the University of Melbourne in 1991 as a result of the 1988 federal government decision to create a unified national system of higher education limited to institutions of a particular size. The Victorian College of the Arts did not meet the size requirement and entered into an affiliation arrangement with Melbourne University, with which it is now amalgamated.

Founding director of the VCA, Lenton Parr, envisaged a college comprising separate schools, operating for the most part free of non-art disciplines and based on the atelier tradition, which is like an apprenticeship for artists. The amalgamation of Melbourne University and the VCA has occurred over the past 20 years, and with its completion and the VCA becoming a faculty of Melbourne University there is a perception amongst students, and the student union in particular, that the atelier tradition will be lost.

At the time of the proposed amalgamation a letter was sent to students. In this letter former director Andrea Hull said the university and the VCA had developed a heads of agreement and that, in summary, the integration was the result of significant decisions by the federal government which cut the college's recurrent budget by 35 per cent and required the university to make up the funding shortfall out of its own resources. Neither the VCA nor the university believed that that was fair or sustainable, and they therefore agreed to find an appropriate and mutually beneficial ongoing arrangement, bearing in mind that the previous affiliation had made the university responsible for the academic program the VCA.

The former director said in the letter that the VCA would continue to operate at the Southbank site, which is in the middle of the arts precinct, and would retain its close links to the many arts institutions within that precinct. She also said that the VCA had a secure and vibrant future, and that there was no question that the VCA and its contemporary environment, encompassing six artistic disciplines, would remain at the forefront of visual and performing arts training in Australia and in the international context. Under the new program it appears that those six artistic disciplines will be amalgamated into three — performing arts, music and dance. The focus has already changed.

In my consultations with the Victorian College of the Arts student union, which represents more than 1000 students, the union has commented to me that the Melbourne University model is also an issue for the

VCA. The VCA, as it has been known in the past and as its programs have worked, will not mesh well with the Melbourne University model. This is causing confusion and stress for staff and students alike. They make the point that the Victorian College of the Arts has a tradition of running practical courses which are not typical university degrees and that the Melbourne University model does not mesh with the teaching philosophy that has been the cornerstone of the VCA. People go to the VCA for its reputation, and the fear is that its identity is going to be ripped out or will not be sustained over this period of amalgamation during which the faculty will be known as the faculty of the VCA and music.

The Victorian College of the Arts Student Union is also concerned that it will not be able to represent VCA students in and of itself and that it is going to be amalgamated into the Melbourne University Student Union. That may or may not work out, but we need to bear in mind that the students have had their own union in the past, which has represented them in their particular way of studying. The practical way of studying the arts is a bit different from how university students study. I understand the student union is hopeful that the amalgamation will work out well. I, too, certainly hope it will work out well for the students, but that remains to be seen.

There is also the issue of funding. In what was called an interim statement the Melbourne University Council foreshadowed the possibility of staff and subject cuts in the short and medium terms. The statement said that the ultimate and underlying issue for the Victorian College of Arts and Music in its first five years will be to address the budget challenges that arise from the unusual way in which the faculty will come into being, and the financial management strategy will need to include focused and strategic cost-cutting measures. The students' fears that they will lose their identity and the identity of the VCA are not unfounded.

In this debate many speakers have made comments about the Australian National Academy of Music. Although the funding of the academy is not related to this bill, it is another example of an institution to which performing arts students can go to advance their particular expertise. The Greens do not oppose this bill. Although it is a minor bill and does not make any material change to what has happened through the amalgamation, it does raise the issue of whether Melbourne University subsuming the Victorian College of the Arts is going to be a good thing for the students of the VCA in the medium to long term.

**Mrs COOTE** (Southern Metropolitan) — It gives me great pleasure to talk on the Melbourne University Amendment Bill, to repeat what my colleague Peter Hall has said — that is, that the coalition parties will be supporting this bill — and to commend him for the succinct way in which he stated the purposes of this bill. I also commend Ms Pennicuik. Ms Pennicuik and I both represent Southern Metropolitan Region, and the Victorian College of the Arts is in our electorate. Some of her comments were pertinent to the development of the VCA into the future and what this amalgamation has meant and is going to mean to the arts community and also to the student population.

As has been said, the Victorian College of the Arts and Melbourne University faculty of music are going to amalgamate. The new body will be called the faculty of the VCA and music and will include three major schools — the school of art, the school of music and the school of performing arts.

The VCA has developed almost like an amoeba. It took some very good performing arts programs from the Prahran campus of Victoria College, as it was then, and the college was proclaimed in 1972 and used a number of buildings on its present site. New buildings were built and the college cobbled them together with existing buildings. The VCA has grown in a mushroom-like way, with bits and pieces here and there. It is an amalgamation of buildings. I should commend all the people who have been in charge of the Victorian College of the Arts for the work they have done. Building on and developing the site has been very difficult. They have used existing buildings effectively, efficiently and creatively, and, under huge pressure, they have managed to create a first-class, world-renowned facility.

When the decision to amalgamate the VCA with the faculty of music at Melbourne University was announced I had many conversations with the then director of the VCA, Professor Andrea Hull. The decision to amalgamate was not easy; it was difficult to amalgamate the two organisations and to look at what was going to be best for all involved. Obviously funding was an issue, as indeed were academic status and academic standing. Melbourne University takes a very academic approach to music and the arts, whereas the VCA takes a totally different approach. As Ms Pennicuik outlined, the VCA's system is more like an apprenticeship system.

I have been to the VCA on many occasions. Some of the people who have worked at the VCA have received Oscars and other international recognition — not just for the performing arts, including music and ballet, and

art but for disciplines right across the spectrum. For example, the VCA has specialised in costume and set design, including the making of costumes and the building of sets. Training is also provided for such things as lighting. The VCA has become a centre of excellence for so much of this.

Often the cry was, 'We have trained these excellent young students and they are first class on the international scene, but there is nowhere for them to go'. Jeannie Pratt started a special opera group that has been able to utilise the skills of these students. Her group has been a great vehicle through which to give some of these young people jobs to commence their careers, building on the training they have received. What VCA students do in costume making and design is amazing, as is their work on set design and building. The talented teachers and their support teams at the VCA are to be commended. I hope that a lot of those skills are not lost through the amalgamation. In future we will need people with excellent skills in all the areas I have spoken about. Academic excellence is important, but it is also important that we continue to encourage people to develop technical skills behind the scenes. The VCA has been a centre of excellence in that area.

I am concerned about excellence. I would suggest that both state and federal governments have not encouraged excellence at the highest possible level. We only have to look at the Australian National Academy of Music, which is also located in Southern Metropolitan Region. Broadly speaking, the academy is on the perimeter of what has become the arts precinct. The arts precinct includes the National Gallery of Victoria, the Malthouse Theatre, the new recital hall and the Victorian College of the Arts. A little further away is the South Melbourne town hall. It is a fabulous building, and its hall has the most amazing acoustics. The Australian National Academy of Music has been housed there and has become a centre of excellence. It provides training for elite musicians from all over Australia, who audition for highly sought-after positions.

As Mr Hall said, the funding for this, which is about \$2.5 million, came from the federal government. Under the excellent guidance and stewardship of former federal Minister for the Arts and Sport, Rod Kemp, the academy believed it had secure funding for this program. Then we got the Minister for Rock'n'Roll. The federal Minister for Rock'n'Roll, Mr Garrett, just does not have a clue about excellence in music of this standard. He has absolutely no idea about what this program is supporting. He is happy to get out in the middle of the MCG and perform rock'n'roll — it was absolutely degrading. The whole thing was

extraordinary. Nevertheless, that is all he is interested in. He is not interested in excellence at this level. We could see that from the fact he was going to stop the funding. As Mr Hall outlined, this is still murky. Although the funding is there temporarily, there is no security into the future, and this is a major problem for the Australian National Academy of Music (ANAM).

It is a unique institution which trains the country's finest classical musicians. Its website states:

With an emphasis on individual growth through tailored programs, the academy is committed to supporting talented musicians in refining and strengthening their individual musical voice, thereby empowering them to address the exciting challenges and possibilities of a life in music in the 21st century.

Academy musicians participate in a rigorous program of individual and class instruction, chamber and orchestral training and extensive performance practice.

This does not involve standing in the middle of the MCG and gyrating. That is what the Minister for Rock and Roll has some difficulty with. I encourage the Minister for the Arts in this state to continue to put pressure on the federal Minister for the Environment, Heritage and the Arts to make certain that ANAM has a secure future as a centre for excellence.

I have to make one passing comment. I cannot let this opportunity to talk about the arts precincts go without looking at the Melbourne Recital Centre. It is an excellent facility, but it was not without problems. I brought these problems to the attention of this chamber. At that stage the Minister for Major Projects was the Treasurer, Mr Lenders. The centre started with a small budget of \$61 million. In 2002 it went to \$94 million. In April 2005 it went to \$98 million, and in 2006 it ended up being \$120 million. The reason for this blow-out was the acoustics.

Initially when this project was put together the developers forgot to look at the acoustics of the building. I remind members that this building is on a tramline, and they had not factored in the extraordinary amount of noise from the trams going between what was to be the new recital area and the National Gallery of Victoria. This was an extraordinary oversight. They should have asked some of the very good musicians produced by Melbourne University and the Victorian College of the Arts. It was very simple. They only had to ask these musicians what were good acoustics. They should have gone to the South Melbourne town hall, listened to what the people there had to say and found out what was important. Eventually they got it right. It is a pleasure for all Victorians to know that it has now

been named after Dame Elisabeth Murdoch. Every Victorian would feel happy about that.

I hope there are many excellent performances and that the musicians who perform there are students who come out of the new organisation we are creating with this amalgamation today. I hope this centre of excellence becomes a place where musicians who graduate from the VCA become the musicians of the future. Since 1867 Victoria has held a healthy and excellent position in the arts community in Australia. The amalgamation we are discussing today will enhance that reputation. I have great pleasure in supporting this bill.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. M. P. PAKULA** (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

I thank all members for their contributions.

**Motion agreed to.**

**Read third time.**

## POLICE REGULATION AMENDMENT BILL

*Second reading*

**Debate resumed from 2 December 2008; motion of Mr LENDERS (Treasurer).**

**Mr TEE** (Eastern Metropolitan) — I welcome the resumption of this important debate, a debate which we commenced last year and which has been brewing away for some time. Since the debate last year there has been a significant change at police command. Christine Nixon has completed her distinguished service as Chief Commissioner of Police. I take this opportunity to thank her for the contribution she made to Victoria Police. Ms Nixon was unwavering in her determination to eliminate police corruption. But we are very lucky to have someone with the track record and experience of Simon Overland to step into the role of police commissioner.

As head of the Purana task force Mr Overland has an impressive record against organised crime. He also has an excellent reputation for opposing police corruption.

Simon Overland knows what he is up against as police commissioner, and he knows what needs to be done to get the job done. This is what he said some four years ago on *Four Corners*:

... the issue of corruption in Victoria Police and the public profile that it's now receiving is largely due to the efforts of Victoria Police and to the efforts of Christine Nixon as chief commissioner. You know, she's been absolutely adamant that we need to identify it, we need to root it out, we need to find the evidence and we need to prosecute these people. That's what's happened. That's why there are a number of prosecutions running or will run in the near future. And we'll continue to do that. It's not something we're going to shy away from. The reality is, every police organisation has corruption. The important thing is that we are prepared to face up to it and deal with it.

This is the question this house needs to ask itself: are those who plan to vote against the Police Regulation Amendment Bill prepared to face up to police corruption and to deal with it? Or will they vote for police corruption, because make no mistake, a vote against this legislation is a vote for corruption. Our new police commissioner has said this bill is critical in the fight against police corruption. In an opinion piece he wrote that appeared in the *Age* of 26 March Mr Overland said that these reforms are — and I quote — ‘vital’ for him to do his job properly. Let me repeat that: they are vital for him to do his job properly.

When he became police commissioner Mr Overland asked for the removal of the no-confidence provisions that were part of the bill and the principal act and which allowed him to sack members of the police. As I recall, Mr Dalla-Riva was very critical of those provisions in his contribution to the debate on this bill. The government will be moving an amendment to remove those provisions. Therefore, there is now no valid reason to vote against the bill. The government will be moving amendments to reflect the outcome sought by Mr Overland, and I ask that they be circulated now.

**Government amendments circulated for  
Hon. J. M. MADDEN (Minister for Planning) on  
motion of Mr Tee pursuant to standing orders.**

*Honourable members interjecting.*

**Mr TEE** — I understand that indeed the amendments were circulated to the opposition yesterday.

**Ms Lovell** — No, this morning.

**Mr TEE** — Last night.

**Ms Lovell** — This morning.

**Mr TEE** — Today the house has before it a bill that the new chief commissioner says is vital for him to do his job properly. It is vital to drive police corruption from the force. The proposal is to move amendments that address the concerns that were raised by the opposition.

The bill replaces the existing disciplinary provisions. Members should remember that the act in its current form has been severely criticised by Mr Strong, the independent director of police integrity, who said its disciplinary provisions were antiquated, barely functional and in dire need of reform. It is the changes that Mr Strong has recommended that we are debating today. Therefore, I point out that those who oppose the bill have run out of excuses.

You would have thought that now would have been an opportunity to address the very reasonable request that has been made by the new police commissioner to break with the past and make a clean start. You would have thought that those opposite would have embraced this changed bill and stood shoulder to shoulder with the government and the new commissioner to weed out the rogues in the police force. You would have thought that at the very least the opposition would have got out of the way of those who support the fight against corrupt police.

