PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 7 April 2011

(Extract from book 5)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Education and Training Committee — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier.

House Committee — (*Council*): The President (*ex officio*). (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 7 APRIL 2011

Thursday, 7 April 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

LIQUOR CONTROL REFORM AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

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

That the bill be now read a first time.

Mr LENDERS (Southern Metropolitan) — Before the vote is put I desire to move, by leave:

That for any bills received on message from the Legislative Assembly and read a first time, the opposition will refuse leave where leave is sought by the government for the bill to be read a second time later that day, unless the government agrees to sit on the following day, where not sitting on the following day would require the house to sit beyond 10.00 p.m.

Leave refused.

The PRESIDENT — Order! I was a bit surprised about the timing of that motion on a first reading. No doubt Mr Lenders has taken advice from the clerks, but I would probably have preferred to put the first reading and then entertain such a motion. It seems to me that would have made more sense procedurally, but at any rate leave has been denied for that proposition.

Motion agreed to.

Read first time.

Hon. M. J. GUY (Minister for Planning) — I desire to move, by leave:

That the second reading be made an order of the day for later this day.

Leave refused.

Ordered that second reading be made order of the day for next day.

RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL 2011

Introduction and first reading

Received from Assembly.

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the bill be now read a first time.

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

That for any bills received on message from the Legislative Assembly and read a first time, the opposition will refuse leave where leave is sought by the government for the bill to be read a second time later that day, unless the government agrees to sit on the following day, where not sitting on the following day would require that the house sit beyond 10.00 p.m.

Leave refused.

The PRESIDENT — Order! Leave is denied. As I understand it, the advice given to the opposition was that that particular motion — and I understand why it was moved again, partly in response to my comments — should have been moved as the very first thing rather than in the middle of dealing with bills and their first and second readings. At any rate, leave has been denied. This now has been tried twice, and the government has made clear its position.

Motion agreed to.

Read first time.

Hon. W. A. LOVELL (Minister for Housing) — I move, by leave:

That the second reading be made an order of the day for later this day.

Leave refused.

The PRESIDENT — Order! I am sure that everyone understands that when leave is refused it will be on the next day of sitting that the second reading may be brought forward by the government.

Ordered that second reading be made order of the day for next day.

HEALTH SERVICES AMENDMENT (HEALTH INNOVATION AND REFORM COUNCIL) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. D. M. DAVIS (Minister for Health).

Hon. D. M. DAVIS (Minister for Health) — I move, by leave:

That the second reading be made an order of the day for later this day.

Leave refused.

Ordered that second reading be made order of the day for next day.

MULTICULTURAL VICTORIA BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. J. GUY (Minister for Planning) — I move, by leave:

That the second reading be made an order of the day for later this day.

Leave refused.

Ordered that second reading be made order of the day for next day.

PAPERS

Laid on table by Clerk:

Gambling Regulation Act 2003 — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to Invitations to Apply for the grant of the Keno Licence, April 2011.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on Victoria's *Audit Act 1994*.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

MEMBERS STATEMENTS

Portland: coastal projects

Ms TIERNEY (Western Victoria) — I wish to report progress to the house on two important projects in Portland. Last week I took the opportunity to visit two sites that attracted funding from the previous state government. The first was the development of the Nuns Beach precinct, and I am pleased to report to the house that $250 000 of state government money is being well spent. The low-impact boardwalk, lighting, shelter and toilet facilities are sympathetic to the natural environment and retain the natural charm of this much-loved area for Portland locals.

The other site I visited was the landslip at Andersons Point. Massive earthmoving equipment and hardworking staff are making progress on the $12 million state government-funded project to provide cliff face retaining work at the point. I was delighted to again meet with Marg Baker, who popped out from her house in Clifton Court with a cuppa to confirm that everything was working well. The smile on her face gave me enormous comfort and satisfaction — unlike the antics of Denis Napthine, the Minister for Ports, who is attempting to claim credit for both of these important projects in Portland.

Barwon Heads Bowling Club: 40th anniversary

Ms TIERNEY — On another note, last Sunday I attended the Barwon Heads Bowling Club's 40th anniversary. It was clear to see from the sheer number of people who attended the celebration that this club is a very important part of the Barwon Heads community. It was also clear to see the many great memories and lifelong friendships that have been formed at the club over the last 40 years. I would like to make particular mention of Mr Les Jennings, Mrs Maureen Brooks, Mrs Sandra Green and all the Barwon Heads Bowling Club foundation and life members.

Multicultural affairs: community organisations

Mrs PEULICH (South Eastern Metropolitan) — Recently I had the opportunity to attend an afternoon tea at the Springvale town hall, where I had the pleasure of supporting the announcement by Minister Nicholas Kotsiras, the Minister for Multicultural Affairs and Citizenship, of grants to various hardworking multicultural organisations that organise activities to engage not only their own communities but also the broader Victorian community. I would like to congratulate the successful organisations, including many in the city of Casey — the Cranbourne-Hampton Park Greek Senior Citizens Club, the Cranbourne Italian Senior Citizens Club and the Melbourne Tukkers Social Club, which is based in Narre Warren South — a number in Frankston and those in the cities of Greater Dandenong and Kingston. Congratulations also to the community leaders who make these small grants go a long way.

We must also acknowledge the work undertaken by those who organise activities and events without the assistance of government grants and by those who rely

entirely on volunteers to raise funds and organise activities such as the Bosnian festival, which was organised by the Australian Bosnian Islamic Centre Deer Park for the fourth anniversary of its opening on Sunday, 27 March. At the festival I had the pleasure of listening to three choirs and some talented Balkan performers to top off a commendable effort by the centre to engage not only with its own community but with the broader community.

Attendance at multicultural events is an important role of MPs. This is further supported and emphasised by our commitment to the establishment of parliamentary friendship groups, which have enjoyed bipartisan support. This is their strength, and it is unfortunate that some are choosing to play politics with these friendship groups rather than exercising bipartisan support for our multicultural policy.

Greens: New South Wales election

Mr BARBER (Northern Metropolitan) — I would like to congratulate two new Greens MPs in the New South Wales Parliament, Jamie Parker and Jan Barham. I still have my fingers crossed for Jeremy Buckingham to also enter the upper house. What distinguishes these three MPs is that for many years they have been serving their local communities as local councillors, so it is an even bigger endorsement that their communities have now elected them and sent them to the state Parliament. It is that grounding in supporting their local communities that will make them excellent MPs — and the fact that they are Greens is an even bigger bonus.

This morning New South Wales Greens MLC Cate Faehrmann made the observation that the Greens seek to be a party of government within this generation. As all members in this place would know, as Greens we maintain our values while seeking practical solutions by which those ideals can be implemented. Daily we strike a balance between pragmatism and our longer term vision. We do what is right and not simply what is easy.

Professor Paul Johnson

Mr ELASMAR (Northern Metropolitan) — I would like to place on record my good wishes to the vice-chancellor of La Trobe University, Professor Paul Johnson. Professor Johnson has resigned his position as vice-chancellor and president of La Trobe University and has accepted the post of vice-chancellor of the University of Western Australia. La Trobe University will now initiate a global search for a new vice-chancellor. Professor Johnson will be a hard act to follow.

Deakin University: graduation ceremony

Mr ELASMAR — On another matter, this week I attended Deakin University to witness my daughter Adele graduating with distinction, on her 21st birthday, from the Geelong campus of Deakin University. She has nothing but praise for Deakin's excellent teaching staff. While I was there I took the opportunity to tour the grounds. While I know it is a relatively young university, I was very impressed with the landscaped grounds and the modern facilities. Deakin is an excellent learning environment for students and I think a great place to work for the teaching staff.

The PRESIDENT — I congratulate Mr Elasmar, his daughter and family. I also have two graduate daughters of Deakin University, and I concur with you when you say it is an excellent university.

Woodend Winter Arts Festival

Mrs PETROVICH (Northern Victoria) — Recently I attended the launch of the Woodend Winter Arts Festival, held at the Bentinck in Woodend. This festival has become an international event, featuring a feast of talent. This was highlighted by the magnificent performance by the Italian Baroque duo at St Ambrose's Church hall as a preview of the delights this year's program has in store for us.

This great festival attracts visitors to the Macedon Ranges over the long weekend in June. It is set in a backdrop of fog, mist, fine food, great wine and wonderful entertainment. The committee and the community of Woodend should be congratulated on its success, with particular congratulations to John O'Donnell and Jacquie Ogeil. We love their work.

The program includes a fireworks display; music by the Joe Chindamo Jazz Trio; flavours of Spain; songs of Liszt; Vivaldi's *L'Estro Armonico* played by the Accademia Arcadia; Stephanie McCallum on piano playing Liszt, including music based on a work about Faust; Mozart's *Requiem*; and a talk by Ann Blainey on her biography of Dame Nellie Melba. It is a great program for a festival that will tantalise all the senses. It will be a delight for all to enjoy.

Sunshine Hospital: radiation therapy centre

Mr EIDEH (Western Metropolitan) — I wish to praise the former Minister for Health, now the Leader of the Opposition, the Honourable Daniel Andrews, for his leadership in pushing for the $180 million-plus redevelopment of the Sunshine Hospital when he was the minister. Last month I had the honour of attending

the opening of the first public radiotherapy service in Western Metropolitan Region. The people of my electorate have much to thank Daniel Andrews for, as their health services significantly improved under his tenure as Minister for Health.

Our community now has a world-class facility that will be able to help up to 900 cancer patients a year. The facility, which will offer surgery, chemotherapy and radiotherapy all within the one, easy-to-access location in Western Metropolitan Region, will be of great advantage to our constituents. Other facilities are soon to be completed as part of the massive refurbishment of the Sunshine Hospital, a project that is dear to the hearts of the local community and one which I support without hesitation. As stage 2 is completed, I look forward to stage 3 commencing to further improve health care in the west.

Victorian School Team Sailing Championship

Ms CROZIER (Southern Metropolitan) — Last week I had the pleasure of representing the Minister for Sport and Recreation, Hugh Delahunty, at the Victorian School Team Sailing Championship held at Albert Park Lake. Albert Park Lake has been described as a world-class venue for team racing, a venue our city can be proud of and one that is ideal for competition sailing.

The event was coordinated by Yachting Victoria, the Albert Sailing Club and the Albert Park Yacht Club and was sponsored by the William Angliss Institute. This year saw greater participation from Victorian schools than previous years, with a greater number of races being held. It is a credit to the efforts of all those involved — in particular Rod Austin from Yachting Victoria and Ross Kilborn from the William Angliss Institute — that it was such a great success.

Events such as these are not only a terrific way of encouraging our young people to become involved in active pursuits but also an opportunity for identifying and supporting up-and-coming talent, and they are particularly important for health and wellbeing. Sailing is also a sport that enables just about anyone to become involved, no matter your age or ability. Also participating in and supporting the event was Sailability, an organisation my colleague Andrew Elsbury mentioned earlier in the week. Sailability is an example of a group of volunteers giving their time to assist some of the most vulnerable in our society. It is a wonderful initiative, giving people with a disability the skills they need to participate in the sport of sailing either at a competitive or recreational level. It can at times also demonstrate the extraordinary courage of participants.

Encouragement of all Victorians to be more active more often and supporting events such as the Victorian School Team Sailing Championship or a program such as Sailability are crucial in achieving the goal of further participation in a range of sports and activities and the promotion of health and wellbeing, which the Baillieu coalition government fully supports.

Doncaster East: supermarket

Mr TEE (Eastern Metropolitan) — I want to raise with this house an important issue at Jackson Court in East Doncaster in my electorate. In 2008 the local Woolworths — then known as Safeway — supermarket was converted to a Dan Murphy liquor store, and this caused considerable angst in the local community, particularly amongst elderly residents, who found it harder to do their shopping.

The Manningham council, to its credit, has been instrumental in finding an innovative solution by offering the car park, which it owns, to the Aldi supermarket chain. This was done after Aldi agreed to return a supermarket to the site and to revive local businesses that suffered a significant downturn when Woolworths closed.

The response by Woolworths was to try to stop Aldi from opening a supermarket on the site, initially by going to the Victorian Civil and Administrative Tribunal and subsequently by issuing proceedings in the Supreme Court. Many in the community see this action of Woolworths as akin to a schoolyard bully trying to push a rival from its patch. The bottom line is that nearly three years later nothing has been delivered at the site.

I believe enough is enough. I will be writing to Woolworths and in the strongest of terms setting out my concerns at the way in which it has behaved. This issue is about the needs of the local community — it should not be a party-political issue — so I am urging all local MPs, regardless of their political allegiance, to stand up for the community and publicly state their concerns about the behaviour of Woolworths.

Glenn Brookes

Mr FINN (Western Metropolitan) — I rise this morning to congratulate Mr Glenn Brookes, who is the newly-elected MLA for East Hills in the New South Wales Parliament. I am very proud to have played a tiny part in his victory, but I am particularly proud of the way that Glenn and his Liberal colleagues have painted the western suburbs of Sydney blue. I remember when East Hills was a 30 per cent Labor seat

and there was barely a Liberal between Sydney Harbour Bridge and Bathurst.

That has all changed, just as the west of Melbourne is changing. The people of Melbourne's west are following their Sydney cousins in realising that Labor is not for them. The surge in support for the Liberal Party in Melbourne's west last November was not a one-off. The people of Melbourne's west now see Labor's Prime Minister — supposedly one of our own — preparing to inflict economic and social devastation on them via a ludicrous tax on everything, which will achieve nothing.

The pain Labor's carbon tax will cause the people of Melbourne's west is too horrific to contemplate. But we will fight back. Gone are the days when Labor could take the west for granted. What happened here last November and the New South Wales election a couple of weeks ago proved exactly that point. It is not just the Dogs who are rising up in the west! The people of Melbourne's west will no longer tolerate being treated as second-class citizens and being taken for granted.

Country Fire Authority: Whittlesea station

Mr ONDARCHIE (Northern Metropolitan) — I wish to report to the house my attendance at the official opening of the Whittlesea Country Fire Authority (CFA) station on Sunday, 3 April. I attended the event with the Deputy Premier and Minister for Police and Emergency Services, the Honourable Peter Ryan, who spoke about the importance of emergency services and taking steps to ensure that events such as Black Saturday are never repeated.

As part of the ceremony the CFA recognised a number of its members with prestigious awards, which included a 10-year service award to Richard Gardiner, a 15-year service award to Scott Allen, a 25-year service award to Darren Smith, CFA life membership to Phillip Rowe, national medals to Captain Ken Williamson and First Lieutenant Roland Gardiner, as well as brigade membership to Rod Clark. These awards are a fantastic recognition to those who serve and protect us in times of emergency.

The Deputy Premier also handed over the keys to a new CFA tanker to the brigade, which will be housed at Eden Park. I wish to record my congratulations to the award recipients as well as to Whittlesea CFA on the opening of its new premises.

Road safety: Northern Metropolitan Region

Mr ONDARCHIE — I thank the Deputy Premier for responding to my recent request during the adjournment that he visit the Plenty Road area and meet local community groups.

Greensborough Hockey Club

Mr ONDARCHIE — I also had the opportunity last weekend, representing the Honourable Hugh Delahunty, the Minister for Sport and Recreation, to open Greensborough Hockey Club's brand-new pitch. I pass on my congratulations to Adrian Lumb, the president, and the committee of Greensborough Hockey Club. I congratulate the Nillumbik council on its partnership with the government in developing this world-class facility.

Castlemaine: hospital redevelopment

Mr DRUM (Northern Victoria) — My members statement relates to the coalition's pre-election commitment of $10 million to the Castlemaine hospital. This announcement was made by the Minister for Police and Emergency Services, Peter Ryan, after The Nationals candidate, Steven Oliver, inspected the Castlemaine hospital and met with Castlemaine Health to tour the site and understand the situation.

This commitment to the Castlemaine hospital was not matched by the Labor Party or by the member for Bendigo West in the Assembly, Maree Edwards. The commitment we made to the Castlemaine ambulance station for a $2 million upgrade to a 24-hour station was not matched by Labor, nor was the commitment we made to Castlemaine Secondary College of another $7.5 million. The commitment to natural gas around the Maldon region was not matched by the Labor Party, nor was the additional $102 million we put into the Bendigo hospital, which will be used by the people of Bendigo West. All these commitments were made by the coalition. The fact is that Labor in Bendigo West, under Maree Edwards, completely and totally abandoned Bendigo West and Castlemaine. Anybody in the Castlemaine area will know that the coalition, and only the coalition, made these commitments to the Castlemaine and Bendigo West areas.

Maree Edwards was asked time and again where Labor stood on these issues and these commitments, but even now, after the election, she has still refused to advise whether or not the Labor Party commits to supporting these projects. The projects will be delivered by the coalition, and when they are the people of Castlemaine, Maldon and Bendigo West will be able to thank Steven Oliver and the coalition.

SENTENCING FURTHER AMENDMENT BILL 2010

Second reading

Debate resumed from 3 March; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. M. P. PAKULA (Western Metropolitan) — I am grateful for the opportunity to speak on the Sentencing Further Amendment Bill 2010 and to indicate to the house that the Labor Party will not be opposing the bill primarily because in most respects the bill builds upon what the Labor Party did while in government and what it had committed to doing had it been re-elected last November.

It is important to note for the record that Labor made some significant reforms to sentencing during its period in office. Most recently the Brumby Labor government passed the Sentencing Amendment Act 2010 before the last state election. That act of Parliament abolished suspended sentences for serious offences as defined in section 3 of the Sentencing Act 1991, including murder, attempted murder, child homicide, rape, intentionally causing serious injury, kidnapping, armed robbery and a range of other offences. It is an act that also abolishes mandatory imprisonment for subsequent offences of driving while disqualified, and it is only that reform which makes possible this piece of legislation aimed at abolishing suspended sentences for more offences.

The act that was passed last year also gave the courts credible alternative sentencing options in accordance with the recommendations of the Sentencing Advisory Council. The council's work has recently been ridiculed by the Attorney-General in what I describe as an unwise intervention by him.

This bill creates a new category of offence, that of a significant offence. The bill defines 'significant offence' as the offences of causing serious injury recklessly, aggravated burglary, arson, arson causing death and trafficking a drug of dependence in either a commercial quantity or a large commercial quantity. As a consequence of this bill, suspended sentences will no longer be a sentencing option for these new significant offences. As we have seen in the last few days in the media, the bill will also have the effect of adding two new members to the Sentencing Advisory Council. They are to be a member of a victims of crime support or advocacy group and a serving police officer below commissioned officer rank.

The fact the opposition is not opposing the bill should not be taken as a suggestion that we do not see the bill as having deficiencies. It should not be seen as a suggestion that we do not believe the coalition has fallen short of the benchmark it set for itself in the drafting of this bill.

The first thing worth pointing out is that the bill does not live up to the coalition's rhetoric while in opposition. When the Sentencing Amendment Bill 2010 was debated the coalition, which was then in opposition, was very critical of that piece of legislation because — in the words of the now Attorney-General, Robert Clark, during the debate on the bill in the other place last year — it should have provided for the abolition of suspended sentences for all crimes. The Attorney-General is entitled to have that view. However, one would have thought if that were his criticism of the Sentencing Amendment Act 2010, he would have rectified that concern in this bill and done what he suggested we should do, which was to provide for the abolition of suspended sentences for all crimes. This bill does not do that. It makes the now Attorney-General's rhetoric at the time of the debate last year sound very hollow.

The next deficiency in this bill when compared against the coalition's rhetoric is the question of timing. When the Sentencing Amendment Bill 2010 was passed, which was not long before the November state election, the intention was for the act to come into effect on 1 July this year. Mr Clark, the now Attorney-General, was highly critical of that time frame. He said at the time that the test would be to bring the bill into operation ahead of the announced commencement date of 1 July 2011. He said:

> … if there is a change of government on 27 November, we will be looking to bring this bill into operation as soon as can possibly be achieved.

An act of Parliament indicated it would come into effect on the 1 July. The now Attorney-General said that time frame was grossly deficient, that 1 July was far too late and that if there were a change of government, that time line would be expedited. But this bill does absolutely nothing to bring forward the commencement date of that act. It has a default commencement date of 1 January 2012. Rather than bringing forward the removal of suspended sentences for many crimes, this bill may have the effect of pushing that commencement date back.

It is good to see Mr Drum on the frontbench at last.

Mr Drum — Did you sit here?

Hon. M. P. PAKULA — There! There is also a question of clarity. It is incumbent on those drafting legislation to ensure that bills are as clear, easily understood and as lacking in confusion as can be the case. The Law Institute of Victoria basically gives this bill a fail on that question. It says that the distinction between serious and significant offences is a confusing distinction and that if the definition of serious offences and significant offences is more or less the same, then all offences may as well be classed as serious. The law institute is critical of this bill for reasons beyond that. Nevertheless, it is clear on the question of the lack of clarity of this bill and the contortions of the drafters in creating separate definitions of serious offences on the one hand and significant offences on the other, while saying that suspended sentences are available for neither. There is no real clarity about why that distinction has been created in the bill.

The bill also, to a large extent, jumps the gun. Suspended sentences were already unavailable for crimes classed as serious in the Crimes Act 1958. The Department of Justice was in the process of reviewing the Crimes Act and the Sentencing Advisory Council was in the process of reviewing penalties under the act. That was an ongoing process, which the government is now effectively truncating. The government has chosen a handful of new offences and called them significant. It does not class them as serious, because it recognises that classing them as serious would create a range of other effects that may be unintended as a consequence of this piece of legislation. It calls them significant rather than serious. It has plucked a handful of offences, rather than all offences, which was its election commitment.

The question that needs to be asked is: why these particular offences? Why the offences of arson and of aggravated burglary? Why not the offence of culpable driving? Why not the offence of intentionally causing a serious disease? These are questions which remain unanswered but which are the inevitable consequence of the government rushing the drafting job.

The other point that should be made about this bill and the rhetoric that surrounds it is that the government — as it is on a whole range of things, including freedom of information, government advertising and parliamentary standards — is being a bit tricky. The government would have the community believe that for these offences suspended sentences are now outski — that there will be no circumstances in which a suspended sentence will be handed down for causing serious injury recklessly, for aggravated burglary or for arson. Yet for those three offences — causing serious injury recklessly, aggravated burglary and arson — a suspended sentence is in fact still available. Even if this act is passed, those offences can still attract a suspended sentence if the matter is heard summarily in the Magistrates Court.

The government would have the community believe that upon the passage of this legislation suspended sentences will no longer be an option for any of the offences listed, and that is not the case. What is more, it will not apply to crimes committed before its commencement, so it will be at least six months, maybe a year, before we see any change to sentencing as a consequence of this bill.

The opposition believes the greatest weakness in this bill goes to the question of resourcing. All the options that can be used to replace a suspended sentence — whether the option is jail, a community-based order or an intensive corrections order — are far more resource intensive than a suspended sentence. With a suspended sentence, apart from some basic requirements, the person is in the community. With all the other options, whether it is a community-based order or an intensive corrections order, there is a lot of intervention that has to occur on behalf of the state and state government agencies.

Apart from an election commitment to 500 more prison beds over four years — which by itself grossly understates the impact on prison population of the coalition's policies if the coalition actually means what it says — the government has said absolutely nothing about the cost of this bill. It has said absolutely nothing about the extra resources it will require or about how any of it will be paid for. There is not a dollar in its costings for more officers to deal with community-based orders or for extra staff to deal with intensive corrections orders.

In the second-reading speech the Attorney-General said jail means jail, and he talked about community-based sentencing with teeth, but there is nothing in this bill and nothing in the government's election commitments that will deal with the enormous increase in resources — whether it be more prison officers or more community corrections officers — that is going to be required if the government means what the government says. The resourcing question will be the part of this justice debate that comes back and bites the government and bites it very hard, because it has not thought this through. The government thinks it can sail through with an uncosted commitment on prison beds and say nothing about extra staff, whether in prisons or out in the community. That is a matter that the government is going to need to deal with. It is a matter

for the government's budgetary processes and Treasury analysis.

Mr Elsbury interjected.

Hon. M. P. PAKULA — I cannot even hear what Mr Elsbury is saying. I can hear him nattering in the background. It might be a nauseating contribution like his adjournment matter last week.

The bill provides for, as the government says, community-based sentencing with teeth and jail meaning jail, but there is not a dollar to implement any of it.

The other matter I wish to address is it is my understanding that Ms Pennicuik is going to move a reasoned amendment. It will be the case in regard to this bill, and it will probably be the case in regard to a majority of pieces of legislation that come before the house, that the opposition is not likely to support reasoned amendments on bills that it is not opposing. Having said that, if Ms Pennicuik had brought forward a motion to refer this to, for instance, the relevant upper house committee for examination, we would have given that serious consideration. But we will not be supporting Ms Pennicuik's reasoned amendment.

In summing up, we will not be opposing this bill. We think it primarily adds to the significant changes made by the Labor Party whilst in government. But it is a bill which does not measure up to any of the government's rhetoric or to any of the things that government members said about the last sentencing bill that was passed by the 56th Parliament. The Attorney-General does not match his then criticisms of our bill with rectification of those criticisms in this legislation. The bill falls drastically short of the government's own claims about what it intends to do in the area of sentencing, and, most importantly, the bill will fail to achieve its desired objectives unless it is augmented by significant additional resources which were not contained in the then opposition's pre-election costings and about which the now government has said nothing so far.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting the Sentencing Further Amendment Bill 2010. The Greens will also be moving a reasoned amendment to this bill. I am happy to have that reasoned amendment circulated for those who do not already have a copy of it. I distributed copies to the opposition and the government some weeks ago. This bill has been on the notice paper since last year, but it apparently has become urgent today, even though it was not urgent for the last five months.

I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until a full public evaluation of the provisions of the Sentencing Amendment Act 2010 passed by this Parliament in October 2010 is undertaken.'.

I will go quickly to what Mr Pakula said about the reasoned amendment I am moving to this bill. He said the opposition would not support the reasoned amendment, although it would support referral of the bill to the appropriate legislation committee of this house, which of course would be the Legal and Social Issues Legislation Committee. The reason I have chosen to instead move a reasoned amendment is that it was only on 7 October last year, the last sitting day of the last Parliament, that the Sentencing Amendment Bill 2010 was passed. The Greens did not support that bill, mainly because there had been no community consultation on it and because it was presented in the Assembly on 6 October and came up to the Council late that evening, about 10.30 p.m. if I remember correctly. It was rushed through the Council on the following day. Our objection to that was an objection to process, given that the former Attorney-General, Mr Hulls, had flagged the bill in May 2010.

It is the view of the Greens that suspended sentences should remain one of the tools the judiciary is able to apply in sentencing offenders when the evidence presented to a court convinces the sentencing judge that a suspended sentence is the appropriate sentence. It is our view that the court should have as many sentencing options as possible and that removing sentencing options is a bad idea because it limits what the court may do according to the circumstances presented to it. The Greens did oppose the bill at the time, because of the abuse of parliamentary process that took place with the bill being rushed through in less than 24 hours with no public consultation and no chance for the public to actually see the bill, even though we were not opposed in principle to the idea of intensive correction management orders and intensive correction management orders — drug and alcohol.

I have moved a reasoned amendment because we have not really had a chance to evaluate whether that new regime put in place by the Sentencing Amendment Bill 2010 is working. There has been a lot of academic research into sentencing options, and the Sentencing Advisory Council has looked at the issue of suspended sentences over some time, probably over the last decade. It has come to the view that there is an overuse of suspended sentences. An earlier move to insert into the Sentencing Act 1991 a requirement that suspended sentences be used in exceptional circumstances was

expected to result in fewer suspended sentences. However, the outcome was that there were not necessarily fewer suspended sentences. In part this was because of the dangerous driving offence, which had a mandatory jail sentence. That mandatory jail sentence was removed by the Sentencing Amendment Bill 2010.

I wonder whether there has not been such a great reduction in the number of suspended sentences under the exceptional circumstances requirement because there were exceptional circumstances and these were the appropriate sentences in the cases before courts at the time. In any case, a new regime was inserted by the Sentencing Amendment Bill 2010. That particular regime should be given a chance to be evaluated.

I do not think it is a good idea for governments to keep mucking around with the Sentencing Act, particularly given that under this bill — and Mr Pakula partly addressed this in his contribution — not only are suspended sentences abolished for certain serious offences but half a dozen other offences are now to be classified as significant offences, which complicates the whole system. That has been pointed out by the Law Institute of Victoria, as Mr Pakula said in his contribution. In its letter of 18 January regarding this bill the LIV not only talks about that but also restates its belief that:

> … suspended sentences hold an essential place in the sentencing hierarchy for all offences and allow the sentencing judicial officer to impose an appropriate sentence after taking into account all aspects of the offence, offender and victim.
>
> The LIV strongly supports the principle of judicial discretion and believes that judicial officers are best placed to impose the appropriate penalty, taking into account all of the circumstances of the case.

The law institute is against abolition of suspended sentences in any situation. That is also the position of the Greens. We cannot change that, but we do have in place the Sentencing Amendment Act 2010, which we believe should be left in place for probably 24 months to see how it is working before the whole issue of suspended sentences is tackled again. Let us observe the situation put in place in October last year. Let us see how it works through the courts and have that evaluated independently by the Department of Justice and the Sentencing Advisory Council and then act accordingly. That action may be to reverse the provisions put in and free up the use of suspended sentences, as has been advocated by the Law Institute of Victoria.

The parliamentary library put together one of its excellent research briefs on the Sentencing Further Amendment Bill 2010, which we are debating here today in 2011. In its background to the bill the research brief talks about what happens in other jurisdictions with regard to suspended sentences. It is fair to say that around the country suspended sentences are treated in a mixture of ways. For example, in New South Wales a court may suspend a term of imprisonment under section 12 of the Crimes (Sentencing Procedure) Act 1999, which provides the court may wholly suspend a term of imprisonment that does not exceed two years providing the offender enters into a good behaviour bond for a period not exceeding the operation of the sentence.

In Queensland a court can order a suspended sentence under part 8 of the Penalties and Sentences Act 1992 for either the whole or part of the sentence of imprisonment if the term is five years or less. Interestingly, in South Australia a court can order a sentence of imprisonment be suspended under section 38 of the Criminal Law (Sentencing) Act 1988 but the court is prohibited from suspending sentences for the crimes of murder, treason or certain other offences. One wonders how many people are being convicted of treason in South Australia these days. Courts in Western Australia may order that a term of imprisonment be suspended under section 76 of the Sentencing Act 1995 provided a term or an aggregate, of terms is less than 60 months and the suspension is not for more than 24 months. So there are different regimes in place around the country.

As I said, the evidence is not in as to whether the interim measure of exceptional circumstances has worked or whether it is just that the courts have been applying suspended sentences when they are appropriate according to the facts in front of them. One of the other important issues regarding suspended sentences — and again Mr Pakula talked about this briefly in his contribution — is the impact this is going to have on the number of people who are imprisoned. If we accept that at the moment a certain number of suspended sentences are imposed by the courts and that those are no longer going to be appropriate or able to be imposed, then the conclusion is that more people will end up in the corrections system.

The Greens view is that unless it is imperative for someone to enter the corrections system, then they should not be in the corrections system. We should be reducing the number of people in jail and using other forms of sentencing which are rehabilitative and which will serve the interests of justice to keep people out of court and out of jail, particularly young offenders if there is no demonstrable need, value or benefit in sending them to prison in terms of them personally and in terms of the community more widely. There is plenty of evidence around to support that point of view.

The government has not mentioned any adverse impacts of its support for the bill that we have before us today. In a media release dated 22 December, just after the bill was introduced into the Parliament last year, the Federation of Community Legal Centres Victoria, which comes into contact with a lot of offenders and concerns itself with these matters, said that:

> Abolishing suspended sentences is likely to lead to a costly and unsustainable increase in the prison population without tackling the causes of crime.

It estimates that:

> … the move could cost taxpayers more than $35 million a year. 'While it is difficult to predict the impact of abolishing suspended sentences on the Victorian prison population, an increase of only 10 per cent would mean an extra 435 Victorian prisoners' … 'An extra 435 prisoners would cost around $35 million a year, not including the huge costs to construct new prison accommodation which could be over $225 million — similar to the cost of building the planned new 200-bed Monash children's hospital'.

We will not go into that now. The federation goes on to say that:

> Putting more people in prison diverts resources from vital social infrastructure and cost-effective initiatives which have been shown to successfully address the underlying causes of crime.
>
> Giving judges the option of imposing suspended sentences in appropriate cases makes much more economic sense because suspended sentences are effective, provide a wider scope for rehabilitation and treatment and are much cheaper than prison.

I concur with that statement.

I would be interested in any government speakers following me outlining for the benefit of the Council the estimated cost of this measure in terms of extra people entering the corrections system and the cost of that over the next forward estimates period. How will the government accommodate that cost? I would also be interested in hearing government speakers who will follow my contribution outlining the impact on the rehabilitation of offenders and on the justice of incarcerating people whom the courts would normally have taken the view that it would be inappropriate to incarcerate.

In correspondence dated 18 January the Law Institute of Victoria goes to the issue of why suspended sentences are appropriate in many cases, even for serious crimes. The example it gives is the mercy killing of a mortally ill elderly woman by her loving elderly husband. Under this regime he could be incarcerated, but in the interests of justice and any interest you might want to point to, that person should not be incarcerated. Obviously receiving a sentence and having it suspended still records a conviction but the person is not incarcerated. There are any number of examples similar to that where the courts have taken the view that a suspended sentence is the right way to go.

The government — and I would have to say the opposition when it was in government — talks a lot about community expectations. Community expectations are always dragged out as the reason this has to happen: the community expects that jail means jail and that people should be sent to jail and they should not receive suspended sentences. Interestingly, however, the Sentencing Advisory Council earlier this week released a report entitled *Alternatives to Imprisonment — Community Views in Victoria*. A media release announcing the release of the report on 1 April is headed 'New report challenges "punitive public" myth' and says that:

> A research report … released … by the Sentencing Advisory Council indicates that Victorians favour increasing alternatives to prison over building more prisons.
>
> …
>
> The study found that almost three-quarters of people surveyed supported increasing the use of alternatives to prison such as supervision, treatment and community work —

provisions that were put in place by the Sentencing Amendment Bill 2010 —

> Conversely, only one in four people surveyed supported a policy of building more prisons as a way to address the increasing number of people in Victorian jails. Those surveyed were especially supportive of community sentences for mentally ill offenders (92 per cent support) and young offenders (88 per cent support).

The preface to the report says:

> The findings of this paper are particularly relevant and timely. At the time of writing, Victoria's prison population stands at 4488 prisoners, with only 4228 permanent beds in the state's prisons.

Members might wonder where these people are sleeping. They are being 'housed in police cells, unable to be assigned a prison bed'.

In its budget release last year — its last budget — the previous government made provision for more prison beds. In fact there was quite a lot of concern, which is ongoing concern for us and many in the community, about the almost doubling of the number of women in prison in the past year or two. It is our view that the response to the rising prison population should not be, 'Let's make more prison beds and put more people in prison'. It should be to look at who is going to prison

and whether that is in the interests of justice for the offenders and their long-term rehabilitation.

Mr Barber interjected.

Ms PENNICUIK — No, putting people into jail does not necessarily help with their rehabilitation. In fact Andrew Fraser, a well-known person who spent quite a long time in prison, says that prison rehabilitation is an oxymoron. There are not enough resources to put into prison rehabilitation. There are an awful lot of people in our prisons who have mental health and other issues and should not be in prison. There should be other programs — which there are. The drug and alcohol courts, the community-based orders and the intensive correction orders that were put in place by the Sentencing Amendment Act 2010 should be given a chance to work in terms of rehabilitation of offenders.

The Greens would not like to see any increase in the number of prison beds; we would like to see an increase in restorative justice and rehabilitation in the wider interests of community justice and the interests of offenders as well as of people who have been offended against.

The Sentencing Advisory Council's report also goes on to say:

> Public and political debate about the use of imprisonment is vigorous. Over the past three decades Victoria's prison population has steadily increased from 1573 prisoners in 1977 to 2467 prisoners in 1995 to 4537 in 2010 … Taking into account the growth of the general population, the imprisonment rate has increased by 50.9 per cent over the last 20 years, from 69.9 prisoners per 100 000 adults in 1990 to 105.5 in 2010. In the last decade alone the imprisonment rate has grown by 22.1 per cent. Over this same period the community corrections rate has increased by 19.5 per cent …

These are not happy statistics. I do not think anyone could be pleased to see that the imprisonment rate in Victoria has increased by over 50 per cent over the last 20 years and by 22 per cent in just the last 10 years. We should be looking at reducing the imprisonment rate and using other alternatives more often, which this report shows that the community supports. It says:

> The evidence shows that community views are more complex and nuanced than is often characterised: Victorians are willing to accept alternatives to imprisonment as useful sentencing options.

