

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 14 April 2010**

**(Extract from book 5)**

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

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

<sup>2</sup> Appointed 9 March 2010

<sup>3</sup> Resigned 1 March 2010

<sup>4</sup> Resigned 9 January 2009



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**Wednesday, 14 April 2010**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.35 a.m. and read the prayer.**

## PETITIONS

**Following petitions presented to house:**

### **Computer games: classification**

To the Legislative Council of Victoria:

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

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

Your petitioners request that the Legislative Council urge the Victorian Attorney-General to support the introduction of a classification system that would prevent minors from seeing or playing games that are offensive or that include content that is dangerous or objectionable.

**By Mr ATKINSON (Eastern Metropolitan) (50 signatures).**

**Laid on table.**

### **Planning: height controls**

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention community concern about the failure of the Minister for Planning and the Brumby government to provide planning certainty to residents, businesses and property owners in regard to limits on the height of new developments and redevelopments following the expiration of interim height controls.

The petitioners note that the Minister for Planning has established a pattern of calling in and determining significant development proposals, including high-rise projects, overriding local municipal planning assessments, limiting consultation and ignoring community objections on projects that are out of character with local neighbourhoods and business centres.

Your petitioners request that the Legislative Council call on the Minister for Planning and the state government immediately to provide planning certainty to the community by re-establishing height controls.

**By Mr ATKINSON (Eastern Metropolitan) (291 signatures).**

**Laid on table.**

### **Romsey: secondary school**

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 growing population of the Romsey/Lancefield townships and the lack of public secondary education facilities available within 25 kilometres.

Your petitioners therefore request that the state government build a secondary school (year 7–12) in Romsey to meet the current and future demands of this community.

**By Mrs PETROVICH (Northern Victoria) (148 signatures).**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General — Report on Fees and Charges — cost recovery by local government, April 2010.

Parliamentary Committees Act 2003 —

Government Response to the Law Reform Committee's Report on the *Members of Parliament (Register of Interests) Act 1978*.

Government Response to the Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates (Part Two).

## MEMBERS STATEMENTS

### **Parks: entry fees**

**Mr P. DAVIS** (Eastern Victoria) — I refer to the Premier's announcement last Sunday concerning access to Victoria's national and metropolitan parks and the assertion in the government announcement that in effect access will be free of charge. It is important for us to note that in reality in most cases the charge that appears to be lifted is not an access-to-park charge but simply a car parking charge. At most of these parks there is free and open access, irrespective of the charge to park a car in a car park.

**Mr D. Davis** interjected.

**Mr P. DAVIS** — Yes, some of us would choose not to park in the regular car park but in another location. Therefore I think this is a bit of spin. But what I am curious to know — and I will be seeking that the government embellish on it in this place in the future — is what is meant by the statement in the press release that a review is going to be conducted in respect of

‘revenue streams and costs associated with parks management ... tourism and recreational activities, weeds and pest control’ and other ‘essential infrastructure’ in light of the lifting of parking charges. I would like to know whether this is a justification for the government to disinvest in the maintenance of our national parks, which has been the trend over the last 10 years. My concern is that this announcement is putting a positive spin on a negative outcome.

### **Nathalia: tennis courts upgrade**

**Ms DARVENIZA** (Northern Victoria) — I was delighted on Monday, 12 April, to announce a \$20 000 Victorian government grant to upgrade the Nathalia tennis courts. The Moira Shire Council received a grant through the Community Facilities Funding program to help fund the refurbishment of the two existing plexipave tennis courts at the tennis club with a high-quality, sand-filled synthetic grass surface.

We want to make it easier for communities to stay involved with sport and recreational activities and to enjoy and lead healthier and more active lifestyles. That is why the government is taking action to ensure that communities have the local infrastructure they need to be able to participate.

### **Wodonga Athletics Complex: upgrade**

**Ms DARVENIZA** — On another matter, on the same day, 12 April, I also had the pleasure of announcing a \$40 000 grant for the Wodonga Athletics Complex through the Community Facilities Funding program. The council will use that \$40 000 grant to help with the cost of replacing the existing long jump pits and to develop a new, hard-surface high jump runway to replace the present grassed area. The upgrade will bring the facilities up to a national standard.

The facilities being of a national standard will mean that the club will be able to promote itself not only in the community but also in the region and to attract new members to the events. It will also improve access and allow people with disabilities to compete in a safe and stable environment with a greater variety of events, ensuring that school users will also have the best possible facilities to compete on. The Wodonga Shire Council has been delighted, particularly Cr Mark —

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

### **Need for Feed country music festival**

**Mr O’DONOHUE** (Eastern Victoria) — I would like to congratulate Graham Cockerall, the Pakenham

Lions Club and all those who helped organise and run the successful Need for Feed country music festival over the weekend of 27 and 28 March at the Pakenham racecourse. A significant amount of money was raised to help country people in need. It was a true example of grassroots, community-minded people helping others.

### ***The Extraordinary Tale of William Buckley***

**Mr O’DONOHUE** — I also congratulate those responsible for the recent documentary *The Extraordinary Tale of William Buckley*, which aired on the ABC over the weekend. William Buckley’s survival, after fleeing the short-lived settlement near what is now Sorrento, as part of the Aboriginal community is a reflection of both his adaptability and toughness and the willingness of Aboriginal people to look after and integrate him into their society.

### **Reach Your Dream Foundation**

**Mr O’DONOHUE** — I would like to congratulate the Reach Your Dream Foundation, which since 2008 has been producing *Dream Catcherz*, a youth-oriented magazine that encourages young individuals, particularly refugees and migrants in the south-east, to voice their issues and to connect with the broader community. The foundation received some funding from VicHealth and the City of Dandenong, but that funding has not, I understand, been renewed. I ask the Minister for Sport, Recreation and Youth Affairs and the Minister Assisting the Premier on Multicultural Affairs to examine whether the government can assist the foundation to continue its work in the community connecting and bringing together young people.

### **Rail: infrastructure**

**Mr O’DONOHUE** — I was most alarmed to see that the asset management plan put together by Metro Trains Melbourne said amongst other things:

It is evident that many of the older track components are in a condition which does not provide the level of reliability and ride quality that is required by a modern metro system.

It went on to detail the extraordinary degree of run-down elements in the system, which is affecting the Belgrave line and commuters in the Belgrave corridor who use that line.

### **Live music venues: noise regulation**

**Mr BARBER** (Northern Metropolitan) — Last Monday I organised a forum at the Fitzroy town hall on the issue of live music. The particular case study we looked at there was the Fortitude Valley, Brisbane

experience. The forum was well attended — except by me, who was sick at the last minute and had to have a stand-in; I am reporting on what my fellow Greens said about the forum.

We believe that in Fortitude Valley there has been a very successful model to ensure that there is harmony between live music venues and local residents. Some of the features of the initiative introduced up there include differentiated noise levels for different precincts in relation to entertainment venues and the requirement for residential developments to meet high standards of noise attenuation.

The learnings about what it takes to achieve these results politically are, first of all, that local councils need to be very committed to being part of the process and that in order to do that they need a strong indication of support from the state government. In many cases the legislation and planning scheme requirements that will need to be changed can only be changed with the support of the state government.

There is also an extremely strong economic case for the value of live music, and that has been measured effectively in Brisbane.

### **Bairnsdale Regional Health Service: consulting suites**

**Mr HALL** (Eastern Victoria) — I note that Premier Brumby has been having a few discussions recently with the Prime Minister about health reform. The Premier is right to express some concerns he has with the Prime Minister's health reforms and in particular the impact they may well have on regional health services. That concern is very much present in the East Gippsland community at the moment, with the Bairnsdale Regional Health Service adopting a change of practice regarding the availability of consulting rooms for medical specialists.

Medical specialists in distant country areas such as East Gippsland are very important for the community: they must have the opportunity to visit and deliver services, otherwise the people of East Gippsland would have to travel long distances, to Melbourne or beyond, to access those services.

Currently there is a real possibility that medical specialists may withdraw their services from Bairnsdale because of a change in practice, with the regional health service proposing to charge specialists rent for their use of the consulting rooms. I acknowledge the right of Bairnsdale Regional Health Service to do so, but if we are going to retain those services in country Victoria,

the state government needs to support health services so they can provide those rooms. Today I call upon the government to provide support to the Bairnsdale Regional Health Service so that it can provide consultation rooms for visiting specialists.

### **Rumbalara Aboriginal Cooperative**

**Ms BROAD** (Northern Victoria) — Today I wish to pay tribute to the members of the Rumbalara Aboriginal Cooperative for their dedication over the past 20 years to achieving their dream of better aged-care facilities and services for indigenous elders in the Shepparton area. In particular I wish to congratulate Neville Atkinson, chair of the board of Rumbalara; Felicia Dean, the chief executive officer; Lena Morris, manager, aged care and disability services; and Mick Buckworth.

Last Friday a huge milestone was reached when the Indigenous Land Corporation formally handed over title to 20 acres of land at Verney Road, Shepparton to Rumbalara. Development of this land by Rumbalara for aged care, assisted living, respite and student accommodation for indigenous people will commence within weeks and is eagerly awaited by many Aboriginal elders, including Aunty Francis Mathysen.

It was an honour to participate in the formal handover ceremony as a member for Northern Victoria Region and representing the Minister for Aboriginal Affairs, Richard Wynne. I am very pleased that the Australian and Victorian Labor governments are providing funding assistance to Rumbalara and the Rural Housing Network to help deliver better aged care, assisted living, respite and student accommodation for indigenous people.

### **Melton: youth training centre**

**Mr VOGELS** (Western Victoria) — Yesterday I tabled a petition signed by hundreds of residents of Melton expressing their concerns at the proposal of the Brumby government to establish a youth training centre and unsupervised housing units for youths aged between 16 and 19 years at Coburns Road, Melton. The petitioners are concerned that this amenity will be built between a high school and special school on one side and a crèche and a kindergarten on the other.

Having visited the proposed site, I fully support their concerns that this project will threaten the peace, amenity and public safety of nearby residents. It beggars belief that you can build, I am told, 15 units for 16 to 19-year-old troubled teenagers with no plan for supervision and not expect the local community to be

greatly concerned about the peace and public safety of nearby residents.

I call on the Brumby Labor government to halt the development of these proposed units and enter into a genuine consultation with nearby residents, business owners and the Melton community on a more appropriate use by the Department of Human Services of this site. The site is just not suitable for this purpose.

### **Birregurra Skate Park**

**Ms TIERNEY** (Western Victoria) — Last Sunday I joined many young community members in Birregurra to officially open the Birregurra Skate Park, and what a great start to National Youth Week it was. It is always a pleasure to be in Birregurra, as it really leads the way for small Victorian townships in terms of community involvement and participation. It was another great opportunity to speak with the community on local issues, and it is obvious that the community members are fully committed to working to ensure that Birregurra continues to be a fantastic place to live and raise a family. Over 200 community members were at the skate park on Sunday — teenagers, as well as some extremely excited little girls and boys equipped with scooters, skateboards and BMX bikes.

I would like to congratulate the community on the kind contributions to the project and specifically mention the McCormack family and another members of the project committee for their tireless work.

The Brumby Labor government contributed \$60 000 under the Community Facility Funding program for the development of the skate park, and the Shire of Colac Otway contributed \$40 000, with \$35 000 being contributed by the Birregurra community itself, as well as \$8200 from the Birregurra Lions Club. This is another great example of a local community, local government and the state government working together to serve the needs of youth in our smaller communities.

### **Michelle Bickley Miller**

**Ms TIERNEY** — On another note, I would like to congratulate Ms Michelle Bickley Miller, the Koroit and District Primary School principal, who was the runner-up in the Baillieu Myer Rural Education Leadership Scholarship Award. This award acknowledges the work of rural school leaders across Victoria, and it recognises a significant and commendable achievement. Michelle Bickley Miller is a worthy recipient and a great role model in south-west Victoria.

### **Anzac Day: commemoration**

**Mr ATKINSON** (Eastern Metropolitan) — I note that we are a week off Anzac Day, which interestingly is perhaps becoming more relevant to many Australians than it has been for some time.

Clearly when the diggers returned from the Second World War, and indeed during the period of the Vietnam War, we were very mindful as a community of the contribution people had made in defence of Australia and in participating in world events for the support of other countries that were under attack from aggressors.

For some time, I guess with the ageing of those diggers, the Anzac Day parade was becoming much smaller and Anzac Day was perhaps of less interest to Australians, but it is pleasing to see that in recent years there has been a real revival of the Anzac spirit and interest in Anzac Day. I note that Rotary clubs and many primary and secondary schools are running their own commemoration ceremonies, as well obviously as the local RSLs and so forth.

I again extend my appreciation as an individual and on behalf of my community to those people who have given service to their country and particularly remember the fallen in so many theatres of war in the short history of this country.

### **James Cook Reserve, Endeavour Hills: pavilion upgrade**

**Mr SOMYUREK** (South Eastern Metropolitan) — I rise today to congratulate the Endeavour Hills soccer club on the \$100 000 worth of upgrades it is in the process of receiving for the James Cook pavilion in Endeavour Hills. The current pavilion is home to 130 members and consists of a home-and-away changing room and a storeroom, which do not meet the club's competition needs. The pavilion is inaccessible for people with a disability and does not at the moment cater for women. The James Cook pavilion has given the Endeavour Hills community great service and has been a great community sporting asset in the Endeavour Hills area, but it is now 20 years old and consequently no longer meets the needs of the community.

The new pavilion will cater for the growing community demand for soccer — or football — and features larger unisex change rooms, a referee changing room, accessible toilets and a kitchen. The project was funded through the \$5.7 million Strengthening the World Game program, with the City of Casey contributing \$168 000.

The world game is the largest participation sport in Australia. The game has experienced enormous growth in recent years in this country, and hopefully after Australia wins the World Cup the game's participation will further increase.

### **Health: federal government plan**

**Mr FINN** (Western Metropolitan) — I have watched with increasing incredulity over recent times as Prime Minister Rudd has continued his quest to hijack Australia's health services and centralise them in Canberra. This surely cannot be the same Prime Minister whose government planted time bombs in the roofs of thousands of homes throughout Australia. It surely cannot be the same Prime Minister whose government has squandered billions of dollars on grossly inflated and often unnecessary school building projects, which is an obscenity in itself. It cannot perhaps be the same Prime Minister who told the world that Australia is now open for business for people smugglers to ply their evil trade.

We all know that state Labor governments have almost destroyed proper health care in Australia, but it does not make any sense at all to take our health systems from incompetent state Labor governments and give them to an incompetent federal government. A solution to this health crisis will present itself in November this year when Victorians will dispatch the Brumby government to the scrap heap of history right next to Kevin Rudd and his motley crew.

### **Guy Turner Reserve, Bayswater: pavilion upgrade**

**Mr LEANE** (Eastern Metropolitan) — I was very pleased to be in attendance at the announcement by the Minister for Sport, Recreation and Youth Affairs, Minister Merlino, of the Brumby Labor government's funding of an upgrade for the Guy Turner Reserve pavilion in Bayswater. The Guy Turner Reserve pavilion is the home to the Bayswater Strikers Soccer Club and the Bayswater Park Cricket Club. The pavilion upgrade will include two new change rooms and improvements to the referees area and kitchen facilities, and it will provide better amenities to cater for the increasing numbers of both genders wanting to use the facility. This is very important to the Bayswater Strikers Soccer Club, which fortunately has three female soccer teams. I also want to congratulate the Knox City Council on its contribution to funding for the project along with the Strikers and the cricket club, which contributed \$10 000 each.

### **Eastern Football League**

**Mr LEANE** — On another note, I want to commend the chairman of the Eastern Football League, Graham Halbish, and the CEO, Rob Sharpe, on the season's launch last week, which was heavily attended by a number of members of Parliament. The EFL is the biggest Aussie Rules football league in the country in terms of participation; therefore it is the biggest league in the world. It has a great emphasis on its junior clubs. It is a great example of a league that has continually gone forward in leaps and bounds over the years.

### **Poland: air tragedy**

**Mr KAVANAGH** (Western Victoria) — I wish to offer condolences to the people of Poland on the recent deaths of President Lech Kaczynski, First Lady Maria Kaczynska and 95 others. Tragically the deaths occurred on an official visit to the site of the murders of more than 20 000 Polish officers by Soviet troops acting under Stalin's orders in 1940, subsequent to the coordinated Nazi-Communist invasion of Poland that began in 1939. Last weekend's event was another tragedy in the history of a country that has suffered far too many tragedies.

I offer sincere sympathy on behalf of the Democratic Labor Party to the Polish people, whether they be in Poland or elsewhere in the world, including of course Australia.

### **Ranald Webster**

**Mr KAVANAGH** — I also pay tribute to the late Ranald Webster, who died two weeks ago at the age of 88 years. Mr Webster was terribly burnt and scarred in the Ash Wednesday bushfires of 1983. Thankfully, however, his scars healed completely and he made a full recovery. For decades Mr Webster regularly visited burns victims in hospitals. Mr Webster's personal example and his encouragement provided inspiration and hope for those people just when it was needed most.

### **Hume Islamic Youth Centre: opening**

**Mr MURPHY** (Northern Metropolitan) — On Saturday night I attended the grand opening of the Hume Islamic Youth Centre in Coolaroo. The HIYC has been established to provide, with heavily discounted activities and programs, a safe and friendly environment that caters for local youth. HIYC encourages the development of a virtuous character by conducting educational workshops promoting a healthy mind, body and spirit based on Islamic principles.

The centre offers services such as a cafe, a billiards room, a gymnasium, a video games centre, a library and conference rooms. On Saturday night the grand opening was celebrated with great food and great company. We celebrated the fact that we are fortunate to live in what is perhaps one of the most multicultural, harmonious and cohesive societies in the world, and importantly that in the city of Hume we have the second-largest Muslim population in Australia.

Whilst touring the centre, Mustafa Kocak explained to me the vision of providing a safe and friendly place for local youth whilst keeping them off the street and out of harm's way. Mr Kocak explained that prior to the centre being built young people were hanging around the vacant building, conducting activities that did them little to no good. Now there is a vibrant, active centre with young people using the various facilities provided as well as taking responsibility for the provision of those services, such as servicing the cafe and maintaining the library.

The general public, both Muslim and non-Muslim, are encouraged to make a difference and help break down barriers in a show of solidarity that demonstrates unity and to participate in the activities and services planned at the centre. I congratulate all involved and look forward to hearing of their future endeavours.

### **Daylesford: Massage en Masse world record**

**Ms PULFORD** (Western Victoria) — On Tuesday 30 March it was my absolute delight to attend Daylesford's Massage en Masse at Lavandula Lavender Farm just outside of Daylesford. On behalf of the community I received from the Australian representative of Guinness World Records the official Guinness world record for the greatest number of people simultaneously receiving a massage — some 263 pairings of massage therapists and massage recipients.

I can see members shaking their heads in amazement at the strange and wonderful things we do, but this was a fantastic event, designed to promote the Daylesford region. Of course rejuvenation is the region's greatest industry, and a great many people are employed in this kind of work. Many people and organisations need to be thanked for contributing to this significant event, including PLAY Communication, Lavandula Lavender Farm, Daylesford and Macedon Ranges Tourism, the Rotary Club of Australia, the State Emergency Service, Hanging Rock Winery and Spa Country Mineral Waters.

There were many participants, some of whom travelled great distances, including from interstate locations, to network with other massage professionals and to support the spa and wellbeing industry. It is now official: the Daylesford region is not just the spa capital of Australia but the spa capital of the world.

## **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION ON DISPLAY AND SALE OF BONGS) BILL**

### *Introduction and first reading*

**Mr KAVANAGH** (Western Victoria) introduced a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a prohibition on the display and sale of bongos and for other purposes.

**Read first time.**

## **BUSINESS OF THE HOUSE**

### **General business**

**Ms LOVELL** (Northern Victoria) — I move:

That the consideration of notices of motion, general business, numbers 54 to 64 of 2010 inclusive, be postponed until later this day.

**Mr VINEY** (Eastern Victoria) — We will be opposing this motion because inadequate notice was given to the government in relation to Mr David Davis's notice of motion 65.

An agreement between the parties has been made that wherever possible we will attempt to give one another at least a week's notice of particularly substantive motions. From the government's point of view, in most cases that happens not only when bills are adjourned for a week but in fact even to the point where the government business program in the lower house is clearly agreed on a Tuesday — —

**Mr D. Davis** — Thursday, actually.

**Mr VINEY** — On Tuesday the proposed business program is debated in the lower house, so it is very clear well and truly in advance what is likely to come before that house.

We have lots of difficulty with the changes that have been made in the program for Wednesdays. With the

10 items that are to be brought on today there will be no opportunity for government business at all. Yesterday an interim report of the standing committee was tabled; the government had two speakers, but the Liberal Party and The Nationals put on seven speakers, and then, quite properly, a member of the Greens and a member of the Democratic Labor Party spoke on the report. Almost 2 hours of what could have been the government business program was used on a debate introduced by the opposition. We accepted there was going to be some debate on the report, but that excessive amount of time ate into the time of the government business program.

Then we get to Wednesdays, when there is no government business program. I think so far this week, given that we will have no government business program until about 11.00 a.m. tomorrow, we will have had about 3 or 4 hours of government business between Tuesday and 11.00 a.m. on Thursday. We think that there has been quite a serious change to Wednesdays in terms of what the business of the Parliament is about.

I refer to an email that I received from Mr David Davis at 11.21 p.m. on a Wednesday, in which there is a list of eight items of which no. 8 reads, 'Documents motion to follow up on a number of non-provided documents'. Then at 1.23 p.m. on Friday I received from his electorate officer the actual details of that proposed motion, which is hardly a documents motion. It is taking this whole matter to a new level in that it proposes the appointment of an independent arbiter.

The government believes that there has been absolutely inadequate notice in relation to this motion. It is absolutely against the basis upon which we are trying to manage this house by cooperation. I have sat in this place for some seven years now, and I cannot begin to say how many times I have been lectured by members of the opposition on how we can do things by cooperation when we have tried to introduce a sensible and rational program. Then I get an email from Mr Davis at 11.21 p.m. on the Wednesday, when it was due at the latest by 10.00 a.m. that day. Even at close of business would have been courteous, but 11.21 p.m.! Whether or not I am crazy enough to look at my Blackberry at 11.21 or midnight is irrelevant. I may well be crazy enough to do that, but I do not expect other members of the government to do that. It is absolutely unacceptable to be sending an email at 11.21 p.m. as part of the week's notice. It is a single line that says at item 8, 'Documents motion to follow up on a number of non-provided documents', but I find that it is a massively expanded proposal to introduce new procedures in this house. The government is opposing the proposal to bring on this debate.

**Mr D. DAVIS** (Southern Metropolitan) — The intemperate outburst by Mr Viney simply misses the point. This is a motion relating to documents that follows up a — —

**Mr Viney** — What are you doing sending emails at 11.21?

**Mr D. DAVIS** — There is nothing wrong with sending emails at 11.21 p.m. Some of us work a lot, as I am sure Mr Viney does on some days. There is nothing wrong with sending emails at any particular time, because people read them at the next available opportunity. Let us be clear: the documents motions that are referred to here — and there is a long list of them, and we will no doubt get to them when the debate comes forward — have been debated in this chamber in each and every instance at least twice and in some cases three times.

There have been motions passed in this chamber ordering that those documents go forward under sessional order 21, which lays out a procedure for the appointment of an independent arbiter. It is a very sensible procedure modelled on the New South Wales procedure. It was put in place as a sessional order in this chamber. The documents have all been ordered under sessional order 21, and in a number of cases the non-provision of the documents has been the subject of censure motions. All we are doing with this documents motion is a very sensible process of trying to refer this to an independent arbiter as provided for by that exact sessional order.

I make the point to Mr Viney that the motion is wordy and complex; I freely confess to that. It was sent to him in good faith for his comment and further input. Other parties have taken it and given me further input about the structure of the motion and how it should be formatted. I have taken those points on board, and the final motion that is on the notice paper is an amended motion. I have also taken complex advice from both clerks on a number of occasions. I do not claim to be the font of all wisdom on this.

I have started a process to get a series of documents through the chamber, and this motion is entirely in order. There was sufficient notice given. In a holiday week the clerks and others have worked their way through this in good faith trying to get the motion into sharp order. I have taken input from a number of people both inside and outside the chamber as to the format of this motion. It is an important step; it is a step entirely contemplated by sessional order 21, which lays down the exact procedure.

The motion is entirely in order with sessional order 21 and seeks to refer these matters to an independent arbiter. As I said, every single one of these documents motions has been dealt with by the chamber on a number of occasions before, so none of this is new. All of it is old territory, some going back as far as 2008, I say to Mr Viney through you, President. I make the point that the government's persistent refusal to produce the documents has brought about the taking of this additional step, entirely within order.

**The PRESIDENT** — Order! I remind Mr Davis that we are discussing the postponement of notices of motion until later this day and not the substance of a proposed motion.

**Mr D. DAVIS** — Absolutely. I support Ms Lovell's motion. The opposition and others are seeking very sensibly to debate these things in an orderly manner; we sought to do it in an orderly manner. The government has sought not to assist with that. We have got procedural motions. We will step through that process in a reasonable way. I hope the house gets the opportunity to vote on what is an important principle — that is, sessional order 21 and procedures and mechanisms laid out in it and a series of motions under that order, of which those arbiter provisions are a distinct part.

**Mr LENDERS** (Treasurer) — As you, President, correctly ruled this is a debate about whether these items should be adjourned for the day. It is not a debate about whether this house should be discussing the motion at all. It is whether from a government perspective a motion as significant as what has been proposed — that is, the arbiter and a series of things — is appropriate to be debated when there has been less than seven days notice. As David Davis scurries around and tries to lobby votes and curtail anyone listening to this side of the debate, which undoubtedly he sees as —

**Mrs Peulich** — Which you do all the time.

**Mr LENDERS** — I will pause. We are treating this house with respect; David Davis, Mr Kavanagh and other members were given silence in which to address the chamber. I find it an interesting approach that as I am taking my one opportunity to speak to the chamber, Mr Davis is trying to get Mr Kavanagh's attention so Mr Kavanagh is not listening to me but is listening to Mr Davis having another go. Then Mrs Peulich started to interject while I was speaking.

Are we are treating the chamber with respect and having a serious procedural debate on the motion of

Mr Davis? I am not saying it is inappropriate. We will have a debate at the appropriate time to determine whether the government supports it. It is a legitimate debate to have in this chamber. Mr Viney is objecting to it being voted on today, because we did not have seven days notice of this motion.

Mr Davis's argument is that he has been thinking of it. He has: he has been talking to colleagues on the other side of the house; he has been talking to the clerks; he has been trying to get it together. But on that argument, I could argue that the Trustee Companies Legislation Amendment Bill which came into the house last night is urgent and needs to go forward. I have been talking about it to people for many months, but I have not talked to this house about it.

I am not coming forward and saying, 'Members need to vote on it today, because I have spent a lot of time on this and it should not be a surprise to anybody who has followed the debate on trustee law', because we have not been given notice. It is meant to apply by the end of April, but I do not have the discourtesy of coming into this house and saying, 'Ram it through, because I was not organised'. What we are saying to the house today is we did not get notice of this motion.

As Mr Viney said, we were told there would be debate on documents. There have been multiple debates on documents. But this is a new level. It puts them all together. It puts an arbiter in. Yes, the house discussed that as part of a sessional orders debate two years ago; I fully concede that, but out of nowhere this house has been asked to deal with a new, detailed, real proposal. We are being asked to deal with it now, because it suits Mr Davis.

On 5 May general business will be dealt with in this house again. If Mr Davis had given notice during working hours last Wednesday, we would have copped it. We do not require the seven days notice that the Assembly generally requires, because we accept in good faith that if we give written notice of a document a week before, that is adequate notice. We are not being pedantic. We will say, 'Written notice to our manager of government business a week before is sufficient for us'.

We understand that it is difficult for non-government parties to give notice on Tuesday through to Wednesday, so we are reasonable. But to say virtually at midnight on a Wednesday, 'There is a motion on documents coming' when we have had dozens of motions about documents is very different, and then there is the expectation that the government will just ignore the notice provisions. All we are saying is: if

Mr Davis is not organised enough to give notice and if Mr Davis does not have the courtesy to give notice because he is not organised enough, he should wait another sitting week.

The issue before us now is whether we debate this today when there has not been adequate notice given, or do we debate it, presumably, on 5 May when the house sits again for an entire day for general business? If this is the critical big issue, then my argument to the house is it will still be a critical big issue on 5 May. If it were that important that it had to be debated today, on 14 April, then in all seriousness Mr Davis should have organised himself to get the motion to us last Wednesday rather than last Friday. He said that everyone was busy over Easter — of course they were! But we are also busy over weekends and other days trying to prepare and put in place our response to a significant motion.

It is common courtesy to give seven days notice. We do not come to the other side constantly saying, 'Do things on the run'. We try to give them notice. By not accepting Ms Lovell's procedural motion seeking to bring forward this debate, all we are doing is saying, 'Let us give each other notice'. There is nothing in Mr David Davis's document that is so time critical that it cannot be dealt with on 5 May, and I repeat: if it were that time critical — and again he is lobbying other parties and not letting them listen to the debate — he would have been ready last Wednesday.

**Ms PENNICUIK** (Southern Metropolitan) — It is a very important procedural motion that we have before us now, and there are two sides to the argument. I hear what Mr Viney says about the list of general business being provided to him late last Wednesday, and the agreement is that the list of general business is provided on a Wednesday. Certainly the government had notice of our intentions for general business by then. But given that it was a holiday week, as Mr Davis mentioned, Monday was not available and people were away, I think leeway of a couple of hours on the Wednesday was quite reasonable. So I do not accept Mr Viney's point in that regard.

Mr Viney talked about general cooperation in the house, and I think that generally happens, including the non-government parties cooperating with last-minute changes to the orders of the day for government business. He made the point that bills are routinely sent off for a week. In other parliaments they are routinely sent off for a month or two months, and I would like to see that happen much more in this Parliament. I have mentioned it before and flagged the issue.

On the other hand we fully support Wednesdays being non-government or general business days. However, that does not mean that every Wednesday should necessarily be filled up with general business just for the sake of filling it up with general business. We have made the point several times that we do not think that some of the general business motions that come forward are motions of great public interest or import, and we have shown our disappointment with some of those motions by either abstaining from voting on them or not participating in the debate. We are not saying that every single motion that has come forward as general business has our full support or that we should be here talking about general business all day just for the sake of it. However, if there are before this house important general business motions on issues of public importance, then it is the role of this house as the house of review and not the government-controlled house to deal with them. It is not the role of this house to be dealing just with government business.

The bleatings about how many hours there are for government business do not hold a lot of water with me if there are other matters of importance that should be brought forward and debated in this house, as there often are. The debate on the committee report yesterday was an issue of great public importance. The community is taking a great interest in what is going on in terms of the standing committee and its inquiry into the Windsor affair, and it is important that people speak on it. Perhaps it did not need quite as many speakers, but I do not think complaining about the time spent on that matter is a valid complaint.

However, we have some sympathy with the government's position that the content of the motion Mr Davis put forward regarding the appointment of an arbiter did not get the full seven days notice. While I would say to the government that it is not a very complicated issue, sessional order 21 outlines how the Clerk and the President will go about appointing an arbiter to evaluate the documents that have not been supplied.

I might say that the government is wilfully not supplying documents that this house has called for. There has been a lot of coverage of this in the media and commentary by Greg Taylor, who has written a seminal book on the constitution of Victoria. This house has the absolute right to call for any document it sees fit to call for. We have months of outstanding documents, and I know Dr Taylor has said, 'Someone has to put their foot down and say, "I am mad as hell and I am not taking it any more"'. That is exactly what Mr Davis is doing, and we support him in that regard.

I do not think the motion is so difficult that the government cannot get its head around it. We were able to provide comments to Mr Davis about the substance of the motion, so I do not see why the government cannot. But on the general technicality of the government not being provided with exactly seven days notice — and it is a substantial motion — we will reluctantly not support this procedural motion. However, I think the government bleats a little too loudly about the difficulty of its coming to terms with the motion.

**Mr HALL** (Eastern Victoria) — I just want to say a few words on this motion and perhaps convince members to have second thoughts about the decisions they have announced in their contributions. It appears to me that the argument presented by the government is based on the fact that this motion is significantly different from those previously advised to government in its description. The government claims this is more than a documents motion and is substantially different from such a motion because it requests that an arbiter look at the documents the government has failed to provide after they have been requested by the Legislative Council.

I acknowledge there is a material difference in that in this case the motion calls for the appointment of an arbiter, but is that a significant material difference? I think that is certainly debatable. As has been said, this is a procedure which is covered by the sessional orders of the house, so it is purely a motion that seeks to put in place procedures that are set out in the sessional orders of the Legislative Council. In one regard I think you could certainly agree that this is different from a normal motion on documents, but I do not see that that necessarily means it is substantially different and therefore warrants the call from the government that a weeks notice is required.

I might add in terms of the particular points that have been raised in the course of this debate that I agree that this house works best with cooperation from all parties. I know that when I was part of the tripartite agreement where leaders were consulted — and I am not part of that anymore — I knew and understood that it works best by way of cooperation. I respect that, and I still hold the view that it will work best if that level of cooperation is evident. At the same time, however, there are many instances where members are given very little notice of substantial matters that need to be debated in the house from time to time.

Ministerial statements are an absolute classic. A ministerial statement is presented to the house with shadow ministers being given only an hour's notice of

the statement, and they are expected to be able to debate what are really substantial and groundbreaking policy matters — and very important debates they are, too. In those cases little notice is given.

In terms of the way in which we move forward, I invite members to reflect on whether this is a significant variation from other motions we have had before in this chamber where we have moved to an immediate debate, given that the appointment of an arbiter is part of the sessional orders of the house. Yes it is different, but I am not convinced that it is so substantially different as to prevent this chamber from debating this motion today. I simply ask members who have announced their positions to perhaps reflect on the points they have made and reconsider the positions they have announced.

**Mr KAVANAGH** (Western Victoria) — Given the decision of the Greens, I understand my vote will not be important in this matter, but I will explain how I think I should vote. First, there are two sides to this debate, as Ms Pennicuik said, but I also listened to what Mr Lenders said, despite the face he perhaps looked distracted while he was speaking. Most of the points that have been gone through already are very relevant — for example, the fact that it is a common occurrence for us to debate things without much notice and also that the subject matter of the issue has been discussed in this house before in considerable detail.

One point that I raise which has not been raised yet is that after this week there are nine sitting weeks left in this Parliament. Although the election is in late November, Parliament sittings end in early October. We are near the end of the time available to us for debate. On that basis we should not be deferring important matters when they could be debated earlier rather than later, and therefore I intend to support Ms Lovell's motion.

#### House divided on motion:

##### *Ayes, 17*

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

##### *Noes, 21*

Barber, Mr	Murphy, Mr
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms ( <i>Teller</i> )

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

*Pairs*

Kronberg, Mrs	Mikakos, Ms
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**Motion negatived.**

**PLANNING INSTRUMENT OF DELEGATION: PRODUCTION OF DOCUMENTS**

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

That this house —

- (1) notes the failure of the government to comply with the resolution of the Council of 24 February 2010 to table in the Council documents relating to the register of the exercise of powers delegated by the Minister for Planning;
- (2) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demand accountability for all aspects of executive behaviour;
- (3) accordingly censures the Minister for Planning for his failure to fully comply with the Council's resolution of 24 February 2010; and
- (4) demands that the Minister for Planning fully comply with the resolution of the Council of 24 February 2010 and lodge with the Clerk by 12 noon on Tuesday, 25 May 2010, a copy of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52, of the instrument of delegation of minister's powers, discretions and functions, previously provided to the Legislative Council, for each of the years 2006, 2007, 2008 and 2009.

The document that we have been seeking is a register of the exercise of the power of delegation from the Minister of Planning to his staff under the Planning and Environment Act. It is a document that already exists; it is in the nature of a register, and it is required legally to exist because the minister has extensive, wide-ranging powers under the Planning and Environment Act and when he delegates them to more junior officers a record of that must be kept for the purposes of maintaining the integrity of those decisions and, when those decisions are challenged, recording who is the actual decision-maker.

With the minister now making a vast number of interventions into the planning scheme it has become even more relevant for the house to inquire into whether he is in fact making those decisions himself or whether he is delegating that responsibility to someone lower down the ranks who actually makes the decisions — not that they look at the decisions and provide advice to the minister, but that they are literally the person who stamps the permits.

I do not need to remind the house of the number of times we have been in here debating the issue of the minister's accountability. But there is a quite significant difference between a decision that the minister himself makes and signs off on, for which he would be held responsible, versus those decisions made by and those other actions of his more junior officers, for which he would quite rightly say he is to be held accountable. Responsibility versus accountability: that is a very significant and very real debate, given that we have a minister running a very large and complex department with many, many actions being taken by junior officers.

If the minister is intervening massively, as he is now, in the planning scheme, then it is absolutely essential for this Parliament to know how those decisions are finally made. And the so-called call-in power is actually the least of it. There is a register of all called in planning permits and for that matter appeals call-ins where the minister intervenes before a matter goes to the Victorian Civil and Administrative Tribunal. It is clear that on those decisions to do a call-in the minister makes those decisions, because he signs them.

But when you think about the general exemption that has been created for the federal government's social housing projects and for the Building the Education Revolution program, you realise that the minister has made himself the responsible authority for all of those permits and has also in some cases exempted them from notice and review. That makes him directly the responsible authority for in fact hundreds and hundreds of individual developments across this state. I sat down with the register of planning permits that are in the hands of the Victorian government, and I stopped counting after several hundred. Of course the minister is now both the gatekeeper and the decider for any individual planning scheme amendment. There are priority development panels, and he is constantly tinkering and involving himself in decisions as to who — literally — will be making a particular decision. Shortly we will look at one of those, which is referred to in Ms Hartland's notice of motion on the disallowance of the Williamstown woolsheds application call-in.

We first requested this document from the minister on 24 February. Yesterday, just seconds before I gave notice of this motion, we got a letter from the Attorney-General saying in relation to the matter:

The government is in the process of compiling and reviewing documents that are relevant to these orders and is unable to meet the Council's deadline of 13 April 2010. I anticipate that the government will be able to respond to the —

request —

... by mid-May 2010.

What the government is saying, three months after we first asked for this document — which I reiterate is a register that is required to be kept — is not that it will provide the document but that within three months of that request it will actually give us a response, and the response could very well be negative. I just find that absolutely unacceptable. I do not know how government members continue to come in here and mouth those words 'openness and transparency'. I know it was a mantra that got them elected to office, and thanks to three gutsy Independents they were forced to make good of it in their first term, but if I was still over there 11 years down the track mouthing the words 'openness and transparency' while acting every single day to thwart those things, I think I would have to rush to the toilet and throw up.

We find it totally unacceptable that the government wants to set itself a deadline of three months simply to respond to our request and that it has not come in here and provided any explanation. There is no explanation. It should be the minister who is coming in and making that explanation. The minister should come in and provide an explanation in relation to this motion — he could do it right now if he wanted to — by saying that it is an enormously complicated task. I do not think it is, but he could try to convince the house of that. He could say that due to the size of the task the government will give us one year's worth of information and then it will continue to work on the requested previous three years worth. He could in any way seek the indulgence of the house and thereby avoid this motion of censure that I am now moving. But he has not done that. He is not even open and transparent about the way he tries to be open and transparent.

The government simply keeps us in the dark. In an election year that is even less acceptable than usual because as the year goes on more and more voters will want to make up their minds. Equally importantly, the government continues to bring before this house changes to planning laws and other planning instruments. It continues to seek the support of this

house for measures that the government believes it needs to keep the Planning and Environment Act running efficiently, and yet when we ask the government for detail of how that act is running it cannot turn up with any kind of timely response until the year is more than one-quarter through.

I therefore propose that the house censures the minister for this non-responsiveness. That is in fact the second-last step. The last step, which will be the next motion I move, somewhere around mid-May, will be for the minister to be removed from the house — as the only mechanism left to us to enforce his compliance in this matter.

We have debated this many times before. It is not a matter of punishing the minister. It is simply that he is obstructing the business of the house. The business of the house is not just bills and the other votes; it is also the information we need to make good decisions on those issues. I argue — and I hope the house supports me — that this particular piece of information is absolutely crucial. It is about the mechanics of the operation of every single ministerial function in the Planning and Environment Act, of which there are many.

If we want to seek some third-party views on this, we only need to look at Dr Greg Taylor's article in the *Age* today. He has written more detailed material in relation to these calls for documents. We, as a house, have received some pretty solid legal advice on the issue. There does not seem to be any question that the house has this power. As Dr Taylor urged, someone at some point has to put their foot down. And since the government puts forward no argument that this is a matter of cabinet or executive privilege, there should not be any delay. If the government has a reason, it should bring it forward and seek the indulgence of the house.

In any case, as I foreshadowed, that indulgence runs out on 25 May, at which point I will be moving a motion to have the minister suspended from the house until such time as we can obtain the documents we need.

**Mr VINEY** (Eastern Victoria) — Thank you very much, President — —

**Mr Finn** — Just incorporate it.

**Mr VINEY** — Sorry?

**Mr Finn** — Incorporate the speech you are about to give. It will be the same as the one you gave last time.

**Mr VINEY** — I thought it was your birthday. I thought you might have your happy, nice personality here today, Mr Finn. I suppose I was kidding myself.

Mr Barber's contribution is interesting, given that he is already anticipating some further motion being before the house.

**Mr D. Davis** — It's on the basis of your poor performance in responding to documents.

**Mr VINEY** — Thanks very much, Mr Davis. If I were you today I would be feeling fairly chastened about your poor form in failing to give adequate notice to this house and to members of this house about what you wanted to bring on today — such a failure that even though you have the numbers in this place you lost the vote!

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Mr Viney will come back to the subject.

**Mr D. Davis** interjected.

**Mr VINEY** — Mr Davis, if you want to come in here talking about people being chastened, I would be the one feeling fairly chastened if I were you — sending me emails at 11.21 p.m. that are absolutely deceptive, with a single line point suggesting there will be a further motion on documents when in fact it was a whole new proposition. It was such bad form that Mr Davis lost the vote.

Let us have a think about what Mr Barber is asking us to do today, which is to censure a minister when by the due date a letter has been forwarded to the Council from the Attorney-General advising that further time is required to meet the Council's request for provision of particular documents and proposing a date in mid-May when the government would be able to fully respond to the Council's request, a date that is consistent with the proposed extension of time that Mr Barber is putting forward today.

Sorry — help me — which motion out of the hundred-odd motions in the chamber have we got? Sixty — —

**Mr D. Davis** — On a point of order, Acting President, Mr Viney has been making a contribution now for 14 minutes, and he is clearly not aware of what motion — —

*Honourable members interjecting.*

**Mr D. Davis** — How long has he been speaking for?

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The clock is incorrect.

**Mr D. Davis** — He has been making a contribution for some minutes now, and his contribution is amazing. He does not know which motion he is talking about.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! There is no point of order.

**Mr VINEY** — The reason we are a little confused when there is a list of 10 motions the opposition is proposing for today is that Mr Davis was so disorganised he could not get up a motion to set the program. That is on Mr Davis's head.

I actually had the page open at the right one, but there are several motions relating to this. As I was saying, we have a proposed date in the motion from Mr Barber to extend the deadline to 25 May — so basically to the end of May — yet the Attorney-General's letter says the government needs until mid-May to try to meet the house's request. The Attorney-General is offering to provide an answer by mid-May — —

**Mr Barber** — I'm helping you out.

**Mr VINEY** — That's great, Mr Barber; you are going to help us out with a censure of the minister when there has been a letter saying the government would do its best to meet the house's requirements as per your own motion.

Let us just put this into context. Mr Barber says this should be a simple request to meet. So far we have had dozens and dozens of requests for documents, requiring the provision, as I have said in the house before, of hundreds of thousands of documents. I have said that before in the house, but I stand corrected. As the Attorney-General's letter shows in relation to the *Your Hospitals* report request, that one single request for documents among the dozens that come before this house — a request from Mr Davis, that is right; point the finger, 'Not me, him!' — would involve the assessment of 2 million documents. Just one request!

**Mr Koch** — That's democracy.

**Mr VINEY** — That is fine, that is democracy, but you request documents, Mr Koch, willy-nilly; you request documents at the drop of a hat. Every Wednesday we spend hours in this place debating requests for documents — and then opposition members wonder why! In the dozens of requests that have been made, dozens of documents — potentially billions of documents — have needed to be looked at,

meaning we have probably had to review a million documents a day since we were elected to office.