But, unfortunately, so riven is the opposition with divisions that it cannot make a decision; it cannot change its position. Every time it makes a decision there is a risk of turmoil; every time these issues come up there is a risk of turmoil within the opposition and the risk or at least the talk of leadership instability. So the opposition is locked into a position which it determined some time ago, and irrespective of the changed circumstance the moribund opposition is stuck with this policy. It is stuck with a policy it does not like, a policy that makes no sense and a policy it cannot change. So moribund is the opposition and the leadership that it can only helplessly — —

**Ms Lovell** — On a point of order, President, I understand we are debating the bill before the house, not what the opposition's policies may or may not be, and I ask you to return Mr Tee to the subject of the debate.

**Hon. M. P. Pakula** — On the point of order, President, the member has been addressing the debate fairly and squarely almost all the way through his contribution. He has made a reference to the opposition. If government members raised points of order every time the opposition criticised the government during

speeches, they would be doing nothing else in this place.

**The PRESIDENT** — Order! On the original point of order, the fact is that the second-reading speech stage allows a wide-ranging debate or discussion on the subject matter. Mr Pakula makes some valid points. I am not of the view that the current contribution from Mr Tee is out of order.

**Mr TEE** — Thank you, President. We have a position where those opposite are unable to move or are unwilling to move, and a problem emerges when you take that position. There is a problem in terms of what happens on the ground when you oppose this bill. There is a problem with what happens with the ineptitude that has been demonstrated by those opposite, who, I suppose, sit on their hands, unable to move, and watch these events pass them by.

But what it means and what the real impact is of opposing this bill is that there are fewer police on the streets catching criminals. There are fewer police in our police stations. Right now 50 or 60 police are suspended under the current police system — 50 or 60 police out of the workforce and 50 or 60 police positions that Mr Overland says could otherwise be staffing a 24-hour police station. So we have a 24-hour police station empty because of the position of those who oppose this bill. The opposition has let the community down. It has exposed the community to crime because it will not let the chief commissioner get on with the job of cleaning out corrupt police. The only people to benefit from the adoption of this policy are the crooks, the corrupt and the rogues. Those opposite have become the champions of those who stand to benefit from the defeat of this bill.

As Mr Overland said, these reforms are eight years overdue. They are needed to strengthen and streamline the dismissal process, and the opposition is wasting this opportunity to tackle police corruption, root and branch. I urge it to reconsider its position and vote in favour of the bill, which will provide for a disciplinary system focused on performance management rather than punishment. It is a bill about stopping bad habits before they become entrenched. Under the bill, members of the police force will have a professional development plan, which will include any remedial action that is required, where appropriate. Where the chief commissioner decides to dismiss someone there will be a process that is clear, well thought through and reviewable. This bill provides a system that is balanced and fair, and I urge those opposite to reconsider their position.

There are a number of other important changes that I wish to briefly address. The first part of the bill provides the flexibility that is necessary in a modern, 21st-century police force and the flexibility to deal with the uncertain times in which we live, and this bill does that. It does so in a number of ways. It clarifies the power of the police commissioner to deploy police officers, appoint police officers on a full-time basis and a part-time basis and on a fixed term where necessary. We need to give the police commissioner the flexibility he needs in these uncertain times.

These provisions are consistent with and indeed implement the provisions of the Victoria Police workplace agreement. The bill also ensures that where a police officer is on secondment or on leave without pay, they do not have the responsibility of being serving police officers. Finally, the bill makes it easier for the public to bring legal action against police officers. Currently when individual police members are sued and proceedings are completed, the police force decides if the police officer was acting in good faith in the course of his or her duties. If the police officer was acting in the course of their duties, then they are indemnified by Victoria Police.

This current approach places a lot of pressure and strain on individual police members who are being sued. Of course the complainant does not know until the end if Victoria Police takes responsibility for the actions of the police officer. The bill turns that situation around. It is a common-sense approach. It will allow Victoria Police to be sued directly and that will take the pressure off the individual police officer who would otherwise have to be sued individually. It makes it easier and clearer for members of the public, because they will no longer have to proceed against 1 or 2, or indeed 3 or 4, police officers. Their actions will not be against Victoria Police.

Where the actions of the police officer do involve serious or wilful misconduct then Victoria Police will not — and indeed should not — pay damages for the actions of that police officer. That position has not changed. Where it is the case that police officers are on a frolic of their own, acting completely outside their duties, the police officer will be joined in the proceedings. It will make easier and clearer the process for suing the police.

In many ways we have an act which is stuck in a time warp and for which reform is long overdue. It is an act which does not serve the police or the community as it would expect. It means that the community does not get the best from its police force. The current system rewards and entrenches bad behaviour. The current

system is too inflexible to ensure that we have the right police at the right time. The bill goes a long way to ensuring that the outcome we have is the right police in the right place at the right time. I urge the house to support the bill.

**Ms PENNICUIK** (Southern Metropolitan) — I move:

That the debate be adjourned for one week.

This Police Regulation Amendment Bill was introduced into the Parliament on 10 September at the Lakes Entrance sitting. On 9 and 10 October it came before the upper house, where Mr Dalla-Riva spoke on behalf of members of the Liberal Party and said that they would not be supporting the bill for many reasons, which he outlined. On 2 December Mr Tee spoke on behalf of the government in the upper house.

The reason I am moving this motion to adjourn the debate on the bill is that there has not been, as Mr Tee has tried to make out, a long debate and lots of consultation on this bill. In fact there have been only those two contributions to the debate and some very short conversations that occurred quite some time ago between members of this upper house and the minister. Since then I in particular have had no contact with the government about this bill. I have read articles in the paper, written by the new Chief Commissioner of Police and the secretary of the police union. That is the first I knew that the bill was back on the agenda. The numerous amendments that the government is proposing be made to this bill were presented to me only an hour before we came into the chamber today.

From the Greens point of view, this Police Regulation Amendment Bill and the Police Regulation Act 1958, which is still in operation, do not belong to the police commissioner. They belong to the people of Victoria. If we are going to in effect rewrite the Police Regulation Act 1958, which is in essence what this bill does, it is very important that we get it right. Quite apart from the process that has been followed in the previous weeks and today, these 53 amendments were basically plonked on my desk. I have had no chance to look at the amendments to understand how they would work in terms of the bill. In a wider sense I take great issue with the government's process of getting to this point in the debate on the bill. It has been totally in-house, between the government, the minister and the chief commissioner. I have been advised that the police union has basically been shut out of the process for several years. That is incredible. This is not a bill about police corruption; it is about the operation of the police force. We have the Office of Police Integrity and the

recommendations from Mr Strong, which should go into the mix.

Other sections of the public should be involved in this debate, including members of the legal profession, who are not entirely happy with the bill. I know that in other jurisdictions there have been full public reviews and inquiries into their police regulation acts before they have gone anywhere near producing a bill. From my point of view there are a lot of problems with this bill. I have indicated to the government my concerns about vicarious liability, the arbitrary powers of the police commissioner to transfer, waive probation et cetera, the no-confidence powers, the loss of the right of reinstatement for people who wrongfully and unsafely lose their jobs, and other concerns regarding the relationship between the police commissioner and the police as employees in an employer-employee relationship that are dotted throughout the bill. I indicated to the government that there are a lot of problems with the bill that need to be aired in public.

As I said, this bill and the Police Regulation Act belong to the people of Victoria, not to the chief commissioner or any chief commissioner of the day. I for one do not take kindly to the chief commissioner trying to put pressure on people in Parliament by writing articles for the newspapers.

*Honourable members interjecting.*

**Ms PENNICUIK** — Mr Tee has said that we need to pass this bill because Mr Overland says we should. I do not believe that is the case. It is not about any particular chief commissioner. It is about the law of the land that is going to last us, presumably, for decades to come. There are some good things in this bill, but there are a lot of problems with it. I am not prepared to debate this important piece of legislation and consider 53 amendments that were just thrown at me an hour before we came into this chamber today.

**Mr TEE** (Eastern Metropolitan) — I refer to the article by Mr Overland, which has as its subheading 'Much-needed reform has been delayed for years. Now, it's time to act'. It says:

For eight years, Victoria Police has been seeking reforms to the Police Regulation Act.

Today we have a bill that was introduced into Parliament in September last year, and members of the opposition are saying, 'We need an adjournment because we need further consultation'. This bill was the subject of a report from Mr Strong, the independent director of the Office of Police Integrity (OPI). He produced the recommendations on which the bill is

based. There have been months and months of consultation.

This bill has been in this house since September last year, and it deals with an issue which is of critical importance. We are dealing with the issue of how you deal with police corruption. Mr Strong, the independent director of the OPI, said that the current system does not work, yet here we have members of the opposition seeking another adjournment of the debate as they stand in the way of the government getting on with the job of getting corrupt police out of the force. It is an important issue. It goes to the very heart of ensuring that we have a transparent and accountable police force. It goes to the very heart of making sure that the community gets the police force that it deserves. In moving that the debate be adjourned, what members opposite are doing is allowing that corruption to continue. They are standing up for this. This continued delay and opposition is a slap in the face for the new chief commissioner, honest police and the Victorian community.

**Mr DALLA-RIVA** (Eastern Metropolitan) — It is interesting to hear the government member bark away at the fact that for some unknown reason — —

**Mr Pakula** interjected.

**The PRESIDENT** — Order! I know the Minister for Industry and Trade is relatively new. I remind him of the standards I require in this house. When any member is on their feet addressing the chamber, they are to be addressed properly. The minister's reference to the member by his first name is unacceptable, and I ask the minister to apologise.

**Hon. M. P. Pakula** — I apologise to Mr Dalla-Riva and to you, President.

**Mr DALLA-RIVA** — As long as we stop at first names and do not use any other names, I will be happy, given my previous life as a policeman, as Mr Tee rightly pointed out.

With respect to the seriousness of this matter, I appreciate the motion moved by Ms Pennicuik. We need to go back and look at the history of this bill. It was made to appear by Mr Tee that all of a sudden this bill has been introduced and we are opposing it. That is not the case.

**Mr Tee** interjected.

**Mr DALLA-RIVA** — For the record, Mr Tee said we are adjourning it, but the house should bear in mind that this government brought in a combined bill; it was

the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008. The government made an error and the bill had to be divided. Members of this chamber will remember that we ended up voting on the split bill, which dealt with the Major Crime (Investigative Powers) Act, the Whistleblowers Protection Act and the Police Integrity Act, and it was passed. As a result of that we had some concern about the Police Regulation Amendment Bill. That debate on 2 December 2008 in this chamber was resumed from 10 October 2008. I spoke as the lead speaker for the opposition, and I outlined some of our concerns in some of the areas. But it gets better, because during that debate there was a motion by a certain member, and I quote from page 5304 of *Hansard* of 2 December when Mr Tee moved:

That the debate be adjourned until later this day.

Mr Tee adjourned that debate and now he is saying, 'How dare you adjourn this bill?'. At that time we divided on Mr Tee's motion to adjourn the debate on this bill, but now he is saying, 'How dare Ms Pennicuik adjourn it? You can't do that', but he did it himself!

**The PRESIDENT** — Order! The member must speak through the Chair.

**Mr DALLA-RIVA** — That was his own motion, President. I might be getting a bit excited, but it just demonstrates that the record is here for those who wish to see it; I refer to page 5304 of *Hansard* when Mr Tee moved to adjourn the debate. We lost that division and the debate was adjourned until later that day because the government could not get its business in hand.

Now this week we hear from the government that it wants to reintroduce this bill and have a debate. It has been sitting on the notice paper for months and months, but now we have Mr Tee all of a sudden bringing in amendments and he claims that the opposition got them last night. I am the lead speaker for the opposition. It should be noted that in this chamber, whatever happens where Mr Hulls is — the favourite star of those opposite — we have a separate system and therefore the amendments must come through this chamber. I first received them, right now, at 5.40 p.m. today.

**Mr Finn** — What time?

**Mr DALLA-RIVA** — At 5.40 p.m. today, Mr Finn, and there are 53 amendments. I will read out one of them as an example:

1. Clause 2, line 6, omit "8, 9 and 10" and insert "7, 8 and 9".

Let us go straight into it. I will pick amendment 14, which is to amend clause 10, page 9, line 4, by omitting '68A'. Is Mr Tee fair dinkum, and acting through the government, proposing that we are blocking it in some way? There needs to be some due consultation and process, but not just ramming it through as we have seen the Minister for Planning ramming through other things because he does not agree with the chamber. This is a house of review. This is the upper house. I think we need to be given some courtesy. When the government dumps 53 amendments to a bill that has been sitting on the notice paper for in excess of three to four months, a bill that originally was split because the government got it wrong, and now Mr Tee has some pious belief that it is our fault, we need to have some proper consultation.

In his contribution Mr Tee raised some issues that need to be considered because they have been changed. But I do not know that. I received the 53 amendments less than half an hour ago. The way in which this bill has been handled by Mr Tee and the government is an absolute disgrace, and for those reasons I support Ms Pennicuik's motion.

**Mr KAVANAGH** (Western Victoria) — I rise to support Ms Pennicuik's motion, and I base my support on the fact that members of this house have had between 24 hours and 24 minutes, or somewhere in that range, to consider 53 amendments to this bill. This is in contrast to claims of months and months of consultation. We may have had it on the bill itself, but we certainly have not had months and months of consultation on these 53 amendments.

It would seem to me to be reasonable parliamentary practice to allow members who have to consider a bill with 53 amendments time to consider those amendments properly, and that time clearly has not been given in this case. Mr Tee says this bill is extremely important, which no doubt it is, but if I were trying to get the votes of members on an extremely important bill I would not gratuitously insult them while I ask them for their vote. Perhaps it might be considered wiser to exercise a little bit of restraint if this bill is so important and to avoid inflammatory and provocative language and taunts of those members whose votes are needed for this extremely important bill.

The bill is important if we are to fight corruption in Victoria, but we need not just a quick bill, we need a good bill and on that basis we need more time to consider these amendments. I support Ms Pennicuik's motion.