In my contribution to the debate on the Sentencing Amendment Bill 2010 I referred to Australian Institute of Criminology studies which showed that people react contrary to expectations when they see something written in a tabloid newspaper saying that so-and-so did not receive the appropriate sentence and so-and-so did this crime. People are asked what they think and it is assumed that everybody says, 'They should have received a tougher sentence'. What the Australian Institute of Criminology found was that once people were apprised of all the facts in the case — the same facts that the jury heard — members of the community in most cases took a more lenient approach than the court. They certainly did not take a harsher approach. It is interesting that this report just released by the Sentencing Advisory Council finds the same thing.

It is concerning that in every election period we seem to have a tough on crime debate and a law and order debate, with everyone arguing about who can be tougher on crime and criminals and who can lock up more criminals. This is not necessarily in the interests of justice, and the more you ramp that up the only place you can go is higher. Without going into an academic dissertation here, there is plenty of evidence around that we as a community and a society need to look at wider alternatives as being appropriate for particular offenders in particular cases with regard to their age, their circumstances and the circumstances of the crime.

The other thing this bill does that is of concern is to change the make-up of the Sentencing Advisory Council. It increases the number of directors on the board from between 9 and 12 to between 11 and 14, which in effect adds two more mandatory members. Clause 6(2) inserts in section 108F(1) of the Sentencing Act 1991 the following paragraphs:

> (ca) one must be a person who is involved in the management of a victim of crime support group or advocacy group and who is a victim of crime or a representative of victims of crime;
>
> (cb) one must be a member of the police force who is actively engaged in criminal law enforcement duties and who is of the rank of senior sergeant or below …

I am concerned about both of these additions to the Sentencing Advisory Council. I do not believe there should be police representatives. That is not to say I believe the Sentencing Advisory Council should not consult with the police as it would with other parts of the community. My understanding of this advisory council is that it is a research and evidence-based body and that its current make-up is quite adequate. If the Sentencing Advisory Council wishes to get the views of the police, it can do that.

I am not sure that the additional person on the Sentencing Advisory Council, who has been described as the appropriate person, would have the imprimatur or the ability to necessarily represent the views of the police; and I think it is very important that the work of

the Sentencing Advisory Council be evidence-based in the interests of justice. I am not sure this is necessary — in fact I am sure it is not necessary — and I raise concerns about it.

I also have concerns about one director of the council being involved in a victim of crime advocacy or support group and also being a victim of crime. That person is therefore quite narrowly defined — he or she has to be a victim of a crime — but it does not say what crime. That person must also be involved in the management of a victim of crime advocacy or support group, but it does not indicate which advocacy or support group. Is it a well-recognised one or is it any advocacy or support group?

I would be interested in government members explaining why the government felt it necessary to add these particular people to the Sentencing Advisory Council which, for all intents and purposes, based on the evidence before us over the last decade, has done a great job. It does not need supposed representatives of those two groups in the community when there has been no impediment to the council consulting widely with the community, including these groups, in the past. The better alternative is that those groups are consulted by the Sentencing Advisory Council but that they are not necessarily members of the Sentencing Advisory Council.

The other issue I want to touch on is the number of suspended sentences. If one examines chapter 5 of the parliamentary library's research brief on the bill, one will see that the number of suspended sentences has not really changed over the last decade or so, and therefore it is not really a cause of concern.

I conclude with our principal point of view, which is that suspended sentences should be retained as an option for the judiciary, as one of their tools, to be applied in the appropriate circumstances in the interests of justice. I urge the council to reconsider and support my reasoned amendment so that the provisions put in place by the bill in October last year have some time to work through the system and be evaluated in an evidence-based way. There would then be time to come back within this session of Parliament to act upon that evaluation of the bill that is already in place.

Unless I get the answers to the questions I have raised about the costs and the membership of the Sentencing Advisory Council I will request that the bill go into the committee stage briefly so that I can obtain the answers from the minister.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I bring to the attention of members that the debate will now be on Ms Pennicuik's amendment and the second-reading of the bill.

Mr O'BRIEN (Western Victoria) — I rise to support this important bill and oppose the reasoned amendment of the Greens. The bill amends the Sentencing Act 2010 to abolish suspended sentences for significant offences as defined and to amend the Sentencing Act 1991 to make further provision for the membership of the Sentencing Advisory Council. It is but the first step in delivering the coalition's commitments to end the legal fiction of suspended sentencing.

I note that the Labor Party opposition is not opposing the bill but it has raised a number of concerns, particularly in relation to the suggested resource implications that the bill will impose upon the prison population.

The bill has been a long time in coming, and it has not been made possible through the passage, very late in the piece, of the Sentencing Amendment Act 2010, as Mr Pakula suggested. Rather, it has been made possible by the very long wait that the community had for the previous government to take action on this important matter and, finally, by the successful election of the coalition government, which has campaigned hard for these reforms, has put them through the extensive community consultation process of the election and is now delivering upon them with the passage of this bill today.

There has long been a concern in the community about the use of suspended periods of imprisonment as an adequate response to serious offending. Firstly, I should say this is not about necessarily increasing or decreasing jail time. Primarily it is about restoring truth in sentencing so that if you are sentenced to jail, jail means jail. It does not mean that the community-based orders and the other range of sentencing options, including fines, that the courts presently have will not be considered appropriately by the independent judiciary and magistracy on a case-by-case basis; it simply means that when a person is sentenced to a custodial sentence of jail, this legal fiction of a suspended sentence is not invoked so that he or she is allowed to effectively escape that remedy on the basis of a suspended sentence.

Picking up the point made by the Greens about community consultation, and helpfully reminded of the excellent work that was done by the parliamentary library on the Sentencing Further Amendment Bill

2010, I remind the Greens and the house of the background section that sets out extensively the community consultation:

> The SAC subsequently undertook a widespread community consultation involving the publication of a preliminary information paper, a discussion paper and an interim report. One of the key issues identified during the consultation was the contrast between the community's perception of suspended sentences as a light penalty and their treatment at law as a severe penalty. As a suspended sentence is a form of custodial order —

which means a form of imprisonment order —

> it is intended to be a harsher penalty than a non-custodial order (such as a community-based order or a fine). However, in some respects, suspended sentences may seem less punitive to the community (as there are no restrictions on the offender's time or resources if they do not reoffend) than a non-custodial order.
>
> Other issues identified during the consultation included the availability of suspended sentences for serious violent crimes and the risk of suspended sentences resulting in sentence inflation and net widening for offenders. The inquiry also highlighted the inflexibility of other intermediate sentencing options, such as intensive correction orders and combined custody and treatment orders, which resulted in difficulties for the courts in tailoring appropriate sentences for offences and offenders.
>
> The interim report proposed that suspended sentences be abolished and replaced with a new range of intermediate sentencing orders. The report argued that improved custodial and community-based sentencing options were required which were credible, could be understood by the general community and which provided the flexibility necessary to tailor sentences to individual offenders.
>
> The report commented that it was necessary to re-evaluate the usefulness of sentences which are imposed as a substitute for actual jail time (such as suspended sentences, home detention and intensive correction orders) as these have affected community confidence in sentencing more generally.

The coalition government is acting on its election promises to deliver truth in sentencing and restore confidence in the judiciary and, in turn, confidence in the legal system and the respect for law and order that needs to be returned to this great state.

This picks up the points put by Mr Pakula, who has superficially but cleverly raised two contrasting arguments. On the one hand he says that with this bill the government has not implemented all the sentencing reforms it said it would deliver upon and implement in full straightaway; on the other hand he cites issues in relation to the prison population and the implementation of these important reforms as something the government has neither provided costings for nor implemented at this specific date, and he is doubtful whether the bill will work. In fact what the government has done is take a very considered approach to implementing these important reforms in relation to the most serious offences.

Turning to serious offences, the coalition policy is to abolish all suspended sentences, but the elements of each offence are different, and it is important that judges retain sentencing discretion for appropriate sentencing. Therefore one needs to deal with sentencing very carefully. What the coalition has done is identify a series of significant offences for which this bill will abolish suspended sentences in the higher courts. They are: recklessly causing serious injury, which has a maximum penalty of 15 years; arson, which has a maximum penalty of 15 years; arson causing death, which has a maximum penalty of 25 years; home invasions, with a maximum penalty of 25 years; and serious drug trafficking offences, which have a maximum penalty of up to life.

Mr Pakula has questioned the decision to introduce this new category of offences and asked why they were not included under the category of serious offences, which already exists. He said it is a simple definitional argument, but it has much broader ramifications than that. If we were to simply lump rather clumsily these offences which have been identified into the category of existing serious offences, it would have serious ramifications for the Sentencing Act 1991 as a whole and create even more confusion.

The Sentencing Advisory Council noted in its final report of 2008 that 'it is not possible to consider reforms to suspended sentences without also examining the other intermediate sentencing orders' because problems with the form and operation of these orders contribute to the overuse of suspended sentences.

What the coalition has done is carefully identify a range of significant offences for which there is capacity within the current corrections system, which includes the jails, to abolish suspended sentences but without overtaxing the existing prison population. With the passage of this bill these offences will be able to be considered in future cases, and truth in sentencing will be restored.

Picking up another point raised by the Greens and Mr Pakula, the abolition of suspended sentences will be done in a responsible way by the coalition. In 2008–09 in the higher courts just under 100 offenders received wholly suspended sentences for the significant offences listed in the bill. Mr Pakula criticised the coalition government because it is not bringing this suspended sentence abolition reform into all the courts, including the Magistrates Court. That will be done. It will be delivered by the coalition, but it will be done in a

careful and responsible way. What we will do first is abolish suspended sentences for the significant crimes listed in the bill, for which 100 offenders received wholly suspended sentences in the higher courts in 2008–09.

Without the availability of suspended sentences it is expected that a proportion of those offenders will go to jail. Offenders who receive non-custodial sentences will be subject to a tough regime of sanctions, under a new single and flexible community sentence which will be introduced by the government this year. That is another aspect of the widespread community consultation that the coalition has taken to the electorate. It received a mandate for these reforms and today it is implementing them.

I again refer the Greens to the helpful research brief prepared by the library, which confirms the coalition's policy to announce 'the abolition of suspended sentences for all crimes; the abolition of home detention; the introduction of a single, flexible, community correction order which will empower the courts to impose a range of conditions' and to consider all the matters that Ms Pennicuik has identified as potential alternatives to jail for a particular offence or crime, such as 'curfews, driving licence restrictions and conditions on where an offender may live'. They will be considered as part of that reform. What we are doing here today is abolishing suspended sentences for these significant offences.

On the matter of the membership of the Sentencing Advisory Council, which the Greens raised some concerns about, the bill provides for two extra members to be appointed to its board. One member is to come from a victims of crime support or advocacy group and one member will be a serving police officer below commissioned officer rank who is actively involved in criminal law enforcement. The Greens want to know why the coalition is proposing to have a police officer working in law enforcement as part of the sentencing advisory group, rather than some consultant. In an advisory group it is often very important to have as a stakeholder someone who knows something about the matters that are being advised about so they can then ask those people who are providing the independent advice questions based on their years of experience. This is not an independence issue.

Mrs Peulich interjected.

Mr O'BRIEN — As Mrs Peulich says, that is a stakeholder. Other important stakeholders in this important advisory group are the victims of crime. That was another question raised in this debate: why would we have this, and which victims advisory groups would they come from? They are one of the most important groups of people who have been left out of this debate for too long. We will restore their role in the Sentencing Advisory Council. They will be selected on an appropriate basis. It will be the usual independent selection based on merit, qualifications and other criteria that the coalition will adopt for all its selections of important officers and other people to positions in this state, particularly in relation to issues of law and order and justice. We trust that when this new person is appointed to the Sentencing Advisory Council they will offer great insight into the issues that have long been of concern to victims of crime groups, and one of the key issues is the existence of suspended sentences and the legal fiction they create.

We oppose the reasoned amendment moved by the Greens, because it amounts to nothing more than a stalling tactic. It is an attempt to undermine the coalition's clear mandate, a mandate which was belatedly accepted by the previous Labor government when, as a last-ditch effort in the dying throes of its regime, it attempted to bring in something in relation to this. We will deliver this in full in a way that respects the independence of the courts and of the Sentencing Advisory Council. It is what Victorians voted for. We oppose the reasoned amendment. We support the bill. It will restore justice for all Victorians, truth in sentencing and confidence in law and order.

The last point I make is a hope — there will be no budgeted figures on this, but it is part of the coalition's policy. If this bill does anything to reduce crime at the outset, to answer Mr Pakula's concerns about prison beds — —

Honourable members interjecting.

Mr O'BRIEN — Let us give it a go. We will see what the coalition in its term in government will do to restore confidence out in the community that if someone commits a crime then they will do the time. Maybe that message will make offenders think before they commit crimes. Maybe it will save one life out on the streets, stop one arson or stop one home invasion. If it does that, I will be proud to have helped introduce it into the house.

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Sentencing Further Amendment Bill 2010. I say at the outset that the opposition does not oppose this bill, because it builds on what Labor did in office to fight crime in Victoria. During Labor's period in office it made significant changes to the criminal justice system, including reforms to sentencing legislation.

Mr Pakula has already outlined the reasons that the opposition opposes the Greens reasoned amendment.

By way of background, last year the Brumby government introduced the Sentencing Amendment Bill 2010, which abolished suspended sentences for all serious offences, with Victoria becoming the first state in Australia to do so. Serious offences are set out in section 3 of the Sentencing Act 1991 and include manslaughter, child homicide, defensive homicide, rape, kidnapping, armed robbery, sexual penetration of a child under 16, and intentionally causing serious injury. It was the previous government that entrenched the notion that for those offences a sentence of jail will mean a sentence of jail. I recall that at the time the then opposition, now government, supported that bill. Government members would like the community to believe that they are tough on law and order and champions of sentencing reform, when it was the Labor government that abolished suspended sentences for serious crimes and addressed other sentencing anomalies.

Victoria has one of the highest rates of imprisonment for serious offenders, and Victorians should feel confident that serious offenders are held properly accountable. That is why Labor introduced that legislation last year and made a number of other reforms, including introducing a range of non-custodial options to give judges flexibility when a prison sentence is clearly not an appropriate outcome. This proved to be a real alternative to suspended sentences.

The coalition likes to sound tough on crime, but if you look at the bill before the house and the details of how the coalition will tackle crime in Victoria, you will see that it falls way short of the expectations it has created. When in opposition the Attorney-General, then the shadow Attorney-General, criticised the Sentencing Amendment Bill 2010 by saying that if the coalition ever came to government, it would move to abolish suspended sentences for all offences and not just a few. Early last year I was amazed when Ted Baillieu, now the Premier, was forced to renege on his grand promise that jail under his sentencing plan would mean jail, when he realised that our prisons would be filled with disqualified drivers. The final position of the Liberals merely reflects the current state of the law in Victoria, whereby even people who commit crimes that attract mandatory jail terms continue to serve sanctions outside of jail.

Now is the coalition's chance to make a change, but what has the government done? It has not legislated to abolish suspended sentences for all crimes at all. Instead, the bill we are debating today merely extends the abolition of suspended sentences to a newly established category of only six offences. It defines those six offences as 'significant' offences. However, for three of the offences, — those of causing serious injury, recklessly aggravated burglary and arson — a suspended sentence will still be available if the matter is heard summarily in the Magistrates Court. Suspended sentences will be abolished for those three offences only if they are heard and determined in the County or Supreme courts.

The bill's proposal to expand the membership of the Sentencing Advisory Council to include a person who is a member of a victims of crime or advocacy group, and a police officer is not opposed by the opposition, as has already been indicated by Mr Pakula.

Another area of the bill where the government has failed to meet its rhetoric with substance and real action is the date of commencement. In the course of debate last year on the Sentencing Amendment Bill 2010 the Attorney-General was vehement in his criticism of the commencement date of the bill being 1 July 2011. In his contribution to the debate he stated that there was no reason to delay the introduction of an abolition of suspended sentences, but it now appears that the coalition has forgotten that. Now that it has come to government it has lost that rather defiant stance. Instead, the bill before the house has a default commencement date of 1 January 2012. Rather than bringing forward the removal of suspended sentences for many crimes, the bill we are looking at today could potentially delay the removal of suspended sentences for another six months.

I too want to touch briefly on the issue of resourcing, which Mr Pakula identified as a major failing of this legislation. What this bill shows is that the coalition tries to promise everything to everyone, without seriously considering the consequences or cost. The government has raised a significant expectation that it will not be able to satisfy. Government members have said that jail means jail or that alternatively people will be given 'comprehensive community corrections orders'. However, other than an election commitment to provide 500 prison beds across already existing security prisons, there is not 1 cent more going to prison officers, community corrections officers or the administration of our prisons to ensure that the monitoring of offenders is effective.

Labor understands that it is not possible to simply say that you will do something about suspended sentences and not factor in the consequences that this will have on our corrections system. That is why, when the Brumby government abolished suspended sentences for serious

offences, the government also invested an extra $78 million in our corrections system to employ an additional 150 corrections staff. There is nothing in this bill or in the government's election commitments that will address the inevitable increase in resources needed to implement the so-called 'tough on crime' beliefs of government members. There will simply be prison wings with more prisoners squashed in and no prison guards to monitor them. An extra 500 beds will not go far to accommodate them.

In conclusion, Labor does not oppose this bill. What we oppose is the government trying to convince the community into thinking this bill does more than it actually does.

Mr FINN (Western Metropolitan) — In supporting this bill today, I very warmly congratulate the Attorney-General, Robert Clark.

Mrs Peulich interjected.

Mr FINN — It has to be said he is shaping up as one of the stars of the Baillieu government. I think that is pretty clear.

Mr O'Brien interjected.

Mr FINN — Me and my shadow! Don't worry about that, Mr O'Brien.

I am particularly pleased to congratulate Mr Clark because, apart from the fact that he is a fine and outstanding Attorney-General, his appointment means the end of the Hulls era, the 11 years when Rob Hulls was roaming rampant across Victoria — sometimes appointing to the bench people that you probably would not invite home for dinner — and just doing some of the most abhorrent things imaginable to what we used to know as the justice system in this state. It is a wonderful day for every Victorian that we have in the Attorney-General's role somebody who actually respects law and order, and who actually cares about the basis on which our society is built.

After 11 years of the Hulls era of course justice has suffered — there are no two ways about that — and there has been a huge loss of faith by people in the system. As I have said before, as a result of what Mr Hulls did as Attorney-General our justice system in this state is no more. We have a legal system; justice does not enter into the equation at all. We desperately need a system which will do more than make lawyers rich. That is the attitude that I think the overwhelming majority of people in the street express. The overwhelming majority of people do not want to have anything to do with the law. They do not want to have anything to do with the courts. They do not see the system as a part of their lives; they see it as something completely removed from justice.

That is something that we have an obligation to change. It must change. As legislators and a government we very much have an obligation to make that change. We have an obligation, firstly, to make the legal system a justice system, but we need to make the justice system in this state relevant in people's lives. Mr O'Brien has given an extraordinary summary this morning and I commend him on his words.

Mr O'Brien interjected.

Mr FINN — Mr O'Brien says, 'What about the shadow Attorney-General?'. Where is he? No, not where is he — who is he? I am not sure. He has made such an impact, whoever he might be, that I do not actually know who he is. Who is he?

Mr O'Brien — Mr Pakula.

Mr FINN — Mr Pakula is the shadow Attorney-General. I was not aware of that, but he is not here, anyway, so it does not matter. He has gone for a wander. He has gone for a Tosca, and we wish him all the best for that.

Mr O'Brien mentioned two groups in the community who have been very much left out over the past 11 years.

Mrs Peulich interjected.

Mr FINN — Left out in the cold, indeed, Mrs Peulich. We have the victims of crime. They have suffered twice; they have been violated twice. Firstly, they have been the victims, of course, of the original crime, whatever that may have been. Secondly, in so many cases they have been forced to sit back and watch justice take a back seat. They have been forced to sit back and watch the perpetrator of the crime against them or a member of their family walk free. That will not happen any more. Under the Baillieu government, that is a thing of the past — and thank God it is. Those victims of crime will not feel that second violation by the legal system. From this point on they will start to experience real justice in a system that will be put in place to provide that justice. That is something that we as a government and Parliament should be particularly proud of bringing back for people.

The other group in the community who have been doing it pretty tough for quite some years are the police. I know a lot of police. As this house is aware — and I am sure there are not too many in Victoria who are not

aware — I am a great supporter of the police in this state. I have enormous admiration for the men and women of the thin blue line, who every day go out and put themselves on the line for us. I am talking about men and women who cannot leave home every morning with the same degree of confidence that we members do that they will actually get home that night. That is something that we probably do not understand. When we leave home in the morning there is, on all probabilities, a fair chance we are going to get home in one piece. Whenever a police officer leaves his or her home in the morning, afternoon or evening — whenever it might be — to start their shift, they cannot, with any real confidence, think they will return in one piece because there is the very real chance that we will have another Walsh Street, Russell Street or Moorabbin incident. These are the people who keep us safe. They put themselves — their lives — on the line to keep us safe. These are people we should hold in the highest regard.

Mr O'Brien — Serve and protect.

Mr FINN — They do serve and protect; exactly, Mr O'Brien. They work their tails off for us, but over the past 11 years what we have seen in the courts is that they have done their work, they have arrested perpetrators of crime, they have them brought to court, they have got the evidence, and all too often they have seen them walk. They have seen them belted around the ears with a feather — sometimes not even a wet feather — and just allowed to walk.

I have spoken to police officers who have actually been in court where they have had somebody convicted for drug dealing — and that is something that I regard as a particularly heinous crime — and 10 minutes later they have walked down the steps of the courthouse to find that same person, that same criminal, selling drugs out the front of the courthouse because they have been let go by the magistrate or the judge involved. How is any police officer supposed to cope with that sort of scenario? This legislation is the beginning of ensuring that that sort of scene is just not repeated any more. This legislation gives both the victims and the police a say in sentencing, and that is extraordinarily important.

I know we are running very short on time, as we will probably find out over the next 24 hours, but I want to emphasise to you, Acting President, that this legislation is the start of bringing justice back to Victoria. It is long overdue. Justice is a concept we should all embrace. That is what this legislation is all about.

House divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)
Hartland, Ms (*Teller*)
Pennicuik, Ms

Noes, 37

Atkinson, Mr
Broad, Ms
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Elsbury, Mr
Finn, Mr (*Teller*)
Guy, Mr
Hall, Mr
Jennings, Mr
Koch, Mr
Kronberg, Mrs
Leane, Mr
Lenders, Mr
Lovell, Ms
Mikakos, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Pakula, Mr
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms (*Teller*)
Ramsay, Mr
Rich-Phillips, Mr
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Amendment negatived.

House divided on motion:

Ayes, 37

Atkinson, Mr
Broad, Ms
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Jennings, Mr
Koch, Mr
Kronberg, Mrs (*Teller*)
Leane, Mr (*Teller*)
Lenders, Mr
Lovell, Ms
Mikakos, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Pakula, Mr
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Ramsay, Mr
Rich-Phillips, Mr
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 3

Barber, Mr (*Teller*)
Hartland, Ms
Pennicuik, Ms (*Teller*)

Motion agreed to.

Read second time.

Committed.

Committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I request that Mr O'Brien join me at the table to assist in this process.

Leave granted.

The DEPUTY PRESIDENT — Order! There are, to my knowledge, no proposed amendments before the committee, but my understanding is that Ms Pennicuik would like to explore some matters in relation to clause 1. I invite Ms Pennicuik to make her opening remarks.

Clause 1

Ms PENNICUIK (Southern Metropolitan) — In my contribution to the second-reading debate I raised the impacts this bill will have in terms of increasing the number of people incarcerated and the costs associated with that. I ask the minister if the government has an estimate of what the increase will be in the number of people who will be incarcerated over the next year, 5 years or 10 years as a result of this bill and the costs associated therein?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The abolition of suspended sentences for these offences is being done in a responsible way. In 2008–09 just under 100 offenders received wholly suspended sentences in the higher courts for the significant offences listed in the bill. Without the availability of suspended sentences it is expected that a proportion of those offenders will go to jail. Offenders who receive a non-custodial sentence will be subject to a tough regime of sanctions which will be introduced by the government under a new single and flexible community sentence. To support these reforms the government is preparing Victoria's prison system so there will be sufficient capacity to accommodate offenders sentenced to terms of imprisonment. We will also ensure that Corrections Victoria is able to provide adequate supervision of offenders in the community.

The DEPUTY PRESIDENT — Order! I am trying to ensure that the matters Ms Pennicuik wants to pursue relate appropriately to the purposes section of the bill. I will allow Ms Pennicuik to continue, but I ask her to ensure that her comments remain relevant to the purposes of the bill as set out in clause 1.

Ms PENNICUIK (Southern Metropolitan) — One of the purposes of the bill is to abolish suspended sentences for certain offences. My questioning is around the impact of that. The minister has said — and so did Mr O'Brien in his contribution to the second-reading debate — there were 100 suspended sentences imposed in the higher courts. Firstly, am I to assume there will be 100 people who will not get suspended sentences in the reasonable future that we are looking at? In the government's estimations, how many of those 100 people will be incarcerated? How many more people will be given intensive correction orders or other alternative sentencing options?

The DEPUTY PRESIDENT — Order! I am going to allow these questions for the moment. I am just getting my mind around some of the later clauses. I am assuming the bulk of Ms Pennicuik's questions will be asked in relation to clause 1. In other words, to enable us to expedite the consideration, I ask Ms Pennicuik to confirm she is proposing to raise these matters in relation to clause 1.

Ms PENNICUIK (Southern Metropolitan) — I am not proposing to make comments in relation to any other clauses. This is just the broad impact of the abolition of suspended sentences across the courts and on the range of sentences. I do not want to go through specific offences listed in the bill.

The DEPUTY PRESIDENT — Order! There are subsequent clauses which are much more detailed or specific to the issue of suspended sentences. I think Ms Pennicuik is advising the committee that she is proposing to raise pretty much all of the issues she wants to raise in relation to clause 1. If so, we will not need to spend much time on subsequent clauses. That is how we will proceed, if the minister is comfortable with that, to assist the expedition of the bill. Is the minister comfortable with proceeding with this discussion under clause 1 rather than going into detail when dealing with subsequent clauses?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Yes. The question is a policy position. I understand where Ms Pennicuik is going. There are some issues I could talk about. The bill is not retrospective. There will be a rollout period. The proclamation and enactment will be as specified in clause 5, which introduces new section 143. As I indicated earlier, a proportion was expected. If members looked at the 100 offenders who received wholly suspended sentences in higher courts in 2008–09, they would find that, in terms of the significant offences that are listed, without the availability of suspended sentences it was expected that a proportion, but not all of the 100 offenders, would go to jail. The proportion would obviously depend on the individual cases, as members would expect.

The reality is we also promised 500 new beds during the election campaign. The advice I have is that the 500 additional beds will be more than enough to cover changes that will be made by this bill.

Ms PENNICUIK (Southern Metropolitan) — I understand it is difficult in some ways to estimate the proportion of people who will be given sentences other than suspended sentences for those significant offences, but the government must have made some estimation. It would be of interest to the committee to know what that estimation was or is. I understand the bill is not retrospective, but there will be a change in sentencing regimes as a result of this bill.

As the minister mentioned, there are going to be some reforms and changes to corrections to deal with the impact of this bill. Can the minister elucidate those a little more? If the minister knows the costs associated with those changes to corrections that he mentioned in his earlier answer, I think the committee would be interested to know them; I know I am.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In terms of the first part of Ms Pennicuik's question, the answer is yes. In terms of the second part of the question, obviously this will be a work in progress, as members can imagine. The bill is not retrospective. The sentencing options for the offences listed as significant offences will depend on the date of the offence. For example, if the bill is enacted at a certain point in the future, the offences that are committed after that point will fall under the new provisions in terms of being significant offences and therefore will not be subject to suspended sentences. That will be a work in progress. However, as I said, we had an election commitment of 500 beds. The advice I have is that those additional beds will be more than enough.

Hon. M. P. PAKULA (Western Metropolitan) — Just to follow up, the minister talked about the election commitment of the 500 additional beds. Can the minister advise the house of whether there has been any commitment or any allocation made for additional prison staff, or for any additional staff to oversee more offenders on community-based orders or intensive corrections management orders?

The DEPUTY PRESIDENT — Order! I believe Ms Pennicuik wants to raise something on exactly the same matter. If the minister particularly wants to answer Mr Pakula first, I would be happy to call him, but it might be easier if we allow Ms Pennicuik to raise her issue first.

Ms PENNICUIK (Southern Metropolitan) — I do not think the minister answered my question, which was about the additional correctional staff that he mentioned in his previous answer, to which Mr Pakula has referred. I ask the minister if he could talk about that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Obviously, as I said, the bill is about making clear our position on crime, which was an election commitment which we are delivering on now. To answer the question as to how many and over what period, that will obviously be worked through with Corrections Victoria, and that process will take some time. However, as I said, because the bill is not retrospective there will be adequate time for those processes to take place. To answer Mr Pakula, obviously that process will take place as well. But we did, as I said, make an election commitment to provide 500 new prison beds.

Ms PENNICUIK (Southern Metropolitan) — Obviously the minister, in answering my query, will repeat the same answer. Given that I moved a reasoned amendment about evaluating the regime that has only just been put in place rather than racing ahead with more reforms before that evaluation has been done, I ask the minister what evaluation process the government envisages putting in place to evaluate its new regime.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am advised that appropriate evaluations will be developed over the course of the legislation, once it has been enacted. That is my advice.

Ms PENNICUIK (Southern Metropolitan) — Will that involve an evaluation of the impact on offenders of the custodial sentences rather than the non-custodial?

The DEPUTY PRESIDENT — Order! Does the minister want to hold that question until after question time, given that he has 45 seconds to get advice and then answer it?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Yes.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government: appointment process

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I ask the minister whether the former Liberal Party preselection candidate and Liberal Party office-holder Peter Clarke is being considered for, or indeed has been appointed to, a position at VicUrban or the new urban renewal authority?

Hon. M. J. GUY (Minister for Planning) — The member opposite would know that any appointment to any position which is a Governor-in-Council appointment is not something that you would flag to a member before the Governor in Council makes an appointment. I would simply say that there is obviously a vacancy at VicUrban, which will be considered in time.

Supplementary question

Mr TEE (Eastern Metropolitan) — If the minister is not prepared to confirm the appointment, will he at least assure the house that any appointment will be made after an open, transparent, advertised process without political interference, or will this be paying back Liberal Party mates?

The PRESIDENT — Order! I think that is a most inappropriate question as a supplementary, and I am going to rule it out unless Mr Tee can reword it in such a way that it is less argumentative. Apart from anything else, the individual Mr Tee mentioned has more qualifications than simply as being a candidate for a party at preselection; he has had significant roles in the community. The minister is not ruling that candidate in or out. The way Mr Tee framed the supplementary question is extraordinarily argumentative, and I would invite him to reword it.

Mr TEE — Thank you, President; I appreciate the opportunity to reword my question. Will the minister assure the house that appointments to the new urban renewal authority will be made after an open, transparent and advertised process?

Hon. M. J. GUY (Minister for Planning) — There are two points to that. Mr Tee asked me about the process, if I am not willing to confirm an appointment. I simply say to Mr Tee that he may not have heard the first part of my answer, which was that no-one in government should be pre-empting a Governor-in-Council appointment. There is a process which will be followed, and that is the same process followed by Mr Tee's party when it was in office. I simply say again in relation to the urban renewal authority that any board appointment for the urban renewal authority will follow broadly the same process that Mr Tee followed when he was in government. The appointment of any board within my authority or my jurisdiction will follow the same process, the same guidelines, that Mr Tee himself put in place in government, and it will be a process that will ensure that the right people are appointed for the right positions, for the right authority.

Hospitals: ambulance transfers

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Health. I ask: can the minister inform the house whether there is any data relating to patient transfers from ambulances to hospitals and whether there is a reason why this should not be released?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and her interest in local hospitals in the south-eastern metropolitan area. I note that Labor kept transfer times and transfer information secret for the whole of its period in government. In those 11 years it never formally released transfer times. For the benefit of the house, a transfer time covers the time when the ambulance arrives at the emergency department of a hospital with a sick patient in the back, a patient that needs urgent treatment, and the ambulance is forced to wait — ramped — on the outside of the emergency department for extensive periods.

I can indicate to the house that, for the first time in Victoria, today we have released patient transfer times for the six-month period to the end of December. This is, in effect, former Minister for Health Daniel Andrews's dirty little secret. He would never release this transfer data.

Let me give the house some information about what has gone on. At Dandenong Hospital 38 minutes was the average transfer time, at Frankston Hospital 36 minutes was the average transfer time for that six-month period and at Monash Medical Centre, 44 minutes was the average transfer time — that is, the time between the ambulance arriving and the patient being accepted into the emergency department. I have to say that these are very serious matters. These are long waits for patients before they are even recorded at the emergency department. It is 38 minutes for the Royal Melbourne Hospital and 25 minutes at Sandringham Hospital.

Mr Jennings interjected.

Hon. D. M. DAVIS — The first thing I am going to do is to release data. I am going to be honest about what is going on, and this data will be released regularly from now on. People can see the truth; they can understand the lengths of time that people are waiting. With less ambulances — —

Mr Jennings interjected.

Hon. D. M. DAVIS — I see that the shadow Minister for Health is getting agitated, and well he might. His record in government and the record of the Labor Party is these massively long waits outside that are not recorded in the emergency department but recorded as waits. This is data the Labor Party would not release, and it shows that patients have waited for extraordinary periods of time.

This means that ambulances are taken out of action. Often there are 2, 4, 6 or 8 — and on one occasion that I am aware of more than 10 — ambulances ramped outside the emergency department. Those are ambulances that are not able to go to the next job to pick up a patient who may need assistance urgently. This data is important, and it will come forward regularly from now on.

Mr Jennings interjected.

Hon. D. M. DAVIS — The shadow minister will no doubt want to see this data regularly.

Mr Jennings — Tell us how you are going to fix it. You've got a minute.

Hon. D. M. DAVIS — The coalition is determined to make an improvement on this. The first step is getting the facts on the table. The first step is getting the information out there. There will be 800 hospital beds over the next period, and there will also be a much greater focus on targeting where we can deal with some of these problems at individual hospitals. I make the point that this is about ambulances and individual hospitals working together collaboratively to get a better solution for patients and working in a way that will get a shortening of that transfer time, which will get patients in more quickly and enable ambulances to be released to go to the next job.

Wind farms: government policy

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. Last week I visited the Keppel Prince wind farm plant in Portland where workers are concerned about how they will pay the bills and how they will keep their jobs when the government's wind farm policy effectively closes down the industry. My question to the minister is: will he meet with those families and explain to them the impact of his wind farm policy?

Hon. M. J. GUY (Minister for Planning) — Let me inform Mr Tee what the greatest threat to a number of those jobs in the wind farm industry in Victoria is. It is that under the Labor Party much of the manufacturing of products for wind turbines shifted from Australian construction to Chinese construction, and the vast majority of those jobs in Australia went offshore. What did Mr Tee do to try to save those jobs back then? What did his minister for industry do to try to save the jobs in the wind industry that went to China in 2009? Nothing!

The Labor Party has the gall to get up and talk about families who might suffer under a wind farm policy which will in fact protect Victorian families from the excess of Labor approving anything next to anyone in country Victoria. Labor oversaw a regime which sent wind farm construction to China and then comes into the chamber to say this.

Let us put it in context. Someone who lives in metropolitan Melbourne can object to a 9-metre construction 500 metres from their home. Under the Labor Party's regime someone who lives in country Victoria 500 metres from a 120-metre structure should have no right of notification, objection or appeal. But the coalition government is changing that contempt for country Victoria. We will change that regime, and we are doing that now to ensure that regional Victorians are given the same rights and treated with the same respect as Melburnians, something that the Labor Party and the Greens do not agree with.

Supplementary question

Mr TEE (Eastern Metropolitan) — I thank the minister and will pass on his refusal to agree. The wind farm there is looking at expansion but thinks its greatest threat is the government's policy. My supplementary question is: if the minister is so confident that his policy is not a threat to jobs, will he agree to have the impact of the government's wind farm policy independently monitored and reviewed and for the results of that review to be made public?

Hon. M. J. GUY (Minister for Planning) — I am very happy to meet with Keppel Prince, but let me also throw down a challenge. I would like Mr Tee to meet the people who live around the Waubra wind farm. I would like him to meet Noel Dean and his family, who have suffered because of wind turbines approved under his regime that are less than 500 metres from their home. I would like him to meet with them. I would like

him to meet with a range of people in the Waubra wind farm area.

Mr Lenders — You're the government.

Hon. M. J. GUY — Mr Lenders over there, the man who arrogantly led the last government in this chamber before the election, who failed to take on board criticisms of wind turbines in the last four years, says, 'You're in government. You deal with it'. That is the arrogance we expect from Labor members. They lay down a challenge and do not have the guts to accept one themselves. The reality is I will meet with anyone in relation to this industry, Mr Tee, and I challenge you to meet with the Australian Landscape Guardians, and I put you on notice to meet the people from Waubra.

The PRESIDENT — Order! Time is up, but I indicate that I considered there to be a little too much debate in that answer, and more importantly Mr Guy also tended to issue challenges directly to the member rather than speaking through the Chair. I ask him to direct his comments through the President.