Since we were elected to office probably a million documents a day have had to be reviewed because of these opposition requests. Let us just put it into context: it is not like you can just say, 'We want documents relating to this or that matter'. As anyone would understand with any system, those requests require the government to go through huge numbers of files, to assess whether any related files contain relevant documents on a particular matter.

It is not a simple thing to simply go through and say which particular documents have been requested by the house, because each document then needs to be assessed against the criteria that the government has set out — that is, whether they can be publicly released or whether they meet commercial-in-confidence guidelines, whether they are subject to executive privilege, whether they meet legal professional privilege guidelines — all of the standards that we have said that need to be checked.

Each document needs to be checked against those standards, so we are talking about millions of documents. The opposition may think all this is flippant and unimportant, but we stand by those fundamental principles that have stood the Westminster system in good stead — that if documents can be released, they will be released; but it is different with documents that breach executive privilege.

They would be matters where ministers are advised on matters that come before cabinet. That is a longstanding tradition in the Westminster system, not only in the Victorian Parliament but also in every Parliament in Australia, the United Kingdom and Canada, and in every commonwealth Parliament under the Westminster system.

These are principles that have stood the system in good stead, because that means governments need to be able to act in good faith on advice that is provided by the public service frankly and fearlessly; and if you were going to publicly release these documents, that advice would be automatically compromised.

We will welcome the debate we are no doubt going to have in a few weeks time about the independent arbiter that the opposition wants to put in place. In relation to the request for documents associated with Mr Barber's proposed motion to censure the Minister for Planning, the minister is doing his job in making sure that documents are reviewed; that where they can be released, they are released; and where they cannot be

released, the protections that are necessary for good governance in this state are enforced. The minister is doing his duty according to his sworn oath of office.

Yet the opposition is proposing to censure him, when the Attorney-General has written to the house and said, 'Give us until mid-May and we will be able to advise the house fully', and that is within the time frame that Mr Barber is proposing for an extension of time. Mr Barber is proposing we extend the time to allow the government to respond to the request for documents, but in the meantime we are going to censure the minister anyway.

I regard a censure motion as serious and not a flippant matter, but that is what has been happening in this house. The opposition parties throw around censure motions like confetti; they do not attach more importance to that than having a boiled lolly. It is very serious to consider moving censure motions when the minister and the Attorney-General had advised the house that the government intends to advise the house by mid-May — a time frame within Mr Barber's own proposed extension, a time frame I think 10 days short of his own extension, if mid-May is 15 May. Mr Barber is proposing to extend that to 25 May, but they are going to censure the Minister for Planning, anyway.

The government will be opposing this, because it cannot allow this house to flippantly censure ministers when they are attempting to meet the requirements of the house at the same time as meeting their obligations as sworn ministers of the Crown, to meet the needs of executive government, to make sure that advice to government is provided frankly and fearlessly by the public service, to make sure that the executive government can have a good and appropriate relationship with the commercial sector to provide services on behalf of the people of Victoria without that being compromised, to make sure that the government is able to act in terms of the legal frameworks that it acts in without breaching legal professional privilege — all important principles.

In the same letter from the Attorney-General on the second request for documents in relation to the *Your Hospitals* report, where 2 million documents need to be assessed, is it any wonder that with the dozens of requests that have been made of this house, requiring the assessment of hundreds of millions of documents — which I had previously thought was only hundreds of thousands — if that is what is now required, that the government is not able to meet specific deadlines?

Is it any wonder that the government is, quite reasonably and within the time frame of the original deadline, going to write to the house and say, 'We need another few weeks', which is also within the proposed extension of time from Mr Barber? It is ridiculous and outrageous that we would censure a minister in that context.

**Mr D. DAVIS** (Southern Metropolitan) — The opposition will support this reasonable and sensible motion. Mr Barber has moved it no doubt with the same sense of frustration that the opposition feels about the government's constant failure to provide documents, as the house is entitled to demand, and the government's attempts to block the privileges of the house.

What Mr Barber is seeking through today's motion and subject to the 24 February resolution of the house is:

... the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff within the Department of Planning and Community Development as described at point 5, page 52 of the instrument of delegation of ministers' powers, discretions and functions, previously provided to the Legislative Council, for each of —

four years.

I do not believe the government is being asked to provide a complex document. It should have been provided to the house within a week of the adoption of the February motion. This flawed Minister for Planning is making a series of decisions around the state, many of them working very much to the detriment of the state's planning system and to the detriment of our community.

A Minister for Planning is a very important position under the state's Planning and Environment Act and planning structure. As minister he takes on a series of powers and has powers under those acts.

The delegation of those powers to people within his department is entirely appropriate, particularly for more minor matters, but the delegation of those powers should be transparent. In fact, this delegation of powers should be on the website, in my view. It is a very simple set of instruments that the minister has exercised, and Mr Guy no doubt will have something brief to say on this, but he would be equally outraged to think that the minister is not prepared to say to whom he has delegated planning and administrative functions, so those people are making decisions under acts of Parliament in a way that is not transparent to the community.

It is entirely reasonable for this chamber to demand that those instruments and the decisions on delegation be put into the public arena. I find it extraordinary that the government would even argue to the opposite.

As to Mr Viney's extraordinary point that the government is seeking to provide these documents by a time which is close to the time at which Mr Barber's motion is seeking to bring down a further step — that is, the throwing out of the minister from this chamber, which is a further sanction by this chamber on the minister for his non-performance — forgive me, but the period in question has covered February, March and April, and that will extend it to the end of May. That has given the government an enormous period of time in which to provide something that should be simply and straightforwardly accessible in the department. I do not believe there are that many delegations and that the government could not have within a very short period of time provided those pieces of information.

We know the Minister for Planning has weaknesses. He is often unaware of decisions that are made in his office. Last year, by way of a no-confidence motion against the minister, this house decided it was unacceptable for a minister to claim he was unaware of what was happening in his electorate office. Corrupt activities were associated with his electorate office and Hakki Suleyman, and there was the whole Brimbank fiasco.

More recently we have seen the Windsor Hotel fiasco, where the minister claimed he did not know that an adviser in his office had produced a media plan that sought to interfere with the planning process and breach the principles behind the planning process. Yesterday the minister claimed — and Mr Guy will no doubt talk about this — that he was unaware that some land down in Warrnambool on which he took planning and administrative decisions was owned by a first cousin of his. This is extraordinary. This is again the Sergeant Schultz defence: 'I know nothing' and 'I am unaware'. We can see why Mr Barber is keen to know what delegations have been made. It is so we know what decisions are being made in the department, by whom and on what grounds, and the steps the minister may be taking to distance himself from his legitimate responsibilities.

It is a reasonable motion. It is a motion that censures the minister for not providing information that he should have provided in a timely way. It sets a time period for when the minister will be required to produce the documents, otherwise Mr Barber anticipates that he may bring a motion with further sanctions on the minister, indicating the house's displeasure. It is true to

say that this occurs in the context of the government's repeated and flagrant failure to provide documents under motions that call for the production of documents. It is true that many documents have been provided over the last two years, but there are hundreds of key documents that have not been provided, many of which are quite likely to be damaging to the government.

We accept that there is a legitimate role for executive privilege. We accept that cabinet documents should not necessarily be provided to the chamber. All the motions for the production of documents that I have brought to this chamber, where there have been follow-up or subsequent motions for the production of documents, have been motions which have been generous to the government. Where a document is described as a 'cabinet document' or a 'cabinet submission' or 'background information directly provided to cabinet', we have not further sought those documents. We have said that is a reasonable position for the government to take. However, where documents are departmental documents, pieces of correspondence, briefings to ministers, consultancy work and other background information as part of the normal workings of departments and of governments, we have said that, through this chamber, the taxpayers and the people of Victoria have a legitimate right to see that information.

This morning's contribution — and I call it that advisedly — from Mr Viney fitted into the mode of his regular speech on motions for the production of documents. He does not like it when we push for further steps to be taken in document motions. He becomes very animated. He puts on his angry Mr Viney mode, his RoboCop mode. You could just wind him up and he would give the same speech every week. In this case he was not even aware which specific motion we were debating. He had spoken for some minutes but was flustered as he fluffed around trying to find the number of the motion we were debating. My point is that his contribution on documents motions is a RoboCop contribution. It is a replay every week.

**Mr Jennings** — You're a multimedia reviewer!

**Mr D. DAVIS** — It is more, Mr Jennings, like the Duracell rabbit. If you wind it up and put in some strong batteries, he goes on strongly, but the movements and the contributions are always precisely the same. That is a problem for the government, because the issues with these documents motions are quite specific. They deal with different matters in different departments under different ministers' responsibilities. The point is that the arguments need to be specific and precise. You need to do the background

work, you need to understand the documents that you are talking about.

Mr Viney referred to the letter from the Attorney-General that was received by this chamber just this week. The letter is from the so-called first law officer of the state, Mr Hulls, who seeks to block documents, block witnesses and block access to information through freedom of information. He is one of the most secretive individuals in the state, and he is determined to block access by the community and the Parliament to key things; he is determined to cover up. This letter makes it clear that he wants an extension of the deadline. I do not accept that, and I think Mr Barber's motion is fundamentally right. I do not accept that this deadline needs to be extended. He should have already provided those documents. That is one key reason that we will support it.

Mr Viney made another comment about the Attorney-General's letter with respect to the *Your Hospitals* report. I think it is worth putting into *Hansard* what must be one of the most bizarre contributions the Attorney-General has ever made. In referring to the *Your Hospitals* report he says:

The *Your Hospitals* report order sought the production of:

All documents and data collected for the period July to December 2009 from Victorian hospitals and health services that are used in the collation of the *Your Hospitals* report.

We know that the documents are larger than the actual statistics that are extracted from them. We want to see the documents that are behind the *Your Hospitals* report. His letter continues:

I am advised that responding to this order would require the assessment of over 2 million documents and substantially divert relevant departments' time and resources. I am also advised that the preparation of government's response could take more than a year to complete.

How bizarre! His letter then goes on to say:

The government will be publicly releasing the *Your Hospitals* report shortly.

The data requested relates to 30 December. It seems to me that less than a year would have elapsed since the government released this report. How can anyone feasibly argue that the assessment of those documents, which would be required to prepare the report, would take more than a year, but then indicate that the document is nearly prepared and will be released soon — in less than a year? The actual response by the Attorney-General is internally inconsistent and simply bizarre. He goes on:

As the report is derived from the documents and data to which the Council is seeking access, and given that a significant diversion of resources would be required to process this request, I trust that the Council will not insist on the government further responding to this order.

I think he is wrong. The Council will insist on seeing the minimum dataset that is produced regularly by each hospital. They are required monthly, and I have seen them. They are simple sheets that are produced by recording the number of people who went through different departments, the number of services provided and the types of services provided. This information is in the hospital databanks in any event, and it is provided electronically to the government.

As for the argument that in some way this data could not be provided to the chamber, it is not executive material, it is not cabinet-in-confidence information and it is not a briefing to cabinet. The data requested is about the performance of our public hospitals. I will leave it to the chamber and the community to work out why the Premier and the Deputy Premier might not want to provide data about our hospitals at this time, but the fact is that data is simply performance and activity data on hospitals that is collected by the hospitals already and is provided as a routine mechanism to the department.

The department uses that data to collate the *Your Hospitals* report, but we are told that you can collate the *Your Hospitals* report in a short period and release it, but to assess it for release to the chamber would require a year. I do not believe it, I think it is nonsense and I think it is treating the house with contempt.

The coalition will support Mr Barber's motion. It will do so because in a repeated pattern the government is trying to frustrate the chamber's and the community's efforts to seek legitimate information.

**Mr LEANE** (Eastern Metropolitan) — I rise to speak against this censure motion against Mr Madden in his role as the Minister for Planning. I want to talk about the role of planning and the role the minister plays inside that particular area. I want to concentrate on why the government will not be supporting this censure motion.

As far as planning goes, especially around increased availability of all sorts of housing, social housing is a very important plank in the government's policy. Increasing affordable housing is also a very important plank in the government's policy, and affordable rental policy is a very important plank in that policy as well.

No-one is saying that planning is an easy area and that more cannot be done. It is obvious but it needs to be

said again, that increasing housing stock under the auspices of planning will not happen by waving a magic wand. I know that those opposite cannot accept that increasing the availability of housing in Victoria means that there will have to be a mix of high-density, medium-density and low-density housing.

**Mr Barber** — Who are you referring to as 'those opposite'?

**Mr LEANE** — I am referring to the Liberals-Nationals coalition, Mr Barber. I am happy to leave you out of that particular statement.

As I said, increasing affordable housing opportunities is a very important plank of this government's policy. The Minister for Planning has undertaken a very important role on behalf of the government in this area, especially in the area of high-density and medium-density housing in central activity districts. That policy has been out there for a long time and is no surprise to anyone. I say again that this is an important plank in the government's policy, and government members do not apologise for that policy.

Mr Barber spoke about the minister calling in certain projects. As far as government members are concerned, if the minister has been involved in bringing forward important projects for this state, then we applaud him. As Mr Viney said in his contribution, the minister is fulfilling the role he has been given by this government.

The reality is that there needs to be high-density and medium-density housing so that future generations will be able to be accommodated, and its development is an easy area on which the Liberals and The Nationals can go about scaremongering. Obviously we have seen that evidence in recent days, when coalition members have spoken about social housing projects funded by the commonwealth.

**Mr Barber** interjected.

**Mr LEANE** — Yes. I am very pleased that the Greens did support that stimulus package, Mr Barber. It seems there is love not only in Tasmania; there is also a little bit of love in Canberra from time to time.

We have seen scaremongering not just around social housing development but also around medium-density housing. The coalition has gone about scaremongering people living in existing areas. Coalition members say, 'There will be more people moving into your area and into your suburb. Shock! Horror! There may be a few more people on the roads and in the shopping centres and the local milk bars. Isn't that terrible?'

However, that particular ethos does not wash with everyone out there. People who live in those suburbs, especially homeowners who are baby boomers and early generation X people, understand that their older kids should have the right to affordable housing. Without the policy that has been taken under the stewardship of the minister to increase housing stock, that just will not happen for the next generation of young people who will be looking to move into the housing market, nor will it happen for the following generation whose members will be moving into the rental market, nor even for the next generation of people who need to be housed.

In respect of this minister carrying out his duty, regardless of the scaremongering of the opposition, government members, rather than joining in a censure motion, actually applaud him for fulfilling government policy and basically doing the job he has been given.

Then we come to a censure motion like today's. Earlier in this debate a Liberal member interjected, 'Another censure motion on Mr Madden!', as if it is some sort of honour badge to put a censure motion against Mr Madden. I have to say that as far as government members are concerned, it does not matter how many censure motions the opposition throws at this minister; he is doing his duty; he is making sure that there is going to be future housing stock available for the next generation.

I can only say that this scaremongering is quite a lazy and easy position for the opposition to take. I think the Victorian community would be better served if the coalition were to put its planning policies on the table. Why is it that the coalition has not released its policy position to the Victorian community? How is the coalition going to address the future housing needs of this state?

Government members will be opposing this motion. It is just another lazy paperwork motion which the house has to deal with every Wednesday. We in government more than applaud this minister's role in meeting the housing needs of our next generation — our young adults.

**Mr GUY** (Northern Metropolitan) — I listened with interest to Mr Leane's contribution. I do like Mr Leane, but I am not sure he was actually speaking to the motion at hand during the approximate 11 minutes of his contribution.

Basically this motion is very simple in that it notes the failure of the government to comply with the resolution of this house to detail to the house, to the Parliament

and to the people of Victoria the use of the instrument of delegation by the Minister for Planning to others in his department. That is a very simple request. It has nothing to do with scaremongering or whatever the previous speaker had to say. It has nothing to do with scaremongering, affordable housing, medium-density accommodation, central activities district developments or call-ins. It simply has everything to do with the minister telling the people of Victoria who has been given delegation authority and when those powers have been used.

I think the people of Victoria have every right to ask for that information, particularly in light of recent examples where the Minister for Planning has very clearly had absolutely no idea of the details of certain projects; frighteningly, he has had no details, or scant details, of the projects he has supposedly just approved.

With respect to the Hotel Windsor redevelopment, I am sure all members would have seen the media interview with the minister — I am sure the Minister for Planning has seen that interview many times himself — in which he could not even name how many floors were in the application of the project he had just approved. It beggars belief that this man is in charge of a \$250 million development, which he has supposedly fast-tracked and approved, and regarding which he has supposedly looked over and read the advice of independent panels and had departmental and ministerial advice. He approved the development, but he did not even know the basic details — for example, how many floors were to be in the proposed development.

The simple request of the minister was to provide details of the instrument of delegation, where it had been used and who had used it. I do not think it is unreasonable of the Parliament to request this and expect that detail to be made public.

I have to say I am very surprised that the government would not provide that information at the earliest opportunity when asked, simply because it would outline to the public where that instrument has been used; clearly that would have taken a lot of heat out of the argument. I am very surprised that the minister will not come out and say, 'This is who it has been delegated to, this is where it has been used, and these are the reasons it has been done'. Surely if the minister felt absolutely rock-solid confident of the decision he had made as the minister, he would have no problem in making that information available.

This is not cabinet-in-confidence material that we are looking for. This is not a massive state secret, I would

have thought. This is a simple request to outline to the Parliament and the people of Victoria where the instrument of delegation has been used. I am really flabbergasted that we have heard arguments this morning from Mr Leane and Mr Viney — Mr Viney appeared not to know what motion he was actually talking about until halfway through his presentation — that we have had a lack of understanding of what it is we are actually asking for from the government this morning.

This is utterly reflective of the stonewalling that this Parliament, this chamber in particular, is encountering when it is coming to the crux of planning decisions being made in the state today. As I said earlier, there was the example a few weeks ago when the minister did not know the details of the Hotel Windsor redevelopment, which is astounding in itself.

Another example was raised by my colleague Mr Finn a few days later, when the Minister for Planning had responded to an adjournment matter raised by Mr Finn about a development in Sunshine. In March the minister had responded to Mr Finn by saying, 'I will get back to you with details'. However, the government had issued a press release in December, saying it had approved this development. To approve a project in December and then say, 'We are going through a process of consultation and we will get back to you in March' raises legitimate questions about the instrument of delegation, and about ministerial knowledge and decisions being made in Victoria. Legitimate questions are being asked by the opposition again today about rezoning applications being sent to priority development panels in Warrnambool. Obviously we will have more to say about that later.

I simply say, very briefly, that the opposition supports this motion principally because it is clearly not, I would have thought, an overwhelming state secret. If the planning minister in Victoria today felt confident in his decisions, confident in those he was delegating authority to, I would have thought he would be very comfortable in telling Parliament and the people of Victoria exactly why decisions have been delegated and who they have been delegated to in terms of the decisions being made under that delegated authority. He would have felt very confident to have that material in public. If the minister were very confident about his own decisions being made in that respect, he would have had no problem in February, when it was first asked of him, in having that material released to Parliament. Therefore there is nothing controversial whatsoever in this motion.

There is no reason the government should be opposing this from go to whoa as if we were asking for area 51 or UFO documents or something bizarre. Instead the government should come clean on simple planning delegation authority decisions that are being made in the state of Victoria, and this motion should therefore be supported.

**Mr KAVANAGH** (Western Victoria) — I find myself in agreement with most of what speakers have said in the course of this debate. I agree with three-quarters of the motion moved by Mr Barber, particularly point 2, which says that this house:

... is of the firm opinion that the Council is fully entitled to scrutinise the activities of the executive and demand accountability for all aspects of executive behaviour.

That is a fundamental principle of this entire Parliament and indeed the whole Westminster system. But there is a matter I have some difficulty with, and that is at this point censuring the minister for not yet providing the documents. I say that because the Attorney-General has indicated that the government is not yet capable of doing that. He says it does not have enough time. I understand, given the track record of the Attorney-General, that it is in keeping with a general determination to prevent the Council getting hold of documents or other information, but I think generally we should give people the benefit of the doubt, even though the track record of the Attorney-General might suggest otherwise. Also the assertion that there are 2 million documents to go through seems difficult to believe.

It would also seem to be negligent if the government is not keeping a clear record of what powers of government it has delegated to third parties. It would seem extraordinary to me if the government is effectively handing out the power of this Parliament to individuals and not even keeping a record of that. Nevertheless, at this stage it is probably a little premature to censure the Minister for Planning, given that the government is asserting that it needs more time. It would have been better to have raised this motion after the period of time had elapsed that the Attorney-General says is needed, so in spite of some very necessary points in the motion I would prefer to wait until mid-May before voting on this motion.

**Mr BARBER** (Northern Metropolitan) — Mr Viney made the substantive contribution on behalf of the government as to what it is doing in relation to this area, and what he said was it is attempting to comply, but he provided absolutely no evidence of any attempt to comply. In fact he does not know anything about the documents, and he does not know anything

about what attempts the Minister for Planning or the Attorney-General may be making to comply. That is why they send him in here every time. He is like the Iraqi information minister: he knows absolutely nothing, so he can claim anything and deny everything.

A proper process on the part of the Minister for Planning, if he were taking this at all seriously, would be for the minister to come in here and say what the difficulty is and why a request for additional time has been made. We need to be very clear that the Attorney-General's letter does not say the government will provide the documents by mid-May; it says it will provide a response by mid-May. That response could have been provided today by the Minister for Planning. He could have come in here and said, 'We're working on it' or 'This is the difficulty' or 'I'll give you my personal assurance that the register itself will be provided'. We did not receive any of that, so you can see that there is very little of what is needed here — at least in relation to that minister. I would not tar all ministers in this chamber with the same brush. Having seen the four ministers over there, I can say there is quite a degree of variation in their personal philosophies as to what accountability to this chamber means.

The Minister for Environment and Climate Change happens to be here. He has been known to come in here and give explanations, or you could call them ministerial statements, usually at question time that go on quite considerably about matters that he is already well aware are going to be of public interest and, if you like, head off some of those debates, but the Minister for Planning and his front man over there, the Labor Party Whip, do not do that. They attempt to play a game of chicken with the chamber itself, which is asking for very simple documents. The minister has foreshadowed that sometime down the track he is going to bring a bill into this Parliament that will allow the process of making a planning scheme amendment to be outsourced not to a junior officer in his department but to a developer. Developers proposing planning scheme amendments will be able to run that amendment process, so members who would be considering that bill would want to know at least how the process operates now.

Most of the other issues raised by members were irrelevant to this motion. They were shadow-boxing about some other health documents motion with an allegation that it involves evaluating 2 million documents. That has nothing to do with this document. This document is a register that the government has told us is required to be kept, so if it is a register, it is really

one document, or if it is an annual register, then it is perhaps four documents.

On my way in the back door this morning I was asked by a journalist to comment on the issue that came out overnight about Mr Madden apparently approving a priority development panel for a development in Warrnambool; it is now alleged that the development involved a relative of the minister. I am absolutely none the wiser on that matter, because the decisions to appoint a priority development panel or to approve the development with a new planning scheme amendment or to change the person who will approve the amendment, perhaps to send it back to the council, may or may not be delegated decisions. The minister may have made those decisions, in which case he could have a conflict of interest via a family member, but if as it seems — —

**Mr Viney** — On a point of order, Acting President, there are two elements. Firstly, the member is making allegations in relation to the minister, which he can do only by substantive motion. The allegations are obviously untrue. Secondly, this is not relevant to this debate. If he wants to bring in another matter in relation to other decisions the minister has made, then it needs to be by substantive motion. It is not relevant to this matter.

**Mr BARBER** — On the point of order, Acting President, in my address in reply I am able to pick up on points of debate that were made by other speakers, and other speakers raised the Warrnambool issue. On the question of relevance, it is relevant because I am not making any allegation. I was very clear in saying that I was referring to a media report.

**The ACTING PRESIDENT (Mr Leane)** — Order! The first part of Mr Viney's point of order about the allegations needing to be raised in a substantive motion is correct. I ask Mr Barber to get back to his summary.

**Mr BARBER** — That was a matter that Mr Guy said we would be debating later today, and perhaps I will leave it until then. But when it comes to any question of ministerial accountability versus ministerial responsibility it is essential that we know which decisions are being made by the minister and which ones are delegated. If the minister puts his rubber stamp and signature on the approval of a development, he is responsible for what goes on in that development, but if he is calling in and intervening in hundreds and hundreds of matters and then passing them down possibly several levels through the bureaucratic chain to what we know are at least a dozen, but possibly dozens

of, public servants, then what he is going to argue in every case is, 'Yes, I'm accountable for those actions; I will give an account of what happened, and if something went wrong I will give an account of how I am going to fix it'. That has not been his strong suit up until now. Those are two very different matters.

The house is absolutely none the wiser, because we do not know how the delegation is being implemented. In the absence of any explanation and even of a personal approach from the minister to me — the only thing we got was a letter from the Attorney-General saying virtually nothing, which was not tabled in response to any of the other deadlines that the government had missed but was tabled in the house 30 seconds before I moved this notice of motion — we have absolutely nothing to go on. We can give the government another month, but it is an enormous extension of trust when the same consideration has not been shown back. As Mr Kavanagh acknowledges, it has got form. It has got enormous form on this issue of openness and transparency.

Therefore as I foreshadowed, we will be dealing with this very matter again in the mid-May sitting week. Hopefully the government will not run its standard trick of waiting until the last possible second to throw in confusion in an attempt to muddy the waters for members of this house in their consideration. Hopefully government members will just act as normal people would and keep the lines of communication open and provide reasonable responses.

#### House divided on motion:

##### *Ayes, 19*

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

##### *Noes, 19*

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

##### *Pairs*

Kronberg, Mrs	Mikakos, Ms
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#### Motion negatived.

## CITY OF HOBSONS BAY: PLANNING SCHEME AMENDMENT

**Ms HARTLAND** (Western Metropolitan) — I move:

That amendment C75 to the Hobsons Bay planning scheme be revoked.

This motion disallows the Minister for Planning's do-it-yourself rezoning of a 2.7 hectare parcel of land in Nelson Place in Williamstown. The minister's press release of 26 March 2010 says, 'Planning Minister Justin Madden has cleared the path for residential development at the ... site'. The things he has cleared off the path are the Hobsons Bay council, the residents and nearby businesses — and the democratic process. The minister has rezoned the woollen mills site as residential, and I will return to this matter later. But he has also rezoned part of the Williamstown shipyard site as residential, and that is something else entirely. It is of questionable legality and goes against previous statements in this place by both the government and the opposition.

About 20 per cent of the area the minister has rezoned to residential actually belongs to the shipyard. The developers told me that the shipyard is going to sell them a pocket of land for residential development. In 2005 the then Minister for Planning, Rob Hulls, assumed planning control over the shipyard land. Soon afterwards the government introduced a new part 3D into the Planning and Environment Act. Mr Madden introduced the legislation in the upper house.

The government argued that the special legislation was necessary to prevent any part of the shipyard being rezoned as residential by ensuring that any rezoning came before both houses of Parliament. I am convinced that the former Premier, Mr Bracks, was completely sincere in his commitment to the shipyard at the time. Even after the shipyard lost a major contract in 2005, he introduced the legislation and told the media that despite the contract having been lost he wanted to ensure that the shipyard was never rezoned as residential. The idea at the time, according to the then planning minister, Mr Hulls, was to provide certainty to the shipyard and the site, and to ensure that the site would not be able to be used for other, non-industrial purposes without the future approval of Parliament.

Mr Madden echoed that statement in the upper house. I would like Mr Madden to have a go at explaining the difference between what he said then and his actions now as Minister for Planning. The current President of the Legislative Council made a contribution to the debate in 2005. He said the legislation was necessary

because the Liberal Party's developer mates wanted to get their hands on the land. He said in part:

... the response from us is to ensure that that dockyard is protected from the hungry claws of their developer mates in the future, and the only way it is going to change and be vulnerable is if and when both houses of the state Parliament agree that it should — and my view would be good luck on that; it is not going to happen.

I hope the President will make a contribution today on the subject of 'It is never going to happen'.

For its part, the opposition tried to outdo the government in its commitment to prevent residential development of the shipyard. The current Leader of the Opposition in the upper house, Mr Davis, said at the time:

The phrase 'ancillary purposes' fills me with a measure of fear for the future of the shipyard, because it is possible the government will allow residential development at some future point.

I hope Mr Davis has not changed his mind on this issue.

Part 3D of the Planning and Environment Act has the purpose of ensuring that the shipyard site continues to be used for industrial and maritime engineering purposes. It provides for the Williamstown site strategy plan to be created in accordance with those purposes, but no such plan exists. The minister has not bothered to cause one to be created.

Section 46ZH of the Planning and Environment Act provides that the minister must not authorise the preparation or approval of an amendment to a planning scheme applying to the Williamstown shipyard site 'if the amendment is inconsistent with the approved strategy plan'. The minister cannot have considered whether the amendment is consistent with the strategy plan, because no plan exists. I would question whether it is lawful for the minister to rezone part of the shipyard as residential without a strategy plan. Certainly the rezoning is against the purpose of part 3D and against the statements of both the government and the opposition at the time the legislation was introduced. It is also contrary to the provisions in section 46ZC that any strategy plan:

... must give effect to the purposes of this part by providing for the Williamstown Shipyard Site to continue to be used for industrial and marine engineering purposes and ancillary purposes.

If we had had a strategy plan, this amendment would be inconsistent with it.

The minister has a conflict of duties in this rezoning. He has planning control over the shipyard site and he has

planning control over the adjacent port of Melbourne land. Rezoning the woollen mills site and part of the shipyard as residential conflicts with his duties to the shipyard and the port of Melbourne.

I will now move on to the issue of public consultation. The minister did not consult with the public or local businesses, except for the developers. He describes this as providing certainty. Hobsons Bay council was in the middle of an open and accountable planning process when the minister decided democracy did not provide enough certainty for the developers. Hobsons Bay council employed independent consultants to advise and assist with rezoning assessment processes, but the minister replaced them with his own advisory committee. The key difference is that the council process was transparent and accountable. Its independent consultants' report is available online and every relevant document is publicly available, including some excellent community updates.

The minister's advisory committee has been set up pursuant to section 151 of the Planning and Environment Act 1987 with one purpose in mind: to advise the minister. People can join in the new community consultation; they can consult until they are blue in the face, but the minister has made a decision that this site requires certainty not democracy. Let me give you some examples of the sort of consultation the minister undertakes before making a decision.

The minister did not consult with Hobsons Bay City Council before he rezoned the land; he just gave the mayor a 5-minute warning before his press conference. Hobsons Bay council did a review of the industrial land in the municipality in a long process that was finished in 2007; it is called the 'Hobsons Bay industrial land management strategy'. The minister refers to the strategy in his explanatory report, but I think he has been poorly advised about it. The Hobsons Bay industrial land management strategy did not consider rezoning any part of the shipyard site to residential; it only considered nearby industrial land.

The decision on precinct 20 does not recommend rezoning the woollen mill site to residential. It notes the shipyard's opposition to any residential rezoning of the woollen mill site.

The minister did not consult local businesses in the area. The Titanic Theatre Restaurant, which is immediately adjacent to the rezoned site, does a show that simulates the sinking of the *Titanic* in a building that has the facade of the *Titanic* attached to it. It has a 3.00 a.m. licence and seats 300 people. My office staff spoke to the owner of the Titanic establishment,

Mr Singer, who said he deliberately located the business to be at least 500 metres from residents because it is a very noisy restaurant — of course it is noisy, they sink the *Titanic* every night!

Apparently the theatre has real shipping foghorns, simulated explosions, loud music and so on. I am not quite sure why, but it also has a very large replica of the Statue of Liberty. Mr Singer has made a large investment in the business over the last 21 years. On a busy night, the Titanic employs 30 to 40 people including entertainers, musicians, chefs, kitchen staff, photographers, lighting and sound technicians, and waiting staff. In his view residential development is not compatible with his business because of the noise and parking. Elsewhere we have seen what happens when you build residential apartments next to noisy entertainment venues.

The area in question is about 300 metres from a Mobil transfer station with five tanks. The minister did not consult Mobil before he rezoned the land to residential. The first it heard about the matter was when I rang. As members are aware, I am not exactly a best friend of Mobil, and I point out that there was a spill at the Williamstown site a few years back. I, personally, would not live anywhere near a Mobil site because its safety record is so poor. Wherever there is a Mobil site, you can be sure that there has been a recent spill, and whenever there is a spill I, of course, will always have a go at Mobil — but even I think the minister should have consulted Mobil.

At the very least Mobil might have reminded the minister that it is being heard in the Victorian Civil and Administrative Tribunal at the moment, objecting to a residential development at 200 Stephen Street, Yarraville, near the Mobil site in Yarraville, because of safety concerns. The Mobil tanks are on Port of Melbourne Corporation land.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Planning: Warrnambool development

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. I refer to the press release in April 2009 from the minister in which he stated he was fast-tracking five developments by simply referring them to a priority development panel, and I ask: on what grounds did the minister fast-track the rezoning of land being developed by his first cousin in Warrnambool?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's interest in this matter, and first of all I point out to Mr Guy that he is wrong — wrong big time and wrong on a number of fronts. I believe Mr Guy should apologise for the remarks he has made, not only those he has made publicly but also for the remarks he has made today.

The City of Warrnambool and the Shire of Moyne have requested that work be undertaken to complement the need for more industrial land. As part of that the priority development panel that often works with councils, proponents and community groups to try to resolve matters was given the task of assisting the council in resolving these matters. Importantly, this has been part of an announcement we have made with Regional Development Victoria so that RDV can identify the needs in certain communities. This has also been at the request of councils, to help them to resolve those matters.

As I have mentioned publicly, and I reaffirm today, I have not made a decision to fast-track this project at all. The project has not been fast-tracked and will not be fast-tracked. This project will undergo the normal public process through which any rezoning occurs in relation to any land. If the council, being the relevant authority in this matter, decides to seek to have the land rezoned, as I announced yesterday that matter will be dealt with through the secretary and not by me.

Again I make this point to the opposition: when you cannot kick goals, you play the man and not the ball. This is what we have seen time and again from this opposition. Play the man and not the ball — because at the end of the day the opposition does not have a game plan, and I also make this point again: Mr Guy is wrong; he is wrong on all fronts and should apologise to this chamber; he should apologise to the public — and he should apologise today.

**Mr D. Davis** — On a point of order, President, the minister is back to his old technique of attacking the opposition rather than answering the question. I seek a ruling that he respond to the question rather than attack the opposition.

**The PRESIDENT** — Order! As the house well knows, it is entirely a matter for the minister to answer the question in the way that he or she feels fit, as long as it is relevant to the question that was asked and is not overtly criticising either the opposition or the individual asking the question. I see no reason to rule the point of order in; therefore it is ruled out. The minister has completed his answer.

*Supplementary question*

**Mr GUY** (Northern Metropolitan) — I again note for the information of the minister and the house that in the minister's language sending a project to a priority development panel (PDP) constitutes a development fast-track. Given that the minister has stated that any future decisions on this development will be made by the secretary of his department because the minister has a conflict of interest, I ask: how can Victorians have confidence that the last two decisions made on this project have been made by the minister who now acknowledges that he has a conflict and that they were made in a fully transparent manner?

**Hon. J. M. MADDEN** (Minister for Planning) — I repeat: Mr Guy is wrong on all fronts. I have not made a decision in relation to this land rezoning.

**Mr Guy** — No, you are wrong. You set it up. It went to a PDP — that is the fast-track. You say it is the fast-track.

**Hon. J. M. MADDEN** — I take up the unruly interjection from the unruly — —

**The PRESIDENT** — Order! Mr Madden will not take up the interjection; just answer the question with relevance. Members on my left should allow the minister to be heard.

**Hon. J. M. MADDEN** — Thank you very much, President. I repeat my previous answer that the PDP — the priority development panel — was asked and requested by the Moyne and Warrnambool councils to assist in identifying land which could be used for industrial purposes because it was identified not only by those shires but also by Regional Development Victoria that there was a shortfall in industrial land in the relevant council areas. The priority development panel was given the task of trying to identify some land that would appropriately suit both councils. There was no land identified by this minister; it was identified by the priority development panel and the relevant councils.

As part of that process, as I have said, the council has sought for me to call in or fast-track this project in relation to designating and rezoning it. I have said back to the council that I want it to go through the full and proper public process in relation to the rezoning, as should be the case.

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — Again I say that the opposition's interjections, the opposition's comments

and the opposition's angle on this are wrong. Not only are they wrong, they are wrong big time.

I go to Mr Guy's press release of yesterday. On a number of fronts he is wrong in this press release, because he said I have rezoned the land. He says, basically, that I have approved it. I have not.

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — I take up Mr Guy's interjection. Which part of the press release don't you want?

**Mr Guy** — Read it word for word.

**Hon. J. M. MADDEN** — I will read it, and I will read it here. It says that the minister has approved a planning — —

**Mr Guy** interjected.

**Hon. J. M. MADDEN** — You are wrong, Mr Guy, because — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — You have been caught out, Mr Guy.

**The PRESIDENT** — Order! Mr Guy and Minister Madden, through the Chair.

**Hon. J. M. MADDEN** — I go further on with this. What he says here is that the owner of the land was seeking for it to be fast-tracked. He was not, or they were not, asking for it to be fast-tracked. Let me make this point very clear. Who asked for the land to be fast-tracked? The council asked for the land to be fast-tracked, and I said no. Mr Guy is wrong on all fronts. He can scamper about and make all the juvenile comments he wants in relation to this — he can back off from this — but it proves that Mr Guy and the opposition will say anything or do anything to slur anybody's reputation. Again the opposition is overreaching and overstepping the mark.

*Honourable members interjecting.*

**The PRESIDENT** — Order! As a matter of consistency with my previous rulings I would ask the minister to withdraw those last few comments about Mr Guy. I do not think they were appropriate. They were certainly argumentative, to say the least, and I believe they were overtly critical.

**Hon. J. M. MADDEN** — I am happy to withdraw them, President.

**Information and communications technology:  
national broadband network**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Information and Communication Technology, Mr Lenders. Can the minister update the house on the progress of the national broadband network, and can he identify any threats to the project?

**Mr LENDERS** (Minister for Information and Communication Technology) — I thank Mr Tee for his question and his interest in the national broadband network (NBN) and how it will have the capacity to transform the lives of Victorian citizens, businesses and communities as the most significant infrastructure program of this decade. The NBN is a proposal to roll out fibre-to-the-home or business premises across the entirety of Australia to 90 per cent of properties and for those 10 per cent that do not have fibre-to-the-premises, either wireless or satellite. We are talking of 100 megabits per second for the speed at which this broadband will go, which will transform what people can do. It has been described by many as the biggest infrastructure program since the Snowy hydro scheme. This is one of those examples where a federal Labor government, in investing the resources at its disposal in partnership with the states, is making a profound infrastructure difference to Victorian and Australian communities.

It is worth looking at what has already happened since the Prime Minister and Senator Conroy announced this proposal. We have already seen five first-release sites across Australia, including 2600 premises in Brunswick in Victoria, which are pilot programs where fibre-to-the-premises is actually rolling out today. This is making a profound difference in those homes in what it does for individuals, in the capacity for education and for health, and even for small businesses — and those opposite who claim to be the voice of small business will know that high-speed broadband will save a small business on average \$5000 a year. There will be a cost saving of \$5000 a year to a small business with this high-speed broadband-to-the premises coming into place. These are profound changes going forward.

It is ironic that the most strident critics of this scheme actually come from the party that provided the first minister for multimedia in the world, Alan Stockdale. We have the Liberal Party now attacking the national broadband network. If Alan Stockdale, the federal president of the Liberal Party, was in his grave, he would be rolling at an incredible rate in shame at the fact that his own party is now attacking the very scheme that he claimed and foresaw. It is truly ironic

that the highlight of the 1999 election campaign was jeff.com.

**Ms Pennicuik** — On a point of order, I listened to the question and was a bit bemused at the question being outside the minister's portfolio and in fact a federal responsibility. I have been listening to the minister's answer, and so far I have heard him refer to the Prime Minister and Senator Conroy. I ask whether this is in fact a question the minister should be answering and what it has to do with his state ministerial responsibilities.

**The PRESIDENT** — Order! I have to say I would be more than a little surprised if the question from Mr Tee did not relate to the area of responsibility of the Minister for Information and Communication Technology. The fact is that when there is that crossover of state and federal responsibilities it is well within the scope of the minister here to answer questions relative to his area of responsibilities. There is no point of order.

**Mr Drum** — On a point of order, President.

**The PRESIDENT** — Order! On my ruling?

**Mr Drum** — No, on a further point of order.

**The PRESIDENT** — Order! On my ruling on this subject?

**Mr Drum** — No, on a separate point of order. Is the Treasurer available for questions on the failed pink batts program?

**The PRESIDENT** — Order! I do not know how Mr Drum believes this could possibly be a point of order, but I will give him a little licence in recognition of his exuberance. However, it is clearly not a point of order.

**Mr LENDERS** — I note Ms Pennicuik's intervention to protect the Liberal Party from scrutiny and that it is part of the general blue-green algal bloom situation that we have.

As far as my portfolio goes, the interface between federal and state information and communications technology (ICT) is critical, whether it be the backhaul, which I am happy to speak to this chamber about, where the state government invests in backhaul in this particular area, or whether it be even on the Brunswick project, where the commonwealth is investing, where there is a constant interface between state and federal governments to enable the federal broadband to roll out

in areas that overlap considerably with state law and regulation in a number of areas.

We go back to my premise that Victoria led the world — and it hurts me to say this — under the leadership of Alan Stockdale in having the first multimedia minister on this planet. Now we have, even bigger and far better than anything Alan Stockdale ever dreamed of, a national broadband network rollout by federal Labor supported by state Labor which will transform the lives of every citizen in this state — and there is no hyperbole there.

Access to the broadband will make an extraordinary difference, yet we have an opposition that mocks it and belittles it. Now Tony Smith, the federal shadow minister, says he will not proceed with the national broadband network if there is a change of federal government. For Victorian businesses, for Victorian citizens, for Victorian local government and for everybody in Victoria that is a very frightening prospect due to the financial burden it will be put on the state of Victoria if we seek to replicate that infrastructure the federal Labor government has brought forward.

I am delighted that the NBN is rolling out. I am delighted that the NBN is rolling out in Brunswick, which Mr Barber would hopefully appreciate, it being in the middle of his electorate, right now. The state has facilitated this, the state has put in backhaul, the state has worked on industry development, and the state is working to get the national operating centre, the national broadband headquarters and all these ICT jobs to Victoria.

The broadband network by itself will create 25 000 jobs per year across Australia as part of the rollout, whether they be jobs for plumbers, jobs for electricians or jobs for small business. I am delighted to say to Mr Tee that the NBN is rolling out. We are seeing houses and businesses in Victoria today being the beneficiaries of it. Every Victorian will benefit. It is a great Labor initiative. We are shoulder to shoulder with the federal government. It is such a pity that the party of Alan Stockdale has turned its back on ICT.

### **Planning: Warrnambool development**

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Minister for Planning. Given the minister's clear and admitted conflict of interest and the potential for further corruption of the planning process in Victoria through the minister's special tracking of his cousin's land at Warrnambool, I ask: will the minister appoint an independent probity auditor to report

publicly on the entire process, including the actions of the department, his office and himself?

**Mr Leane** — You should resign, Davis. Make 99 per cent of the chamber happy!

**The PRESIDENT** — Order! Mr Leane is aware of my previous rulings about the way he addresses people in this chamber whilst they are on their feet. Mr Leane's referring to Mr David Davis as 'Davis' is totally inappropriate. I ask him to withdraw.

**Mr Leane** — I am happy to withdraw, President.

**Hon. J. M. MADDEN** (Minister for Planning) — I make this point very clear to opposition members: not only were they wrong in their press release on these matters, they are wrong again today. They are wrong on a number of fronts, because this — —

**Mr D. Davis** — On a point of order, President, the question is quite specific: will the minister appoint a probity auditor? It is not an opportunity to attack the opposition.

**The PRESIDENT** — Order! Mr Davis knows full well that that is not a point of order. The minister has just started to answer Mr Davis's question. As I have said previously, if the minister decides to answer a question, he can do so in the way he sees fit or appropriate, so long as the answer is relevant. I will wait to hear the rest of his answer to see whether it is in fact relevant.

**Hon. J. M. MADDEN** — Again I say to opposition members: they are wrong. The premise of their question is wrong. Their press release is wrong.

**The PRESIDENT** — Order! I am sorry to interrupt the minister, but I just noticed someone in the gallery who I think may have been taking a photo. That is totally inappropriate.

**Hon. J. M. MADDEN** — I make this point to opposition members: the premise of their question is wrong. Their press release is wrong. The assertions they make are wrong. They are wrong. They should apologise; they should apologise now; they should apologise today.