**Mr D. DAVIS** (Southern Metropolitan) — I too will make a brief contribution to this debate. Ms Pennicuik has moved that the debate on this bill be adjourned. It is a fact that the opposition in effect received these amendments this morning — —

**An honourable member** interjected.

**Mr D. DAVIS** — They were sent to the electoral office of Andrew McIntosh, the member for Kew in the other place, by fax last night at 8 o'clock. He got them this morning when he went into his office. The reality is that in terms of constructive advice or the ability to undertake some detailed examination, the opposition has had these proposed amendments for just hours. Ms Pennicuik has had them since 1 o'clock or thereabouts. It seems absurd to me that the government, which has had this bill on the notice paper for many months — going into last year — should now try to shanghai people in the chamber with amendments and not give them the opportunity to properly examine them nor consult with relevant groups in the community. There has been no sensible process.

I want to put on the record Mr Tee's extraordinary contribution just now. It was an unbalanced contribution; it was a contribution that made it appear he has not understood there are serious matters at stake here. As I understand it, these amendments will have a range of effects, and the opposition is beginning to assess those amendments.

I want to make a broader comment here. Mr Tee moves in and out of this chamber with regularity — stopping, starting, changing bills and altering bills left, right and centre with no process and no logic. The reality is that I think the government, and Mr Tee in particular with his responsibility for justice bills and police bills, needs to come up with a better process whereby the chamber is given a reasonable amount of time to examine government amendments and proposals. The truth is that those in the chamber on the non-government side — members of the minor parties, the Liberals and The Nationals — are very prepared to look at sensible amendments to bills. But it is crazy to expect that a minor party can have amendments dumped on it at 1 o'clock in the afternoon and work its way through detailed changes that will impact upon the bill. It is clearly impossible that anyone could consult with relevant groups in the community in that time. For those reasons the opposition will support Ms Pennicuik's proposal to adjourn this debate.

**Mr P. DAVIS** (Eastern Victoria) — I want to make a brief comment which is essentially consistent with some of the concerns that have been expressed by

members of non-government parties. Essentially my point is this: progressively the government has been demonstrating a contempt for this house. Its behaviour in relation to these amendments, which have been introduced at 5.40 p.m. today, quite clearly indicates the continuance of that trend. The point I want to make is that the government is increasingly demonstrating a contempt for this house. This does not just go to this matter of the amendments being introduced at 5.40 p.m. today; they are amendments to what is a very substantive bill which has been in the Parliament since October. The case that Mr Tee attempted to make was that this was an urgent bill. I hardly think a bill that has been in the Parliament for five months could be regarded as urgent.

Furthermore, I believe this is a significant bill — so significant that the government's principal adviser on this matter appears to be the new Chief Commissioner of Police, who is giving advice to the government through the media. I was pleased to be able to observe the advice he was giving the government, but I would rather see the detail of the amendments that the government itself wishes to adopt and understand what they mean.

I point out to the members of the government that unlike the ALP, members of other parties have free will and the opportunity to consider legislative proposals and come to a conclusion about them. I think it is contemptuous of the government to think that simply because a facsimile transmission was made to a member of the opposition in the middle of the night that a decision could be taken by the opposition on the merits of the amendments being proposed.

Therefore I am strongly in support of the motion moved by Ms Pennicuik in relation to the adjournment of this matter. I will be supporting it; I urge all other members to support it. I ask that the members of the government reflect on their behaviour towards their colleagues in the Parliament. This is a Parliament. It is not some factional meeting of the ALP; it is a body of people elected by the people of Victoria to give serious consideration to the administration of this state. If the government persists with this cavalier approach, obviously members of the non-government parties will rebuff it.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to rise in support of Ms Pennicuik's motion to adjourn the debate for a week. If we were playing a baseball game, it would be three strikes and you're out, because we know the government has mucked up the introduction of this legislation from the evidence of

either incompetence, a lack of care with the detail or just plain arrogance.

That started, if members can recall, when the government manipulated the processes involved on the Scrutiny of Acts and Regulations Committee and denied its members the opportunity of going through the process of applying proper scrutiny to that legislation. The bill was subsequently brought into this house and then returned to SARC to do the work. That was one fairly significant blunder, and it is good to see the chamber flex its muscle and reassert its integrity and its commitment to the objectives of the bill. There would not be a single person on this side of the chamber who is not a strong supporter of law and order and good justice policy. We are very strong on that. But that also means we do not want to see a system that allows the proliferation of corruption. I am not suggesting that might happen in this instance, but it is a system that will survive not just this Chief Commissioner of Police or the next one, but others as well. I certainly do not want to see American-style justice where the sheriff shoots first and asks questions later, to use a metaphor. Dismissal without having a proper process can in certain circumstances lead to a more corrupt police force rather than a less corrupt one.

The government's second blunder was its move to split the bill. That was obviously a reaction to what I believe was poor drafting of the bill and mismanagement of the process. Now we have these amendments — over 50 — being introduced very late in the piece after a significant length of time during which this bill has been adjourned and has been sitting on the notice paper. The government has clearly not been advancing the cause by engaging in proper discussion and circularising those amendments, if indeed it wanted this legislation to go through with the support of all members of this chamber. It is for that reason that I think this bill should be adjourned for an additional week. Given that it has been sitting on the notice paper for six months, the opposition as well as the minor parties deserve the opportunity to scrutinise the detail of the legislation to make sure it will operate effectively for a better and stronger police force, and certainly a less corrupt one. That is what I am about, and that is why I have great pleasure in supporting the motion for an adjournment.

**Mr VINEY** (Eastern Victoria) — It is important at the conclusion of this procedural debate to get a couple of things clear and on the record, and that is because of the misconstruction of events by the opposition in this debate. The simple facts are that this bill has been before the Parliament for a considerable period of time — weeks and weeks, if not months. The

amendments that have come before the house that members of the opposition are complaining about not having had enough time to consider are the direct result of two fundamental things. Firstly, the new Chief Commissioner of Police has requested these amendments because he is of the view that they will further enhance his ability to ensure that the police force he oversees is a clean and good police force for the state of Victoria. Secondly, these amendments respond to a number of issues raised by the opposition in the weeks and weeks of discussion between the government and the opposition about this legislation.

We have a process where the opposition raises a series of issues with the government of the day, and in response the government of the day talks to the new chief commissioner who says, 'Yes, I think these amendments would be good', but now members of the opposition say, 'We do not have enough time to consider the amendments we were calling for'. What an absolute nonsense to then say that the government is not responsive. The government is responding. This is from an opposition that when in government used to ram stuff through this place. It rammed through hundreds and hundreds of bills in this very chamber because it had a majority. There was never a process of review; there were never amendments made to legislation in this place when the opposition had a majority here for the 150 years that the conservatives ran this chamber.

This argument is also from an opposition that every week is prepared to drop amendments to legislation on us without notice and without any discussion. Every week we sit in here we are taken into committee and a whole raft of amendments are brought before the chamber without discussion and without consultation. They are brought in and dropped here at the last minute, so being lectured by the spivs on the other side is a bit rich!

**The PRESIDENT** — Order! Mr Viney's reference to the opposition in that manner is unacceptable. I ask him to withdraw his comment.

**Mr VINEY** — I withdraw. What we have got here is another case of the opposition calling for certain changes to be made, the government responding and then members of the opposition saying, 'We do not have enough time to consider this'. This bill needs to be dealt with. The chief commissioner wants this legislation introduced so that he can manage the police force in the way he believes he needs to be able to manage it. We as a Parliament should not stand in the way of that.

**Ms PENNICUIK** (Southern Metropolitan) — I thank the speakers who are supporting my motion: Mr Philip Davis, Mr David Davis, Mr Dalla-Riva, Mrs Peulich and Mr Kavanagh. I agree with Mr Tee that this is an issue of critical importance.

**Hon. M. P. Pakula** — And Mr Viney.

**Ms PENNICUIK** — Mr Viney is not supporting my motion, as far as I know. I agree with Mr Tee that this is a matter of critical importance, and I will give the reasons why I moved the amendment. It is not an urgent bill, as Mr Philip Davis pointed out; it has been languishing on the notice paper for five months. What is urgent is a full and frank look at whatever the government has put forward and time for us to consider those 53 amendments and whether they make any material difference to the bill. It is impossible for us to tell that now. As I have mentioned before, there may still be, notwithstanding those amendments, outstanding issues which mean the bill still needs work.

What is important is that the new Police Regulation Act is a good act, which does service to the police as employees and professionals and to the public. That is the most important thing. The least important thing is to rush it through on someone's arbitrary time agenda. The reason the bill has been sitting on the notice paper for so long is that the government has refused to properly consult with either the police union or us as MPs.

I have pointed out to the government other problems with the bill besides what I understand these amendments might go towards, which is the no-confidence provisions. I agree with Mr Kavanagh that it is reasonable practice to allow time to consider amendments. It is not very helpful for the government to use provocative language.

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

**House divided on motion:**

*Ayes, 21*

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

*Noes, 19*

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

**Motion agreed to.**

**Debate adjourned until Tuesday, 7 April.**

**Sitting suspended 6.29 p.m. until 8.03 p.m.**

**EQUAL OPPORTUNITY AMENDMENT  
(GOVERNANCE) BILL**

*Second reading*

**Debate resumed from 12 March; motion of  
Mr JENNINGS (Minister for Environment and  
Climate Change).**

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to continue the debate on this very important bill. It is important because it goes to the very heart of the issues that are important to what makes Victoria a success. Victoria's success and strength is its diversity. We know our education sector, export sector and whole economy benefits because Victoria has people from numerous communities and backgrounds calling it home. Underlining this success and the attractiveness of Victoria is the tolerance of and respect for diversity in the Victorian community. This respect underpins our success as a community and allows individuals, regardless of their background, to flourish and contribute their skills to the Victorian community. Overwhelmingly the community recognises that for individuals to flourish and reach their potential they must live free from discrimination — irrespective of their background, race, gender and religion.

Very occasionally you get those who do discriminate. There are those who cross the line, and that is where the Equal Opportunity Act plays an important role. The act is the bedrock underlying our tolerant society. It ensures that the values espoused and cherished by the community are protected, it strengthens our communities and it ensures that individuals are judged on their talents, on their contribution and on their ability rather than on the colour of their skin.

This bill is about ensuring that those who administer the Equal Opportunity Act do so in a way that is transparent and accountable. Those opposite — those who oppose the bill — are opposing provisions that provide clarity and better lines of responsibility. This bill is not about expanding the commission's scope or its powers; it is about improving the governance of the equal opportunity commission.

This bill is again the product of a thorough and independent review — the review that was undertaken by the former public advocate, Julian Gardner. That review was comprehensive and involved wide consultation. Mr Gardner found that the current role of the board of governance was not clear. It was not clear if the commission's board was a governance board or an advisory board. Mr Gardner also found that the roles of the chair of the board and the chief executive officer were not clear. He found that while the roles of the commission, its work and its scope had expanded, its governance arrangements had not changed. This meant that a disjointedness had emerged between the governance arrangements and the changed responsibilities of the commission.

The bill is the government's response to those recommendations. It provides the clarity and certainty that have been missing, and it removes the confusion. It creates a full-time commissioner to replace the chief conciliator or chief executive officer, as it were. The commissioner will be responsible for the day-to-day administration of the commission. The commissioner will implement the policies, priorities and strategies that are determined by the board. We have a model that provides that clarity. Under the model the board determines the direction and the general nature of the activities of the commission, and the implementation of those activities is the responsibility of the commissioner. This removes the current confusion and provides a clear line of responsibility and direction.

In her contribution Ms Pennicuik expressed concerns about the provisions of the bill. Specifically she was concerned that the bill did not require the delegation of the operational powers of the commission to a chief executive officer. This, she said, meant the government had in this respect failed to implement Mr Gardner's recommendations, specifically recommendation 90. I will briefly refer to that recommendation. Recommendation 90 is:

The commissioner should delegate operational powers to a chief executive officer who is not a member of the board.

The government's response to that recommendation is new section 176(3) in the bill. It provides the

commissioner with the power to delegate to a member of the commission's staff:

... any of the commissioner's powers, functions or duties under this act other than this power of delegation.

What we have in the bill is a power for the commissioner to delegate his or her powers in the manner recommended by the Gardner review. New section 176(3) responds directly to recommendation 90. It provides the commissioner with the power to do what Mr Gardner recommended — that is, to delegate the operational powers to a chief executive officer. The bill provides for but does not require that delegation, and that is entirely consistent with recommendation 90, which requires that the commissioner, rather than Parliament, make the delegation. The bill is consistent with the Gardner recommendation, and it provides a degree of flexibility as to what powers are delegated and how they are delegated.

Having said that, I have assured Ms Pennicuik, and I make the same assurance to the house, that it is the government's intention and expectation that the commissioner will act in accordance with recommendation 90 — that is, the government expects and intends that the commissioner will delegate operational powers to the chief executive officer, who will not be a member of the board. Having provided the space for the commissioner to act in the way recommended by Mr Gardner, the government's view and expectation is that the commissioner ought to and will act in accordance with that recommendation.

The bill makes a number of other changes that reflect the increased responsibilities of the board. These changes include increasing the size of the board from five members to between five and seven members. Importantly the bill provides greater independence for the board by clearly articulating and setting out the criteria for the removal of board members. The act currently provides for dismissal at any time, and this is woefully inadequate. The new criteria for removal from the office include conviction for an indictable offence, insolvency, an unexplained absence for three consecutive meetings, misconduct, the inability to carry out duties or a breach of equal opportunity and antidiscrimination law. There are consequences in that the commissioner or a relevant board member can be removed by Governor in Council. It is a clear and responsible approach to the removal of board members, or indeed the commissioner, and it fills a gap in the existing legislation. Again, it makes it very difficult to understand what it is in this bill that offends those opposite.