Latrobe Valley: economy

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. I ask: can the minister update the house on reports of economic trends in the Latrobe Valley?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his ongoing interest in the Latrobe Valley. In government Labor made promise after promise to the Latrobe Valley and delivered nothing. The previous Labor government was guilty of a decade of failure and neglect in its policies for this vital region. Now in opposition, Labor is interested only in the manufacture of gloom and doom. This is evident in the cynical attempt to turn into a political football the unfortunate turn of events that brought job losses at a Moe call centre after the lapse of a Telstra contract.

This government does not share in Labor's pessimism, and unlike Labor we will not talk down the economic prospects of towns like Traralgon, Moe or Yallourn. We acknowledge the resilience and resourcefulness of the people of the valley, and we will work with them to strengthen and expand opportunities for jobs and investment.

We are not alone in expressing confidence about the prospects for the Latrobe Valley. I cite, for example, the *Latrobe Valley Express* front-page headline from Tuesday, 28 March, 'Valley tipped to boom'. An article by Lynda McCrae quotes an investment analyst from Sky News Business who identified the Latrobe Valley as one of 10 hot spots across the nation for property investment. The analyst, Margaret Lomas, listed rising household income, population growth and improving land release and council infrastructure as key drivers of economic growth.

Those opposite will be able to see all this for themselves when the program on the valley goes to air on Sky News Business. But Labor has no real interest in the challenges facing business and employees in the Latrobe Valley. In fact it has a dismal record of neglect and indifference across the industrial heartlands of regional Victoria. This is understood and recognised even by Labor's traditional allies in the trade union movement. Only very recently, on Sunday, 20 March, the national secretary of the Australian Manufacturing Workers Union, Mr Dave Oliver, appeared on Channel Ten's *Meet the Press*. He attacked the Gillard government's cuts to manufacturing programs like the Green Car Innovation Fund, a major financial commitment dumped by the Prime Minister without consulting key industry groups. He also warned that 1 million Australians working in the manufacturing sector — —

Mr Lenders — On a point of order, President, with regard to relevance, the minister has been asked a question about state government administration, and he is now talking about third parties having views on commonwealth government programs. The minister is accountable for state government administration, yet he is straying into commentary about other governments.

Mr Drum — On the point of order, President, if Mr Lenders had applied the same methodology to his own questions in the last Parliament, he would never have got to his feet.

The PRESIDENT — Order! I will deal with Mr Drum's comment first. To start with, that is not a matter that goes to a point of order. It is debating the point of order, and in many ways I am less concerned, as the current Presiding Officer, with what has gone before. I am more interested in making sure that our proceedings now are going smoothly and that the house is fully informed.

With regard to the point of order raised by the Leader of the Opposition, I have some sympathy with that point of order, because I believe this is moving into an area which is perhaps more commentary and taking up other people's opinions rather than going to direct administration for which the minister has carriage. But I would assume that the minister is using this as context

for other remarks that he is about to make, and I would certainly hope that is the vein in which he continues his answer.

Hon. R. A. DALLA-RIVA — We in this chamber and in this government are committed to the people of the Latrobe Valley. What I was indicating to those opposite is that even their allies are critical of the performance of the Labor government, both federally and at a state level, in trying to stand up for areas where they have traditionally had a base.

Honourable members interjecting.

The PRESIDENT — Order! Both Ms Darveniza and Mr Drum are not being helpful.

Hon. R. A. DALLA-RIVA — It is interesting that members opposite get upset when their own colleagues start to criticise them. Maybe it would be better if I did not talk about the federal secretary but rather the Victorian secretary of the Australian Manufacturing Workers Union, Mr Steve Dargavel. In the *Workforce Daily* he referred to a 'lack of industry assistance programs' when talking about the closure of some manufacturing industries, and he cited the axing of the federal government's Green Car Innovation Fund as an example of where multinationals are getting the wrong message about doing business in Australia.

Mr Lenders — On a point of order, President, I raised the issue that the minister was using third-party commentators to comment on another government. You drew his attention to this, and now he is flouting your ruling by drawing on even more third-party commentators a minute and a half later. He has not changed tack; he is still using third-party commentators on another government, and I ask you to bring him to account.

The PRESIDENT — Order! I am concerned — and not just about this answer — where this sort of approach is used. I cannot direct the minister on how to answer, but I hope we could have a stronger focus on the areas of carriage of the minister rather than on third-party commentary. As I said, I understand it in context, and the context has been put, but I think the minister was finalising that and re-emphasising that point at this stage. I think that is where he was going. He has 16 seconds to complete his answer, and I dare suggest that it might well be absolutely spot-on with the question.

Hon. R. A. DALLA-RIVA — Our aim is to take action which will improve competitiveness, productivity, investment, jobs and export growth. This government will work to restore a vibrant industrial base and return this state to being a national economic powerhouse. The Latrobe Valley will be part of that agenda for renewal.

Ordered that answer be considered next day on motion of Mr VINEY (Eastern Victoria).

Teachers: remuneration

Ms MIKAKOS (Northern Metropolitan) — My question without notice is to the Minister for Children and Early Childhood Development. I refer to the minister's media release of 14 April 2008 in which she announced that the coalition would spend $396 million over three years, in addition to the Brumby government's offer of 3.25 per cent, to make Victoria's kindergarten teachers, as well as its primary and secondary teachers, the highest paid in Australia. The media release said, and I quote:

> This would include funding to ensure that kindergarten committees are appropriately resourced to pay teachers the nation's highest kindergarten wage.

In light of the Premier's recent equivocation with regard to primary and secondary teachers, can the minister advise the house if her commitment to make kindergarten teachers — —

Hon. D. M. Davis — On a point of order, President, the member is not entitled to cast aspersions as she did with the word she used in the question.

Hon. M. P. Pakula — On the point of order, President, I do not know whether the Leader of the Government is for real. To describe the phrase 'the Premier's recent equivocation' as casting aspersions on the Premier is a bit rich.

The PRESIDENT — Order! I do not have a problem with that word being used in the question. I believe the minister has an opportunity to refute any insinuation that might be taken by members of the government or the community at large from the question that has been put. The Leader of the Government's point is particularly in the context of whether it is an argumentative term, and I am more concerned about that. It starts to move in that direction, but on this occasion, in the context of what has been said, I think the minister will be able to handle that one. I ask Ms Mikakos to reframe the last part of her question.

Ms MIKAKOS — In light of the Premier's recent equivocation with regard to primary and secondary teachers, can the minister advise the house if her commitment to make kindergarten teachers the best paid in Australia stands?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — As the member well knows, there is an EBA (enterprise bargaining agreement) process under way at the moment; there was no equivocation. There is an EBA process under way whereby the government is in — —

Mr Lenders — For kinder teachers? Are you sure?

Hon. W. A. LOVELL — She is not talking about — —

An honourable member interjected.

Hon. W. A. LOVELL — There is an EBA process under way at the moment between the government and primary and secondary teachers. There is no equivocation; that EBA is under negotiation.

The member probably does not understand that since that press release was released there has been a renegotiation of the salaries of kindergarten teachers. Most of them were employed under the previous multi-employer certified agreement, and that has been changed to the new Victorian early childhood teachers and assistants agreement (VECTAA). That agreement is not up for negotiation at the moment. Any further increase in kindergarten salaries will be considered when the VECTAA is renegotiated.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister has completely missed the point of my question, which was about whether her previous commitments stand. Given that the minister is spectacularly failing the kindergarten sector in regard to capital funding, is this broken promise not just another example of her government failing Victorian families?

The PRESIDENT — Order! That is really argumentative, and I ask Ms Mikakos to withdraw the phrase 'spectacularly failing'. That is commentary that I do not want to see in a supplementary question. I ask the member to withdraw that remark and proceed to the supplementary question.

Ms MIKAKOS — I withdraw that comment, and I seek to reframe my supplementary question. The minister did not address the key part of my original question, which is around the issue of whether her commitment stands. She is the minister responsible for negotiating pay issues with the kindergarten sector. Will the minister's previous commitment with regard to making kindergarten teachers the best paid in Australia stand?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I look forward to those negotiations occurring at the end of the current VECTAA.

Planning: Latrobe Valley

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Planning, Mr Guy, and I ask: can the minister inform the house of any new initiatives the Baillieu government has taken to improve housing affordability and stimulate local job growth in the Latrobe Valley?

Hon. M. J. GUY (Minister for Planning) — I would like to thank the fantastic member for Eastern Victoria Region, Philip Davis, for his question about land supply and housing affordability in the Latrobe Valley. He has been representing Gippsland passionately since 1992, and his family has lived there for a century or more. He is our senior member of the Liberal Party, and he knows and understands the Latrobe Valley, along with Mr Hall, who has been representing The Nationals in the valley since 1988.

I am proud to announce that this morning I approved the Latrobe C56 planning scheme amendment, which will bring forward an extra 262 hectares of residential opportunity growth for Traralgon and Moe. This builds on the 300 hectares the Baillieu-Ryan government opened up to the Latrobe Valley in February, and puts in place an opportunity for nearly 3000 potential homes in the valley, on top of the potential for 3500 homes which we introduced in February.

This situation contrasts with the Labor government, which had 11 years to look after the Latrobe Valley, and it brought in fewer than 100 hectares of land in 11 years. We have brought in nearly 600 hectares in four months, which shows a dedication to the Latrobe Valley from the coalition. The coalition believes in the Latrobe Valley. We believe this announcement today will be a huge shot in the arm for the economy of the Latrobe Valley. Our members who live and work in the valley understand the pressures of affordability in the Latrobe Valley, and that is why the Baillieu-Ryan government has responded to it today with the C56 planning amendment.

Our members, unlike Labor's members, who are sighted in the Latrobe Valley about as much the Yeti — and some of whom need a VicRoads directory to get there — understand the Latrobe Valley and know the pressures and the importance of giving the valley every opportunity to grow. That is why we have moved quickly on land supply for the Latrobe Valley. That is

why we have ensured that this amendment involving 262 hectares of land — the homes on which will be predominantly constructed by local developers — will be a huge incentive and shot in the arm for local jobs.

The Baillieu-Ryan government has every confidence in the Latrobe Valley. The amendment today is further evidence that despite the spin of the last 11 years we are putting actions in place, not words. In four months we have brought in more than five times the land that the previous government did in 11 years, and we are doing that to stimulate local investment, local jobs growth and local population growth in the great area of Victoria that the Baillieu-Ryan government sees as having its best days ahead of it, not behind it.

National Foods: Allansford plant

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. I refer to the decision by National Foods to close its cheese manufacturing facilities at Campbellfield and Simpson, and I ask: can the minister advise the house on whether the decision to close the Simpson plant will have any impact on the hundreds of jobs at the National Foods plant at Allansford, a mere 70 kilometres away?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and interest in this particularly important matter. On 24 August last year, as we know, National Foods announced an extensive review of its dairy operations following the acquisition of the Dairy Farmers business in November 2008. For the interest of members opposite, this came under the watch of the previous Labor government.

The Labor Party was silent at the time this review was announced. It remained silent until it lost government, and on 16 March National Foods announced the outcome of the review and the decision to close the Simpson and Campbellfield plants. National Foods has stated it will fully support its employees and their families through the process, and the Victorian government is now working with the company regarding future options for both sites, and also assisting the Corangamite shire to explore potential opportunities for the Simpson facility.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — My question was specifically about Allansford, and the minister did not address that. I will give the minister some background information which may assist him in answering the supplementary question. As the minister should know, the Allansford plant has always cut and packed cheese manufactured at the Simpson plant. That cheese manufacture will now take place at Burnie in Tasmania, where they have a cutting and packaging facility. What commitment can the minister provide for the Allansford community that its factory is secure after the closure of the Simpson plant?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — The realities are that this was an issue that the Labor Party knew was coming and did nothing about. Now it turns around and expects us to solve it in 4 months after it had 11 years to deal with it.

Mr Somyurek — On a point of order, President, the first question I asked was specific. I then gave the minister some background information and again the supplementary question was also specific. The question relates to the Allansford plant.

The PRESIDENT — Order! It is true that the final part of the supplementary question was specific, but the member did invite the minister to make additional comment when he provided information on the processes at that plant. I accept that the minister is talking about a different position with regard to whether the previous government had knowledge that this issue was to arise and whether it actually took any action in that regard, so I accept that the minister has gone off on a different tangent to what the member asked.

As Presiding Officer I am not in a position to tell the minister how to answer his questions. He is certainly aware that there is to be no overt criticism of the former government or, as it is now, the opposition, and I do not believe the line he is taking is overt criticism as such. The minister has been making remarks on what the history of this issue might be. I cannot tell the minister how to answer, but I am sure he is mindful of the specific request that the member made at the end of his supplementary question, and no doubt the minister will take that into account in his answer.

Hon. R. A. DALLA-RIVA — The commitment of the Baillieu government is about revitalising Victoria's manufacturing industry and it comes after a decade of neglect by and indifference from the former Labor government. Before Labor starts playing the blame game about any losses of manufacturing jobs, it would be advised to look in its own backyard. I remind members that Dave Oliver, the national secretary of the Australian Manufacturing Workers Union, in an interview on 27 March started by saying, 'We don't

hate Labor', before he started ripping into the Gillard government about the cuts — —

Mr Somyurek — On a point of order, President, I thought you gave the minister some prudent guidance. The minister might have auditory processing issues, and if he does, I am willing to write it down for him.

An honourable member — What's the point of order?

Mr Somyurek — The point of order is — —

The PRESIDENT — Order! I am happy to entertain a point of order, and I think the member almost started on a point of order, but then he went into a commentary that I do not think was helpful to his cause in respect of getting a favourable ruling on the point of order. Perhaps he might put the point of order succinctly without entertaining some description around the minister's response.

Mr Somyurek — Thank you for the opportunity to rephrase my point of order, President. The question was pretty narrow and specific. The minister, in about 20 seconds, has gone off on a frolic. He started debating the question. I ask you to bring him to order.

The PRESIDENT — Order! I am concerned that both in the previous answer and again in the supplementary question the minister is actually relying on third-party comment. The member asked about a fairly specific issue, and I find it difficult to understand how the minister's answer applies directly to the issue raised by the member. The minister's time has expired because nobody stopped the clock, but the minister has about 30 seconds — actually 11 seconds; time flies when you are having fun — in which to complete the supplementary answer. The minister advises that he has concluded his answer.

Aviation industry: pilot training

Mr O'BRIEN (Western Victoria) — My question is to the Minister responsible for the Aviation Industry, the Honourable Gordon Rich-Phillips, and I ask: can the minister inform the house of any recent developments which strengthen Victoria's standing as the national leader in domestic and international pilot training?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr O'Brien for his question and for his interest in an industry sector that is of great importance to regional and rural Victoria. The pilot training sector is a great success story in the Victorian aviation industry, but that has not always been the case. It is an industry sector that was in long-term decline for a number of decades until cost pressures in Europe and security concerns in North America lead to a resurgence in the pilot training sector in Australia, particularly in Victoria, over the last five years.

Victoria leads the way nationally: we have uncongested airspace, good weather and accessible facilities. The Baillieu government is committed to ensuring that we develop that pilot training sector in Victoria. One of the ways we are doing that is by supporting the development of regional aviation facilities to underpin the pilot training sector.

Two weeks ago I had the pleasure of opening Oxford Aviation Academy's new head office facility at Moorabbin Airport. The Oxford Aviation Academy is one of the great success stories in pilot training in Victoria, particularly in the export sector of the pilot training industry. Oxford now undertakes pilot training work for more than nine international and domestic airlines. It trains pilots from as far away as Europe and the Middle East, as well as Asia. It is a major success story in terms of export earnings in the pilot training sector. This is a sector which has basically only grown and developed in Victoria in the last five years, so it is a great success story. Oxford is certainly one of the leaders in that space in this state, and I was delighted to be able to open that facility at Moorabbin Airport two weeks ago.

One of the challenges we have is integrating pilot training operations into urban areas, and that is epitomised by the situation at Moorabbin Airport. I know my colleague Mrs Peulich, a fellow member for South Eastern Metropolitan Region, has worked diligently on this issue over a number of years with the community surrounding Moorabbin Airport, and now the member for Mordialloc in the other place, Ms Wreford, is equally engaged in that area.

In opening the Oxford head office at Moorabbin two weeks ago I was pleased to be able to also open a new simulator centre which introduces the latest generation of flight simulator technology to pilot training at Moorabbin Airport. This is important. It will mean that a lot of the pilot training activity undertaken by Oxford can be done in simulators rather than aircraft. This will reduce the impact of aircraft on the community around Moorabbin Airport. It is a win for the community locally, it is a win for the Victorian economy, and it is a win for the aviation industry. I look forward to further success stories like the Oxford Aviation Academy in the aviation area in Victoria in coming years.

Kew Residential Services: site development

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Planning. On 26 February did the minister approve a planning permit to be issued to the Walker Corporation to relocate its commercial sales office onto the remaining public land at the Kew Cottages site at the entrance to and overlooking Yarra Bend Park, and if so, why?

Hon. M. J. GUY (Minister for Planning) — The approval is the relocation, as Ms Pennicuik says, of one small element to the central part of the location. I think Ms Pennicuik is trying to point out some broader issues in relation to the Kew Cottages site which are the subject of a current contract which has been in place for some time and would not be able to be renegotiated.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — On 25 October last year the Premier issued a media release saying that the coalition would establish:

> … a state register of significant public land as further protection from future governments selling such land off in secret and protecting open space as population grows. For example, future governments would not be able to repeat the scandalous backdoor processes behind the sell-off of public land as occurred at Kew Cottages during Labor's time in office.

Has the government put the remaining public land on a register of significant public land, and is the minister planning to advertise the planning permit?

Hon. M. J. GUY (Minister for Planning) — I am not sure if the Greens understand the concept of sovereign risk. Where there is a contract in place, the state does not go about breaking contracts — —

Mr Jennings — You used to rely on the fact that they didn't understand it, but every time you supported them, even though those resolutions about — —

The PRESIDENT — Order!

Hon. M. J. GUY — Clearly the coalition is working if the Socialist Left and the Socialist Socialist Left are working in tandem in question time. I am glad to see it emerge, and I am glad to see the coalition is strong between the Socialist Left and the Brezhnev Left of the Labor Party.

I say very clearly that it has not been placed under the significant register referred to by Ms Pennicuik, and I am happy to discuss that with Ms Pennicuik at an appropriate time.

Bendigo: early childhood services

Mr DRUM (Northern Victoria) — My question without notice is to the Minister for Children and Early Childhood Development, Ms Wendy Lovell, and I ask: can the minister inform the house on how the Baillieu government is creating better outcomes for early childhood development in Bendigo?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and for his ongoing interest in early childhood services in our shared electorate of Northern Victoria Region. I report to the house that last Thursday I had the great pleasure of being in Bendigo to launch *State of Bendigo's Children Report*. I congratulate the City of Greater Bendigo for its commitment to the city's children.

In 2007 Bendigo was the first city in Australia to be awarded child-friendly city status by UNICEF. That was a great achievement for the city of Greater Bendigo and an example of how the city is providing leadership in the early childhood area.

Through a unique partnership of key stakeholders — including the City of Greater Bendigo, St Lukes Anglicare, the state government and its regional agencies, community groups and business leaders — the report develops a road map for early childhood services in the region. It shows that Bendigo is above the state average on levels of physical health and wellbeing, on engagement with maternal and child health at key ages, and on the percentage of children whose parents work. It also shows that there are a number of areas where there is further work to be done. I look forward to working with the City of Greater Bendigo to improve outcomes for children in the Bendigo area.

After 11 years of neglect by the previous Labor government, I look forward to providing early childhood infrastructure in the city of Greater Bendigo that will cater for the needs of Bendigo's families. At the moment there are grants worth $1.7 million in Bendigo, including at the Dr Harry Little preschool, the Kennington preschool and the Marong and Lightning Reef children's centres. These grants will provide an extra 129 kindergarten places in the city of Greater Bendigo.

This government is getting on with the job of delivering early childhood services, but we could do so much more if the federal Labor government had not endorsed the Commonwealth Grants Commission's reduction of Victoria's share of GST funds by $2.5 billion. I call on

opposition members to stand up to their federal Labor mates and demand that that $2.5 billion in funding is restored to Victoria so that we can get on with the job of providing more services to improve the lives of vulnerable Victorians.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 147, 148, 158, 162, 163, 166 and 183–85. There are others on the way.

Mr JENNINGS (South Eastern Metropolitan) — Pursuant to standing order 8.11(1), I seek an explanation from the Leader of the Government about questions on notice 119–134, which remain unanswered. I have written to Mr Dalla-Riva, who represents the Minister for Corrections in this house, about these matters. Answers were due on 31 March.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will take that on notice. Did Mr Jennings provide a letter or something?

Mr Jennings — I have written to you about it.

Hon. R. A. DALLA-RIVA — That is all right. I will follow it up for Mr Jennings. I thank Mr Jennings for the wink; I will get onto it.

SENTENCING FURTHER AMENDMENT BILL 2010

Committee

Debate resumed.

The DEPUTY PRESIDENT — Order! Before we were interrupted for question time Ms Pennicuik asked the Minister for Employment and Industrial Relations a question. I have to confess that, given the 50 minutes between then and now, I cannot recall the question. The minister may benefit from my being reminded of the question. I ask Ms Pennicuik to repeat her question.

Ms PENNICUIK (Southern Metropolitan) — I asked whether it will be a wide-ranging evaluation into the cost impacts of the bill and the new sentencing regime. Will it look at the impacts on offenders and on justice more widely? Who will undertake the review?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My advice is that there will be a whole-of-government approach, but in particular advice will be taken from the Sentencing Advisory Council in terms of some of the issues that may arise. It will be continual. The budget process and a few other things will take place as it rolls out. Because the bill is not retrospective it allows the government some time to assess and then take on board any critiques and evaluations that are under way.

Ms PENNICUIK (Southern Metropolitan) — I do not want to belabour this too much, but I just want to know whether members of the public will be provided with a report that they can get their hands on and read? Rather than having, as the minister was saying, a whole-of-government approach, what the public needs is a report in, say, two years on the operation and impact of this bill.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Ms Pennicuik will note that the bill also talks about the increase in the number of members of the board of the Sentencing Advisory Council, to get different views. It is important also to understand that clause 6 provides that one director of the board must be a representative of a victims support group and one director must be a member of Victoria Police who is actively engaged in criminal law enforcement. What we are trying to do is allow for a greater cross-section in the membership of the Sentencing Advisory Council, so that some of those evaluation programs and processes can be adequately assessed.

Ms PENNICUIK (Southern Metropolitan) — I understand that two extra people will be added to the members of the Sentencing Advisory Council to get more views, as the minister says. What I am interested in is how the community is going to be able to judge whether this new regime is working in the broader interests of justice for the offenders, the victims and the community as a whole — for example, will the Sentencing Advisory Council be asked to evaluate the new regime and produce a report in, say, 18 months or 24 months?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I do not have details of those specific issues in terms of time lines or who or where or how. All I know is that there will be processes under way to ensure that it is managed in the way it should be. The issue that Ms Pennicuik talked about initially was about the prisons — the budget for them and the number of prison beds. I have explained that in our election commitment we said we would

allocate 500 additional beds. They will obviously be budgeted for. In terms of speculating how the evaluations will be done and when, I cannot answer that. That would be an ongoing process and, as I indicated earlier, there will be a whole-of-government approach, with engagement with Corrections Victoria and certainly the Attorney-General and the Sentencing Advisory Council. I am sure there are many others I am not aware of. Most importantly, probably the community will be involved. As to how that will be, I do not know at this stage.

Clause agreed to; clauses 2 to 8 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 12.57 p.m. until 2.02 p.m.

BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011

Second reading

Debate resumed from 24 March; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the Bushfires Royal Commission Implementation Monitor Bill 2011. The genesis for this bill was the terrible events of Black Saturday, as we all recall. In one of our greatest natural disasters some 173 people perished, 78 townships were affected and more than 7000 people were displaced. Arising out of that, the former government established the 2009 Victorian Bushfires Royal Commission, which had the most extraordinary powers to investigate and inquire into every aspect of the fires. No stone was left unturned.

One of the commission's terms of reference was to 'consider any other matters that you deem appropriate in relation to the 2009 bushfires', so it had an incredibly broadbrush approach and open-ended terms of reference, rightfully, to explore every aspect of the bushfires. Obviously it was important that something so devastating was looked into and no stone was left unturned.

One of the recommendations coming out of the bushfire royal commission was for there to be a mechanism to independently monitor how the recommendations of the royal commission were being implemented. This was incredibly important to make sure that the recommendations did not gather dust, that we learnt from the events of Black Saturday and that in doing so we put in place the changes to make sure that Black Saturday was not repeated.

Unfortunately there is a fundamental concern with the bill's approach in that there is essentially a disconnect between the role of the monitor and the royal commission recommendations, because the monitor is not there to monitor the implementation of the royal commission recommendations. There is a middle step, and that is a requirement to monitor implementation of the government's response to the royal commission's recommendations.

Mr Drum interjected.

Mr TEE — I believe that intermediary step requires some explanation from the government, because it is of grave concern that what the government has sought to do is impose a political overlay.

Mr Drum interjected.

Mr TEE — What the government has done, Mr Drum, is say that the monitor is to look at the recommendations through the eyes of the Liberal-Nationals government; it is not to look at it through the eyes of the royal commission. The monitor is independent, but the question is, what is its role and power? What is it looking at? It is not there to look at the royal commission's recommendations and outcomes. Its gaze has been turned to look at the response of this government to the royal commission's recommendations.

The role of the monitor will be to wait for and receive an implementation report from the government. That report will detail what steps the government thinks should be taken. The monitor will then monitor how the government implements the actions that the government says it is going to take and not the actions the royal commission says the government should undertake.

I am concerned about that development, because it means the objectivity that we have gained by handing this out to an independent royal commission and the objectivity that has been gained through an independent monitor will be lost. The monitor would be expected to implement a party-political document. If that is followed through, we could see a distortion of the

implementation of the royal commission's recommendations. It could lead to a betrayal of the work that the royal commission has done, and I am concerned about that.

I am concerned that the only recommendations the monitor will need to address are those determined by the government, and they are to be monitored and picked up in the way the government says that they ought to be picked up. That is essentially what clause 22 of the bill provides. It provides that it is the minister who makes the implementation plan, not the royal commission. It is the minister who decides what goes into the implementation plan in terms of the government's response to the royal commission. It is that plan, and not the royal commission's recommendations, that is being implemented by this bill. The monitor has no power to ensure that the recommendations of the royal commission are being complied with. There has been no explanation for that deficiency.

Two years on and what we are left with is a monitor monitoring what the minister says it should be doing rather than what the royal commission says it should be doing. If you consider the grave nature of the events, how important it is that we learn from those events and how important it is to respect the diligent work of the royal commission, you can see there is a grave risk in the approach that this bill has adopted.

I am concerned that the bill provides for what is really implementation-lite. The outcome might be that we do not do justice to the Victorian community because we have not provided for a continuation of that objectivity in the implementation of the royal commission's recommendations. When we go into committee I will be asking the minister some further questions in relation to that aspect, but I am gravely concerned about that issue.

Mrs PETROVICH (Northern Victoria) — It is with pleasure that I rise to speak on the Bushfires Royal Commission Implementation Monitor Bill 2011. This bill is the next step in a series of events that are still very raw and real in the hearts of Victorians. On Black Saturday, 7 February 2009, we all remember how temperatures soared, winds raged and the very thing that those of us who live in rural Australia fear the most occurred. High fuel loads coupled with high temperatures meant that communities that did not have sufficient warning suffered terribly; 173 lives were lost and many community members continue to grieve for friends, family and people they knew. As they struggle to rebuild their communities and their lives, this will be an ongoing issue for them.

At a meeting held recently in the Yarra Valley I was speaking to a group of ladies who meet for coffee and have done so since the fires. As part of their recovery process they have these informal chats. Every one of them could name people who lived in their road or street who were simply no longer in their lives. To them and to other communities I send my heartfelt sympathy on behalf of the Baillieu-Ryan government. In many communities the gaps left by the fires will never be filled, and everyone who knew someone who died that day will remember them and how they passed.

This bill will ensure that the implementation of the bushfires royal commission recommendations has appropriate and independent oversight. It will provide the implementation monitor with complete independence in overseeing the implementation of the 67 recommendations of the 2009 Victorian Bushfires Royal Commission. The four-volume bushfires royal commission report was a culmination of an 18-month inquiry into the causes and circumstances of the fires that devastated parts of Victoria in January and February 2009. As I said earlier, they are the bushfires that took 173 Victorians away from us.

The commission began its work on 16 February 2009. In between 18 March and 8 April it held 26 community consultations in fire-affected areas seeking to learn about the experiences and concerns of individuals affected by those fires. A directions hearing was held on 20 April 2009. The hearing of evidence began on 11 May 2009 and concluded on 27 May 2010. During that time the commission held 155 days of hearings, including 8 days of regional hearings, and spent 23 days examining the 173 fire-related bereavements. The inquiry received almost 1700 public submissions and heard from 434 witnesses, including 100 lay witnesses and two panels of expert witnesses. Community consultations were held in Myrtleford, Flowerdale, Kinglake, Kinglake West, Bendigo, Wandong, St Andrews, Yarra Glen, Traralgon, Boolarra, Labertouche, Marysville, Horsham and Strathewen. In all, 1253 people attended these sessions.

I go through these details because it was a very extensive period. I thank those who heard those submissions and who attended those hearings and made those submissions. It was a very big effort for those people to participate in that way, listening to the hearings and making the submissions.

One of the submissions I would like to refer to is from Mr Russell Court, crew leader on Kilmore brigade tanker no. 1, who fought in the Kilmore East fire as it crossed the Hume Freeway. I refer to the submission

because I think it gives a bit of perspective. A couple of years on we might forget the intensity of these fires:

> When the front came through there was nothing else we could do. It was just out of control. We tried everything, but it was just hopeless. The visibility was terrible, the smoke was one thing but the wind had blown up all the dirt as well. By that stage we weren't cutting fences anymore — we were just driving straight through them.

This depicts the day that was being experienced by those firefighters. I acknowledge not only that brigade but all of the others who participated in that very fierce fire and whose lives were in jeopardy. That crew stayed on to fight the fire for about 25 minutes after that episode before members started having difficulty breathing. They describe the fire as sucking the oxygen from the air. The Delburn, Bunyip, Kilmore East, Horsham, Coleraine, Pomborneit-Weerite, Churchill, Murrindindi, Redesdale, Narre Warren, Upper Ferntree Gully, Bendigo, Beechworth-Mudgegonga fires resulted in widespread devastation and, as I said, the loss of 173 Victorians.

The 2009 Victorian Bushfires Royal Commission final report was released on 31 July 2010. The Honourable Bernard Teague, AO, Ms Susan Pascoe, AM, and Ron McLeod, AM, made 67 recommendations. The bill is a direct response to recommendation 66:

> The state appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission's recommendations and report to the Parliament and the people of Victoria by 31 July 2012.

The coalition supports every one of the royal commission's recommendations. We also support the guiding principles of the report that we should be putting lives first and taking a shared responsibility for their engagement.

In response to Mr Tee's comments, I say the difference between the previous government's response and the current government's response is that from day one the then Leader of the Opposition, Ted Baillieu, and the Leader of The Nationals committed to the bushfire royal commission's report. They endorsed every one of those recommendations while the previous Premier mucked around and dummied around and did not want to accept the work that was highlighted earlier and the great detail in the submissions by Victorians who had troubled themselves to make them.

As I said, this bill implements recommendation 66 of the final report of the bushfires royal commission. The commissioners were explicit about the rationale for this recommendation. They said that now the work of the commission had ended, there was no state-sponsored process for reviewing implementation of the recommendations adopted. There is therefore a risk that the impetus to implement the recommendations made in this final report will not be as sharp. This risk is highlighted by government responses to the implementation of some recommendations from previous reports. For example, inquiries into bushfires in Victoria in recent years made recommendations that recognised the significance of prescribed burning in managing bushfire risk and reducing the risk to life and properties.

Progressive recommendations have, however, had limited success in achieving suitable prescribed burning outcomes for Victoria — one of those recommendations we are endeavouring to rectify by working towards a reduction in fuel across the state. The commission considered that a process was needed whereby the government and community had access to transparent, independently verified information on the response to the commission's recommendations and that we should maintain a review process to focus and feed back into policy development. This bill is designed to meet the objective of the state nominating an independent monitor or the Victorian Auditor-General to provide the people of Victoria with a report on the implementation of the commission's recommendations.

This bill establishes the appointment, functions and reporting obligations of the bushfires royal commission implementation monitor. These arrangements can be contrasted with those put in place by the former government under which the implementation monitor was established as an administrative office under the Public Administration Act 2004 and employed under a contract with the Premier. To ensure the monitoring and reporting is completed on a genuinely independent basis, the monitor will be appointed by the Governor in Council and required to report directly to Parliament. The monitor will not be subjected to the direction and control of the minister and can only be removed from office on the resolution of both houses of Parliament. These arrangements will ensure the transparency and independence of assessment that the commissioners envisaged and the people of this state deserve.

The bill also requires the minister to prepare and table in both houses of Parliament an implementation plan specifying the actions the government has taken and will take in response to the royal commission's final report and those recommendations from its interim reports that have not already been fully implemented. The monitor's key function will be to monitor, review and report on the progress of departments and agencies in carrying out the implementation actions in the implementation plan and their effectiveness in carrying out those actions.

The government agrees with the former government that Neil Comrie is an excellent person to undertake the monitor's role. Indeed the Deputy Premier has announced his intention to recommend Neil Comrie's appointment to the new statutory position to the Governor in Council once the legislation is enacted. However, the government considers the requirement that Mr Comrie report to the former Premier as part of his employment arrangement totally unsatisfactory in that the community could have little faith that the process would be independent of government if that were the case.

I could go through the bill in detail, but I am sure we will do that in the committee stage. It will be part of an ongoing conversation this afternoon. With those few comments, I commend the bill to the house. I trust that members opposite will support this bill and acknowledge how the bill has come to pass, the effect it will have on the community of Victoria, the weight the community will place on it and the importance of the implementation of these recommendations as a matter of urgency.

Ms HARTLAND (Western Metropolitan) — Before I start the main part of my contribution, I would also like to acknowledge all the people who lost family members during the devastation of the fires. We all remember how terrible those days were, and our hearts go out to those families and to those communities. As we are aware, all those communities are still rebuilding their lives. The bill is another stage in the process, and the Greens will be supporting it with an amendment.

Procedures are not usually viewed by the public as one of the glorious hallmarks of public administration, but the Greens are all too aware of the importance of processes in achieving quality governance. The centrepiece of this bill is that the bushfires implementation monitor will be accountable to Parliament. That is a principle which the Greens wholeheartedly endorse. With a majority in both houses the coalition government has more power to treat the Parliament as a rubber stamp than the previous government did. It is refreshing to see a bill like this one that creates an independent officer who will report to Parliament rather than simply report to the government, as is the case with the current contractual arrangement that exists, through the Public Administration Act 2004, for Mr Neil Comrie.

The bill also requires both houses to approve the government's suspension of the monitor upon proven incompetence. It is hoped that these types of initiatives will continue to apply to independent positions or entities created by the Parliament that go beyond 22 November 2014 when a new Parliament will be elected.

The implementation monitor is essentially an offshoot of the royal commission to ensure that its recommendations are properly implemented. However, the government has inserted itself between the commission and the monitor through the use of the implementation plans. The government has to table implementation plans on each outstanding recommendation of the royal commission's interim and final reports. The monitor then has to assess the efficacy of fulfilling the implementation plans. We will be moving an amendment in Mr Barber's name on this issue, and I ask that it be circulated.

Greens amendment circulated for Mr BARBER (Northern Metropolitan) by Ms Hartland pursuant to standing orders.

Ms HARTLAND — This amendment goes to the issue of a better understanding of the phrase 'have regard to' in relation to reports mentioned in clause 12(3)(a) of the bill. It would allow the monitor to decide whether to use the reports as the standard against which agencies and contractors can be judged or whether they will be judged against the government's implementation plans. If it is the latter, then the government has shifted the goalposts and made the royal commission's assessments subordinate to its own. If an implementation plan downplays a part of a recommendation or omits a requirement of a recommendation, the monitor will not be able to critique a lack of compliance with the recommendation, only a lack of compliance with the government's plan. For instance, in the case of the progressive replacement of the single wire earth return powerlines within 10 years in bushfire-risk areas in recommendation 27 if the implementation plan gets a longer lead time or reduces the definition of area of bushfire risk, it is that plan that agencies and contractors would be working to. This could result in the monitor's powers to criticise the plan being quite limited.