### *Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — My supplementary to the minister is very simple. The fact is that this piece of land is owned by his cousin, and he has made potential decisions there. I therefore ask him again: to assist the public and ensure that there is

transparency and confidence in our planning system, will he appoint a probity auditor?

**Mr Viney** — On a point of order of, President, these questions and the preambles to these questions are making allegations about the minister which in my view are only able to be made in this house by a substantive motion.

**The PRESIDENT** — Order! In reference to Mr Viney's point, if an allegation is made or something that is unacceptable to a member is said whilst the member is in this chamber, they are able to defend themselves and object themselves. It is not up to someone else — unless the minister in this instance did not hear it. I assume he did, because everyone else did.

**Hon. J. M. MADDEN** (Minister for Planning) — Again I say to opposition members: their premise, their argument, is absolutely and comprehensively wrong.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I say to the opposition: you are wrong and you should apologise to the public now and today.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I think we are all aware that the cameras are here, but this is starting to really get out of control, and I am not particularly comfortable. Some people will be going for an early lunch if it continues.

**Hon. J. M. MADDEN** — Opposition members are wrong, and they should apologise today.

### **Regional and rural Victoria: population growth**

**Ms DARVENIZA** (Northern Victoria) — My question is to the Treasurer, John Lenders. I ask the Treasurer to update the house on the recent growth in regional Victoria's population and also to elaborate on the extent to which this growth can be attributed to the Brumby Labor government's commitment to providing services to regional Victoria.

**Mr LENDERS** (Treasurer) — I thank Ms Darveniza for her question and for her passion for regional Victoria and for growing jobs and population in regional Victoria.

Population is an issue of some debate in our community, and it is a legitimate community debate. However, I know one thing: a population growth of 1.6 per cent across regional Victoria is welcomed across regional Victoria. Having grown up in Gippsland

in a small dairying town on the edge of the Latrobe Valley, having seen the Latrobe Valley shrink in population during the dreadful years of the Kennett government when jobs were slashed and people left the state, especially young people, and having seen unemployment rise and a decline in the population, I know that rural communities welcome population growth. I am delighted to say to Ms Darveniza that across regional Victoria population has been growing. In the year 2008–09 we saw a 1.6 per cent population growth across regional Victoria, and we saw that growth in areas near and dear to her in her electorate.

If we want to paint the picture of why this is important to regional Victoria, we need only to go to any small town in regional Victoria to see the difference population makes. I have responded in this house before about some of the home starts in towns. There might be 10 houses, there might be 20 houses, there might be 30 houses in a regional centre, but every house is another family that lives in that centre. Every house is another person who contributes to the local school community, another person who contributes to the Country Fire Authority, another person who adds to the netball team, another person who adds to the football team, another person who builds on community in that regional area. Every person who moves into a small town or a regional community is another consumer at the supermarket, another patron at the hotel, another participant in a church congregation. Growth in rural communities has been called for for decades, and growth in rural communities is something that this government takes extraordinary pride in.

Ms Darveniza asked by what actions by this state government had made a difference. There are multiple actions. One is an attitudinal position. We believe regional Victoria matters — whether it be the Small Towns Fund or the Regional Infrastructure Development Fund, which the Liberal-Nationals voted against.

*Honourable members interjecting.*

**The PRESIDENT** — Order! If Ms Broad and Mr Drum want to have a conversation, they are more than entitled to have it, but not in here. If they want to continue, they should go outside the chamber.

**Mr LENDERS** — Those programs — the Small Towns Fund, which is an initiative of the Bracks and Brumby governments, and the Regional Infrastructure Development Fund, which is an initiative of the government — make differences in these communities. They build communities, build infrastructure and encourage people to go to those areas.

The government's policy of rebuilding small rural schools has added to regional communities. I can remember going out to Gippsland to a small town that had had a mechanics institute brought there on a bullock dray 140 years ago — that was the school. This government built a new school in the area. We have invested in rural communities, and these go forward.

But there is more than that. There is also the issue of providing services to communities and providing the transport, such as the regional fast rail, which this government invested in and which opposition members mocked. It is interesting that they mocked it eight years ago, because now they are saying there are not enough carriages on the line. It is amazing how they will try to be all things to all people.

In Ms Darveniza's home town we have the investment in the food bowl modernisation project, the most significant investment in capital works in irrigation since the days of Elwood Mead, the original chair of the State Rivers and Water Supply Commission, whom Mr Drum and I talk about quite often. We often talk about Mr Mead. I must give him my wife's thesis so he can read about what Elwood Mead did. The greatest thing since that time has been this government's investment in the food bowl alliance. Elwood Mead was right in one thing. He said the Country Party was the only scourge worse than the rabbit, so I agree with Elwood Mead. We have invested in the food bowl and we have invested in rail, in roads and in schools.

**Mr Finn** interjected.

**Mr LENDERS** — What I will say to Mr Finn is that the first chairman of the State Rivers and Water Supply Commission, Elwood Mead, said the only scourge worse than the rabbit in the state of Victoria was the Country Party, and I think that is one of the wisest things said by any public official in a long, long time.

We have invested in resources, we have invested in infrastructure and we have invested in people, and this has delivered a bonus to regional Victoria of growth in our small towns, which has stabilised communities. These are the things that make this state a much better place to live, work and raise a family.

### **Planning: Chirnside Park development**

**Mr ATKINSON** (Eastern Metropolitan) — My question without notice is to the Minister for Planning. What were the criteria on which the minister called in a planning application by KFT Investments for a gaming venue with up to 70 poker machines at Chirnside Park?

**Hon. J. M. MADDEN** (Minister for Planning) — I am happy to take the details of the question on notice. However, if it relates to the broader issues around Chirnside Park and some of the developments there, if I recall more specifically the issues around the golf course — and I think that is what Mr Atkinson is alluding to here, the golf course development — there are two issues that need to be resolved around the Chirnside Park development, and I make this point very clear. Whilst Mr Atkinson would like to make out that it is specifically a gaming licence or entitlement, let us extend the answer to what the project relates to more specifically. If it is the project that I believe Mr Atkinson is alluding to, it is more about housing development and more specifically around the development which has needed to occur on what is a pre-existing golf course, which will be — —

**Mr Atkinson** interjected.

**Hon. J. M. MADDEN** — If the question is around the Chirnside Park golf course — —

**Mr Atkinson** — On a point of order, President, the minister seems to have trouble understanding what question I asked, so I would be happy to ask it again so that he is quite conversant with what the question is.

**The PRESIDENT** — Order! I think Mr Atkinson is pretty much aware that that is not in fact a point of order.

**Hon. J. M. MADDEN** — I welcome Mr Atkinson's question. I welcome it because if he is seeking specifics around the potential gaming venue in this development, I am happy to give him — and take on notice — the details about that venue, as it relates more specifically to the minister responsible for gaming and licensing. If it relates to my call-in of the Chirnside Park rezoning, I am happy to speak to that more broadly, and that is what I think Mr Atkinson should be more focused on in relation to the question he asked. But of course he would want to skew the truth by making out that here is a minister who has reached in for a gaming operator's licence and handed it to the gaming operator. I do not believe that is the case at all.

Again we see here in the question from Mr Atkinson, as we have seen in the question from Mr Davis, as we have seen in the question from Mr Guy, assertions which are comprehensively and absolutely wrong. I will go on to answer this question. What I have done — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — If more specifically he is relating this one single issue to the broader issue of the rezoning of the Chirnside Park Country Club site, then I am happy to go into that in more detail. What I am saying here is that the Chirnside Park Country Club site has been rezoned, but it needed to be rezoned only after the resolution of matters about where the Chirnside Park Country Club or the golf club would be relocated. There were two matters that needed to be resolved. One was what would happen to the existing site and the other was that the site could not be rezoned or potentially developed until a decision was made on the site for the relocation of the Chirnside Park Country Club.

I believe Mr Atkinson has failed to identify this in the context of the broader rezoning. The rezoning of land outside the urban growth boundary to allow for the country club to be located there is part of a planning permit process. I would assume that when Mr Atkinson refers to a gambling licence that is necessary for the country club relocation, then that is the one he is alluding to, which is part of that planning permit process.

In relation to Mr Atkinson's question, if the country club is to be relocated, and it already has pre-existing gaming licences, no doubt the issues about relocating those gaming licences to the new venue will be a considerable matter that needs to be assessed as part of the planning permit process. As well as that, no doubt it will need to be secured through the liquor licensing arrangements, which relate more specifically to another minister.

I do not make the decisions around liquor licensing or gaming, but in the application for the new premises I believe the applicants would need to go through that respective minister and through the liquor licensing and gaming boards in order to get the final approval for those operations and those licences at what might be the new venue for the country club.

The premise of Mr Atkinson's question is mischievous. It is as mischievous as the last question we had from members of the opposition. Time and again the opposition will say anything and do anything to try to score points.

*Supplementary question*

**Mr ATKINSON** (Eastern Metropolitan) — I thank the minister for his answer. I note that the Shire of Yarra Ranges was opposed to the development of a new gaming venue at Chirnside Park. It actually had a process in place for assessment, and the minister called

this in. I note that the Shire of Yarra Ranges is also appealing to the Victorian Commission for Gambling Regulation against the issue of a licence for poker machines for this development. I ask the minister: was the fact that the Collingwood Football Club will be the operator of the gaming machines the reason the minister called in this planning application? Was the criterion on this project a free kick for football mates rather than a fair and proper evaluation of the merits of the proposed venue in the interests of the community?

**The PRESIDENT** — Order! The last part of Mr Atkinson's supplementary question — doing favours for Labor mates or football mates — is clearly argumentative. I rule that part out, but the minister can answer the other part if he wishes to.

**Hon. J. M. MADDEN** (Minister for Planning) — I make this point very clear: the Victorian economy is absolutely going gangbusters; it is absolutely booming because what we have in this state is relatively affordable housing by comparison with other jurisdictions. We have job growth unlike anywhere else in the world. We have every opportunity for people to live the sort of life they want around the opportunity for housing, jobs and livability.

We have enormous opportunity here. Why is that opportunity here? It is because of good planning decisions and good economic decisions — and I compliment the Treasurer here in relation to what we have done. I make this point: whilst opposition members might want to criticise the priority development panel, the important element of the priority development panel is that it provides an opportunity to resolve matters where there are stand-offs in relation to resolving very specific, very strategic matters that need to go ahead for the benefit of the broader community.

What we have here in terms of the Chirnside Park rezoning is the opportunity for a golf course to free up its own land for residential development and to move to a better location that provides an opportunity for more members. Yet the opposition is trying to make out that for some reason the Collingwood Football Club might be in my sights and that I might have a close affiliation with the Collingwood Football Club. That again shows the ludicrous nature of the opposition's assertions. In every question opposition members have asked today they are wrong in their assumptions. Not only are they wrong, but they are wrong to the point where they are very close to being untruthful and mischievous, if not absolutely so.

I say that opposition members in this place will say anything in a question, but they will not say it outside on the steps of Parliament House. I find it infuriating that the opposition will ask me questions with the parliamentary licence in this place, but criticising and trying to denigrate the reputations of people — not only this minister but other people in the broader community of high standing. They are prepared to say anything about those people in this place, but they will not say those things outside.

**Mr D. Davis** — On a point of order, President, the minister's task, as he well knows, is to answer questions rather than to overtly attack the opposition. I think that has well and truly fallen into the category.

**The PRESIDENT** — Order! Mr Davis is correct. I do not think the minister was doing so overtly, but I do say that he was certainly argumentative. I remind ministers that in answering questions they should not be argumentative. Is the minister finished?

**Hon. J. M. MADDEN** — No. I draw from the opposition's comments today and the interjections from Mr Atkinson that the opposition asserts that the Collingwood Football Club and Eddie McGuire are corrupt. Is that what they are asserting?

**The PRESIDENT** — Order! Less than 3 minutes ago I ruled that part of the question was out of order as it was argumentative, but the minister is not assisting me by attempting to answer that argumentative part of the question or accusation. There is no point of order, unless the minister wants to raise one now.

**Hon. J. M. MADDEN** — I do raise a point of order, President. Your direction to me was that I could answer both parts of the question if I chose.

**The PRESIDENT** — Order! No, the minister is wrong. I ruled out that part that I deemed to be argumentative, and I explicitly said the minister could answer the other part.

### **Melbourne: livability**

**Ms HUPPERT** (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change, Mr Jennings. Can the minister update the house on any recent announcements that will further ensure that Melbourne maintains its place as one of the world's most livable cities?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Huppert for the question. I would have thought that there was probably no argument about that. Melbourne is one of the

world's most livable cities. I am a bit surprised that those on the opposition benches got up and moaned about the fact that as a community and a government, we, together with local government, the business community and our communities right around Melbourne, are making Melbourne one of the most livable cities in the world. We are continually being assessed independently as one of the most livable cities in the world.

Together with our communities, the local government sector and other people, we should take pride in the city we have created. In fact I call on the opposition to get with the program and not to resist the pride and joy that we have collectively created. Today in terms of keeping that momentum up — —

**Mrs Coote** — Who created?

**Mr JENNINGS** — We have. Obviously Mrs Coote was not actually listening to my answer, because I was very inclusive about who 'we' are. We are the Victorian community in which the government is well grounded and is a part of. In fact we are committed as a government to making sure that we drive the agenda of actually creating ongoing commitment to parks and reserves not only across metropolitan Melbourne but across Victoria.

We have made commitments to establishing 24 parks in our shelf life as a government, and we are continuing to roll out that commitment. Indeed I took the opportunity at the Healthy Parks Healthy People conference this morning — I was up early — to make sure that we continued our commitment. Today we announced the rolling out of \$4.3 million to support the establishment of parks in the western corridor along the western bank of the Werribee River. We will roll out very accessible and appropriate environmental infrastructure along the Werribee River to increase the participation of people in the local community so they can engage with the natural environment by walking and having the opportunity to fish.

*Honourable members interjecting.*

**Mr JENNINGS** — Even Mr Finn would be welcome to come to the western bank of the Werribee River. Indeed Mr Finn should go down there again next weekend, take the family and enjoy the natural environment. We want to make sure, in creating this 230-hectare park that straddles the area from the Maltby bypass to Port Phillip Bay, that it is a park that is very accessible and is supported by the local community. As a government we are committed to that.

We also want to make sure in the northern suburbs — along Merri Creek — that we continue the development of appropriate environmentally sensitive parkland that links communities from Campbellfield to Thomastown and create opportunities for people to traverse the creek with the appropriate development of bridges over the creek. We will open up locations such as the Barry Street gorge, which has been described to me as a hidden treasure of Merri Creek.

I think the more local people can immerse themselves in this wonderful natural environment, the better grounded they will feel. They will feel better connected to their communities, and that will lead to supporting a very inclusive and engaged community in our northern suburbs.

As a government we are committed to rolling out those programs now and into the future. We will continue to support the appropriate establishment of infrastructure — bike paths and access along and through our parklands and along our creeks. We do not believe in asphaltting creeks and putting freeways on them. We are interested in reviving and restoring those environmental values, and we will continue to do that because as a government we understand our connectivity to our community and to our environment, and we are very supportive of our citizens immersing themselves in the rich environment of Melbourne.

**Questions interrupted.**

### **DISTINGUISHED VISITOR**

**The PRESIDENT** — Order! I draw the attention of the house to the presence in the gallery of a former member of the upper house, Mr David Evans. Mr Evans is a former Deputy President who represented the former North Eastern Province. Welcome, Mr Evans.

### **QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

#### **Planning: green wedge zones**

**Mr ATKINSON** (Eastern Metropolitan) — My question is for the Minister for Planning. What is the minister's current policy position on development in the green wedge?

**Hon. J. M. MADDEN** (Minister for Planning) — I could spend quite a lot of time talking about appropriate development in the green wedge areas. I think a similar

question was raised yesterday on the adjournment in relation to some of these matters. Mr O'Donohue was very enthusiastic about the opportunity for three individuals in his community to be able to develop their land in a green wedge zone.

**Mr O'Donohue** — That is not what I said at all.

**Hon. J. M. MADDEN** — The impression I got from Mr O'Donohue's question was that he was very enthusiastic that these individuals have their matters resolved and that they were proposing to develop their land in some way. I am always happy to give clarity around these matters, as I offered to Mr O'Donohue last night. If he is happy to provide me with details about specific proponents or specific individuals who are looking to either enhance what they have on their sites or to take up opportunities that are available on those sites, I am happy to receive information more specifically about what can and what cannot happen.

What is currently happening across a number of these areas is development in consultation with local communities, local councils, local land-holders and specific green wedge management plans for respective areas. We have often heard the opposition say, 'One size does not fit all', and that is very important when it comes to green wedge areas.

What is important here is that there are certain values in each green wedge area that need to be enhanced. Some need to be protected and some need to be complemented in some ways, so I am very conscious that what we need to do in green wedge areas is give land-holders an opportunity to make the most of their land without overdeveloping because those lands are green wedge areas.

Sometimes that is an enhancement of what the land-holders currently might do, whether it is vineyards or some sort of agriculture, or even if it is not doing much but just having a lifestyle property in those areas. I am very conscious that individuals will have different requests and different desires. We need to have a system of management criteria across these areas that complements those needs specific to each of those green wedges.

I am happy to update Mr Atkinson on how those green wedge management plans are progressing. A number of them have been completed. Some are still being worked on by local communities, and I would like to think that before too long we will have all of them completed and we will be able to complement those green wedge management plans with government support in some form or another. Whether it is policy support or

resource support, let us see what those green wedge management plans look like when they are presented to us as a government.

I can say that I am happy to receive information on a case-by-case basis, as Mr O'Donohue pointed out last night, where matters might need to be resolved or clarity given to land-holders as to what opportunities they do have on those parcels of land.

*Supplementary question*

**Mr ATKINSON** (Eastern Metropolitan) — I am particularly interested in the minister's answer. I thank him for that answer. I note that he refers to a case-by-case basis in approaching green wedge policy in future. I note in that context that the minister has approved an amendment to the Manningham City Council's planning scheme without any form of community consultation, notwithstanding what he said about management plans, to facilitate an application to triple the size of the On Luck Chinese nursing home, which is located in the green wedge. I ask the minister: what criteria were used to approve this amendment for a significant development in the green wedge without community consultation, and does he consider this decision and the rationale for it a precedent for other developments in the green wedge?

**Mr Viney** — On a point of order, President, on previous occasions the Chair has ruled that it is inappropriate to have a supplementary question that is precise and specific following a general question. Mr Atkinson's original question was a general question about overall planning policies relating to the green wedge. The minister gave an answer about the overall policies relating to the green wedge, and the supplementary question is a very precise question about a particular project and proposal. I do not believe that is consistent with the rulings of the Chair in relation to the role of supplementary questions.

**Mr ATKINSON** — On the point of order, President, the minister did raise the opportunity in terms of discussing the fact that he would take it on a case-by-case basis. Therefore I have tried to use an example to find out what his criteria are in terms of green wedge policy going forward.

**The PRESIDENT** — Order! I have read previous rulings that pertain to this particular point of order. From what I have read I am inclined to rule out the supplementary question. However, I will review that decision, and if I am of the view that I have got this wrong, I will come back and rectify it. At the minute, the question has been ruled out.

**Mr ATKINSON** — I am prepared to rephrase the question.

**The PRESIDENT** — Order! Not yet.

**Mrs Peulich** — Can we hear it?

**The PRESIDENT** — Order! You can read it. You have got it.

**Planning: Coburg High School site**

**Mr ELASMAR** (Northern Metropolitan) — My question is for the Minister for Planning, the Honourable Justin Madden. Can the minister update the house on the recent planning decision for the redevelopment of the former Coburg High School site?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Elasmars's interest in this matter, not only because this redevelopment is in his region but because I know that he is very enthusiastic about opportunities around the Coburg area and in particular the opportunity to develop more affordable housing in the Coburg principal activity centre.

Coburg is one of those underestimated locations, given the urban renewal that has taken place in many areas in Coburg and also the fact that it is well located in relation to public transport. It fulfils all the criteria not only of Melbourne @ 5 Million but also of the Melbourne 2030 policy. Here we have this great shopping precinct or commercial centre in Coburg that is located on the tramline and close to the rail network, but as well as that we have got the fantastic new bus service, the SmartBus service, that runs through the Coburg area. If you live in that Coburg area, you are well connected when it comes to public transport. Hence I recently approved an amendment to rezone the land at 81A Bell Street and 2–24 Rodda Street, Coburg, and granted a planning permit for a \$250 million housing, office and retail development on the former Coburg High School site. That site has lain dormant for in the order of 12 years.

This new development will incorporate retail and office space with 510 apartments. I understand 255 of those dwellings — half of them — are funded under the national rental affordability scheme, also known as NRAS. This is important not only in providing housing choice and diversity — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — President, I am trying to direct my answer to you at the moment, but a conversation is in progress in front of me. I would have

thought that if Mrs Peulich had some respect, she would have followed the forms of the house, which require members not to stand in front of a member speaking when they are trying to direct their comments to the President. I will continue with my answer.

*Honourable members interjecting.*

**The PRESIDENT** — Order! With reference to the matter raised by the minister, all members here know that when they walk or stand between the Chair and a member speaking they should duck, bow or move down out of the way. I believe Mrs Peulich was actually complying with that requirement. She was leaning over, and I had an uninterrupted view of the minister. I may have had a problem seeing other people who lack the minister's stature. Mrs Peulich might have disturbed the minister, and I accept that, but I believe Mrs Peulich was complying with the requirements of the house.

**Hon. J. M. MADDEN** — Can I also say that sometimes on my part height is a distinct advantage in this place, President. I thank you very much for that guidance. Can I make the point — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — We are sensitive today, aren't we! We are very sensitive. I can stand here and be absolutely poleaxed by comments from the opposition around my integrity time and again and be yelled at by the opposition, but when I raise one sensitive matter about a member getting in the way, the temperature rises.

**Mr Finn** — You are a disgrace!

**Hon. J. M. MADDEN** — And Mr Finn likewise; the temperature suddenly rises. Can I just say we have some prima donnas on the other side of the chamber.

I will continue with my answer and draw us back to the question that was put to me. My decision was in line with the recommendations of an independent panel. Can I say that this development will also provide the opportunity, I understand, for 600 direct and indirect construction jobs. This is a major commercial development that not only complements jobs and housing — affordable housing — in a location in a principal activity centre on a major public transport route but also ticks all the boxes when it comes to Melbourne 2030 and Melbourne @ 5 Million.

We make no apologies for this project. This is a wonderful project. It will allow for 510 one and two-bedroom dwellings and 3000 square metres of office

and retail space as well as car and bicycle parking and landscaping. What is very important about this project is that it offers housing diversity and housing choice on top of more housing and an affordable rental scheme. Again we are very proud of determining and making the appropriate decisions sooner rather than later so that we can not only provide for our growing population but also meet the demand within the existing population for more housing as we move into the future.

### **Minister for Environment and Climate Change: portfolio responsibilities**

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change, and I ask him to detail — with the emphasis on detail — his ministerial responsibilities and accountabilities under the climate change section of his portfolio. I am well aware of the various bits of legislation and departmental programs under the environmental part of his portfolio, but under the climate change part of the portfolio the only law I am aware of that he is responsible for is the climate change bill that we keep hearing about but have not got yet.

**Mr JENNINGS** (Minister for Environment and Climate Change) — I ultimately thank Mr Barber for his question. If he wants a formal response on the delineation of these responsibilities, I would be very happy to meet with him and provide him with a scoping of not only the policy matters that relate to this aspect of the portfolio but the specific programs that fall particularly, but not exclusively, within the purview of Sustainability Victoria.

If you take any program that provides advice and guidance to communities, schools, households or industry about the way in which they can drive adjustment to the transition to reduce their emissions profile, to act more efficiently consistent with the climate change agenda or any of the programs that fall within the Environment Protection Authority, whether they be sustainability covenants, whether they be the industry greenhouse program or the ERIP (emissions reduction incentive program) that is the successor of that program, it falls within the responsibility of the climate change part of my portfolio.

There are many adaptation programs. The Climate Change Adaptation Research Centre has been created through the environment portfolio and deals with coastal management issues in relation to the coastal strategy. Those elements that fall within the requirements for adaptation of our natural environment and of our communities in dealing with climate change

pressures clearly fall within the rubric of climate change.

Beyond this, in terms of dealing with other agencies and the development of government frameworks, I along with the Premier have had the primary carriage of not only the climate change bill that Mr Barber refers to but also the green paper on climate change and the white paper on climate change that the government will be announcing during the course of 2010.

There is a role and responsibility in terms of working with the Premier and the Office of Climate Change on the integration of the state government's responses to climate change matters. The consideration of our position in relation to federal legislation and federal programs and the integration of our own programs in terms of the coordination of those activities are functions that fall within my responsibility. If Mr Barber needs that set out in a way that he can lay his hands on it and feel it as a tangible document, I am happy to provide him with one.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Would the minister be willing to answer questions and have responsibility for those matters described in the green paper itself, including particularly the programs, the directions and the policy levers that it is envisaged that the green paper sets the framework for?

**Mr JENNINGS** (Minister for Environment and Climate Change) — Without necessarily knowing what the scope of those questions may be —

**Mr Barber** — You know what the scope of the green paper is.

**Mr JENNINGS** — I definitely know what the scope of the green paper is, but I do not know what the scope of the questions may be that may then be attributed to those programs and responsibilities. I would have thought my track record is, if anything, one of erring on the side of giving answers on matters that relate to my portfolio responsibilities and the interface they may have with some of the responsibilities of my colleagues. Part of my challenge is to make sure that I know the difference between what I am responsible for and may have some influence over and what is the proper responsibility and accountability of my colleagues in relation to the interface of those programs. I am quite happy to create an opening. If Mr Barber has any opportunities to come in that satisfy the rulings from the Chair, then I am not daunted.

**Manufacturing: SmartBus stock**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on how the Brumby Labor government is supporting the Victorian manufacturing industry by purchasing locally made buses for our public transport system, particularly for the yellow orbital SmartBus route?

**Mrs Coote** — You had better be very careful if we get the same answer we have had before.

**Hon. M. P. PAKULA** (Minister for Public Transport) — Mrs Coote is at it again. I think she is colour deaf, because Mr Somyurek asked me specifically about the yellow orbital SmartBus route.

Last week I was delighted to visit Volgren in Dandenong. As members, particularly those in the South Eastern Metropolitan Region, would know, Volgren is Australia's largest bus manufacturer. I was there to announce that as part of our \$290 million SmartBus program the Brumby government has ordered an additional new fleet of, this time, 26 low-floor buses for the yellow orbital SmartBus 901 route.

The first stage of the yellow orbital SmartBus 901 route is already operating between Frankston and Ringwood, and the route is going to be extended through Blackburn, Greensborough and South Morang out to Melbourne Airport in the early part of 2011. Volgren is a fantastic success story. It is a great example of the ingenuity of our manufacturing sector. It is a company which employs 170 people at our Dandenong factory.

**Mr Finn** — Can you use myki on the buses yet?

**Hon. M. P. PAKULA** — Ask Mr Barber. He might be able to enlighten Mr Finn on something that happened this morning.

Volgren also has more than 700 local suppliers. That means there are even more flow-on benefits for the local economy. As I have indicated in the house before, Volgren has already manufactured 35 new buses at Dandenong for use on the green orbital SmartBus route, and this new order of 26 will see more than 60 new orbital buses alone manufactured by Volgren for the SmartBus network.

SmartBus patronage grew by 20 per cent last year to over 12 million trips. There are now five of those SmartBus routes operating. They are services which run seven days a week, operating on average every 15 minutes on weekdays between 6 o'clock in the morning and 9 o'clock at night and every 30 minutes on

weekends and public holidays with the total hours of operation spanning 5.00 a.m. to midnight on weekdays.

I am proud, and the government is proud, of our commitment to supporting our local, vital manufacturing industry. This latest bus order for Volgren for the yellow orbital SmartBus route is just one of many examples.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 4113, 4114, 4120, 4121, 4134, 4135, 4141, 4142, 4148, 4149, 4155, 4156, 4162, 4163, 4169, 4170, 4176, 4177, 4197, 4198, 7610–12, 7614, 7616, 9160, 9172, 9175, 9566, 9585, 9615, 9633, 9663, 9672, 9674–77, 9680–86, 9689–99, 9701–4, 9718–21, 9723, 9733, 9736, 9781, 9806–93, 9950, 9953, 9954, 9956, 9958, 10 062, 10 136–44, 10 153, 10 169, 10 271, 10 276, 10 292–301, 10 303–7, 10 316–23, 10 432–34, 10 443, 10 445–47, 10 452–54, 10 465, 10 470–73, 10 475, 10 476, 10 478, 10 510, 10 512, 10 516, 10 517, 10 523–29, 10 553, 10 559, 10 564, 10 566, 10 605, 10 607, 10 636, 10 642, 10 647, 10 649, 10 678, 10 690, 10 724, 10 729, 10 731, 10 857, 10 878, 10 883, 10 885–88, 10 890, 10 919, 10 925, 10 927–30, 10 932, 10 934, 10 961, 10 967, 10 969–72, 10 974, 11 003, 11 008, 11 010–12, 11 015, 11 049, 11 058, 11 133, 11 135–37, 11 140, 11 175, 11 182, 11 211, 11 217, 11 224, 11 253, 11 259, 11 266, 11 268, 11 300, 11 307, 11 309, 11 341, 11 343–45, 11 348, 11 350, 11 382, 11 389, 11 391, 11 401–3, 11 407–11, 11 413–21, 11 442, 11 453, 11 455, 11 484, 11 490, 11 495, 11 497, 11 530, 11 532, 11 587, 11 637–56, 11 658, 11 660.

**Sitting suspended 1.08 p.m. until 2.13 p.m.**

## CITY OF HOBSONS BAY: PLANNING SCHEME AMENDMENT

**Debate resumed.**

**Ms HARTLAND** (Western Metropolitan) — Prior to question time I had got up to the part of my speech where I was talking about consultation and what the minister has not done. I was talking about the fact that the council, the local community and also a number of industries have not been consulted. In terms of the port of Melbourne land, the minister has planning control over that land, but there is no evidence that the minister has consulted with the Port of Melbourne Corporation. The shipyard may be a site where there is heavy

industry, but it is tolerated by the existing community, partly because of its place in Williamstown's maritime heritage and partly because so many people work there.

The shipyard employs around 1300 people, including apprentices. Apprentices ensure the development of much-needed skills in the shipbuilding industry. I am concerned that people will move into a new, high-end development, not realising that they are across the road from an industrial site. The developer has told me that 2-bedroom apartments will start at roughly \$600 000; even a bed-sit will cost upwards of \$300 000. People paying that amount of money for a flat off the plan, knowing it has panoramic views of the bay, might be surprised to find they are surrounded by a noisy industrial site with clanging metal, sirens, whistles and, at times, extended working hours with bright lights at night and heavy vehicles entering and exiting the site.

People on the lower levels of the development, whose views will be blocked by the shipyard, will want to increase the value of their investment by making the shipyard disappear. You do not need a crystal ball to forecast that there will be objections by hundreds of new residents, and this will spell the end of the shipyard, the 1300 jobs and the shipbuilding apprentices. I am not saying that there should be no residential use of the woollen mills site and neither are the Williamstown residents. The Save Williamstown group opposes a mix of business and residential use. But we are not deciding the merits of any particular proposal today. What we are deciding is who we trust the most to make the zoning decisions about the site — the minister or the local council.

I would like to pose a question, particularly to members of the coalition who sit to my right. They are very brave when it comes to motions of no confidence in Mr Madden, and they have moved two. But when it comes to planning decisions it would appear to me at this stage that they stand shoulder to shoulder with him. If they vote with the government on this disallowance motion, they are making a motion of confidence in the minister which no amount of posturing will take away — the ALP, the Liberal Party and The Nationals, side by side in their love of many large developers, who seem to have an extraordinary influence over this government.

I would also like Mr Davis to talk about why he has changed his mind, if he has, about rezoning the shipyard as residential. It is a big change from a measure of fear that the shipyard might be rezoned as residential to what appears now to be backing the government in rezoning it. There is nothing to fear from disallowing the rezoning; all that will happen is that

Hobsons Bay council will go back to considering the rezoning application. It will no doubt realise that it lacks the authority to do that. Meanwhile the Minister for Planning might consider honouring Mr Bracks's intention that the government create a strategy plan for the shipyard and that no minister turn the shipyard into residential land without the approval of both houses of the Parliament.

**Mr MURPHY** (Northern Metropolitan) — Here we go with yet another motion in relation to planning and the Minister for Planning.

**Mr Finn** — I wonder why!

**Mr MURPHY** — I stand here today to speak against the motion and, in turn, express my confidence in the manner in which the minister has acted. Only 12 to 18 months ago Victoria and Australia faced a potential significant downturn because of what was known as the global financial crisis that engulfed the world. This government made sure that Victoria became the main port of call when it came to keeping Australia out of recession. It is through the efforts of this minister and this government in making sure that investment and planning decisions are made efficiently and effectively that jobs for Victorians have been generated across the state.

Time and again the opposition parties, particularly the Greens, who seem to be the party of no when it comes to any sort of development or investment in this state, have expressed a want of confidence in this government and its principles on planning and development in Victoria. But as we have seen time and again, and as the Treasurer has said, Victoria is the engine room of the economy and has generated a significant number of jobs to keep Victorian families employed and improve their standard of living, making Victoria the best place to live, work, invest and raise a family.

The member who spoke before me, Ms Hartland, represents the party known as the Greens. One day they are in favour of trees; one day they are in favour of Mobil Petroleum.

**Mr Barber** — You have a great grasp of detail.

**Mr MURPHY** — Ms Hartland got up and spoke in relation to — —

**The PRESIDENT** — Order! Mr Barber's reference to the member on his feet is inappropriate. Given that it is his first transgression in this area, I ask him to withdraw.

**Mr Barber** — I will withdraw.

**Mr MURPHY** — Thank you, President.

Ms Hartland got up to address the fact that it was to Mobil Petroleum that she made the first call in relation to the planning scheme amendment that she is now seeking to have revoked. She mentioned that Mobil is in the Victorian Civil and Administrative Tribunal. If I were in VCAT, I would not want to come up against a multinational corporation like Mobil. To get up and defend Mobil in terms of trying to having this planning scheme amendment revoked to me demonstrates confusion.

The Minister for Planning, in my opinion, has acted in every case in a confident manner that has ensured Victoria continues to generate the jobs that have kept our state out of recession. By doing so, it has made it easier for this government to therefore take a stance to introduce policies that make sure the environment in Victoria is maintained without having to introduce legislation, as other countries and states have had to do, that threatens the environment.

Time and again the Greens represent community protest groups in or just outside inner-city Melbourne. The Greens have become a beacon for many protest groups that, I think, are both using each other. The Greens are using the protest groups, and I believe the protest groups are using the Greens, to try to gain a louder voice in public debate when it comes to these matters.

I express my full confidence in the minister in terms of all his decisions when it comes to ensuring that Victoria continues to generate jobs and keep the economy going. I ask the opposition to seriously consider rejecting the motion before the house.

**Mr GUY** (Northern Metropolitan) — I rise to speak on Ms Hartland's motion to disallow a C75 amendment to the Hobsons Bay planning scheme. From the outset I note a longstanding policy of the coalition which has been not to support disallowance motions in the upper house that relate to individual projects where there is a private project being proposed and where a secondary option is not available. Indeed, we have been very consistent on this for more than 10 years, and in fact before that; while there certainly would be some sympathy toward this issue among some of my colleagues, today we adhere to our longstanding policy in this regard.

It is important to note from the outset that, as Ms Hartland noted, very few people would oppose the rezoning of some of that site to a residential zone. A common theme is that there is the necessity or the ability for some of that site to be zoned residential, and

indeed to allow higher density accommodation, but it should be, from our view, noted that the decision to revoke the amendment, which deals with rezoning alone, will not stop development on the site. There will be a change to the existing use of the site and there will be development on the site.

While that has been acknowledged, it has not been properly put down, or articulated, because it appears to me that some people have given the impression that knocking out the amendment today would prevent any style of accommodation from being built on that site which would constitute medium or high density development. That will not be the case.

One issue on this development that has come to my attention is certainly worth putting on the record from the viewpoint of the coalition, and that is the position taken by two former state premiers against the changes proposed for the location in Williamstown.

I find it interesting, bizarre and hypocritical that former Premier Steve Bracks is campaigning against a high-density development in his own backyard, when the same man appointed Justin Madden as his planning minister. This Minister for Planning has approved, via call-in, more high-density developments in suburbs across Melbourne than any other planning minister in the history of the state. The very Premier who appointed this minister is now campaigning against high-density development of this scale in his own backyard. I find that somewhat hypocritical.

**Mr Finn** — That is called nimbyism, isn't it?

**Mr GUY** — It is massive nimbyism, Mr Finn, and I put this on record with no personal malice towards Mr Bracks, except to say that I am very surprised that the man who appointed Justin Madden as planning minister in Victoria is now saying about the proposed development in Williamstown:

I don't think its going to happen. I think, clearly, with the decision of the minister [and] with the decision making that will happen at council, you'll see a different, more appropriate development and ... that will be the right way to go.

I simply ask this chamber — —

**Mr Barber** — What is more appropriate?

**Mr GUY** — Quite correct, Mr Barber, what is more appropriate development? As I said, this quote came from the man who appointed Justin Madden as the planning minister; the minister who has called in more high-density planning projects across Melbourne than any other planning minister. That the current Labor

member for Williamstown in the other place, Wade Noonan, spoke at rallies to oppose the project — actually went down there and spoke at the local rally to oppose the project, oppose a high-density development, oppose a ministerial call-in on a rezoning — is quite astounding. I wonder if that member has ever raised the matter in his party room? I wonder if that member has ever had the courage to confront the minister and say, 'You are wrong'. This is the decision of his own government.

This is a tactic of Labor members across Victoria on different issues. They position themselves — —

**Mr Barber** — What is your policy?

**Mr GUY** — I will come to mine and I will come to Mr Barber's too in a minute, because the Greens like to be holier-than-thou, but there is one party in this chamber that overwhelmingly supports higher density in all parts of Melbourne — that is, the Greens, who say the urban growth boundary should not be expanded, high-density development should not be built, while knowing that we are thousands of dwellings short in the city then all of a sudden saying, 'Where it suits us, we will now oppose high-density development'. Mr Barber can criticise others but he stands in stark contrast to many others on this side of the chamber who are consistent on planning, in being grossly inconsistent in his views on housing supply for the future. If you give it, you have to learn to take it.

As I said from the very start, at rallies the member for Williamstown has said very clearly that he opposes high-density proposals for this site. The growth areas infrastructure contribution (GAIC) is another example of inconsistency. I simply say to the member for Williamstown and other Labor members who go around the outer suburbs and say, 'I oppose what my government is doing' as if they are quasi-independents: they are not quasi-independents, they are members of the government that is doing just that.

Do these members, such as the member for Yan Yean in the other place, Danielle Green, who opposes the GAIC, and the member for Williamstown in the other place, Wade Noonan, who supposedly opposes this rezoning, get up and support disallowances in the other chamber? Never, but they have the ability to do so. Ms Hartland may disagree with it — in fact, she has put her money where her mouth is and actually put it up. But do the other members who spoke, such as Wade Noonan, do that? No, they do not, because there is no genuine opposition to it by the Labor Party. There should be no pseudo opposition by these pseudo-

independent members who say that they oppose these projects and then get up and support them.

What about the residents of South Yarra and Prahran, who have been subject to developments of close to 40 storeys? Where is the ex-Labor Premier to stand up for them? What about the people in Camberwell, who have just got a call-in for a project at the railway station that they have opposed for years? Whether they are right or wrong about the project is immaterial. Where is the ex-Labor Premier to intervene on their behalf? The ex-Labor premiers instituted — and we should not forget this — the premise of higher density infill development across Melbourne, such as the plan for this one in Williamstown. One of them appointed Justin Madden, the man who is now being pilloried by the Greens with this motion and by others who oppose the project, including the former member for Williamstown. He appointed him and now he is running around saying, 'I think the proposal is wrong'.

I would simply say that the proposal is compliant with the government's Melbourne 2030 plan, which is a plan that we on this side of the house have criticised for eight years. The Greens have not criticised it for eight years and the Labor Party certainly has not criticised it for eight years. We on this side of the house have said that it is a one-size-fits-all policy that does not work across metropolitan Melbourne. We have criticised it for eight years, but no-one else has, and here we have the chickens coming home to roost, just because it is in the backyard of the Labor players in this state.

This Williamstown mafia has been seen to run Victoria for the last 10 years, in a parliamentary sense, an organisational sense and a departmental sense — and a lot of them live out in Williamstown. Now it is in their backyard they arc up and say, 'Not here, do it somewhere else. Do it in Preston, because we don't live there. Go and do it in Camberwell, because we don't live there'. Or it might be in the opposition leader's electorate, so just to upset him we will call it in to create a problem in his backyard. That has been the mentality. But as soon as it is in their own backyards, suddenly there is a major problem. Labor Party members are out there saying, 'This is a project that we don't support'. It is a project that has been put up fairly and squarely, in line with the policy of the day, and that is the policy of the Australian Labor Party.

I am bemused by the opposition to this revocation at a public level by ex and current members of the Australian Labor Party. I notice many of them have gone silent on other parts around the state, and some of them in the south-eastern suburbs who are opposing

development are now going silent because they have realised the hypocrisy of where they stand.

I will say it again. On this side of the house we have serious problems with the planning policy that exists in Victoria. We have stated them from the very start, for eight years. We have clearly stated that we do not want to turn the upper house of Victoria into a responsible authority on every planning matter around the state. If we choose one, then we choose every one of them to deal ourselves in on.

The Barwon Heads bridge — and I have no doubt the Labor Party and others will mention this — was a government development, not a private development. It was a government development that had an alternative, which was recommended by the government's own committee. There was an alternative in this case, which is why for the first time in more than a decade we chose to support a disallowance motion. Similar disallowance motions have been put up by the Greens, and we have not supported them. We have not supported them simply because, and I say it again, we find it a bad precedent to have the upper house of the state of Victoria running every single planning scheme amendment — and we get hundreds each week — where we could be disallowing or having a fight over all of them. We on this side of the house believe that is a job for others involved with the local planning scheme and the local issues. If it has been called in by a minister at a local level, people will have the right to judge that minister and that government in seven months time. And they will have the ability to take on that government at a democratic level — that is, at the next state election.

Our position on this side of the house, while some may like it and some may not like it, has been consistent on all of the rezoning disallowance motions which have been put up by the Greens in the last nearly four years. Our position has been consistent in relation to Melbourne 2030, and it has been consistent on Melbourne @ 5 Million. I take umbrage to some extent at Mr Barber's interjections about why the Liberal Party will not support this. I have stated clearly that this is not the first such amendment and that our position on this style of planning scheme amendment has been consistent. I am happy to have a conversation with anyone at any time about the precedent we have taken and the precedent we do not wish to set.

The Greens may have a different philosophical position to the coalition on this; I respect that and I understand it. I think that would create a dangerous principle for the longer term in this state, whereby we could simply be sitting here every Wednesday deciding planning

scheme amendments around the state of Victoria. I am quite clear that that is not what the people of Victoria have in mind for the Legislative Council. They want it to do more than run around vetoing local planning schemes or decisions of the minister on planning scheme amendments.

In conclusion I simply say that it is not that we on this side are without knowledge or recognition of the current government's disrespect for all issues of planning in Victoria, as they stand today. We are continually raising issues of planning in this state, of the abuse by this government in terms of bullying local communities and of the particularly appalling record of ex-planning ministers. To see that we only have to look at the complete non-involvement of planning ministers Delahunty and Hulls when they held that portfolio — one was more interested in the arts and the other was more interested in other portfolio matters in his responsibility. There was a complete, utter and total hostility towards local communities from someone who does not seem to have much of a social interaction ability — that is, the Deputy Premier, Rob Hulls. When he was planning minister he took it upon himself to actively have a fight with communities, to actively attack communities, to actively attack planning bodies, to actively attack as part of ideological warfare those who sought to not comply with his own development laws. However, we should not be surprised by the bully-boy tactics of the member for Niddrie in the Assembly, Rob Hulls, who does not have much association with Niddrie. We should not have much expectation of Rob Hulls, because he was probably one of the worst planning ministers this state has ever seen. In fact, he may be on a par with the existing minister.