The bill is about providing clearer lines of responsibility and making it harder for the government of the day to arbitrarily remove the commissioner or indeed board members. Opposition members have terrible form and a terrible track record when it comes to axing equal opportunity commissioners. We all remember when Ms Moira Rayner was axed by the previous Liberal government, without any consultation and as a punishment for criticisms that she had made about the previous Liberal government. That appalling behaviour will not be able to be repeated if this bill is supported by this house. Those opposite pontificate when it comes to the rights of individuals, yet when it matters — when it comes to enshrining those rights in law and taking action — those opposite are nowhere to be seen. They have no alternative. There is no policy, but there is that appalling track record.

Ms Pennicuik raised a number of issues that I want to touch on briefly. Firstly, I understand she is not proceeding with her amendment, so I will indicate that the matters that are raised in the amendment are matters the government believes do not fit into the structure of the current bill. However, they are matters that form part of the recommendations made by Mr Gardner. The government is working through those recommendations, including the recommendation in relation to own motion power. The government is committed to further reform in this area, and that reform is about responding to Mr Gardner's recommendations.

The other issue I want to touch on briefly is the issue raised by Ms Pennicuik and by Mr Rich-Phillips dealing with the conflict of interest, as it was described, between the commissioner responsible for the day-to-day activities of the organisation being on the board and the chair of the board which determines the priorities that are implemented by the commissioner. This bill provides a degree of accountability which is not seen in any other jurisdiction in Australia. In other jurisdictions there is a commissioner who is — or a number of commissioners who are — responsible for determining the broad priorities of the relevant equal opportunity commission and then indeed implementing those priorities. The exception that comes to mind is New South Wales, where the commissioner is assisted by an advisory board that does not have the power to make a determination, but is simply a body that the relevant commissioner can consult. The model we have decided upon is quite different. It provides that the commissioner is subject to the board and that the board will decide those broad priorities. It is a more collegiate model where a number of people are responsible for the broad directions, and we think that is an appropriate model, rather than having the interstate model, where it

is simply an individual who is responsible both for the development of broad policy and its implementation.

The criticism of the current model has been that it has the commissioner as head of a board. Mr Gardner has examined this model extensively and has recommended it be changed so that there be the one position. He recommended that because of confusion in terms of accountability and in terms of lines of responsibility for staff and others, and the government agrees with and has implemented that recommendation lock, stock and barrel. Having made those remarks, I urge the house to support the bill.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am also pleased to rise on behalf of the opposition to make my contribution to the debate on the Equal Opportunity Amendment (Governance) Bill. I acknowledge the contribution made by my colleague Gordon Rich-Phillips, who outlined a range of issues that concern the opposition, and also put forward some of the concerns that we have and the reasons for our opposition to this bill. I also put on record that today must be Mr Tee Clears the Backlog of Legislation Day, because it is good to see that at least the legislation has been looked at. Whether it proceeds, I do not know, but I think Mr Tee has indicated that, if you put the legislation up, eventually it will get done at some point or we will all get sick and tired of it sitting on the notice paper. I am very pleased that we are at least moving forward, albeit slowly and on the odd occasion, some would suggest, going backwards. I appreciate the fact that we are now moving forward on this bill.

It is the view of the opposition that the Equal Opportunity Amendment (Governance) Bill is dangerous because in effect it replaces the existing current structure of the board of the equal opportunity commission — a CEO (chief executive officer), a chief conciliator and a five-member board — with a commissioner and a board of up to seven members which is to be chaired by the commissioner. Most members in this place who have worked in not-for-profit organisations or any organisation for which there is a corporate governance will know CEOs are often separate to boards. A board makes recommendations and sets the strategic direction, and in effect the CEO, or in this case the chief conciliator, implements the processes of where the organisation is going. We know that this government cannot stand that model. It hates to have a situation where it has no control, as we have seen over the last week with its intervention on the issue of the Barwon Heads bridge and the attempt by the government to ram through the Police Regulation Amendment Bill. The latter bill sat there for five months, and all of a sudden amendments

are distributed in the last hour and we are expected to rush it through because there is some sense of urgency, and such is the case with this bill.

The Equal Opportunity Amendment (Governance) Bill removes any level of governance and corporate oversight and effectively gives the commissioner unfettered control in terms of determining what the equal opportunity commission will do under the Equal Opportunity Act 1995.

Another concern is that the bill removes complaint-handling functions from the board of the commission and makes the commissioner responsible for complaint handling and conciliation and provides the commissioner with the power to delegate to staff. I heard Mr Tee make some reference to a CEO. Unless it is in the bill — and I am glad that Ms Pennicuik will pursue that with Mr Rich-Phillips during the committee stage — I think it is a dangerous piece of legislation on which to accept the word of the government that this is what is going to occur.

Let me say from the outset that I am not opposed to the commission or the commissioner, but to give unfettered control to what this bill is proposing without any checks or balances extends what is proper and good governance of any organisation. Some time ago an attack was made on Mr Koch by the present chief executive officer of the Victorian Equal Opportunity and Human Rights Commission. A supposedly independent authority stepped outside her role and had a whack at a member of Parliament when he was about to exercise his free vote on a bill.

I think that demonstrates the lack of responsibility we will see from the commission if that person maintains that role. The bill will allow the commissioner to undertake his or her own complaint mechanisms where he or she becomes aware a breach of the Equal Opportunity Act or the Racial and Religious Tolerance Act 2001 may have occurred. This is provided for in clause 11 of the bill. These are extraordinary powers being provided to a person with no oversight by a Parliament or by anyone else.

However, the bill goes further. If a vexatious complaint is made by the commissioner for whatever reason he or she sees fit in the course of his or her duty under this bill, new section 211(2) of the principal act, to be inserted by clause 14, includes a section 85 provision preventing the bringing of an action against the commissioner before the Supreme Court. This is a government that is open, honest and transparent, yet it is going to shut down opportunities for people to make legitimate claims against the equal opportunity

commission or the commissioner and the extent to which they use and abuse this clause of the bill.

Let me make it clear for the record. We have seen previous examples of personal attacks against members of Parliament by the commission, and I think that will continue. What is proposed? If a member of Parliament debates a bill in this chamber and the commissioner does not like it, are we going to be hauled before the commissioner and asked to answer questions? Is that the proposal? I think this absolutely allows that type of thing to occur.

For our purposes it is a significant concentration of power in the hands of a commissioner. It is not featured in any other state or territory where there is an equivalent commission. The independence issues associated with the new structure are major concerns for us. The issue of a wider mandate for human rights, as proposed under clause 11 of this bill, brings into focus a systemic discrimination focus of the commission. I do not know if that is the purpose of it; I do not think it would have been the intention back in 1995 when this commission was first established. But in the end, so be it; this is how it goes. However, it is interesting that the Gardner review made a number of recommendations about the independence of this commission. In its true wisdom, and as usual, the government has ignored its own review. We are meant to rely on Mr Tee saying, hand on heart, that the government is going to appoint a CEO, although it is not in the bill. We look forward to seeking advice from the minister in the committee stage on where it is recommended that that is the case.

We see the concentration of power as particularly worrying in the absence of a broadbased anticorruption commission in Victoria. Such a body would provide some check against abuse of this office. For the record, I believe this office will abuse the power that is proposed to be given to it in this bill. I think Victorians will rue the day this legislation was moved forward. For the sake of the people of Victoria I hope this bill is defeated, although I do not hold out much hope.

**Mr SCHEFFER** (Eastern Victoria) — Equal opportunity and the expansion of human rights are at the core of the Brumby government. Justice statements 1 and 2, released in 2004 and in October last year respectively, are clear evidence of this government's concern to protect and strengthen human rights. Justice statement 2 particularly gave a clear pledge that the government would act on the findings and recommendations of the equal opportunity review that was conducted by Julian Gardner and released in July last year. Specifically the government resolved to

strengthen the capacity of the Victorian Equal Opportunity and Human Rights Commission to take action against systemic discrimination.

Strengthening laws prohibiting discrimination and protecting people's capacity to defend their rights through the law are at the centre of the government's view of social justice and fairness. Justice statement 2 draws the connection between reducing barriers to opportunity and strengthening assistance for disadvantaged groups on the one hand and access to the justice system and rights on the other. It is worth reminding ourselves that strategy 8 of *A Fairer Victoria 2008* concerned itself with improving access to justice. That section of *A Fairer Victoria* talks about the importance of improving access to justice, especially for vulnerable and disadvantaged people. It draws the connection between access to justice and a reduction in hardship and social exclusion.

The Equal Opportunity Act was introduced into this Parliament just over 30 years ago, in 1977, by the then Liberal Premier, Rupert Hamer. The act created the board and the office of the equal opportunity commissioner. It focused on discrimination because of the many discriminatory aspects prevalent at the time, and which probably still exist today, in the areas of marital status and gender, and the way discrimination played an important role in the areas of employment, education, housing and in the provision of goods and services. In the years following 1977 the act was extended to provide protection for people with disabilities, and then for those who were discriminated against on the grounds of race, ethnic origin, political belief or their status as a de facto partner in a heterosexual relationship. Protection against sexual harassment was also provided for at about that time.

It is instructive to look at the website of the Victorian Equal Opportunity and Human Rights Commission. It shows that by 1995 — just under 20 years later — the principal act had made it illegal to discriminate against someone on quite a long list of grounds which I will read into *Hansard*:

... age, carer status, disability, industrial activity, lawful sexual activity, marital status, parental status, physical features, pregnancy, race, religious belief/activity, sex and personal association with someone else perceived to have one or more of the listed attributes.

It goes on to say:

Unfair treatment on the basis of these personal characteristics is against the law in the areas of employment, accommodation, education, provision of goods and services, disposal of land ... local government and clubs.

The website tells us that by 2000, just five years after that:

Breastfeeding, sexual orientation and gender identity added to the act, the latter protecting transgender and intersex Victorians from discrimination.

In those 20 years a huge broadening of the impact of discrimination on different members of and groups in the community was becoming prevalent. The act was able to generate a learning right across the community and the justice system that has stood Victorians in very good stead.

The amendments to the Statute Law Act in 2001 changed more than 50 other pieces of legislation to ensure that couples in both heterosexual and same-sex relationships had the same rights in relation to property arrangements, compensation and superannuation. In the life of the present government the introduction of the Racial and Religious Tolerance Act in 2001 was, and to some extent remains, a controversial piece of legislation. This act made it an offence to incite hatred against a person on the grounds of their racial or religious background or activities. Most recently, in 2006, the Parliament passed the Victorian Charter of Human Rights and Responsibilities. This sets out the civil and political rights and responsibilities of Victorians and requires the government to take these rights and responsibilities seriously by ensuring that all our laws and practices have regard to them.

Looking back we see a great achievement since the introduction of the original act in 1977. But those of us who have been involved in any of these advances know that each of these steps has come only after an enormous amount of work and an enormous amount of social struggle.

No matter how self-evident a claim is in the area of human rights, there is never a shortage of people who will oppose it. This has been true where the claim has involved the rights of women, for example, the rights of people of various racial or ethnic backgrounds, those of differing religious beliefs, and those whose sexual orientation diverges from the so-called norm.

In June last year the former public advocate, Julian Gardner, released his final report on the review of the Equal Opportunity Act which the Attorney-General had asked him to conduct. Its aim, of course, was to identify ways forward that would further reduce discrimination in Victoria. Mr Gardner's review made 93 recommendations and focused on four main areas: legislation that addresses equality and legal responses to discrimination; swift and effective dispute resolution;

improving compliance with the Equal Opportunity Act; and the commission's governance structures.

The statement of legislative intent was announced at the beginning of this parliamentary year, and that particular document indicates that the implementation of Julian Gardner's report will be taken up progressively, and this bill is part of that longer implementation.

The purpose of the bill, as has been said by previous speakers, is to amend the act so as to alter the governance and complaint-handling arrangements for the commission. The changes will help the commission to broaden its focus on systemic discrimination. Its objectives are: to establish an organisational structure that provides clear lines of responsibility and accountability; to create a new position of commissioner who would lead the commission and establish a board that can effectively oversee the strategic direction of the commission; and to set out the procedures for removing the commissioner and board members. They are simply the three areas that the amendments address. The bill, then, has the effect of clarifying the definitions and roles of the board and members of the commission.

I just want to make a couple of comments on the contribution made earlier by Mr Dalla-Riva. I do not see anywhere in the act where it confuses lines of responsibility. As I understand this act, it states quite clearly that the board has a strategic role and sets the general policy direction, obviously within the law and within those frameworks, and the commissioner then has a clear responsibility for the handling of the day-to-day affairs of the commission. I understand the day-to-day affairs of the commission would be to do with individual complaints around discrimination and equal opportunity. The separation seems to me to be an effective and responsible separation that does not depart from the act as it stands at the moment. All those accountability requirements and provisions that are in the current act that Mr Dalla-Riva seemed to be concerned about do not seem to me to have a great deal of traction.

To go back to my earlier remarks, the bill creates a larger board, up from five members to a maximum of seven, and, as I said, it will have the ability to tackle the challenges posed by the responsibility they have under the Equal Opportunity Act, under the Charter of Human Rights and Responsibilities Act and under the Racial and Religious Tolerance Act.

The bill removes the complaint-handling responsibility from the board and allocates it to the commissioner. That is all above board and in order, as I indicated

before, and does not compromise rights, responsibilities or accountability, and then it delegates the day-to-day activities to the commission and its staff.

In summary, the bill provides an updated and effective structure and enables clear lines of responsibility and accountability. I think this is a good bill. It is practical and sensible. It does not, so far as I can see, compromise due process, and I commend it to the house.

**Mr EIDEH** (Western Metropolitan) — Over the past few decades successive Labor governments have been champions of social justice, human rights and equal opportunity. We firmly believe every citizen has a right to a fair go and to natural justice. This is at the core of what we on this side of the house believe. This is at the heart of what we practise.