The monitor will have power to seek documents, examine demonstrations of systems by government agencies, request assistance by departmental secretaries, enter premises, and compel public servants and private consultants to provide relevant evidence. One power the monitor will not have is to examine relevant cabinet documents. It would be good to hear the government explain why this power that resides with the Auditor-General was omitted from this legislation. The royal commission's recommendation was to create an independent monitor or oblige the Auditor-General to do it. Surely it would be more cost

effective to have the Auditor-General carry out these duties rather than creating an entirely new office. What became apparent on reading this bill is that the Auditor-General would not have the power to monitor the implementation to the standard required by government.

Under this bill, other than not having cabinet document power, the monitor has greater inspection powers than the Auditor-General. The monitor is granted access to agency premises, with search and seizure powers. The monitor will also be able to investigate non-government consultants or entities who have responsibility for carrying out these public purposes — namely, implementing bushfire recommendations. The monitor will be able to follow public money. This is a power the Greens have been advocating to have included in the Audit Act 1994 for a number of years.

The question that has to be asked is: will this government enhance the powers of the Auditor-General or just the monitor, whose tenure ends on 30 September 2012? Will the election commitment of openness and transparency be realised by this new government? Obviously we are very hopeful that that will happen.

The final point to make about this legislation is that if the monitor feels compelled, they will be able to inform departmental heads of the level of compliance or provide advice on how better to implement a plan. The Deputy Premier can request advice from the monitor in relation to a particular implementation plan. However, I have noticed that there is no legislative provision for the monitor to freely offer advice to the minister, so the monitor will have to send secret, carrier pigeon-type messages to the minister to say, 'Ask me for advice on X, Y and Z, over and out'. Then the minister will promptly arrange a meeting — an odd way to do things, but odder things have happened in this place.

I have raised some important issues about this bill, and I would appreciate government members addressing them in their contributions. Otherwise, the Greens support this bill, and we have foreshadowed an amendment. We support the bill because we too are extremely concerned about what happened during the bushfires and we support the communities that were ravaged by bushfires.

Mr DRUM (Northern Victoria) — I am pleased to rise to talk on the Bushfires Royal Commission Implementation Monitor Bill 2011 and also on the amendment proposed by Mr Barber. This bill is a result of recommendation 66 of the 67 recommendations that were handed down by the 2009 Victorian Bushfires Royal Commission.

I agree with the opening sentiments of the previous speakers, who have spent time relating the horrors of what we now know as Black Saturday. Certainly my home town of Bendigo was not spared from the horrors of that day, although our fire would be best described as a grassfire that turned into an urban fire, as opposed to a wildfire or bushfire.

The recommendation of the royal commission that inquired into the bushfires was that the state appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission's recommendations and report to the Parliament and the people of Victoria by 31 July 2012. The rationale behind this recommendation is quite simple; it is that the previous government, the Brumby Labor government, could not be trusted to actually carry out the recommendations that were about to be handed down. That was why the royal commission thought it necessary to put in place an independent monitor or the Auditor-General to make sure that the government did what it was instructed to do.

The reason the royal commission took that line of thinking was that there had been a range of other inquiries into previous bushfires that had made recommendations which were simply ignored by the previous Labor government. That was the background to the royal commission handing down its recommendations, so it was the view of the royal commission that an independent monitor had to be set up to ensure that the government was held to account on actually doing something and implementing each of the recommendations.

Members of the previous government will acknowledge that upon receipt of the recommendations they were not going to enact them all. They cherry-picked their way through the recommendations and said they would enact about 60 of them but not the lot. It took the coalition in opposition one day — and it probably took it less than 2 hours — to commit to enacting them. The coalition's faith in the royal commission's ability to hand down practical recommendations enabled the coalition, then in opposition, to come out and wholeheartedly endorse each and every one of the recommendations. This is something the Brumby Labor government at that time was unable, unwilling or too scared to do. We are very proud of the way Ted Baillieu and Peter Ryan were able to act and act quickly.

The previous government had already appointed Neil Comrie to the role of implementation monitor. The decision to appoint Neil Comrie has been supported by the government. However, greater transparency has

been injected into the role and the reporting process by bypassing the need to have the implementation monitor report directly to the Premier, a process which was set up by Premier Brumby. The implementation monitor, Mr Comrie, was going to report directly to the Premier, and the Premier would then put that report, or part of that report, to the people of Victoria. This process is now going to be changed, as the previous arrangement would have made it extremely difficult for the independent monitor to have remained independent of government. Therefore the coalition has moved to create this new statutory position which the Governor in Council will appoint once this legislation is passed.

Mr Comrie is also the president of the Metropolitan Fire and Emergency Services Board, and there has been some concern that this role could be in conflict with the newer role he has been given as implementation monitor. In order to deal with that issue the monitor will have to identify any circumstances where he believes a conflict of interest may occur. That is the first step. In the event of this the Governor in Council will be able to appoint another person to monitor and review any specific issue where this arises. Any report by another person who is appointed in these circumstances will be included in the implementation monitor's report and will be highlighted as separately authored. We believe these steps will give comfort to any Victorians who think the role Mr Comrie already has is in any way going to be in conflict with his new role as implementation monitor.

The implementation monitor will consult with the relevant minister; however, the minister cannot and will not be able to direct the monitor in any way. Again this is a stark difference to the way the previous government set up this relationship. This has been put in place to ensure that the monitor's view is not compromised in any way. The key point is that the implementation monitor's task will be to assess and report on the effectiveness of the implementation and the efficacy of the actions of this government. It is quite simple and basic. By reporting on the outcomes and benefits to the community the implementation monitor will be carrying out the wishes of the people of Victoria by independently letting Victorians know how progress on these recommendations is coming along. I welcome the role and I welcome the transparent way that this has been set up under Minister Ryan on behalf of the Baillieu-Ryan government.

Mr SCHEFFER (Eastern Victoria) — The provisions of the Bushfires Royal Commission Implementation Monitor Bill 2011 continue the good work undertaken by the previous Brumby government to ensure that recommendations made by the 2009 Victorian Bushfires Royal Commission are implemented where appropriate.

Recommendation 66 called for the establishment of an independent monitor to measure the progress in implementing the commission's recommendations. The previous Labor government appointed Neil Comrie to oversee the implementation of the recommendations of the final report. The bushfires royal commission envisaged that the monitor would report to the Parliament by 31 July next year. The appointment of the implementation monitor has bipartisan support, and it is important that so far as possible the implementation of the royal commission's recommendations is supported by all members of this place.

The bushfires of February 2009 took the lives of 173 Victorians, injured a further 414, affected 78 towns and displaced more than 7500 individuals. I join with others to once again express my condolences and sorrow over this tragedy and the terrible impact it had on the lives of so many Victorians. This was the worst natural disaster since European settlement, and as MPs we owe it to the Victorian community to do everything in our power to prevent a similar disaster happening again.

With this in mind the opposition supports the bill. We are committed to ensuring that the bushfire royal commission's report and recommendations are an impetus for constructive change that will make Victoria safer.

The bill establishes the positions, functions, powers and duties of the monitor and calls for the preparation of an implementation plan for the royal commission's recommendations. Clause 11 of the bill gives the monitor complete discretion in relation to his or her functions, powers and duties and states that the monitor is not subject to the direction or control of the minister. The monitor's role is to examine the progress of agencies that have the responsibility to implement the royal commission's recommendations. These agencies are defined in the bill as government departments and agencies, and individuals who have particular responsibilities or bodies that the government nominates. The monitor is required to take steps to improve the interaction between these nominated agencies and local councils to strengthen planning and preparations for bushfires.

I note that the government failed to adequately consult local governments on this provision, and I understand that the Municipal Association of Victoria has advised it was not asked for its views prior to the introduction of the bill. The MAV and the councils it represents have

indicated that they have some concerns about their being brought under the control of the monitor as set out in the bill. The MAV had indicated to the previous Labor government, prior to the election, that it was fair enough for the monitor to examine local government responses to the bushfire royal commission recommendations. The councils say that while they want to cooperate with the monitor and the agencies involved in implementing the recommendations, they believe the monitor's powers over them would impose conditions on local government that may prove to be too onerous.

Under the bill the monitor has the power to obtain documents from any agency that he or she thinks necessary or to put in place consultation processes to improve the work of an agency and to provide appropriate advice to the government or the appropriate authority on the progress — or otherwise — that an agency is making. Under clause 16 of the bill the monitor is empowered to obtain information from those agencies as he or she believes is necessary. Finally, under clause 17 the monitor has the power to enter a place from which an agency operates and to inspect any documents or consider any activities that the monitor thinks are necessary.

The opposition has some concerns with the set of extensive powers that the bill confers on the monitor. For example, in clause 17 , 'Power of entry and inspection', the monitor is empowered to enter any place of an agency if he or she 'reasonably considers' that something in the possession of the agency is relevant to their work in implementing a recommendation. We believe this is too open ended and that the bill should more closely define the conditions that need to be met before the monitor can be permitted to enter the premises of an agency. We believe these far-reaching search and seizure powers have been taken too far in this bill.

Another point of concern relates to clause 18, 'Constraints on access to information not to apply'. This clause says that a normal public service obligation, which is not to disclose information that has been obtained under a law, does not apply to the monitor. Clause 19 states that where the monitor believes it is in the public interest the information that has been obtained may be publicly disclosed, but before he or she can do that the monitor is required to consult with the responsible minister. Here we get to the point. The legislation says the monitor must consult, not simply advise, the minister, which means that the minister logically must have the power to override the monitor's initial determination.

I guess the question here is the power relationship between the minister and the monitor. If the minister — for example, for political reasons — does not want a certain set of information released and the monitor believes it is in the public interest to release that information, how does the matter get resolved? How will the Parliament and, beyond that, the people ever get to know there was a disagreement over that; and how do we know the right decision was taken?

During her contribution Mrs Petrovich asserted that the independence of the monitor lies at the very heart of this legislation, but I believe this provision in the bill suggests that may be compromised, and it should be looked at and tidied up. At a minimum it should be clarified. However, notwithstanding these matters and matters that have been raised by other members who have contributed to this second-reading debate, the opposition does support the bill, because the role of the implementation monitor really is necessary to ensure that the Parliament and the people of this state are progressively advised on the implementation of the bushfire royal commission's recommendations.

Mrs PEULICH (South Eastern Metropolitan) — I understand that I may only have a couple of minutes, so I simply want to place on record my support for the Bushfires Royal Commission Implementation Monitor Bill 2011. It fulfils a commitment we made in the lead-up to the election to put in place the necessary processes, policies and structures to protect Victorians.

As a member representing Narre Warren North and Narre Warren South, both of which were impacted upon by Black Saturday, I welcome that commitment to provide for the independent monitoring and implementation of the recommendations of the bushfire royal commission, giving it the necessary independence and appropriate oversight so that people of Victoria are protected and that the systematic failures of the various agencies that led to Black Saturday do not happen again. In the past I have raised concerns about the lack of engagement by local government and its focus on this task, and I welcome the desire, inherent in this bill, to improve the interaction of state agencies and municipal councils in improving that planning and preparation for bushfires.

The monitor will be required to table his or her findings in both houses of Parliament by the second anniversary of the tabling of the final report of the 2009 Victorian Bushfires Royal Commission. It is also a requirement that a progress report be tabled by 31 July 2011, and this will keep the Parliament and the community informed of the progress of the various government departments and agencies engaged in the

implementation of the program. I welcome and commend the coalition on this legislation.

Mr EIDEH (Western Metropolitan) — I rise to make a contribution to the debate on the Bushfires Royal Commission Implementation Monitor Bill 2011. The tragedy that was the Victorian bushfires continues to be felt deeply by the people who lost so much and yet have proven to be resilient in a way that I could never imagine nor hope to experience. John Brumby, the then Premier of Victoria, who had been raised in rural Victoria, made the recovery effort one of his government's highest priorities. This great tragedy also showed the true mettle of members of Parliament on both sides, because we came together, regardless of our politics, to show our unrestrained support for the victims and their families. We came together to see how we could help at a time when we were sharing their grief. We came together with a firm hope amongst all of us that such a tragedy would never occur again.

The government has changed, but I hope we are still as one on the commitment to help with the recovery effort. I am not sure about that, however, since prior to the 2010 election the then opposition promised that it would appoint an Ombudsman to oversee the implementation of the recommendations of the bushfires royal commission, yet what we are getting is a monitor with powers very different from an Ombudsman — indeed, powers which may contravene the Charter of Human Rights and Responsibilities, since privacy rights are being thrown out the door. The government has selected a former Chief Commissioner of Police, Neil Comrie, as the state's monitor. We agree that he is an excellent choice, as he was appointed by the Brumby government. However, the legislation itself is of concern, as is the manner in which it was prepared.

The bill provides for certain controls over and requirements for local government. Yet where was the consultation with the state's premier local government body, the Municipal Association of Victoria? It is missing. Why has this legislation been prepared without consulting the MAV's CEO, Mr Rob Spence, or the newly re-elected president, Mr Bill McArthur? I congratulate Bill on his re-election; he is a great leader in local government circles. I note with deeper concern that the privacy commissioner was not consulted about this bill, yet there are aspects of the legislation which impact directly on privacy.

The opposition does not want to see a repeat of the awful disaster that cost the lives of 173 people, injured more than 400 others and affected 78 townships, yet when we compare how Labor would have implemented the recommendations of the royal commission with how the coalition has responded we see a stark difference — a difference that scares me because it does not do what the people of Victoria as a whole rightly expect of their government. Where we faithfully and openly promised 250 new or upgraded Country Fire Authority stations, the coalition has agreed to 60. Where we had already begun work on replacing the fire services levy, the coalition government is lost in the land of not knowing and not understanding.

One of the most important responsibilities that we have as a Parliament is to safeguard our citizens, to protect them from possible dangers and to prepare for any emergency to the best of our ability. We recommend and will support the amendments circulated by the Greens party.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. P. R. HALL (Minister for Higher Education and Skills) — Before we proceed with clause 1, I seek leave for Mrs Petrovich to sit at the table purely to expedite the efficiency of the way in which the committee will operate and save me, as the minister, running backwards and forwards to advisers.

The DEPUTY PRESIDENT — Order! The government knows my view on these things, but I will ask if leave is granted.

Leave granted.

Hon. P. R. HALL (Minister for Higher Education and Skills) — If the Chair deems it appropriate, I seek to respond to a couple of issues that have been raised by members in the course of the second-reading debate which I believe are not clause-specific. Again it may expedite the operation of the committee if I am able to do that.

The DEPUTY PRESIDENT — Order! I will provide Mr Hall with that opportunity, but I remind him that the minister with carriage of the legislation has a right of reply at the conclusion of the second-reading debate where they can respond to matters raised in that debate. It may be better in future to use that opportunity. However, given that that has not been done and we are in the committee stage, I am more than happy to provide Mr Hall with that opportunity now.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will try to make my comments as brief as possible. First of all, I want to thank members for their contribution to the second-reading debate and for the responsible way in which they have dealt with this important piece of legislation. It is a response to recommendations of a royal commission, something which is very serious — a royal commission on an event which touched all in the Victorian community. Perhaps I will refer to this, the first piece of legislation of which I have carriage as a minister, in the memoirs I may write one day. I cannot think of a more appropriate piece of legislation, given the importance of it.

One thing I wanted to say in respect of the general issues raised by members during their second-reading debate contributions is that the recommendations in the final report of the royal commission were particularly non-prescriptive in the way implementation was to be applied to those recommendations. The introduction to volume 1 of the final report says on page xxvi:

> In preparing its final report the commission chose not to constrain government with unduly prescriptive recommendations.

The report goes on to explain the reasons for that.

It is different from the interim report published by the bushfires royal commission, which gave more explicit recommendations because of the urgency. The royal commission in its final report recommended that the government develop its own plans, and therefore it was not as prescriptive in recommending things.

While I will come to some substantial issues that Mr Tee raised, one being the substance of the amendment, in terms of an overall commentary on this debate we need to bear in mind the reasons why the royal commission made that particular recommendation.

I also want to dispense with a matter raised by Mr Scheffer and address his statement that local government in particular was not consulted. I will draw his attention to clause 14 of this legislation — but we will probably not get to this later, because Mr Scheffer is not in the chamber — which concerns agencies and whether or not they would be included. It very clearly says that with respect to local government and the implementation monitor being part of a local government response to any of these recommendations, it is purely an opt-in arrangement. Local governments are not required to be the subject of the implementations monitor's monitoring; it is purely up to them.

I take on board the fact that while consultation did not occur with the Municipal Association of Victoria to the level that Mr Scheffer raised, the fact of the matter is that the recommendations themselves have been the subject of widespread debate and comment and the government is picking up recommendation 66 through this report and doing exactly what the royal commission suggested it should do. As I said, I will probably leave my comments on some of the specific aspects of that commentary on particular clauses and amendments to those particular points.

Clause 1

The DEPUTY PRESIDENT — Order! Are there any comments or questions in relation to clause 1?

Mr TEE (Eastern Metropolitan) — I just want to ask a question in relation to the process. Now that Mr Hall has raised a number of issues — and I have a number of questions arising out of that — I think it might be easier if I ask those questions when we come to the relevant clauses. I just want to make sure that if I am now silent, I am not preventing myself from being able to raise issues that Mr Hall has raised when it comes to those relevant clauses.

The DEPUTY PRESIDENT — Order! As I said, Mr Tee, normally it would be preferable if the minister when replying to the second-reading debate responded to issues that arose during it and allowed the committee to go through the bill in its normal process. Given that that did not happen — and I am not making a judgement on that — it was appropriate to give Mr Hall that opportunity now. The proper process for consideration of the bill in committee stage is clause by clause. Normally I would allow general issues and questions in relation to clause 1 if that would expedite the subsequent consideration of the bill. In other words, members may wish to pursue matters under clause 1 so they do not have to subsequently raise them in other clauses. However, it is preferable to raise the relevant question or matter that relates directly to the clause as we get to it; that is how I would prefer to approach it from here. If there is a general issue that Mr Tee wants to raise in relation to Mr Hall's comments now, I am happy to receive that because the door was opened. Other than that, I would prefer to go through things as matters are raised in relation to the specific clause.

Mr BARBER (Northern Metropolitan) — I am not going to raise any matters calling for a response from the minister; I will do that clause by clause. I will just set the scene, if you like, in relation to clause 1, the purposes clause. We see at clause 1(b) that one of the purposes is:

> to provide for the functions, powers and duties of the Bushfires Royal Commission Implementation Monitor.

The reason we are here is the recommendation from the royal commission that:

> The state appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission's recommendations and report to the Parliament and the people of Victoria by 31 July 2012.

The Greens will support this bill. There is no question that the creation of this monitor, and some of the mechanisms that go with it, such as the government's report to Parliament, is a good step. However, we argue that it falls short of the recommendation itself — that is, an independent monitor 'assess progress with implementing'.

What this bill does, as we have heard, is set up the mechanics whereby the government will write an implementation report, and it is the role of the monitor to assess the government against that report. The government, if you like, sets it own yardstick for how its progress is to be measured and then the monitor measures the government against that yardstick. In the mind of the Greens it would have been preferable that the royal commission itself was the yardstick. It may be common ground between us and the minister that the bill does not do that; the bill does not provide the opportunity for the monitor to criticise, if you like, the way in which the government is going about implementing the bushfire royal commission's recommendations.

Mr Hall said a moment ago that the recommendations in the bushfires royal commission are not very prescriptive and he quoted, for his authority, the royal commissioners themselves, who said their recommendations are not very prescriptive; but it is a relative term. I actually find the royal commission in some areas to be quite prescriptive. In fact the moment I read the royal commission final report — and there was a lot of pressure on us all that day to respond to it — I noticed particular recommendations that I thought were quite prescriptive and that were blockbusters in terms of the impact they would have on society and some areas if they were to be implemented in the exact black-letter meaning that the royal commissioner put forward.

It may or may not have been the intention of the government to constrain the monitor in this way — we will find this out as we go along — and there may be a dispute or there may be common ground about what the bill does, but it is the Greens' view that the powers here do not give the monitor the ability to criticise the government for the way it goes about its policy. This is a concept that is commonly understood in our system. Public servants will often say to ministers, 'If you must do this silly thing, do you have to do it in this silly way?'. In this case the monitor is not in a position to say, 'Must you do it in this silly way?'. It is just a question of 'How fast are you doing it?'.

The Auditor-General, of course, is not in a position to criticise government policy either. The Auditor-General looks at the efficiency and effectiveness with which a particular policy is delivered, and that particular compromise and those words in the Auditor-General's act were pounded out as the result of a real controversy that occurred some years back where it was argued that the Auditor-General was going outside the scope of his powers, and therefore the tabling of a particular Auditor-General's report was halted, temporarily.

One can understand why the government has reflected the language of the Auditor-General's act in this, as a simple way of going about it. But we argue, firstly, that that is not a very good course of action, and secondly, that it will put real limits on the ability of this person to implement the particular recommendation of the royal commission we are talking about, and that is the one that sets up this independent monitor itself.

Debate interrupted.

DISTINGUISHED VISITOR

The DEPUTY PRESIDENT — Order! Before calling the minister I would like to acknowledge a guest in the gallery. I welcome the member for Brennan in the Legislative Assembly of the Northern Territory, Mr Peter Chandler.

BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011

Committee

Debate resumed.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In his opening comments Mr Barber said he was making those comments without inviting a response. At this point in time I am happy to respond, but it appears to me that the arguments Mr Barber has put are going to be the arguments that would be applied in respect of the amendment to clause 12, so I think again it would be appropriate for me to respond when those arguments on the proposed amendment are put to the chamber.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — I take the minister to the definition of an implementation action because for the rest of the bill we constantly hear about what the monitor must do in relation to an implementation action. An implementation action means the response of the government specified in the implementation plan as to how each of the following will be implemented or given effect to, which is (a), (b) and (c), or the various recommendations, findings and suggestions of the royal commission.

The key words I focus on here are 'as to how'. The government is the arbiter of 'as to how' it implements a particular recommendation or suggestion from the royal commission. From thereon in all the operations, the functions, the powers, the duties and the constraints of the implementation monitor relate back to this particular definition. Does the minister agree and is it common ground that the words 'as to how' mean that the government decides how the particular recommendation is to be implemented and that the monitor simply then talks about how fast and how effectively the government is completing implementation action?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, I agree with that interpretation of 'as to how', and indeed the implementation monitor will make some judgement as to both the timeliness and whether the implementation plan is being effected in the way in which that implementation plan was tabled in Parliament or is to be tabled in Parliament, as per clauses 22 and 23.

Mr TEE (Eastern Metropolitan) — Following on from the definition of 'as to how', are there any constraints in the bill, or any prescriptions in terms of what needs to go in the implementation plan in turning it the other way around? Can the government decide in relation to each recommendation that it will not have any regard to these recommendations and provide that outcome in the implementation plan? I just want to try and get a sense of where in the bill there is a connection between the implementation plan and the recommendations of the royal commission. What is the requirement on the government to ensure that there is some truth to the way in which the royal commission recommendations are part of that implementation plan?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In answering that question from Mr Tee, I refer him to a latter clause of the bill, clause 22, which says:

> PART 3 — IMPLEMENTATION PLAN.
>
> 22 Minister to prepare Implementation Plan
>
> (1) The Minister must prepare an Implementation Plan that specifies —
>
> (a) each recommendation in the Final Report;
>
> (b) each recommendation in the Interim Reports in respect of which any implementation action has not been completed;
>
> (c) any suggestion or proposal in the Final Report that is to be implemented or given effect to by the Government.

So when we are talking about the final report, we are talking about the final report of the royal commission as defined in the bill. In terms of a connection between an implementation plan and the recommendations of the royal commission it is both clear in legislation and clear in intent in the second-reading speech that the implementation plan is all about how the government will or proposes to implement every single one of those recommendations of the royal commission.

Mr TEE (Eastern Metropolitan) — I suppose my concern with clause 22 is that the only obligation that the provision the minister has read to the committee puts on the government is to set out the recommendations. It does not do that in the implementation plan. It does require the government to effectively repeat the recommendations. It does not go to the connection between those recommendations and the actions of the government.

Perhaps the other way of asking the question then is: is there any assurance in the powers that the recommendations will be considered in the implementation plan, and that the government's commitment to implement those recommendations will be consistent? Is there any assurance that the minister can give me that the recommendations of the royal commission, as they are set out in the implementation plan in terms of how the government will respond to them, will be consistent? I suppose I am looking for consistency between the recommendations and how they are to be implemented, the bit that will be set out in the implementation plan which then enlivens the jurisdiction of the monitor.

The DEPUTY PRESIDENT — Order! Sorry, I want to get some clarity: is Mr Tee raising issues about clause 22?

Mr TEE (Eastern Metropolitan) — I raised an issue about clause 3. The minister said the answer to my question was in clause 22. I am testing whether clause 22 is an answer to the question I raised in relation to clause 3.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I see what the Chair is angling at, but to answer the question I need to refer to clause 22, and now to clause 23 as well, for the following reason. Clause 22(2) states that each implementation plan must specify an implementation action, which is the way in which the government is proposing to implement the recommendations of the report. I mention clause 23 now as well, because that goes to some of the substance of the comments made by Mr Tee about the second-reading speech — that is, having oversight of the implementation plan and whether it is an effective plan or not.

The requirement to table the implementation plan in Parliament gives Parliament the ability to express an opinion, view, criticism or congratulation if it believes the plan is either inappropriate or appropriate. If my interpretation of the information sought by Mr Tee is correct, then the answer is contained within those two clauses, which state that an implementation plan is a set of implementation actions corresponding to each recommendation, and all of that information will be made available for Parliament to make comment on if it chooses to do so.

The DEPUTY PRESIDENT — Order! By way of clarity, the matters being raised in relation to clause 3 are associated with the definition of implementation action; is that where we are at?

Mr TEE (Eastern Metropolitan) — Yes, although I am defending the minister's position, because again when I asked, 'What does "implementation action" mean in the definitions?', the minister said that it was to be considered by way of clause 22. That is a helpful way to go about it, and I think we are making progress in terms of my questions.

The DEPUTY PRESIDENT — Order! It may be helpful if we consider clauses 22 and 23 in conjunction with clause 3 for now, so that we can have a discussion on any of those three clauses, but I will need to put the clauses separately when we come to them. Did Mr Barber want to pursue something further on clause 22?

Mr BARBER (Northern Metropolitan) — Yes, but will we still be doing clause 22?

The DEPUTY PRESIDENT — Order! We can, but I am considering whether we can provide an opportunity to do it all at once, seeing that all three clauses are being considered right now.

Mr BARBER (Northern Metropolitan) — Any contributions I may share would drag other clauses into the discussion, so I do not want to follow the Chair's lead, but I also do not want to complicate things even further.

The DEPUTY PRESIDENT — Order! Indeed, nor do I.

Mr TEE (Eastern Metropolitan) — I seek to clarify whether the minister is saying that essentially the accountability mechanism to ensure that the government is true to the recommendations is the Parliament. If the government wavered and said it would implement the recommendations without any funding, for example, the accountability mechanism would be by way of clause 23, which is parliamentary oversight. Is that the position? Is there any capacity for this Parliament to change the implementation plan once it has been presented to Parliament? Is there any capacity for us to review, change or amend it?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In respect of that question the way I see this proceeding is that an implementation plan is in large part a response by the government to a report. In that regard there is not normally a formal mechanism by which the house can actually change a government response. The house has certainly got all the liberties in the world to make comment on government responses to a report. Indeed it will have it in exactly the same way as it has responses to other reports. The Parliament itself will have the ability to comment on the government response to the royal commission by way of the tabling of the government's implementation plan. In that respect the Parliament will have the ability to comment on that government response. In terms of changing or influencing policy in the way we do it, those avenues and options will always be available to the Parliament with every policy debate in this chamber.

Mr TEE (Eastern Metropolitan) — I thank the minister. There is then a concern that the capacity the Parliament has is a capacity to make comment rather than a capacity to influence, irrespective of how competent or otherwise the view of the Parliament is in terms of the government's implementation plan. I am asking if the minister can give us an assurance that it is the government's intention to make sure that the

implementation plan is consistent with the recommendations of the royal commission.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Not only can I provide an assurance about being consistent with the recommendations but we have accepted every one of the recommendations, so it goes without saying that the response will be consistent with that which has been recommended by the royal commission.

I want to add one further point in respect of the Parliament's ability to have oversight of the implementation of the recommendations. Some recommendations require a legislative response — for example, recommendation 64, which is about a restructured fire services levy. The way that may be formulated is a complex matter, and I am sure Mr Tee appreciates that it has not been specified in the report exactly how it should be implemented. It is a good illustration of the non-explicit prescription for implementation of the recommendations and why the government, and the Parliament ultimately, needs the ability to make a judgement about the best way to implement the recommendations. In the implementation of some of the recommendations, particularly those that require a legislative change, there will be a specific ability for the Parliament to both comment and make changes if the implementation is not in the form that the Parliament thinks best.

Mr BARBER (Northern Metropolitan) — Any minister who simply gives an assurance that their intention is to follow the recommendations faithfully will not put me to sleep or sing me a lullaby. The previous government turned into legislation a couple of recommendations in relation to neighbourhood safer places and the responsibility for tree clearing around powerlines. I stood up here for some hours and argued that what the government was doing was not what the royal commission intended.

Yes, we have the opportunity to scrutinise legislation. In relation to the responsibilities and actions of individual ministers and departments, we have the opportunity to quiz ministers in question time or ask other forms of questions. In relation to the implementation plan itself, there is nothing to stop us from taking note of the plan when it is tabled on 31 May and from having an extraordinarily wide-ranging debate as to what we see as the adequacies and inadequacies of the plan.

Clause agreed to; clauses 4 to 10 agreed to.

Clause 11

Mr BARBER (Northern Metropolitan) — This clause goes to the open-ended claim that some speakers have made that the monitor is completely independent from government. The clause states:

> (1) Subject to this Act and other laws of the State, the Implementation Monitor has complete discretion in the performance or exercise of his or her functions, powers or duties.
>
> (2) In particular, and without limiting subsection (1), the Implementation Monitor is not subject to the direction or control of the Minister in respect of the performance or exercise of the Implementation Monitor's functions, powers or duties.

The important distinction here is that the implementation monitor is not completely independent. They are only independent to the extent that they are performing or exercising their functions, powers and duties. When we get to cause 12 we will find out what their functions, powers and duties are. They are independent so long as they work only within that later clause. Would the minister say that is common ground?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It says it very clearly in black and white. The implementation monitor is independent in respect of the provisions defined in the next clause in regard to the monitor's functions, powers and duties.

Mr BARBER (Northern Metropolitan) — If the monitor steps outside their functions, powers or duties, the minister will pull them back in. That has to be the reality of this. If an Auditor-General steps outside their functions, powers or duties, there are two ways for them to be clobbered. One is that the particular minister or body that they deal with could refuse to cooperate or could argue that they have no power. We saw that happen in relation to the Hotel Windsor inquiry where the Ombudsman asked the former Attorney-General for certain things and the Attorney-General made a legal threat in response. The other way for an Auditor-General to be put back in their box is for a Presiding Officer to refuse to table their report under the provisions that operate for the tabling of their report.

It seems to me that if the implementation monitor gets into a dispute with the government about the extent of their powers, functions and duties, we will not necessarily know about it. It will be an argument between the minister and the monitor. The monitor may choose, as the Ombudsman did in the Hotel Windsor case, to include in their report the fact that they reached such an impasse or dispute. It is not correct to say that the monitor is completely independent of government. They are accountable to government for their performance in exercising their functions, powers and

duties. If they are not doing their duty, earlier clauses allow the government to knock them off. I want to make the point that the independence of the implementation monitor extends only so far as that monitor continues to operate within clause 12, which we will deal with next.

The DEPUTY PRESIDENT — Order! Before calling the minister, I might say that I think the former Attorney-General arrived in the gallery about 2 minutes too late, having been mentioned in debate.

Hon. P. R. HALL (Minister for Higher Education and Skills) — There are two parts of the bill which I want to draw to the attention of the committee because they are apposite to the comments Mr Barber made.

First, on the publication of reports, if the implementation monitor wishes to comment on aspects of how he or she sees the implementation of the response to the bushfires royal commission recommendations in the plan laid before the house, then he is entitled to do so. The implementation monitor's report must be given not to the minister responsible but to the Clerk of each house of the Parliament and it must be laid before the Parliament. It is not as if there are going to be some sort of secret dealings and reports between the monitor and the minister. Clearly this is an open and transparent position which the government has adopted. The monitor will be working for the Parliament, not for the minister, and those reports will be tabled in the Parliament.

Mr Barber made the imputation almost that if the implementation monitor is not doing his job, then the government can knock him on the head — I think that was the term Mr Barber used. Clause 10 makes provision for that to be done by the Parliament, not the government, in the following terms:

> The Governor in Council may suspend the Implementation Monitor from office …

Again the government will not be acting on these matters. The whole way in which the implementation monitor's performance will be assessed will be a function of oversight by the Parliament, not the government. That is an important point to make in the context of these comments.

Mr BARBER (Northern Metropolitan) — The minister would understand that I am not impugning the motives of the government. We are creating a piece of legislation for a person who will basically be the auditor-general of the government's plan for the implementation of the bushfires royal commission recommendations. The legislation that governs the Auditor-General has been around for a long time. It has been tried and tested; it has been pounded out, and often there have been disputes, which have been resolved.

Here we are setting up a new statute with an analogous set of rules for this person, the auditor-general of the bushfires royal commission implementation plan. That is why I want to make sure we have absolutely everything right. I am not impugning the government's future conduct. There is no point in my going down that road; that would be speculation. It is clear that the watchdog will operate within a box, and that box is clause 12. It will be the minister responsible who will put the watchdog, the monitor, back in his box.

Likewise on the matter that the minister just raised about reporting to Parliament — it follows the same track. The only way the monitor will be able to report will be via a complying report. There is a definition of what the report will be. The monitor will not necessarily be free to come to the Parliament to talk about other matters outside the monitor's functions, powers and duties. I reckon they will probably be able to talk about any constraints or issues that have arisen with their own legislation, and it would be my guess that that will still be a complying report. If there are other issues outside that or if there is a grey area between reporting on progress of an implementation action and commenting on or seeking information about the how of delivery of a royal commission recommendation by the government — the how being, according to the dictionary, in what way or manner or by what means — there could be some barriers put up affecting the monitor.

A very recent example is yesterday's Auditor-General's report on renewable energy projects. He disclosed a number of facts and figures arising out of a cabinet document. That is the only way any of us will ever get to know what was in that particular cabinet document. It was actually put out there by the Auditor-General, and it was a hot topic of debate. We must be extremely aware of what we are signing up to when we create what is effectively new legislation that in many ways parallels the Auditor-General's own powers.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think again a lot of those comments will be responded to when we are specifically debating the proposed amendment.

Clause agreed to.

Clause 12

Mr TEE (Eastern Metropolitan) — In terms of the implementation and the powers of the monitor, will the monitor be able to receive complaints from the public, councils or any other body on the implementation? For example, if an individual feels aggrieved by the way the government is carrying out its implementation plan, can that individual bring that to the monitor's attention for the monitor to investigate?

Hon. P. R. HALL (Minister for Higher Education and Skills) — While I am happy to seek some advice and clarify this, my instinct about and understanding of this bill is that it does not limit the implementation monitor in any way in how he or she may acquire information for the purposes of compiling his or her report. Indeed, some of the later clauses give particular powers to the implementation monitor to seek such information from agencies, and they provide for how that information may be obtained. I will certainly check as to any constraints that the monitor will have in the collection of information, but I am not aware of such restrictions.

I can confirm the advice I have given Mr Tee in respect of that. While discussion with agencies and looking through agency records will probably be one of the main ways that that information will be obtained for the purposes of compiling a report, of course there are no restrictions whatsoever on the implementation monitor meeting and consulting with those who express an interest in the way in which the bushfires royal commission recommendations have been implemented. For that purpose, what I said to Mr Tee before applies.

Mr TEE (Eastern Metropolitan) — Just to clarify — and I think we are on the same page — an individual might be able to complain, and would the step then be for the monitor to contact the relevant agency? I am just trying to understand the minister's reference to the agency. If an individual comes and says to the monitor, 'I feel aggrieved', the monitor might then obtain information from the agency and refer that information and a response back to the individual. Is it envisaged that there will be a sort of feedback loop, as it were?

Hon. P. R. HALL (Minister for Higher Education and Skills) — One of the keywords Mr Tee has used is 'envisaged', because the exact processes are not prescribed in this piece of legislation, but I would think the ways in which information will be collected will be many and varied. Some will be direct seeking of information by the monitor; others will be to follow up leads or tips. For example, if somebody had a grievance about the way in which implementation action was being taken, I envisage that the monitor, being a diligent person, would follow through and make those investigations. As I said before, this legislation provides some framework which will assist the monitor to explore all means to gain the information he or she sees necessary to compile their report.

Mr BARBER (Northern Metropolitan) — Earlier on the minister may have said the monitor would not be able to examine cabinet documents; is that correct?

Hon. P. R. HALL (Minister for Higher Education and Skills) — No, it is not correct. As I understand it, the implementation monitor will be able to examine cabinet documents, but he will not be able to specifically make available those documents as part of his report. He may comment on those documents as part of his report. That is my understanding.