We say on this side of the house that Melbourne 2030 has been a failure. This policy is simply reflective of Melbourne 2030 as implemented by the Bracks Labor government and as continued by the Brumby Labor government. The minister, who was appointed by former Premier Steve Bracks and who still remains in this position — unbelievably and shockingly to many Victorians — is instituting a planning regime that has no respect for local communities across Melbourne's west, north, east, south-east and regional Victoria. However, I simply say that moving disallowance motions of this kind is something the coalition has not supported for more than 10 years. We believe there will be the chance for those people who feel strongly about this situation to have a say at the state election coming up in November. We look forward to planning remaining an issue in Williamstown, as it will across the state leading up to the next state election in November.

**Mr FINN** (Western Metropolitan) — I have to report to the house, as I think has been suggested by Ms Hartland, that there is very real anger in Williamstown. If I were the Minister for Planning I would not be planning a visit to Williamstown any time soon, because he would not be welcome. I do not think that his party will be welcome either for a whole lot longer. Just going on the number of emails that I have received over the last week, taking away the letters about the Equal Opportunity Bill, there is only one issue in this state — that is, this issue in Williamstown.

Given Minister Madden's record in planning, it is not at all surprising that people are very angry. Consultation is not in his vocabulary. He does not know how to talk to people. He does not know how to listen to people. He does not want to know how to listen to people. This is something that has been grating over the last three and a half years and is reaching a crescendo in many parts of Victoria, and Williamstown is most certainly one of those.

The minister has made a rod for his own back in places such as Sunshine, where he approved a now failed development at the Sunshine RSL, a social housing project next to a licensed gaming facility, against the wishes of the local community. The local community was up in arms — in fact, it still is very much up in arms — about that project. Look at what has happened in Camberwell. The people in Camberwell have been fighting the development of their railway station for many a long year and thought they were having some pretty strong success — until Minister Madden came along and knocked that on the head.

It is happening right across the state, so it is not surprising that when we see leaked memos suggesting we have fake consultation processes people are angry. They have every right to be angry; in fact they should be angry that we have a minister here who is clearly taking us all for a ride. I would like the minister to get up in this house this afternoon and tell us candidly — bringing us into his confidence — what his real agenda is. I would like to know, and the people of Williamstown would very much like to know, exactly what is going on in his mind.

There is one message, and it is clear, from Sunshine, from Camberwell, from Williamstown, from Warrnambool — as Mr Guy has pointed out — and from wherever this minister intervenes. Wherever this minister sticks his beak in where it is not wanted he is more than happy to shaft the local community, wherever it is in the state. He does not have a problem with that. That is his policy. He is more than happy to shaft every local community in the state. It has most

certainly happened in this instance in Williamstown. It is important that we ask the question: who will be next? There is some suggestion that it is about to happen in Moonee Valley. There are suggestions from many municipalities around the state that Minister Madden is about to do his little trick and do a number on the local communities of a variety of municipalities across the state.

I have a big question to ask. Where is Wade Noonan, the member for Williamstown, in all of this? He has apparently made it clear that he opposes the project that Minister Madden clearly supports, but he seems to have gone to ground very recently. I think that as a local representative of the Williamstown community it is important that he stand up, if need be with his predecessors Steve Bracks and Joan Kirner, make his views known on this and stand against the government if necessary in support of the people who elected him. I think that is something Wade Noonan should be having a long, thoughtful wonder about.

I do not know how long it has been since you have been to Williamstown, President, but it is a delightful place, truly a beautiful place. If you ever get the opportunity to go there again — and that is a fairly big if — can I suggest that you visit after dark? Before dark also but particularly after dark it has the best view of Melbourne in the metropolitan area.

**Mr Barber** — You would be out in the streets after dark?

**Mr FINN** — In some places, Mr Barber, I certainly would not be, but Williamstown is not one of them. I feel quite safe in Williamstown, although Dr Mukesh Haikerwal was not feeling too safe there about 18 months ago when he was bashed in a park in Williamstown while just going for a walk, as I understand. But that is another issue altogether, which we will get to later in the day if I am not wrong; I do not want to bring on a debate prematurely.

The village atmosphere of Williamstown is an absolute delight, and I always enjoy going there. Indeed I dearly wish I could afford to live there. It is a sensational place indeed. It is an area that has a strong cross-section of all sorts of people, including people who have been there a long time, perhaps since before one had to have a fair whack in the bank to have a chance of buying a property there. It is just a great place to live and a great place to visit. It has a great deal going for it.

In this instance as I suppose in every instance — in any planning process — what we must take into consideration first and foremost are the views of the

locals. That has not happened — again — in this instance. My view on this is very clear and very consistent: no decision should be made unless the Hobsons Bay council and locals are given the ultimate say. I think that is a position that is totally sustainable. It is one I have held from day one in relation to not just this instance but a number of other planning processes that have taken place throughout the western suburbs in the time I have been representing the western metropolitan area. However, in this particular instance I think it is important that Hobsons Bay council and locals be given the final say on what is built on this particular property and how it is developed.

If this motion did that, I would vote for it even if my party told me otherwise. If this motion did that, I would support it, but it does not. This motion will not — I emphasise ‘not’ — give the final say on any development of this site to locals. In fact this motion will take away from the locals as much as Minister Madden does. We have the minister taking power away from the locals quite arbitrarily, and this motion will do much the same sort of thing. That is a great pity.

This is a house of Parliament; it is not a planning authority, and nor should it be. Do we really want people from Ballarat, Bendigo — —

**An honourable member** — Timboon.

**Mr FINN** — Timboon, Geelong, Torquay or Shepparton — do we really want people from across Victoria all having a say in a place that many of them may never have visited? They have missed out there, but many of them may never have visited those areas. I do not think that that is appropriate at all. What we need is a process where the Hobsons Bay City Council and the local community are allowed to have the final say. I can say without hesitation that had Ms Hartland moved a motion which allowed that to happen, I most certainly would have supported it.

We need, as much as is humanly possible, decisions to be made by local people at the coalface. Minister Madden is clearly wrong — not for the first time — but also so is this motion. It will not achieve what some people believe it sets out to achieve, and that is the simple fact of the matter. I have received emails over the last few days, saying, ‘Support this motion because we as local people deserve to have the final say’. This motion will not do that. I wish it did, but it does not, and that is the important point to make here.

I remind the people of Williamstown that Minister Madden is a member of a government that was elected on Greens preferences. The Greens come into the

chamber and see the Labor Party on the other side; there follows a fair bit of back and forth, and they take a bash at each other, but members should remember that at the end of the day they both jump into bed with each other. That is the bottom line.

There never has been and I suggest there never will be a Liberal member of Parliament elected on Greens preferences. Members will have seen the dreadful untruths that have been told by the Greens and the Labor Party in Tasmania recently; we know what will happen down there.

Before the 2002 election I remember how Melbourne 2030 was cobbled together by the Labor Party in the hope of, I suppose, being an enticement to invite the Greens along to their political bedroom, and the Greens were very keen on the idea; in fact there was a massive landslide to this government on the back of Greens preferences; that happened again in 2006. Will people fall for it a third time? Will people such as those in Williamstown vote for candidates who want them to have a say, or will they play these games that the Labor Party and the Greens have been involved in now for some years?

There is only one way that the people of Williamstown or of any other municipality in this state can have a say or can ensure they have a say and that is by voting Liberal this November. That is the clear-cut fact of the matter; there is no way around it. If you vote for the Greens, you are going to get Labor. If you vote for Labor, you are going to get Labor. Either way you are going to get a minister who is going to tell you what you should be doing, who will not listen to you, and who will not want to listen to you. I suggest that the definition of insanity that I often quote is true — that is, those who do the same thing the same way over and over again and expect a different result are indeed insane.

What we need here is a major change, but not in this chamber today; we need it in November. Today's motion will not change anything. The only way the people of Williamstown can ensure that they have a say in what is happening in their own community is to vote for their local Liberal candidate — and, might I say, their upper house candidates as well — at November's state election.

I do believe in power to the people, but I believe it is very sad that this motion does not or will not achieve that. I wish it would; then I would support it. But it does not, so I cannot support it.

**Mr KAVANAGH** (Western Victoria) — I would like to say a few words before voting on this motion moved by Ms Hartland. As Mr Finn and other speakers have said, Williamstown is indeed a beautiful place with a lot of character and beautiful views. Mr Finn said he would like to be rich enough to live there. I would like to be rich enough to park a car there for half an hour. It has, I think, the most expensive car parking in Australia and the rapacious council wants the money paid through the parking meters until midnight in the main street of Williamstown.

We have heard a lot of talk about the merits of the development. I do not know that we are really in a position to judge in this chamber the actual merits of the development.

We have also had re-examination of the character of the Minister for Planning, which strikes me as a little bit unnecessary. Mr Finn, celebrating his birthday today, went to town on the minister again. This seems to be a pretty common occurrence these days: anyone not in the ALP walks into this chamber and gives Mr Madden a bit of a kick. I do not think this is about Mr Madden's character; I think it is about democratic processes. Although I am not able to judge the merits of the development, it does seem as though the people of Williamstown have not had their say. Mr Finn says the final say should be theirs. I am not sure that that is true, but certainly they should be given every opportunity to be heard, even if what they say does not eventually determine the outcome.

Certainly the City of Hobsons Bay should be in a position to decide the matter and, unlike Mr Finn, I do not think this motion could not achieve that result. Ms Hartland tells me, and I accept her assurances, that that is the purpose of the motion, and on that basis I am happy to support Ms Hartland's motion to disallow that approval.

**Mr EIDEH** (Western Metropolitan) — I rise to support the Minister for Planning, the Honourable Justin Madden, on his decision to intervene and rezone the former Port Phillip Woollen Mills site at Nelson Place in Williamstown from Industrial 1, Industrial 3 to a Residential 1 Zone in the Hobsons Bay planning scheme.

The request to rezone the land has been with Hobsons Bay council for approximately 12 months. In fact, the Hobsons Bay Industrial Land Management Strategy in June 2008 identified the site as a 'strategic' redevelopment area and supported the rezoning from industrial to residential.

I am pleased to learn that the minister will establish an independent advisory committee which will provide advice on the most appropriate form and content of design and development controls to apply to the site.

Some members of the community have raised concerns regarding this matter. The advisory committee will consult with council, the community and key landowners, including the Port of Melbourne Corporation, as part of forming its advice to the minister. Therefore I congratulate the minister for taking this positive action to secure the future of the site as a residential area.

**Mr ATKINSON** (Eastern Metropolitan) — I rise to make a brief contribution on this motion moved by Ms Hartland. I have to say that no doubt like a number of my colleagues, there is some sympathy for the proposition that she puts, particularly on behalf of residents who have also provided some information to me directly, and to some of my colleagues.

I have had the opportunity of discussing this proposal with both Mr Guy and Mr Finn, and I know that there is certainly a degree of empathy with the residents who are very clearly concerned, as indeed is the municipality, about the Minister for Planning's approach in dealing with this particular development. Unfortunately his approach is part of an inconsistent yet consistent approach to planning matters in this state.

In question time today I asked about the On Luck retirement village in the green wedge out in the Donvale area. I might add that, because the minister ascribed all sorts of mischief to what that question was about, the reality is that the question was simply about trying to establish, as I have tried to do with a series of questions over the past few weeks, what criteria this minister is using for making decisions, particularly for calling in projects and for truncating community consultation.

In the case of the On Luck proposal, which I mentioned in question time, I would hasten to say that I am not opposed to that development, and I recognise the importance of retirement and aged-care facilities in our community. I recognise the increased demand for them, and I recognise, particularly in the case of a project like On Luck, the importance of having projects that are culturally sensitive and which actually respond to the needs of people from different ethnic backgrounds who have experiences that need to be considered as they go into an aged-care facility.

That project and many others, particularly the one that is the subject of this motion today, are forming part of

this pattern by this minister of calling in projects. The concern for the community is that there is no apparent criteria other than that the minister thinks it is a good idea to call in certain ones and not others. Occasionally the minister has suggested that the criteria is jobs. It does not matter whether it is a development at the woollen mills, a development such as at Bunnings Warehouse or a residential care development in the southern suburbs that has not been called in: they are all about jobs. Every one of those projects creates jobs, so jobs ought not, by itself, be the criteria.

This minister says the reason he advances many of these projects is because of the global financial crisis and the need to stimulate the Victorian economy. He ought to talk to his mate two doors along, because the Treasurer tells us the global financial crisis is over and boasts about what this government has done to quarantine the Victorian economy from it. That criterion the minister uses in calling in these projects does not seem to stand up to attention or scrutiny either.

I have some empathy with Ms Hartland's position on this project, because I share her frustration about people being locked out of the consultation phases of these projects, of not having an opportunity to have their say on major projects in their communities, because the minister calls them in in a truncated process with panels that are working towards a government agenda rather than community needs or desires — that is, a community aspiration agenda. All too often the processes by which the community is consulted are unrealistically short in terms of the time frames.

My party has considered this one carefully. In the discussions I have had with Mr Finn and Mr Guy about this project at the woollen mills and even from the correspondence that has been sent directly to me from people affected by this project, it seems that there is no argument about a rezoning per se. The argument is about what is to follow, what is going to be the scale and type of the development and what is going to happen in this community.

It is not the rezoning as such that is a problem, because I think most people would be keen to see a change from the industrial use to a residential use — hopefully, as part of that, there would be regard to open space and other amenity considerations for the local community — but it is the scale of the development that then becomes the issue.

The Liberal Party has traditionally not opposed rezoning applications or decisions that come before the Parliament. In many ways it is because of what Mr Finn touched on. I did not have the opportunity to listen to

Mr Guy in this debate, but no doubt he would have made the same point — that is, we have not reversed those because it is believed that the planning processes, if they have the full integrity that they ought to have, are more able to effectively evaluate and determine a proper decision in regard to the use of a piece of land, taking into account local community interests and concerns, than a house of Parliament might.

The exception to the rule is the Barwon River bridge. This house determined a different position to an amendment previously determined by the minister. In that case the project was a government-initiated project rather than a developer project. In other words, it was the government making the umpire's decision on its own project; it was captain and umpire.

In that instance there was very clearly an alternative project or an alternative proposition that was available which met and was far more responsive to the community's needs and interests. On that occasion therefore the Liberal Party was prepared to support a disallowance motion, but as a rule the Liberal Party regards disallowance motions as a very significant step in terms of where the Parliament should go in intervening in the planning processes.

We are not a planning body, but there is no doubt that we share some of the frustration that I think has brought this motion to the Parliament today from Ms Hartland on behalf of her constituents. That frustration is about the inconsistency of the minister in so many planning issues, like the On Luck decision, the Windsor Hotel decision and some of the retail projects I have raised in question time over the last couple of weeks. As I have said, once you start picking winners by calling some in and leaving some out, you are opening up the whole process to a real cynicism and concern in the community about where that leads to. As I have also said, starting to pick winners inevitably leads to corruption of one sort or another. It may not lead to the corruption of an individual, but it may mean that somebody comes in with a cheque for the government party because the government may be able to fast-track a development. Those sorts of attitudes potentially sneak into the system.

We do not need that; we have had and we have a clean and effective planning system in Victoria, but under this minister the system is increasingly letting people down. People are becoming increasingly aggravated by the fact that they are missing out on having a say in developments and are being denied a voice because the consultation processes are being truncated or manipulated in such a way that community concerns

are not part of the deliberations — other dynamics are at play.

In this case, because the concerns that have been expressed to me are more about the type and scale of the future development rather than the rezoning in its own right, it is not appropriate that the house pass this disallowance motion on the zoning. However, I put the minister on notice: the development plans that will be promulgated for this site under a rezoning had better go before the community for rigorous consultation. The Hobsons Bay City Council had better have every opportunity to express its views in regard to this development, or woe betide the minister. The community should not be blocked out of these planning decisions; it must have access to them, and it must be able to express its concerns. Indeed in some cases the community must be able to express ideas that lead to better developments and certainly to developments that are more harmonious with their communities. That is what we want to see, and I hope this minister recognises that as the development aspects of this project come forward following any rezoning.

**Mr BARBER** (Northern Metropolitan) — As always the wisdom of Mr Kavanagh knows no bounds, because he is the only member who has been able to come in here in response to Ms Hartland's invitation and say what this motion is about. This is about the merits of the development. Ms Hartland spent a considerable amount of time laying out the planning issues at stake, and only Mr Eideh responded by discussing the planning issues. The other members who came in talked about the politics, and I think I should respond in that way, because I do not think I need to add anything to what Ms Hartland said about the planning issues at stake.

Mr Finn completely disingenuously said he thought the community should have the final say.

**Mr Finn** — Absolutely and totally.

**Mr BARBER** — The community via the Hobsons Bay City Council has had its final say on this proposal. The City of Hobsons Bay received a proposal for a rezoning from a developer, considered it extensively, asked for more information from the developer on the proposal — and not just more information generally, but more information in relation to what was a key checklist of issues — and then when the developer did not get what it wanted and went off to the minister, the council said, 'Fair enough. We are not going to initiate a rezoning process on your proposal', because it is a spot rezoning. It is the rezoning of a piece of land with a particular proposal attached to it. The City of Hobsons

Bay had its final say and the minister is now seeking to override it. From here on in the minister will be the decision-maker because he has already appointed a panel to advise him on what he will ultimately approve for the site.

Much as Mr Finn might like to duck and weave and bring in all sorts of other issues, at the end of the day there are only two options: either the minister is going to have the final say or Hobsons Bay City Council is going to have the final say. There is no third way here; it is one of those two. This is the point where this chamber tells the minister he is not going to have the final say and that he is going to have to go back and allow the council to pick up where it left off when the developer seeks a rezoning for this site, and no doubt other associated controls, to push forward with its development.

Then Mr Finn brought in various other issues around the Greens preferencing Labor and so forth. Mr Finn needs to go back and check the Liberal Party's group voting ticket for Western Metropolitan Region at the last election, because the Liberals preferenced the Labor Party there.

**Mr Finn** — Go through every seat.

**Mr BARBER** — Okay.

**Mr Finn** — Tell us how many seats the Liberals won on Greens preferences? How many seats? Come on!

**Mr BARBER** — It was the luck of the draw that Ms Hartland got elected by 127 votes, but in any other circumstance the Liberal Party preferences in Western Metro and all other seats, bar a few in the inner city lower house, went to the Labor Party at the last election.

**Mr Guy** — Don't you talk about preferences!

**Mr BARBER** — Okay. We are talking about preferences, and now we have talked about them, so there you go.

What the Liberals have done today by announcing their support for this amendment is vote for a motion of confidence in the Minister for Planning. The Minister for Planning will already be smiling to know that the Liberal Party is expressing complete confidence in the Minister for Planning to make a decision on this matter.

*Honourable members interjecting.*

**Mr BARBER** — Opposition members' credibility is in shreds on this. They have moved not one but two motions of no confidence in the Minister for Planning in this place. When those motions came up, how many coalition members lined up to speak on how they had no confidence in the Minister for Planning? I will list them. Mr David Davis, Mr Guy, Mr Hall, Mr Finn, Mrs Peulich, Ms Lovell, Mrs Kronberg, Mr Atkinson, Mr Vogels, Mr Philip Davis, Mr Dalla-Riva and Mr Koch spent hours and hours in this place yelling at the top of their lungs about how they had no confidence in this minister.

In the first instance, in relation to the operation of Mr Madden's electorate office, Mr Finn described it as the 'centre of corruption of local government' where there was 'deep-seated and orchestrated corruption'. In relation to the Windsor development Mr Guy said the process 'has been corrupted', and Mr Baillieu, the leader of the coalition, called on Mr Madden to resign or be sacked. The Liberal Party's view of Mr Madden is that he should either resign or be sacked, yet today its members are voting for him to have more power over a development that is certainly larger in economic terms than the Windsor. In terms of the complexity of the planning issues, this development could easily be as complex or more complex than the Windsor development, but in this case the Liberal Party is quite happy for Mr Madden to have the responsibility for the entire gamut of issues.

What Mr Baillieu said publicly about the Windsor development memo was:

This reveals a complete lack of integrity, and the Minister for Planning has been caught attempting to deceive and manipulate Victorians.

*Honourable members interjecting.*

**Mr BARBER** — I am glad to hear that Liberal Party members agree with their leader. But how is it that they can leave the people of Williamstown to the tender mercies of such a man? They are now expressing great confidence in the Minister for Planning to do a really good job on this development.

*Honourable members interjecting.*

**Mr BARBER** — You're all show and no go! When we have the vote on this and members of the Liberal Party, The Nationals and the Labor Party are crammed into those little benches on one side while we three Greens and Mr Kavanagh spread ourselves out on this side, perhaps Mr Guy could sit on the lap of the Minister for Planning if there is not enough room.

The opposition has put forward no alternative formulation for what should happen on this site. The Liberal Party has called for the resignation of the Minister for Planning, but is it suggesting a replacement? The Liberal Party has called for the minister's resignation. I am wondering if it is suggesting that there is another minister who would do a better job.

*Honourable members interjecting.*

**Mr BARBER** — We can take it as given that Mr Guy thinks he would do a better job. For my part I am not interested in simply replacing one Labor minister with another, or for that matter replacing a Labor minister with a Liberal minister. I actually want to see a planning system — —

**An honourable member** — You want to replace him with a Greens minister.

**Mr BARBER** — There is still time. I want to see a planning system where, regardless of who is sitting in that seat, there are adequate checks and balances in place so that decisions will always have some integrity around them. One way to ensure that, certainly, is to have nine councillors, possibly from different persuasions, making the decisions based on information that is public in an open forum.

Mr Guy says he agrees. No, he does not. Mr Guy has invented a new doctrine for the Liberal Party, and that is that it will not disallow planning scheme amendments related to private development. It will disallow planning scheme amendments related to public development, like roads and bridges, but conveniently for Mr Guy he knows the minister has the power to override those anyway.

Effectively the Liberal Party's policy is that the disallowance provision should not be used by the Parliament. Mr Atkinson basically said the same thing: we should not be using this; we should not be a responsible authority. If that is the case, the Liberal Party should put forward a policy to delete this provision from the Planning and Environment Act; it should do it that way. It should say that these should not be disallowable instruments of the Parliament. Personally I think that is our job. If 40 members do have to get out the maps, get out the diagrams and read the relevant information — I am not sure if Mr Guy actually did that in this case — then they might actually learn something about planning matters for a start. We may represent different electorates across the state, but many of the issues that members have to come to grips with would be applicable elsewhere.

It is not like the Hobsons Bay City Council was being particularly political about this matter. The council did not simply refuse this one night in a fit of pique after some rush of blood to the head. It asked the developer to put forward further information about the development, taking care of the many issues that Ms Hartland has detailed. When the developer did not do that the council went as far as getting its own independent urban design experts in. I did take the time to read those reports in three parts as well. There is a wealth of material there that Mr Finn, Mr Eideh, hopefully the minister, any other Western Metropolitan MP and anybody with an interest in similar developments could have read if they had wanted to come in and address the planning issues, but they did not. Instead they voted to allow the Minister for Planning to take over this development and decide the final outcome.

It is not generally my job to provide political advice to the Liberal Party, but every published poll since the last state election has shown the same thing — Greens votes up, Labor votes down, Liberal votes sideways. If I had been getting a bimonthly report card for the last three and a half years and my political pulse had flatlined, I would be trying something a bit different. It could try something a bit different in the western suburbs, which is listening to people and genuinely representing them.

I do not see that the Liberal Party is going to adopt any particularly different attitudes to the balance between local communities having their say and ministers taking over and parliaments oversighting those ministers. It is pretty happy to set and forget those particular policy levers. Possibly the Liberal Party thinks it will just fall into government due to the government's own misfortune, but the Greens do not see it that way. We have a job to do here; it is to hold the government of the day to account, at least until we become part of the government — I advise Mr Viney of that — and then we will have a different job.

We will have the job that the government currently has, which is to govern well. As long as the government governs well, it has nothing to worry about from the Greens. With their view on Minister Madden, the Liberals' credibility is now in complete tatters, and this is not over in relation to this development, nor is it over in relation to the next development, the next intervention, the next call-in or the next appeal call-in, but what is quite clear is that the government and Minister Madden in particular can have complete confidence that they have nothing to fear from the coalition.

**Debate interrupted.****DISTINGUISHED VISITOR**

**The ACTING PRESIDENT (Mr Eideh)** — Order! I would like to acknowledge the presence in the gallery of a former member for Dousta Galla Province, Mr Tayfun Eren.

**CITY OF HOBSONS BAY: PLANNING SCHEME AMENDMENT****Debate resumed.**

**Ms HARTLAND** (Western Metropolitan) — I want to make just a few remarks. An interesting comment was made at my side about the Greens being like watermelons. I am clearly and definitely a watermelon: green on the outside and red on the inside. My politics have always been considered progressive. I love debates where rather than getting into the substantive nature of it, on both sides it is who preferenced whom, who is in whose bed and who is in an alliance with whom. I get so confused sometimes about which alliance I am supposed to be in, I think I will just stick with the alliance I have with my colleagues.

I was quite astounded by Mr Murphy's contribution and that he thinks I am somehow supporting Mobil. If he had listened to my speech, he would have understood I was saying that even though I think Mobil is one of the worst corporate neighbours in the western suburbs and has an appalling safety record, I still believe the minister should have consulted Mobil because its tanks are a mere 300 metres away from the site. I would have thought a safety case in regard to those tanks should have been undertaken if the area is going to become residential.

Yes, I am quite happy to say the Greens actively support community, and community groups actively come to us. I have any number of groups using my office in any one week, and maybe Mr Murphy should think about the fact that one of the problems is that local Labor Party members no longer actually represent their communities — and that is why the Greens have ended up in the position of being the advocates.

Mr Finn claims to support the community and understand its anger but does not seem to be prepared to stand up for it. The only person who has spoken about the planning issues besides my colleague Mr Barber is Mr Eideh, but unfortunately he was wrong; it is not just rezoning industrial 1 and 2 zones.

At least 20 per cent of the rezoning is as special use for the shipyard.

Mr Atkinson said he shares our concerns but again not enough to support the local community. It is a great pity that Mr Davis and Mr Smith are not here to make contributions as they made very clear contributions in the debate in 2005, saying everything should be done to protect the shipyard and make sure that residential zones are not allowed near the shipyard so as to protect the yard and to protect jobs. It is quite unfortunate that coalition members have decided not to support this disallowance, because by not supporting it they are not supporting the community.

**House divided on motion:**

*Ayes, 4*

Barber, Mr	Kavanagh, Mr ( <i>Teller</i> )
Hartland, Ms ( <i>Teller</i> )	Pennicuik, Ms

*Noes, 34*

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs ( <i>Teller</i> )	Madden, Mr
Dalla-Riva, Mr	Murphy, Mr
Darveniza, Ms	O'Donohue, Mr
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Huppert, Ms	Tee, Mr ( <i>Teller</i> )
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr
Leane, Mr	Vogels, Mr

**Motion negated.****HOUSING: PRODUCTION OF DOCUMENTS**

**The Clerk** — I lay on the table 172 documents received in accordance with the resolutions of the Council of 9 December 2009 and 24 March 2010 relating to public and social housing.

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

That the list of the 172 documents being produced to the Council be incorporated into *Hansard*.

**Motion agreed to.**

**HOUSING: PRODUCTION OF DOCUMENTS**

#	DOCUMENT	DESCRIPTION
1.	Application for Planning Permit for land at 63 Bourke Street Wangaratta, dated 15/6/2009	Application for Planning Permit
2.	Application for Planning Permit for land at 8 Napier Street Fitzroy, dated 1/7/2009	Application for Planning Permit
3.	Application for Planning Permit for land at 357–359 Church Street Richmond, dated 1/7/2009	Application for Planning Permit
4.	Application for Planning Permit for land at 4–10 Larissa Avenue Ringwood, dated 3/7/2009	Application for Planning Permit
5.	Application for Planning Permit for land at 110 Drage Road West Wodonga, dated 6/7/2009	Application for Planning Permit
6.	Application for Planning Permit for land at 64–68 Napier Street Fitzroy, dated 31/7/2009	Application for Planning Permit
7.	Application for Planning Permit for land at 35 Hensley Court Wodonga, dated 3/8/2009	Application for Planning Permit
8.	Application for Planning Permit for land at 118 Drage Road West Wodonga, dated 25/8/2009	Application for Planning Permit
9.	Application for Planning Permit for land at 973 Nepean Highway & Corbie Street Bentleigh, dated 26/8/2009	Application for Planning Permit
10.	Application for Planning Permit for land at 10A Burwood Highway Ferntree Gully, dated 28/8/2009	Application for Planning Permit
11.	Application for Planning Permit for land at 38–42 Gertrude Street Fitzroy, dated 1/9/2009	Application for Planning Permit
12.	Application for Planning Permit for land at 77–79 Grey Street St Kilda, dated 1/9/2009	Application for Planning Permit
13.	Application for Planning Permit for land at 239 Brunswick Street Fitzroy, dated 8/9/2009	Application for Planning Permit
14.	Application for Planning Permit for land at 42–50 Terama Crescent Bayswater, dated 8/9/2009	Application for Planning Permit
15.	Application for Planning Permit for land at 10 Kingsley Court Thomastown, dated 9/9/2009	Application for Planning Permit
16.	Application for Planning Permit for land at 231–237 Mason Street Altona North, dated 11/9/2009	Application for Planning Permit
17.	Application for Planning Permit for land at 8 Albert Avenue Springvale, dated 11/9/2009	Application for Planning Permit
18.	Application for Planning Permit for land at 26–32 McDowall Street Mitcham, dated 11/9/2009	Application for Planning Permit
19.	Application for Planning Permit for land at 312–328 Moorabool Street Geelong, dated 18/9/2009	Application for Planning Permit

#	DOCUMENT	DESCRIPTION
20.	Application for Planning Permit for land at 5–9 Pearcedale Parade Broadmeadows, dated 21/9/2009	Application for Planning Permit
21.	Application for Planning Permit for land at 12–18 Strathmerton Street Reservoir, dated 22/9/2009	Application for Planning Permit
22.	Application for Planning Permit for land at 51 Alma Road St Kilda, dated 24/9/2009	Application for Planning Permit
23.	Application for Planning Permit for land at 12 Railway Street Wodonga, dated 28/9/2009	Application for Planning Permit
24.	Application for Planning Permit for land at 95–105 Wellington Street Collingwood, dated 28/9/2009	Application for Planning Permit
25.	Application for Planning Permit for land at 55 Latrobe Street Warragul, dated 29/9/2009	Application for Planning Permit
26.	Application for Planning Permit for land at 8–14 Gwalia Street Traralgon, dated 29/9/2009	Application for Planning Permit
27.	Application for Planning Permit for land at 69–75 Cox Road Norlane, dated 29/9/2009	Application for Planning Permit
28.	Application for Planning Permit for land at 12 Quinlivan Place Wodonga, dated 1/10/2009	Application for Planning Permit
29.	Application for Planning Permit for land at 71–73 & 2A Blessington Street & Irymple Ave St Kilda, dated 1/10/2009	Application for Planning Permit
30.	Application for Planning Permit for land at 491–495 Gillies Street Wendouree, dated 6/10/2009	Application for Planning Permit
31.	Application for Planning Permit for land at 613 Morres Street Ballarat, dated 8/10/2009	Application for Planning Permit
32.	Application for Planning Permit for land at 28 Brunei Crescent Heidelberg West, dated 8/10/2009	Application for Planning Permit
33.	Application for Planning Permit for land at 69A Alma Road St Kilda, dated 9/10/2009	Application for Planning Permit
34.	Application for Planning Permit for land at 2–6 Flockhart Street Abbotsford, dated 12/10/2009	Application for Planning Permit
35.	Application for Planning Permit for land at 52 Penola Street Preston, dated 12/10/2009	Application for Planning Permit
36.	Application for Planning Permit for land at 34 Keam Crescent Mildura, dated 12/10/2009	Application for Planning Permit
37.	Application for Planning Permit for land at 9 Ambrosia Rise Epsom, dated 12/10/2009	Application for Planning Permit
38.	Application for Planning Permit for land at 31 Croxton Street Golden Square, dated 12/10/2009	Application for Planning Permit

**HOUSING: PRODUCTION OF DOCUMENTS**

#	DOCUMENT	DESCRIPTION
39.	Application for Planning Permit for land at 387 Etiwanda Avenue Mildura, dated 12/10/2009	Application for Planning Permit
40.	Application for Planning Permit for land at 3 Winter Crescent Reservoir, dated 12/10/2009	Application for Planning Permit
41.	Application for Planning Permit for land at 1-8 Service Street Sale, dated 14/10/2009	Application for Planning Permit
42.	Application for Planning Permit for land at 54-56 Winbirra Parade Ashwood, dated 14/10/2009	Application for Planning Permit
43.	Application for Planning Permit for land at 64-86 Winbirra Parade Ashwood, dated 14/10/2009	Application for Planning Permit
44.	Application for Planning Permit for land at 48-50 Latrobe Street Warragul, dated 15/10/2009	Application for Planning Permit
45.	Application for Planning Permit for land at 16 & 18 Frances Crescent Ballarat East, dated 16/10/2009	Application for Planning Permit
46.	Application for Planning Permit for land at 12-20 Nicholson Street Coburg, dated 19/10/2009	Application for Planning Permit
47.	Application for Planning Permit for land at 210-232 Chetwynd Street North Melbourne, dated 19/10/2009	Application for Planning Permit
48.	Application for Planning Permit for land at 14 Oak Avenue Benalla, dated 20/10/2009	Application for Planning Permit
49.	Application for Planning Permit for land at 46 Chapel Street Bendigo, dated 20/10/2009	Application for Planning Permit
50.	Application for Planning Permit for land at 429 Etiwanda Avenue Mildura, dated 21/10/2009	Application for Planning Permit
51.	Application for Planning Permit for land at 3 Hazeldene Street Mildura, dated 21/10/2009	Application for Planning Permit
52.	Application for Planning Permit for land at 52 McLeod Street Yarrowonga, dated 21/10/2009	Application for Planning Permit
53.	Application for Planning Permit for land at 2/48 Hindmarsh Drive Wyndham Vale, dated 21/10/2009	Application for Planning Permit
54.	Application for Planning Permit for land at 54 Hammond Street Dandenong, dated 22/10/2009	Application for Planning Permit
55.	Application for Planning Permit for land at 31 Oxford Street Oakleigh, dated 22/10/2009	Application for Planning Permit
56.	Application for Planning Permit for land at 26 Charlesworth Street Laverton, dated 22/10/2009	Application for Planning Permit
57.	Application for Planning Permit for land at 11 Well Street Morwell, dated 23/10/2009	Application for Planning Permit

#	DOCUMENT	DESCRIPTION
58.	Application for Planning Permit for land at 49-55 Thomas Wedge Drive Wangaratta, dated 26/10/2009	Application for Planning Permit
59.	Application for Planning Permit for land at 42, 44 & 46 Bamfield Street Heidelberg Heights, dated 26/10/2009	Application for Planning Permit
60.	Application for Planning Permit for land at 109 Service Road Moe, dated 26/10/2009	Application for Planning Permit
61.	Application for Planning Permit for land at 43 Irving Street Wangaratta, dated 28/10/2009	Application for Planning Permit
62.	Application for Planning Permit for land at 81 & 99A Dickson Street Sunshine, dated 4/11/2009	Application for Planning Permit
63.	Application for Planning Permit for land at 1, 3, 5 & 7 Purcell Street Wodonga, dated 4/11/2009	Application for Planning Permit
64.	Application for Planning Permit for land at 52 Elm Street Wodonga, dated 5/11/2009	Application for Planning Permit
65.	Application for Planning Permit for land at 14 Gilbert Street Wodonga, dated 5/11/2009	Application for Planning Permit
66.	Application for Planning Permit for land at 43 Marshall Street Newtown, dated 6/11/2009	Application for Planning Permit
67.	Application for Planning Permit for land at 10 Ghazeeopore Road Waurn Ponds, dated 10/11/2009	Application for Planning Permit
68.	Application for Planning Permit for land at 7 Fleet Street Mornington, dated 11/11/2009	Application for Planning Permit
69.	Application for Planning Permit for land at 1-5 Beardmore Street Wodonga, dated 12/11/2009	Application for Planning Permit
70.	Application for Planning Permit for land at 14-16 Albert Street Benalla, dated 12/11/2009	Application for Planning Permit
71.	Application for Planning Permit for land at 18 White Street Wangaratta, dated 13/11/2009	Application for Planning Permit
72.	Application for Planning Permit for land at 2-4 Elizabeth Street Horsham, dated 13/11/2009	Application for Planning Permit
73.	Application for Planning Permit for land at 20-22 Newton Street Shepparton, dated 20/11/2009	Application for Planning Permit
74.	Application for Planning Permit for land at 32 Sanglen Terrace Belmont, dated 20/11/2009	Application for Planning Permit
75.	Application for Planning Permit for land at 45-53 Wyndham Street Shepparton, dated 20/11/2009	Application for Planning Permit
76.	Application for Planning Permit for land at 4-10 Malvern Grove Manifold Heights, dated 23/11/2009	Application for Planning Permit

**HOUSING: PRODUCTION OF DOCUMENTS**

#	DOCUMENT	DESCRIPTION
77.	Application for Planning Permit for land at 9 Ramsay Street Aberfeldie, dated 24/11/2009	Application for Planning Permit
78.	Application for Planning Permit for land at 12 Grenfell Avenue Eaglehawk, dated 25/11/2009	Application for Planning Permit
79.	Application for Planning Permit for land at 2 & 4 Dodds Street Maryborough, dated 26/11/2009	Application for Planning Permit
80.	Application for Planning Permit for land at 124 Victoria Avenue Albert Park, dated 26/11/2009	Application for Planning Permit
81.	Application for Planning Permit for land at 6 McPherson Street Swan Hill, dated 26/11/2009	Application for Planning Permit
82.	Application for Planning Permit for land at 3 Lawry Street Wodonga, dated 26/11/2009	Application for Planning Permit
83.	Application for Planning Permit for land at 67 Chapman Street Swan Hill, dated 26/11/2009	Application for Planning Permit
84.	Application for Planning Permit for land at 52 Pearce Street Wodonga, dated 27/11/2009	Application for Planning Permit
85.	Application for Planning Permit for land at 22 Lyndren Street Wodonga, dated 27/11/2009	Application for Planning Permit
86.	Application for Planning Permit for land at 211 Princes Street Port Melbourne, dated 1/12/2009	Application for Planning Permit
87.	Application for Planning Permit for land at 95 High Street Road Ashwood, dated 2/12/2009	Application for Planning Permit
88.	Application for Planning Permit for land at 4 Pollard Street Wodonga, dated 2/12/2009	Application for Planning Permit
89.	Application for Planning Permit for land at 5 Primrose Street Wendouree, dated 3/12/2009	Application for Planning Permit
90.	Application for Planning Permit for land at 38 Albion Street Sebastopol, dated 3/12/2009	Application for Planning Permit
91.	Application for Planning Permit for land at 7 Murphy Street Ararat, dated 03/12/2009	Application for Planning Permit
92.	Application for Planning Permit for land at 47 Watson Street Wodonga, dated 4/12/2009	Application for Planning Permit
93.	Application for Planning Permit for land at 3 Lamont Street Wangaratta, dated 4/12/2009	Application for Planning Permit
94.	Application for Planning Permit for land at 23 Lyndren Street Wodonga, dated 4/12/2009	Application for Planning Permit
95.	Application for Planning Permit for land at 15 Maxwell Street Wangaratta, dated 4/12/2009	Application for Planning Permit

#	DOCUMENT	DESCRIPTION
96.	Application for Planning Permit for land at 27 Elm Street Wodonga, dated 4/12/2009	Application for Planning Permit
97.	Application for Planning Permit for land at 71–73 Carr Crescent Mooroopna, dated 7/12/2009	Application for Planning Permit
98.	Application for Planning Permit for land at 14 Hunter Street Mildura, dated 7/12/2009	Application for Planning Permit
99.	Application for Planning Permit for land at 7–9 Pollard Street Wodonga, dated 7/12/2009	Application for Planning Permit
100.	Application for Planning Permit for land at 6 White Street Wangaratta, dated 7/12/2009	Application for Planning Permit
101.	Application for Planning Permit for land at 3 Mundara Street Swan Hill, dated 7/12/2009	Application for Planning Permit
102.	Application for Planning Permit for land at 34 Walsh Street Broadmeadows, dated 7/12/2009	Application for Planning Permit
103.	Application for Planning Permit for land at 289–291 Greensborough Road Watsonia, dated 7/12/2009	Application for Planning Permit
104.	Application for Planning Permit for land at 27 Greene Street South Kingsville, dated 07/12/2009	Application for Planning Permit
105.	Application for Planning Permit for land at 25 Tierney Street Wy Yung, dated 07/12/2009	Application for Planning Permit
106.	Application for Planning Permit for land at 231–241 South Valley Road Highton, dated 8/12/2009	Application for Planning Permit
107.	Application for Planning Permit for land at 20 Gowrie Street Shepparton, dated 9/12/2009	Application for Planning Permit
108.	Application for Planning Permit for land at 3 Wilga Avenue Mildura, dated 9/12/2009	Application for Planning Permit
109.	Application for Planning Permit for land at 24 Fontein Street West Footscray, dated 9/12/2009	Application for Planning Permit
110.	Application for Planning Permit for land at 4–6 Churchill Avenue Newtown, dated 10/12/2009	Application for Planning Permit
111.	Application for Planning Permit for land at 3 Ovens Court Cobram, dated 10/12/2009	Application for Planning Permit
112.	Application for Planning Permit for land at 37 Yuille Street Frankston, dated 10/12/2009	Application for Planning Permit
113.	Application for Planning Permit for land at 47 Brian Crescent Mildura, dated 10/12/2009	Application for Planning Permit
114.	Application for Planning Permit for land at 32 Brian Crescent Mildura, dated 10/12/2009	Application for Planning Permit

**HOUSING: PRODUCTION OF DOCUMENTS**

#	DOCUMENT	DESCRIPTION
115.	Application for Planning Permit for land at 61 Karook Street Cobram, dated 10/12/2009	Application for Planning Permit
116.	Application for Planning Permit for land at 20 North Street Echuca, dated 10/12/2009	Application for Planning Permit
117.	Application for Planning Permit for land at 24–30 Lehmann Crescent Frankston North, dated 11/12/2009	Application for Planning Permit
118.	Application for Planning Permit for land at 197–199 Aberdeen Street & 16–18 Churchill Street Newton, dated 11/12/2009	Application for Planning Permit
119.	Application for Planning Permit for land at 36 Watt Street South Kingsville, dated 14/12/2009	Application for Planning Permit
120.	Application for Planning Permit for land at 1 Gwelo Street West Footscray, dated 14/12/2009	Application for Planning Permit
121.	Application for Planning Permit for land at 1 Orchid Street Norlane, dated 14/12/2009	Application for Planning Permit
122.	Application for Planning Permit for land at 19 Beardmore Street Wodonga, dated 14/12/2009	Application for Planning Permit
123.	Application for Planning Permit for land at 2 Robin Avenue Norlane, dated 14/12/2009	Application for Planning Permit
124.	Application for Planning Permit for land at 18 Warnock Street Broadmeadows, dated 14/12/2009	Application for Planning Permit
125.	Application for Planning Permit for land at 11 Birralee Avenue Mildura, dated 14/12/2009	Application for Planning Permit
126.	Application for Planning Permit for land at 56 Jackson Street St Kilda, dated 15/12/2009	Application for Planning Permit
127.	Application for Planning Permit for land at 45 Churchill Square Colac, dated 15/12/2009	Application for Planning Permit
128.	Application for Planning Permit for land at 7 Fulton Street Colac, dated 15/12/2009	Application for Planning Permit
129.	Application for Planning Permit for land at 41 Eagle Parade Norlane, dated 16/12/2009	Application for Planning Permit
130.	Application for Planning Permit for land at 117–119 Station Street Norlane, dated 17/12/2009	Application for Planning Permit
131.	Application for Planning Permit for land at 17 Merricks Street Broadmeadows, dated 17/12/2009	Application for Planning Permit
132.	Application for Planning Permit for land at 10 Southdown Crescent Belmont, dated 18/12/2009	Application for Planning Permit
133.	Application for Planning Permit for land at 15 Muriel Street Crib Point, dated 18/12/2009	Application for Planning Permit

#	DOCUMENT	DESCRIPTION
134.	Application for Planning Permit for land at 10 Autumn Court Hastings, dated 18/12/2009	Application for Planning Permit
135.	Application for Planning Permit for land at 9–11 Frome Avenue Frankston, dated 21/12/2009	Application for Planning Permit
136.	Application for Planning Permit for land at 7 & 9 Oxford Street Frankston, dated 21/12/2009	Application for Planning Permit
137.	Application for Planning Permit for land at 89 Princes Drive Morwell, dated 21/12/2009	Application for Planning Permit
138.	Application for Planning Permit for land at 1 Hurlstone Avenue & 24 Railton Grove Preston, dated 21/12/2009	Application for Planning Permit
139.	Application for Planning Permit for land at 5 Plume Street Norlane, dated 21/12/2009	Application for Planning Permit
140.	Application for Planning Permit for land at 9 Moore Crescent Reservoir, dated 21/12/2009	Application for Planning Permit
141.	Application for Planning Permit for land at 22 David Street Dandenong, dated 21/12/2009	Application for Planning Permit
142.	Application for Planning Permit for land at 67–69 Orrong Avenue Reservoir, dated 22/12/2009	Application for Planning Permit
143.	Application for Planning Permit for land at 17 Wendover Avenue Norlane, dated 22/12/2009	Application for Planning Permit
144.	Application for Planning Permit for land at 179 Sparks Road Norlane, dated 22/12/2009	Application for Planning Permit
145.	Application for Planning Permit for land at 32–34 Stawell Street Cranbourne, dated 22/12/2009	Application for Planning Permit
146.	Application for Planning Permit for land at 142 Sparks Road Norlane, dated 22/12/2009	Application for Planning Permit
147.	Application for Planning Permit for land at 25 Menzies Avenue Dandenong North, dated 24/12/2009	Application for Planning Permit
148.	Application for Planning Permit for land at 9 Higgins Street Wangaratta, dated 24/12/2009	Application for Planning Permit
149.	Application for Planning Permit for land at 388 Etiwanda Avenue Mildura, dated 24/12/2009	Application for Planning Permit
150.	Application for Planning Permit for land at 19 Mitchell Street Glenroy, dated 24/12/2009	Application for Planning Permit
151.	Application for Planning Permit for land at 49 Forest Drive Frankston North, dated 24/12/2009	Application for Planning Permit
152.	Application for Planning Permit for land at 58 View Street Glenroy, dated 24/12/2009	Application for Planning Permit

PETITIONS

#	DOCUMENT	DESCRIPTION
153.	Application for Planning Permit for land at 183–185 Deakin Avenue Mildura, dated 24/12/2009	Application for Planning Permit
154.	Application for Planning Permit for land at 277 Dorcas Street South Melbourne, dated 24/12/2009	Application for Planning Permit
155.	Application for Planning Permit for land at 13 Ulmarra Place Mildura, dated 24/12/2009	Application for Planning Permit
156.	Application for Planning Permit for land at 5 Olivia Street Morwell, dated 24/12/2009	Application for Planning Permit
157.	Application for Planning Permit for land at 1175 Centre Road Oakleigh South, dated 04/01/2010	Application for Planning Permit
158.	Application for Planning Permit for land at 11 Duband Street Burwood East, dated 04/01/2010	Application for Planning Permit
159.	Application for Planning Permit for land at 33 Castley Crescent Braybrook, dated 04/01/2010	Application for Planning Permit
160.	Application for Planning Permit for land at 29 Moroney Street Bairnsdale, dated 04/01/2010	Application for Planning Permit
161.	Application for Planning Permit for land at 4–6 Lexton Avenue Dandenong, dated 04/01/2010	Application for Planning Permit
162.	Application for Planning Permit for land at 8 Rupert Street Doncaster East, dated 05/01/2010	Application for Planning Permit
163.	Application for Planning Permit for land at 12 White Street Wangaratta, dated 05/01/2010	Application for Planning Permit
164.	Application for Planning Permit for land at 1/47 Diane Crescent Croydon, dated 05/01/2010	Application for Planning Permit
165.	Application for Planning Permit for land at 14 Woolert Street Ashwood, dated 06/01/2010	Application for Planning Permit
166.	Application for Planning Permit for land at 75 Simpson Street Yarraville, dated 06/01/2010	Application for Planning Permit
167.	Application for Planning Permit for land at 22 Sheldon Avenue Mooroolbark, dated 06/01/2010	Application for Planning Permit
168.	Application for Planning Permit for land at 42 Hawker Street Moe, dated 07/01/2010	Application for Planning Permit
169.	Application for Planning Permit for land at 23 Belgrove Street Preston, dated 07/01/2010	Application for Planning Permit
170.	Application for Planning Permit for land at 84 Justin Avenue Glenroy, dated 07/01/2010	Application for Planning Permit
171.	Application for Planning Permit for land at 5 Leonard Street Hampton East, dated 07/01/2010	Application for Planning Permit

#	DOCUMENT	DESCRIPTION
172.	Application for Planning Permit for land at 11 Oulton Crescent Reservoir, dated 07/01/2010	Application for Planning Permit

PETITIONS

Housing: Flemington

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

That the Council take note of the petition presented by me on 23 March.