The bill before us today is a further expression of our commitment to ensuring that all Victorians are treated fairly. We oppose discrimination, we are offended by racism. We reject bias, in particular that which treats the disabled or the aged as second-class citizens. We believe people should be measured on merit, not on gender. That is why I rise to support the bill before the house today.

But I must also declare that I am inspired by the forward-thinking and progressive nature of the provisions contained in this bill. The second-reading speech of the Minister for Environment and Climate Change, Mr Jennings, declared the Brumby Labor government's intention to adhere to the review by the former public advocate, Mr Julian Gardner. This will see our work of combating all forms of discrimination reaching new heights. It will bring Victoria, yet again, to the forefront of the national agenda, where it will show the other states how it is done, and done well.

The Victorian Equal Opportunity and Human Rights Commission will become a sharp tool in the fight against discrimination. It will tackle such unacceptable behaviour head on, through a range of new measures, vibrant powers and an acceptance of how society is moving ahead technologically.

Over the next five years we will have the opportunity to debate and pass significant reforms that will truly make Victoria a better place to be. Just as recent economic data has shown that Victoria is defying the negative economic trends that are shaking the rest of Australia, so too will our legislative agenda show the other states what leadership is all about.

This bill is a small step in the strong legislative program. It will set the stage for the growth and

strengthening of the commission. It will enable the aspects of the report that affect governance to be made law. While a number of changes mooted in the bill may be viewed as procedural or administrative, others will bring new life to the commission and its role. The bill also strengthens the independence of the commission and the board. This is essential to ensure that the commission can act in the best interests of all citizens, without fear or favour.

The bill also seeks to make proceedings less legalistic and less expensive for complainants by setting the Victorian Civil and Administrative Tribunal as the final arbiter of complaints, rather than the Supreme Court of Victoria. This supports the Brumby Labor government's ongoing commitment to justice reforms, as I said in my statement on the report of the civil justice review late last year. It is legislation such as this and the legislative program outlined by Minister Jennings that can make Victorians feel they have a government that truly cares for all of them. I commend the bill to the house.

**Ms HUPPERT** (Southern Metropolitan) — As Mr Scheffer pointed out, since the introduction of the equal opportunity legislation in the 1990s we have had a long history of an increasing range of protections for people's rights against discrimination and rights against many classes of discrimination. The Brumby government is committed to strengthening Victoria's laws against discrimination and the capacity of the Victorian Equal Opportunity and Human Rights Commission to take action against systemic discrimination.

The purpose of this bill is to amend the governance and complaint-handling arrangements for the commission. The commission has an important role in the administration of the Equal Opportunity Act 1977 and some important functions under the Charter of Human Rights and Responsibilities Act 2006 and the Racial and Religious Tolerance Act 2001.

This bill arose from the recommendations of an independent review of the Equal Opportunity Act carried out by Julian Gardner, whose report *An Equality Act for a Fairer Victoria* provided a good overview of the existing legislation and ways of improving it. The Gardner report found there were some limitations in the current governance structure, including a lack of clarity in the roles and responsibilities of the commission and a lack of clarity in the manner in which the commission operates. The report recommended a new governance structure, and the government has announced it is committed to implementing the recommendations of the report in a staged manner, the first dealing with

governance and the later stages dealing with the other recommendations of the report.

I just want to summarise the main amendments made by the bill. It creates the new role of commissioner, who is to be appointed by the Governor in Council for a five-year term. The commissioner will be responsible for implementing a strategic direction, which will be developed in conjunction with a board of five to seven part-time members appointed by the Governor in Council on the recommendation of the minister. The board will have the power to set the future strategic direction of the commission, which will be implemented by the commissioner and through the commissioner's delegation to staff members. That will provide clearer lines of responsibility. As my colleagues have also said, I fail to see the relevance of the matters raised by Mr Dalla-Riva, because it is clear from this structure that the board will set the strategic direction and that the commissioner will be responsible for implementing it. Therefore the bill provides for a clear separation of roles.

As recommended by the Gardner report, the bill removes the board members' complaint-handling function and powers, which will be the responsibility of the commissioner, who will be able to delegate that function to appropriately skilled staff. This structure recognises the broad role of the commission in safeguarding and promoting human rights and equal opportunity in Victoria. It will provide increased transparency and accountability.

The bill also strengthens the independence of the commissioner and the board by including specific criteria for removal from office. Currently the Governor in Council can remove appointees from office at any time. Now criteria will apply, such as conviction for an indictable offence or insolvency, which will lead automatically to a member ceasing to hold office. Further, if any board member fails to attend three consecutive meetings, engages in misconduct, is incapable of carrying out his duties or commits a significant breach of equal opportunity or antidiscrimination law, the board member can be removed by the Governor in Council. Altogether we have in this new structure provided for in the bill an increase in transparency and accountability and a strengthening of the governance role.

Victoria can be rightly proud of its record in human rights and equal opportunity. The bill provides clearer lines of responsibility and accountability and is a first but significant step in strengthening the role of the Victorian Equal Opportunity and Human Rights Commission. I commend the bill to the house.

**House divided on motion:**

*Ayes, 22*

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

*Noes, 18*

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

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT** — Order! As I understand it, there are no amendments as such, but members wish to clarify with the minister some of the provisions of the legislation. I am told that Ms Pennicuik has an interest in clauses 5, 9 and 14.

**Clauses 1 to 4 agreed to.**

**Clause 5**

**Ms PENNICUIK** (Southern Metropolitan) — Clause 5 of the bill is a large clause. I am particularly interested in proposed new section 170 which will be introduced by the bill. I refer the minister to the explanatory memorandum which states that that proposed section creates a new position of commissioner which replaces the chief conciliator and chief executive officer (CEO). It states:

The commissioner will chair the board of the commission and will be its only full-time member. The commissioner will be required (in addition to the other functions, powers and duties ...) to administer the day-to-day affairs of the commission in accordance with the policies, priorities and strategies determined by the board ... The chief conciliator and chief executive officer responsibilities are reassigned to the

commissioner. The commissioner will perform (or delegate) the complaints-handling and conciliation roles currently allocated to the chief conciliator.

Notwithstanding what Mr Tee said in his contribution during the second-reading debate, the issue here is that the explanatory memorandum states that the chief commissioner will take over the roles of the chief executive officer and the chief conciliator and will be responsible for the day-to-day work of the commission. What I think the opposition is concerned about, and what I am concerned about, is that if the chair of the board has the day-to-day administrative responsibilities, what happens if there is an issue between the board and the carrying out of those responsibilities?

**Hon. J. M. MADDEN** (Minister for Planning) — I will make some general remarks about that, and if I have not covered some of the specifics in those remarks, I will be happy to answer any further inquiries.

I am informed that the Gardner report basically says the current system with the chief executive officer (CEO) on the board is confusing. I also understand the Gardner report recommends that the commissioner also be the chair of the board and that this role provides a single point of accountability for strategic direction and operational performance. The commissioner will have the day-to-day control of the administration of the commission, as the member mentioned, in accordance with policy priority strategies determined by the board. The board will be responsible for the strategic direction, as members are probably aware, as well as for setting policy priority strategies for the commission.

Basically this is on the back of the Gardner report. Although it may not necessarily be a perfect system, it is based on the recommendations of the Gardner report and we are happy to accommodate those.

**Ms PENNICUIK** (Southern Metropolitan) — The Gardner report recommended that the commissioner chair a board of between five and seven members and that the board should give the clear strategic oversight function. Those are recommendations 88 and 89. But in recommendation 90 the Gardner report specifically said the commissioner should delegate operational powers to the chief executive officer, who is not a member of the board. However, that has not appeared in the bill.

I hear what Mr Tee says about that being elsewhere in the bill. Proposed section 176 says the commissioner may, by instrument, delegate to a member of staff of the commission any of the commissioner's powers et cetera, but it does not mention a chief executive

officer, which is specifically in the report. I want to know why the government decided not to actually specifically mention a CEO.

**Hon. J. M. MADDEN** (Minister for Planning) — Was the question, 'Why is the CEO not mentioned'?

**Ms PENNICUIK** (Southern Metropolitan) — Yes.

**Hon. J. M. MADDEN** (Minister for Planning) — I may not have made it clear, but I am attempting to now. The government structure basically establishes or enables the commissioner to appoint a CEO or to delegate operational powers. The bill requires the commissioner to administer the day-to-day affairs of the commission in accordance with the policy priority strategies determined by the board. It is anticipated that the CEO would be selected by a board of the committee but appointed by the commissioner in accordance with the commissioner's powers to employ the necessary staff. There is the opportunity to appoint a CEO, but that would be done through normal practice, as mentioned. Also the CEO would be given powers under the delegation.

**Clause agreed to; clauses 6 to 8 agreed to.**

#### **Clause 9**

**Ms PENNICUIK** (Southern Metropolitan) — I prepared an amendment to clause 9 which I will not proceed with, but I want to ask a question on clause 9. After section 156(2) of the principal act the bill proposes to insert a section 156(2A), which states in part:

If, in the course of dealing with a complaint, the Commissioner becomes aware of circumstances where a contravention of ... this Act ... may have occurred ... the Commissioner may refer the matter to the Commission for investigation.

That basically limits the ability of the commissioner to investigate a matter in the circumstance where the commissioner has become aware of it as the result of a complaint. I had wished to amend that to make it broader so that the commissioner could refer a matter for investigation no matter how the commissioner became aware of the matter.

The question I have for the minister is more of a request for assurance that that function will be broadened in the next tranche of equal opportunity legislation that comes through the Parliament so the commissioner can refer a matter for investigation, no matter how the commissioner becomes aware of it.

**Hon. J. M. MADDEN** (Minister for Planning) — Without trying to pre-empt either cabinet or government in relation to these matters, I can say there will be further adjustments made in relation to this legislation based on other tranches. It is my understanding that they will arrive at some stage in the future. Many of those issues in which Ms Pennicuik has an interest will be reflected in future legislation.

**Clause agreed to; clauses 10 to 13 agreed to.**

**Clause 14**

**Ms PENNICUIK** (Southern Metropolitan) — My question regarding clause 14 is: why did the government insert new subsection (2) at the end of section 211 of the principal act? It reads in part:

... prevent the bringing before the Supreme Court of any action in relation to a complaint dismissed by the Commissioner ...

**Hon. J. M. MADDEN** (Minister for Planning) — Again I will attempt to answer the query, and if there is any further detail, I will provide Ms Pennicuik with it. In relation to clause 14, I am advised that SARC (the Scrutiny of Acts and Regulations Committee) investigated the matter. It noted that clause 14 prevents the bringing of any action before the Supreme Court in relation to a complaint dismissed by the commissioner under section 108, 110, 113, 117 or 123. The committee, having reviewed the section 85 statement made in the second-reading speech, the declaratory and enabling clauses and the explanatory memorandum, is of the opinion that the proposed provisions altering or varying section 85 of the Constitution Act 1975 are appropriate and desirable in all circumstances.

On the basis of the finding of SARC, it is believed that those issues were relevant and pertinent, so they are in the bill.

**Clause agreed to; clauses 15 to 19 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the bill be now read a third time.

In doing so I thank members of the chamber for their contributions to the debate.

**The ACTING PRESIDENT (Mr Leane)** — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**The DEPUTY PRESIDENT** — Order! The question is:

That the bill be now read a third time.

So that I may be satisfied that an absolute majority exists, I ask members in favour of the passing of the third reading to stand in their places.

**Members having risen:**

**The DEPUTY PRESIDENT** — Order! I am of the opinion that a statutory majority was achieved and that the motion is therefore carried.

**Mr Dalla-Riva** — I call for a division.

**House divided on motion:**

*Ayes, 22*

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

*Noes, 18*

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

**Motion agreed to by absolute majority.**

**Read third time.**

**BUS SAFETY BILL***Second reading***Debate resumed from 12 March; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr KOCH** (Western Victoria) — I appreciate the opportunity to make a contribution to the Bus Safety Bill 2008. The house is aware that this bill has been quite some time in the making — more than 12 months in fact — and we now have an opportunity to sign off on this bill.

The purposes of the bill are to provide for the safe operation of bus services in Victoria, to make related amendments to the Public Transport Competition Act 1995, the Rail Safety Act 2006, the Road Safety Act 1986, the Transport Act 1983 and certain other acts. It also changes the title of the Public Transport Competition Act 1995 to the Bus Services Act 1995. Obviously this bill is to initiate a stand-alone bus safety regime that will be similar to the Rail Safety Act in Victoria which, as we all know, has recently been introduced.

I will refer to some of the main provisions of the bill. It is not a big bill, and we will not be opposing it. It is common-sense legislation, and from that point of view we should expedite its passage through the house.

We will look at some of the provisions concerning accreditation. We know that commercial bus operators across the state of Victoria must be accredited from the point of view of their business activities. A range of fees apply depending on the operator's size. It is important we recognise that situation and that smaller providers are not overborne by our larger providers. At the end of the day the director of public transport has the ultimate power to waive accreditation fees.

The bill also outlines the definition of bus size. It is important to note that this legislation concerns passenger vehicles with 10 or more seats. When I say '10 or more seats', those 10 persons include the driver, so it is the driver and nine passengers in this case. This is in line with Australian design rules. We also accept that modifications do not affect the definition of a bus as a single item.

It is important to pick up on the definition of a bus, which refers to buses as built versus buses that are constructed at a later date. If a bus is constructed under the Australian design rules and has a seating capacity of 10, it falls within the parameters about which we are speaking. Subsequent modifications will not alter the

vehicle's status under this proposed regime. If a bus has initially been designed under Australian design rules to accommodate 10 or more passengers, and someone through their own volition, for whatever reason, removes two seats, it still falls within what is termed the definition of a bus.