Mr TEE (Eastern Metropolitan) — There is a section later on that deals with the issue of cabinet documents, so I would probably prefer to address that when we get there. Mr Barber raised that issue, and I did not want to suggest I do not have issues in relation to that.

The DEPUTY PRESIDENT — Order! Which clause is that?

Mr TEE (Eastern Metropolitan) — Clause 18.

The DEPUTY PRESIDENT — Order! We will note that for subsequent discussion on clause 18.

Mr BARBER (Northern Metropolitan) — I move:

> Clause 12, lines 33 to 34, omit all words and expressions on these lines and insert —
>
> "(a) consider the adequacy of the Implementation Plan in relation to the recommendations made in the Final Report;".

Just to explain briefly before I go back to the clause, my amendment to subclause (3) says that the implementation monitor must in performing his or her function consider the adequacy of the implementation plan in relation to the recommendation made in the final report. It is up to the monitor how thoroughly they do that or how much of their time is devoted to it. I note that they have only two months from the date when the government must produce its implementation plan to provide their first response, if you like, to that, so it would be most likely that the monitor would do that during that two-month period. But in my view this would remove any doubt as to the ability of the monitor to go after the material they need.

Mr Hall says they can examine cabinet documents, but only to the extent that it allows them to monitor the

implementation of an implementation action — and that is the how. There will be many potential crossovers, which is not something that the Auditor-General necessarily faces. The monitor will be asking about a particular course of action that a department is taking. It may be, for example, in relation to those very controversial and very expensive recommendations around the safety of powerlines. The cabinet will have already determined which way it wants to go, and there may be a cheap way to do it and an expensive way to do it. Then the monitor might be looking at how it is going and any problems in implementation, and inevitably there will be some mismatch between the outcome at the end of the implementation and the original recommendation. I believe the implementation monitor may be tripping over these conflicting roles given that the monitor will not be able to ask agencies about things that the agencies know about because they put them to cabinet; the monitor will have to ask the agencies simply about the progress of a set-in-stone program. I think that will create some problems for the monitor.

Mr TEE (Eastern Metropolitan) — I might speak on the amendment. I approach it from a slightly different angle. I have not received a great deal of comfort from what the minister has said in relation to any connection between the implementation and the recommendations of the royal commission, because essentially what the minister says is there are two pillars we should rely on to make sure that the recommendations are consistent with the implementation plan. The first is in effect the assurance that the government has given — its election commitment — and the second is the Parliament's capacity, which is to do no more than comment on the implementation plan in this chamber.

The way I see it, the amendment provides a bit more robustness in terms of ensuring that there is some connection between the recommendations and the implementation plans, because under the bill as drafted there need not be any connection between the royal commission recommendations and the implementation plans. That linkage is somewhat addressed via this amendment, and for that reason we will be supporting the amendment.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Barber for putting up this amendment, because this is an important issue that needs to be considered. We all need to at least feel comfortable with the decision we are going to reach shortly with respect to this matter.

We need to take account of a couple of principles. Looking at recommendation 66 of the bushfires royal commission report we can see the commission itself recommended that either an independent monitor or the Auditor-General be assigned the task of overseeing the implementation of the recommendations. We in government believe the implementation monitor model we have proposed here is analogous to the role of the Auditor-General. Mr Barber has used that commentary in some of his contributions to this debate; he sees a commonality between the monitor model and the role of the Auditor-General.

The work the Auditor-General does for the Parliament of Victoria as a statutory independent body includes making comment on the way in which government is implementing policy. He does not go out and tell us that the whole policy is totally incorrect. He comments on the effectiveness of the policy and the way in which it is being introduced, and he also makes commentary on the way public funds are being spent. It is proposed that the implementation monitor do exactly the same.

I have always held the view that Parliament should be the supreme body that makes assessments on government policy. Such assessments should not be made by an outsider, they should made by the Parliament itself. The Parliament comprises the elected representatives of the people of Victoria, and the Parliament should be the supreme body that assesses and judges the policy of the government of the day. Yes, it is true — and we have had this discussion this afternoon — it may be that the Parliament itself does not always have the automatic ability to change policy. That happens all the time, and we heard that comment with respect to the tabling of an implementation report earlier this afternoon. Nevertheless it is the members of this Parliament who have been elected to express a view or opinion about current government policy. In turn the question of the effectiveness of Parliament in that role is put to the people every four years and they make a judgement.

Regarding the proposed amendment to clause 12, it is worthwhile pointing out that the effectiveness of this implementation report of the royal commission recommendations is something it will fall to the Parliament to comment upon. Members of Parliament are the people who will make that judgement. We believe Parliament is the appropriate body to make those judgements on the effectiveness of the implementation plans.

The other comment I want to make regarding this amendment is that we members of Parliament rely on a lot of sound expert advice and consideration of opinion when we are making our judgements on any matter before the chamber at any time. A person who has

taken on the role of implementation monitor and who is expected to make a judgement on the effectiveness of an implementation plan would require, in my opinion, extensive knowledge. The role would also require consultation with and advice from expert bodies. While the oversight of an implementation plan would be a less complex function than oversight and judgement on the effectiveness of the plan, I believe the Parliament is best suited to make that judgement. I do not think it is the intent of the royal commission itself in its recommendations to the Parliament and the people of Victoria to advise the establishment of a complex and extra level of bureaucracy by way of allocating resources to a person to make that judgement about the effectiveness of the implementation plan.

For those two reasons the government is not going to support this amendment. That is not because we believe there should not be scrutiny, total transparency and the opportunity for people to comment on the content of any implementation plan; it is purely because we think that is the responsibility of the Parliament itself.

Secondly, we think resourcing an implementation monitor to undertake that task and then to monitor implementation would be using resources that could be better used elsewhere. That is not to suggest that we want to play down the role of the implementation monitor. It is an extremely important task to be undertaken, and we believe the model proposed in this bill will provide Victorians with the degree of transparency and scrutiny that they would expect of this and that it is the best way forward to ensure that the recommendations are fully implemented and that oversight of the implementation process is properly effected.

Mr BARBER (Northern Metropolitan) — Can the minister tell me what the expected resourcing is for the implementation monitor?

Hon. P. R. HALL (Minister for Higher Education and Skills) — No, I cannot immediately, but I am happy to seek that advice. I am not in a position to give a precise answer, but in terms of the general ballpark figure, the previous government assigned to its implementation monitor a figure of $1.6 million in resources to undertake the work he is doing. I am happy to take it as a question on notice and provide an answer in the future. But in terms of ensuring the implementation monitor is able to fulfil the tasks that have been assigned to them for this particular purpose, we are sincere in our intention to make available a resource level that will enable the monitor to fulfil this function properly.

Mr BARBER (Northern Metropolitan) — In response to what the minister has said, I have drawn a number of analogies between this role and the role of the Auditor-General. Where the minister and I disagree is in my view it was not the intention of the royal commission that we would adopt that model, because the recommendation is quite plain. It recommends:

> The state appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission's recommendations …

There is nothing there about efficiency. The key and operative word is 'progress' with implementing the commission's recommendations. It is classic 'Yes, Ministerism' for all of these agencies to start saying, 'Absolutely we will do that' and then to start putting all of this constraint around the original intent and putting it into an implementation plan.

In clause 12 wherever a function, power or duty of the implementation monitor is described we see a reference to an implementation action. In subclause (1)(a) there is an implementation action; in subclause (3) the monitor can have regard to the final report and the delivery report; there are the words 'implementation action' in subclauses (3)(b), (3)(c)(i), (3)(c)(ii), (3)(d)(i), (3)(d)(ii), (3)(d)(iii), (3)(d)(iv), (3)(e) and (3)(e)(iii). The monitor cannot look behind the government's chosen way of implementing the action and make any comparison between that chosen method and the original intent.

This is not to mention the millions of dollars that went into the royal commission, the expert witnesses that were brought in, the expert working groups that were set up and the exchange of submissions back and forth between the commission, the counsel assisting and the government.

The implementation monitor does not need or get to look at any of the material that is there to attempt to understand the context of the royal commission's recommendation because it is not its responsibility to match make the implementation action and its original intent. If the government says it is going to do something that is clearly the opposite approach, then the implementation monitor will never pass judgement on that.

Mr Hall is quite right: it is the responsibility of the Parliament to make some of those judgements. However, we could have had an implementation monitor who would have done the work for us to help us do a better job of that. We could have had an implementation monitor who went back to the original recommendation and the things that informed it and

said, 'Hang on, the government is going about this in the wrong way. It is not ultimately going to achieve the intent of the royal commission'. That I believe was the original intent of recommendation, because it says 'to assess progress with implementing the commission's' — there is an apostrophe and an 's' there — 'recommendations and report to the Parliament and the people'.

The monitor will not get to do it. The monitor will get to report on the government's — there is an apostrophe and an 's' there — intentions and implementation actions. That will be then useful for us in terms of knowing how far down the road the government is; it will be an auditing process of how far down the road the government has gone. There may be some room for disputation in that too, but the monitor will not be helping us in that respect.

Even though the monitor will be a well-funded, full-time, round-the-clock body that will be looking at every aspect of implementation, it will not be able to connect the dots back to the royal commission. This is affecting not just us, the Parliament, but also the people. The people will not be able to look to the implementation monitor either for that commentary.

There will not be independent commentary on the connection between the original royal commission's intent which was formed from all of that work, time, publicity and, often, pain. The people had to go to the commission and either tell their own personal story or, in some cases, be quite harshly judged. That stops as far as this body is concerned. The monitor becomes an auditor which follows behind various agencies.

I have said this a few times now: that falls short of the original intent. If members are going to stand here in this chamber and argue about the intent of this recommendation, I am pretty sure there is room to have an argument about the intent of all of the royal commission's other recommendations as well. It would have been good to have an independent person with no agenda who was able to provide comments so the Parliament and people could more correctly and appropriately judge the government's very important commitment to fully implement every single recommendation of the royal commission.

Committee divided on amendment:

Ayes, 19

Barber, Mr
Broad, Ms
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms (*Teller*)
Pakula, Mr (*Teller*)
Pennicuik, Ms
Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 21

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Koch, Mr
Kronberg, Mrs
Lovell, Ms
O'Brien, Mr (*Teller*)
O'Donohue, Mr
Ondarchie, Mr
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! Any further comments on clause 12?

Mr TEE (Eastern Metropolitan) — I want to check the written reports referred to in clause 12(1)(d). I see the overlap with that and a number of other reports that are referred to. The question I am asking is: will those reports in paragraph (d) all be made public?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Excuse me for a moment. Can I just get some advice?

The DEPUTY PRESIDENT — Certainly.

Hon. P. R. HALL — As I suspected, yes, those reports will all be made public because they are the reports that will be tabled in the Parliament.

Mr TEE (Eastern Metropolitan) — The other question I have concerns the issue that the minister raised in his opening remarks in relation to consultation with councils. The minister responded to Mr Scheffer's concern that there had been no consultation with councils by saying, 'Councils have an opportunity to opt in and opt out'. The issue that has been raised with me is that there is a concern that the powers and functions of the monitor are very draconian and onerous. That might be a good thing in terms of its capacity to do its work, but it might decrease the willingness of councils to opt in, which is why consultation might have been helpful. My question now then is: is there a capacity for councils to opt in on a limited basis so that if they are not willing to opt in because they find the current regime too onerous, they can opt in to some of the functions but not others?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think Mr Tee is asking me whether councils are able to opt in in part or not.

Mr TEE (Eastern Metropolitan) — Yes.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I need to read clause 14 carefully in respect of that particular matter. I think the important thing there is it states:

> The Governor in Council may, by written determination —

so it is going to be an instrument published in the *Government Gazette*, whether that agency is in or out. It then says:

> The Governor in Council must not make a determination under subsection (1) unless the Governor in Council is satisfied that the Minister has —
>
> … obtained the consent of the body or entity to be specified …

So in terms of obtaining consent, those matters need to be sorted through. If the conditions of entry in that are not satisfactory to the agency concerned, then it would make that decision not to participate. The extent to which there might be a choice to opt in totally or opt in under certain conditions would be a matter that would need to be decided and form part of the consent arrangements between the minister and the agency.

The DEPUTY PRESIDENT — Order! Are we opening it up to clause 14? Because we are still on clause 12.

Mr TEE (Eastern Metropolitan) — With the benefit of hindsight, it might be that I should have left that question to clause 14. I do want to take it up again.

Clause agreed to.

Clause 13

Mr BARBER (Northern Metropolitan) — I draw the minister's attention to clause 13(1), which says:

> The Minister may request the Implementation Monitor to provide written or oral advice on any issue relating to an implementation action carried out in response to the Interim Reports or the Final Report.

This subclause really creates another function, power or duty, if you like. The implementation monitor now has the duty to respond to this request, but I do not understand what this request would be. The last part says:

> … relating to an implementation action carried out in response to the Interim Reports or the Final Report.

All implementation actions by definition relate to the interim reports and the final report. Implementation actions are directly linked through the definitions section to the recommendations of those reports. The clause could have stopped at 'relating to an implementation action', unless maybe there was meant to be a comma there. In any case, what is the government's rationale for the minister writing to the monitor about an implementation action that the government has already determined to implement and has told the Parliament it is implementing? The minister then writes to the monitor — seeking what sort of advice?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Barber has raised a good question. I am advised that the answer, which really touches on some of the other matters we have debated, is that community safety and bushfire mitigation is the whole basis of these recommendations. What I understand this particular provision of clause 13 to do is to provide an ability for the minister of the day to go to the implementation monitor and say, 'What do you think about this?'. It is not a formal requirement for the minister to do so, but it is a safety valve. The minister, knowing that the implementation monitor has been intrinsically involved in the implementation of these plans, has an ability to talk to the monitor about those implementation plans.

Mr BARBER (Northern Metropolitan) — I am not so sure about that. Under my missing comma theory, the way the subclause would read is that when the minister is thinking about the implementation actions the government is going to prepare in response to the interim reports or final report it can write to the monitor and say, 'What do you reckon about this?'. By adding the reference to the royal commission report the subclause reads as though this correspondence could occur prior to the publication of the implementation report, because all it says is:

> The Minister may request the Implementation Monitor to provide written or oral advice on any issue relating to an implementation action —

then it goes on to say —

> carried out in response to the Interim Reports or the Final Report.

It starts to sound like — and the monitor must comply, which is clause 13(2) — it is referring to any issue relating to an implementation action. The clause does not specify that the implementation action has yet been tabled — that it has formed part of the report. I do not

much understand why this sort of dialogue is going on because — —

Mr Drum — They have to talk. The implementation monitor and the minister have to talk.

Mr BARBER — Actually, no, they do not, Mr Drum, because all through this bill extraordinary powers have been given to the implementation monitor to go after any document, to review anything and no doubt to demand people attend for interview, all the things — —

The DEPUTY PRESIDENT — Order! Mr Barber and Mr Drum should be having a communication with the whole committee, which means that members go through the Chair so the whole committee can be engaged in the discussion, rather than it being a private discussion between the two of them during the committee stage.

Mr BARBER — The clause reads to me like the government gets one go at putting down its implementation report and the monitor gets a couple of goes at telling Parliament how that is going. Under this clause, if the minister writes to the implementation monitor and says, 'I want written advice relating to an implementation action', then the monitor really has to reply. It is a requirement of the monitor to give advice back to the minister, where I thought the monitor was working for us, the Parliament, and was not subject to direction.

Hon. P. R. HALL (Minister for Higher Education and Skills) — With respect to this matter, I think it is as simple as this. While Mr Barber is right in saying there is no requirement in this piece of legislation for the minister to speak to the implementation monitor about views, about opinions and about what it might think about certain things, this clause makes it perfectly clear that the minister is able to communicate with that particular person. That is a healthy arrangement to have. I want to make it clear that simply because the responsible minister may wish to seek some advice and clarity from the person who is overseeing the implementation of those recommendations, this should not be interpreted as some intrusion into their power, because there is no hint that that would occur. However, in order to have an effective working relationship and to bring about the best outcomes, it will be helpful to have the ability to have some dialogue from time to time.

Mr BARBER (Northern Metropolitan) — It could be bad drafting. I am not suggesting the government is engaged in any sinister conspiracy. I do not think it has had time in its first 130 days to cook up too many conspiracies. It is coping with the issues with which it was presented. However, it does work the opposite way round in the Auditor-General's act. The Auditor-General is obliged to give a copy of his report to the subject of the report for the purposes of that person responding, and he must publish the response. Here we are saying there is someone with unfettered power, except that the minister can demand written or oral advice from that person, who is in that respect a servant of the minister in that they are required to give advice. The Auditor-General is not required to give advice to departments that he is auditing. He simply says: 'Here we are. We are the Spanish Inquisition, and this is what you are going to hand over to us'. It does jar a bit. It will be fascinating to read the correspondence that goes back and forth, but I am not suggesting there is anything sinister about it.

Mr TEE (Eastern Metropolitan) — On clause 13, with regard to the written advice, is there a requirement for this to be made public?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I do not think there is a requirement for it to be made public. It is just an exchange of correspondence or a telephone call between two persons, as I understand it. It is like all correspondence between various people who are functioning as part of government or a government agency. That sort of correspondence, if it is formal, will be the subject of freedom of information requests or investigations. This legislation will not in any way prohibit the implementation monitor from making mention of that in a final report, if he or she deems that to be appropriate. With respect to the conversation we have had over the last 5 or 10 minutes, I again stress that we are trying to be more open and transparent on this particular subject by making reports available to the Parliament, unlike the previous government where the implementation monitor reported to the Premier rather to than the Parliament.

I can assure members there is no conspiracy theory. There is no attempt to try to hide any correspondence, there is no attempt to be underhand in the way in which reports are compiled and there is no intention to try to influence the shape of reports. We are trying to be open, honest, transparent and accountable in every regard with respect to this. I might add that this is a matter that is too important to play politics with.

Mr BARBER (Northern Metropolitan) — It is strange that this appears immediately after the section that talks about the functions, powers and duties of the implementation monitor. There is this second section

that says he or she has got this other set of duties, which is to give advice to the government. Mr Tee asks quite a good question: will we ever see that advice?

Mr Tee — And the answer is no.

Mr BARBER — We might, but not by using the powers of this act, because when we come to reporting, Mr Hall said there is nothing to prohibit it from being tabled in the monitor's report, except that clause 21 talks about the process for releasing a bushfires royal commission implementation monitor report. Those reports are also defined as part of the functions, powers and duties of the implementation monitor. What we are discussing is not in that clause; it is a separate, stand-alone clause. It is a stand-alone, separate function, and it has that element of compulsion. It is probably another thing which we will have to be cognisant of and seek information on so we can understand a bit better the iterative process between the monitor and the government. I do not doubt there is an iterative process between the Auditor-General and various government agencies; I know for a fact there is. It is just that it is not specified in the act that he has to do it in this particular way.

Clause agreed to.

Clause 14

Mr TEE (Eastern Metropolitan) — I now canvass the issue that I previously canvassed under clause 12, which probably should have been canvassed under clause 14. This is the issue, I think, where councils can coopt in. My question is: can they partially consent? Councils may have concerns about the monitor's quite extensive powers, so do they have an opportunity to consent without having other clauses in the bill apply to them? They may be able to consent, but they do not want some of the powers of entry and inspection to apply, or the constraints on access to information not to apply. The minister has indicated that councils can partially consent. Can they consent on the basis that they exclude some of the powers that the monitor has?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think it is important to note in answering this question that clause 14(2) says:

> The Governor in Council must not make a determination under subsection (1) unless the Governor in Council is satisfied that the Minister has —
>
> (a) obtained the consent of the body or entity to be specified; and
>
> (b) consulted the Implementation Monitor.

My understanding is that if there are conditions under which a local government agency wants to consent to be part of this, that would have to be agreed to by all parties after consultation with the implementation monitor. Any conditions attached to the consent would have to be agreed by all parties.

Mr BARBER (Northern Metropolitan) — This is a pretty interesting question for those who followed the debates around the Audit Act 1994 and for those who, like me, were part of the Public Accounts and Estimates Committee when we spoke to the Auditor-General about his view on the Audit Act 1994. There is a definition of a public body in that act and over time there has been some movement around what could be a public body. That becomes very important when the Auditor-General is trying to follow the public dollar and finds that a large part of what we as a government do these days has been outsourced to somebody else. We need to be aware of what we are signing up to here.

The Governor in Council — the government — now makes a ruling about different things that are accessible to the monitor. It relates to the definitions clause where an 'agency' means a department within the meaning of the Public Administration Act 2004 or a government agency or a state employee or officer or any entity or body. The monitor's powers to continue following the trail, if you like, down through implementation to wherever they feel they need to go is in fact a discretion. Once they move outside the typical government departments, public agencies and statutory bodies, then it is the government's will as to whether they will have access to that. I can tell the chamber that the Auditor-General is hot to trot on this issue, and I doubt he would sign up to the proposition that the government should on a case-by-case basis decide how far he can go.

Hon. P. R. HALL (Minister for Higher Education and Skills) — All I want to do is repeat that the government is absolutely sincere in its aims to implement recommendations, to be fully open and accountable and to make agencies for which the state government has direct responsibility comply with all that is needed in terms of providing information for the implementation monitor to fulfil his duties. I need to put clearly on the record the sincerity with which we approach this. There is no attempt to make any agency for which the state government has responsibility immune from the processes of this legislation.

Mr TEE (Eastern Metropolitan) — I do not want to labour the point, but this is an important issue for local councils in particular. I want to be absolutely sure that the position is that they can consent under clause 14,

but they might as part of that state that that consent does not include consenting to the monitor having powers such as those specified in clauses 16 and 17 which deal with the power to require information to be given and the power of entry and inspection. I just want to clarify that. I think that is what the minister said, and I am sorry if I am labouring the point. A council's consent can be qualified by it in that regard and that would then be the basis on which the Governor in Council in clause 14 accepted its relationship with the monitor.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Clause 14 again includes a tripartite process between the Governor in Council, being the government; the agency, being the council in this question; and also the implementation monitor. My understanding is that if those three organisations all agree to a position, fine. If one of them does not agree, there is no consent.

Mr TEE (Eastern Metropolitan) — I think we are there then. Essentially the difference is that it is not a matter simply for the council to say, 'I do not want section 16 to apply'. That position by the council must be agreed to by the monitor and, I think, by the Governor in Council. If those three entities reach agreement as to which parts of the monitor's powers will apply, the monitor will then have those powers that have been agreed and no other powers.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have some advice on this particular issue and I will clarify it. It would need to be exceptional, I am told, if there was a particular provision that it was agreed between the three parties would be opted out of. Quite frankly the vast majority of agencies that are opting into this would opt in with the full provisions of the act being applicable.

The DEPUTY PRESIDENT — Order! Mr Barber is on his feet, but Mr Tee wants to pursue that answer.

Mr TEE (Eastern Metropolitan) — As long as the three parties are in agreement as to which powers apply, then the consent for the purpose of clause 14 proceeds on that basis. Is that so?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I expect that to be the case, but as I said, in terms of the government's position and the implementation monitor's position, there would have to be exceptional circumstances for the full powers available under this act not to be applicable.

Mr BARBER (Northern Metropolitan) — The independent monitor will go wherever he needs to go in order to determine if an implementation action has been fully implemented. This power is intended to allow him to do it. It is almost certain, is it not, that one of the implementation actions in the minister's report, when it is produced, will require SP AusNet to do certain things?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I do not want to name a particular private company, but I think Mr Barber is getting to the question whether powers will be available for the implementation monitor to obtain information from private companies. That is where this could be going.

Mr BARBER (Northern Metropolitan) — For carrying out their functions, yes.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised in this instance that the legislation does not give power to the implementation monitor to seek implementation from privately owned companies. In respect of power companies, for example, there are other means by which information might be made available to the Parliament, the government or bodies that need to have an interest in it. Another example could be Energy Safe Victoria requiring certain things of companies. I want to make it perfectly clear that this legislation does not give the implementation monitor powers to obtain information from private companies.

Mr BARBER (Northern Metropolitan) — That is unless they are designated as an entity or body under clause 14. The definition of 'agency' in clause 3 includes a department, a government agency, an employee or officer acting under a statutory power or:

> (d) an entity or body specified by the Governor in Council under section 14 —

which is where we are. That simply says a specification can be made, but the consent of the body or entity needs to be obtained. Therefore if the Governor in Council allowed it, by consent, SP AusNet, which is an entity — everything is an entity or body — would have that power.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I understand and have been advised that if a private business consents, it can opt to enable the provisions of this legislation — that is, for the implementation monitor to obtain information from it.

Mr BARBER (Northern Metropolitan) — Any entity, really; the Montmorency Field Naturalists Club, for example, is an entity, so by consent it could be brought in — any entity or body.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, we are agreeing.

Mr TEE (Eastern Metropolitan) — I ask the minister whether the converse is true too; that because an entity or agency can refuse consent, reasonably or unreasonably, there might be a situation where the monitor is frustrated in its capacity to undertake its task?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Part of the answer goes back to what I was saying before, that if it were a government agency, then we would not be allowing any agency to opt out of any particular provision of the bill. If it were a private company, for example, or local government — as an agency under the definition in the clause — as we have already said, there needs to be a proactive consent approach. If they say no, the answer is no.

Clause agreed to; clauses 15 to 17 agreed to.

Clause 18

Mr TEE (Eastern Metropolitan) — I want to consider the way this clause operates. Subclause 18(3) states that the monitor has quite extensive powers to obtain information. It provides that in certain circumstances the information can be released as part of its report, if it is relevant and if it is in the public interest. Then 18(4) provides that when considering the public interest, the monitor must consult with the minister before incorporating that information in any report. So the minister is then part of the decision-making process about what is in the public interest. My question then is: are there any constraints on the minister in terms of the minister disclosing the information that the monitor has brought to his or her attention?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised in respect of this provision that the requirement is to consult rather than comply with the minister's view, so the monitor's discretion is not impaired by the consultation requirement.

Mr TEE (Eastern Metropolitan) — I accept that. As part of the consultation process, if the monitor goes to the minister and says, 'I have this information I think is in the public interest. What is your view? I am not compelled to accept your view, but I am compelled to consult with you and will take your view into account' — I think that is the process — my question is: is there anything in the bill which stops the minister from releasing that information?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My advice is that while there is no provision in this bill that requires the minister to hand over information, if you like, we need to approach this under the same sense of responsibility with which we have brought this legislation before the Parliament.

There is no sense whatsoever to hide or not disclose information required for full implementation of the implementation plan. It goes to my point about being aboveboard and honest, and there is certainly no indication or inclination from the government to try not to fully cooperate with the implementation monitor in carrying out his or her functions. We have given him or her these functions, and this is ample demonstration that we want to see that role done well.

Mr TEE (Eastern Metropolitan) — Is it the case then that the relevant minister can release that document, and is the minister at the table giving the house an assurance that his intention is to release information like that in an open and transparent way? Is that a fair summary of the position?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It goes to an exchange of information between officers, independent statutory authorities and members of agencies, including the Parliament. If somebody requests that sort of information from me, I do not pass it on to Mr Tee, for example, unless he specifically requests that and the laws of this state provide an opportunity for him to see that information. We have these principles in other acts of Parliament, and there are powers available to Parliament to obtain that information. I say again there are no conspiracy theories here whatsoever.

In respect of the exchange of information that the implementation monitor needs, it was made abundantly clear in the second-reading speech and in comments made by the Minister for Bushfire Response and others representing the government that there is no inclination at all to keep information secret. We want the implementation monitor to do his or her job effectively and properly, and to that end there is a commitment from the government to disclosure on those matters that are of interest to the public.

Mr TEE (Eastern Metropolitan) — I accept that there is no conspiracy involved. My question goes to the capacity under this bill or under other legislation for the minister to release information brought to him or her by the monitor. Part of the role of the monitor is to consult with the minister — to put information to the minister and get the minister's view. My question is: in terms of the way in which the act will be approached, is

there capacity for the minister to disclose that information if the minister wants to, using the principles that the minister at the table suggests?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can only give my interpretation. If I was the responsible minister and the monitor sought information from me and I made it available to the monitor and I also thought it would be appropriate to release that in the public interest, then I would say to the monitor, 'These are documents you have sought from me. Will it compromise your report or investigations if I release this?'. Again I would have thought it would be a matter of a sensible arrangement of consent between the two parties sharing this information and whether or not either or both of those parties want to make it publicly available. I certainly would not have thought there is anything in this legislation that prohibits that, but it is important that we do not compromise in any way at all the integrity of the position or the quality and integrity of the reports that the implementation monitor would want to table.

Mr BARBER (Northern Metropolitan) — I will argue that subclause 5 of clause 18 provides for a major weakening of the monitor's power compared to the sorts of powers that the Auditor-General currently holds. It states:

> For the purposes of subsection(3)(b) it is not in the public interest to include information that directly or indirectly discloses a deliberation or a decision of Cabinet unless the disclosure is of a decision of Cabinet that has been officially published.

That is almost a direct lift from part IV of the Freedom of Information Act 1982, section 28(1) of which includes in its definitions of an exempt document:

> (d) a document the disclosure of which would involve the disclosure of any deliberation or decision of the Cabinet, other than a document by which a decision of the Cabinet was officially published.

This tells us that the monitor might as well use the Freedom of Information Act 1982 if he or she wants access to cabinet documents. That is in sharp contrast to what the Auditor-General's report into facilitation of solar energy, tabled yesterday, says. The report indicates that there are two different figures for the total cost of the government's program to build large-scale solar plants. When I asked the Auditor-General where he got those two different figures from, he said they came from cabinet documents. Yesterday the Auditor-General released a couple of figures that he thought it was in the public interest for us to know. They came out of cabinet documents, and yesterday the government had great fun using those figures at the expense of the previous government. I would argue that when it comes to cabinet documents relating to implementation actions the powers of the implementation monitor are dramatically reduced compared to those of the Auditor-General, and that should be understood.

The government might say it does not intend to use those powers that way, but there is no discretion here as far as I can tell. Clause 18 of the bill gives the monitor relief from all those other statutory secrecy obligations and any other law. The monitor may include the information which has come to his or her knowledge in the course of performing functions if he or she considers that it is relevant and in the public interest. However, at clause 18(5) of the bill we are told it is not in the public interest to understand how cabinet came to its decision, and as I have reiterated, that is not a test that applies to the Auditor-General currently.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In respect of this provision my advice is that restrictions on the access, use and disclosure of cabinet material, as stated in this piece of legislation, are consistent with other acts of Parliament. While I appreciate Mr Barber has raised this point, it is a point which might well apply more generally across a number of acts, not just this one. As I understand it this is consistent with other such acts.

Mr BARBER (Northern Metropolitan) — I have named one act — the Freedom of Information Act 1982 — but can the minister name another act? It is unusual for the word 'cabinet' to appear in an act, and one of the few places it does appear is in the Freedom of Information Act 1982. Cabinet is a convention, and therefore by definition it is not brought into statute. As I said, I think the FOI act is one of the few places where you will ever find it.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advisers here are not fully conversant with the other 100 or so statutes that are before the Parliament, so it is a question I need to take on notice. It is suggested that there may be some reference in the Ombudsman Act 1973, but we are not sure about that. If the member will allow me to take that on notice, in due course we will provide a response.

Mr TEE (Eastern Metropolitan) — On the issue of the disclosure of cabinet deliberations, Mr Barber earlier gave an example of when the government might disclose cabinet deliberations. The relevant minister might say, 'This issue has been discussed with cabinet and there were a number of views, but we have decided

X'. Would this section prohibit the monitor from including that information in its report?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I do not understand the question. It would be helpful if Mr Tee could rephrase it.

Mr TEE (Eastern Metropolitan) — Sometimes cabinet deliberations are publicly disclosed by the Premier. Would this clause prohibit the monitor from incorporating in its report information that has been publicly disclosed by the Premier?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My understanding is that the answer to that question is no, it would not prohibit the monitor from doing that. Clause 18(5) very clearly says:

> For the purposes of subsection (3)(b) it is not in the public interest to include information that directly or indirectly discloses a deliberation or a decision of Cabinet unless the disclosure is of a decision of Cabinet that has been officially published.

If the Premier says the cabinet has decided on something, that is publicly available information. My understanding is that there would be no prohibition on the implementation monitor using such material in his or her report.

Mr TEE (Eastern Metropolitan) — Paring it back, the issue is what does 'officially published' mean? The minister has indicated that it might be a media statement or a media release but as long as it is public it is considered officially published.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, I agree.

Mr BARBER (Northern Metropolitan) — I am not aware of the minutes of cabinet or even the decisions of cabinet being officially published, so it seems that the monitor would need to look around to find whether a decision, not including the deliberation, has been officially published. If it were dropped into an interview with Neil Mitchell, the monitor could say, 'Now that the Premier or minister is talking about it, I can say what I knew all along and stick it in my report'.

The adjective 'officially' has been lifted out of the FOI act. I am not sure why it was put into the FOI act in that way, but it raises a question about what 'officially published' means as opposed to just 'published' or 'referred to' and then what that encapsulates in relation to a decision. The way around this would be for cabinet minutes — that is, the final decisions of cabinet — to be published. That was recommended by the Corruption and Crime Commission of Western Australia and I think also by John Cain after he left office.

Clause agreed to; clauses 19 to 21 agreed to.

Clause 22

Mr BARBER (Northern Metropolitan) — I want to make clear the nexus between the implementation plan and the bushfires royal commission findings, because that is what the minister alluded to earlier in the discussion. The implementation plan must specify every recommendation in the interim and final royal commission reports. None are allowed to be left out. It must specify the implementation action and say whether it has been completed, has not been fully completed or is to be completed, and that applies also to suggestions or proposals from the commissioners.

We need to know the agency or, if it is a collaboration of agencies, the group. I am not quite sure what clause 22(3)(e) means by 'if during preparation of the implementation plan, the action was already in the process of being carried out — include the status of the carrying out of the action'. That seems to double up with the wording of clause 22(2)(a)(ii). Can the minister tell me whether there is any difference between those two things?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My understanding and interpretation of clause 22 of the legislation is this: subclause (1) contains three very clear statements; firstly, you have to make a comment about every recommendation in the final report; and secondly, you have to make a comment about every recommendation in the interim report. The purpose of the interim report was to bring into play those recommendations that were needed immediately. Subclause (1)(b) specifically includes implementation actions that have not been completed because it is the expectation that many of those would have been completed already. Finally, subclause (1)(c) says 'any suggestion or proposal in the final report that is to be implemented or given effect to by the government'.

Mr Barber's question was how that relates to clause 22(3)(e), which says:

> if during preparation of the implementation plan, the action was already in the process of being carried out — include the status of the carrying out of the action.

The way I understand it is — and I will seek some interpretation of this — it is again a clarification about including a status report in terms of how that recommendation is being implemented. I will just

double check, but I understand it to be making it perfectly clear that a status report needs to be included. I am advised my interpretation is correct.

Mr BARBER (Northern Metropolitan) — I was slightly confused because it appeared to us to do the same thing twice. But there is no harm in that, I suppose.

Clause agreed to.

Clause 23

Mr BARBER (Northern Metropolitan) — This indicates that there is one implementation plan up-front and never to be another one again. Is that the intention? There is no provision for subsequent implementation plans or amendments to implementation plans to be tabled?

Hon. P. R. HALL (Minister for Higher Education and Skills) — That interpretation is correct. This provides for the tabling of one implementation plan, but I might add it also does not prohibit government at its choosing, if it wants to at a later point in time, asking for the publication of further reports or indeed asking the implementation monitor to make some further assessments.

Clause agreed to.

Clause 24

Mr BARBER (Northern Metropolitan) — I have a question regarding process. At what point can we hear from the minister about his subsequent advice? Is that going to come at the end of the clauses before we report progress?

Hon. P. R. HALL (Minister for Higher Education and Skills) — If my memory is correct, over the past couple of hours I have made two commitments to take matters as questions on notice. The first of those made reference to particular provisions where cabinet documents are referred to in other acts. There was another one which I am sure my advisers in the box have recorded faithfully. I do not think it is possible to provide those matters immediately or before the conclusion of this committee stage, but I will endeavour to respond to Mr Barber on those matters within 24 hours.

Mr BARBER (Northern Metropolitan) — If it is of assistance to the committee, I was able to trace a reference backing up my assertion earlier — that is, that there were few references to 'cabinet' in the Victorian statute book. I quote from *The Constitution of Victoria* by Greg Taylor, who notes that with the exception of references to refrigerated display cabinets, we find 'Cabinet' in very few places: obviously the Freedom of Information Act 1982, the Victorian Civil and Administrative Tribunal Act 1998, the Information Privacy Act 2000, the Health Records Act 2001 and the Whistleblowers Protection Act 2001.

He notes further that the Audit Act 1994 is the only act that tends to open up rather than close down scrutiny of cabinet, so I think I was correct there. He says:

> The Essential Services Commission Act 2001 … provides an example of a compromise between competing interests, directing the commission to refuse to disclose documents that are exempt documents under the Freedom of Information Act 1982 but not denying it access to them entirely.