The high-rise estates of Melbourne are predominantly in the inner city constituency. They have always contained some of our most needy communities. For many years a cause for concern for us is those who cannot always meet all of their societal needs such as housing, employment, income and so forth. The people on these estates receive extra special assistance.

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! I cannot hear what the member is saying. Members should have their discussions more quietly.

**Mr BARBER** — At least for the 15 members of this place who represent the inner north, inner south and inner west areas, the welfare of people in those estates is of great concern.

Over time the population of the estate has changed. Because of a general failure of a series of governments — state, federal, Labor and Liberal governments — to provide increasing amounts of public housing, the people who live in public housing have become more those who are the neediest in the community. These are people who literally could not survive in private rental housing. They are often on long-term disability pensions. In any normal circumstance the people who live in and around these estates and who interact with residents have complex needs that the government of the day often struggles to provide for.

An issue that has arisen particularly in the last summer was the exacerbation of some of our residents' problems by the extreme heat they were feeling in those buildings. We already have large numbers of the two groups most vulnerable to extreme heat — that is, the elderly and young children. The elderly and those with disabilities are vulnerable, because they already have pre-existing medical conditions. Young people are quite vulnerable, because they do not always know how to look after their own physical wellbeing. They do not drink enough; they do not often complain when they are feeling unwell.

It has been of great concern to me to read that the government has become aware of a large number of heat-related deaths that occurred in Melbourne during the summer before last. The chief medical officer put forward data that suggests more people died during that heatwave due to the effects of heat than the number of people who died in the Black Saturday wildfires. One would hope that the government would treat that as a public health emergency, and that it would take it on in the same way that it takes on bird flu or bushfires. But we have not seen the level of response that we would expect.

The government that promised a comprehensive heatwave response delivered a manual on how local councils should deliver a comprehensive heatwave response. In terms of one of the last motions before the Chair, members of the chamber were quite happy to take power away from local government; in relation to heat waves and other public health issues, the state government is quite happy to push more responsibility onto local councils. That is against the approach of other jurisdictions.

I will not go on too much more about this particular motion. I wanted the petition to receive more than just a perfunctory tabling, because quite simply I wanted to put the state government on notice.

We got lucky, touch wood, last summer. We did not have the extreme levels of heat that we had the previous summer, therefore the government's tardiness in developing a comprehensive response was saved by the weather conditions and many lives were saved by pure chance, but with the amount of political flurry that is likely to occur this year and the political exhaustion that will set in shortly after 27 November, I am deeply concerned that we maintain a consistent effort to develop a better response to heatwaves, because we do not know what next January and February will be like.

The residents of the Flemington housing estate have brought together a number of matters for me, not just in relation to heat but also in relation to a number of other concerns that they have, and we really owe them our absolute best endeavours and the highest level of attention. I hope that in moving that this petition be taken note of that other members will join with me in that concern.

**Ms LOVELL** (Northern Victoria) — I rise to add a few comments to those of Mr Barber on the motion before us today. I think it is very telling that the government has indicated it is not ready to speak on this particular motion; it has known for some time that it would be debated. Mr Davis was to speak on our

behalf, but he has just been called away, so I rise to make a few comments on behalf of the Liberal-National coalition.

Well over 12 months ago — we are now out of this summer, so it was the summer before last — the government saw 374 deaths occur during a heatwave in Victoria. A year on, with summer this year again starting out with extremely hot weather, the government has failed to fully and properly investigate why those 374 deaths occurred the previous year and what should have been done differently to prevent unnecessary deaths. That is a sad indictment of this government — as is the fact that government members are not ready to speak on this motion today.

The petition deals with conditions on a public housing estate in Flemington. The procedure for public housing is that if someone has a medical condition, they can apply for air conditioning to be fitted in their unit. I encourage anyone who is elderly or who has a medical condition that is affected by heat to get a doctor's certificate and to apply to the Office of Housing for air conditioning to be installed. Hopefully the government will do something to assist them in their unit if that unit is too hot.

The government also has an obligation to design public housing in a manner that will be effective in all types of weather and to design it so that it meets all aspects of the 5-star housing standard to make it not only environmentally sustainable but also affordable to live in.

We have seen two recent developments of this government that have not lived up to that obligation. The first one I will mention is in Cezanne Drive on the Channel Estate in Shepparton East. Houses in that street have been built with a west-facing aspect. I do not know how, but apparently this estate won a housing design award in 2008. It was built by a private developer on land owned by the Department of Human Services.

As you drive towards the Channel Estate you can see from quite a way away that it is likely there will be some sort of problem with it. It looks like a little matchbox estate. They are new houses, quite nice inside, which have been built for elderly and disadvantaged Victorians. When houses were first built on the Channel Estate there was not even a postal delivery to that part of Shepparton, let alone a bus for public housing tenants to access, and nor was there a local shop within cooee of this estate. The residents were out in the middle of nowhere in a cleared paddock, because it had formerly been a farm. There

was not a tree in sight in what is known as the solar city in Shepparton, and the houses were built facing west. These houses are so hot in the summer that over this past summer the tenants have boarded up their front windows.

The *Herald Sun* covered this story and spoke to one of the tenants, who said that on hot days temperatures inside were 10 to 15 degrees Celsius higher than outside. I also spoke to that tenant. I visited the residents in Cezanne Drive and went into their homes on a day when it was around 40 degrees; it was unbearable inside those homes. It is a design fault to build houses facing west in an extremely hot part of this state.

The other development I would like to mention is the government's flagship of green public housing developments — that is, the K2 development in Windsor. Again the apartments have become so hot in summer that air conditioning has had to be installed in nearly every apartment in that block. This development is supposed to be the flagship of green public housing. It is supposed to be a sustainable housing development that is heralded on the Office of Housing website as being its showpiece. Yet all of those apartments become extremely hot in summer, with residents claiming that it was well over 50 degrees inside them on a day when the temperature outside was about 38 degrees.

We support the Greens today — not that there will be a split vote on this motion. I commend the Greens for bringing forward this motion to take note of their petition to draw further attention to the plight of Victorians who are living in conditions that may be detrimental to their health. I also commend the motion, because it brings to the fore once again the fact that this government has failed to investigate the 374 deaths that occurred in the summer of 2008–09. The government has failed to investigate why they occurred and what should be done differently to prevent further unnecessary deaths.

**Mr VINEY** (Eastern Victoria) — We, as a government, have a strong record of support for public housing in Victoria. Whilst I will not take up the specifics of some of Ms Lovell's comments I can say that the record of Labor governments in Victoria in relation to public housing has been quite a proud one. Many years ago during the Cain period I worked for two or three years as a tenant worker on a public housing improvement project at a public housing estate. Under that previous Labor government substantial amounts of money were spent on improving and

upgrading units in a lot of older 1950s and 1960s public housing estates.

As the Labor government that has been reinvesting in public housing after a period where that did not occur, we are happy to participate in this debate on the petition presented to this house by Mr Barber. In doing so perhaps we need to put on the record some comments about the specific issues at the Flemington estate, particularly air conditioning.

In the 2010–11 period the Brumby government is spending \$8 million in capital funding to improve the Flemington estate. This includes about \$7 million for the upgrade of approximately seven floors across two buildings, affecting around 56 housing units. A further \$1 million is planned to be spent on fitting new windows to approximately 45 units on five floors.

**Mr Barber** — Hopefully they are double glazed.

**Mr VINEY** — I cannot answer that question. The government is also rolling out the very successful Neighbourhood Renewal program at the Flemington estate. It is a partnership between resident service providers, community groups and the City of Moonee Valley. Based on my own experience during the 1980s working in this field, any improvements to these estates require both good, strong community development work and physical upgrades. The two things need to work together as one, and they need to be done at the same time. It is good to see that in this estate the Flemington Neighbourhood Renewal project is bringing together the resources and ideas of some of the local people, people living in the estate, and business and community groups to transform the places where people live and improve the lives and opportunities for residents.

There are a number of issues in relation to air conditioning. Like all governments, we inherited the decisions of the past. Many of us would probably say that some of the decisions made in the 1950s and 1960s about public housing in Victoria might not, with the wisdom of hindsight, have been such good decisions in terms of the nature of the building materials and the establishment of large estates to house low-income people, and it might have been better to have taken a broader community approach. Nevertheless, as I said, a government inherits the decisions of the past.

The government understands that some people are much more vulnerable to excessive heat, and people in public housing who have medical conditions are eligible to apply to have air conditioning installed. The government also has a concession scheme in place to

help offset the cost of the electricity bills for people with medical conditions.

All new public housing properties have a 5-star energy rating as a minimum, and this includes insulation, better use of the site to provide passive heating and cooling, and environmentally friendly building materials. This does not mean only reduced carbon footprints, it also, quite practically for low-income tenants, means lower utility bills. Tenants may install air conditioning, but that needs to be done at their own cost and with the permission of the Office of Housing. The Office of Housing needs to ensure that there are no occupational health and safety issues and that the air-conditioning unit is safely installed. There is nothing preventing Office of Housing tenants from installing their own air conditioning.

There are a range of state government concessions for low-income earners to assist public housing tenants with the cost of electricity bills. We are also committed to ensuring that Victoria's public housing tenants have safe and comfortable accommodation, and that is why we are taking action to ensure that they are well prepared to deal with the effects of the summer heat.

The government is working in partnership with councils and the community to implement heatwave plans. The Office of Housing will consider the installation of air conditioning in instances where a resident or residents have certain medical conditions or needs which would benefit from having air conditioning available. If any of the residents in the new estates have such medical conditions, then the Office of Housing will consider their application for air conditioning on a case-by-case basis. In Victoria there are about 5500 elderly public housing tenants. The government funds support workers to monitor residents in public housing estates which have a high number of elderly tenants. Also the Office of Housing provides information to tenants on the prevention and treatment of heat-related illnesses.

Across Victoria there are close to 16 500 public housing properties that have been upgraded since April 2003, incorporating a range of energy and water-saving elements. A number of new public housing units have high-quality ventilation that provides cooling that is sustainable and cheap for our tenants. More than 3700 5-star public housing dwellings have been constructed since February 2001. As I said, this is an area where the government has a proud record of providing support to people in need of public housing and has a very strong commitment to the construction of new public housing.

It is not possible to change the decisions of the past, and it is not possible to reconstruct buildings that were built in the 1950s and 1960s to standards different from the social norms then. It is with the experience of many years of managing public housing estates that Victoria has been able to take a much more progressive, enlightened and environmentally sensitive approach to the construction and delivery of essential public housing and to do so in a way that is socially and environmentally responsible and is sensitive to the needs of not only the public housing community but also surrounding communities.

We are happy to use this opportunity to put the government's record on the table and to acknowledge that there are difficulties for people in very old public housing stock and that the government is doing as much as it can with the resources it has, which have been constrained by a number of years of failure by the federal government to invest in these areas jointly with the state government of Victoria. We are continuing to invest in public housing by upgrading our existing stock and creating new, relevant, socially sensitive and environmentally friendly units.

**Motion agreed to.**

**Liquor licensing: live music venues**

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

That the Council take note of the petition presented by me on 13 April.

Yesterday I presented a petition to the Parliament bearing 8837 signatures which requested that:

1. the Victorian government institute a proper investigation into the causes of violence and drunkenness;
2. until such investigation is undertaken and concluded, the government remove all references to 'live and amplified music' from the licence amenity clause on liquor licences;
3. the government formulate a cultural policy that promotes and maintains Melbourne as Australia's capital for live music.

I want to talk a little bit about the petition. It was reported on in the press, and people would have perhaps seen the large number of petitions that I was presented with on the steps of Parliament House last week. The count by the people who gathered the signatures was that there were 21 826 signatures in the pile of petitions that I received on the steps of state Parliament. I took those petitions to the papers office, and after they were gone through it was noted that only

8837 signatures complied with the standing orders and were able to be presented to Parliament. The unofficial count of 21 826 signatures by the people who brought the petitions to me included 11 124 online petitions and 10 515 signatures on hard copies which were signed by people in venues.

The papers office advised me that of the approximately 22 000 signatures, approximately 12 000 were not counted as they were from online petitions, and approximately 1100 signatures were not counted due to the fact that they either did not contain the full details of the petitioner — that is, they may not have signed it or provided their full name and address, or they provided a Victorian address and were therefore ineligible. Many that were not counted were not counted because according to standing orders the details of the petition have to be on every page that is presented and that attached pages of signatures cannot be counted.

I mention this because even though I have officially presented a petition on behalf of the petitioners containing 8837 official signatures, the figure was closer to 22 000 signatures. I went to the papers office and asked, 'How does that compare with other petitions that have been presented to Parliament in this parliamentary session?'. The papers office was kind enough to furnish me with the list of petitions and the numbers of petitioners that have been tabled in this parliamentary session. I would have to say that Mrs Coote takes the prize for having presented the largest petition, on 31 July 2008, containing 22 540 signatures in opposition of the extension of clearway times.

I make the point that although only 8837 signatures were officially able to be tabled, if all the signatures had been officially able to be tabled this petition would have been the second largest tabled in this session of Parliament. That is quite a significant number, because if you look through the other petitions that have been tabled throughout this parliamentary session, you see that most of them have signatures that total in the hundreds or less. Other notable ones are the petition tabled in May last year by Mr Atkinson on gaming machine entitlements, containing 16 694 signatures; and the petitions presented in March 2008 by both Mrs Coote and me on the St Kilda triangle, Mrs Coote's with 2208 signatures and mine with 2453, totalling 4661 signatures on the petitions tabled by both of us on that particular issue. There were also a lot of petitions relating to the abortion debate during 2008.

The number of petitioners who put their name to this petition, even though some were not allowed to be officially tabled, is very significant. I make that point so

that people are aware of the strength of feeling in the community about this issue.

I would also like to make a further point, which is that 12 000-odd petitions could not be accepted because they were online petitions, and we certainly need to move away from that. We certainly need to catapult ourselves into the 21st century and be able to accept online petitions. The Standing Orders Committee of the Assembly tabled a report on this in May last year, almost 12 months ago. Its recommendation was that e-petitions should be permitted in the Legislative Assembly, with a procedure being used which mirrors that already being used for paper petitions, and that the standing orders be amended accordingly.

We should be doing the same thing in the Legislative Council. Obviously a large number of passionate and savvy young people have signed a petition, but unfortunately because of the out-of-date rules their signatures were not able to be officially counted. One of the reasons why I wanted the Council to take note of this petition today was to put that point — that we need to move very quickly to being able to accept online petitions from the citizens of Victoria.

It was a great privilege for me to accept that petition last week. A number of times on appropriate occasions in this chamber I have made the point that I am a big fan of live music. I did a bit of a back-of-the-envelope calculation. Let us say I have been attending gigs at licensed venues since I was 18, and, averaging things out, if I was attending say 1 gig at a live venue every second week — probably an underestimation — that would mean I attended well over 1000 gigs in Melbourne and suburbs and regional centres in that time.

Going to see live music in our local area, going out to another area, visiting a country town or regional centre or coming into the city or the inner suburbs to see live music has been a big part of my life, and it is a big part of many people's lives. That is why the people who gathered the signatures were able to gather so many in such a short time. The signatures were gathered in the six weeks between the rally on 23 February, which finished on the steps of Parliament House, and Wednesday last week, when I was presented with the petition.

I should make mention of Anne O'Rourke, Jen Anderson, John Perring, Jon von Goes and SLAM, largely driven by Helen Marcou and Quincy McLean, the people who did all the work behind the presentation of this petition.

The petition was presented on the steps of Parliament House by a group of Victorian musicians spanning the generations and including musicians born way back in the 1920s. The group included Nick Polites, Stephen Grant, Mike Rudd, Ross Wilson, Kram, Clare Bowditch, Angie Hart, Evelyn Morris and Blaise Adamson. There were some quotable quotes delivered as the petition was being presented. I will read into *Hansard* some of those quotes from a transcription made by my staff of a video of the presentation. For example, Ross Wilson, a former member of Daddy Cool and Mondo Rock, who now leads Ross Wilson and the Urban Legends — certainly someone I have seen at gigs in the past — —

**An honourable member** interjected.

**Ms PENNICUIK** — I am sure many others in this chamber have as well! He said:

Don't kill live music! That's why we're here today on the steps of the Victorian Parliament House who have seemed to have ignored the big procession of people that came up the street six weeks ago playing *It's a Long Way to the Top (If You Wanna Rock 'n' roll)*. They were absolutely right, because a few gigs have closed down since then because of the onerous conditions put upon them having to hire security. Who would think you would need security at a happy, happy event like a music gig?

Kram said, referring to the pile of signatures:

There's 22 000 signatures on here so this is basically the rally in print. This represents all the people that were here. We saw how massive it was and how much this actually means to the community, so I just think we have to do what we can to make these people listen to us.

I should have mentioned that Kram is a drummer and former vocalist for the band Spiderbait and is now a solo artist.

Jon von Goes, one of the organisers of the petition, a musician and RRR broadcaster, said:

What they're holding, these folks, are 21 826 petitions, because it has been six weeks since the slam rally which saw 20 000 people in the city of Melbourne who came here to complain about flawed liquor licensing laws linking live music with alcohol-fuelled violence.

The state government that day hastily presented us with an accord that recommended that small live music venues should not be seen in the same light as larger trouble spots around town, and it's a good thing the state government agrees with us on that one. However this accord they've given to the music community of Melbourne is a list of recommendations — a list of recommendations is pretty much all it is, and to date this accord is not worth the paper it is printed on. As a result nothing has happened. Nothing.  
Chorus: NOTHING.

Licensed venues that have been unreasonably treated because they host live music were told six weeks ago to apply for changes to their licences. They were told that in six weeks some stuff would happen. Nothing has happened in six weeks —

with the chorus —

NOTHING!

Liquor licensing still links live music and high-risk conditions. We all know this is simply not the case. Politics between liquor licensing and the government — who knows what's going on there, but they are of little concern to us musicians. This is an issue that the state government needs to walk in and simply do something. It needs to DO SOMETHING.

That is a reflection of the passion behind the presentation of this petition.

Acting President, it is now seven weeks since the accord was signed, just before the rally. One of the agreements in the accord, as I understand it, is that something will be done or there will be a resolution of the issues within six months. As I said, 7 out of those 25 weeks have already gone — more than one-third of the time in which the resolution of these issues should be concluded — so time is ticking on.

The accord between the music community and the government says a lot of things. The accord signed between the representatives of FairGo4LiveMusic, Save Live Australia's Music and the newly established Music Victoria agreed that discussions have been productive and:

The automatic coupling of live music and 'high-risk' security conditions on liquor licences is not appropriate and the government commits to continue to undertake research and work with the music committee to determine the most appropriate solution to redress this as soon as possible. The parties will endeavour to expedite a solution within six months.

As I said, we are already more than one-third of the way into this six months and nothing much seems to be happening.

The parties recognise the role that contemporary music plays as a cultural, social and economic driver and acknowledge the \$7.1 million Victoria Rocks program, allocated over the past four years and the start-up funding of Music Victoria.

The parties agree to work together to secure continuing and satisfactory financial support to contemporary music in Victoria.

That is through the Victoria Rocks program and includes a commitment to revisit the issues considered by the live music task force, which was initiated in 2003. That task force was chaired by a former member of this place, Ms Carbines.

On reading the task force's report and its 13 recommendations about how to keep the culture of live music alive in Victoria and to address the issues of amenity between live music venues and their neighbours, nothing seems to have happened there; it seems to have stalled. Therefore it is good to see that there is a commitment in this accord to reinvigorating that task force. It is now seven years old, so it probably needs to be revisited in terms of some of its recommendations.

In his members statement this morning my colleague Mr Barber talked about the forum we held on Monday night regarding the music harmony accord that has been forged in Fortitude Valley as an entertainment precinct in Brisbane. When we compare the recommendations from the live music task force of 2003 with the procedures that have been put in place, the planning amendments and the arrangements between all the residents, businesses, the council et cetera in Brisbane, we see that we need to revisit some of those recommendations from the live music task force, because things have moved ahead in terms of how to address the issues involved in those areas.

The accord says:

Inclusive, community-based cultures like live music should be encouraged.

The viability of the live music scene is vital to ensure Melbourne's status as the live music capital of Australia.

Unfortunately Melbourne's status as the live music capital of Australia is in jeopardy because of the closure of live music venues as a result of security restrictions. We know that venues have closed. We know also that many venues do not want to invoke the security conditions required for live music venues, such as closed-circuit television, so they are choosing not to have live music, whereas in Brisbane the number of venues is increasing because there is a commitment to promote and support live music, but that commitment has waned in Melbourne and in Victoria. The conditions imposed across the board by the director of liquor licensing have had a lot to do with that.

The accord says:

Alcohol-related harm is a serious and significant concern. The parties are committed to taking action to tackle this issue and to promote amenity and public safety in and around our pubs and clubs while supporting a vibrant music scene.

That is true. Alcohol-related harm is a serious and significant concern, but it is not related to music. The accord also says:

Those operators that do not adhere to the law or have poor security records should face tighter security measures, however venues with good security records and management practices should be recognised and have appropriate regulation.

That seems to be in contradiction to the blanket application of the special conditions for live music under the liquor licensing policy. The accord also provides:

The parties will continue to meet regularly to resolve a number of concerns about the impact current liquor licensing arrangements have had on a number of small live music venues.

I am advised that nothing much is happening in that respect either. The accord goes on for another page, but that is the gist of it. I do not think we need to get too caught up in the details of that accord. We need to keep the issue simple, which is that the liquor licensing authorities — and this is what I have called for on every occasion — should remove the link of music to high-risk liquor licensing conditions. The liquor licensing authorities need to remove that link in the policy because there is no evidence — in fact, there is contrary evidence — that live music causes violence.

In fact the regulatory impact statement for the 2009 liquor control reform regulations states that in relation to other venue types, particularly those offering live and recorded music, the data prevented drawing any firm conclusions about whether they represented a risk factor. It says that the relationship between licences offering live and amplified music and alcohol-related harm could not be adequately tested in the analysis of Victorian data, and that there is no evidence that the presence of music per se is associated with violence.

However, we all know and all people who attend live music gigs around Victoria know that the presence of music is much more likely than anything else to mitigate violence. It is a mitigating factor. What really needs to happen is quite simple: that liquor licensing should decouple live music from high-risk liquor licensing conditions. The next thing it must do is lift the high-risk conditions from the some 700 music venues that it has imposed them on in a blanket way around Victoria.

Mr Barber and I have looked at a number of venues in our areas. I have looked at Port Melbourne and South Melbourne, Albert Park, Middle Park and St Kilda, Prahran, Windsor, Balaclava and South Yarra — and there are 44 venues in those areas with special live music conditions. Mr Barber has looked in Richmond, Fitzroy, Collingwood, Brunswick, Carlton and Melbourne, where there are 85 venues with those

special conditions. Many of them have absolutely no history of violence, but they do have a long history of providing live music entertainment for the people in the local area and for visitors, and they have no history of trouble whatsoever.

The accord agreed to venues applying to the director of liquor licensing to have their conditions varied. They can fill out a form, which is a request to the director of liquor licensing to consider initiating a variation of a licence condition. This would apply to venues that have had their conditions imposed between 1 January 2009 and 23 February 2010. It is a form whereby the licensee has to fill out various boxes and describe the changes they want to the conditions. They must include the days and times when either live or amplified music is played and lodge that form with the director of liquor licensing, who may or may not agree to the variation of their licence.

Given that most of these venues have no history of violence and the only trigger they supposedly have is the presence of live music, what really should happen is the director of liquor licensing should remove those conditions from any venue except for venues where there have been clear breaches and where there is a history of trouble. The onus should not be on the licensee to prove they are innocent; the onus should be on the liquor licensing authorities to demonstrate there is non-compliance. That is the way it should proceed, rather than waiting for the licensees to understand they need to fill out this form and to demonstrate that they are innocent; it should be the other way around.

Victorian liquor licensing authorities should rethink their whole approach to the objective of reducing 'alcohol-fuelled violence'; and the focus should be on violence, not on music. If there is a history of trouble at a venue, that should involve the director of liquor licensing; but if there is not, there should not be this inappropriate requirement on venues for security. The requirement is onerous for most of the venues, particularly small venues that want to host live music on a weeknight or on a Saturday or Sunday afternoon when venues often do not have a huge number of patrons and certainly not enough to enable them to carry the cost of two security personnel prior, during and after the presentation of live or amplified music.

The forum the Greens hosted on Monday night drew a large number of people interested in this issue, including musicians and venue operators. We heard how Brisbane has gone about creating a vibe in the Fortitude Valley entertainment precinct that is making Brisbane increasingly seem pro live music. One of the

measures in Brisbane is that noise is regulated by the council and not by liquor licensing authorities.

There is a unique way of looking at that, which was explained to us. The starting position is that if you choose to live in an area where there is a venue, you cannot expect complete silence all night. You can expect there will be some noise associated with venues but also that it would be reasonable in the late hours of the night or early hours of the morning. The venues can expect there to be give and take with the community. It has been worked up over many years, and it has resulted in much fewer complaints about noise, lack of amenity, more tolerance and support of the live music culture in that city. That is a model that we think is interesting and could be looked at in terms of how to move forward with supporting live music in Victoria, because finding practical ways of supporting live music has stalled, notwithstanding the accord that was signed on 23 February; even that seems to have stalled.

We still have a situation where small venues are closing. Small venues are really the incubator of musicians around Victoria and Australia. Melbourne has been known in the past as Australia's incubator of live music. Many venues are world renowned, such as the Esplanade Hotel from being demolished and overpowered by the development behind it. It is still operating as a live music venue, although I have to say it is probably not the same as it was in its glory days. The smaller venues are the ones that are being hit with this condition. The director of liquor licensing should remove the condition. If the concern is about alcohol-fuelled violence, then that should be the issues that are concentrated on. The issue of music should be kept separate and should not be part of the liquor licensing conditions.

I invite members to support the motion, not that I think anyone would vote against a petition tabled by citizens of Victoria, and I also invite members to support live music in Victoria in terms of consideration of this very significant petition. In essence 22 000 people have signed it. As Kram, who was presenting the petition, said, 'This is the rally in paper coming to the Parliament'.

**Mr VINEY** (Eastern Victoria) — I suppose I need to commence my contribution by declaring an interest in this matter. Both my sons have been in bands, and one is still in a band. In fact last Friday night I found myself at a live gig called a FReeZA concert.

**Mrs Peulich** — A very good Kennett government initiative.

**Mr VINEY** — It is a very good program, and I am very pleased that this government has been funding it in the way it has. Shortly after I arrived at the venue one of the people on the door came up to me to thank me, as a member of the government, for continuing to fund these programs. I said, ‘Thank you very much, but I have to say I am here tonight as a dad, not as a politician’.

**Mr Koch** — As a rocker.

**Mr VINEY** — No, I was not there as a rocker — but I would have been a very old rocker, Mr Koch, if that was the case!

I suppose I come at this issue with a very strong interest in the support of live music in this state. However, I do not think we needed to hear the 30-minute contribution that we just had, but I think we need to put all of this into some degree of perspective.

The government is proudly supporting live music in Victoria. It was interesting to hear Ms Pennicuik speak about Victoria being an incubator of live music. I think that happened before the Greens were the defenders of live music in this place. Let us be clear: it is nonsense to suggest that there are no problems at live music venues. As a kid growing up in Clayton I remember that you could not go to Springy Rock because it was not safe for someone from Clayton to go to the Springy Rock venue because it was located in Springvale; that was just a fact, you did not go there.

**Mrs Peulich** — When was the last time you visited the old area?

**Mr VINEY** — I have been to many rock and roll shows over many years. In fact when I was 14 years old someone took me to a Spectrum concert at an old church — —

**Mr Leane** interjected.

**Mr VINEY** — Mr Leane says, ‘Who is Spectrum?’! That shows the age difference. I went to a Spectrum concert when I was about 14 years old, and I remember asking my friend why people in the audience would be smoking such large cigarettes and sharing them with one another.

**Mr Koch** interjected.

**Mr VINEY** — No-one passed it to me, Mr Koch; had they, I would not have known what to do. Let us be realistic: there have long been relationships between alcohol and other mood changers, if you like, and music. Whilst we want to support live music venues in

this state and do so by encouraging live music, by putting \$7 million into the Victoria Rocks program and by a whole range of other initiatives that we have put in place, we also have to be sensible and say that there are occasions when difficulties occur at some venues.

There has to be a set of rules and a set of agreements about how venues are to be managed. Even when I have been to some of the shows at pubs that my under-age sons have been performing at, even where the music is happening there is often a bar around the corner that is still operating. I have to say I am not entirely convinced that some of the people who were at the show had not gone around and had a drink, and I am not convinced they were 18 years of age. These things happen in venues, and there needs to be management and a set of rules about how these things are to be managed.

On one occasion I went to a show at a pub where my son, who by that stage was 18 years old, was performing. Because his band was the fifth band on the program — apparently it is a great thing to be on at the end of the show — I ended up returning to my car at about 1.30 in the morning only to find that it had been smashed into and all of the contents had been stolen. Incidents occur at live venues.

I am not saying that people at that venue caused my car to be broken into, but such venues tend to be in areas where lots of people congregate, where alcohol is consumed, whether it be at that venue or other venues, and there needs to be a set of rules that encourages live music and a good social night-life, but we also need to provide protections for the community and for the patrons of the venues themselves.

This is about getting that balance right and making sure that there is a good balance in encouraging venues to put on shows that encourage young performers by providing the funding and support the government provides to the \$2 million Music for the Future program that has enabled over 300 emerging artists to record, to tour and to release demos and CDs.

It is about providing those sorts of opportunities, about providing protections for the general community, about providing protections for the patrons of venues and about making sure that we have a well-balanced cultural life in this state that encourages cultural life, that encourages live music and that encourages people to attend great social venues for good social opportunities that will enhance Melbourne as a livable city. However, we need to make sure that that is done in a balanced way, and that is the approach the government has been taking.

There has been a recognition that there were some unintended consequences for some of the smaller venues around Victoria from some of the provisions relating to security conditions for those venues, and the government listened to those concerns. We held a round table forum and developed an accord with the industry. The government also has recommended that the director of liquor licensing take a targeted, realistic and common-sense approach to imposing those security conditions.

This is about the balance that the government is trying to get right. We have to recognise that there are genuine and proper community concerns about some of the things that have happened that have been related to alcohol and to late night venues but which may not be related to live music. These things are not related to live music in and of itself, but often these venues operate in a precinct where lots of people congregate and where alcohol is used, therefore we have to take a balanced approach to the way in which these things are managed.

We also have to expect that venues serving alcohol do so responsibly, and sometimes they have not. Even as a patron of these venues myself I have seen occasions where that has not occurred. Ms Pennicuik has brought up the example of Brisbane. I can talk about a young band that will remain nameless, that on its national tour went to Brisbane. What was their venue in Brisbane? It was a whole bunch of young people texting one another and using YouTube and all those things with the message to go to a particular car park. The band turned up at the car park where a ring of cars turned on their headlights and the band performed, and 45 minutes later they were all out of there because they knew the police were coming.

Young people do all sorts of things, and we need to make sure that we have responsible opportunities for bands to perform. That is why we fund the FReeZA gigs. At the show I went to last Friday night, where my son's band was performing, there were probably a couple of hundred people behaving really well and listening to new, emerging young bands, ranging from kids of about 14 years old to about 18 years old. It was a great night for those young people, and I was very pleased that the government has been part of funding that kind of activity.

I happened to be there as a dad, as I said, but what I am pleased to say is that these kinds of events are happening across the state, giving young people the opportunity to perform in front of their peers, giving them opportunities to perform live and to perform their original music. Nearly all of the bands at the event performed original music; there were only one or two

covers played by bands, which were very different to the originals.

This is a great initiative and it is part of the right mix. It is making sure that there are opportunities for young bands, there are programs to encourage them and we work collaboratively with the live music industry as we have done, led by the Premier in relation to the accord and in relation to the round tables that took place. It is also making sure that venues that offer live music operate in accordance with a set of laws that the community expects — laws and regulations that require these venues to serve alcohol responsibly, provide adequate security and make sure that the patrons, the surrounding community and passers-by can enjoy our cultural life in the city in safety.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to make a few remarks on the petition which was tabled by Ms Pennicuik on behalf of the live music industry. This is obviously a substantial petition of 30 000 signatures; Ms Pennicuik did speak for 30 minutes, so I guess that is a short length of time in which to represent a very substantial population.

There have been many other substantial petitions tabled in this Parliament. In my recollection the largest one tabled may have been a kindergarten petition that had in excess of 34 000 signatures.

**Ms Pennicuik** interjected.

**Mrs PEULICH** — The Wilsons Promontory petition had 30 000 signatures. However, let me say there have been a number of petitions tabled in relation to a whole range of social policy issues, including the Equal Opportunity Bill currently under review in this house. These petitions were tabled in dribs and drabs by a range of members because that was the approach taken and they were the tactics used, but I would say that cumulatively the numbers were probably far in excess of 30 000.

That is not to say they are not worthy issues. They are very worthy issues. I think petitions are a wonderful way of allowing people who do not generally engage in the political process, who perhaps may not be as articulate — and some of them are very articulate — to actually make their voices heard. I think that is a very good thing. I have been a very strong user of petitions as a way of making sure that various issues in my electorate are drawn to the attention of those who are impacted upon and their views are made known.

I will not declare a conflict of interest. My son is an aspiring musician. He has been studying music since the age of five. He started off studying classical music.

He is now composing electro house music. However, I do not have a conflict of interest because I do not believe he has earned a brass razoo as a result of the process. Who knows? He may one day. I am a lover of music and live music, and I know how important it is to everyone, in particular our young people.

What has happened to the live music venues and various other late-night venues is a symptom of this government's policy failures in a cluster of areas. These are just symptoms. I would like to very quickly run through those. I have taken those issues up in the Parliament on numerous occasions.

In fact this all started with a bungled 2.00 a.m. lockdown policy. This was an attempt by the Premier of this state and the then Chief Commissioner of Police to respond to an increasing problem of antisocial behaviour and violence in the CBD. Clearly that was a preposterous idea insofar as it punished the 95 per cent of people who are law-abiding citizens and basically shut down Melbourne — a capital city of international repute after 2.00 a.m. It was good government policy, including Kennett government policy, that helped to build that reputation, and it was basically trashed by that ridiculous, bungled 2.00 a.m. lockdown.

The current gaming reforms, which are absolutely flawed — they are the myki of gaming — have thrown many entertainment venues into financial uncertainty and doubt. This has triggered a rationalisation of the RSLs, which is currently taking place. There may even be some performances there; they may not be rock'n'roll, but they will certainly be impacted on. As a result of the rationalisation of RSLs, there will be fewer live venues, even if it means just one performer.

In addition, we have seen the absolute bungling of liquor licensing reforms. I spoke against those liquor licensing reforms at the time. I expressed concern that there had not been sufficient research or study undertaken in order to understand what was happening with the antisocial behaviour and increased violence. The intersection between the impact of drug use and alcohol use and the lack of visible policing has still not been tackled by this government even though it has been in office for nearly 11 years.

Land tax is absolutely killing entertainment and hospitality venues. In fact a hotelier I know, Sam Castello, who asked me to use his case, will be selling his hotels because the land tax is just breaking him. He puts on some live music. I have had the opportunity of enjoying it, not necessarily the rock bands, but nonetheless I have enjoyed music at his venues. That is another example of how the cluster of failed policies

are really the cause of the decline of hospitality, late-night venues and live music in the state.

Another symptom of that is the recently released small town unemployment statistics. We heard the Treasurer waxing lyrical about the increased number of jobs in Victoria. What he did not tell us is that it is very patchy and there are certain areas where the number of unemployed has substantially increased.

Looking across the region I represent — and these are statistics that were released some 10 days ago — there was an increase of 8149 in the number of people unemployed in the city of Casey in the last year; in Dandenong a further increase of 7003 people were unemployed; in Frankston there were 3221 more unemployed to December 2009 than there were a year ago; in the city of Kingston the figure is 5903 more unemployed than there were a year ago; and 5256 more people were unemployed in the city of Monash as at December 2009 than there were a year before. That is nearly 30 000 more unemployed people across South Eastern Metropolitan Region in 2009 than there were in 2008.

These are all symptoms of this government's failed policies which have caused enormous concerns and angst and the decline of opportunity in small business and disarray in the gaming sector. A very strong and well-respected Labor man involved in a local RSL said to me, 'The gaming reforms in the state of Victoria are Victoria's next myki'. That is how much faith he has in the gaming reforms that have been implemented by this government.

The liquor licensing laws have been a total debacle. I have spoken about that, and I was disappointed that the Greens voted against including the disallowance provision in the liquor licensing bill.

**Ms Pennicuik** — Yes, but not the live music part.

**Mrs PEULICH** — No, and this is one of the reasons these live music venues are now on their knees, because the liquor licensing laws have driven them to it. The Brumby government's liquor licensing laws have nothing to do with the rating or recognition of the risk or the rewarding of compliance. This is a unilateral revenue-raising measure that this greedy and wasteful government thought it could get away with because it was using liquor and antisocial behaviour, without fully understanding what all the causes were — including the lack of a visible police presence, and we will have that debate later on — as a convenient excuse.

In relation to the liquor licensing fees, I commend the local papers, in particular the *Leader* group, for a very

good exposé they are currently running on the effect of this government's liquor licensing fee regime on sporting and community organisations. The fees are an unfair additional tax which will break the backs of many of these organisations. In doing so they will further contribute to antisocial behaviour and violence because they will drive people away from community organisations and sporting involvement.

I have made it clear time and again that the rise in violence needs to be tackled, looked at and understood, and then you need to have a policy that responds to it, not this grab bag of failed policies which has driven small business into the ground and closed more and more live venues.

The response from local clubs and organisations has been an absolutely overwhelming rejection of the licensing fee structure with many arguing that they are paying increased fees despite not having any history of violence. In 2008 a restricted licence for a club was \$35.10; in 2010 it is \$355. For, say, a tennis club that may only from time to time — perhaps at an annual meeting — sell a few glasses of wine, that is a fairly substantial increase that has somehow to be met.

For sporting organisations that may only sell alcoholic products for perhaps 5 hours every weekend, a 911.4 per cent rise in tax over two years is not something the Brumby government should be proud of, and all residents should be concerned about what tax increase is next on the agenda and how it will affect them. The state government has become increasingly greedy for more revenue even at the expense of small sporting clubs committed to keeping kids fit, healthy and away from substance abuse or risky behaviour.

Increases in liquor licensing fees in Casey have had a dramatic impact on local sporting and community clubs. Having raised licence fees from \$10 million to \$15 million in 2009, Labor now wants to increase fees to over \$35 million in 2010. It argues that this massive fee hike is needed to address rising levels of violence in entertainment precincts. However, the reality is that violence will continue without a visible police presence, and if we conveniently fail to acknowledge the cocktail effect of mixing drugs with alcohol and a lack of public transport and taxis, especially late in the night, so that young people can return home, none of those problems will be resolved. The Brumby government has used this issue as a coverall to tax all businesses and organisations across the state that have a liquor licence.

In addition to that, there has been bungling of a whole range of policies that affect young people. Mr Viney mentioned FreeZA, which was a Kennett government

first. The wisdom of some of these good ideas is that that they survive other governments. The bungled and failed policies I have mentioned that are causing Victorians enormous hardship will be changed, but the good ones will survive, and FreeZA is one example.

The failure to address antisocial behaviour will probably drive this government out of office. Its bungling of transport has made life a misery for Victorians and in particular those who seek to go to the CBD to enjoy a night out. As I said, the bungled 2.00 a.m. lockout was a bad joke that I heard about when I was visiting New York for a brief stay. People could not believe it.

I certainly support and share the concerns of those who signed the petition. They are from all parts of the state of Victoria, including my own. We need to think about how to foster policy that supports young people, music opportunities and small business. When you do not do that you get the sorts of results we have — that is, lurching from one failure to the other with devastating results for all sectors of the community.