It is also important to note the legislation as it relates to hire cars and Hummers. We are all familiar with the Hummer. It is a vehicle that is used in the hire car market now — stretched limousines and that type of thing. These vehicles have not initially been designed to carry 10 or more passengers. The likes of these limos and the Hummer do not fall into the classification of a bus. That is important as we see more and more of these vehicles on the road.

The chain of responsibility in relation to this proposed bill involves not only our providers but also our drivers and our passengers. It is important that no-one is spared of this responsibility. Everyone has to have an input into it. Everyone must bear some responsibility all the way through in relation to the carriage of people in this way.

There is also a lesser reliance on accreditation for non-commercial operators of buses with 10 to 12 seats or operators of services that rely exclusively on minibuses. These are exempt from the bill's provisions. In saying that, we are aware that some bus operators provide both services, where they have smaller buses and supply a driver, where they have smaller buses for community hire or where we might have volunteer drivers. Those buses also fall under the provisions of this Bus Safety Bill.

It is important to realise the concerns in relation to the smaller operations, where we have volunteer drivers hiring a bus to assist with carrying passengers, be it a church group, Red Cross, friends of our local botanical gardens or what have you. We are conscious that we do not want to make the cost onerous for these bodies. From that point of view accreditation has been waived at the discretion of the director.

From a drugs and alcohol policy point of view, there are requirements on all operators, and obviously operators must ensure that their employees comply with these requirements, especially where operators are both supplying the services of bus and driver. The requirements also apply where volunteer drivers are involved.

The enforcement powers under this legislation lie with the director of public transport. Many of those powers, including the ability to issue improvement or

prohibition notices on safety issues, are currently unavailable in the Road Safety Act 1986. That situation has now been rectified. Importantly, we note that accredited buses carry specified plates. The operators are provided with a certificate of accreditation relating to their offering not only their vehicles but their drivers to the community in terms of providing those services.

There is a concern we on this side of the house have. Some bus companies provide commercial small bus services with drivers for hire and also provide only the vehicles for hire. From our point of view greater clarification is needed regarding the accreditation and competency of non-accredited drivers, especially volunteer drivers who may be transporting passengers.

Bus Association Victoria claims that community groups should be included in this accreditation regime. We share that concern and support the bus association in that respect. At a departmental briefing it was claimed that these groups were excluded due to the low number of kilometres travelled by vehicles in that subsector and that from that point of view those operators have a low-risk profile. We recognise that and acknowledge the costs involved for the groups who hire buses without drivers for their own use in the community and the need for them not to have an onerous burden of increased fees and charges, which they would have to spread across their members or passengers.

In that sense it is important we pick up on some of the concerns raised by Bus Association Victoria. I am sure many members have had correspondence from the bus association. I certainly have. As I said, this correspondence is now over 12 months old, and the bill has been floating around now for 12 months. I know that consultation took place; I think there were 37 or 39 submissions made on this bill. Many people contributed, and it has been well consulted on. We have had consultation with over 20 community groups on the matter.

As I indicated, Bus Association Victoria has brought a few matters to our attention. It claims there is a significant failure in the bill in relation to bus safety accreditation. Although we know the director has the capacity to waive some of the requirements, it is still concerning to Bus Association Victoria that its claim has not been recognised. I quote from the association's letter, which says:

During the negotiations we indicated that there should be one safety accreditation system for all buses but unfortunately the bill does not reflect this position.

...

The government has decided to exclude operators of non-commercial services, such as local councils, community organisations and clubs, from the requirements placed upon all other bus operators.

This exemption places at risk those people in our community such as the aged, the young, the socially and financially excluded and people with disabilities.

The association strongly believes that all buses should be required to attain the same safety accreditation. The letter goes on to say:

The Minister for Public Transport in her second-reading speech stated:

The bill strikes a careful balance between the need to ensure that non-commercial bus services are operated safely without requiring onerous requirements —

Again I come back to that earlier scenario of the costs that would be imposed on these smaller community organisations with accreditation —

and therefore threatening the viability of vital community services, such as buses provided by local councils, clubs or community organisations.

This is not a large bill, but it is a common-sense bill that obviously will see greater safety afforded to our public users, especially smaller volunteer groups, church groups, our elderly, our young and what have you. This is a transport opportunity we should be supporting. We acknowledge a possible shortcoming in relation to accreditation; that is a concern of ours, and I am sure that as time goes on it will be picked up.

In many ways the bill mirrors the Rail Safety Act. It is important to have stand-alone bills in our transport industry, especially given the accidents that occur. We want to have powers to investigate those on an individual basis, not only on a total transport sector basis. It is important we have the opportunity to recognise and investigate accidents on the grounds of the individual transport mode, be it rail, bus, tramway or whatever. This bill opens up that opportunity in terms of buses and those who choose to use buses as a mode of transport.

In closing, like Bus Association Victoria we think accreditation across the board may protect users to a greater extent in terms of driver competency, although I am not saying for a second that our volunteer drivers are not competent bus drivers. But further thought should be given at a later date to offering the opportunity for volunteer drivers to become accredited so all parts of the bus industry travel forward as one. I do not think there is one volunteer driver who would not qualify for accreditation, and it is possible that many would wish to be involved in that process.

In closing, we will be supporting the bill; we will not be opposing the bill. As I said, this is a good common-sense bill, and I hope the house supports it as presented.

**Ms HARTLAND** (Western Metropolitan) — Mr Koch has already gone through many of the technical details of the bill so I will keep my contribution brief. As has already been stated, the Bus Safety Bill is a sensible and long-overdue piece of legislation. The bill promotes safety and introduces reasonable and achievable practices and procedures into the bus industry. It contains a wide range of new provisions, overhauls the accreditation system and addresses problems in the existing system. All those things are good.

However, what struck me when I read the Minister for Public Transport's contributions in the other house was her reference to how the government would be bringing in many more buses. As someone who catches the buses on routes 220, 219 and 216, I have not noticed any extra buses on those routes. Buses from the central business district (CBD) to Caroline Springs are half an hour apart, and it takes an hour to get there, which does not make it a popular way of getting to and from work.

I was in Perth last weekend. It has a fantastic free bus system. There are three free bus services, which operate within 5 kilometres of the CBD. They are incredibly popular, and they have taken a huge amount of pressure off other services. In Perth 10 years ago people talked about how their public transport system was worse than Melbourne's system, but Perth's new trains and buses are quite amazing, and they move a lot of people. While the Greens absolutely support this bill, it is about time that the government came forth with the buses so that we can use them.

**Mr LEANE** (Eastern Metropolitan) — I am pleased to make a contribution to debate on the Bus Safety Bill 2008. The objective of the bill is quite simple — that is, to improve the safety of bus operations in Victoria. I must say the current bus safety record is generally very good. However, another purpose of the bill is to accommodate the expansion and diversification of the bus network, as doing this will raise the risks. The bill acknowledges that buses from all ends of the scale play an important role in our public transport system.

I was pleased to see that some of the SmartBus orbital routes have been opened up. It is great to see that they have dedicated lanes and the technology that goes along with that. One of the very attractive things about SmartBus services is that each bus stop has a digital

display informing those waiting of when their particular bus will arrive at their stop.

As Mr Koch has covered the mechanics of the bill very well, I will not go over many of the areas he spoke about. As he said, a fair amount of time has been spent in the development of the bill, as it is part of the comprehensive review of public transport legislation which began in 2004. The review was endorsed by Meeting Our Transport Challenges in 2006 and the Victorian transport plan in 2008.

Just as important as the review that has produced this bill, there have been complete reviews — not so much on the safety side of things as on the convenience side — in a number of areas. I know of current reviews of bus routes and their availability in the Yarra Ranges and Knox areas. Similar reviews have been conducted in a number of other local government areas. These reviews are a fantastic vehicle for people to say where they need buses, what routes do not suit their needs and what routes could be introduced to suit their needs. From speaking to the people who have run these reviews, I know that bus timetables have been redone from scratch and routes have been put in more convenient and appropriate areas of the municipalities as a result of submissions people have made to these reviews. That is important to note.

I return to the bill. Currently more than 40 per cent of the bus fleet on the roads is not regulated for safety. This bill will increase the scope of that regulation so that more than 5500, 10-to-12-seat buses will come under the scope of bus safety regulation for the first time. As Mr Koch said, that is a very important aspect of this quite simple bill.

The new bus safety regime will begin at the start of 2011. As Mr Koch said, limousine and Hummer services will not be included in this particular legislation as they are covered by regulation. Taxis are already covered by their own legislation, so there is no use in doubling up and having two types of regulation and legislation.

A number of questions arose during the drafting of this bill and were fleshed out during the review. One concern was that buses that have been converted into motor homes would come under this legislation. That is not going to be the case. Mr Koch also covered concerns about the commercial use of Hummers, which are not related to the 10-to-12-seat range, which this new regulation will pick up.

Safety regulations for the hiring of minibuses will have to be adhered to by the people who hire out buses. As

Mr Koch said, he is sure that volunteer drivers would easily comply with any conditions set out by this regulation. That is good news for the Drugs and Crime Prevention Committee, because when we go away on trips I volunteer to be the bus driver. It would be good news for the executive of the DCPC that I will still be able to drive the bus on those occasions. I note that the regime does not start until 2011, so I think we will be all right for a couple of years and beyond. Having made those remarks, I indicate that the Labor Party supports the bill and I commend it to the house.

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to make a few comments in debate on the Bus Safety Bill. My comments will overlay comments that have already been made in the debate by Mr Koch and Ms Hartland. I will not go into the technical details of the bill because I think they have been covered adequately, although I must say that I dread the thought of Shaun Leane driving a bus! When he mentioned that, I immediately thought of Keanu Reeves in the film *Speed*. If Mr Leane had been driving that bus, it would have been a very interesting experience. I am very glad I am not a member of his committee.

If you judge the success of this government on its role in providing for the public transport needs of a growing city of our state and by the number of pieces of legislation that have been introduced into this and previous parliaments, you would have thought this Labor government was running a public transport system that operated like a Swiss clock — regular and reliable — but we all know that is far from the truth. It is very difficult to talk about one element of our public transport system, such as buses, without looking at how it intersects with other modes of transport, including trains, cars, taxis and cycles. Having done a survey on a number of occasions of the preferred methods of commuting, let me say — and it is probably no revelation — that apart from the car, which obviously is costly and becoming even more frustrating because of congestion and the prohibitive cost of petrol, and the fact that many of major roadways are inadequate because the government has failed to connect major arterial flows or failed to build roads of sufficient capacity, the next favoured method of commuting is the train system. There ought be no doubt about that.

However, we know that this government has done very little to invest in the public infrastructure that this state needs, especially given this government's deliberate plan to increase the population of the state and via its various policies, including Melbourne 2030. I am glad to see the Minister for Planning is in the house to hear what I have to say. The government's policy was all contingent upon being able to increase density around

transport nodes. Most significantly that extends to trains, but that also extends to buses. Of course this government has failed to put in the necessary money to meet the growth needs of a modern capital city, and we have seen the results. Ms Hartland commented on the relativities of Western Australia with Victoria and how, some years ago, that state compared very unfavourably to Victoria. However, having visited Western Australia, Ms Hartland now finds that Western Australia has left Victoria for dead.

This bill is innocuous and clearly the opposition is supporting it, and Mr Koch has outlined the reasons for that support. The policy principles it articulates are about protecting public safety, promoting improvement in bus safety, removing incentive for any unfair commercial advantage that might be derived from a contravention under the bill or any regulation and about influencing the attitude and behaviour of persons whose actions may have adverse impacts on bus safety. Who could vote against that? Of course we all want a safe public transport system, including buses. This government has tried to restore some of the negative perceptions in the community about the government's failure to deliver a public transport system that this state and this capital city need by trying to beef up its bus provision credentials. I imagine this bill is part of that agenda. As I have said, if we judged the performance and success of this government in providing for the public transport needs of this state by the number of pieces of legislation and the number of sheets of paper for every bill, we might have thought that government members were doing a great job and there was a lot of action on the ground, but that is not the case.

It is not the case, despite the government having had 10 years in government and over \$250 billion of budgets at its disposal. All of that money has pretty much evaporated into thin air. A significant amount of this revenue has been gained through taxes that this government has ripped from people who have virtually no public transport, or very little public transport, at their disposal. In particular I refer to interface council areas such as the city of Casey, whose residents I represent, and some of those who do not have train lines nearby. Taxpayers have all sorts of other costs imposed upon them, including the infrastructure levy, which is imposed by this government on every new housing development or purchase. For every new purchase some \$8000 goes into a special kitty. It is being saved for train stations that are hardly ever going to materialise, yet they are announced and reannounced all the time in various transport plans.

We are up to transport plan no. 5, and there is no doubt that there will be a 6, 7 and 8. The reason we have so

many transport plans is because transport plan no. 1 had failed to be implemented, no. 2 likewise, and now we are up to no. 5. It is very difficult to talk about buses and bus safety without looking at the overall picture. However, even an increase in bus services is a welcome reprieve from this absolute neglect on the part of the government.

I welcome the review of bus service provision that Mr Leane mentioned. Although obviously that is not the specific focus of this bill, even that review has been botched. I live in the electorate of the member for Mordialloc in the other place. She spent a considerable amount of money producing an invitation, which was delivered to every household in her electorate, presumably at the expense of taxpayers through her electorate office budget, as is her right. People were invited to attend the Kingston and Bayside bus review. This invitation arrived on the 17th of last month, which was a Tuesday. It invited people to take part in the bus review — when the forum had been conducted the day before. The government cannot even get a bus review right, let alone the buses and the bus routes or the trains. It is an appalling display of incompetence, of a lack of commitment and a lack of hard work. People say the government does not plan, but I think it does plan. The fact that we have had five transport plans shows that the government plans. The problem is that it never executes, and when it does execute, it executes poorly.