In other words, that is more similar to this body. The implementation monitor will be able to look at the documents but will not be able to disclose their contents. I hope that is of assistance to the committee in its deliberations.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Thank you.

Clause agreed to; clause 25 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

REGIONAL GROWTH FUND BILL 2011

Second reading

Debate resumed from 24 March; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Ms PULFORD (Western Victoria) — I am pleased to speak on the Regional Growth Fund Bill 2011. I am a little torn about where to start, because in some respects this seems like a rebranding exercise by the government. On the other hand it is more than that; there are some very significant changes. The notion of a dedicated fund to support regional development activities and investments by government is not new; it is just getting a new name. The idea of having a committee providing high-level policy advice to government is not new; it is just getting a new name.

Having an interaction between local communities and government that is supported by a number of local structures, committees and groups of people who are experts in a variety of fields, including regional development, is also not new.

The Regional Infrastructure Development Fund (RIDF) and the brand that is Regional Development Victoria (RDV) have been very successful and have provided great benefit to regional communities over many years, but members of The Nationals and the Liberal Party know that those things are associated with the Labor government, so I think some of the rebranding is very much driven by a desire to do things in a way that looks different. That is one take — that this is a whole, big rebranding exercise when all of us in this house would probably be in furious agreement about the need for vibrant, robust, strong, exciting and wonderful regional communities where our kids have countless opportunities for education and training and where people can live and work in quality jobs at all stages of their lives. These are all things we would agree on furiously. However, on the other side of the coin, there will be significant changes, and we believe the government is going about some of these changes in a way that will ultimately be very detrimental to regional communities.

We will not be opposing the bill. The bill seeks to provide a legislative framework for an investment into regional Victorian communities of the order of $1 billion, so we will not oppose the bill. However, when the Regional Infrastructure Development Fund was established members of The Nationals and the Liberal Party in this Parliament opposed it at a time when there was enormous need for dedicated investment in regional Victoria. The reign of the Kennett government during the 1990s had seen a real neglect of essential services in regional communities, and Labor has worked very hard in the 11 years in which we were in government to rebuild confidence, to restore those communities and to support communities that experience some very significant challenges from time to time.

There are some serious questions about this bill that we will want to explore in detail in committee, after the second-reading debate. I will flag a couple of those now. One of the questions that is foremost in my mind is how this bill seeks to redefine what regional Victoria is and who is in it. Other concerns I have relate to what types of things constitute an investment in regional development, what shape government support for regional communities ought to take and what types of things are funded.

In relation to the $1 billion Regional Growth Fund, on my calculations, if we assume in round figures — and these things are never absolutely precise to the minute at the end of the term or at the end of the calendar year — this is a $1 billion commitment over two terms, so eight years. If we work on around half of that in the first term — that is, a $500 million fund in this term of government — my calculations would suggest that around 75 per cent of this is committed in one form or another by the government.

The $1 billion figure audaciously assumes the result of the next state election, given that this a two-term package. I am keen to explore — and I would like government speakers to respond to this if they could — the question of where the funds that were allocated to the Regional Infrastructure Development Fund in the last budget's forward estimates have gone. These figures were most recently seen in the pre-election budget update — that is, $260 million in total and specifically $47 million in this financial year — and I would be very interested to know how those numbers correspond to the $1 billion allocated to the Regional Growth Fund. Government members, in a variety of public forums — through the media, in media releases and indeed on many occasions in debate in the Legislative Assembly — have spoken about how the $1 billion fund was above and beyond any other normal government services. I would have thought that after 11 years of strong support for a dedicated infrastructure fund and strong support for regional communities through a variety of programs these activities would have become normal and acceptable parts of the work of government and that this $1 billion, if it is all it is cracked up to be, would be above and beyond the funding that the previous government had initiated for its other programs.

The Regional Growth Fund is divided into two streams — 40 per cent of the fund is a local stream and 60 per cent is a strategic stream. Some of the suballocations the government has already announced include $100 million for local community programs, $100 million for local government infrastructure and $100 million for the natural gas program, but while all this allocating of significant amounts of money is going on, the government has said that it would like the fund to have flexibility. The Regional Infrastructure Development Fund had great flexibility, and I am curious to know where government members think flexibility is going to come from when most of the new fund has been allocated in election commitments or since the election. I am concerned that the RIDF allocation and RIDF spending is at risk of being accounted for as part of the $1 billion in the Regional Growth Fund.

The Minister for Higher Education and Skills, Mr Hall, is in the chamber, and during a visit to Geelong last week, on 31 March, he announced funding of $7 million for a regional community health hub at Deakin University and $10.2 million for Deakin University to provide regional student accommodation. These are very worthy projects for Western Victoria Region that are very deserving of government support. I certainly have no problem with that, but I note that in both of the media releases about these funding announcements it is apparent that this money is being provided through the $1 billion Regional Growth Fund — and this is the Regional Growth Fund that will not technically exist until this legislation is passed by the Parliament and given royal assent by the Governor. The idea that this is above and beyond ordinary government spending is something we would like to explore in more detail. It looks a little like the government is spending down the last of the RIDF, calling it the billion-dollar Regional Growth Fund, and if that is the case, then regional Victorian communities have been sold a pup.

In the debate in the other place government MPs, including the Minister for Regional and Rural Development, Peter Ryan, have said that the Regional Growth Fund will have a role in supporting core services. This is of course at odds with other comments by government MPs about the Regional Growth Fund being for things that are above and beyond normal funding. In the debate in the Legislative Assembly government MPs also talked about helping regional communities get back on their feet after natural disasters. Again, we are talking about different ways to spend money on a whole bunch of worthwhile and worthy causes, but it is Labor's preference that investment in regional Victoria focuses on job creation and economic outcomes. As members of Parliament there are few better things we can do to support our communities than to provide a thriving economy so that the people we represent have job opportunities near where they want to live. Having a job near where they want to live and near their families is particularly an issue for people in regional areas.

I would hope that the Regional Growth Fund does not become a substitute for natural disaster recovery funding — which of course is incredibly worthy of significant government support. I was concerned by the combination of comments made by government members in the Legislative Assembly which were starting to make this fund sound a bit like a bottomless honey pot that can be tapped into for all kinds of things. I would welcome government members who speak after me in the debate responding to how they think core services above and beyond normal funding and natural disaster recovery fit into the scheme of things, while the government provides the types of services and support for great projects, great initiatives and great ideas which I think our communities have come to expect from state governments and increasingly from federal governments.

I am concerned about the lack of a clear pathway for accessing the fund for the investment and economic development function. The government has chosen through its administrative arrangements and in the general order to remove Regional Development Victoria from the investment and business support part of government, the new Department of Business and Innovation. RDV is now very different from how it was in the past. I am generally pretty open to new ideas and new ways of doing things, but in the case of RDV I do think, 'if it ain't broke don't fix it'. RDV has been working well and achieving fabulous things. We know that local government communities, business organisations and the peak bodies representing employers like a single point of entry, and RDV has until now been able to provide a single point of entry to create that direct pathway to government. Those people have really made an art form out of unplugging blockages in complex projects and getting things done quickly so that regional communities can benefit in a direct way from government support and investments.

A great many industries have been supported through the Regional Infrastructure Development Fund, which is being abolished by this act of Parliament. I will refer briefly to a number of industries that have been supported by the fund just to give the house a snapshot of the economic role the fund played across the state and across a range of industries that are very important. I am not absolutely clear on what is replacing it.

In the aviation industry RIDF provided support for the redevelopment of multiple regional and rural airports through the Regional Aviation Fund. In the last five years 14 airport upgrade projects occurred at 12 different locations. I do not need to tell members why airports are important; they all know why. The aviation industry has been supported by RIDF. In particular I mention that Mahindra Aerospace was supported by the government and RIDF through the Regional Aviation Fund. This assisted in an investment of $20 million to acquire the Morwell-based aircraft manufacturer GippsAero. It was a massive investment, and it is the type of thing a good economic outcome-focused investment by government in regional Victoria can encourage and support.

I will now focus on the defence industry. Mr Dalla-Riva comes into this place from time to time

and talks about the support the government gives the defence industry. The defence industry has been supported by RIDF, and an example of this is Hofmann Engineering's creation of additional jobs. The company committed to creating 100 new jobs in Bendigo. Aviation and defence are important industries in Victoria's economy.

Iron Horse Intermodal, a company offering grain-packing facilities, received a Victorian government grant of almost $800 000. This, along with an investment by the company of $968 000, resulted in a $1.7 million project — a significant investment, and one which would have been a whole lot more difficult without the support of RIDF. The Regional Infrastructure Development Fund was conceived to leverage investment, and I think there is a gap in the new arrangements.

Mr Dalla-Riva often comes into this place and talks about the importance of the automotive industry. I represent Western Victoria Region, where many thousands of people work in the automotive industry. RIDF provided support for CFusion and helped enable Deakin University's Institute for Technology Research and Innovation to develop the world-first single-piece carbon fibre wheel. The proof-of-concept facility is creating 150 jobs in that instance. Again, that is a really important industry for the Victorian economy.

The freight hub at Donald was a project supported to the tune of $427 000 through RIDF, and it received $36 000 from local industry. Partnerships between the private sector and government investment create outcomes that provide real benefits to industry. Smaller businesses and the tourism industry are supported using strategies for economic development to create prosperity and opportunities for regional Victorian communities. In the shire of Towong a $180 000 plan supported by RIDF in partnership with the local community and council aided community development, local business, tourism and population sustainability. Those are a few examples of the large and small ways in which RIDF leveraged private sector investment and created partnerships to obtain really fabulous outcomes for regional Victorian communities. There are a number of projects that we have an interest in that I would like to look at in some detail during the committee stage, projects of great importance that create opportunities in regional communities.

I am concerned that this new direction may undermine the new interest that the commonwealth government has in this area and that we are dismantling Regional Development Victoria and the Regional Infrastructure Development Fund at a time when the commonwealth is implementing a model that is very much based on the Victorian experience that has proved to be so very successful. I certainly urge the government to continue a strong engagement with the local representatives on the Regional Development Australia committees.

On a personal note I thank the committees for the great work they have done and continue to do, particularly in advocating for projects and creating regional plans that articulate short, medium and long-term objectives for their communities. Some projects are not so expensive and some are vast, significant projects that will require substantial funding and support from local communities, state government and federal government. I would certainly urge the government to continue the close working relationships we enjoyed when we were in government with those people who are wonderful champions of their regions and support so many great projects.

In his second-reading speech Minister Ryan referred to the Whelan report. It was also mentioned from time to time in this place during the last Parliament. The report was an assessment of the 18 most financially challenged rural councils. The minister seems to be indicating that the Regional Growth Fund will deliver the additional infrastructure and support needed to deal with these challenges. I would urge the government to consider that this problem might be a little bit bigger than that. I think that 9 of the 18 councils that were subject to that study — certainly 8 of them at least — are in western Victoria. The challenges that small rural shires face require a bigger solution, one that involves the commonwealth government and a longer term view about income for local councils.

As somebody who represents many rural communities as well as communities at the growing outer edges of Melbourne, I often find that the communities with the greatest need in terms of infrastructure upkeep are those with the least capacity to pay for them. The rate increases for their residents have to be greater to meet this gap, and I just do not know that taking a slice of the Regional Growth Fund over eight years and saying, 'This will fix the infrastructure gap for small rural shires', is going to be enough to fix it.

Rural shires receive significantly less support from the commonwealth than they did 10 years ago, and there are structural issues that will ultimately need to be addressed to overcome that challenge. I know members opposite have had a fair bit to say about the federal grants commission in the last little while. I suggest that there are inherent difficulties in managing a large area which has a disproportionate risk of experiencing natural disasters and a small rate base, and that it will

probably require a little bit more than simply carving off a slice of the Regional Growth Fund over, I hope, four years — although it may be eight years, as the government is proposing. The minister's second-reading speech says:

> Regional Growth Fund will be open to local councils, regional infrastructure providers, community organisations, business groups, educational institutions and the private sector …

Community organisations that I have spoken to and had a bit to do with include those which have advocated strongly for support for community leadership programs. There are some fabulous community leadership programs that are run by groups of people across Victoria. I note the government is committed to supporting those groups. In terms of that commitment I sincerely hope the eight or nine community leadership programs which have been mentioned in government media releases and which have every real expectation of being funded through that Regional Growth Fund stream will be able to receive the kind of support they expect. Recently the Minister for Local Government announced an indigenous community leadership grant. I wonder if that will come from this stream of the fund.

A fabulous program in Ararat was funded on two or three occasions over a number of years. It is a women's leadership development program called 'Brekkie on the run'. You had to get up pretty early to get into this program, but it was a hoot. It was a really wonderful women's community leadership development program. I hope there is still room in the funding pie for things like that. There are organisations like Champions of the Bush in Gippsland that also have a role in community leadership.

Before the election there was a point of difference between Labor policy and the policy of the Liberals and The Nationals regarding community leadership. I hope groups and organisations with good community leadership ideas are not cut out of that funding stream in addition to the support we all expect the existing eight or nine community leadership programs will create. This may be an eight-year proposition, but for now it is a four-year proposition. I would hate to think there will be no stream of funding to support community leadership programs and initiatives that have not been thought of or developed yet. I urge the government to think big about that.

Today I noticed the government indicated that it intends to open offices of the Department of Premier and Cabinet in Ballarat and Bendigo. It said it would be a trial. Depending on how that goes, it wants to then take it out for a run in Geelong, Bairnsdale and Seymour. These will be helpful to country Victorians. I would probably find it convenient if these offices are in locations other than Melbourne's CBD. I am sure a whole lot of people will find this to be a very convenient thing, but I do not know if these local offices are going to be a substitute for a single point of entry similar to the way Regional Development Victoria has been dealt with. We will have to wait and see.

With regard to interface councils and their needs, I hope the government can answer the question about the notion of greatest need. Everyone expects that government funds go where the need is greatest, but when you are talking about the greatest need of remote regional Victorian communities it is different to that of, say, the city of Wyndham or the shire of Melton, which — just to mention one of Ms Mikakos's favourite topics — has a great need for safe kindergarten facilities. Communities that have tens of thousands of people coming into the area every day have an enormous need for infrastructure support and funding. The proposed regulation in the bill that seeks to include other areas by ministerial signature is something we need to be concerned about, because the support needed by those rapidly growing communities is significant.

An article by Tim Colebatch that appeared in the *Age* of Friday, 1 April, reports on the challenges around Melbourne's growth areas. It states:

> In the year to June 2010, Melbourne is estimated to have grown by 79 000 people, or more than 1500 a week. For the ninth consecutive year, Melbourne had the biggest growth of any city in Australia.
>
> …
>
> The four fastest growing municipalities in Australia in 2009–10 were all on Melbourne's fringe. Wyndham (which includes Werribee), Melton, Whittlesea (South Morang) and Cardinia (Cranbourne) left behind all the boom areas of other states, with their combined populations —

this is just of the four —

> growing by 33 216 or 7 per cent.

We thought that the definition of 'regional Victoria' was pretty much settled, but this bill seeks to do some different things in relation to that.

There are other issues around the transitional provisions and the way in which the ministerial committee overseeing the implementation of the strategic fund will work that I would be keen to explore in more detail, particularly around the role of executive government members who have an interest in and responsibility for

job creation and economic outcomes. I am keen for a government member to give us some indication of whether or not the Regional Growth Fund could be used for initiatives like the feasibility study for the rail link between Geelong and Ballarat and the rail link between Ballarat and Bendigo, for which the government gave commitments during the election.

To finish, I say that I am incredibly proud of the partnerships that our government enjoyed with regional Victorian communities. There are a number of issues that I would like to explore during the committee stage. As I said at the outset, opposition members will not be opposing this bill, but we certainly put the government on notice that any neglect of regional Victoria will not go unnoticed by this opposition. This opposition when in government worked tirelessly — supported vigorously by Steve Bracks and John Brumby — to rebuild and restore the confidence of regional Victorian communities after the Kennett government's neglect of essential services over many years.

We believe the intentions are good, and they are ones we share. I hope we can agree on the objectives for what regional Victorian communities should be like, but the Labor Party and I are concerned that the government is going about it in the wrong way. In the medium and long term — I certainly hope it is not true — it will have a detrimental effect on regional Victorian economies. The separation of the economic function from the investment is an error. Planning and community development are, of course, incredibly important, but any community is first and foremost supported by the strength that comes from people having their own economic independence and jobs supported by industries that have confidence in the communities they support.

Mr BARBER (Northern Metropolitan) — The last time this style of fund was set up by a Liberal-Nationals coalition government at the federal level — the Regional Partnerships program, as it was called — it ended in disgrace. The Australian National Audit Office discovered a barrelful of grants that were made without proper procedures being followed, with no explanation as to their anticipated benefits and that 43 of the grants had been made against departmental advice. It also found that the overwhelming majority of the funding was directed at marginal rural seats. We do not have many marginal rural seats left in Victoria, and those we have are held by Labor members, so it could be good news or bad news depending on the way you want to look at it.

In the last 50 minutes of the Howard government — that is, before it went into caretaker mode — 16 grants to the value of $3.3 million were signed off. The problem with this legislation is that there are no lessons learnt from that administrative disaster. The discretionary power of the minister in clause 5(1)(e) to spend money on anything he or she deems 'beneficial' renders all the subclauses above it redundant. There might as well have been just that one subclause. The major criticism of the Regional Partnerships program was that the minister, the then Leader of The Nationals, John Anderson, was responsible for distributing the funds, not the department. The same mistake is being made here.

Of the approximately $350 billion the state government might spend over the next eight years, $1 billion is set aside for this trust fund. Averaged out, that is about $125 million a year for eight years, but before any of that can be spent on actual projects, money must be spent on administering the fund. I presume some of it will be spent on the eight-person advisory committee and, if things are going well, the feasibility studies that will be done on the projects. We would not just sign them off on someone's say so; we would want detailed information on the projects — and the bigger they are, the bigger and more complicated those feasibility studies will be. If things go really badly — and I do not want to be too pessimistic — it will end up like the federal government's indigenous housing program where all the money goes into the bureaucracy, no houses get built and then people jump up and say, 'Look at all the money we gave to those Aboriginal Australians'.

The fund will be split into two spending streams. There will be the top-down projects that the minister will determine as having a wide-ranging benefit — that will be about 60 per cent of the spending; and the bottom-up stream, which will run for only four of the eight years and will be used to support projects put forward by the community and councils.

It will be interesting to know the relationship between who applies and how the money is given. Will it be stocked up in any given year according to how much demand there is? Or will it be consistent over the eight years? And what impacts will there be on the more capital intensive but possibly more beneficial projects getting up if the fund moves down steadily, if you like, over eight years?

There is no question the $1 billion is needed in regional parts of Victoria. It pales into insignificance, though, with the lost opportunities when all the wind companies pull out of regional Victoria, because that would definitely be billions of ongoing income from an untapped source of economic growth. The wind that is

just blowing over those hills will not be captured. Capture it and you have got a lot of money and a lot of jobs — high-skilled jobs, permanent jobs and local jobs — which are labour intensive. People set up in those communities and spend that money, not to mention the income for land-holders, local councils — —

Mr O'Brien interjected.

Mr BARBER — They get it back via their council rates; that is one thing. I think it is a good mix for a mixed market economy to have not only some regulation creating the need for renewable power but also local innovation and entrepreneurship as to how those wind farms get built.

Mr Ramsay interjected.

Mr BARBER — Your policy sounds like command and control economics, in this case with the focus all being on state spending.

The Greens definitely support local communities making some of these decisions according to their own priorities. I like that part of the bill.

Mr Ramsay interjected.

Mr BARBER — Mr Ramsay just brought up the native vegetation act. The mandate that his government sought on the native vegetation act was actually quite limited. It is in the Liberal-Nationals coalition policy statement on planning.

Mr Ramsay interjected.

Mr BARBER — I think that could be a very important issue for regional development in fact — with the protection and the payments that people could receive for protecting native vegetation — but there is not much point in paying people over here to preserve it while people over there are allowed to chop it down. That is hardly a rational approach to the policy. I note that the only policy document that refers to this is the planning policy, and that refers to two very small exemptions that the government plans to introduce. If the government is planning much wider exemptions than native vegetation controls, then we have never heard about it, and I would like to hear about it as soon as we possibly can.

I return to the ostensible purposes of this fund, and I say 'ostensible' because once you get to subclause 5(e) you can pretty much spend the money on whatever you want — —

Mr Drum interjected.

Mr BARBER — We will talk about that. It is to strengthen the environmental base of communities in regional Victoria, and that could dovetail quite nicely with the government's obligations to climate change adaptation under the Climate Change Act 2010 for which no funds are provided in the same way. There is no trust fund established for the government to start putting some money aside for the future liabilities associated with adapting to climate change, which is now this government's legislative responsibility.

It is quite possible that if the priorities were to be set locally and by local governments, many of them could already be out there adapting to the impacts of climate change, but that is not something we get to decide here and now. In fact my reading of the act is that it appropriates money into a trust fund which is separate from the Consolidated Fund. The trust fund is there to hold special purpose grants from the commonwealth, for example, that have been given for a particular purpose and must be expended on that purpose or returned. The trust fund is there for hypothecated taxes, such as the gambling taxes, and where they go. This bill will establish another trust fund where you put the money in and it can then only be used for the purposes in this bill, but those purposes are pretty much anything the minister wants them to be, as I have said.

I will ask the minister during the committee stage whether they are subject to the kind of annual appropriation — that is, the budget — that we get to pore over and look at, or will the passing of this bill and the one-off appropriation of money into the fund be the last time we will have the opportunity to scrutinise the fund, because there do not appear to be a lot of mechanics built in around how the money would be reported, determined or audited. It may be that the Financial Management Act 1994 picks that up.

We are certainly doing no worse with this legislation than with the gambling revenues, because Mr Drum and I attempted to work out where that money comes from and where it goes, with not a lot of success or support. We will ask the minister during the committee stage whether he has been able to leap over the extremely low bar set for him by those who set up the Community Support Fund with those gambling revenues.

Mr DRUM (Northern Victoria) — It is with great pleasure that I rise to speak on the Regional Growth Fund Bill 2011. It is also with great pleasure that I have the opportunity to do it as a member of The Nationals and of the coalition government because it is something

that we designed in opposition. In opposition we proposed to the Victorian people that given the opportunity to govern we would lead the state in regional development with the flagship policy of the Regional Growth Fund, which is a $1 billion commitment over two terms of government. This is something we are exceptionally proud of. We believe this program has the ability to invigorate and develop regional Victoria like no other government program before it.

We believe this billion-dollar fund will effectively double the previous investment by the previous government over the last 11 years. The out years estimates in last year's budget will prove that to be an accurate assumption. When you double the investment in anything, especially over a profound and prolonged period of time, you can expect that you are going to achieve some fantastic outcomes, and that will be the case for regional Victoria.

Not only will the Regional Growth Fund be more than double the investment in regional infrastructure than that attempted by the previous government, but also more than 40 per cent of the fund will be directly handled and prioritised by local governments and local Regional Development Australia committees. Never before in this state have we had a government with the courage to invest so much respect and responsibility for decision making into the regions and communities that make up regional Victoria. In this government, under Peter Ryan and Ted Baillieu, we have leadership that is prepared to put its money where its mouth is and to acknowledge the skills, abilities and capabilities that exist within our regions. We now have that rhetoric being matched by our actions.

This government is putting 40 per cent of this fund back into the regions for them to prioritise and be able to take their projects from the conception stage right through to planning, feasibility, implementation and completion. The people of Victoria are going to grow to accept, respect and love the way that they have access to government funding. Forty per cent of the money will be in the hands of regional representatives and 60 per cent will be in the hands of the Minister for Regional and Rural Development. The minister will use his 60 per cent of the money predominantly for strategic programs that either have statewide significance or that go across government areas.

One thing in relation to the previous government that we have been complimentary about is that it set up Regional Development Australia committees and double-badged them as Regional Development Victoria committees. We have accepted and glowingly endorsed that structure. We believe the people on the committees are in the main exceptionally well qualified and extremely capable, and we have no plans whatsoever to alter those personnel. However, what we have seen under the previous model is a group of extremely talented individuals around regional Victoria offering a tremendous amount of advice without any funding or resources to make things happen. We have decided to give them the resources and empower them with the funding they need so they can take these projects forward.

Projects of statewide significance will come out of the minister's strategic stream, and projects that span different state government regions will come out of the strategic stream. The Minister for Regional and Rural Development has identified that the coalition wants and intends to set $100 million aside from the strategic stream to assist with natural gas extensions. That is going to be known as the energy for our regions project, which will be well received by people across the state who currently do not have access to natural gas. Anyone who has lived in regional Victoria in an area where natural gas is not accessible will understand what a disadvantage not having natural gas is to them and their family. People who take natural gas for granted need to spare a thought for the many communities that do not have it.

One of the other things we have to talk about in relation to natural gas is that although there are many towns that have natural gas connected, there is a significant number of pockets within those towns where natural gas is not connected. We are hoping to connect more towns to the backbone of the natural gas supply and therefore to put more regions on to natural gas. However, we also understand there is a lot of unfinished work after the last 11 years of these rollout programs. We will need to go back in and fix up the former government's mess. We will need to go back in and connect the pockets that have been left out, because there has not been the critical mass for those projects to be worked through in previous years.

In response to Ms Pulford's question from earlier on, yes, there will be money for feasibility studies in the strategic stream. Yes, there will be money for business cases to be worked up so that the projects that come forward do so in a manner that enables the minister and the Regional Policy Advisory Committee or other committees to make more informed decisions. A lot of that work will be done. However, in response to the example Ms Pulford came up with in relation to a train line feasibility study, funding for that would invariably come from the Department of Transport. With a project of that sort the source of money would be the

Department of Transport. Even if the Department of Transport had no intention of funding a feasibility study on any such project, there would be the flexibility that Ms Pulford was looking for.

This is exactly the flexibility that Regional Development Victoria, the government body relating to Ms Pulford's portfolio when she was Parliamentary Secretary for Regional and Rural Development, has sought from us, saying, 'We need to have flexibility.' Where there is a transport program the previous government would not fund in 11 years — it might have talked about it, but it would not fund it — we need the flexibility to go into the transport system and carry out that program, which was never going to receive core funding under the Labor system.

This is the flexibility we have provided in our legislation, which will enable us to go into different or other areas — just as the previous government did, by the way — to give Victorians the chance to get the projects they need going as opposed to getting a simple yes or no. That is something we are proud of. Funding for such work, as I said, will be able to come from the strategic stream of the fund.

The bill also sets up the Regional Policy Advisory Committee, which I mentioned previously. This is going to consist of a chair and up to eight other people. The majority of the people on that committee will be from Victoria's regions, and there will be at least one member from each of the state's five government regions. The role of the Regional Policy Advisory Committee will include advising the minister of potential projects in the offing — projects that will be up for assessment. It will also have the ability to advise the minister on the outcomes and the operation of projects already moving through the development process. They may be projects that have already been completed, so there would be information about the achievement of these outcomes. That would be some of the advice the advisory committee would give the minister.

It will also have the responsibility to rural proof the government for all of its actions, its legislation and its main decision making. In other words, we are going to ensure that the minister is made aware of potential unintended negative consequences of any legislative changes. This is something I am sure Ms Darveniza and Ms Tierney would be aware of as this concept of rural proofing was raised many times in hearings of the Rural and Regional Committee over the last four years. Again it is something that the Labor Party has put into its state platform. However, it could not quite get it past the previous Premier and into the Parliament. It could not quite find the courage to give someone else the opportunity to create that check and balance against its actions.

Under the leadership of the Deputy Premier, Peter Ryan, and the Premier, Ted Baillieu, we cannot wait to put people in regional Victoria in charge of being the police in relation to our actions, our acts of Parliament, our legislative changes and our regulatory changes. We welcome the opportunity to have people who are champions of regional Victoria check our actions and check the intended or unintended consequences of our work to ensure that we do not create another mess, like Mr Tony Robinson, the then Minister for Consumer Affairs, did in the last government with liquor licensing changes.

I only have a short time to make my speech, otherwise I would talk about the four or five attempts to get that legislation from the absolute dog's breakfast that it started out as to the kitten's breakfast it finished up as. It was a mess, and we believe its only rival would be the youth allowance mess that came out of Canberra. These are two great examples of where there may have been a different outcome if a government had had the courage to use an advisory committee to check for unintended consequences. We understand that both of those government decisions were made with the very best of intent. However, without somebody to check their actions against unintended consequences, while doing things on the run, while doing things in a hurry, the end result will be a situation where all governments will make mistakes. Without the courage to put somebody in there to check those unintended consequences of actions, the outcome will inevitably be a mess. We hope that by using this group in this manner, with another role and another responsibility, we will be able to avoid this type of mistake that someone may make in government.

I must now go through some of the issues raised in the lower house. There were deadset criticisms of this fund raised by members in the other place. I would like to start with the commentary out there that the Regional Growth Fund will somehow replace core government expenditure in regional Victoria. If there are any further speakers on this bill, I hope they listen, because I want to stamp out this view. This fund, this $1 billion over eight years, is over and above every other core expenditure. If members get up after me and go on with the same rubbish that was heard in the lower house, it is entirely up to those speakers, but I am laying it on the line that the funding in this program is over and above all existing core funding responsibilities and streams of funding.

Honourable members interjecting.

Mr DRUM — A couple of puppets from the other side are having their strings pulled, and I would just like to outline a few examples. If members do not want to believe me, then they might listen to these examples of commitments that have already been made in other core areas. In our short term in government we have made a $5 million commitment to upgrades at Mildura hospital. That will come out of the health stream. The $88 million for Ballarat hospital will again come out of the health budget. We have the Warragul emergency department and we have Bendigo hospital. We have opposition members over here who are a bit quiet when it comes to the Bendigo hospital because they are not quite sure where they stand.

Opposition members are not quite sure whether they want us to build the $470 million hospital that the Labor Party promised or whether they have finally decided to get on board and let us build the $630 million hospital that the coalition has on the system. They are not quite sure where they stand. I know the member for Bendigo East in the other place is still imploring the coalition to build a $470 million hospital. The members for Bendigo East and Bendigo West in the Assembly must be the only members of the Victorian Parliament who are actively campaigning for the government to take $102 million out of their electorates. They must be the only members of Parliament ever to argue that $102 million not be spent in their electorates. I cannot quite work out their rationale; however, they are still arguing that they want $470 million spent on their hospital as opposed to the $630 million to be spent by the coalition. There is further evidence that this money will not — —

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! The member's time has expired.

Mr Drum — I have 1 hour!

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! No, the member has 15 minutes.

Mr SCHEFFER (Eastern Victoria) — The introduction of the Regional Growth Fund Bill 2011 is a tribute to and a vindication of the success and the importance of the former Labor government's Regional Infrastructure Development Fund (RIDF), which right back in 1999 the coalition only supported grudgingly. A former member for Lara in the other house, Peter Loney, said at the time of the introduction of the fund that the then opposition did not like the proposal because it did not think of it first. This Regional Growth Fund Bill 2011 is also a con because it purports to invest massively in regional economies and communities, but in reality it sells them short.

The opposition will not oppose the legislation. We on this side of the house always support resources directed to regional Victoria because we recognise that taking care of country Victorians is important in itself and also because we know that communities are still dealing with the impacts of fire and flood and additional support must continue to be given. It is also true that the government has a responsibility to ensure that resources are provided to all sectors of the economy so that Victoria as a whole, including regional and rural communities, continues to develop and prosper as a modern and sustainable economy.

However, the policy and provisions in this bill contain a number of problems that the opposition is concerned about. A comparison of the purpose of the Regional Growth Fund and its 1999 predecessor, Labor's Regional Infrastructure Development Fund, shows they are identical — that is, they provide for a fund to be established in the public account as part of a trust fund. The other provisions are modelled on both the Regional Infrastructure Development Fund Act 1999 and the Regional Development Victoria Act 2002.

When the Regional Infrastructure Development Fund Act 1999 was introduced in December 1999, the then opposition, while not opposing the bill, moved amendments to frustrate its passage. I went back and reread the 1999 debate. At a superficial level it might look like history is repeating itself with the government introducing legislation to provide regional and rural Victoria with a structure to support regional communities, to create new prosperity, more opportunities and a better quality of life, and the opposition does not oppose that objective.

In 1999 the member for Gippsland South in the other place, who is now Deputy Premier, said on behalf of the then opposition that the Regional Infrastructure Development Fund did not have the capacity to deliver to country Victoria. But now that a decade has passed and it is clear that Labor's Regional Infrastructure Development Fund has been an enormous success, this new conservative government knows it cannot dismantle it.

As the government prepares to repeal Labor's act, we should remember that the Regional Infrastructure Development Fund was trailblazing. It was the first of its type in Australia, and it has provided funding for an enormous range of projects that have made a real and practical difference to regional Victoria. Overall the fund has supported more than $1.6 billion of

investment in regional Victoria, and it has lead to the creation of around 400 new jobs every year in regional Victoria through around 390 major projects. The fund has been powerfully effective in attracting private sector infrastructure to the regions. For every Regional Infrastructure Development Fund dollar provided, $2.47 has been leveraged from other sources, and every Regional Infrastructure Development Fund dollar generated $4.13 worth of economic benefits.

According to the evaluation of the fund conducted by PricewaterhouseCoopers in June last year, Gippsland's share of that $1.6 billion regional infrastructure investment was $396 million. The evaluation says that there were 67 projects across Gippsland that drew $121 million out of the fund. As at September last year, the approximate figures for Gippsland show that the Shire of Bass Coast received around $5.5 million; the Shire of Baw Baw, $7.7 million; the Shire of East Gippsland, $19 million; the City of Latrobe, $33 million; the Shire of South Gippsland, $40 million; and the Shire of Wellington, $12.7 million — or a total of around 19 per cent of the overall Regional Infrastructure Development Fund investment.

Labor is immensely proud of this legacy and of the positive impact the fund has had on regional Victoria, and there are countless projects we could point to that would demonstrate this. Ms Pulford referred to some of them. I will confine myself to mentioning just a few: the Mallacoota and Latrobe airports; the redevelopment of the Mount Baw Baw alpine resort to enable year-round use; the development and upgrade of ports at Mallacoota, Gippsland Lakes, Corner Inlet and Port Albert; the construction of the Gippsland Water Factory to support the timber and paper industries; the natural gas extension program that benefited many towns including Bairnsdale, Inverloch, Korumburra, Lang Lang, Leongatha, Paynesville and Wonthaggi; and the investment in the Moe transport and retail precinct.

After more than a decade it has to be admitted that the Leader of The Nationals in the Assembly, Peter Ryan, and the coalition were the ones who got it wrong, and that is why we are considering this bill through which the new coalition government is attempting to rewrite history. The second-reading speech states that the government will invest $1 billion into the Regional Growth Fund over the next eight years, and the Minister for Regional and Rural Development has announced that these funds will supplement, not replace, general government expenditure. Thus far the government has not made a clear case for how this will work in practice.

The point of this type of fund is to provide an ongoing source of capital, separate from the annual budget appropriation cycle, that can be used to leverage investment from the private sector and from authorities. The point is to have a fund that will always be ready to make a significant contribution to an innovative and needed project that will make a difference to a regional area and to the state as a whole. The government has deleted from the legislation the focus on transport, industry, tourism, education and information technology. These areas were the focus of the original bill, as we had identified them as the critical areas we needed to work on.

Making a call on these sorts of issues — while still remaining flexible — is what leadership is all about. The coalition has characterised nominating these policy areas as Labor imposing a top-down approach, and it says the government will turn this on its head by purportedly letting local communities drive the projects that are needed. Labor has always been strong on partnerships with local communities and organisations, and we absolutely understand that good infrastructure development needs to meet both local needs and statewide requirements. Partnerships with federal, state and local governments as well as with community organisations and local groups are fundamental to sound planning and investment in infrastructure. It is not an either/or; it is a both/and. Let us not go down the track of trying to put a divisive slant on it.

The government's scramble to give the Regional Growth Fund a fresh look has blurred the definitions and policy objectives that Labor put into the Regional Infrastructure Development Fund. Clause 5 of the bill sets out the uses of the fund, and frankly they make it possible to fund anything and everything — infrastructure, facilities and services that have an economic, social or environmental benefit and that facilitate the creation of jobs and careers and support the planning and development of projects. Finally the clause says the fund can be used for:

> any other project that will benefit regional Victoria as determined by the Minister.

In practical terms this provision lacks definition and focus. It provides a justification for funding anything at all, and it will be interesting to see the detailed guidelines and assessment processes that the government says are being drafted. I hope the guidelines provide some sharpness and focus, because there is a worry here that such an open-ended process could lead to arbitrary and sloppy decision making.

Mr Barber opened his remarks by sounding a very important warning to the government, and we do not

need to go far to see what happened with the former Howard government's Regional Partnerships program that the Australian National Audit Office said was plagued by political inference, special favours and a lack of transparency.