With those few words, I look forward to a change in direction. I commend the member for Malvern in the Assembly, Michael O'Brien, for the outstanding policy he has launched as an alternative to this government's failed liquor licensing policy — one that recognises risk and rewards good behaviour. I look forward to having the opportunity of seeing it implemented when this government is driven out of office.

**Mr HALL** (Eastern Victoria) — Liquor laws in the state of Victoria are an absolute right royal mess. This debate and the petition are about liquor laws as they relate to live music venues, but there are other licensed premises that are suffering the same problems as those that provide live music, such as hotels in general and particularly country hotels regarding their hours of operation and the injustices being imposed on them by the liquor laws.

We also have the unfairness of the application of liquor laws to retail packaged liquor outlets right across Victoria, bed and breakfasts, market stallholders, vigneron — and the list goes on. They are all being unfairly impacted upon by the ill-advised set of liquor licensing laws we have in Victoria at the moment.

The government is scrambling to recover ground on this issue because it has taken some major hits, and it deserves those hits in every sense of the word. While we have an accord which was mentioned by Ms Pennicuik when she moved the motion to take note of this petition, this is just one of those areas. The

government has also been scrambling to recover ground from those facilities which have the licensing laws applied to them.

I also have to say the Parliament itself is approaching this situation in a very ad hoc way. The opposition has tried to raise this matter in the only way it can to try to draw attention to the injustice and unfairness of the way some of these liquor licensing laws are framed, and taking note of this petition is a further example.

The thing that really annoys me about all of this is that the Parliament could address this in a far more systematic and thorough way. There were alternatives and they were knocked back by the majority of members in this house. It needs to be said again that these liquor licensing laws are set by regulations. An amendment to a bill that went through the Parliament was offered to government members and the Greens; they resisted the offer from the coalition to support an amendment which would have made regulations made under this particular act disallowable by either house of Parliament.

Had we had support for that amendment, the Parliament would not be involved in this debate today nor in some of the other ad hoc sorts of approaches that have been taken to this whole subject. We simply would have had the opportunity to disallow regulations made under the act and express our dissatisfaction with the way liquor licensing laws are currently structured. It could have been all dealt with in one clear distinct motion. That could have been the catalyst for the government to review all aspects of liquor licensing laws, not just part of it as it is doing now. I again want to express my extreme disappointment that by not supporting that amendment the government and the Greens denied themselves the opportunity to address the whole issue of liquor licensing in a far more systematic and thorough way.

It is a bit rich for any member of the government to claim they have been the saviours of the live music industry by striking an accord with the industry. It is also a bit rich of the Greens to take the front running on this issue and say they have done everything to save the live music industry when both parties knocked back the opportunity to support a disallowance provision which would have enabled us to deal with this whole issue in a far better way than what we are doing now.

That being said, I wish to add my comments and support to others who have spoken in this debate. I want to express my strong support for the live music industry in Victoria. I think we have a fantastic live music industry not only in Melbourne — which has

somewhat of a reputation for supporting live music — but also many country areas of Victoria are proud sponsors and providers of venues for live music entertainment. It is fantastic that many from country Victoria have gone on to become international artists in their own right and are doing extremely well in the music industry.

I also want to pay credit to successive governments, past and present, for their promotion of music in schools programs, because over the last 20 or 30 years those programs have grown tremendously. I never cease to be amazed by the talent exhibited by young people in schools when they have the opportunity to perform at official or casual functions. There has been progress in terms of providing opportunities for young people in this state to become musicians. Those opportunities have never been better and the results have never been clearer. I guess we can see that in part now — that is, those people who have graduated from music programs that started in schools are now starting to provide live music professionally or recreationally. The genesis of much of that has been school music programs.

I must say I was disappointed that this government was tardy in acting when the annual Rock Eisteddfod challenge was put in jeopardy earlier this year. Because this government did not act soon enough, that fine event, which has been around for several decades, will not happen this year. I think that is a crying shame. Had the government acted sooner and supported it in a far more tangible way, we would still have that event today. The Rock Eisteddfod is a showcase for young students to display their music and drama talents. That was extremely disappointing. We need to keep our eye on the ball.

I am happy to support the sentiment that has been expressed in the tabled petition. I congratulate those who have put their signature on this petition, because it is something I wholeheartedly support as well. I, like most of us in this chamber, have at some time or another been the beneficiary of live music entertainment all around Victoria, whether it be in licensed premises or not. It is one of the really pleasurable aspects of life that takes us away from our normal jobs and provides us with some very important relaxation. It is a most enjoyable outlet. The people who practise as musicians in that form of entertainment are to be admired for their talent.

I strongly support the sentiment expressed in this petition before the house. But in closing I stress that this would not be necessary — and we would not have to have this debate; we would have been able to provide

some stronger and tangible support regarding the liquor licensing issue — had we taken the measure to accept the coalition’s amendment to make these regulations disallowable by either house. We would not have had this debate, but we have it here today. It gives us an opportunity to throw our support behind live music. Mine is there. I congratulate those many thousands of people who have put their names and signatures on the petition before the house this afternoon.

**Mr ATKINSON** (Eastern Metropolitan) — I just want to make a few brief comments. Firstly, it is interesting that the Labor Party put its hand on its heart and said it was doing so much for live music and it was so important, when Mr Viney’s first words bemoaned the fact that so much time seemed to be spent on Ms Pennicuik’s contribution to this particular debate.

Secondly, when this government came into office it suggested that it would establish a process by which all petitions would be acknowledged and that petitions would assume a more significant role in the proceedings of the Parliament. I note that that is a promise that has never been met in its entire time in government. I welcome this situation where a petition — and there is a series of motions about petitions proposed by the Greens today — will receive some comment. I welcome that as an opportunity.

Going forward we do need to give some greater consideration to more of the petitions that come before the Parliament, because they are obviously a very clear and contemporary expression of the views of the electorate and they deserve to be debated, discussed or at least considered more thoroughly by this Parliament than the cursory presentation that is given them when members present them each day.

The next thing I want to say, and I will not labour the point because it is something that Mr Hall touched on perfectly in his contribution — it was the point at which I decided that I would come down and join this debate — is that whilst I appreciate the role that Ms Pennicuik and the Greens have played in accepting this petition and bringing it to Parliament and leading this debate today, I wholeheartedly agree with Mr Hall that had they considered more carefully the amendment that was presented by the coalition at the time the last liquor reform legislation came before this house, then much of the problem and much of the threat to the live music industry might well have been averted.

The *Hansard* record will show that members of the Liberal Party and The Nationals predicted this very problem. They pointed out that the way Minister Muddle, who is the Minister for Consumer Affairs,

Mr Robinson — I called him Minister Muddle because every piece of legislation that he has brought to this Parliament has had to be corrected —

**The ACTING PRESIDENT (Mr Leane)** — Order! Mr Atkinson cannot call the minister ‘Minister Muddle’. He should be referred to as ‘Minister Robinson’ or by his portfolio.

**Mr Koch** interjected.

**Mr ATKINSON** — It is amazing how quickly we have to defend some of these ministers. I accept what the Acting President says.

**An honourable member** interjected.

**Mr ATKINSON** — I was not asked to withdraw as a matter of fact. I was simply told that it was not acceptable to refer to Minister Robinson as ‘Minister Muddle’.

**The ACTING PRESIDENT (Mr Leane)** — Order! I ask Mr Atkinson to withdraw.

**Mr ATKINSON** — Then I withdraw that comment.

**Mr Kavanagh** — On a point of order, Acting President, may the member refer to Minister Robinson as ‘Princess’?

**The ACTING PRESIDENT (Mr Leane)** — Order! The answer to Mr Kavanagh’s question is no, I do not believe so.

**Mr Kavanagh** — So ‘Princess’ is out of order?

**The ACTING PRESIDENT (Mr Leane)** — Order! The member needs to refer to the minister by his proper title, as Mr Kavanagh knows.

**Mr Kavanagh** — Thank you, Acting President.

**Mr ATKINSON** — Minister Robinson is known for his muddles when it comes to legislation, because every piece of legislation that he has brought to this Parliament has had to be reviewed, changed, amended and brought back into the Parliament because of the mess and the muddle that it has caused in the community. When I say this I am talking about gambling legislation, liquor licensing legislation and some of his consumer affairs legislation. The fact is this minister never gets it right when it comes to legislation. He rushes into the Parliament with legislation and it is wrong.

As I said, when this legislation last came before Parliament members of the Liberal Party pointed out

that the minister had included provisions in that legislation which meant that a restaurant with a wandering violinist could be forced to pay higher liquor licensing fees and employ a security guard simply because the violinist was apparently going to antagonise diners or incite a riot in the restaurant! That was the sort of ludicrous position of that legislation. The Liberal Party and The Nationals raised that concern at the time the legislation was here and moved an amendment that would have averted much of this dilemma. But, as I said, at the time the Greens did not appreciate the value and the importance of that amendment, so we have now seen the fallout in terms of the live music scene.

I agree entirely with those speakers, and it seems to be a unanimous position in this house, that the live music scene is very much part of the ethos of Melbourne. It is an important part of our cultural heritage and continues to contribute to Melbourne's expression as we go forward. I do not intend to go down a memory lane journey of all of the bands and so forth that I might have seen in different places, but I would suggest that many of those bands would never have got off the ground and never become successful recording artists, in some cases international recording artists, had it not been for the fact that they were given a start in the live music scene around Melbourne.

A point that I want to make, which I think we need to think about as policy-makers, is that long before these liquor licensing laws and Mr Robinson's latest muddle came along, the biggest damage to the live music scene in Melbourne — and indeed one of the reasons we now have such antisocial behaviour in the city today — was caused by the invasion of gaming machines in suburban and country hotels. The fact that so many hotels which originally were entertainment venues and part of this live music scene around Melbourne have gone into poker machines and have abandoned live music means that the venues are now conglomerated in particular areas. There is an aggregation of live music venues in certain areas.

It means that young people who previously were dispersed and were going to venues in their own areas, where in fact they showed more responsibility because they were more likely to be known or recognised and were mixing with other people they knew and were enjoying and experiencing the live music scene, are now going further afield and are mixing with people from other areas. In some cases they are taking on a sort of geographical and perhaps gang approach to their attendances at some of the venues in these more central locations. That is one of the issues associated with the antisocial behaviour, particularly in the city area.

I have discussed that with senior police. In fact it was one of the senior police who alerted me to that phenomenon; it was something that I had not really thought about, and it's something that I think as policy-makers we all need to give some thought to, because in that sense it is part of the solution in addressing what is the antisocial behaviour. Even that contraction of live music venues has reduced the number of opportunities for many people who might well have otherwise got a start in the live music scene in Victoria, simply because there are fewer venues in which to perform.

We need to be doing everything that we can to encourage those live music venues that remain in Melbourne and in country areas, and we need to be doing whatever we can to support them. I accept that where some of them are doing the wrong thing, where there are issues in terms of security, we do need to address those matters, but we do not need to address them with the heavy hand of Minister Robinson's proposals, with this blanket coverage of 'this is what we will do'. We need to be looking at individual cases. We need to be looking at the merits of a proportionate response, if you like, to the risk aspects of certain venues and making sure that in other venues we see that the live music scene is encouraged and prospers. I am pleased, as I am sure many people are, that the Tote is to reopen under new ownership. Hopefully that will be a flag for some improvement in terms of the government's approach to liquor licensing laws and to live music venues.

**Mr Koch** interjected.

**Mr ATKINSON** — It has been dragged kicking and screaming, obviously, into addressing the reforms, because from the outset Minister Robinson was adamant that he had the right legislation in place, that his approach was the only way to go and that it was going to resolve all these problems. It was hasty and ill-conceived legislation, because the government members and the Greens failed to recognise the import of that legislation and failed to support the amendment moved by the coalition, and indeed there have been significant problems for the live music industry ever since. At least there is now a dialogue and the minister has been dragged kicking and screaming into that dialogue.

I noticed that the Premier, Mr Brumby, had to meet with the owners of the Tote, presumably because they were not getting anywhere with the minister responsible. I certainly hope that this government does not continue its heavy-handed attitude that threatens the live music scene and that we as a Parliament do our best to try to encourage that music scene to flourish.

**Ms PENNICUIK** (Southern Metropolitan) — I thank the speakers who have contributed to the debate on the issues raised in the petition from Fair Go 4 Live Music. I thank Mr Viney, Mrs Peulich, Mr Hall and Mr Atkinson for their remarks. I would like to bring the debate back to the conditions being imposed on venues by the director of liquor licensing in Victoria and the linking of the presence of music, either live or amplified music, with high-risk activities, which is the issue before us.

In their contributions Mrs Peulich, Mr Hall and Mr Atkinson all mentioned that had the Greens not abstained from supporting the opposition during the debate on liquor licensing conditions earlier this year this problem would not have arisen. During that debate we made very clear our opposition to the requirement that venues must provide security guards when live or amplified music is played even when there is no history of violence and our view that this senseless requirement is crushing Melbourne's live music culture and making it very hard for musicians to find venues with live audiences.

The closure of the Tote shone a light on this issue which has forced other small venues to simply stop having live music. We made that position very clear in the debate. It is not true that the debate on the liquor licensing legislation earlier this year had anything to do with the conditions imposed by the liquor licensing director. She has a policy interpretation that live music is a high-risk activity, and therefore she has imposed at her discretion this special music condition across venues with live music in Victoria. That was a pre-existing condition and had nothing to do with legislation that came before us during that debate. It is disingenuous of members to talk about that aspect in this context, because that was a pre-existing condition that started to be rolled out in venues last year.

The truth is that the number of venues that have live music and the number of gigs that are available in Melbourne and in Victoria have been falling since the advent of poker machines in pubs. Going back over the last 15 or so years the number of gigs available has fallen. Certainly that has been said to me by many of my friends who are musicians, who bemoan the advent of poker machines because it has meant so many venues have turned from being music venues into being pokie venues. The rollout of these high-risk conditions associated with live music has meant that the situation is now worsening. Smaller venues are simply ceasing to promote live music, and so there are fewer and fewer gigs.

Although Mr Viney talked about the government's support for live music and Mr Hall said he admires musicians and supports the music in schools programs, the problem is that there is a falling number of gigs available for those musicians to play at as a result of the conditions that have been imposed by the liquor licensing director and the inappropriate linking of live music to high risk. I want to bring the debate back to that point. That is what the 22 000 people who signed the petition want us to talk about.

It is very good that members wanted to debate this issue in support of the people who have brought the petition to us. I thank Mr Atkinson for his remarks that we should take greater note of the petitions that we present to Parliament. That is exactly why I moved this motion, because 22 000 people have signed the petition and a lot of people have gone to a lot of trouble to collect the petitions and present them to me to present to Parliament, and it would be a shame to just present the petitions and not say more about the issue these people are bringing to our attention.

The question is what to do about the conditions the liquor licensing director has imposed on some 700 venues across Victoria, and the answer is to remove those conditions. The liquor licensing officers can then concentrate on those venues which have compliance problems and deal with them according to the law and the regulations. We need to reinterpret the whole idea that live music and violence are inextricably linked, because it is not appropriate and the inference should be removed.

I have before me a quote from someone on the messandnoise blog site. He says:

I was at the Railway Hotel on Nicholson Street last Saturday, where they had an awesome blues band playing. The crowd was ... more a mature-age group and the singer quipped (while asking people to sign the petition) that instead of having two security staff there, they should have two paramedics.

I think that sums it up. We need a diversity of live music; we have a history of that in Melbourne. We have a history of small venues hosting all types of music — blues music, country music and all types of music from different countries. People who come from around the world bring their music; they play that in venues and even in restaurants, as Mr Atkinson said. As Mr Hall said, live music is an enjoyable experience, it takes us out of our lives and is a big part of people's lives. These conditions are crushing live music. That is what the people who signed the petition wanted me to draw to the attention of the house.

I will finish by going back to the petition. It says that the petitioners request that:

1. the Victorian government institute a proper investigation into the causes of violence and drunkenness —

which has not been done and should be done —

2. until such investigation is undertaken and concluded, the government remove all references to ‘live and amplified music’ from the licence amenity clause on liquor licences;
3. the government formulate a cultural policy that promotes and maintains Melbourne as Australia’s capital for live music.

They are the three actions the petitioners call on the government to do. I support that; I think everyone supports that. I just want to bring the motion back to what the petitioners have asked Parliament to consider.

**Motion agreed to.**

## EDUCATION AND TRAINING COMMITTEE

### Reference

**Mr HALL** (Eastern Victoria) — It gives me great pleasure to move:

That —

- (1) this house requires the Education and Training Committee to inquire into, consider and report on the administration of the federal government’s Building the Education Revolution (BER) program in Victoria, with particular regard to —
  - (a) the levels and appropriateness of any fees and charges imposed by Victorian government agencies;
  - (b) whether construction costs of BER projects are in line with industry standards;
  - (c) the use of local builders and tradespeople during the construction of BER projects;
  - (d) whether outcomes were of acceptable quality and suitable to the needs of each individual school;
  - (e) the effectiveness of any measures put in place by the Victorian government to ensure contracts to deliver BER projects are timely, transparent, accountable and represent best value for educational outcomes in Victoria; and
  - (f) any other related matter; and
- (2) the committee be required to provide an interim report to the Parliament by 31 August 2010 and a final report by 31 December 2010.

In essence the motion requires the Education and Training Committee of this Parliament to report into the administration of the federal government’s Building the Education Revolution program in Victoria. The motion sets out a few aspects of that administration which I think the Education and Training Committee would do well to look at.

I understand there will be no opposition to these terms of reference from the government or other parties in the chamber, so I will not prosecute my case for the terms of reference at length. But I want to say a couple of things.

The first thing is that the day started well for me when I read the *Herald Sun* and looked at Mark Knight’s cartoon in the middle pages. It depicted a conversation between the Premier and the Prime Minister and made commentary on three aspects of federal government programs — those being the proposed health reform, the pink batts and the Building the Education Revolution — depicting a school hall turned upside down on its roof.

I suggest that things are probably not quite as bad as that depicted in the cartoon, but there has been much criticism of the Building the Education Revolution program. In fact, there has been sufficient criticism of the federal education minister, Julia Gillard, to have her appoint a task force to examine problems with the program. That in itself is clear evidence that there are issues in this program worthy of exploration. I note that the New South Wales Parliament is conducting an inquiry similar to that which I propose the Education and Training Committee of this Parliament conducts.

Again I want to make some general comments about the program itself. Most members would well know that this is a \$16.2 billion program, so it is certainly massive. In a general sense I think it is great. If a federal government believes it has \$16 billion to spend on education, I think it is a good program and I am all for it; I do not knock it back at all. However, as a taxpayer in this country, I want to make sure that my contribution to that \$16.2 billion is well spent, that I am getting value for money and that education opportunities right across the country are enhanced to their maximum by the expenditure of the \$16 billion.

If you look at the guidelines for the program, you firstly note that the whole program is a partnership between the federal government, as the primary partner, and the state governments. Indeed state governments play a key role in making submissions for projects under this program and administering some of the works and the allocation of programs in the state of Victoria. So the

Victorian government has an important role to play in the rollout of this program and the projects that evolve from it.

The time frames for the expenditure of the \$16 billion involved in this program are extremely tight; I have never seen time frames as tight for the number of projects that are expected to be completed. We are talking about a \$16 billion program and about eligible schools, being all primary schools, and there is also a fair component of expenditure in secondary schools across the country as well.

In each of those we are talking about time frames for the completion of projects. Those that started in February or March 2009 are expected to be fully completed by 20 December 2010; in the second category, by 31 January 2011; and in the third and final category, all completed by 31 March 2011. There is something like at best an 18-month time frame from go to whoa for some of these projects. No wonder state education departments are having some problems in meeting those time frames. It is a massive undertaking to coordinate the number of projects being undertaken in this program and complete them in the time frame that has been set by the federal government.

If there is some criticism of the way in which state education authorities are administering this program, there is probably an argument — or upon investigation there will prove to be an argument — to suggest that it is not all their fault. It will probably reflect back on the federal government as well, having given such short time frames in which to get the program rolled out.

Some further conditions which are attached to the program require that in most instances, with exceptions, schools are required to adapt pro forma plans and template building structures. There need to be some strong reasons for those template buildings not being accepted. If there are variations to those, then quite a lengthy and exhaustive argument needs to be entered into as to why those template plans do not best meet needs in that case. Again all of those exemptions need to be argued within the time frame, so it makes it extremely difficult for the administrators and local communities to make best use of the money being made available to them.

I look at the newspapers and every day now there seems to be some commentary about the Building the Education Revolution. I noticed just this week, on 12 April, in the *Age* an article headed 'State holds back federal school building projects', which suggested that the Victorian government was holding back 20 per cent of federally funded school projects because of rising

building costs and a shortage of contractors and materials.

Again it is probably altogether not the fault of the Victorian state government in respect of that. In fact its decision to hold back some of those building programs and release them in a more orderly fashion is probably desirable. It will bring about some better outcomes. But again it is the federal government restrictions on the use of funds from these programs that are making it extremely difficult.

I am sure we as members have come across schools in our constituencies that believe the value they are getting out of the moneys that have been allocated for projects at those schools and what they are getting for their dollars is not as much as they could get if they were able to administer the program locally. A number of schools that I have spoken to in my electorate have been given sums in the figure of \$3 million and been required to accept a template building design when they know that if they had that much money to manage they could probably get twice as much as has been offered under this template design.

Indeed there was an article in today's *Age* about Warnambool East Primary School, where exactly that condition applied. The school was required to accept the template building design, which led to a situation where it believed it got far less than it could have had there been flexibility in managing its projects locally.

We see commentary in that article and others from the building industry itself. Some of its members suggest that they are a bit stretched, and that is why some builders are charging excessive fees — above the industry norms — for these projects; others suggest there is plenty of opportunity and capacity within the industry for builders to accommodate these projects in an acceptable time frame.

I make another point: one of the proposed terms of reference would ask the committee to consider whether the best possible use of local tradespeople has been made in the rollout of this program. I know that, for example, in the first stage of the rollout — the first set of schools eligible for funding under the program — there were some ludicrous situations in which local builders were prohibited from tendering for contracts.

Some builders in East Gippsland could not tender for Gippsland projects, and people from far away, in the most western areas of my huge electorate, were offered the opportunity to tender for some projects — and vice versa. The reasoning behind that is unfathomable; it

lacks logic. While that particular issue may have been addressed in later stages of the program rollout, it certainly had not been in the initial stages, and substantial extra costs were incurred because local tradespeople were unable to tender for local projects.

As I said, I am not going to go through all of the things I could say about this, because appropriately and properly the issue would be better researched by the Education and Training Committee of the Parliament. That is exactly why I have moved this motion to set terms of reference for such an inquiry by that committee. I am a member of that committee, and I look forward to the work it will undertake in researching this matter, because the committee works well. We all have an interest and want to see the best opportunities and facilities provided for students across Victoria.

In that regard I think it is quite appropriate that a parliamentary committee consider the expenditure of Victoria's component of the \$16 billion and try to satisfy ourselves that the Victorian government, in the role it is taking as a partner in this program, is achieving, as it should achieve, best value for dollar and best educational outcomes for Victorian students.

In anticipation that these terms of reference will be supported by members of other parties in this chamber, I thank them for that support and look forward to some constructive work being undertaken by the parliamentary committee.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens are pleased to support the motion put by Mr Hall that the Education and Training Committee inquire into the administration of the federal government's Building the Education Revolution program in Victoria. I note that the Parliament of New South Wales has a similar inquiry being conducted by its General Purpose Standing Committee No. 2. It is inquiring into pretty well the same thing — the Building the Education Revolution program — in New South Wales. It has called for submissions, and submissions close on 7 June. The terms of reference Mr Hall has put forward are very similar to the terms of reference of the New South Wales inquiry.

My colleague Mr John Kaye, MLC, a member of the Greens in the New South Wales upper house, was instrumental in pushing for that inquiry. There, as in Victoria, there have clearly been instances of wastage and complaints about the implementation of the program. A very large sum of public money is going into this program across Australia, so you would really have to say this is a once-in-a-lifetime opportunity for

public education to receive buildings and upgrades, but it has not necessarily been well implemented. It should not become a squandered opportunity when so many billions of dollars are being spent, so it is appropriate that the Parliament in Victoria, as in New South Wales, look at how the program is being implemented here.

Mr Hall mentioned that there has been quite a bit of coverage of this issue, particularly in the last week. He also mentioned that the state government has already indicated it is holding back some of the funding under this project for various reasons, including reasons flagged in the article referred to — that builders are being swamped, builders' quotes are too high, and some prices mean that projects are trimmed or that schools miss out on features they would otherwise have expected.

This *Age* article also refers to an earlier *Age* article which queried the funding given to schools run by the Exclusive Brethren and referred to how the Exclusive Brethren had managed to use a certain way of describing its campuses to get funding. All of these things are of interest to the public in terms of the spending of this massive amount of money.

Mr Hall also noted, as we do, that the federal Minister for Education, Ms Gillard, has announced a task force to look into the Building the Education Revolution program at the federal level. It is good to have two state inquiries and a federal inquiry. That is a good thing when such a large amount of public money is involved. Senator Hanson-Young, the Greens education spokesperson at the federal level, remarked that we welcome the task force investigating the BER program but that we believe the terms of reference should be widened to include the targeting of money for construction projects. Ms Hanson-Young made the comment that we have always had questions about the planning of this program given the speed of the rollout, and certainly that has been commented upon by many people over the last 12 months.

The Greens welcome the decision to implement a task force to investigate complaints but wonder why the government did not include the poor targeting of funds as part of the terms of reference. We also believe it is time to ensure that all halls and libraries constructed under the program are accessible to the public, given the large financial taxpayer contribution.

The Greens have been concerned that insufficient oversight of the process may have led to schools in need missing out on funding. Those things will be looked at at the federal level and are being looked at at the New South Wales and Victorian levels. I did in fact,

by way of questions to Minister Pike, raise these issues late last year when they were brought to my attention by constituents and members of the community, so it has been an ongoing problem for a while. For those reasons we are pleased to support Mr Hall's motion.

**Ms BROAD** (Northern Victoria) — I also wish to make some remarks on Mr Hall's motion and indicate that Labor has no difficulty with this reference to the Education and Training Committee and the terms of reference, although can I just note personally that I very much hope that on 31 December 2010 we will be with our families rather than in this place, whatever the result of the election may be at the end of November.

More seriously, though, to address firstly the very important commonwealth government \$16.2 billion school infrastructure investment known as the Building the Education Revolution (BER) program, this program has certainly played a very big part in saving Australia from recession. It continues to protect jobs and to help families manage the impacts of the global financial crisis.

It is hard sometimes in Victoria, because of the ongoing strength of the Victorian economy, to recall just how concerned we all were at the onset of the global financial crisis and the great importance that was placed on governments, particularly the federal government, taking action to ensure that that global financial crisis did not impact on the Australian economy and the Victorian economy any more than was absolutely unavoidable.

The Building the Education Revolution program is, as well as that, a long overdue investment in every school in Australia. It is some 24 000 projects across 9500 schools across Australia, supporting students and teachers now as well investing in our future. In Victoria the Building the Education Revolution program will deliver more than \$2.5 billion to projects in Victorian government schools alone, and in my region of Northern Victoria there are more than 200 projects listed on the Working Victoria site alone, including a number of major projects which I will refer to briefly later.

When we combine the Building the Education Revolution program with the Victorian schools plan, Victorian schools are being provided with an unprecedented opportunity to revitalise educational facilities and education opportunities. The Brumby government is certainly working shoulder to shoulder with the Rudd government to deliver the biggest rebuilding program in the history of Victorian schools.

These plans, when combined, represent — and I will certainly acknowledge the point Mr Hall made about tight time lines — a very ambitious building program to ensure that Victorian students have access to world-class, 21st century learning environments. In Victoria more than 80 per cent of primary school projects have been or are about to be awarded in Victoria. This means there is building work occurring right across Victoria, and this is resulting in a particularly buoyant market, as you would expect. The strength of the Victorian economy is also contributing to this situation.

There are some tender results for some projects that have not provided value for money, and as a result these projects have been returned to the market, because both the Rudd government and the Brumby government want to ensure that we deliver taxpayers their maximum value for the dollar and that schools will not be disadvantaged by this approach to these tenders.

The federal and state Labor governments are very concerned to ensure that we achieve maximum value for money from these projects — projects like, if we briefly look again at just a couple of examples in my electorate of Northern Victoria Region, the Eaglehawk Secondary College, a school where the Premier used to teach. This is where a new school has benefited from state-of-the-art buildings and facilities constructed as part of a more than \$11 million project, which is stage 1. This is an investment in our children; it is to ensure that Bendigo families have access to the very best facilities and best education for their children.

The Premier had the pleasure of opening that school with the school community at the end of last year. That is one example. That project forms part of the Bendigo education plan in which more than \$70 million is being committed to rebuild four brand-new year 7–10 schools, with construction under way at a number of schools as part of that project. Eaglehawk is the first of these schools to be completed.

I take the new Gisborne Primary School as another example. It has undergone a \$5 million transformation focusing particularly on IT spaces and facilities as well as new classrooms and a new administration block. That \$5 million transformation included a \$1.8 million contribution from the commonwealth, so when we take together the investment through the Building the Education Revolution commonwealth program and the \$1.9 billion Victorian schools plan, we are seeing schools transformed across the length and breadth of Victoria.

The Education and Training Committee is welcome to inquire into, consider and report on the administration of these very important and massive investments in our schools, which are all about transforming education opportunities and facilities to make sure that families have the very best educational opportunities and we get the very best possible education outcomes for our school communities.

**Motion agreed to.**

## POLITICAL DONATIONS: PROPERTY DEVELOPERS

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

That this house calls on the Australian Labor Party and Liberal-National party coalition to refrain from accepting political donations from property developers for the remainder of 2010.

This is a simple and straightforward motion. This year is a state election year, and the major political parties will be keen to gather in as much in corporate donations as possible to fund their election campaign activities in what has been described by Senator Faulkner in the green paper as an electoral ‘arms race’.

Members will recall that on 25 November 2009 I moved a motion in this house that the state and federal governments reform the laws relating to political donations from entities such as unions and corporations and limiting the size of donations from individuals. Members of the Liberal Party, The Nationals and the ALP refrained from making a contribution to that motion. It was summarily voted upon in the absence of any Greens in the chamber, which was unfortunate. However, if the government and the Liberal-National alliance thought that meant we would be quiet on the issue, they were wrong.

I will quickly go over some of the points that I made during that debate. The first was that access to members of Parliament should be equal for all citizens and based on issues that they are raising with members of Parliament, particularly with ministers, and not on whether a donation has been made and some influence has been gathered by that donation. I said there is a need for reform of the whole political donation system in Australia and in Victoria to break the nexus between donors and government. The escalating costs of election campaigns are further locking out the community from the democratic processes. The very existence of a donation, ipso facto, will influence the

decisions of government ministers, particularly if they are significant donations.

In moving that motion I made the comment that Queensland had committed to legislation to outlaw all political donations over \$1000 by July this year — that is, in three months time — if the federal government fails to act. New South Wales had announced an immediate ban on donations from developers and instigated a further inquiry of its Joint Standing Committee on Electoral Matters into public funding of election campaigns. That inquiry report was released about two weeks ago. I have read that report. It is very comprehensive. It makes a lot of very good recommendations and some that I would possibly not agree with, but it certainly sets out why reform of the political donation system is needed.

A similar inquiry was held by our Electoral Matters Committee on a motion from my colleague Mr Barber. Unfortunately that committee squibbed on coming out with any recommendations. It did a good job, as I think I mentioned in my original motion, of canvassing the issues and looking at jurisdictions around Australia and comparable jurisdictions such as New Zealand, Canada and the UK, but it basically came out saying, ‘We do not have any recommendation except that there should be consistency between the federal government and state governments’. However, the other two biggest states have seen fit to proceed without waiting for action at the federal level.

In New South Wales last year — and this is why I have homed in on the developer donation issue — amended the Election Funding and Disclosures Act and inserted a new provision, section 96GA, to make political donations by property developers unlawful. That section states:

- (1) It is unlawful for a property developer to make a political donation.
- (2) It is unlawful for a person to make a political donation on behalf of a property developer.
- (3) It is unlawful for a person to accept a political donation that was made (wholly or partly) by a property developer or by a person on behalf of a property developer.
- (4) It is unlawful for a property developer to solicit another person to make a political donation.
- (5) It is unlawful for a person to solicit another person on behalf of a property developer to make a political donation.

Section 96GB explains the meaning of ‘property developer’:

- (1) Each of the following persons is a property developer for the purposes of this Division:
- (a) a corporation engaged in a business that regularly involves the making of relevant planning applications by or on behalf of the corporation in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit,
  - (b) a person who is a close associate of a corporation referred to in paragraph (a).
- (2) Any activity engaged in by a corporation for the dominant purpose of providing commercial premises at which the corporation or a related body corporate of the corporation will carry on business is to be disregarded for the purpose of determining whether the corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.
- (b) in the case of disclosures under this Part by a major political donor — a political donation of or exceeding \$1,000:
- (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
  - (ii) made to the major political donor.

Paragraphs (2) and (3) state that reportable donations over \$1000, whether they be a donation in one form or an aggregate form, need to be reported every six months. We need to move towards this in Victoria. Our system of acceptance and non-reporting of donations is exposing the whole political system to discredit in the community, and we need to move to be much more open.

The bill goes on to define a ‘close associate’, ‘officer’, ‘related body corporate’, ‘relevant planning application’, ‘spouse’, ‘stapled entity’ and ‘voting power’.

Section 96GC is entitled ‘Loans included as political donations’, and states:

- (1) A loan that, if it had been a gift, would be a political donation is to be regarded as a political donation for the purposes of this Division unless the loan is from a financial institution.

This is now the law in New South Wales, which has acted without waiting for the commonwealth or any other state. We know political donations from developers is an issue of much concern in the community. We also know the whole issue of property development and planning in Victoria is a huge issue of concern in the community, and rightly so. The fact that the New South Wales government got itself into such hot water over planning and its close relationship with property developers has meant that it had to make this move. My motion does not call on the government to change the law, although I think it should be done; I am just calling on the government in this election year to refrain from accepting donations from property developers.

Section 86 of the New South Wales Election Funding and Disclosures Act defines a ‘reportable political donation’. It states:

- (1) For the purposes of this Act, a “reportable political donation” is:
- (a) in the case of disclosures under this Part by a party, elected member, group or candidate — a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or

The Greens in New South Wales have been campaigning on this issue for many years and have been running a website which I have mentioned in the house on other occasions — [democracyforsale.org](http://democracyforsale.org) — and which has been analysing the Australian Electoral Commission returns for many years. The electoral returns for donations in Victoria for 1998–99 to 2008–09 — a period of 11 years — show that the Liberal Party in Victoria received \$43 526 951 in donations. Of that \$2 463 800, or 6 per cent, came from property developers. The Labor Party received \$41 523 054 in donations from all sectors. Of that \$2 666 567 — or 6 per cent again — was from property developers. The total number of donations from the corporate sector to both parties over those 11 years was just over \$85 million, which is a huge amount of money. That money influences the political process and needs to be reined in.

The biggest property company donors to major political parties in those years were the Gandel Group, \$422 800; Grocon/Grollo Australia, \$385 000; Australand Holdings Ltd, \$234 800; Central Equity Ltd, \$230 950; Transfield Services Pty Ltd, \$219 500; Becton Construction Group, \$214 027; Walker Construction Group, \$214 000; Multiplex Constructions Pty Ltd, \$212 500; Leighton Holdings, \$211 700; Mirvac Victoria Pty Ltd, \$207 700; Becton Corporation, \$203 100; Transurban CityLink Ltd, \$201 900; Equiset Services Pty Ltd, \$146 000; MAB Corporation, \$120 100; Balderstone Hornibrook Pty Ltd Victoria, \$102 690; and Westfield Ltd, \$102 200. Those are the property developers that have donated to both political parties in Victoria over that period.

The government often says that these donations are all made at arms-length and there is nothing to worry about, but the problem is that once companies are

donating those sorts of sizeable amounts of money to either political party, those donations have an influence. I have mentioned in the house before that we learnt much during the public land inquiry. When the managing director of the Walker Corporation was asked why such sizeable donations were made, he freely admitted that it was because that gets him access to the minister.

That access is not available to other members of the public. The government is very hostile in many cases to community groups that try to get access to ministers to put their point of view, and often those people are not seen by the minister, yet corporations that are doing business with the government and are entering into alliances with the government, as is the case with the Walker Corporation, have unlimited access. This is an erosion and corruption of the political system.

This matter used to be dear to the heart of Mr Brumby. Page 40 of his treatise *Restoring Democracy* refers to the public funding of elections. He wrote:

The public funding of election campaigns provides a way to overcome many of the problems caused by the reliance of political parties on corporate donations . . . Public funding of elections would reduce the opportunity for parties to be compromised in seeking funds, provide campaign resources in proportion to a party's public support, make elections more equal contests and place the emphasis of elections on a choice between the policies presented and the competence of the candidates. It would reduce the amount of time politicians spend on campaign fundraising to the detriment of their parliamentary duties.

Hear, hear! But nothing has happened about that since he wrote this treatise *Restoring Democracy*. We have gone nowhere, except further along the path of what has become almost an arms race in terms of political fundraising. This needs to be reined in.

On 10 March Dr Joo-Cheong Tham, a senior lecturer in the law faculty of Melbourne University and a leading expert on Australian political finance, addressed the Victorian branch of the Australian Study of Parliament Group in the Legislative Council committee room. I attended that meeting, as did my colleagues Mr Barber and Ms Hartland and many other MPs. His talk was the best attended of any talk I have attended as a member of the Australian Study of Parliament Group — it was packed. I attend all the talks that are given, which are all very good, but his talk was particularly well attended.

In speaking about the funding of political campaigns by corporations, Dr Tham made the point that the integrity of representative government is put at risk by the culture of increasing political donations by

corporations. He said increasing political donations led to a culture of corruption, which could include bribery, which always includes undue influence and could include a misuse of public funds. He made the point that there is too sanguine a view amongst the major parties regarding political donations. He raised the issue of fairness — that each citizen should have an equal chance — and said that people have a different ability to influence governments and political parties due to wealth. In looking at the figures of political donations, Dr Tham said that the 2006–07 figures revealed that only 130 people and businesses donated to the ALP, all of whom were corporate entities. There were a select group of donors and big dollars predominate. Donations of \$25 000 or more were made by 10 per cent of the donors and comprised 68 per cent of the donations, so a small number of large donors have an undue influence on the government.

Dr Tham referred to the Premier's statement that there is no access for money. That was in response to issues that were raised in the press about corporate lunches; it reported that donors paid large amounts of money to get access to ministers. Dr Tham described that as a breathtaking statement. He said it was the purpose of Progressive Business to provide access to ministers. During my research for this notice of motion I noticed on the website his comment that Progressive Business promotes itself and advertises itself as the way for businesses to get access to ministers. You have to be a member, and those joining Progressive Business pay a \$1500 membership fee. That already excludes the ordinary citizen. I do not know how many people can afford to pay a \$1500 membership fee to Progressive Business. I do not think the ordinary citizen could. It is already an exclusive club.

Businesses may pay up to \$10 000 to sit next to the Premier. Why do they do it? Why do they spend that money — the membership fee, the donation — to sit next to a minister or the Premier? Do they do that because they are altruistic? No, they do not. They freely admit they do it in order to get access to ministers and access to the government.

Joo-Cheong Tham posed the question, 'What is wrong with it?' He said that firstly, it undermines fairness in politics; and secondly, it is corrupting. It corrupts the political and democratic system — and these are my words — and it erodes public confidence in the democratic process.

I am sure anyone in this chamber who was to discuss this issue at a barbecue — a vegetarian one, of course — at a dinner party or any place where people gather to talk about these kinds of issues, would find

that these luncheons and the huge amounts of money that are paid by developers and other corporations to political parties are very much frowned upon by the community. Countries like Canada and the UK, and now Australian states such as New South Wales and Queensland, are moving towards limiting donations to individuals and limiting those donations to no more than \$1000 for individuals. This is because this problem has been recognised elsewhere. That is why Victoria needs to move.

Joo-Cheong Tham also said that information the minister procures by virtue of his office and gives to a person who has paid for access is an abuse of office. I would agree. We can all be reassured by the Premier that all anyone talks about at these functions is the cricket and the tennis, possibly the football, but nobody really believes that. That is not why businesspeople pay these fees.

The political system needs to be fixed. We need to move towards a system where there is public funding of election campaigns, there is a cap on donations, there is a ban on donations from corporations, there is a cap on donations from individuals and there is also a cap on election spending — you need those things to go together. Victoria is not moving in that direction. It is moving further down the road of escalating election costs and escalating the influence of big donors on the government and the opposition parties. This is a simple motion that is calling on the Australian Labor Party, the Liberal Party and The Nationals to make a public commitment to not accept any donations from property developers for the remainder of this year, which is, in effect, during the election campaign.

**Mr VINEY** (Eastern Victoria) — It is an interesting circumstance that the Greens have proposed a motion that the Labor Party, the Liberal Party and The Nationals do not accept political donations but they do not include themselves in the motion. I guess the thing we need to put in context here that is that Ms Pennicuik's premise that something is wrong with the democratic processes in this state is a flawed premise. Ultimately — —

**Mr Barber** — You're the only one who thinks like that.

**Mr VINEY** — I do not think so. I have said in here before that I have a lot of faith in the democratic process. I have a lot of faith in the people of Victoria. I have a lot of faith in the system of government that we have. That is why I participate in it. That is why I am here. That is why I was motivated to be involved in the business of politics, because I have faith in the system

that we have in place and I have deep faith in the democratic processes of this state and this country. Mr Barber might not share that faith, but I think that perhaps demonstrates an approach to life that I do not share. I have a positive outlook on life and a positive view about my community, and perhaps Mr Barber does not share that. I have absolute confidence in the people of Victoria.

**Mr Barber** interjected.

**Mr VINEY** — I did not hear that interjection, and I do not think I need to bother with any more of them. It is important to put on the record in this discussion that in relation to campaign fundraising there is a federal green paper process under way to which I believe all states should contribute so that an agreed process and parameters are decided upon nationally for all political party fundraising going forward, including the Greens, I might say, whether it be the traditional chook raffles or the endless Labor Party barbecues. I have never participated in a Liberal Party fundraiser, so I do not know how the Liberals do it. But however fundraisers are run, what are critical in these things, as always, are accountability and transparency surrounding political donations. The government supports — —

**Ms Pennicuik** — There is none of that.

**Mr VINEY** — I will try not to respond. There are processes in place about how donations are to be reported, and they occur. The government supports the move by the federal government to change the non-disclosure thresholds for political donations from \$10 900 to \$1000. It is disappointing that that legislation has so far been stopped in the Senate, but the ALP complies with all electoral donation laws. We believe the public is entitled to know who is donating funds to political parties, and that is why we have always complied with those laws.

We think the federal government's moves to make those laws clearer and bring the disclosure of donations to a lower threshold are important initiatives, and we support them. All fundraising undertaken by my party is covered by some pretty strict probity guidelines, and I might add that when there is a live decision or a tender that is before the government, ministers do not engage in fundraising activities with parties that are involved in those tenders.

There are strict processes. There is an existing regime of laws, and the Labor Party complies with those laws. The Labor Party has some strict probity guidelines for its own fundraising activities, and the Victorian government supports initiatives by the federal

government to try to get those donation laws operating on a national basis and where disclosure is made at a significantly lower threshold than currently occurs. I think this motion before the house is highly politically motivated in that it is not applying a proposition that all political parties cease their fundraising this year, just that the Liberal Party, The Nationals and the Labor Party do. It needs to be rejected.

**Mr D. DAVIS** (Southern Metropolitan) — I understand the importance of the motion that Ms Pennicuik has put before the chamber, and I think many of the points she has made are important and valid. The opposition has a number of concerns about fundraising structures in this state. We are very concerned, for example, about the activities of Progressive Business, and I note the failure of the government to provide documents — —

**Mr Viney** — Do you really want to go down this path after my speech? Do you really want to do this? Do you want to — —

**Mr D. DAVIS** — No, I am just going to say — —

**Mr Viney** — That's fine.

**Mr D. DAVIS** — I am speaking very briefly — —

**Mr Viney** — I avoided all of that section in my speech. Go ahead and bring someone else in.

**Mr D. DAVIS** — I will accept Mr Viney's point and make the point that the Liberal Party and The Nationals are committed to an independent, broadbased anticorruption commission, which we believe is a key base for control of fundraising abuse in this state. It is important that there be a structure in place at the state level that will enable behaviour by political parties, councils and various aspects of the donation structure to be scrutinised in a way that will provide significant protections for the community.