With those few words I would like to say that the Labor Party has a huge amount of room to move to show some improvement. All the public relations and the spin will not make the trains run any faster or more reliably. It will not provide more buses on the roads. It does not really inspire confidence in the community if government members cannot even get a consultation right.

If, as I said before, commuters and the users of the public transport network had as many services as there are bills introduced by this government, the Brumby government would receive the accolades of the Victorian community. People could then get to work on time, get their kids to school on time and perhaps more confidently plan their days and travel time. They could possibly spend 25 to 30 per cent less time on the roads, and it would cost them less in terms of the money they spend on travel. But no, what we have is a meltdown of a poorly maintained public transport system, and buses are intended to plug the holes. There are significant black holes in the provision of transport to our community.

In conclusion, this government has had 10 years of blunders. This bill contains a range of measures

intended to improve vehicle safety, vehicle safety inspections, prescribed periods, internal audits, bus inspection accreditation, drivers licences and certification records, and qualification of personnel. But, as I said before, all the detailed minutia will not put more buses on the roads. It will not put our transport system into a better position than it currently is, because this government has been a dismal failure over 10 years. With those few words, I look forward to this government actually doing something rather than just talking about it.

**Motion agreed to.**

**Read second time.**

**Hon. J. M. MADDEN** (Minister for Planning) —  
By leave, I move:

That the bill be now read a third time.

I wish to thank members for their contributions.

**Motion agreed to.**

**Read third time.**

## ADJOURNMENT

**Hon. J. M. MADDEN** — I move:

That the house do now adjourn.

### Rooming houses: registration

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Housing and regards the issue of illegal rooming houses. The action I seek is for the minister to conduct a thorough investigation of rogue operators, including a campaign to ensure that all rooming houses are registered and operating within the law.

Over the past two years or more the minister has been well aware of rogue operators in the rooming house sector taking advantage of vulnerable families who are unable to maintain rental in the private sector and who continue to languish on the public housing waiting list, which has reached a five-year high of 37 860 families.

In the Premier's annual statement of government intentions in February 2008 this issue was flagged as one which the government sought to address. Unfortunately it took the minister until December — a full 10 months — to take any action on the issue, and the action he eventually put in place is just not working. The action the minister took was to align the number of

residents in rooming houses under the Residential Tenancies Act with the number of residents in prescribed accommodation under the health regulations. In effect this means that a place that has one or more rooms for rent that may be occupied by four or more residents should be registered with the local council under the health regulations prescribed accommodation provisions and is then subject to inspection.

However, this relies on the operator registering the rooming house before a local council becomes responsible for inspections; although there is a penalty of \$5600 for not registering, it raises the same concerns we have expressed over unregistered brothels, where there is no clarity about who is actually responsible for identifying illegal premises. It is also another form of cost shifting to local councils whose resources are already stretched.

When the changes were introduced, the Tenants Union of Victoria believed there were about 800 rooming houses operating in Victoria, with less than half being registered. It is believed that hundreds of rooming house operators continue to thumb their noses at the new laws by failing to register themselves with local councils. Unfortunately these vulnerable tenants, who are being forced to pay exorbitant rent in the territory of \$300 a week for a single bedroom, are reluctant to report the operators for fear that if the rooming house were to be closed down, they would have nowhere to live. The problem is especially bad in suburbs where the private rental vacancy rate has plummeted to virtually zero. In the Monash-Oakleigh region there are almost 20 residencies that are believed to be operating as illegal rooming houses.

As the housing crisis in this state continues to escalate, this issue has now reached a point where more and more Victorians are finding themselves at the mercy of these rogue operators. The Brumby government must act immediately to put a stop to rogue rooming house operators who are causing further hardship to some of Victoria's most needy and vulnerable families. The action I seek from the minister is for the minister to conduct a thorough investigation of rogue operators, including a campaign to ensure that all rooming houses are registered and operating within the law.

### **Water: charges**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter today is addressed to the Minister for Water. Last week I was approached, as all members probably were, by a journalist from the *Herald Sun* asking me to provide details of water usage in my household. When I did that calculation I found that I am

using about 90 litres a day. In my response I emphasised that I am in a position to afford the up-front costs of implementing a number of water-saving measures in my home, but many households cannot afford the kinds of products that help collect and save water. I am aware that there are rebates available, but these are just not enough for most low-income families. I indicated to the journalist that I did not think members of Parliament were a very representative group. I expect and hope that parliamentarians are doing everything they can to save water in their homes.

I would also like to raise the issue of one of my staff members who lives in regional Victoria. He has installed enough tanks and water-saving measures so he does not buy a drop from the mains. This is pretty impressive as it includes watering his garden. Yet his water bill has gone up from about \$120 to \$140 a quarter. Before they installed the water tanks this household was consuming 130 litres per day between two people. They have effectively saved 35 100 litres over nine months, and yet despite these substantial savings their water bill is higher than ever before.

We need to look at how water is priced, and we need to reward our best water savers, not penalise them. We need to provide people, particularly those on low incomes, with incentives for making the effort and the financial sacrifice to save water. The action I seek from the Minister for Water is that he reassess how residents are charged for water and explain the logic behind this disincentive to reduce water consumption at the household level.

### **Women: suffrage centenary**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the Minister for Women's Affairs, Maxine Morand. I request that she attend a particular conference in south-western Victoria with me later this year.

By way of background, it is worth noting that on this day 100 years ago the Adult Suffrage Bill received royal assent, giving for the first time non-indigenous women in Victoria the right to vote. Last year various events celebrated this wonderful part of our history. Replica petitions were signed across the state and then sewn together before being presented to the Parliament in November 2008.

Yesterday and today the Minister for Women's Affairs joined with many young women from secondary schools across Victoria, including representatives of Baimbridge College in Hamilton, who were at Parliament House yesterday, and past and present

politicians — the League of Women Voters were also here — to celebrate the centenary of this historic milestone. Women in western Victoria played a major role in the campaign for achieving the vote.

I also read with interest an article in today's Warrnambool *Standard* by Peter Collins, who paid tribute to Vida Goldstein and outlined her connections with Portland and Warrnambool. Members in this house may remember that an event was held in Portland late last year to honour the memory of Vida Goldstein. It was truly an honour to unveil the commemorative seat in Portland's historic precinct. The seat was designed by local women artists and is a place where young women can sit and reflect on Vida's role and the endless possibilities they now have to succeed as young women.

In keeping with all this activity we have undertaken in western Victoria, I now ask the minister to attend the Empowerment through Protest conference in Portland later this year, which will explain the suffragette movement to secondary students in our region.

### **Melbourne Wholesale Fish Market: relocation**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Agriculture. It relates to the iconic Melbourne Wholesale Fish Market. As members are aware, in October last year the government proposed that it would move the fish market to another location, given that the Melbourne City Council had established many years ago that the market was to close in March 2009. For the record, it is now 31 March 2009, and tomorrow we begin the month of April, for the benefit of those who do not follow the calendar.

**Mr Vogels** — April Fool's Day.

**Mr DALLA-RIVA** — It might be April Fool's Day for the iconic wholesale fish market. Just by way of background, in 2000 Labor said it was reviewing the decision of the former Liberal government to redevelop the Melbourne fish market, but what we are finding is that Labor's flaky approach has only created uncertainty amongst the stallholders. There is an enormous number of stallholders there: 28 stalls and 18 stallholders. It generates in excess of \$500 000 for the Melbourne City Council each year from the site and, as I said, the MCC has set a deadline of March 2009 for the site to close.

The seafood and aquaculture industries are vital for Victoria, and the fish market is integral to ensuring timely delivery of fresh, quality produce to Victorians

and the interstate markets. For the minister's information, this industry turns over \$1.5 billion a year, and the Melbourne market is the largest seafood market in Australia. I understand that in October 2008 the minister claimed there would be a relocation to Epping, but, as members are aware, that involved the fruit, vegetable and flower markets. There is no site for the fish market. I think it is fair to say that Labor is floundering and groping for solutions on this particularly important issue.

I seek action from the minister to establish what, when and how he proposes to move the existing wholesale fish market, given that the deadline expires at midnight tonight, and to advise the stallholders of this important iconic institution of the actions he will undertake.

### **Water: Macalister irrigation district drought reserve**

**Mr P. DAVIS** (Eastern Victoria) — I raise an issue for the attention of the Minister for Water concerning a pre-emptive decision by Southern Rural Water, for which the minister has responsibility, to transfer water from the Macalister irrigation district's drought reserve to Bacchus Marsh and Werribee. There are two problems with this decision. Firstly, it was taken without the knowledge of the Macalister customer consultative committee — and I emphasise the term 'consultative' — and secondly, it potentially puts at risk the small drought reserve that remains available to the Macalister district.

Water transfers from the reserve for the Macalister district surrounding Sale and Maffra were made last year, in the last irrigation season, with consultation and with the agreement of the Macalister farmers. They are happy to assist farmers in other areas such as Bacchus Marsh where there is a severe shortage of water, but that is provided that they are asked about it and that there is reasonable certainty they have the water to spare. No such assurance can be provided in this instance, because the first assessment of the availability of water to the Macalister district farmers will not be made until the start of July, and it will be September before a more realistic assessment is made.

Southern Rural Water has issued a statement, arguing that its transfer agreement involves 500 megalitres, which it says is only 0.2 per cent of the total allocation for the Macalister district. But this is not the point. The water would come from a drought reserve, in effect an emergency supply, held in the Thomson Dam for the Macalister district. With the present low level of the Thomson Dam the drought reserve amounts to 8000 megalitres, which is only a fraction of the

district's annual water allocation of 134 000 megalitres. In view of this I ask that the minister act to preserve the Macalister district's drought reserve in the Thomson Dam for the purpose for which it has been allocated.

### **Autism: student funding**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Women's Affairs and Minister for Children and Early Childhood Development, Maxine Morand. It is in regard to autistic services in the outer eastern metropolitan suburbs. I have been approached by Cathy Hammond and Louise Anderson, who are representatives of a group of parents that have autistic children. They have formed a focus group to advocate for ongoing services to be available for their children.

I have to say, having recently attended a number of different meetings with Cathy and Louise, they are to be commended for their well-researched and passionate representation of a very important group of parents. Their major objective at this time is improved availability of specialised autistic services at a secondary school level around the Knox area, which could in turn service suburbs in Maroondah and Whitehorse as well.

The outer suburbs of Eastern Metropolitan Region are very fortunate to have a fantastic facility in Irabina, which is a specialist early childhood intervention service that provides family-centred programs from the time of diagnosis to school entry for children and their families who are challenged by an autism spectrum disorder. I can say that late last year the minister and I had a chance to appreciate firsthand just how good this facility is and just how fantastically the staff care for these families. Also, the outer eastern suburbs of Eastern Metropolitan Region are fortunate to have the Wantima Heights Primary School, which provides individual education programs for primary school-aged children with autism. We are very fortunate to have that in Eastern Metropolitan Region as well, especially in the outer part of the region.

In saying that, the action I seek is that the minister investigate what potential there is for increased autistic services for children at a secondary school age in this part of Eastern Metropolitan Region that can complement the excellent services that exist there for autistic children at the early childhood and primary school levels.

**Mr Dalla-Riva** — On a point of order, President, I seek some clarification from the member. He raised the matter with the Minister for Women's Affairs and the

Minister for Children and Early Childhood Development; he combined the two. I know it is the same minister, but in which capacity is he relating that adjournment matter to the minister?

**Mr LEANE** — It is early childhood services. The autism area does come under early childhood services.

**The PRESIDENT** — Order! Which one is it?

**Mr LEANE** — Early childhood services.

**Mr Dalla-Riva** — They are two portfolios.

**The PRESIDENT** — Order! To the Minister for Children and Early Childhood Development?

**Mr LEANE** — Yes, and the autism area comes under that.

### **Litter: cigarette butts**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Police and Emergency Services, and it is in regard to the issue of the disposal of cigarette butts in the Prahran electorate. After the fire season that we have just been through we are all concerned about being fire safe and fire ready, so it is very important that we develop a culture of disposing of cigarette butts in a properly managed and safe way.

Some major problems in Stonnington have been reported to me, and I would like to reiterate these this evening and ask the minister for some help on them. There have been widespread sightings throughout Stonnington of people disposing of cigarette butts by throwing them out car windows, rather than using the correct disposal methods, such as rubbish bins, in particular Butt-Out bins. People caught incorrectly disposing of cigarette butts must be strongly punished, as they are endangering the lives of others in the Stonnington community.

A Stonnington resident called Lyn Stewart is an excellent constituent. She has the community at heart, and she does a lot of good work around the community. She has seen this incorrect disposal of cigarette butts several times. She was so outraged on one occasion when she watched a man throw a cigarette butt out that she went over to the still-smoking cigarette butt, picked it up and threw it back through the window into his car. The people enjoying their lunch on the footpath outside a cafe cheered when she handed the butt back to the stationary driver. She said to me, 'They all saw him flick it out his car window and were all as disgusted as I was. They all congratulated me on what I did'.

This is a problem not only in the city of Stonnington. The cities of Port Phillip and Melbourne have undertaken a Butt It and Bin It campaign, encouraging smokers to dispose of cigarette butts in bins. Lord Mayor Robert Doyle said:

Our street cleaners estimate they pick up more than 10 500 littered butts on an average weekday.

Mindlessly flicking of lit cigarette butts out car windows during record drought periods is enough to start a serious fire. These are criminal actions, and the government must ensure that offenders are stopped immediately. Those found guilty of incorrect disposal must incur a suitable punishment. The action I am seeking is for the minister to ensure, as a matter of urgency, that existing littering laws in regard to the incorrect disposal of cigarette butts are enforced, to ensure the wellbeing of the Stonnington community.