Mr Drum waxed very lyrical about the need for flexibility. That is very true. I am absolutely sure that Minister Ryan in the Legislative Assembly and Minister Hall in this chamber are men of great honour and integrity, but it is not about that; it is not about a personal quality. This is an issue about process and about checks and balances, and the temptation over time — not now, in 2011, but in 2012, 2013 or 2014 as we go down the track — to pork-barrel becomes irresistible. Clear policy criteria set out in legislation can contribute to ensuring that project proposals are sound. That is a very important point and a very serious concern.

Another concern is that the bill opens the way for the Regional Growth Fund to be used for projects in the interface council areas. We know there has been a long-term issue over interface councils missing out on some of the benefits of programs targeted to regional areas. We who work across regional communities understand that, and it is a difficulty; I am not stepping away from that. The interface councils possess areas that in many ways are identical to their neighbouring regional councils and yet they sometimes miss out on programs because they are on the wrong side of a boundary. But to simply extend the eligibility to apply for grants under the Regional Growth Fund to the interface councils does not seem to be the solution, because the impact of the fund, which is already fairly thin, will be further diluted.

While the government says that this is a billion-dollar fund — it was intended to outbid Labor in the lead-up to the 2010 election — the reality is that the bang for the buck is far less than regional Victoria expects and deserves. The government cannot afford to dedicate the Regional Growth Fund to investments, and the Deputy Premier has already said that the fund will be used to support core services like education and health.

Under Labor, for example, the $1.9 billion Victorian schools plan was a core commitment that did not draw down on the Regional Infrastructure Development Fund. The coalition government is also planning to use the Regional Growth Fund to financially underpin sport and recreation facilities. Under Labor, sport and recreation facilities were funded through a dedicated Sport and Recreation Victoria facilities fund. The Regional Growth Fund, I think, in the end is a pea and thimble trick that will short-change regional Victoria, which deserves better.

Sitting suspended 6.24 p.m. until 8.02 p.m.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to speak in support of the Regional Growth Fund Bill 2011. I am very excited about a fund that puts money into regional Victoria even though my counterparts in the opposition who also represent western Victoria appear not to be. This bill is a clear demonstration of the commitment of the Baillieu-Ryan government to invest in regional Victoria and use the Regional Growth Fund as a driver for the growth and prosperity of regional Victoria.

I, more than most, understand the importance of ongoing investment in infrastructure, facilities and amenities in regional Victoria, given my former role leading a farmers' organisation in Victoria representing the interests of country Victoria, and living and working in small regional towns. Along with my Nationals colleagues, in particular Damian Drum, I welcome the coalition's policy of investing in regional Victoria and helping to develop this new fund that will not only help those who are dependent on infrastructure and services but most importantly will invest in skills and industries that will promote jobs.

This bill will repeal the Regional Infrastructure Development Fund Act 1999 and amend the Regional Development Victoria Act 2002 to remove some of the restrictions that previous applicants had to endure under the RIDF act. There is no doubt in my mind that for Victoria and Victorians to grow and prosper decentralisation is vital for the creation of a healthy and vibrant regional Victoria that will help absorb population growth, improve the standard of living in country areas and provide the necessary road, rail and transport infrastructure. The prosperity of regional Victoria will depend not only on infrastructure but also on the facilities and amenities that will entice people to move to and stay in regional areas and also provide the lifeblood of country towns. Education, industry, jobs and career opportunities are among the important pillars that the Regional Growth Fund will provide to the ongoing sustainability of regions across the state.

Much of the strength of this bill is in the structure, which is divided between strategic investments that take a regional holistic approach and local community-driven projects identified by local communities and councils. This 60:40 split provides a balance between providing important infrastructure like gas to towns like Terang and Bannockburn, which are in my region, and the locally driven amenity and

facility projects typified by the project that I launched on behalf of the Minister for Regional and Rural Development at Nelson last week.

While the Regional Policy Advisory Committee will provide advice to the minister on strategic projects like the government's commitment to extend reticulated natural gas across regional Victoria — critical for new industries and job growth — the second tier, known as the local initiatives funding stream and managed through five regional development committees, will be inclusive of wider community groups including regional organisations, councils and community groups that benefit local areas. The important point to make is that the Regional Growth Fund funding will be over and above the existing provision through government departments — it will not replace current funding.

I will respond to a few of the points made in the other house in relation to the Regional Growth Fund and re-emphasise, as Damian Drum did, that the RGF is in addition to core government expenditure. It provides more flexibility regarding the interface councils by removing the rigid definition of regional Victoria. I cite one example from my previous role as president of the Victorian Farmers Federation: one farmer was able to access, through the old Regional Infrastructure Development Fund, money to provide an underpass to safely move his stock under a major arterial road while another farmer less than 100 metres away was unable to access funding for the same purpose.

This new Regional Growth Fund will remove some of the restrictions and provide more flexibility in its definition of regional Victoria. I also acknowledge what has been said but needs to be re-emphasised: the Regional Growth Fund will deliver twice the funds of the old Regional Infrastructure Development Fund — $500 million against $213 million over the same length of time.

I also bring to the attention of the chamber the opposition's ridiculous claim that 70 per cent of the fund has already been spent. That demonstrates total ignorance of the facts. The bill has not even been passed yet and the act will not commence operation until 1 July 2011, so how could any money have been spent out of the fund?

Honourable members interjecting.

Mr RAMSAY — If I could conclude without the rude interjections from those opposite, I am excited that this government has committed to the growth and prosperity of regional Victoria through the Regional Growth Fund, expanded the objectives of the previous fund and increased the funding to $l25 million per year.

I can assure this chamber that as long I am in here as a representative of Western Victoria Region I will always be a strong advocate for the interests and wellbeing of those who live in regional communities, and to that end I support the Regional Growth Fund Bill 2011.

Ms TIERNEY (Western Victoria) — I am very pleased to make a contribution to the debate on the Regional Growth Fund Bill 2011. In November last year the coalition parties went to the election in respect of this fund and mentioned that $1 billion would be provided over eight years. At the time of the election I am sure a number of people looked carefully at that promise, and I am sure they were swayed by that significant amount of money. But when you investigate the amount and the way it is structured, when you get to actually peel back the layers, you realise that the $1 billion over eight years simply is not the case. To take up Mr Ramsay's point, the opposition has not said that the money has been spent; the opposition is saying that 70 per cent of the moneys have already been allocated, leaving only $150 million for regional Victoria over the next four years.

The second concern I have is the scope of the fund. It has been broadened, and what we will see is that regional communities will be pitted against interface communities vying for the same pool of funding, and I do not think that is appropriate. The opposition supports a separate dedicated pool of money for interface communities, but it does not see it working for either interface communities or regional communities attempting to secure moneys out of this same pool.

The third concern I have is the type of projects that will be eligible for funding. We have heard much in this debate about whether there will be core service funding in regional Victoria taken from the Regional Growth Fund. The fact is that there has been absolute confusion on this point. A lot of it has been the result of mixed messages and conflicting comments by the Minister for Regional and Rural Development, Mr Ryan, over a period of time, and all I say is let us just stop the confusion. We want to know what is in and what is out in relation to which projects can be funded from this fund.

We are particularly concerned about the government already flagging that it will have substantial departmental budget cuts in the forthcoming May budget, and we are concerned that this fund might be used to offset core departmental service cuts instead of being expended on projects that are specifically

designed to develop regional Victoria and not just services that are available regardless of where you live. We believe this would seriously dilute regional Victoria funding.

Fourthly we believe there is no mechanism to ensure that there is a fair allocation of funds between different regions and within regional areas — between regional cities, regional centres and small towns. As we all know, when there are no or few funding streams within a fund there is serious potential for the fund to be used in an overtly political way, and Mr Barber alluded to this. In the case of this fund, if it is used in an overtly political way, it will absolutely undermine the development of regional Victoria.

My fifth concern is that there has been a reduced focus on employment and investment in regional Victoria with the changes that this government has brought about. This is also reflected in the machinery of government changes brought in by this government — an exercise undertaken by shifting large sections of Regional Development Victoria (RDV) into the Department of Planning and Community Development. If this is the case, we all lose. If we reduce employment opportunities, it means we cannot retain people in regional Victoria, and it also means that we suffocate growth in regional Victoria. While I am on the subject of Regional Development Victoria. I take this opportunity to voice my support for the old structure and programs of RDV.

When I was a member of the Rural and Regional Committee in the last Parliament we undertook a number of inquiries, and not one program, individual or even the whole sections of fund streaming was criticised at any public hearing or in any submission provided to that committee. It is interesting, to say the least, that the government in one of its very first actions tinkered and tampered with regional Victoria. I have other concerns about this bill, but I hope there will be further clarification as the house goes through the committee process.

In a nutshell this bill establishes a new fund that has very little unallocated moneys for regional Victoria. It has little clarity about what is in and what is out. We have two important sectors of Victoria — that is, regional and interface communities — but they now have to compete over one pot of money. We do not have a dedicated regional fund and we need a separate dedicated fund for the interface community. We have a situation where regional funding will be diluted; the fund will become a general contingency fund. It will be less transparent and potentially open to what is commonly termed pork-barrelling.

It will be a fund that has lost its way from the original intent put in place by the previous government — that is, employment and investment for regional Victoria. I do not see those considerations as the first two priorities of this fund. The $1 billion spent on establishing the Regional Growth Fund was a false capture-the-imagination hook, and despite the spruiking and government fanfare I do not believe this is a better or a superior way of driving growth and community in regional Victoria.

Ms DARVENIZA (Northern Victoria) — I am very pleased to rise and make a contribution to the debate on the Regional Growth Fund Bill 2011. I want to say at the outset that I support any bill, program or policy that is going to inject funds and prosperity into regional and rural Victoria. I wholeheartedly support any actions the government takes to assist business and industry, support training that will establish and grow businesses, keep businesses in place in regional Victoria and create jobs that will create prosperity and result in populations choosing to move to and settle in rural and regional Victoria. The opposition is certainly not opposing the bill before us today.

I am very proud of the action taken by the previous government. I was pleased to play a role in the previous government as a parliamentary secretary to John Brumby when he was the Minister for Regional and Rural Development and then as parliamentary secretary to Jacinta Allan, the member for Bendigo East in the Assembly, when she was Minister for Regional and Rural Development. I was proud of the actions the Labor government took to promote and support rural and regional Victoria. We put grant provisions, funding streams, policies and programs in place that got behind the things that mattered to people in our rural communities.

One of the first things the Bracks government did was set up the Regional Infrastructure Development Fund, a fund that has been the centrepiece of our commitment to rural and regional Victoria. We were careful to ensure that we went out there and worked closely with local government, local communities, stakeholders, community groups, businesses and umbrella organisations that supported businesses, because we wanted to make sure that we were putting in place the right sorts of programs and the right sorts of grants that gave communities the support they wanted. We went through vigorous community consultations to make sure that we got our policies and our programs right.

It is worth noting that when we established the Regional Infrastructure Development Fund (RIDF), the establishment of which was warmly welcomed by rural

and regional Victoria, it was the first dedicated fund for rural infrastructure anywhere in Australia. It was one of the first of its kind. If mimicry is a sign of flattery, the fact that this new government is looking at having a fund that focuses on rural and regional Victoria is a positive, although I do have concerns about how much of that focus is going to be allowed to stray outside rural and regional Victoria.

I take up the point made by Mr Ramsay in his contribution. He said that what the government is doing is removing restrictions and — I think I am quoting him correctly — creating greater flexibility. Our concern about that is: what restrictions are being removed and what greater flexibility will there be? The mixed messages we are hearing from the government add fuel to our concerns.

Mr Drum has stood up in this place and said that it is all about rural and regional Victoria, that there is no inconsistency and that we are all singing from the same song sheet, and in his contribution Mr Ramsay said exactly the same thing. However, I know — and they know — that the Deputy Premier, Peter Ryan, has admitted that the Regional Growth Fund will also fund core services, like education and health. You can imagine why we would have concerns. Is this the sort of restriction that is being removed? Is this the kind of greater flexibility that the government is looking at? If these are the restrictions the government wants to remove and the flexibility it is looking for, then I have grave concerns about it. Like other members of the opposition, I look forward to the committee stage, where we will be able to more closely look at this.

We know that if these core services, such as education and health, are going to be funded through the Regional Growth Fund, we can see that $1.1 billion of funding for rural and regional schools, hospitals and other job-creating infrastructure is going to be gone in the first four years, so that is a real concern for us as well. If this is where health and education will be funded from, then we can see $1.1 billion being lost from rural schools, hospitals and other job-creation infrastructure. In the last four years more than $1.6 billion has been provided to regional health, education and other infrastructure, and that is more than three times the $500 million that the Baillieu government intends to invest in the next four years. We invested $1.6 billion in the last four years.

Under Labor Victoria had RIDF, which provided dedicated funds in addition to government programs such as building and upgrading rural and regional schools and hospitals. On top of funding to upgrade those rural and regional services, which are so vital and important, we had RIDF, which was dedicated to rural and regional Victoria. It was not for interface councils, not for people on the city fringes and not for growth areas. I know governments are under pressure to provide services and funding in the big growth corridors, but that is not rural and regional Victoria. RIDF was for rural and regional Victoria. We want to see the Regional Growth Fund being dedicated to rural and regional Victoria, and I am not convinced that that is the case.

I want to talk about concerns regarding the changes to Regional Development Victoria (RDV). Ms Tierney, Mr Drum and I all served on the Rural and Regional Committee in the last Parliament. The committee had a number of different references, some of which were highly contentious while on others — furious agreement is probably an overstatement — the committee was able to find some level of agreement. I know that one of the things every member of that committee would agree on is the feedback that we received about RDV, which sat within the Department of Innovation, Industry and Regional Development (DIIRD) but had its own executive officer and funding. It managed the RIDF and had a focus that was linked to industry and investment.

In all the submissions received and in all the evidence heard by the committee — and even as a rural and regional member of Parliament talking to councils, groups and businesses — one thing that we heard time and again was praise for RDV. The praise was not just for the unit within DIIRD, which was highly regarded and thought of, but also for the regional officers who were out on the ground working closely with communities. People, councils, industries and businesses in rural and regional Victoria valued the expertise, the advice and the way that RDV officers were able to link with industry, with innovation and with investment to make things happen on the ground. If they could not make things happen, they would be up-front and tell people what was doable and what was not. They were always known to play with a very straight bat and be extremely helpful.

My concern is that some of this will be lost with the move to the Department of Planning and Community Development and that the delegation of funds — and the bill provides for this — will be to the secretary of DPCD rather than to the chief executive officer of RDV. It is concerning that it has been moved into the department within the government that, whilst it is a very important department, deals with a whole range of grants and funding arrangements that are built around community, not around innovation and investment and certainly not issues associated with agriculture and

industry in regional Victoria. I am very concerned that the coalition's planned changes will kill off the very popular and highly successful Regional Development Victoria. I am also concerned that the economic focus of RDV has been stripped away and placed under the control of planning bureaucrats. I do not think that that is going to bring out the best in RDV. People in rural and regional Victoria will no longer have an agency dedicated to focusing on creating jobs in country Victoria. What we will see is just another layer of bureaucracy that is likely to further impact on, in a detrimental way, responsiveness to rural and regional communities. That is of real concern to me.

I would like to talk a little bit about the funding we provided through RIDF which focused on infrastructure and projects that ranged from world-class tourism, industry support and cultural facilities to transport links. I would hate to see that focus being taken away by the changes in this bill before us. I think that was a good and positive focus. I think RIDF was a terrific fund. I know it was very well regarded in rural and regional Victoria; I know RDV was as well. I am very concerned that the changes in the bill we have before us today will in fact be detrimental to rural and regional Victoria rather than positive.

Mr VINEY (Eastern Victoria) — There are a number of things I wish to say in looking at the coalition's Regional Growth Fund Bill 2011. The first thing is that this is very much a Clayton's plan — it is the plan you have when you do not actually have one.

Mr Koch interjected.

Mr VINEY — Mr Koch might laugh, but perhaps he might like to hear the rest of my contribution before he starts mocking me. This view is exposed by the fact that in the election campaign what The Nationals and their then opposition, now government, partner were doing was plugging holes. Any hole that came up, any little thing they wanted to say needed to be fixed, they announced they would fix through this great $1 billion Regional Growth Fund.

I think it might be time for a little bit of honesty in this debate. The government knows full well that in basic terms the $1 billion Regional Growth Fund over eight years is pretty much an equivalent amount of money to the funding the Labor government put into regional Victoria and announced as part of its blueprint for regional Victoria. It is roughly $640 million over five years and $1 billion over eight years. Within a small number of dollars there were fairly equivalent announcements from both sides of politics.

Mr Drum — About half.

Mr VINEY — No, not half, Mr Drum — $640 million over five years. I understand why Mr Drum's moniker was what it was when he was coach of the Fremantle Dockers football team and I will not repeat it now, but at least he should be able to do a little bit of basic arithmetic. The basic arithmetic is: $640 million over five years and $1 billion over eight years. Over the eight years it works out as somewhere equivalent.

What we know from the coalition is that over the period of the election campaign and immediately thereafter very many of their announcements were forecast out beyond the four years of this parliamentary term. Very many of them were forecast way beyond it. 'This will be done in our second term of office' was a common announcement from the coalition.

I welcome the fact that the coalition has found regional Victoria through this fund. I am very pleased that members of the new coalition government have discovered regional Victoria in a way that they did not when they were last in office. I acknowledge that and congratulate them on discovering regional Victoria. They have now decided that what the Labor government put in place in supporting regional Victoria was a worthwhile thing to do and that is worth supporting and continuing.

This is the coalition of parties whose members were elected on the basis of not supporting spin and ending it. The fact is that the Regional Growth Fund is effectively a rebadging of the funding that the Victorian Labor government was introducing consistently over its time in office and had projected forward in the regional blueprint.

Mr Koch interjected.

Mr VINEY — That is a fact, Mr Koch. You can pretend that it is not, but it is true.

Mr Koch interjected.

Mr VINEY — I well remember what the coalition did when they were last in office. I well remember also that it was the Labor government that had to undo a lot of that damage. It was the Labor government that brought back the trains to Bairnsdale; it was the Labor government that had to reinvest in the health system in Victoria; and it was the Labor government that had to invest in rebuilding all the hospital systems after the coalition closed 12 country hospitals when it was last in office. I remember those things.

Mr Koch interjected.

Mr VINEY — I know that it was the Labor government that put the $21 million community health building into the Latrobe Valley. I know that it was the Labor government that put nurses back into the regional hospitals of Victoria.

As Parliamentary Secretary for Health I was part of the program that reinvested in Rural Ambulance Victoria, now merged with the Metropolitan Ambulance Service. At the time Rural Ambulance Victoria had been decimated. I know that it was the Labor government that put in two-officer crewing, because I was parliamentary secretary when it did so. That affected country Victoria. It did not affect metropolitan services because there were not single-officer crews in metropolitan Melbourne; they were in country Victoria. I know it was a Labor government that did that, because at the time I was the parliamentary secretary responsible for its implementation. I know that it was a Labor government that rebuilt all those rural ambulance stations around Victoria. I know that it was a Labor government that rebuilt all the police stations in country Victoria.

Honourable members interjecting.

Mr VINEY — I can start listing them in my own electorate. I know that it was a Labor government that stopped closing country schools. It was a Labor government that put nurses back into our hospitals, that rebuilt our hospital system and that actually protected and saved residential aged care in country Victoria and in places such as Geelong. I know that it was not a Labor government that shut down the Grey Sisters centre. I know these things because I was part of that government.

Let us be honest in this debate. Congratulations to the coalition for getting on board with regional Victoria. That is great. I am pleased. I will give the coalition a tick. Its members should not come in here and start spinning about this being new investment in regional Victoria when they know the truth. They know full well that it was done by a Labor government that I have to say was led by John Brumby. Even in opposition John Brumby was saying, 'Regional Victoria and country Victoria need to be supported'. I know that because I was the pollster working with John Brumby at the time. I know that he was talking about things — —

Mr Ramsay interjected.

Mr VINEY — Mr Ramsay, you are an expert on nothing in this place, because you are so new you do not even know the procedures in this place. I know John Brumby started — —

Mr Koch interjected.

Mr VINEY — Mr Koch, I am perfectly happy to be held to account on my record when we were in government, and I will be interested in how we will hold you and your government to account if you happen to be in government for 11 years. I would bet that we would be able to compare the Labor government's commitment to regional Victoria very favourably compared to this government's commitment.

Let us be honest in this debate and recognise that an amount of funding equivalent to what the former Labor government had announced and had been providing to regional Victoria is planned for the Regional Growth Fund. There are a few differences, and I will get to those. But let us be honest. Yes, I give the coalition the tick for discovering regional Victoria, but John Brumby was talking about the needs of regional Victoria when I, as a pollster, was not even picking it up in the polling. We were not picking up in the polling that there was any unhappiness with the Kennett government in regional Victoria. John Brumby picked that up before any research picked it up, because he was out there listening to the people of regional Victoria. He knew what was happening out there and the level of unhappiness that people there felt. The coalition paid a big price in 1999 for the ignorance it demonstrated about regional Victoria.

I am more than happy to acknowledge that the coalition has found regional Victoria and has rebadged as the Regional Growth Fund what Labor was going to do. What disturbs me is that for every single hole the government finds and for every little thing it needs to fund, it finds the money. Today's announcement of $10 million for a jobs plan in response to all the work we have been doing in the Parliament regarding the need to invest in the Latrobe Valley sees the government suddenly find $10 million to put into the Latrobe Valley for employment. Where is that coming from? Is that from the Regional Growth Fund? What about the little projects you see in the coalition's announcement — for example, $20 000 for this recreation reserve or $1 million for the Hazelwood pondage or a whole range of little things? There are so many all across Victoria. That is how we know that 70 per cent of the fund has already been committed.

These are the issues we are concerned about in these funds. Yes, we are pleased the coalition is playing catch-up. I hope it is a sign that it will not do what it did

last time — that it will not close railway lines to East Gippsland and that it will not privatise hospitals as it did in the Latrobe Valley. The development of that private hospital was such a failure that the Labor government bought it back for $1. I hope the coalition has learnt those lessons. What I am concerned about is that this $1 billion fund is like a magic pudding. Every single thing the coalition needs to do comes out of the Regional Growth Fund. Every time it takes out a slice it is put back up to $1 billion. Not only that, but as new pressures develop on this government it says, 'We will use the Regional Growth Fund for that as well'.

That is exactly what has happened with the interface councils. I know because I have been representing interface councils, and they have been expressing concern about how they get access to what was the Regional Infrastructure Development Fund. They were concerned about that. Our response was to provide new and different funding for the interface councils. That was our response: to put the investment into those growth areas in the outer metropolitan fringe. But what has this new coalition government done? It has said, 'We've got another problem to fix; let's use the Regional Growth Fund. Here's another slice out of the magic pudding, and don't worry, it will all just come back in and be a full pudding again, and we can still keep dipping in'.

That is what is going on here. It is being used as a fund to cover all problems, instead of a government coming in, being prepared to make the hard decisions that need to be made, investing in the things that are critical, investing in the infrastructure that is critical for economic growth. We used the Regional Infrastructure Development Fund to leverage off other investment. We had over $200 million in the Regional Infrastructure Development Fund and we leveraged off somewhere around $700 million worth of other investments. That is the hard work of government.

Here we have a lazy coalition government that solves political problems by using a fund that sounds grand. A $1 billion fund does sound grand, but those of us who have been in government know how quick and how easy it is to spend $1 billion, particularly with major infrastructure.

What has happened is that the coalition has come in with no plan. As I said at the beginning, this is a Clayton's plan. This government has come in with no real substantive plan for regional Victoria, and it has said, 'Okay, when we've got no plan, let's create a $1 billion Regional Growth Fund for regional Victoria, and every time we've got a little problem, we'll drag it out of that fund'. At the same time it is emasculating Regional Development Victoria, taking away its economic growth function and taking away its jobs growth function, so we end up with a new system that is little more than a $1 billion political slush fund to prop up and to solve immediate problems. This is not good government. This is not good governance. This is poor governance.

Mr Koch — That's why you're over there!

Mr VINEY — That may be Mr Koch's view, and we will see where he is at the end of this parliamentary term. But if the coalition continues down this path of such poor governance, it will not be rewarded by the people of Victoria and it certainly will not be rewarded by the people of regional Victoria, because they expect serious plans, serious investment, serious jobs and economic growth, and they will not be getting it through this fund.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I would like to briefly make a couple of comments in reply before we move into committee, because I was advised last time by the chair of committees that it is more appropriate to make them at this time.

I, firstly, thank members for their contributions to this debate. Despite what has been said by some — and that content has differed between individuals in this debate — everyone has indicated that they are prepared to support this piece of legislation, so that is a really good starting point.

Members have asked for matters of detail. I can say honestly that during the committee stage on behalf of the government I will endeavour to answer all of those questions as accurately as possible. Some speakers have made their points of view with respect to the politics of regional growth funds or regional infrastructure development funds. Some have argued as to whether one system under the previous government was a better system or not. Those points have been made. The task of the committee is to explore those details and provide answers to the legitimate questions which members have indicated that they wish to raise or may raise during the course of the committee. All I can say is that I will not enter into the politics of any of those matters while the committee stage is in progress, but will endeavour to answer those to the best of my ability.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. P. R. HALL (Minister for Higher Education and Skills) — I seek leave from the committee to allow the Parliamentary Secretary for Regional Development, my colleague Mr Drum, to assist me at the table on this bill.

Leave granted.

Clause 1

Ms PULFORD (Western Victoria) — Is the minister able to confirm that the figure of $1 billion for the growth fund represents an eight-year commitment, and that this means around half will be provided in the first term and half in the second; therefore around $500 million will be provided in this term?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, I can confirm that this is a $1 billion regional growth fund. It represents an eight-year commitment, and $500 million will be made available to the fund in the current term of government.

Ms PULFORD (Western Victoria) — I thank the minister for that answer. Can the minister confirm that over the four years, again, approximately $300 million would be made available in the strategic projects stream and $200 million would be in the so-called local projects stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, I can confirm that. The two particular project streams to which the member has referred — strategic projects and local projects — are elaborated on during the course of the second-reading speech.

Ms PULFORD (Western Victoria) — By my calculations then, assuming a reasonably equitably proportioned allocation over the years and across the state, this would mean $75 million per year for strategic projects and $50 million per year for local projects. If shared equitably across five regions the figure would be of the order of $15 million for strategic projects and $10 million for local projects per region per year. Can the minister confirm that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, again I can confirm that the member is correct in her assumption about the allocation of those funds. The only thing I would say in respect of that is that in terms of the actual expenditure the timing of projects is dependent on the work that is required to bring those projects to fruition, so in terms of the allocation for those projects, yes, it will be proportionate in the terms the member has suggested. Depending on the timing and planning required for those projects there may be some variance as to when the actual expenditure takes place.

Ms PULFORD (Western Victoria) — On the local projects stream, is the minister able to confirm that the figure of $200 million over the first term, the first four years, would be divided into the two subprograms: $100 million would be allocated for the Putting Locals First Fund and $100 million for the local government infrastructure account?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Again the answer to that question is yes, I am happy to confirm that.

Ms PULFORD (Western Victoria) — Secondly, I believe the strategic project stream includes the $100 million program for natural gas that the government has announced. Regarding the $100 million that will provide natural gas to communities, will this be exclusively provided to communities that are listed in schedule 1 of the bill?

Hon. P. R. HALL (Minister for Higher Education and Skills) — That is an important question, so I need to spend a bit of time answering it. It is true that within the strategic stream of the Regional Growth Fund there is $100 million that has been allocated for Energy for Regions projects, and we expect that to go principally to the extension of natural gas projects.

There are certain provisions in the bill, which I am sure the member will be aware of, that allow for the consideration of geographical areas other than the 48 municipal districts and councils that are listed in the schedule of the bill. I say 'geographical areas' because there is a provision in clause 7 of the bill which allows for the making of regulations and enables a minister to prescribe a geographical area for the purpose of application and consideration for allocation of funds under the Regional Growth Fund. Warburton and Koo Wee Rup are two areas that have been mentioned by Minister Ryan as being areas that we would consider potentially appropriate for a funding allocation for assistance with a natural gas extension.

To the question of whether the $100 million will be totally spent within the 48 municipalities in schedule 1, the answer is that we expect that the majority will be spent in those 48 municipalities, but clause 7, which provides the regulation-making power, enables the minister to consider geographical areas outside of those 48 municipalities for a specific purpose. It is a very tight measure; it is not opening the floodgates for use of

a lot of funds in areas other than those 48 municipalities, but it does provide an important degree of flexibility where needs in what we would all consider to be regional areas of Victoria could be met by an allocation of funds for specific purposes.

Ms BROAD (Northern Victoria) — On the matter of the $100 million which has been committed to provide natural gas to communities, a number of areas have been mentioned. I could add to that number a number of communities in the region I represent, Northern Victoria Region. My question is: if a situation develops where, in order to meet all of the commitments that have been made in the lead-up to the election and since it turns out that more than $100 million is required to deliver on those commitments to the communities that have had their expectations raised about the provision of natural gas, would the government consider allocating in excess of $100 million from the fund in order to meet its commitments, or is the $100 million an absolute cap?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Regarding those situations, I do not believe that the figures given would be an absolute cap in any circumstances. I believe there is capacity within the Regional Growth Fund to enable all projects to be considered on their merit. If there was capacity in an unallocated section of the Regional Growth Fund and at the same time an allocation for a specific purpose was fully utilised, there is nothing under this act that would prevent consideration of additional funds for projects within a designated component of this fund that might otherwise be fully subscribed.

Ms TIERNEY (Western Victoria) — In response to the answer the minister provided to Ms Pulford's last question, I ask whether there is a mechanism that will be put in place to provide some assurance that particular or specific purposes will be red circled. In terms of expanding the boundaries into the interface areas, is there a guarantee that that would be the exception rather than the rule, and how would the minister define the exceptions?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am being honest about this. The 48 municipalities will be the prime beneficiaries of the Regional Growth Fund. Leave no doubt about that. We as a government saw the need to have some flexibility to allow for what most of us would reasonably consider regional areas of Victoria to be considered eligible for some allocation of funds under this particular program. There will not be any additions to the 48 municipalities, but there will be by regulation an ability for the minister to declare a geographical area that is part of a municipality other than the 48 described in the act to be included for funding application and consideration for specific projects.

The way that would be considered would certainly be on a case-by-case basis, and I would have thought that there are areas of the outer metropolitan fringe areas or interface areas — I use the term Ms Tierney used in her question — that one might reasonably describe as being metropolitan, regional or rural. So in those cases there would be an individual case-by-case consideration upon application. By way of a regulation the minister would designate an area to be inclusive for a particular purpose.

Mr BARBER (Northern Metropolitan) — I know it is not contained in the bill itself, but in terms of reporting where moneys come out of the fund — that is, where they are expended — where will that reporting occur? Is the reporting mechanism covered under some other act to do with financial reporting?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The respective projects that will receive funding under the Regional Growth Fund will be reported in the annual reports of the Department of Planning and Community Development (DPCD); also, as a requirement of the Financial Management Act 1994, they will appear as an item in the budget papers for that department.

Mr BARBER (Northern Metropolitan) — In the case of other entities within the trust fund, such as the money that comes from poker machines that is hypothecated to a particular purpose such as community grants, a list of the grants is not always reported, so how will we maintain scrutiny? Where will we go to find an item-by-item listing of everything that was funded out of this fund?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Barber has shared the experience I have had over a number of years of trying to find exact details on the total number of projects and the detail of those projects being funded under various funds. Indeed that is not always an easy task.

Beyond that which would be reported as part of an annual report of a department through DPCD and beyond the budget paper reporting required under the Financial Management Act 1994, if further detail is required by members, then the avenues available to them to pursue those matters are through forums like the Public Accounts and Estimates Committee and through asking questions in Parliament, including questions on notice.

If members want a more explicit list of those projects, I think it is fair and reasonable that they make that request. There is no secrecy in terms of how funding for projects is going to be undertaken. We want to be fully open and accountable with respect to this issue. I would have thought it would be fair and reasonable for any member, if the detailed listing of particular funded projects were not sufficient to meet their needs in terms of normal reporting requirements, to make a request to the minister and department.

I think Mr Barber used the analogy of the Community Support Fund. I concur with him that sometimes it has been difficult to find funding, but I do not want any member in the chamber to confuse Community Support Fund funding for projects with the Regional Growth Fund — it is a completely separate matter to this.

Mr BARBER (Northern Metropolitan) — During the second-reading debate quite a number of speakers said this program would be additional to existing programs and offered guarantees there will not be a cost shift from other programs into this program. How is the fund set up so as to make that guarantee?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is an important question. I want to confirm what a number of colleagues on my side of the house have indicated: this fund is not a replacement funding mechanism for infrastructure funding that would otherwise be part of the normal budgetary process. Comments made by the minister in the second-reading speech confirm that and make it abundantly clear that this fund will not be used as a replacement for general funding.

Particular provisions in clause 5 detail the purpose of the application of the fund. It sets out the criteria for the application of the fund. I understand the view that has been formed and suggested by members of Parliament — that is, that it might be possible to use this fund to replace normal departmental funding. But I think members need to read the comments of the minister, which would also be considered by the courts, about the intent of this fund and how it is structured. Clearly, without qualification, the minister has repeatedly said this fund will not be used to replace what should be rightly applied for in terms of normal departmental expenditure.

Mr BARBER (Northern Metropolitan) — What does that mean? Does it mean that if there is a grant program in another departmental line and a project someone puts up would be eligible to be funded from that grant program that then their project would be ineligible to be funded from the Regional Growth Fund because this fund is only for new spending that is not, as the minister said, normal in terms of other departmental spending?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It might help if I give the member an example from my own department. I have a responsibility for higher education and skills. For example, say I have a number of capital works needs within my department. I might go and have a discussion with my colleague the Deputy Premier, Peter Ryan, about a few specific capital works projects in TAFE institutions around regional Victoria and ask, 'Can I make an application to the Regional Growth Fund to fund those projects?'. He hesitates and then says, 'That is not the purpose; that should rightfully come from funding for departmental purposes'.

If I then spoke to him about assistance to provide a grant application for funding for regional university accommodation places where that application was used as leverage to support an application to the federal government for the construction of accommodation facilities at those regional universities — members will know which ones I am referring to — in that instance a component of the funding request to the Victorian government might be approved through the Regional Growth Fund because it would leverage a further funding stream from the federal government and at the same time achieve the intent of what the Regional Growth Fund is all about, which is providing infrastructure and economic development for the regions.

In one case it is quite clear — and I accept the decision — that I am not able to use the Regional Growth Fund for a purpose that should have been rightfully ascribed to departmental funding. In another case where assistance is being provided to the department for a piece of infrastructure and essentially economic growth, one could argue it is not directly part of my responsibility in the area of higher education and skills and a Regional Growth Fund application seems appropriate.

We could go through a lot of hypothetical situations or even particular situations. There is a degree of subjectivity at the end of the day about some of them — I will concede that — but that is an illustration of how I expect we as a government will apply the criteria and intent of regional growth funding for the purpose of improving infrastructure in regional Victoria.

Mr BARBER (Northern Metropolitan) — I am still struggling a bit with the concept of additionality. In that case, because it is the minister's job to fund capital

works on TAFEs, he, or presumably any TAFE institute, cannot apply to this fund because it is meant to come from another line; is that correct? That is more or less what I put to the minister in my original question. If there is another stream of funding for which the minister would be eligible to apply, then he will be ineligible to apply to this fund?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The member would like me to make a hard and fast, categorical ruling on this. One of the things that has been talked about in all of the contributions by members is the importance of having some flexibility in getting projects going. Too many times, no matter who is in government, we are stymied by the fact that a good idea does not fall neatly into one category or the other. You have to have a degree of flexibility.

I know there were some allegations — and I am not going to repeat them — by some colleagues on my side about the appropriateness or otherwise of the application of the Regional Infrastructure Development Fund (RIDF) to certain projects. We could pick up each one of those and debate the merit or otherwise of them. I do not think that is productive. What I am trying to say to the member is that I am not going to give him a hard and fast line and say that everything that could be funded out of a capital works project or an expenditure program of a department disqualifies that particular project from Regional Growth Fund applications. That defeats the ability of being flexible. I gave the example as a genuine attempt to illustrate for the member the types of projects that would qualify for Regional Growth Fund assistance as opposed to those that would not. I do not want to be hard and fast, because stymieing debate or being inflexible would defeat the good intent of the fund to provide infrastructure for regional Victoria.

Ms PULFORD (Western Victoria) — Further on this subject, the minister has given an example of normal departmental funding as it might occur in his own portfolio, and that has been helpful. What about a program like the Small Towns Development Fund or the Sustainable Small Towns Development Fund — one that is administered by Regional Development Victoria so it might be seen to come from the same part of government? Is the Regional Growth Fund in addition to a program like that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I will be specific here because I do not want what I am saying to apply to every other fund that might have existed and been used by the previous government. With the creation of the Regional Growth Fund my understanding is that the Small Towns Development Fund will be absorbed in part of the local stream of this regional growth funding mechanism. The Small Towns Development Fund will no longer exist, but projects that were previously funded under that stream will be included under the Regional Growth Fund local stream.