There is a need for significant donation reform, and the Liberal Party and The Nationals are prepared to look at these matters in a constructive way at both the national and the state level. Accepting political donations from any class of persons is an issue where the community has a right to have a high level of transparency and capacity to scrutinise and examine the potential conflicts that could occur from time to time.

The Select Committee on Public Land Development, of which I and others were members, made recommendations about this. I certainly direct members of the chamber to that report, because it has a number of very valuable recommendations not only for an

anticorruption commission but also that certain key matters surrounding property development that has occurred in this state under this government be looked at closely. We were deeply unhappy about the lack of information in some areas. I do not need to say more about that; I am on the public record with my concerns on that matter.

The opposition thinks some significant reforms can be made. I am not sure that we can make them in this chamber today, but I think there is scope for sensible reform around political donations. That centres on two key things, as I said: greater and fair transparency. We are concerned, for example, about union donations, and that is a major issue for the coalition, because we think those donations have a significant effect on the major activities of the Labor Party, and that is a fair point to put on the record in this debate. Given the hour and the matters that have been put before the chamber today I will make no further comment.

**Mr KAVANAGH** (Western Victoria) — Firstly, I agree with most things that Ms Pennicuik said in her speech after moving this motion, but she did not mention a lot that is relevant to the subject matter of this motion. I note that few members of the major parties in this chamber are lining up to make contributions on this motion.

Government decisions should be based on the merits of arguments and should not be influenced by donations to political parties. When we say 'based on the merits' we are talking about promoting the common good. If there is an influence of money, then that influence is directed at avoiding the common good, promoting the good of individuals and putting private interests above the common good.

We can only suspect that this may often happen when we look at the amount of money being given to some political parties. The upper house's Select Committee on Public Land Development had the opportunity to question Mr Walker of the Walker Corporation; he began his contribution by saying that the large donations that he had given to government were aimed at his getting better access. When I objected, indicating that that seemed improper, he back-pedalled very quickly. You can see what he actually said in the transcript of that interview.

Shortly afterwards we learned that the Walker Corporation donated \$300 000 to the Liberal Party. When I ask Mr Walker about why his corporation donates so much money to political parties, he said parties are short of money and they need money, so this was all about helping the democratic process. When I

said, 'Would the parties who are not in government need money more? If that is true, would you not decide to give money to small parties rather than the ALP and the coalition?'. He did not seem to have a response to that.

A problem for me with this motion is that it does not go far enough. Firstly, it calls on major parties to refrain from accepting donations from developers in 2010, thereby imposing a time limit. Secondly, it is not an attempt to make a law to prevent the acceptance of such money; it is only a motion. It obviously does not go far enough in that respect. The problem of the possible influence of money on the Australian political system, which is more important than even developers, is the importance of some of the oligopolies we have in Australia.

This is the case particularly for banks and supermarkets. Who could deny when you look at it that the growth of these huge corporations is against the interests of ordinary Australian consumers? Why do they continue to exist and grow even though the home of world capitalism, the United States of America, was passing anti-trust legislation 100 years ago to prevent exactly the sort of thing that is occurring in Australia today?

There are lots of problems with our democracy that are not the result of the influence of money from corporations. For example, media bias and media access are huge problems for our democracy. Media bias can be so strong sometimes that it virtually negates the free choice of Australian people regarding their elected representatives. Furthermore, we are talking about hundreds or tens of thousands of dollars worth of donations. Before the last election it was alleged, I think by the coalition, that the government was spending government money to the tune of about \$200 million on political advertising in Victoria alone.

#### **Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Mr KAVANAGH** — Just to recap on what I was saying before the dinner break, I agree with the motion moved by Ms Pennicuik but feel that it does not go far enough. There are many other restrictions on our democratic processes, apart from donations from developers, including of course donations from many corporations. Government decisions should be devoted to the common good and that should be the criterion by which government decisions are made, but money from developers and other financial interests are devoted to having decisions made on other bases.

The motion does not go far enough in that it seeks only to restrain major parties from accepting donations from developers in 2010. The time limit seems unnecessary, and this motion is not about passing a law but asking parties to modify their behaviour. As I indicated, even in the United States over 100 years ago — in the home of capitalism and free enterprise — laws were made to prevent the development of oligopolies and monopolies in the form of antitrust legislation to prevent the kind of situation that we have in Australia with supermarkets and, I think, banks.

I refer to the other restrictions on our democracy, including the media, media bias and a lack of access by many to the media and government spending on the media, including up to \$200 million, it is alleged, at the last state election. If tens of thousands of dollars or hundreds of thousands of dollars improperly buy influence, then surely hundreds of millions of dollars buy a lot more improper influence.

In our political system surely our politics should be governed by the people who are to be represented; in our Parliament that is the people of Victoria, or more generally the people of Australia. Political outcomes should represent the will of the Australian people in Australia. However, there is a lot of foreign interference in our political system.

The Democratic Labor Party (DLP) is purely Australian. We were formed in Australia, and we represent an Australian tradition. There are other DLPs in the world, including democratic labour parties in Korea and the Bahamas. There was a DLP in the United Kingdom, the now-defunct Dog Lovers' Party, with which we do not have any association but share the letters in our name.

On the other hand, it seems to me that the Greens party is a franchise of a multinational party corporation, but while some multinational franchises have big yellow Ms, the Greens apply the big green G.

**Hon. M. P. Pakula** — No, the big green triangle.

**Mr KAVANAGH** — Yes, that is a multinational, internationally patented symbol, I suppose, of this multinational franchise.

I recall when we were first installed in our positions in this place we gave our maiden speeches called 'inaugural speeches' and when the Greens were giving theirs, there were I think about 12 or 15 people in the gallery who were from Taiwan.

**Ms Pennicuik** — They were the Taiwan Greens.

**Mr KAVANAGH** — They were the Taiwan Greens. Thank you, Ms Pennicuik. Just as when you open a McDonald's store you might get some of the big shots coming from America to tell you how to do it, when you open your franchise of the Greens political party in Australia you get them coming from around the world to tell you how to do it and to work here, and by doing this I think they are perverting the democratic system in Australia.

No doubt we will be seeing these people from Taiwan again at the next election. I have nothing against Taiwan; I know Taiwan very well. I lived there for quite a while and I am very much an admirer of Taiwan. But I do not think that our political system should represent the views of people in Taiwan. The Australian Parliament and the Victorian Parliament should represent the interests, the views and the values of people in Victoria and Australia.

In respect of this assistance from other countries, the Greens are not restricted to people handing out how-to-vote cards for them or delivering pamphlets. But indeed even more relevant to the motion before us, according to the now-defunct Australian Democrats website in February 2008, a lot of money has been donated to the Australian Greens from green groups overseas.

The donations include, for example, in 2000–01 a donation of \$9780 to the Australian Greens at the national level; in 2000–01 a donation of \$99 622 to the Green Institute of Tasmania from the Heinrich Boll Foundation of Berlin, Germany; in 2000 01 a donation of \$20 413 to the Australian Greens, national, from the Swedish Green Forum Foundation, Harnosand; in 2001–02 a donation of \$18 453 again to the Australian Greens from the Green Forum Foundation, Harnosand, Sweden. I am sure Ms Pennicuik knows these places much better than I do. From the great Satan itself — the United States Green Party in Washington, DC — there was a donation of \$2858 in 2002–03. According to the now-defunct Australian Democrats media website of 2008, between 1998 and 2007 the Greens in Australia received funding from overseas sources of \$170 564. No doubt Ms Pennicuik would now be anxious to change her motion to also prohibit the acceptance of donations from foreign sources, being a person of great integrity. I have no doubts about that.

In conclusion, I support Ms Pennicuik's motion but I add that I think it does not go nearly far enough.

**Ms PENNICUIK** (Southern Metropolitan) — I thank Mr Viney, Mr David Davis and Mr Kavanagh for their contributions on what I think is an important motion. I note that Mr Viney has spoken on almost

every motion today and he must be tired, because he is not in the chamber now. Besides Mr Viney and the minister, there were no other ALP members in the chamber at the time.

**Hon. M. P. Pakula** — Besides you there are no other Greens members in the chamber right now.

**Ms PENNICUIK** — That is right. It is Mr Pakula's job to maintain a quorum in this place.

**Hon. M. P. Pakula** — I thought the point was well made.

**Ms PENNICUIK** — The point was not well made; the point was badly made. Mr Viney has spoken on every motion debated today. It is disappointing — and Mr Kavanagh may have mentioned this — that there were not more speakers on this motion, because it is an issue of great interest to the public.

Mr Viney made the point that in this motion we do not include ourselves among those we call on not to accept donations from property developers. We do not include ourselves because we do not accept such donations. I think one member quipped that we do not get offered such donations either. That is probably true as well, but even if we did, we would not accept them.

Mr Viney made the point that my argument that the acceptance of larger and larger donations and the escalating costs and expenditure of elections is undermining democratic processes is a flawed argument. Mr Viney made that point, and although he is not in the chamber I have written down what he said. Mr Viney is on his own in that view; very few people in the community believe that because most members of the community believe that this is a big problem. That has certainly been recognised around the world. In places like Canada, the United Kingdom and New Zealand and even in parts of Australia now people are recognising this problem and doing something about it, but nothing is happening in Victoria. What is in fact happening is that the government and to a similar extent the Liberal-Nationals coalition are maintaining that it is not a problem for democracy and it is not eroding the democratic process. But that is well recognised around the world, and that is why we have had a green paper and a white paper on the issue at the federal level.

Mr Viney talked about accountability and transparency, and he said that there is accountability and transparency in Victoria. There are no state disclosure laws at all for donations, so how is that transparent? Zip. It is not transparent at all.

The Australian Electoral Commission disclosure laws that apply to federally registered parties are so slow to take effect and the data on who has donated to whom is so far behind when the donation is made that they are meaningless. The public has no way of knowing who is donating to an election campaign at the time of the campaign. The public has every right to know that, and that is why in other countries there have been moves to instigate continuous disclosure during election periods. It is not as if I am going out on some wild limb here with these particular proposals.

Lastly, Mr Viney brought out the same old chestnut that the Labor Party always brings out in terms of this issue — and it was also the first recommendation of the Electoral Matters Committee — that we have to wait for a national process. Moves in Queensland and New South Wales show that is actually not the case. We do not have to wait for a national process. Things can be done before that.

Mr David Davis commented that the remarks I made in moving this motion were important, valid points, and he acknowledged that there are concerns in the community about this issue. He talked about the support of the Liberal-Nationals coalition for an independent commission against corruption, which we do support. I remind the house that the first motion ever put up by the Greens was for the establishment of an independent commission against corruption. However, that will not solve the problem without fundamental reform of the political donation system in this country and this state.

Mr Davis said that the community requires a high level of transparency and confidence, but the fact is that we do not have a high level of transparency and therefore we do not have a high level of confidence.

Mr Kavanagh's contribution before the dinner break was interesting, but he must have had raspberry jelly for dinner, because he made a very different contribution after dinner. I will go to the before-dinner contribution, which he revisited a little bit after dinner.

He made the comment that this motion does not go far enough and that we need much more movement in this area, and he raised the issue of access to and influence of the media. They are important points.

As to the reason for this motion, in November last year I moved a motion calling for the reform of laws relating to political donations, with the aim of banning donations from corporations and unions and limiting the size of donations from individuals, so I am unable to move a similar motion again. In debate on that

motion I outlined at length what needs to be done and that we need to move towards adopting models such as those that exist overseas in terms of limiting political donations, the size of political donations, and the rules governing donations to individuals only. They allow individuals to participate in the democratic process but to an extent where the size of their donation is not such that it can have any influence.

The New South Wales report that was just released talks about caps on expenditure of political parties and candidates for public office at state and council level needing to go hand in hand with that and needing to be made.

I am quite happy to, and probably will, move similar motions again and revisit this issue because it is important and nothing is being done in the state of Victoria about this issue.

In terms of that, I say to Mr Kavanagh that I picked this particular subject about accepting donations from property developers because that is the law that was passed in New South Wales just last year; it bans the acceptance by political parties or candidates or MPs of donations from developers, and vice versa, bans developers from donating to political parties, to candidates or to MPs. In Queensland the Premier has curtailed that sort of behaviour without a legislative base. She has said she will move to limit the size of donations if it is not done nationally by July 2010, which is only three months from now.

There is scope and ability for states to move on this issue without waiting for a national consistency, and there is a need for it to be done in Victoria. That is why I limited the motion to calling for something that both political parties could publicly pledge to do in an election year. It would not be the end of the matter from my point of view if the government was not proactive in this area and looked at what is happening in Queensland and New South Wales as to what they have already pledged to do in urging the federal government to get on with reforms at the federal level and to amend the laws at the state level. We would just have to keep raising it, because it is a huge issue in terms of community concern.

Mr Kavanagh then went on to talk about and read out in the chamber some donations to the Greens. He mentioned that one of them was to the Green Institute, which I know for a fact is not the Greens; that was the largest one, too. That is not a donation to the Greens; that is a separate entity. I do not know about the others.

I go to the point about whether we are part of a global franchise. We are certainly part of the Global Greens; there is a Global Greens movement. In fact, the first Global Greens conference was held in Canberra in 2001, where delegates from Greens parties came from every continent, from many countries around the world. Over four days the conference talked about the issues of sustainability that are facing the world and what needs to be done to overcome those issues.

People discussed climate change, water, social justice and peace, particularly as they affect continents like South America, Asia and Africa, where people who are in Greens parties are struggling against suppression, discrimination and violence and are trying to stand up for social justice and the economic and environmental sustainability of their communities. We are very proud of the Global Greens movement and how we support each other. There is nothing wrong with that.

We are not a franchise; we are separate parties. For example, the Victorian Greens is a registered party under the Victorian Electoral Commission and is an Australian federal and state registered party. That there is a Global Greens movement and that we support each other is a good thing; we are the only party which has that global outlook. In the 21st century with the problems that face us in terms of the environmental crisis, the climate crisis, we need global cooperation and global action, because that is the only way we will fix those problems.

Mr Kavanagh also mentioned the visiting Taiwanese Green delegation, which coincidentally was visiting Australia at the beginning of the parliamentary year in 2007 — or was it at the end of 2006?

**Ms Hartland** interjected.

**Ms PENNICUIK** — At the end of 2006, when we were first elected. Its members were indeed visiting Victoria, which was a thrill. It is its own entity; it is the Green Party Taiwan. It is doing its best to raise green issues in Taiwan, the same as we are here.

Coincidentally at the end of this month, now that Mr Kavanagh has given me the chance to mention this, the Asia-Pacific Greens Network will be holding a conference. It is being hosted by the Taiwanese Greens in Taiwan. I will be going along to that as an Australian Greens delegate, along with Greens delegates from the Asia-Pacific region. I am very pleased and proud to be able to do so and to support Greens attending from countries where they are of lesser means. That is being done in the spirit of cooperation and support; I am very proud of it and not ashamed of it at all.

Mr Kavanagh has raised those issues. I do not think he has raised an issue that troubles me at all. What does trouble me is the influence that corporate donations have on political parties in Australia, particularly in Victoria, and in particular the influence that property developers have, with their donations, on the political process, which is — and I know Mr Kavanagh agrees with me — a very big concern in the community; it needs to stop.

It does not need to stop tomorrow or next week or next year or sometime in the future; it needs to stop now. It has stopped in New South Wales, it has stopped in Queensland, it has stopped in other countries around the world, and it needs to stop here now. That is what I am asking the Victorian Labor Party and the Victorian Nationals-Liberal coalition to do: cease taking donations from property developers, because it erodes the political process.

It is corrupting, it introduces undue influence and it erodes the confidence of the public to see that big business is having too much influence on government decisions — and it is. It is not only seen to be having too much influence; it is having too much influence. I am therefore putting it to the government and the opposition to stop taking political donations from property developers from now on.

#### **House divided on motion:**

*Ayes, 4*

Barber, Mr (*Teller*)  
Hartland, Ms (*Teller*)

Kavanagh, Mr  
Pennicuiik, Ms

*Noes, 35*

Atkinson, Mr  
Broad, Ms  
Coote, Mrs  
Dalla-Riva, Mr  
Darveniza, Ms  
Davis, Mr D.  
Davis, Mr P.  
Drum, Mr  
Eideh, Mr  
Elasmar, Mr  
Finn, Mr  
Guy, Mr  
Hall, Mr (*Teller*)  
Huppert, Ms  
Jennings, Mr  
Koch, Mr  
Kronberg, Mrs  
Leane, Mr

Lenders, Mr  
Lovell, Ms  
Madden, Mr  
Murphy, Mr  
O'Donohue, Mr  
Pakula, Mr  
Petrovich, Mrs  
Peulich, Mrs  
Pulford, Ms  
Rich-Phillips, Mr (*Teller*)  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr  
Tee, Mr  
Tierney, Ms  
Viney, Mr  
Vogels, Mr

**Motion negatived.**

## RULINGS BY THE CHAIR

### Questions without notice: supplementary questions

**The PRESIDENT** — Order! Earlier today I gave a ruling on a supplementary question asked by Mr Atkinson of the Minister for Planning. I now refer to my ruling disallowing a supplementary question asked by Mr Atkinson of the Minister for Planning on the government's current policy position on development in the green wedge areas.

I have now had the opportunity to review *Hansard* concerning this matter. Members will recall that Mr Viney raised a point of order claiming that the supplementary question should be ruled out of order on the grounds that Mr Atkinson's original question was a general question about overall planning policies related to green wedge areas and that the supplementary question was too precise and specific about a particular project or proposal. Had that been the case, Mr Viney's point of order would in fact have been correct. As it says in standing order 8.05(2):

Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the minister's response.

In his answer to Mr Atkinson's original question the Minister for Planning gave a general answer about the government's policy on green wedge areas and then went on to say that he was prepared to receive information on a case-by-case basis on green wedge management plans. I therefore believe there was sufficient linkage between Mr Atkinson's supplementary question and the minister's answer to the original question in that the minister invited a further question on specifics. I am therefore prepared to overturn my ruling and allow Mr Atkinson to ask his supplementary question of the Minister for Planning during question time tomorrow.

### CRIME: GOVERNMENT PERFORMANCE

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am very pleased to move:

That this house —

- (1) notes with concern the Productivity Commission's report on government services 2010 showing:
  - (a) that Victoria now has fewer operational police per capita than any other state in Australia, with the number of police per capita in Victoria decreasing every year since 2006–07; and

- (b) that there has only been a 1 per cent increase in government expenditure per capita on Victorian policing in the past five years, compared to the average increase Australia-wide of almost 9 per cent;
- (2) notes with concern that statewide violent crime (crime against the person) has increased from 31 372 in 1999–2000 to 43 971 in the year 2008–09, a 40.2 per cent increase under the Labor government;
- (3) notes that due to the rampant level of crime in metropolitan Melbourne, municipalities such as Frankston are now being forced to hire private police;
- (4) notes that regional cities such as Geelong, Ballarat and Bendigo are not coping with violence on the streets;
- (5) expresses its disappointment at the ongoing lack of response by the Premier and the police minister to Victoria's lack of urgency dealing with the level of police shortage and rising violent crime rates;
- (6) congratulates the Victorian coalition's policy announcement on 6 April 2010 of its \$344 million plan, Making Our Streets Safe Again, by boosting front-line police by an additional 1600 recruits in the first term of government; and
- (7) also congratulates the Victorian coalition's complementary \$200 million Stopping Crime in its Tracks policy announcement of 8 November 2009 to establish a dedicated unit of 940 uniformed and trained Victoria Police protective services officers that will be permanently stationed on every train station in metropolitan Melbourne and the major regional centres from 6.00 p.m. until last train seven days a week, and an additional 100 Victoria Police officers to be recruited to the transit safety division to patrol train, tram and bus networks.

This is an important motion because it is about the government's complete lack of respect for and understanding of the issues surrounding the police in this state. We have seen, as we know, over a period of 10 years a continual and ongoing decrease in the number of police per capita compared to any other state in Australia, and in fact this decrease was reported in the recent Productivity Commission report on government services 2010, which showed that there had been a 1 per cent increase in government expenditure per capita in Victorian policing compared to an average of 9 per cent Australia-wide. It also showed that in terms of operational police — and that is not the police who are spin doctors and not the police who are tied up in other areas; we know this government is beholden to the spin doctors, and they have lots in the way of media — are the ones who are out there day and night dealing with crime, there has been a decrease, as reported in the Productivity Commission's report.

I think it is important to note some specific examples. In relation to the Knox police station in my electorate we know there was an email that was leaked to the shadow Minister for Police and Emergency Services. The email, as reported in a media release of 26 February 2010, reads:

Due to acute staff shortages that we are experiencing, it is becoming increasingly more difficult to fill our night shift commitments. In an attempt to rectify this aspect of the roster, it has been suggested that I invite expressions of interest from members who may be interested in working excessive night shifts.

This internal police memo paints a sad picture of where Victoria Police has got to. We know that police are operating under enormous pressure, and it is unreasonable to then expect them to work excessive night shifts. I know, because I have done them, and it is very difficult to do a seven-day shift and then be expected to continue to do night shift after night shift or indeed be expected to do an afternoon shift from 6 o'clock to 2 o'clock and then work from 2 o'clock to 7 o'clock to fill in the night shift because there is a shortage. That is just one example in a real time line of what is occurring in the community. We hear stories time and again about the fact that that has been an ongoing problem.

The motion also notes the amount of crime occurring in Victoria, and I think the house should note the second point about statewide violent crime — that is, crime against the person. This has increased from 31 372 in 1999–2000, when the Bracks Labor government took over, to 43 971 in 2008–09 — a 40.2 per cent increase under this current Brumby Labor government. That occurred not under a Liberal government but under a Labor government, and yet Labor members will always say, 'But under the Kennett government you slashed them'. The bottom line is that they have done nothing to improve it. They have done nothing to improve the problems with crime. They have done nothing to improve the number of police in this state.

I have spoken to a police officer who tells me that the Victoria Police raw numbers are similar to what the Queensland police service has. Queensland has about 200 to 300 less police than we have in Victoria. Victoria is now almost on par with what the Queensland police service has. I have to say that Victoria has a lot more people than Queensland and a lot more intense issues than Queensland has, but we are almost on par, and that information was from a very reliable source.

The other issue of note is the increase in crime and the crime rates that have been going up. The *Herald Sun*

today has yet another example of that. I gave notice of this motion yesterday for debate today, and yet I see that the *Herald Sun* has a report on the number of knife attacks that are occurring. The facts are that people are sick to death, literally, of this government's failure to deal with the rising crime and violence in the streets.

We hear patronising statements; the government says it is going to look at the issue of knife culture and the like, but we know nothing has occurred. Statements were made by the Premier years ago but nothing has occurred. There were also statements made by the police minister — the forever-absent police minister — in terms of that, and I will get to the police minister's own area very soon. You would think he would at least look after his own area.

We have seen issues in relation to the level of crime being such that now local communities are dealing with that issue by employing private police — basically security guards. In Frankston, in order to deal with the issue the approach has been to have the council, the municipality, engage in that process. Why? Because Frankston has been suffering continually from the level of crime there, as has the rest of Victoria and Melbourne in general. People talk — —

**Mrs Peulich** — Alistair Harkness is in hiding.

**Mr DALLA-RIVA** — Alistair Harkness is the member there. The bottom line is that every Labor member has been in hiding. Everyone talks about Melbourne as being the real problem, but we know that in the satellite cities of Frankston and other areas there has been a real problem with the level of crime.

I have some other figures here from 1999 to 2008–09. I have said there has been a 40.2 per cent increase in total violent crime, but one area, assault, has gone from 19 856 reported cases to over 33 600 — a 69.6 per cent increase over that period. The incidence of people using weapons and explosives has jumped by 56 per cent, and property damage by 41 per cent. I have to say it is terrible. Even the number of reported rape offences has jumped from 1170 to over 1500. I think it is fair to say that people in Frankston are looking for direction and looking for an alternative government that understands the issues and understands the concerns, and they are no longer going to be putting up with the issues that this government and members on the other side continually ignore.

We have seen that regional cities such as Geelong, Ballarat and Bendigo are not coping with violence on the streets, as outlined in paragraph (4) of the motion. We know, for example, from some press reports of

March 2010 that Bendigo's crime rate is skyrocketing under Labor. We have seen that violent crime in Bendigo has risen from 548 in 2000–01 to 903 in 2008–09. The number of assaults rose from 404 in 2000–01 to 675 in 2008–09. In the past year alone the rate of assault in the Bendigo region has spiked by another 7.5 per cent.

The police are struggling. There are not enough police to deal with the issue. There are not enough patrols on the streets. It is policing 101; the simple lesson is that the more police you have out on the streets, the less chance there is of violence and mayhem.

**Mrs Petrovich** — They have the same number of vans they had in 1987.

**Mr DALLA-RIVA** — In terms of the vans, Mrs Petrovich is correct: there are the same number of vans that we had in 1987. The fact is that the population in all those areas has grown. Members of the government talk about how the population has increased and how it has gone up, but nothing has gone up in terms of police services.

We know about the Ballarat police shortage. We know from a media release of 23 March 2010 that crime has gone up. The number of assaults in Ballarat in 2000–01 was 520; in the most recent report of 2008–09 it had increased to 923. We have had violent crime incidents in that area go from 764 to 1149 over that period. It makes me wonder what the local members, Geoff Howard and Karen Overington, are doing to deal with this issue. We know that there are not enough police in that area as well.

It just demonstrates the lack of concern by this government. It is more interested in the spin and in saying that everything is fine when the statistics do not add up. They do not add up but things are fine! We have seen before where the government has made alterations to statistics where it does not suit it. We saw that last year in regard to some issues relating to the health sector where there were some issues about figures.

Paragraph (5) of the motion is pretty much self-explanatory: the house should express its disappointment at the ongoing lack of response by the Premier and the Minister for Police and Emergency Services to Victoria's lack of urgency dealing with the level of police shortage and rising violent crime rates. The motion is about the connection and the nexus between police and violent crime. The more police there are dealing with the issues and investigating the

issues, the greater chance there is of either preventing crime or having strategies to deal with it.

I asked the Minister for the Respect Agenda about this issue of violent crime and alcohol-fuelled violence. To be fair, he at least answered that he had not met with Victoria Police. He had met with every other significant stakeholder, but he had not met with Victoria Police. He admitted it in question time the other day. It staggered me that the Minister for the Respect Agenda was going to deal with violent crime and alcohol-fuelled violence, but the one group of stakeholders that he did not meet was the police. There is another minister in the other chamber, Mr Cameron, who I think has not met a police officer yet, and he is the Minister for Police and Emergency Services. He might have been out to lunch or dinner with the chief commissioner at the time. Who knows?

The bottom line is that it demonstrates the lack of seriousness of this government on this issue. The government does not care, the Premier does not care and the police minister does not care. Even the new Minister for the Respect Agenda does not care. Nobody wants to talk to the police, and yet everyone knows that the police are screaming for additional police. We know that they have no resources. We know there are no extra police to deal with violence and crime, be it in Frankston, Ballarat, Bendigo, Geelong, Melbourne or Knox. Every police station in this state is groaning under the enormous pressure of the rise in violence and crime in this state. The government is continually ignoring the issue.

The reason for paragraph (6) in the motion is that we should be congratulating an alternative government that has a real policy. We are an opposition that in coalition government will deliver an extra 1600 police. That is what the motion is about. We are going to commit real money, \$344 million over four years, to the Making Our Streets Safe Again policy of boosting front-line police. The Labor government should be proud of it. It should be voting for this. If government members do not vote for this, it means they do not want extra police on our streets. That is what it is about.

The Minister for Public Transport, who imports trains from Italy, blows a raspberry at the fact that we are wanting extra police. He was the industry minister and he was overseeing Italian-made trains coming into Victoria. What happens? They land here and they cannot even be used. How great is that? This is a policy about which we should be standing proud as a house to say, 'Well done. Somebody, finally, is prepared to make a statement'. A Baillieu-led government will make that commitment.

We should also not forget this is complementary to our other policy of providing an additional 940 uniformed and Victoria Police-trained protective service officers. People who protect us in this Parliament will also be employed to be on every train station in metropolitan Melbourne and the major regional centres from 6.00 p.m. to the last train, seven days a week every year. Plus we are going to put in an additional 100 police officers on the transit safety division to patrol the tram and bus networks.

I hope the Minister for Public Transport will be supportive of that. He knows about the violence and what is happening on the platforms. He knows about the knife attacks on his suburban networks, on the tram systems and in the regional centres. He knows exactly what is happening. He should be saying, 'What a great policy!' about the \$200 million Stopping Crime in its Tracks policy announcement that the coalition made last year.

The Baillieu opposition will make that commitment. What is the total number to be? It is 2300 additional law enforcement officers dealing with law and order and violent crime and putting a stop to the scourge in our state. They will put a stop to people having to walk around in fear of their lives, be it in the regional centres, the metropolitan centres or other metropolitan regions.

My view is that this announcement should be supported by the house. I will be disappointed if the Labor government does not want additional police resources and protective services officers, and if it supports the ongoing lowering of police numbers, with Victoria now having the lowest of any state per capita.

Government members should hang their heads in shame. They should acknowledge the fact that they have failed law and order after 10 years in government, like they have failed the public transport system, the health system and every other thing they have touched. This government has been in office for 10 years, but no longer can its members blame the Kennett government. They have the responsibility for \$300 billion running through their hands, but they have done nothing. Now they are going to pay for it. Roll on 27 November!

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on the important issue of police numbers, an issue about which this government has a great story to tell, and I will tell that story. However, I will tell members another reason why I shall enjoy the opportunity to speak on this motion: because it is an opportunity for members opposite to finally come clean. Finally, after 10 years they have the opportunity in this debate to set the record straight; to fess up to

what they did last time; to fess up to the damage they did last time and use that as the starting point for moving on.

It is time they moved on, but they cannot move on until they have admitted their mistakes. They are in denial if they will not stand up and admit their mistakes. This is a great opportunity for members opposite, and they should take it; they should admit that they made mistakes and misled the public. This is a great opportunity to come clean and to apologise to the Victorian public, who deserve nothing less.

*Honourable members interjecting.*

**Mr TEE** — Mrs Peulich talks about our 10 years in office, so let us have a look at the record over the last 10 years. Let us look at what happened in 1999, when the ALP promised 800 more police — and delivered 800 more police. Let us have a look at 2002. We promised 600 more police — and delivered 600 more police. In 2006 we promised 350 more police — not only have we met that target but we are up to 470 more police. Since we have been in government, 5000 recruits have gone through the police academy.

**Mrs Peulich** interjected.

**Mr TEE** — Let me tell Mrs Peulich that we have a great track record. When we on this side of the house make promises, we stick to them. We make our promises and we deliver, unlike members opposite.

Mr Dalla-Riva has spoken about infrastructure. What about the police stations that we have rebuilt and redeveloped?

*Honourable members interjecting.*

**Mr TEE** — We have rebuilt and redeveloped 160 police stations. We have invested \$450 million —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Pulford)** — Order! Many opposition members have indicated a desire to speak on this motion. They will have their turn and will have the opportunity to do so in due course. Mr Tee, to continue with a little less assistance.

**Mr TEE** — I think it is important to get some context when you compare our record of delivery with that of those opposite. Those opposite, promised the Victorian people that they would deliver 1000 new police.

**Mr Leane** interjected.

**Mr TEE** — Mr Leane asks what they delivered, and indeed that is a question. They promised 1000 new police, but what did they do? They sacked 800 police!

**Mrs Peulich** — You are telling porkies.

**Mr TEE** — That is your record, Mrs Peulich, and now you are promising 1600 new police. The opposition should do the maths; if it did it would see there is a clash, because we all know that that is code. We know their code. We know that in promising 1000, they sack 800. On that formula of promising 1600, they will sack 1400. We know what they mean, and the Victorian public knows exactly what they mean.

**Mr Dalla-Riva** interjected.

**Mr TEE** — It is a pity that when Mr Dalla-Riva had his opportunity, he missed the chance to come clean and explain that record, to explain to the Victorian public how he betrayed them last time and how he let them down. It is a pity he missed that opportunity to apologise for his effort.

It is worth remembering that cutting police numbers makes a difference — it hurts communities and it increases crime. It is not a promise that the opposition has broken without any consequences. There were consequences for the actions of the Liberal Party when in government. It slashed police numbers and sacked 800 police, as Mrs Peulich may well recall.

What happened when 800 police were sacked? What happened to crime? The crime rate went up. It is not that difficult to believe, Mr Dalla-Riva. Crime went up by 10 per cent.

*Honourable members interjecting.*

**Mr TEE** — Crime jumped by 10 per cent when your government was in power.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Pulford)** — Order! Mr Tee, it is getting a little unruly in here again. Mr Tee, without assistance, to continue.

**Mr TEE** — I look forward to listening to the rest of the debate and to the opportunity that those opposite have to convince the people of Victoria that they will not again promise to increase police numbers but then cut them. As I have said, what happens when a government makes promises and delivers on those promises, as this government has done? What happens when you do what we have done? What happens when you increase police numbers, when you care and put in

place the policies that we put in place? What happens when you put in place the policies that attack the causes of crime?

*Honourable members interjecting.*

**Mr TEE** — What you then see, Mr Dalla-Riva, is a reduction in crime, not the increase of 10 per cent we had when those opposite were in government. There has been a reduction in the crime rate. Victoria is a great example of what happens when you tackle crime, root and branch. There has been a 25 per cent reduction in crime. What we have had over the last 10 years is a 25 per cent reduction as opposed to a 10 per cent change under the previous government. I think ours has been a great effort.

Mr Dalla-Riva has spoken about his electorate and about Knox. He has waved around some draft internal memo, as though that is evidence of anything. What Mr Dalla-Riva has failed to mention is the 26 per cent reduction in crime in Knox, which is in his electorate; he should be very supportive of an outcome which shows that it is much safer now in Knox than it was when his party was in power. There has been a 26 per cent drop in crime. In Manningham and the Nillumbik part of my electorate there has been a 27 per cent reduction in crime — they are great outcomes.

Mr Dalla-Riva has also spoke about public transport. He went on with anecdotes about public transport, but what he failed to mention and talk about in his contribution to the debate was the reduction in crime on Victoria's public transport system. What he failed to mention to this house is that since 2001 there has been a 43 per cent reduction in crime per million trips on public transport. That is a great outcome. I am sure that everyone in the house would be pleased with those achievements. I am sure we are all pleased that we live in a safer Victoria.

However, you do not reach those achievements through grand slogans. You do not get those achievements through broken promises. What you need to do is tackle crime, root and branch, at the causes. What you need is a court system and a justice system that works with police, that works together to turn lives around, that stops criminal behaviour in its tracks, that stops that revolving door, that stops the recidivism rate. That is what you have in Victoria. That is the success story that is Victoria. That is why Victoria is the safest state in the country. We have got a police system and a justice system that are working together to stop that revolving door.

**Mr Dalla-Riva** — Theft of bicycles has dropped 34 per cent! You are doing well. Those bicycles are feeling really safe out there!

**Mr TEE** — It is not just bike crime. In Knox overall crime has dropped by 26 per cent; that is the statistic. I hope those opposite will take the time to come and visit the Koori Court and the Drug Court, and I hope they will inspect the Neighbourhood Justice Centre. I hope they will come and see how we are tackling crime, root and branch, at the causes, turning lives around, making sure that victims are empowered, making sure that victims do not enter our systems as victims and leave our system as victims, and making sure that they are empowered.

If those opposite want to make a contribution, I think the first part of that would be to stand up and apologise, but members of the opposition are kidding themselves if they think the Victorian public will fall for their trick a second time — their trick of promising extra police and then sacking police. They are kidding themselves if they think the Victorian public will fall for that old card trick again. Members of the opposition are kidding themselves if they think that crime will be reduced if they take their old tried and tested methods of slashing resources and slashing police numbers.

**Mr BARBER** (Northern Metropolitan) — Mr Tee seemed to be working up to his own version of the ‘Guilty Party’ advertisements, but in the process he missed the opportunity to unpack and try to understand what it is the coalition is putting forward here so we can talk about which bits of that we agree with, which bits perhaps everybody agrees with and what there is in here to disagree with.

If the proposition is that we want 1600 more operational police out there doing their job, I do not think you would find anybody who would sensibly try to disagree with that. The coalition’s promise is slightly different to that. It is actually to recruit and train an extra 1600 recruits. Unless I have misunderstood the press release, it seems there is a guarantee that there will be those extra 1600 police and that they will be operational. I am sure that the coalition understands the distinction. It is an important distinction that we need to consider because police numbers have been talked about and studied a hell of a lot. In fact even the Ombudsman did a report in March last year on crime statistics and police numbers, which were discussed in considerable detail.

Let us be clear about it for anybody who wants to understand what it is to keep police operational as opposed to simply this proposition, which is to recruit

and train more police, which also then requires them to be operational and which then also allows for the net effect of police who are unavailable or perhaps police who retire. If the proposition is put to the Greens that we should have an extra 1600 operational police, then we would certainly support that, as would everybody. We would also support an extra 1600 kindergarten teachers, an extra 1600 youth workers, an extra 1600 buses, and a driver for each one, thank you, Mr Pakula. The serious policy-making exercise is about how you mix and match these different public resources to achieve the outcomes you want to achieve, which is, at its fundamental level, the basic freedom to live in society without feeling under threat. That is the thing we are trying to achieve here. A police force is one tool to do that.

Going from the press release of the announcement which this motion most closely relates to, we find this constant reference to front-line police and police on the beat, as Mrs Peulich says. I think this could already be a place where we in the Greens start to part company with the coalition. We may have a different definition of what the front line is. There was that infamous quote from the member for Scoresby in the Assembly, Mr Wells, when he was the shadow Minister for Police and Emergency Services, and I hope he was not misrepresented by the media, but I am just going on what he said at the time in response to the government’s announcement on a major new domestic violence response team. He said that he hoped it did not take police away from front-line duties, that responding to domestic violence was taking police away from the front line. There was a very different definition at that time in the mind of the coalition as to what the front line might represent.

I hope I have not done Mr Wells an injustice if I am misquoting him having been misquoted, but I use that as an illustration to say it is not the end of the debate to say we want 1600 front-line police; it is the beginning of the debate as to what represents that front line. The Greens would certainly agree that domestic violence prevention and response is very much the front line. Just recently Ms Hartland informed me that she was concerned that a trial of family violence liaison officers amongst the police was being downgraded in Brimbank in her electorate. She requested on adjournment that the Minister for Police and Emergency Services confirm this. Ms Hartland was quite clear in her mind that that was what was being mooted, because she had her ear to the ground. But in his written response from last sitting week the Minister for Police and Emergency Services said:

Victoria Police trialed a reallocation of resources in the Brimbank area during February this year. Family violence liaison officers continued to maintain contact with stakeholders during that period and a sergeant had been tasked with monitoring family violence incidents. It had been hoped that this would improve the ability of general duties police to respond to incidents of family violence with the assistance of expert officers who are highly experienced in dealing with these matters.

Unfortunately the intelligence that Ms Hartland was receiving via the referral agencies was that the number of referrals had dropped quite dramatically. That was a telltale sign that perhaps the level of resourcing that had been put into the initial response and then referral on to those other agencies that could perhaps provide a more long-term solution were not working. That was a specialist unit, and it was the sort of resourcing that we would like to see right across the state as a normal part of police commitment. If we are going to throw crime figures around in this place, we should realise how underreported are family violence and sexual assault by a person known to the victim. Everybody admits that is a vastly underreported form of crime. It is not as simple as waiting for those crime statistics and then doing something about it. We have to go out and do something about it now.

Coming back to this issue of the front line, frequently police have to deal with people out in the community, in the street, who are suffering from major mental illnesses. That is a role of the police, to be called out when there are incidents occurring on the spot, in the street, in the neighbourhood or in some other public place. If the coalition wants to get into this area, it would do well to read the Auditor-General's inquiry into the operation of CAT (crisis assessment and treatment) teams. The clear finding was that police and ambos typically respond to these incidents, but they are not at all clear when they respond that a CAT team will respond. After all, a CAT team is set up as a specialty unit to deal with exactly these things; effort is put into creating a CAT team. The main difficulty for the police is that they do not know or could not be sure that a CAT team would respond.

The Auditor-General did a solid job on this. He said it was extraordinarily hard even for him to get data about CAT team responses. It would seem that if we want to get more operational police availability, we should fix the situation with the CAT teams and that would then free up police officers for other sorts of priorities that we might want to put them on.

In relation to the proposal to put more armed police officers or protective services officers on the railway system we think the coalition has the right problem but the wrong solution. I do not mind there being more

police available for duties on railways. As it is, they are public places and there is crime there, so you would expect police to be allocated there as they would be to other public places. But if the overall aim is just to make public transport safer and particularly to make people feel safer, because we want to address both the reality and the perception, I think we need to go back to what we used to have, speaking of commitments that were made and broken and the de-staffing that may have gone on in the past — —

**Mr Tee** — I think 'sackings' was the word they used.

**Mr BARBER** — Sackings. We need to go back to the good old-fashioned stationmaster. What the coalition seems to be proposing is a highly trained, highly armed, highly motivated and no doubt high-cost response when many of the sorts of issues, both real and in nature and perception, could be dealt with by a stationmaster or two on those platforms and on public transport. Issues such as vandalism could be prevented if there were permanent staffing of all stations from the first to the last train. In fact there is so much of that sort of vandalism on railways they could almost pay for themselves.

There is the issue of perhaps not necessarily crime but just behaviour that makes some people feel nervous particularly late at night on train platforms. These people could also then give directions to tourists who are lost. They could open up the toilets so that we can actually use a toilet on a train station and could probably deal with some of those youngsters in ways that well-known and familiar stationmasters used to when they knew the local kids. Some of those kids who are now mucking up would have been the sorts of people who would have been employed by the railways back in those days. They would have got a job out of the system that they are now disrupting, and probably creating some jobs in that way for some young people would not be a bad start.

The coalition says this response will be available from the first to the last train, but that begs the question as to when the last train will be. One of the major problems we have in the CBD in my view, and quite possibly in another activity centres, is that the last train out is often at about the same time as people are taking the train in to go to a club these days, and if that entertainment finishes up at 1.00 a.m. or 3.00 a.m., or you just get a bad vibe, or you are jack of it and you want to go home, in fact what you will be doing is wandering the streets if you cannot afford a \$40, \$50 or \$60 taxi fare to get you back home.

**Mrs Peulich** — Or \$90!

**Mr BARBER** — I have not taken one from the city to Olinda in a long time, so I could not tell you the exact tariff. What that means is you have a lot of young people wandering around the city who may have gone home if they had had the chance. Some of them could become victims of crime; others could become perpetrators of crime. We know all those young guys hanging around facing off with each other are a problem. For that matter, if the police try to manage and control them, there is not much to do except move them around, other than send them home. To my mind that would make a very strong case for running trains later and later. Possibly a train an hour all night is what we should be heading for, but that costs money, and realistically if we are going to decide what our response is to the concerns that Mr Dalla-Riva has quite rightly raised, then we should look at all possible solutions; otherwise we will be recruiting more and more police and putting them into more and more difficult situations when the solutions are actually outside that frame.

I laud the coalition's desire to recruit and train these police immediately. It has even suggested that extra resources will be available, but nevertheless the police academy is still not a sausage factory. You cannot just turn the wheel and expect people to start coming out the other end in the time you want. That is another matter that has to be seriously considered. Many of the sorts of issues I am raising as to what I think the Greens priorities are for community safety would require additional and constant training of police to deal with them, so we really need to be serious about what we are prepared to put into training.

Mr Pakula, the Minister for Public Transport, and other ministers have said that despite patronage being up, crime rates are actually down. I would not say 'despite', I would say, 'because patronage is up, crimes are down', because having a busy and well-patronised system makes people safe in that people look after each other.

They also feel safe then, because they do not want to be the only person on a platform at night. Closed-circuit television (CCTV) cameras do not make me feel any safer. I just think I will end up on the world's wildest police videos after I am dead — it does not really help me. I do not think the guy who attacks me is particularly going to care either, because he is probably somebody who has got nothing to lose.

When pressed on this the government and, apparently, the Leader of the Opposition like to fall back on the police allocation model and say, 'We could not possibly

tell you exactly what the operational priorities are, because the police allocation model, the magic black box, does that'. I am not so keen on that approach. I think a government member or opposition member should have a very strong view on what the priorities for policing are so there can be discussion about the resources that are being provided.