### Real estate agents: advertising

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs, Mr Robinson. On 22 July 2008 Nillumbik council considered an application for a dwelling at 365 Flat Rock Road, Hurstbridge. The council refused the application for that development on the basis that the proposed development does not accord with the policy objectives of the wildfire management overlay, nor does it meet the Country Fire Authority's requested conditions which require that access to the development be via no more than a 14 per cent slope.

That is a totally appropriate decision because the purpose of the wildfire management overlay is to prevent people from building dwellings on the tops of hills with steep slopes, looking down on bits of bush facing north, because that is in fact a potential deathtrap. I was surprised, then, to observe that that particular parcel of land is now for sale and to see the blurb on the realestate.com.au website. It is headlined 'Pick a spot. Any spot!' and states:

On this amazing piece of vacant land, there are just so many perfect places to build a new home ... And it will be quite a dilemma selecting the ideal spot for your new home — there are just so many options ... STCA —

which is subject to council approval —

there's nothing limiting you here other than your imagination ...

That appears to be not simply the usual real estate agent spiel, putting the best possible spin on their particular product, but in fact openly misleading potential buyers in relation to the planning controls that exist on this site

and a very recent refusal by that council of a planning application.

My request to the Minister for Consumer Affairs, therefore, is that he write to this real estate agency warning them against misleading practices in advertising and, through any other powers that the minister has, request that they change this advertisement.

### Geelong Ring Road: community infrastructure

**Mr KOCH** (Western Victoria) — My matter is for the attention of the Minister for Roads and Ports and relates to the inadequate provision of community infrastructure along newly built highways. The absence of adequate walking tracks, bicycle paths, vegetation screens and noise barriers along the third stage of the Geelong Ring Road is a social injustice and a blatant disregard for the social, recreational and transport needs of the developing communities of Wandana Heights and Highton. The community has the right to expect newly constructed highways that dissect residential suburbs will maintain or improve the social ambiance of an area in relation to visual, recreational and alternative transport infrastructure, but not at an amenity cost.

Best practice urban design strategies need to look at linking existing roadways to accommodate cycle traffic and connected pedestrian and cycle pathways. Alternative forms of transport are also a way of addressing climate change and sustainability through more efficient people movement and the reduced use of fossil fuels for vehicle travel.

People in local households and adjoining South Barwon constituents are telling me that up to 60 per cent of the bypass will not have a cycle path at all. Victoria's peak cycling body, Bicycle Victoria, has also been frustrated that the bike trail associated with the ring-road will end halfway along the highway, and it has been pushing the state government to extend it to Waurn Ponds, a situation that would mirror the first two stages. Disappointingly, but not surprisingly, the cycling group is unable to get a clear answer from the state government or VicRoads about the possibility of the path being extended.

Further, noise barriers and vegetation screens will help maintain the quality of life for residents who are all in new houses and are being adversely affected by the ring-road. These essential components of community infrastructure have been successfully incorporated north of the Barwon River and west of Geelong city, where housing densities are far less.

My request is for the minister to ensure appropriate community infrastructure will be costed and considered for installation where identified as necessary for the entire length of the Geelong Ring Road, but particularly between Pigdons Road and the Princes Highway at Waurm Ponds through these new residential housing estates.

### **Australian Formula One Grand Prix: economic benefits**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Minister for Tourism and Major Events. Members would be aware that I have been a passionate opponent of the Formula One grand prix since it first descended upon Albert Park in 1996. In March 2007, I protested to the minister that the public has never received accurate figures about the costs of the grand prix. This has still not happened, but the 2007 Auditor-General's report clearly demonstrated there was no financial benefit from the grand prix, and claims of a tourism benefit are not supported by any evidence. Attendances are falling and have always been wildly exaggerated, with workers, drivers and people who have free tickets but do not attend being counted. Losses are increasing and this year the race is expected to cost taxpayers around \$50 million.

The grand prix is objectionable on governance, environmental and financial grounds and for its negative impact on Albert Park and the local community. The Kennett, Bracks and Brumby governments are equally to blame for the grand prix debacle. On 23 March the City of Port Phillip passed the most recent of a series of resolutions opposing the grand prix in Albert Park. In summary, the resolution reads:

That council:

1. Notes that the public will be excluded from free access to Albert Park Reserve for the 14th consecutive year for an entire week, for the purpose of holding the Formula One ... grand prix ...
2. Notes that, in a time of the climate crisis, water crisis, peak oil and the global financial crisis the holding of the Formula One ... grand prix in Albert Park is an anachronism and an outrage.
3. Notes that, in unilaterally announcing changes to the program for the race period, including a late start for the race on Sunday, 29 March ...
4. ... in continually failing to ensure the 'reinstatement of Albert Park areas to an equivalent or better condition than when they were handed to AGPC (Australian Grand Prix Corporation) ...

5. ... in failing to 'continue to pursue the development of a permanent pedestrian overpass from St Kilda Road neighbourhood to Albert Park Reserve', the Australian Grand Prix Corporation has failed to honour the memorandum of understanding between the City of Port Phillip, the Australian Grand Prix Corporation and Parks Victoria.
6. Calls upon the Victorian state government to renegotiate the Formula One grand prix agreement so that after the 2009 event there will never again be a car race in Albert Park Reserve.

I want to echo the council resolution and request that the minister extricate Victoria from the Formula One grand prix agreement so that never again will millions of dollars of public money be wasted to prop up a private car race in Albert Park Reserve.

### **Weeds: control**

**Mr VOGELS** (Western Victoria) — I raise an issue for the attention of the Attorney-General, Rob Hulls, and it concerns an infringement notice served by Civic Compliance Victoria on Gail Lesley Ryan of 3 Barbys Road, Creswick, Victoria 3363.

Ms Ryan is an invalid pensioner who farms a small land-holding at Creswick and was issued with a directions notice to remove the regionally controlled weed gorse by 5 December 2008. On 31 December Ms Ryan received two overdue infringement notices from Civil Compliance Victoria which state:

We act on behalf of Department of Primary Industries ... Our records show that you have an unpaid fine relating to an infringement notice.

The date of the offence is given as 8 June 2008, and the approximate time of the offence is shown as 12.01 a.m. To start with, I find it unbelievable that someone from the department would be checking on gorse at 12.01 in the morning; however, that is not the issue. The issue is that because Ms Ryan did not pay that infringement fine it is now up to approximately \$800 worth of fines.

Last week I visited Ms Ryan to listen to her story and see firsthand what the fuss is all about. I was absolutely shocked at what I saw. Ms Ryan is surrounded on three sides by Crown land — that is, roadsides on two sides and a railway line across the main road. All this area is absolutely infested by gorse. Mr Madden would not be able to kick a football over the railway line because it is that high.

Over 30 years Ms Ryan has managed to control gorse on her property to a few stubbles, despite having the Crown, as the neighbours from hell, all around her. Every year Ms Ryan pays to have her gorse sprayed and controlled, and yet she is being victimised by the

Department of Primary Industries (DPI) and the Department of Sustainability and Environment (DSE) under the Catchment and Land Protection Act, which have the gall to direct this invalid pensioner to control the regionally controlled weed which those departments fail to do.

Ms Ryan's holding is an absolute showpiece for control of gorse when compared to her neighbours, the state of Victoria. Obviously it is much easier to bully an invalid pensioner and threaten her with fines than to enforce the same conditions on DSE, VicRoads and VicTrack. When you actually go there it makes you angry.

The action I seek from the minister is for the state to pay the fines to get the debt off the books so that we do not have the sheriff's office confiscating property from this invalid pensioner and for DPI to insist that the same standards for weed control imposed on Ms Ryan are placed on DSE, VicTrack and VicRoads.

### **Bushfires: Crown land fencing**

**Mr O'DONOHUE** (Eastern Victoria) — My matter is for the attention of the Minister for Environment and Climate Change, Gavin Jennings. One of the things that concerns me greatly is what a terrible landlord and a terrible neighbour the state government is as the owner of Crown land. Following the adjournment matter raised by Mr Vogels, I have another matter which relates to the way the government handles its land and how that relates to its neighbours.

In 2003 the Liberal Party adopted a policy of sharing the cost of replacing boundary fences with private landowners after a flood, fire or other event that caused the fencing to be lost or affected. The Environment and Natural Resources Committee reported in June 2007 that in effect the Liberal Party policy should be adopted. The all-party ENRC made that recommendation in 2007.

We have seen again with the recent bushfires that a great majority of bushfires start on Crown land and cross from Crown land onto private land. When they do that they destroy fencing and other farm infrastructure. It does not make sense that there is one rule for private citizens and private landowners and another rule for government. It is double standards, and it is not good enough.

The action I therefore seek from the minister is for the minister to cause a change to government policy to make the government a responsible neighbour so that when farm fencing is destroyed as a result of fire or flood the government, as the owner of the adjoining

land, will pay half the cost of any lost or damaged fencing.

### **Wallan Secondary College: funding**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the attention of the Minister for Education and once again concerns the lack of ongoing support for Wallan Secondary College, in particular relating to the use of portable classrooms.

Just over 12 months ago I raised the issue of this relatively new school being the forgotten school, with its development stalled because the government had failed to deliver funding for stage 3 of its development. The funding was finally delivered in last year's budget — two years too late. The government then went on to highlight the school in one of its advertising campaigns. I suggest this money would have been better spent delivering education rather than propaganda, because this school has once again disappeared off the government's radar.

You would have thought that being caught out on tardiness the minister might have tried to make up some ground and deliver the next stage of funding on time, but this was not to be the case. What was once a state-of-the-art, new school — its first intake of students is now at year 10 level — has now been transformed by a sea of ugly portables.

Where is the member for Seymour in the Assembly, Mr Hardman, now? He was all too ready to issue media releases announcing the school had won a major architecture award. If only the judges could see the school now! Here is the school that Mr Hardman promised would never be a portable school, with five portables currently in operation and more to come.

So instead of getting better the problem is getting worse by the day, leaving teachers, students and parents frustrated by a litany of broken promises and neglect. The action I seek is for the minister to inform the Wallan Secondary College community when it can expect funding for the fourth stage of the development to complete this school to a satisfactory standard.

### **Commissioner for environmental sustainability: strategic audit**

**Mr D. DAVIS** (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Environment and Climate Change. It concerns the important report of January 2009 released today by the commissioner for environmental sustainability in Victoria entitled

*Strategic Audit of Victorian Government Agencies' Environmental Management Systems.* The key thing is the comments made by the environmental sustainability commissioner, Dr Ian McPhail, a very thoughtful person who has undertaken comprehensive examinations of Victoria's environment, not least the state of the environment reporting and more recently a series of reports that have looked at government action. I note that in his media release today, 31 March, he said:

The Victorian government is responsible for approximately 15 per cent of gross state product, with an annual purchasing budget of approximately \$14.8 billion and about 7 per cent of all building work in Victoria is government related.

That means the government has an important leadership role in environmental performance, both water management and greenhouse gas activity. But the Victorian government has very much taken the attitude of pointing at business and the community without necessarily leading in the way it should. Dr McPhail said:

... it is not yet possible to conclude that government can claim a leadership position on managing its own environmental performance ...

He also said:

For example, the health and education sectors must be a focus, representing over 80 per cent of the state government's building energy consumption.

He also made the point:

... It is ... time for government-wide standards and targets to be set, and for these to be audited, and measured in such a way that data is not only comparable from year to year, but against targets and performance standards set by government

We cannot set targets sensibly and record performance unless we go through the exercise of looking at what is the right way to go here. Dr McPhail makes very sensible points.

In the context of his important report released today, I ask the minister to examine what Dr McPhail said in terms of taking a leadership role, to now examine his report seriously and to report on which recommendations will be adopted by the state government. Without taking the leadership role suggested by Dr McPhail, the state government will never be in a strong position to lecture or require the community or business to take the sort of environmental steps that Dr McPhail is indicating. To reiterate, I am asking the minister to look seriously at the report but particularly to the government's consideration of which recommendations will be adopted.

## Responses

**Hon. J. M. MADDEN** (Minister for Planning) — I have 16 written responses to adjournment debate matters from 15 October 2008 to 26 February 2009 for tabling.

Wendy Lovell raised the matter of rooming houses. I will refer this matter to the Minister for Housing.

Colleen Hartland raised the matter of rebates for water usage and various incentives. I will refer this to the Minister for Water.

Gayle Tierney requested that the Minister for Women's Affairs attend a function in Portland later in the year to celebrate the women's vote. I will refer that to the minister.

Richard Dalla-Riva raised the matter of the Melbourne Wholesale Fish Market. I will refer that to the Minister for Agriculture.

Philip Davis raised the matter of Southern Rural Water and water transfers. I will refer this to the Minister for Water.

Shaun Leane raised the matter of autism services in the outer eastern suburbs, particularly services provided at the secondary school level. I will refer this to the Minister for Children and Early Childhood Development.

Andrea Coote raised the matter of cigarette butts in her local area. I will refer this matter to the Minister for Health.

Greg Barber raised the matter of the sale of a bush site in Nillumbik and issues around the portrayal of that particular sale in the media in terms of advertising. I will refer that matter to the Minister for Consumer Affairs.

David Koch raised the matter of the complementary infrastructure in stage 3 of the Geelong Ring Road. I will refer this to the Minister for Roads and Ports.

Sue Pennicuik raised a matter regarding the grand prix. I will refer her issue to the Minister for Tourism and Major Events.

John Vogels raised the matter of specific infringement notices. I will refer the matter to the Attorney-General.

Edward O'Donohue raised the matter of Crown land fencing and associated issues. I will refer the matter to the Minister for Environment and Climate Change.

Donna Petrovich raised the matter of portable classrooms in Wallan Secondary College. I will refer this matter to the Minister for Education.

David Davis raised the matter of the environmental sustainability commissioner's audit of various environmental systems within government. I will refer this to the Minister for Environment and Climate Change.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.34 p.m.**