There are examples where the police role is valued but the ability of the police to respond is hampered by a lack of cooperation from other agencies. I take the example of the high-rise estates in my electorate. There are one or two of them in particular which have quite a big drug-dealing problem. The police tell me that crime is down in the sense that assaults, robberies and things that fit into the Crimes Act are down.

That may be true based on their statistics, but the experience of people living in those high-rises is very different. They may not be victims of crime, but they are dealing with a constant sense of being under siege, harassment and a massive nuisance factor associated with having constant drug dealing going on all around them — that is, the scoring, crazy behaviour, syringes in laundries, people switching on fire extinguishers to get water to shoot up and large numbers of people who are obviously trooping through to score. The Office for Housing says, 'We are not equipped for that sort of stuff. We are not the police', but the police say, 'There are only so many of us. There is only so much we can do'.

I understand the police are attempting to bust drug dealers, but a more cooperative approach would see the Office of Housing taking the opportunity to get people who are clearly known to be drug dealers — who police have gathered evidence on, but who do not yet have a conviction; it is very difficult to catch people in the act the way it is run — evicted. The Office of Housing has all the powers it needs to do that. The police have the resources to back up the Office of Housing, but I do not think they are working together.

The private security force that the Office of Housing has hired is somewhere between hopeless and variable. You really would not expect people with that low level of training and who receive that level of remuneration to do the sorts of things we need done on those estates to make them livable. Rather than regular raids or long-running surveillance operations leading to arrests, there is a different model that should be operated there.

It is not necessarily about more police resources; it is about cooperation between agencies. When it comes to that, as people would be well aware, the Greens are not particularly convinced that more police powers are

what is needed. Yes, more police are needed, but in terms of more police powers, we have not heard the police crying out for them, yet without any obvious legislative demand for the supply of new police powers coming through this chamber provided by the government and enthusiastically adopted by the opposition, it never seems to end.

If you seriously want to address the crime problem, we know what you have to do. You have to fix the poverty problem. These are the people who commit crimes, by and large — that is, at least the sorts of crimes that Mr Dalla-Riva talks about the most. When it comes to fraud, theft and so forth, the pokies are very often the root cause; when it comes to family violence, the sort of pressures that are brought to bear because of basic poverty are very often what is driving it; when it comes to basic burglaries we know they move up and down with drug use.

People want to simply and quickly get hold of things. Back in my day it was CD players, but these days people just steal your CDs so they can cash them faster. That is directly related to drug problems. As for the question of knives, the only people I can ever remember meeting who carried knives were basically people who had nothing to lose. I do not think the community service announcements on trams that say, 'Knives are terrible; look what you have done' are likely to have much impact on that particular class of people. I think it is aimed at someone else. It is pre-election advertising and the government telling the public they are trying to do something. But the solution to the problem of people who do that sort of thing — that is, those who carry knives and lash out wildly with knives — obviously goes much deeper into some sort of complete lack of any hope for their own future, I can imagine, if they are prepared to toss it away so quickly on an incident like that.

When you raise those questions you need to think seriously about how you are going to resource a number of other activities. You cannot produce a policy like this in isolation. If crime comes from poverty, we know a lot of poverty comes from housing problems and not the other way round. The condition of your housing and the availability of a decent house can be one of the stabilising factors that gets you back on track again. It has to be a good quality house and you have to be able to afford it.

We know these things start in childhood, so a massive investment into children at a very young age, particularly in those kinder years, would pay immediate dividends. It is just a reality. We know that the kids who get that year of kinder are a year ahead by the time

they get to school, and the ones who did not for various reasons are a year behind. They are playing up in the first year of school because they are still socialising. If you are not prepared to invest that money in all of our children at a very early age, then you are not serious. That is, as it was at the last election, going to become a serious issue for all parties.

That takes us into education, and education takes us into jobs. There are exceptions to every rule, but of course we know a lot of the crimes that Mr Dalla-Riva is most concerned about are committed by who people who have not got any jobs — they have not got anything else really — whereas people who have jobs and families have something else that stabilises them.

All those factors together make for a complex mix of measures that we will have to bring to bear, and it is not possible to simply grab one proposal and run with it and say that it is a solution to those problems, because often it is not. In fact to say you needed police in all these situations I have just described is your measure of failure, is it not? You would not need the police there if you had solved the problem. So we do not find ourselves in total agreement with Mr Dalla-Riva's motion because of the issues I have just raised. It talks about recruitment, but it does not necessarily make a commitment to operational availability. It provides a rationale that is about violent crime, but it does not really talk about the violent crimes in issues that we are talking about.

This is a nice try-on, but we just are not going to cop it. You would not expect us to vote for a motion that has been used to congratulate the coalition for its policy. I do not see the job of an upper house, particularly on a Wednesday which is meant to be spent in scrutiny of the government, to use its time to run the Liberal Party's election campaign. It can do that outside the chamber.

**An honourable member** interjected.

**Mr BARBER** — If you have listened to my contribution, you will know I am not congratulating the coalition on much, except pointing to a couple of things that are obvious and largely avoiding what I think is the serious debate that we have to have in this place and that we are quite willing to be involved in for the remainder of the year. But Mr Dalla-Riva knew that. He has had that feedback. I thank members for the opportunity to make these remarks.

**Mr KAVANAGH** (Western Victoria) — Despite some reservations, I would like to vote for Mr Dalla-Riva's motion. This is a very important topic, involving

crime really. Crime is more important than police. Crime is a very important topic, particularly at the state level. I would like to explain my reasons and my reservations. Today the *Herald Sun* carried articles on knife crime in Melbourne. It was rather horrifying to read them. It was horrifying because obviously many of the people who are victims really are genuine victims. They do absolutely nothing to provoke their assailant. They do not get into a fight or insult people. It is more frightening when people who have done nothing at all wrong are attacked really viciously and horribly in public.

This motion is about police numbers. In terms of an effective police force and real police numbers and real rates of crime, I think there are several points to make first of all. One of them is that many older people especially will talk about crime and suggest that things in the past were perfect and that they have deteriorated. Things have never been anywhere near perfect; there has always been lots of violence and a lot of crime. In certain respects I am sure that we do much better now than we did in the past. In particular I think domestic violence is probably a fraction of what it used to be, and that is a very good thing, too.

Another fact which should be considered is that Victoria's population is more densely located, and it is based in a single city more than in any other state. This population density brings great advantages financially, one of which is that you do not have to put as many resources into achieving the same level of service as you do in a state, say, like Western Australia where you are sending teachers and police 3000 kilometres away to towns with five people in them spread over 4000 square kilometres. Victoria does not have those sorts of problems. We can provide a level of service equal to other states at a lower cost with fewer resources. It is a big advantage that we have, and it may have been one of the reasons why Victoria has traditionally been the richest part of Australia. It is surprising how few people are aware of that, but Victoria has traditionally been the richest part of Australia, and part of that is probably because our population is denser.

The government keeps claiming that crime rates have fallen and that the statistics show there are fewer crimes now than there were 10 years ago. The figures do probably show that, but I think that is largely because people are so disillusioned with the police and the criminal justice system these days that they do not even bother to call the police any more.

I have had a circumstance myself that would confirm that motivation by many people. At the beginning of

November I was crossing a city street. A driver was a bit annoyed that I did not move quickly enough and he deliberately drove his car at me, forcing me to jump out of the way or be hit. About 200 metres down the road he had to stop at a red light and he had his window down. So I ran down and we had an extremely full and frank exchange of views through the front window of his car. He thought that seeing as he was not actually trying to kill me, he had done nothing wrong. But of course, like those of you in this place, I realised that it is a serious assault to drive your car at somebody in an attempt to intimidate them.

I got his number; he offered me his number but I said, 'Don't bother. I wrote it down back down the road. I have it'. I called the police, but I must say they were not very interested. They said, 'We are very busy. We really do not want to get involved in something like that'. And the policewoman said, 'I am going on leave next week'. With some persuasion she said, 'If you come to the station and write a statement, I will do something about it'. That was in early November and I did do that and heard nothing at all until about a month ago when I got tired of waiting and contacted the station.

The sergeant said he wanted more details from me so he could check what I had told him. I provided those but did not hear from him for another month, so I went back to the police station three or four days ago. The constable behind the desk said, 'That policewoman you spoke to is on leave' — again. The police obviously do not take reports very seriously. You even hear of people who ring up the police and the police will not attend the scene of the crime; people whose houses are robbed, for example, when it can take 8 hours before the police turn up. It is no wonder the police statistics suggest either a decrease in crime or a decrease in the rate of reporting crime.

In practice it was not very long ago when police officers were big, tall, brutish-looking people who could throw their weight around when they needed to, and in the job they were doing they often needed to throw their weight around. I have no objection at all to smaller men, maybe about my size, or women for that matter being police officers, but it seems to have got to a rather extreme situation at the moment.

About six months ago I was told of a story that had happened the previous week. A policeman and policewoman went to break up a brawl in a pub in South Melbourne or Port Melbourne. The policeman was 6 foot 3 inches or thereabouts but the policewoman was about 4 foot 2 inches. One of the brawlers, being clever, picked up the policewoman and put her on a

shelf about 6 or 7 feet above the floor. She sat there for the rest of the brawl watching what was going on, because the shelf was too high for her to jump down.

In practice, I think people have to be able to do the job to a reasonable degree to be employed in the police force. I have no problem with big, strong women, but it is really not very conducive to an effective police force to have people who do not have the physical capacity to do the job.

We should also be aware of the increase in such things as maternity leave, holidays and so on, which means that the statistics we are looking at are hardly relevant at all. If people are on leave much more than they were in the past, then the simple number in the police force does not tell us anything about the actual number of police available on the beat to do the job.

These days the public get rather upset with our court system, which is extremely relevant in our approach to crime. People do not think we have effective deterrents in our court system. A story in the *Herald Sun* today was about a person who was viciously and horribly stabbed. The two men who stabbed him were caught and put into jail for 17 days before their trial was held, at which they were given three-year suspended sentences. In other words, for viciously stabbing a stranger with no provocation and very nearly killing him, they served a total of 17 days in jail.

Jail is not a good or desirable thing, but unfortunately in some circumstances it is necessary; it is necessary to provide a deterrent and if we were operating our jails properly, it would be a good thing for rehabilitating people as well. It has that potential, although throughout my lifetime at least, I think we have done a terrible job with rehabilitation through the prison system. Just the rates of recidivism alone would prove that beyond any doubt.

It is also another area of public policy in which the debate is extremely superficial, in my opinion. We should have different types of jail for different types of people, at different levels in their sentences. Some types of jail really should be like a time-out room where people are just taken away from the environment they are in, to give them a change of environment and deny them access to drugs, for example.

Mr Barber talked about drugs. You cannot really discuss crime in modern Australia without discussing drugs. It is largely the same problem: if you go to a Magistrates Court, you will find case after case is drug related. If you are not going to solve drug problems, you are not going to solve our crime problems.

Previously in this house I have talked about a drug strategy that I believe works. It involves compulsory detoxification and rehabilitation of drug addicts. In Melbourne a drug addict will overdose down a back lane among the dog droppings and the broken glass. The ambulance officers come and revive him. Usually when he wakes up, he tries to kill them; after having a go at them, he staggers off to do it again. That is absurd.

In Sweden he would be taken to compulsory rehabilitation and detoxification. He would be dried out and then given treatment, whether he liked it or not, to get off his drug habit. The sooner you do it for an addict, the better. It does them no favour to wait until 10 years later when they want to do it. You are better off doing it as soon as possible. That seems, from what I have read, to be the only effective way of tackling a drug problem.

An increase in police numbers probably would be beneficial to cut the crime rate, but it seems this is a superficial approach. There are better approaches, and we are elected to represent the best wisdom of the community. People vote for us because they think we are very clever, we can bring life experience and an insight into human nature to our decisions in this place. We need to do more than just say, 'We can get lower crime rates by just increasing the number of police'.

Mr Barber got to a lot of these points; some that he made were very good. It is largely about education, but it is real education and quality education. Many people spend years in school and get very little education. We need to do much better with education, and that would be helpful for a long-term reduction in crime rates.

As Mr Barber said, jobs are extremely important. I have not looked at figures on this, but I would be very shocked if the statistics did not show that people who commit crimes are disproportionately unemployed. Jobs give people a purpose, they give them meaning in life and they also give them the capacity to look after themselves financially. Jobs are crucial to reducing crime.

Mr Barber was quite correct, too, when he talked about pokies. Pokies, I think, breed crime. When the temporary casino was first built I understand there was a surge in crime around the casino as people would go in, lose all their money and go out and mug somebody for the cab fare home. That is probably only the most minor of the crimes that result from problem gambling, and I believe pokies are a big part of our problem gambling scenario in Victoria.

As I have said before, in my opinion when you eliminate protection for some people under the law you weaken protection for all people under the law. I believe this house and this Parliament made a big mistake in removing all protection for people whose conception took place less than nine months previously. I do not believe that some of the horrifying things we are seeing are unrelated to that somehow.

Australia is a part of western civilisation, and civilisation really means a culture of cities, a way of life in which people live in close proximity to each other. How do people live in close proximity to each other peacefully? There are two ways, I think. The first and less effective is that you have an effective criminal law system. That is very important. But even more important than that is a sense of morality, ethics and responsibility throughout that permeates a culture. We have had that in Australia, directly or indirectly, from a religious tradition — these days more indirectly than directly.

In my view if you want low crime rates and you want people to behave well and to treat each other with respect, then you aim for a moral society or an ethical society. The legal system will never make people generous or kind or heroic; only people's morality and innate sense of goodness and heroism can do that. And we do not get that from the legal system, in spite of attempts by television ads that try to make people look better; we get that from a moral code. We are in danger of weakening our moral code — I am sure it is being weakened now — and I am concerned that tomorrow this very Parliament may take another step in weakening that moral tradition, that religious tradition that we have in Australia that we have inherited from the western world generally.

In short, I feel this motion is somewhat superficial and limited, but is basically sound, and therefore I will support it.

**Mrs PETROVICH** (Northern Victoria) — I am pleased to speak tonight on Mr Dalla-Riva's motion on increasing police numbers in Victoria. There have been a number of contributions tonight from all sides of politics. In the few minutes I have I would like to outline the Liberal-Nationals policy of an additional 1600 recruits in the first term of a Liberal-Nationals coalition government. This has been costed at \$344 million and is called Making Our Streets Safe Again. We are suffering chronic police shortages, we are suffering an epidemic of violent crime. This is compounded by the stress and overwork of our fine police force.

We will make Victoria safe again. As a parent on many occasions I wait anxiously for my daughter, who travels on public transport, to come home. This dovetails into our previous policy of increasing protective services officers on every metropolitan station after 6.00 p.m. Major regional stations will also be covered. There will be additional Victorian police officers to patrol train, tram and bus networks and more than 1000 extra officers on the public transport system. We will take a zero tolerance approach to crime on public transport.

I would like quickly to read an excerpt from the *Victoria Police Business Plan 2008–09*, which relates to a message from then Chief Commissioner of Police, Christine Nixon, who pledged that for 2008–09 there was a record budget for Victoria Police and:

We have a responsibility to use the money wisely to ensure the community gets the best possible value for the money in terms of the services we provide.

Those of us who understand what is actually going on out there in our police force know that our police members are tied up with an enormous backlog of red tape and paperwork. The current police command has moved away from proactive policing and the sort of policing that many of the speakers tonight, both from the Democratic Labor Party and the Greens, have spoken about. I was pleasantly surprised to hear Mr Barber articulating many of the things that I believe in. Whilst he said there is a vast difference between Liberal Party policy that is being announced and promoted here tonight — because we are proud of what we are about to do — it is something I have worked on with Victoria Police members and I have an understanding of what is an aspirational goal of many police people: to go back to the days of proactive policing, police school involvement programs, and being able to actually be out there on the street as a form of crime prevention.

One of the issues I would like to raise tonight is about MAS figures, which are for the member activity sheets which have been introduced in the police force. For love nor money no-one can get hold of those figures. For 10 years we have not had the available figures that demonstrate how many operational police we have on the beat. I have been told from pretty reliable people that only a quarter of the members are actually operational; the rest are tied up with an endless stream of paperwork. The only way we will get that is through FOI. We need that information. I believe Deputy Commissioner Kieran Walshe has already been briefed on this data in the last month, and he is not saying anything much about it. What we have had is 10 years of lies about real patrol times. Disappointingly these

figures have not been released and probably will not be unless we pursue that through the FOI system.

Mr Barber spoke tonight, and I would like to pursue his comments about domestic violence and the assertion that a former shadow police minister said that domestic violence may tie up front-line police. The issue of domestic violence is that it actually does tie up police. If there are two vans on the road — which is pretty standard for most regional areas — if two police officers in one police van go to a domestic violence issue, they will be there for several hours, leaving one van on the road to cover sometimes half of the metropolitan area.

If members of the public in Victoria were cognisant of this, they would be terrified, and I think they are starting to twig. Those officers will be tied up with those issues. They may be taking people involved to hospital; they may be taking people to hospital for treatment for mental illness. They should not be doing those jobs after they have had that first point of contact. There should be some backup for these operational officers, because Victorian communities are being left vulnerable and unsafe.

As Mr Tee was crowing about the various court systems he failed to articulate that in Victoria at the moment, many people who have been charged will be held on remand for up to 18 months because of a terribly clogged or blocked court system. It is an inefficient system which not only ties up the courts but ties up prosecutors. It is a very unjust system, particularly if you are on remand for that period and you happen to be innocent. There is a bit of a glitch in that.

I represent the northern region and I have received from many areas a constant stream of complaints about unattended calls and communities whose members feel unsafe and who, when they have an incident, are at the stage now of not reporting it because they know nobody is out there. Many of our police stations have rosters which cannot be filled. The stress and anxiety that puts on operational officers, let alone on those in charge of the stations who are trying to fill those positions, is enormous.

If you actually analyse the police numbers that are trotted out by those opposite, you will see that many of the officers who comprise the full contingent are on leave, are off sick, are on maternity leave or are suffering stress. Some of them will not come back, but they stay on the roster. That roster will not be filled or replaced, so those officers who are left there will endeavour to do the best job they can. But that scenario

is simply not fair. It is not fair to those police officers, it is not fair to the sergeants who are trying to fill the rosters and it is most unfair to the community, which has an expectation of some level of response from its police force and some level of community safety.

I know for a fact that rosters in places such as Sunbury and Bendigo have had a shortfall in numbers for many years. For up to 12 months Sunbury has had a roster which appears to show six members short. You cannot just magic people up to fill those positions. Recently I was told that during renovations to the police station, the CIB (criminal investigation bureau) office in Sunbury was moved, to Broadmeadows. Those CIB officers have not come back. They have now become part of the Hume figures, which take in a whole range of other areas and are not particularly relevant to Sunbury and the Macedon Ranges. In the last week the last straw was that the computers in those offices were taken away. That gives the community a very bad feeling about whether it is ever going to have a localised CIB unit in Sunbury again.

We are constantly told by the government that Sunbury is part of the metropolitan area. Unfortunately the growth going on there is unplanned.

**Business interrupted pursuant to standing orders.**

## EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Mr LENDERS (Treasurer) on motion of Mr Jennings.**

### ADJOURNMENT

**The ACTING PRESIDENT (Ms Pulford) —**  
Order! The question is:

That the house do now adjourn.

### **Housing: rent increases**

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Housing and concerns the minister's recent review of market rent for public housing properties and the confusing letters that were sent to public housing tenants. This is an issue that has caused considerable distress to a large number of public housing tenants.

One of the main concerns that has been raised about the rent review letters is that when the federal government increased pensions late last year, a moratorium of 12 months was placed on this income increase before it could be included in a public housing tenant's household income for rent assessment purposes.

The market rent review letters have stated that tenants on a rebated rent will receive a further notification of how much their rent will increase in May. This has caused concern that the moratorium may be reduced to 6 months rather than the 12-month period agreed to by state ministers late last year. The action I seek is for the minister to give a public commitment that the full 12-month moratorium that prevented pension increases being included as income for public housing rent assessment will be honoured.

The market rent review letter caused a great deal of stress to public housing tenants, and my office was inundated with calls from concerned tenants who had received these letters. The letter the government sent to tenants was confusing and convoluted. It led many people to believe their rent would rise in line with the market rent valuations, many of which had been such that there would be significant increases of amounts in excess of \$60 per week.

The rent increase notice was so convoluted and confusing that a memo describing the seven possible scenarios of the rent increase had to be issued to housing services managers and officers statewide. Even armed with this memo, housing officers were still not able to clearly assist tenants who telephoned for clarification of the rent increase.

Even when he was interviewed on radio 774 about the notification the Minister failed to clearly articulate the impact the rent increase would have on tenants who were phoning in for clarification. Eventually a second letter, had to be sent at great expense to the state, to tenants to apologise for the confusion caused and explain the impact of the market rent review. But who sent the letter? Was it the Minister for Housing? No! The cowardly housing minister hid behind the skirt of the director of housing, Margaret Crawford. It was left to Ms Crawford to apologise to Office of Housing tenants for the confusion, stress and anxiety caused by the government's market rent review letter. However, this letter still did not refer to the moratorium on rent increases for pensioners, so many public housing tenants are still concerned that the Brumby government is going to bring forward the moratorium on rent increases for pensioners by six months.

The action I seek from the minister is a public commitment that the full 12-month moratorium that prevented pension increases being included as income for public housing rent assessment will be honoured.

### **Corio Bay: pollution**

**Mr KAVANAGH** (Western Victoria) — My adjournment matter is for the Minister for Environment and Climate Change and relates to a matter I previously raised in this house with him concerning allegations of extremely high contamination of heavy metals in the beaches around Corio Bay. There is evidence in the form of studies — undertaken by semi-professional individuals, I might say — showing extremely high levels of heavy metal pollution in the sands around Corio Bay. The action I seek from the minister is to review any health data relating to conditions possibly related to heavy metals around Corio Bay and report on the incidence of risks to health from possible excessive levels of heavy metals in the sands around Corio Bay.

### **Housing: Colac neighbourhood renewal**

**Ms TIERNEY** (Western Victoria) — The matter I wish to raise tonight is for the attention of the Minister for Housing. I call on the minister to provide an update on the progress of the Colac neighbourhood renewal program and to provide support for the Colac men's shed. The neighbourhood renewal program in Colac started in 2003. On this side of the house, we are great supporters of the neighbourhood renewal program as we have seen its results in many disadvantaged communities, including Colac, and this is one that has a tremendous success story.

One of the great strengths of neighbourhood renewal is that it relies on the people in those communities to build skills, and it addresses the needs and interests of those who live in townships like Colac. I take this opportunity to acknowledge the support of the Colac Otway shire for the renewal project and indeed the Colac men's shed. I ask the minister to provide support to the Colac men's shed and its partner, Skills Connect. The Colac men's shed offers a place where local men can meet regularly to share skills and build friendships. The aim of this program is to enhance men's personal health and wellbeing and is part and parcel of the government's A Fairer Victoria. The men's shed is in need of financial support for tools and IT equipment, and I call on the minister to support those claims and enable the provision of such equipment and continue the support of this facility through the neighbourhood renewal program.

### **VicRoads: road safety funding**

**Mr KOCH** (Western Victoria) — My issue is for the Minister for Roads and Ports and relates to the exclusion of VicRoads from the engagement process it has traditionally supplied to volunteer committees supporting road safe initiatives. I attended a recent community meeting in Geelong where it was announced that VicRoads will sever ties with the community-based Road Safe Victoria committees and the Safer Roads organisations. The administrative support previously offered by VicRoads will now be outsourced.

Road Safe Victoria and Safer Roads have maintained a strong community culture for over two decades. These organisations have spawned many initiatives including motorcycle safety and young and older driver education, along with pedestrian safety programs, that have undoubtedly saved many lives. Road Safe Victoria volunteers have given their time tirelessly at grassroots level to gain better road safety practices. It has come as a great disappointment to the many involved with these representative groups to be told that VicRoads will no longer be offering its assistance, expertise and knowledge in running these valuable initiatives. Further, they were shocked to be told by a senior metropolitan VicRoads bureaucrat that ‘the volunteer component of Road Safe Victoria will just have to work harder’. This inflamed many people and left me in no doubt that VicRoads is unaware of the immense amount of time and effort many people have already contributed to achieve what they have to date.

In replacing the current system, VicRoads has put in place an alliance with an independent chairman and a committee of 20. This committee will be made up of 13 members representing government agencies. The expertise in road safety of these agencies, which include the departments of justice, health, and human services, is dubious at best. Only seven members will represent communities statewide. With this 13 to 7 ratio, plus what VicRoads refers to as an ‘independent, media-savvy chairman’, this one-sided alliance will be the only technical body available to replace these two important road safety organisations.

This structure has been sought by VicRoads at no financial saving to the status quo, but it gives it the opportunity to distance itself from these important road safety committees. There was little doubt that those representing local government at the meeting were disappointed at the tone of VicRoads suggestion and recognised that a cost shift towards local government was imminent should this program be implemented.

As this proposal will intentionally remove VicRoads from part of its community obligation to road safety and jeopardise community voluntary input associated with both Road Safe Victoria and Safer Roads statewide, my request of the Minister for Roads and Ports is that he seek clarification from VicRoads on the reasons behind this proposed strategy and a review of this one-sided restructure that may well flounder as a consequence.

### **Consumer affairs: financial counselling**

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. The matter concerns the need for financial counselling and advice for Victorians, particularly people experiencing financial difficulties as a result of the global economic downturn, and even more particularly people in regional Victoria and in my electorate of Northern Victoria, where many have been experiencing the results not only of the global economic downturn that has had an effect on commodity prices, but also the prolonged drought which is the worst in living memory.

We know that Victorians really need to consider very carefully whether services such as credit repair and debt consolidation or loan refinancing are the best way to go and are really worth paying for, because often you do have to pay for these services. I understand, and I know that our government understands very well, the pressures that are on families as a result of the global financial crisis. I also know that we are taking action, that the minister has taken action to ensure that there are better financial counselling services in place. We have also been warning consumers against dealing with companies that are charging large fees for information about clearing bad debt histories. A fair bit of that has been going on out there and really targeting people who are experiencing difficulties. I understand that last year Consumer Affairs Victoria received 38 inquiries and complaints that related directly to companies that were offering to fix bad debt issues, that were doing it for a very significant fee and that would do it only on the basis of receiving a fee.

Specifically my request to the minister is that he ensure that the people of regional Victoria, particularly in my electorate of Northern Victoria Region, are made aware of those financial counselling services that have been put in place by the government. I know that, in recognition of financial hardship, investment has been made by the government in financial and counselling services. That increased investment has been specifically for — —

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

### **Liquor licensing: fees**

**Mr P. DAVIS** (Eastern Victoria) — I raise for the attention of the Minister for Consumer Affairs a matter regarding the impact of the government's new liquor licensing fees on community clubs. In this particular instance I raise concerns for the Loch Sport Boat Club, for which a threefold increase in its liquor licence fee will erode its marginal profit. The club turns over just \$24 000 a year, which includes membership fees, liquor sales amounting to about \$11 000 and the sale of food prepared by volunteers. Liquor sales are in the main to members who have already paid membership fees, and the club is by no means a 24-hour operation. In fact all the services at the club, including the sale of liquor, are provided by volunteers.

The profit on liquor sales is around \$3500, but for 2009 the club's overall profit was a mere \$1008. Yet it appears its liquor licence fee was set on the basis of its total turnover and not its liquor sales and profit. The club's liquor licence last year cost \$98. The fee for this year was first set at \$397, but the director of liquor licensing has granted a waiver that reduces it to \$300 — that is, \$300 of the \$1000 net profit. This is still exceedingly excessive for a club of the nature of the Loch Sport Boat Club, as it represents 10 per cent of its profit on liquor sales and 30 per cent of its net operating profit. Consideration should be given to the fact that as well as providing facilities for its members and a social outlet in this small Gippsland Lakes community, the club performs a valuable community service through the provision of boat safety training courses. It conducts junior sailing classes and runs courses for people to qualify for VHF radio and boating licences.

I therefore ask the minister to act to establish a more realistic assessment process for the licensing of such community clubs and a more appropriate licence fee.

### **Royal Botanic Gardens: plant selection**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Environment and Climate Change, and it is to do with the Royal Botanic Gardens. I know the minister is aware that the Royal Botanic Gardens were established in Melbourne in 1846 and in 1857 Ferdinand von Mueller, who at the time was one of the world's most highly regarded botanists, was appointed director of the gardens. He collected plants from all over the world. In 1873 he was succeeded by William Guilfoyle, who set

about creating the garden's 'world-famous picturesque landscape style', as is quoted in a report on the Myer Foundation commemorative grant program. That same report goes on to say:

Guilfoyle sculpted sweeping lawns, meandering paths and glittering lakes, creating a series of vistas offering a surprise around every corner. Guilfoyle's design included a volcano, which was built as a reservoir at the highest point of the gardens.

The website of the Royal Botanic Gardens also says that Guilfoyle, after he took over from von Mueller:

... immediately set about transforming the gardens into a landscape in the 'picturesque' style. One of his first tasks was to transplant many of Mueller's semi-mature conifers from where Mueller had planted them to elsewhere in the gardens. The strategic placement of these and other trees, together with the planting of garden beds, allowed Guilfoyle to create the panoramic vistas that are characteristic of the gardens.

We also have the terrific Cranbourne gardens, which I think are excellent. According to the Ian Potter Foundation website:

The garden is designed around the concept of the presence and absence of water in the Australian landscape, and visitors will make discoveries about the use and conservation of water, about low-water-use plants suitable for their own gardens and about the practice of sustainable gardening.

I, like many of the people in this chamber and most Victorians, am very proud of the Royal Botanic Gardens. I visit the gardens every week. There are at least three cactus gardens. The reality is that these gardens were not set out to be cactus gardens. There are a lot of succulents, and even the designer of the newly renovated volcano, Andrew Laidlaw, said Guilfoyle would not have approved of the planting that is there.

I urge the minister to explain in an open and transparent manner, to all Victorians why the newly restored Guilfoyle's volcano was not restored faithfully with its original plants. Is there a sinister subplot to incrementally destroy all the European trees, shrubs and bushes at the Royal Botanic Gardens?

### **Rail: infrastructure**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Public Transport. It concerns the safety of the train network, in particular the Pakenham, Frankston and Belgrave lines. The matter flows from documents released to the opposition under FOI with regard to the asset management plan that Metro Trains Melbourne put together before being successful in winning the contract to run the rail network. Metro's asset management plan states that track buckles:

... have the potential to cause derailment of trains or collision with structures or trains on the adjacent lines, with catastrophic consequences ...

It states further:

... it is evident that many of the older track components are in a condition which does not provide the level of reliability and ride quality that is required by a modern metro system ...

The plan continues:

... this presents an increased risk of serious incidents, such as a train derailment on old timber sleepers with a high number of 'wide gauge' track faults such as the Hurstbridge and Belgrave lines and the Flinders Street to Caulfield lines. Other incidents may arise from broken rails due to the high number of rail defects in the system on lines such as Flinders Street to Caulfield and Caulfield to Pakenham and Frankston ...

These lines carry significant and growing patronage numbers. It is of great concern that such fundamental and significant safety challenges exist on these highly patronised lines that carry significant numbers of commuters.

An article by Jason Dowling in the *Age* of 14 April states:

Metro Trains has sent a plan to expedite funding for urgent upgrades to Melbourne's rail system to the state government just four months after taking over the network.

The article continues to debate the merits of such an advance. Clearly there are significant challenges facing the metropolitan railway network, in particular the Belgrave, Pakenham and Frankston lines, which all serve commuters in the Eastern Victoria Region. I am very concerned for constituents of mine who use these railway lines. The action I seek from the minister is that he review the current arrangements on these lines, and that he report back to me and to the public about the integrity and safety of these railway lines to assure the public that it is safe to catch the train and, if not, that he address this critical situation as a matter of urgency.

### **Kananook Creek: management plan**

**Mrs PEULICH** (South Eastern Metropolitan) — I too raise a matter for the attention of the Minister for Environment and Climate Change; he is a very popular man tonight. It is not a matter that is exclusively his responsibility, but I ask him to perhaps exercise his leadership and influence on his ministerial colleague the Minister for Water — I am sure they are very good and close friends — to resolve some issues confronting the Kananook Creek Association and the Kananook Creek.

The Kananook Creek Association is an absolutely wonderful group of volunteers and residents who live

along the creek. The president of the association Robert Thurley — who was married recently; on 14 February, as I recall — the acting vice-president, John Curran, and his wife, Jane, and a wonderful group of volunteers have done an enormous amount of work on the Kananook Creek, improving its water quality and outlook, trying to rid it of fallen trees and limbs to make it safer for navigation. Unfortunately responsibility for the creek is divided between Parks Victoria, Melbourne Water and the local council, and there is a lack of clarity about roles. The Kananook Creek Association has been involved in developing a management plan for two years, only to find that the rules and parameters under which they have been operating over that period have now changed. They have now learnt that Parks Victoria is responsible.

Mr Thurley has written to me saying that they were led to believe that Parks Victoria had developed a duties plan policy dated March 2008, but it now seems that the last two years of work on these documents was a complete waste of time because they now have to start negotiations from scratch with Parks Victoria rather than Melbourne Water as previously thought. Obviously they are very keen to resolve some of the issues, including some involving jetties, because there are private jetties that have been poorly constructed along the waterways in Kananook Creek. They are asking for some resolution. I imagine it may require some policy changes. I will not call for legislative change, because that would be inappropriate for an adjournment matter. However, work certainly needs to be done.

This area has been neglected. It is potentially an even more beautiful asset that needs to be developed. These people are very keen and have been doing a lot of work, and it would be a shame not to harness their enthusiasm and interest in nature and conservation and in the beautiful asset that Kananook Creek potentially could be. I travelled with members of the association in a boat along the length of Kananook Creek and I can heartily endorse their vision for the future. I ask the minister to exercise some leadership to try to resolve this tripartite mess, which basically means that the problems facing Kananook Creek cannot be resolved without some clarity and perhaps a single area of responsibility assumed by a single, possibly his.

### **Department of Primary Industries: Kilmore East aerial spraying**

**Mrs PETROVICH** (Northern Victoria) — I raise a matter for the attention of the Minister for Agriculture. It concerns the proposed aerial spraying of Midway Plantations at Kilmore East. This matter is now urgent

as I understand the aerial spraying is to take place in a week or two. I am talking about an area of over 1000 hectares which covers a number of square kilometres of undulating land. The volume of any form for spraying treatments, whether it be insecticides, herbicides or fertilisers, would be large. My constituents want to know whether the government will allow this spraying to proceed with apparently no regard for the health and welfare of those in the surrounding area.

It is my belief that the risk to public safety is far too great and that there is not adequate proof that there is minimal risk to the neighbours of the plantation. Apart from the impact on neighbouring people and their animals and property from wind carryover in the atmosphere, spraying errors and poor approximations, and subsequent water run-offs and blown dust, we need to consider the impact on native animals and birds on the plantation property. Aerial spraying surely falls within the realms of nuisance or annoyance from any other conditions resulting from the activities carried out on the subject land. Mechanical spraying on the ground would reduce this. Surely we should not be sending an ambiguous message to our constituents.

Midway Plantations, the Mitchell Shire Council, the Department of Primary Industries, the Kilmore East Community Action Group, the Victorian bushfires case manager, the Country Fire Authority, the Environment Protection Authority and the member for Seymour in the other place, Ben Hardman, have all been notified. Most of the neighbours found out about the spraying via the *Kilmore Free Press*. My concern is for my constituents, their animals, the water supply, tourists and the environment. I am in the process of seeking further advice on what can be done to delay this process until a full investigation is completed. As a matter of urgency I ask the minister to step in without further delay to ensure that government does not allow spraying to proceed.

### **Rail: Eltham station**

**Mrs KRONBERG** (Eastern Metropolitan) — I raise a matter for the attention of the Minister for Public Transport. The matter concerns proposed train stabling at the Eltham railway station. This issue is causing great concern in Eltham to citizens from all walks of life, including those who use public transport and those who will be directly affected by the works on the site. Since meeting with the residents of the Eltham Retirement Centre on Monday, the feelings and fears of those elderly citizens have been resonating with me. The likelihood of track duplication on the Hurstbridge line north of the Diamond Street crossing in the Eltham

township to accommodate extra trains has created a climate of fear amongst the most vulnerable in our community — the elderly. Many of these people are frail aged, and they have been losing sleep since VicTrack's plans were made known to them. I was informed by the professionals who are responsible for the health and wellbeing of the centre's residents that interrupted sleep or lack of sleep in the frail aged can often have fatal consequences.

For some time now up-to-date information about the precise plans for train stabling have been shrouded in mystery. We surveyed the people living in Eltham, and I can tell the minister that 82.4 per cent of those surveyed considered that train stabling should not proceed because of the consequences for car parking and the negative effects it would have on the Nillumbik shire's strategic plan for this activity centre. This, combined with the possibility of train shunting, with all its inherent noise and bright lights through the early hours of the morning right outside the bedroom windows of the frail aged, is frankly too horrid to contemplate.

The action I seek from the minister is that he provide an update of the plans for train stabling in Eltham, along with detailed drawings of the precise location of the proposed train stabling and track works. The community wants to see the plans, and the community does not like the idea of train stabling ruining the Eltham town centre.

### **Shire of Yarra Ranges: community legal centre**

**Mr ATKINSON** (Eastern Metropolitan) — I raise a matter for the attention of the Attorney-General. It concerns the proposal for a community legal centre for Yarra Ranges. I have had the opportunity of discussing with my colleagues representing that area — Mr David Davis and Mr O'Donohue — a submission from the Eastern Community Legal Service, which is based in the Nunawading area. For some time the service has provided legal services to areas further east and in recent times it has undertaken a feasibility study of setting up a satellite service in Yarra Ranges. I am aware of a number of recommendations the Eastern Community Legal Centre has made to the state government about setting up a service that would be potentially based in Healesville but would certainly undertake regular outreach to areas such as Yarra Junction, Yarra Glen and Lilydale.

I have had a lot of contact with the Eastern Community Legal Service over a number of years. I have a quite high regard for the services it provides to people as a first-stop legal service, in some cases representing

qualified people in proceedings they need to undertake on legal matters they are dealing with. The Eastern Community Legal Centre has provided services to a wide geographic area. It has found that further east, in the area of the shire of Yarra Ranges, there is significant demand for its services. As I said, the service has undertaken this feasibility study, which has proved the need for that service further out.

The action I seek from the minister is that he take a close look at the legal needs study and proposal that has been provided by the Eastern Community Legal Service, and that he give favourable consideration to supporting that proposal at the earliest opportunity.

### Health: federal government plan

**Mr D. DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Premier. It will be of interest also to the Minister for Health. I say that because I draw the attention of the Premier to a letter sent to him today by General Practice Victoria (GPV), Statewide PCPs (primary care partnerships) and the Victorian Healthcare Association (VHA). A copy of the letter was sent to the Minister for Health. The letter is about the Rudd health proposals that are currently being debated. I know the Premier has his own set of proposals. Many of us have a high regard for the long history of health care in Victoria but believe much can be done to improve the health system in Victoria.

It is unclear, of course, if the Rudd formula is the exact prescription that is required. A number of significant deficiencies can be pointed to in the Rudd prescription. A letter dated 14 April from these health groups to John Brumby, Premier of Victoria, points out a number of concerns about the implementation of the federal government's proposed reforms for the primary health-care sector. It seeks the support of the Premier at the Council of Australian Governments (COAG) meeting on 19 April — that is, next Monday. The letter states:

Our first concern is that the importance of the primary health-care sector is often overlooked in debates about the health system.

The proposed reforms need to focus heavily on this, in my view and also in the view of these three organisations. The letter goes on:

... we ask that you use your influence to ensure that primary health services, in their broadest sense, remain on the agenda.

The second concern of these three organisations as expressed in their letter is:

... to secure agreement that the development of primary health-care organisations (PHCOs), while holding the same principles across all jurisdictions, can vary between states.

They want to ensure that a one-size-fits-all approach is not adopted. The letter states further:

We have serious concerns about the proposed process for the establishment of the PHCOs in Victoria. The approach being proposed by the commonwealth has the potential to jeopardise 10 years of investment and development in collaborative approaches to primary health-care integration across the state.

I accept their point. The Rudd proposals are a serious threat to primary health care in Victoria which has had a better and richer primary health-care system over many decades. That is at risk from some of the Rudd proposals. In a joint submission the VHA and GPV stated the need for the PHCOs to be entirely new organisations drawing on existing structures. The letter lists those organisations.

The three organisations are concerned that to exclude some stakeholders from participation in establishment risks losing benefits for communities. They believe these issues have to be addressed at COAG next week. I call on the Premier to address these issues and to raise them at the COAG meeting on Monday.

### Responses

**Mr JENNINGS** (Minister for Environment and Climate Change) — I have three written responses to matters, one raised by Ms Lovell on 3 February, one by Mr Koch on 25 February and one by Mr O'Donohue on 25 February.

I will refer the following matters to my colleagues.

Wendy Lovell raised a matter for the attention of the Minister for Housing in relation to correspondence to public housing tenants with respect to the market rent review.

Gayle Tierney also raised a matter for the attention of the Minister for Housing, seeking his support for the funding and operation of a men's shed associated with the Colac neighbourhood renewal program, and she wants it now.

David Koch raised a matter for the attention of the Minister for Roads and Ports seeking his intervention to make sure that VicRoads participates in a full, equitable and transparent fashion in its current consultative mechanisms around road safety.

Kaye Darveniza raised a matter for the attention of the Minister for Consumer Affairs seeking his support for

not only the delivery of financial counselling services throughout regional Victoria, in particular in her electorate, but also to provide advice to her constituents about the existence of such services.

Mr Philip Davis raised a matter for the attention of the Minister for Consumer Affairs in relation to the liquor licensing fee that applies to the Loch Sport Boat Club and seeks remedy in relation to the size and applicability of the licensing fee.

Mr O'Donohue raised a matter for the attention of the Minister for Public Transport. He wants a personal review by the minister of the safety standards and safety arrangements on various train lines and asks that he, Mr O'Donohue, be provided with that report.

Mrs Petrovich raised a matter for the attention of the Minister for Agriculture, seeking his intervention to prevent the spraying of plantations in north-central Victoria in the immediate future, to allay some community concerns about potential adverse health impacts.

Jan Kronberg raised a matter for the attention of the Minister for Public Transport, to try to allay potential anxieties of some residents of Eltham about train stabling and asked that plans about that matter be shared with the local community.

Bruce Atkinson would like the Attorney-General to support the provision of community legal services in the Yarra Ranges.

Mr David Davis basically encouraged the Premier and the Minister for Health to do pretty much what they are going to do, which is support the interests of Victorian patients and the Victorian community in negotiations around the current proposed health reforms at the Council of Australian Governments meeting next week — —

**Mr D. Davis** — Specifically on primary health care.

**Mr JENNINGS** — He drew attention to some correspondence from key stakeholders in the Victorian health-care industries supporting the defence of a position adopted by the Victorian government and particular matters relating to primary health.

Mr Kavanagh again raised a matter with me in a slightly different form than he had raised previously. He had asked me to review the knowledge the Environment Protection Authority had about heavy metals in the water and on the beaches of Corio Bay, which I had reviewed and shared with Mr Kavanagh.

He now has a subsequent request for me to review health morbidity data in the Corio region to see whether there is any potential correlation between the existence of heavy metals, health statistics and the health pattern in that community. I shall see what is available in the existing morbidity data that is held by the Department of Health. If I discover any relevant information, I will share it with him.

Mrs Peulich raised a matter for my attention, seeking my review of the current arrangements for the restoration and rehabilitation of Kananook Creek to build on the community effort that has been undertaken to try to provide better environmental outcomes and community amenity in that area, and particularly to work with the relevant agencies, which include Parks Victoria and Melbourne Water. I am very happy to see what can be done in relation to that.

Mrs Coote already knows my answer to this. We had a conversation during the course of the adjournment after she raised a matter with me in relation to the design and planting integrity associated with the recent restoration, and perhaps from her perspective reinterpretation of the original intention of William Guilfoyle's volcano in the Royal Botanic Gardens.

I have already indicated to her that I thought she was advocating positions that were on a blog of a biological zealot who was most aggrieved, but no, she tells me this was her original thought and that it indeed goes back to the original source in 1874. She has obviously been to Tanner and clearly knows the original inspiration and primary botanical sources from 1874. On that basis I will look at what should be done. I can certainly tell her and the house that at first blush I am quite enthusiastic about the quality of the work that has been undertaken in the restoration and the integrity of the intention to revive this important part of the gardens. Maybe we might take a walk around that precinct and share our particular perspective about that matter, rather than keeping the adjournment going any longer.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.42 p.m.**