Mr BARBER (Northern Metropolitan) — I am just stuck on this concept of additionality. In my mind the budget is the budget. Unless you are raising a new tax or something and then hypothecating it into a fund, it is not really clear what is additional. Just today the Minister for Regional Cities, Denis Napthine, announced $200 000 worth of grants associated with flood-affected rivers and the restoration of navigational aids and safety signage for boating. The criteria include a need for: identification, marking or removal of hazards to navigation such as trees; replacement of boating safety signs and on-water navigation aids; and help to restore critical boat launching and car parking areas.

One could go for the same sort of funding from the recreational fishing licence component as well. Money is often spent out of the trust fund for hypothecated fishing licences to do things that will help people around boat ramps. Now there is this other fund, or this other allocation of money, that has just been created. If I apply to one and fail and apply to the other and fail, can I then apply to the Regional Growth Fund, or does the minister, as in the example given earlier by the minister at the table, turn around to me and say, 'No, those other funds are for those purposes; you cannot apply. This is only for other stuff that would not be funded in the normal allocations that departments have.'?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Many people try all sorts of different avenues to seek funding. I do not know the specifics of the example Mr Barber has just given, but again I can only repeat and say clearly that you have got to have a degree of flexibility. There may be some instances — I would not rule them out — where somebody might have applied in one area, come back and had another crack through another funding stream and had more luck through that stream for a whole variety of different reasons.

All I want to do in relation to that — I know it is not helpful, but I cannot give Mr Barber a categorical answer — is refer to a previous answer I gave him a couple of questions ago: there needs to be appropriate flexibility. I think most members have said that in their contributions today. I think whether this fund is being

used appropriately or not will be tested in a period of time. Therefore, going back to a previous question Mr Barber asked, having a consolidated list of those projects which have been funded through this program will assist members in forming their own opinions as to whether this fund has been appropriately used or not. I just want to say, finally, that it is certainly the commitment and the endeavour of the government to use this fund as has been intended in the commentary provided in the second-reading speech by the minister.

Mr BARBER (Northern Metropolitan) — The fund is very flexible; I have no doubt whatsoever that the fund is flexible. In fact if I took clause 5, put it on a website and said, 'These are the funding application criteria', everybody in the whole area would be chasing the minister, because it covers everything. I think the answer to our question is that the minister who will be responsible for the act will be the arbiter on whether a person is able to apply, in which case it is additional; or whether they would be better applying for a different fund; or, if they have applied for a different fund and failed, then they can apply for this fund, which represents a cost shift.

In any event, it is a logically impossible argument to make that it is additional, because it was just one dirty great big budget of $43 billion last year, I think. It is not as if there are even boundaries around different buckets of money, because in this case anything can come in and therefore anything could potentially be diverted off to a different funding application, because there are no criteria apart from geographic criteria. I do not think that leaves us anywhere in particular in terms of solving the arguments that seemed to rage during the second-reading debate.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have one piece of advice which may assist Mr Barber. There will be guidelines developed to assist in terms of applications under each of these project streams and different components of each of those streams. Those guidelines — which will establish a better idea of criteria; what will fit and what will not fit — will be developed as the program is launched when funding becomes available in July. Those guidelines will be public documents and will assist in an assessment as to the appropriateness of any applications and assist organisations in judging whether they might fit those criteria for funding.

Mr TEE (Eastern Metropolitan) — My question is on the guidelines: will they be publicly available, and will they be available before the funding commences in July?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, that is correct.

Mr TEE (Eastern Metropolitan) — I am trying to see whether there are any constraints and to understand what the minister is saying about flexibility. Taking Mr Barber's point, is there any intention that this funding might be used to supplement existing or other funding? An example has been given of a health provider or kindergarten that receives government funding and then might be able to access other funding in addition through this fund. Is that the sort of example that the Minister for Regional and Rural Development, Mr Ryan, has given? Would that be open under the fund?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In the example given, if it is for core funding for a kindergarten, which was one term that Mr Tee used, the answer to that question would be no. That would be inappropriate. The intent of this fund is not to supplement core funding or the operation of something like a kindergarten. However, if there was something like a leadership program in a region which adds value to an organisation without supplementing its core funding, then that is the sort of thing that would be considered appropriate for potential funding under this program. I want to rule out the core funding in the type of examples that Mr Tee gave: in those cases the answer would be no.

Ms PULFORD (Western Victoria) — Minister Hall talked a bit about normal departmental funding, and government members in particular talked about the billion-dollar fund being new and additional funding. I appreciate the minister's answer about the Small Towns Development Fund example. I note that he just referred to community leadership initiatives as another example. I also note that there are some 36 programs, including the Sustainable Small Towns Development Fund program and what was known as the Developing Regional Leaders program. I would like to spare us all from going through the other 34 programs line by line, but I suggest that a number of these programs that have been established for quite a number of years and might be considered the normal type of programs that the government provides support to in regional communities will be absorbed into the Regional Growth Fund. Could the minister comment on that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In relation to the Small Towns Development Fund program, I am advised that that fund is going to be part of the budget considerations, so what I said before — that it was going to be

absorbed — is apparently not quite accurate. That program is still open for budget consideration.

However, in terms of the general approach I would not be able to stand here, look members straight in the eye and say that every one of the 30 other programs is going to remain as such. In relation to whether or not those programs would have remained had there been no change to the Regional Infrastructure Development Fund, I do not think anyone could say that their ongoing presence was assured. Those sorts of programs are always subject to consideration and revision from time to time.

I think the important thing is that the Regional Growth Fund has the capacity to take over any funds that have been directed to regional Victoria in the past. As I said in my comments before going into committee, we all share the same aim, and where there are genuine needs in regional Victoria we will seek to meet those needs. Many of those needs are met through normal departmental program funding; others do not fit neatly into the bucket, so we look to the Community Support Fund or to the Regional Growth Fund, while previously we looked to the Regional Infrastructure Development Fund.

I am not in a position to comment on any number of specific programs that Ms Pulford might raise, but I want to give an assurance that there is capacity within the Regional Growth Fund to ensure that those services that are needed have the ability to access funding to continue.

Ms PULFORD (Western Victoria) — If a number of the programs that are funded in this financial year and that have been foreshadowed by the pre-election budget update in the forward estimates are to be absorbed, could the minister give an indication of how the government will proceed to determine which ones will continue and which ones will not — that is, which ones will be absorbed and which ones will not — because this question of a whole lot of programs being absorbed by the billion-dollar fund is pretty critical to us understanding this notion of additional and new funding.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think my answer will address Ms Pulford's question in that in relation to those programs which currently have a funding commitment from the Regional Infrastructure Development Fund, those commitments will be honoured.

Clause agreed to.

Clause 2

Ms PULFORD (Western Victoria) — Funding commitments have been announced against the Regional Growth Fund. During the second-reading debate government speakers indicated a commencement date of 1 July, while the bill says the commencement is upon proclamation, meaning funding commitments in the order of $17 million have already been announced from a fund that does not technically exist yet.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I suppose we are talking about a transition measure as we move from the Regional Infrastructure Development Fund to the Regional Growth Fund. As I said in my answer to the last question, the approvals that have been made for funding from the existing funds, even if the funds are not extended, will be honoured. Those approvals will be met from the existing RIDF funding programs.

The commitments the government has made will come from a budgetary allocation which will see $500 million for this particular program announced in the budget. Part of that will be $125 million for the next calendar year, and in the forward estimates there will be further announcements in relation to the next four-year period. A total of $500 million will be allocated for those commitments. Yes, the government's election commitments have signalled what we expect some, but not all, of that money will be put to. In a technical sense none of that money has been spent, but I would be the first to concede we have foreshadowed in our election commitments exactly where we want the money spent. Separate to the consideration of this bill, it has been indicated quite clearly by the government that those election commitments will be fully met.

Ms PULFORD (Western Victoria) — Just to clarify, when the minister says that the funds currently assigned to the Regional Infrastructure Development Fund will be preserved and any residual amounts will be rolled into the new fund, is he referring to funds throughout the period of the forward estimates, or is he referring to just the $47 million in this financial year plus money which has not yet been spent — that is, money that had been rolled in prior to this financial year for projects in train?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I understand it, one might argue there is something like $260 million or thereabouts flagged in the Regional Infrastructure Development Fund now. I understand that $47 million of that has been allocated to particular projects but has not been drawn upon because of the timing or commencement of those projects. I want to give a categorical assurance that that

$47 million that has been allocated to particular projects will be honoured and met and will not be absorbed, if you like, in the $500 million that will be allocated in the budget come 1 July. The $213 million is a forward estimate so is not money that has been designated to any particular project.

Like all budgets the new set of forward estimates will provide for $125 million, $125 million, $125 million and $125 million, and those figures will be inclusive of the $213 million that was part of the forward estimates under the previous government. To make it abundantly clear, we are looking at $500 million plus $47 million which will be allocated when the budget is handed down and commences from 1 July.

Mr TEE (Eastern Metropolitan) — Is the minister essentially saying that the $1 billion allocation over the two terms includes the $260 million minus the $47 million?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Members have argued, if not in this chamber this evening, then in the other place a fortnight ago, that there was around $260 million — in round figures — $213 million of which was provided as a forward estimate. Then $47 million of that $260 million was earmarked for and allocated to projects. It is expected that most of that $47 million will be unexpended because of the timing of those projects. What I am saying is that the $47 million will be honoured in its entirety and will not be part of, but in addition to, the $500 million to be allocated in the 1 July budget.

Mr TEE (Eastern Metropolitan) — It is not the $500 million that is allocated. It absorbs that $260 million minus $47 million, or $223 million. It is not putting it the other way around. It is not as though we are starting off with $500 million plus the $223 million in funding. It is a net amount of $500 million.

Ms TIERNEY (Western Victoria) — I seek a point of clarification. In terms of the recent announcement of $7 million for the regional community health hub at Deakin University and the $10.2 million for student accommodation, is that part of the $47 million?

Mr Leane — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I wish to confirm to Ms Tierney that the following three projects will be funded out of the $47 million carryover, if you like, of existing funds in the Regional Infrastructure Development Fund: $5 million that was announced by the Minister for Regional and Rural Development, Mr Ryan, in support of the federal government application for accommodation beds in Ballarat; the $10.275 million, which was the Victorian contribution announced towards the application for Deakin University beds; and the $7 million that I announced a week ago on behalf of Mr Ryan for the health facility at Deakin University. These commitments will be honoured and met because they form part of the $47 million of allocated funding.

Clause agreed to.

Clause 3

Mr SCHEFFER (Eastern Victoria) — Deputy President, I seek your guidance initially. I want to raise some matters in relation to the prescribed geographical areas. The term appears in the bill under 'Definitions', but it is also in clause 7 under 'Regulations'. Would you prefer it be picked up now or later under clause 7?

The DEPUTY PRESIDENT — Order! Clause 7 is the substantial clause in relation to geographical areas, but to an extent it depends on the nature of the issue that Mr Scheffer wishes to raise or the question he wishes to ask of the minister in the sense that if it relates to clause 3(2), which refers to 'any other geographical area prescribed by the regulations', then it may be relevant to raise it at this point. It depends on what Mr Scheffer wishes to ask.

Mr SCHEFFER (Eastern Victoria) — The matter I want to raise is that the minister referred to guidelines, which I take it are the regulations as stipulated in the bill. I want to ask him to share with us what some of the policy underpinnings are that will inform the drafting of those guidelines.

The DEPUTY PRESIDENT — Order! I call the minister to help with clarification of this.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Perhaps to assist, when I spoke about the guidelines before, I meant guidelines will be developed that will set a criteria around each of the different categories of application. As we know, there is a strategic stream and there is a local stream, and there are divisions within those as to what might qualify a project under a local stream, local government infrastructure or the Putting Locals First Fund. That is the area in which guidelines will be developed to assess the suitability of applications under each of those streams.

Set apart from that are geographical areas. The definition of geographical areas and subsequent clauses provide for an expansion beyond the 48 prescribed local government areas in which an application might be made. The guidelines and geographical areas are really two separate components.

The DEPUTY PRESIDENT — Order! I think to help with the facilitation of the consideration of the bill I will divide this into two areas. I would rather do the broadbrush issues, if you like, in relation to policies and underpinnings at this stage, and then if members wish to pursue what that might mean in terms of detail or examples or whatever, we will deal with that in clause 7 if that is acceptable to the minister. Is he happy with that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, fine.

The DEPUTY PRESIDENT — Order! Is there anything further in terms of the things Mr Scheffer raised — the policy underpinnings or the broad policy applications for the guidelines? If there are any issues in relation to that, we will deal with them now.

Mr SCHEFFER (Eastern Victoria) — I will have a go at it, and the Chair can rule it out if he thinks it is not in accordance with what we are doing.

I appreciate the explanation by the minister of the separation between guidelines and the regulation that would permit a geographical area to be prescribed. In the account that he has given so far, I did not hear that kind of clarity. That is why my question may range across the two concepts. The minister said in his previous presentations that the 48 shires are — I think this was the term used — the prime beneficiaries, and then he talked about the $100 million for natural gas. He instanced Warburton and Koo Wee Rup. The minister then said that on the one hand there would be strict criteria and on the other hand it would be case by case. Mr Hall said he did not want to close off good ideas, and then he talked about a bit of subjectivity in them — and that is the area I am talking about.

My question is: when the government decided on this course of action of going beyond the 48 councils and entering into those parts of the interface councils that were like regional areas, what was the thinking behind that? What is the policy approach that would enable the government to then set up a set of criteria to make that decision? Is it that they are project generated or that it would map out an area first because it had certain characteristics? That is the policy background I am interested in.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is a good question, but as Mr Scheffer would know, given that we share an electorate, we both have municipalities where parts of those municipalities are heavily populated and are the beneficiaries of services that are available to people who in large part live in metropolitan areas, whereas there are other parts of those municipalities which are clearly rural in nature and do not have some of those services. We could all think of municipalities where parts of them fit that criteria. That is why we believe there needs to be that level of flexibility.

In terms of making a decision whether to introduce a regulation to allow for a geographical area outside of those 48 shires, I make it clear that I was not talking about developing policy plans for those areas. Clearly the minister would make a judgement on the merits of the application as to whether they appropriately fit within the intent of the Regional Growth Fund Bill 2011. The minister would make that decision.

The other point I want to make in respect of this is that there might be areas within municipalities other than the 48 which pipeline easements may need to traverse to get to areas of a more rural nature. So it is that there would be a necessity to prescribe by regulation some of those areas other than the 48 municipalities purely for the easements to place that sort of infrastructure there.

In terms of guidelines and this provision about geographical areas, again I say they are quite discrete in terms of their application. I hope that my answer will give Mr Scheffer some further idea of what we mean and how the minister would apply the particular provision in clause 7 as defined in clause 3.

Mr SCHEFFER (Eastern Victoria) — Actually it does not. I understand Mr Hall has instanced the pipeline and talked about easements, and he has said that, yes, there are areas that are analogous to regional areas. What kinds of projects does he have in mind that are infrastructure projects that relate to the rural parts of interface councils that, in his thinking of shifting it in this way, are informing this process? I do not have a grip on what that is.

What I am worried about is Mr Hall's use of language earlier when he said 'a good idea', 'a bit of subjectivity' and 'a bit of flexibility' and that it can be anything and everything. That is what I am grappling with. I know we cannot pin down every single contingency, but it seems that the way the minister is responding to this is not sufficiently rigorous to merit the investment that we are looking at.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think the two examples I gave were fairly clear. I talked about the natural gas extension in Koo Wee Rup, part of the Cardinia shire, and I am sure the member and I would both agree on that. It is the same with Warburton, part of the Yarra Ranges shire. Part of that shire is heavily populated and has access to many of the services that are available to others who live in metropolitan areas. They were the two examples I cited where we as a government believe there is justification in applying the provisions of flexibility that clause 7 and this definition give to enable them to benefit, we think quite fairly and rightly, from provisions within this fund.

Ms PULFORD (Western Victoria) — The minister has given some very specific examples about some towns that come under the natural gas extension program. Is it his expectation that interface councils will have the capacity to access funds from the strategic projects stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — They would qualify under the circumstances I have been describing and giving an example of. The member talks about interface councils. This bill talks about giving exceptions to the 48 municipalities by describing them as additional geographic areas, so I want to try to stick to the terms used in this piece of legislation.

In terms of whether they would qualify, they would qualify in certain instances. My colleague Mr Drum reminds me that cattle underpasses is a classic example. Parts of some of those municipalities that we might generally describe as interface councils — for example, where dairy farming takes place — are not part of the 48. Again, that is a very important piece of infrastructure. There could be instances with farmers who share boundaries where one might qualify for assistance for a cattle underpass while others do not, and that seems to be inappropriate. I mention cattle underpasses because I think it was one of the initiatives of the previous government. It was the first government to introduce some funding for that, so it was a good initiative. We are happy to say that is another example of the sort of infrastructure that may well be provided by having flexibility in relation to provisions about gazetting geographical areas other than the 48 municipalities as applies in the process described in clause 7.

Ms PULFORD (Western Victoria) — Are there circumstances in which interface councils could have access to the local projects stream of the Regional Growth Fund?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that the answer to that question is no.

Mr SCHEFFER (Eastern Victoria) — I have one further question about something that is still niggling at me. What is behind all of this is the elephant in the room which has been mentioned in the second-reading debate, and that is the Regional Growth Fund of the former commonwealth government and the consternation that caused. We talked in the second-reading debate about how the Australian National Audit Office found that that project fell short in terms of processes. I recall the words of the minister earlier about a bit of subjectivity and so forth, and that is the nub of what is bothering me. I would hate to see Victoria fall into a situation like that.

The examples the minister mentioned earlier, to be blunt, were in a Liberal area: the seat of Bass in the Assembly. What I want is an assurance that the criteria the government is developing, the guidelines the minister is working through and the regulations will guarantee that there will be equity and funding on the basis of the need for the project for the economic and infrastructure developments of the entire state.

Hon. P. R. HALL (Minister for Higher Education and Skills) — There are two other areas that I think might be helpful in hopefully providing Mr Scheffer with at least some degree of comfort. Firstly, I refer to clause 10 in part 5 of the bill, which substitutes new sections 11, 12, 13 and 14 into the act and talks about the Regional Policy Advisory Committee. The committee is going to be established to provide advice to the minister in this; it is not just going to be the minister who suddenly pulls in every project at his whim. There is going to be input to this strategic stream of funding, in particular from the Regional Policy Advisory Committee, and I think that is a useful mechanism to assist the minister in delivering his responsibilities appropriately.

On top of that I want to say to Mr Scheffer that I think we have a good watchdog in Victoria in the Auditor-General, and I am sure he would want to have a good look at the application of this legislation.

Ms Darveniza — We will quote that one back to you.

Hon. P. R. HALL — No, he is; he is a very good watchdog. Nice people have filled that role over a number of years.

Mr Scheffer — You might need to get rid of him again.

Hon. P. R. HALL — No. I have seen a few here, and they have all been nice gentlemen. I respect those people for what they have done for the people of Victoria. That is also a mechanism by which accountability can be achieved.

Mr TEE (Eastern Metropolitan) — Just on the geographical area prescribed, did I hear the minister correctly earlier on when he said he would not be adding new councils, that he would be looking at particular regions or areas and whether something could simply be a project base? For example, if he says a project is a good idea in a particular town that is not part of the schedule, he could then frame the regulations effectively around that project, as it were?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Tee is exactly right. There will not be any municipalities added to the current 48, but the regulation-making power will enable additional areas, for specific purposes, to be included for eligibility for application for project funding under this fund.

Mr TEE (Eastern Metropolitan) — The other concern I have is that it would effectively allow a regulation to be created which would make any area, regional or otherwise, a designated area for this purpose. There is nothing else in the bill that I missed that provides a degree of comfort in terms of the breadth of this power and the capacity for a regulation to provide for any part of the state — regional, rural or otherwise — designated as regional Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My understanding is that it will operate in this way: if it is that certain parishes of the shire of Cardinia, for example, were looking at putting in cattle underpasses, then a regulation could be made to prescribe those particular parishes for the purposes of the Regional Growth Fund as being eligible for application for the infrastructure of cattle underpasses.

I just want to say that in terms of geographical areas and regulation making, it is not just for geographical areas but for a particular purpose. It is going to be used in a defined way. It is not that suddenly there is going to be an open-ended declaration of certain areas of certain municipalities for any purpose whatsoever; it is going to be a process by which there will be fairly tight application of this provision.

Business interrupted pursuant to standing orders.

The President resumed the Chair.

Hon. D. M. DAVIS (Minister for Health) — I move:

That the sitting be extended.

House divided on motion:

Ayes, 21

Atkinson, Mr	Koch, Mr
Coote, Mrs (*Teller*)	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Noes, 19

Barber, Mr	Pakula, Mr
Broad, Ms (*Teller*)	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms (*Teller*)
Lenders, Mr	Viney, Mr
Mikakos, Ms	

Motion agreed to.

Committee

Resumed.

The DEPUTY PRESIDENT — Order! I remind the committee that we are discussing the Regional Growth Fund Bill 2011, and we are on clause 3. I believe Mr Tee was about to have the call.

Mr LENDERS (Southern Metropolitan) — I move:

That progress be reported.

In doing so I will speak about the motion that the previous standing order did not allow us to speak about. I move to report progress, because the staff of this place started work at 8 o'clock this morning — that is 14 hours ago — and if we were not in the parliamentary precinct, it would probably be against the law of the state of Victoria.

In addition, we had a discussion at the end of the last sitting week about how inappropriate it is to have no information from the government about its intentions. Members on this side of the house believe we still have to pass, before the government will let the staff go home: the Justice Legislation Amendment Bill 2011; the Education and Training Reform Amendment (School Safety) Bill 2010; the Country Fire Authority Amendment (Volunteer Charter) Bill 2011; and the Victoria Law Foundation Amendment Bill 2011. We

understand that we also need to complete debate on the Victorian families statement and the Victorian Ombudsman's reports and deal with some by-leave motions concerning appointments to parliamentary committees.

From the perspective of the Labor Party this is about as antiworker and as arrogant as it gets. We have staff who have been here since 8 o'clock in the morning. Forget the MPs and forget whether we have judgement at this hour to deal with all of these pieces of legislation, but let us talk about the staff in this place who have been here since 8.00 a.m. If we believe what the Leader of the Government and manager of government business has advised us, we will be here until the sun comes up — if not longer — when we have the option under our standing orders to come back during daylight. This is not a filibuster. I have said what I have to say, and I move that we report progress so that we can let the staff go home and come back in daylight.

The DEPUTY PRESIDENT — Order! I advise the committee that this is now a procedural motion. Members will see on the clock that each speaker has 5 minutes. The total debate is 30 minutes, with 26½ minutes remaining.

Hon. D. M. DAVIS (Minister for Health) — The government will oppose this motion. This clearly is a filibuster. The extension of the sitting is laid out very clearly in the standing orders, which were agreed to by this Parliament. Let us be quite clear about that.

The Leader of the Opposition has sought to use a procedure to filibuster, to fill in time and to try to look for a proxy debate. There is no question that what is going on here is a filibuster, and the government is determined to pass its legislation. We are not going to gag debate, but we will allow the chamber to debate the bill as is necessary and then we will pass this piece of legislation. If sensible suggestions are made by the opposition, the government will look at those suggestions constructively, but to date there have not been any such suggestions.

Mr Lenders — You weren't here to listen!

Hon. D. M. DAVIS — I was listening quite intently in my office during much of the debate. It is true that I do not have carriage of this bill, but while I have not heard every word, I have heard most of it. I make the point that the opposition is clearly engaging in a filibuster here. The opposition is determined to trash sensible processes in the Parliament and use every attempt it can to frustrate the passage of the important Regional Growth Fund Bill 2011. The opposition hates the idea that the bill might be passed in this Parliament.

Honourable members interjecting.

Hon. D. M. DAVIS — Not quite. My point is that the government will allow the debate to proceed and will listen intently to what the opposition and the Greens party have to say and the points they make. The minister has been very reasonable in the way he has taken on board and responded to all of these points. He has made a sensible response, and up to this point the debate has been very logical. But it is clear that the opposition is determined to filibuster and abuse the parliamentary processes, and it is doing so because it is angry and vicious about the idea that the Regional Growth Fund Bill 2011 might be passed in this Parliament in the first term of the Baillieu government. I suggest that the opposition work cooperatively and make sensible suggestions, and we will proceed — —

The DEPUTY PRESIDENT — Order! Mr Davis's contribution needs to stay in accord with the standing orders in relation to procedural debate, and he was moving a long way from them. Has Mr Davis completed his contribution?

Hon. D. M. DAVIS — On the point made by the Deputy President, I was responding to the commentary by the Leader of the Opposition.

The DEPUTY PRESIDENT — Order! That sounds awfully like Mr Davis is challenging my ruling, and that will not be tolerated. I am giving Mr Davis some guidance. Has he completed his contribution?

Hon. D. M. DAVIS — Indeed, Deputy President.

Mr BARBER (Northern Metropolitan) — The government indicated just then that this is all a matter of the Regional Growth Fund Bill 2011 and suggested that a tactic is under way to prevent this particular bill from being passed, but if we put it together with the procedural motion we had a moment ago and some of the other discussions that have been had around here, that is not an indication from the government that we are going to finish up when we finish this bill. There are in fact nine other items on the notice paper. Continuing on from here we go to the Justice Legislation Amendment Bill 2011, the Country Fire Authority Amendment (Volunteer Charter) Bill 2011, the Education and Training Reform Amendment (School Safety) Bill 2010, the Victoria Law Foundation Amendment Bill 2011, the 2011 Victorian Families Statement and the Ombudsman's reports 2011.

As far as we know we will be here until we have done all of those items too. We have not had any indication from government members otherwise, at least not in the most recent contribution. It could be that they just want to do three more bills tonight and tomorrow morning, but without an indication it is pretty hard for either side to prosecute this case. If I can take what the government said a moment earlier to be an indication that it wants to finish this very important bill this week, then that is different and more than we have heard from the government up until now.

Hon. M. J. GUY (Minister for Planning) — This filibuster from the Labor Party is really quite extreme when you consider the language from the Leader of the Opposition when he got up before to say that this is an antiworker move on the part of the government to pass an important bill that this government acknowledges and says is important for regional Victoria.

What is important to note is the fact that the Leader of the Opposition says this is an antiworker and arrogant move, and yet in the last four years there would have been half a dozen times when the same man as the Leader of the Government sat on this side of the chamber and had us sitting late in this chamber and until nearly 4.00 a.m. on one or two of those occasions. The same man gets up four years later and behaves like a spoilt, petulant child who has had his toy taken from him. He now sits in opposition where he deserves to sit. His spoilt, arrogant, petulant behaviour — —

The DEPUTY PRESIDENT — Order! That is enough! Mr Guy will sit down. If he wishes to use this opportunity as a means for abuse, it will not be tolerated. I am happy for Mr Guy to make a contribution on the procedural motion before the Chair.

Hon. M. J. GUY — As you know, Chair, when the Leader of the Opposition began his contribution he talked about the arrogance of the government wanting to sit late. I make the point that arrogance is one person walking into this chamber and claiming that people on this side are somehow abusive or antiworker or acting arrogantly when the same government — the Brumby government, led by the man who made that speech — had this chamber sitting half a dozen times after midnight. The same people who claim that this government is antiworker — —

Mr Leane interjected.

The DEPUTY PRESIDENT — Order! Mr Leane! That is enough.

Hon. M. J. GUY — The same petulant people who come into this chamber and accuse the government of being arrogant are the same people who less than 12 months ago had this chamber sitting until 3.00 in the morning, so what has changed?

Mr Leane interjected.

Hon. M. J. GUY — We sat there, Mr Leane. We sat there till 3.00 in the morning, and now the same people — the same children who have had their toys taken from them; the same children who find themselves in opposition — in particular the opposition leader with his disgraceful petulant behaviour — —

The DEPUTY PRESIDENT — Order! I have warned Mr Guy that that is enough. If he does that one more time, I will stop hearing him.

Hon. M. J. GUY — The disgraceful behaviour from the Leader of the Opposition and the opposition since the election and the appalling way in which the opposition has behaved clearly show that they just cannot accept the verdict of the Victorian people. They cannot accept that they lost the election. They are now realising that they lost the election, and overnight they have entirely changed their attitude to the parliamentary staff. All of a sudden — and let every member of the parliamentary staff hear this — the same people in the Labor Party who had the staff working here till 4.00 a.m. have run out and said, 'We are your friends now; we will defend your rights'. They defended no-one's rights when we sat in this chamber until 3.00 a.m. and 4.00 a.m., and half a dozen times post midnight. There is a very clear point here — that is, Labor cannot accept it lost the election. Labor cannot accept — —

The DEPUTY PRESIDENT — Order! That is not relevant to the procedural debate.

Hon. M. J. GUY — What is relevant to the Victorian people and to this procedural motion is that the Leader of the Opposition in his opening remarks talked about hypocrisy. He talked about the arrogance of a government in sitting after 10.00 p.m., but when he was in government — and he led that government — he did exactly the same thing. I submit to you, Chair, that this filibuster is a joke and the Labor Party is a joke. Its members deserve to be in opposition, and we will pass this bill.

Ms BROAD (Northern Victoria) — Firstly, I wish to speak to this procedural motion and endorse the Leader of the Opposition's concern for the health and welfare of staff in this place.

Secondly, I advise some members on the other side to talk to some of their own members on their own side. In

particular I refer to a member on their own side, who I will not name, who just last night was expressing concern about sitting past 8 o'clock in committees. I think there is an issue about the health and welfare of members on the government side of the house that they might care to reflect upon and talk to their own members about.

Thirdly, the facts — for which Mr Guy has scant regard — are that when Labor was in government it did not sit past 12 o'clock on any occasion, except on one bill which required a conscience vote. That was the only time in 11 years that the house ever sat past 12 o'clock. To be charitable about it, Mr Guy has misled the house.

Fourthly, the accusation, which I wish to refute, is that the opposition is opposing this bill.

Hon. M. J. Guy interjected.

The DEPUTY PRESIDENT — Order! That is enough! Mr Guy has made his contribution, and I ask him to hold back a little.

Ms BROAD — The opposition is on the record as stating that it does not oppose the bill. That is unlike the circumstances in 1999 when the legislation that this bill will change, which was put in place by a Labor government within the first months of being elected, was opposed. There are members of both The Nationals and the Liberal Party now sitting on the government side of the house who voted against the bill to establish the Regional Infrastructure Development Fund. If members want to talk about democracy, they should step right up, because those on the government side of the house voted against the establishment of RIDF.

The DEPUTY PRESIDENT — Order! That is not on the procedural motion. Ms Broad will come back to the motion.

Ms BROAD — That is not the position of the opposition. We have put on the record that we will not oppose this bill and that our motives are simply to scrutinise the bill to ensure that we have the necessary information for our constituents. Members on the government side of the house might like to examine, as I did just a moment ago, what happened in 1999 during the committee stage of the RIDF bill.

The DEPUTY PRESIDENT — Order! I do not want Ms Broad transgressing the terms of the procedural motion and going onto other matters.

Ms BROAD — Thank you, Chair.

Mr P. DAVIS (Eastern Victoria) — I have listened carefully to the procedural debate, and for the most part I was listening carefully to the committee stage and the second-reading debate. There are three points I wish to make. Firstly, this is a procedural debate about the committee reporting progress and, if we accept the point that the Leader of the Opposition made, adjourning until tomorrow. That is what this debate is about. It is not about all the peripheral stuff that has been raised, and I will respond to some of that in a moment.

In terms of procedure, the government has chosen to adopt a procedure for dealing with this bill, and potentially with other bills yet to be considered, that reflects the importance of timeliness to the government. It has been made clear to the house that the government intends to pursue discussion of the bills and seek the assent of the house to have them passed. That is entirely in order and is consistent with the standing orders adopted for this parliamentary term by this house in the preceding Parliament. The interesting thing is that these standing orders were advocated by the very person who is now trying to filibuster and adjourn this debate. The fact is that the standing orders are the standing orders under which the house operates. The Leader of the Opposition was an advocate for them, and the government now is — surprise, surprise — exercising its option under the standing orders to ensure that there is proper debate on this legislation. That is the first point.

The second thing is that I heard the Leader of the Opposition, in making his case, suggest that the Leader of the Government had not been attentive to the debate in this chamber. I remind the Leader of the Opposition that I was having a coffee at Strangers Corridor at the time that he, an hour after the dinner break, left to come back into the house to listen to the debate. Talk about the pot calling the kettle black! You need to be consistent in this debate. If you are going to accuse a member of not listening to the debate, you had better have regard to your own behaviour.

The third point I will make is that Ms Broad tried to make a case that in the 11 years of Labor running this chamber this house only ever sat once after midnight to deal with an issue of substance. I recall that Ms Broad was elected at the change of government in 1999. I also recall that she was the energy minister who presided over the first blackouts in a decade — —

The DEPUTY PRESIDENT — Order! Mr Davis should come back to the procedural motion.

Mr P. DAVIS — My point in response to Ms Broad is that on the occasion we sat after midnight it was to consider the blackouts that she presided over!

The DEPUTY PRESIDENT — Order! Mr Davis opened his own remarks by saying this was a narrow debate, and he was quite correct. I ask that he return to the narrow debate on the procedural matter. I directed Ms Broad in the same way, to not canvass matters from 1999, and I ask Mr Davis to do the same.

Mr P. DAVIS — It is a matter of record that Ms Broad was the energy minister at a time when we sat after midnight. I conclude my remarks by saying it is consistent with the standing orders for the house to further consider this bill this evening. I see no great drama in that. There is no precedent being set. It has been done before. It is important because there has been a filibuster here today by the opposition. I agree with the view that has been expressed in here that without the government indicating its clear intention to see the bill properly considered then that filibuster would ensure that this bill was not passed today. The government has made it clear it intends to pass the bill but it will have an open and transparent process in doing so. Frankly, members of the opposition and members of the Greens are invited, during the course of the debate, to explore and examine every issue to do with this bill. However, ultimately it will be put to a vote and I would welcome that vote occurring sooner or later.

Hon. M. P. PAKULA (Western Metropolitan) — Like Mr Davis I wish to make a couple of brief points and remain on the point of the motion. It is really not a matter on which I intended to speak but I feel obliged to, given some of the remarks made by Mr David Davis and Mr Matthew Guy. Mr Guy spent a large part of his 5 minutes claiming that the opposition has somehow not accepted the verdict of the Victorian people. My query is: what is his evidence for that?

Hon. M. J. Guy interjected.

The DEPUTY PRESIDENT — Order! Interjections are disorderly. They are particularly disorderly when the minister is not in his place.

Hon. M. P. PAKULA — I will endeavour to conduct myself without getting up to the decibel levels of Mr Guy. The evidence for Mr Guy's claims seems to be that the opposition has had the temerity to ask the government questions about this bill in committee. That seems to be the evidence for Mr Guy's claim — that we somehow do not accept the verdict of the Victorian people. I would have thought that Mr Guy of all people would accept that it is the job of the opposition to scrutinise legislation and scrutinise it thoroughly. If that means that we have to have a committee stage that runs for 1, 2 or 3 hours, it is perfectly appropriate and reasonable.

The second claim I wish to deal with quickly is the one espoused by Mr David Davis, Mr Philip Davis and Mr Guy that somehow the opposition is engaged in a filibuster on this bill. The only reason this looks like a filibuster is that it is 10.30 at night. In reality the second-reading debate went for about 90 minutes. For all of the pieces of legislation that I have been in this chamber for over a period of four years and five months, a 90-minute second-reading debate would be a filibuster in nobody's terms. The committee stage has been going for around 90 minutes. We have been in lots of committee stages that have gone for a lot longer than 90 minutes over the last four and a half years. So for the government to claim that the opposition is somehow engaged in a filibuster when we have a second-reading debate which went for an hour and a half, when we have been in a committee stage which has gone for an hour and a half, is just an outrageous claim.

The third and final point I wish to deal with is Mr David Davis's claim in particular that somehow the opposition is seeking to frustrate the passage of this bill via this supposed filibuster.

The only point the opposition makes in its procedural motion and the motion we opposed at 10.00 p.m. is not that this debate should be held over for a month or three or six months, but until tomorrow. While the government says it requires this legislation to be passed, no member of the government has made the case for why passing it at 3 o'clock in the morning is any more important for the ultimate operation of this legislation than passing it at 11 o'clock tomorrow morning or at 12 o'clock tomorrow. For the government to claim that there is a filibuster, that the opposition is seeking to frustrate the passage of this bill or that it has somehow failed to accept the verdict of the Victorian people is just utter nonsense.

The opposition makes only one point, and in that we are making it clear that we are not opposing this bill. That point is that this debate can easily occur tomorrow. While Mr Philip Davis says there is nothing contrary to the standing orders in what is going on, I do not think anybody is having that debate with him. I do not think anybody has stood up and said that what is occurring is contrary to the standing orders. Opposition members are simply making the point that for the health and wellbeing of all of us, including the staff and members of this house, no good reason has been proffered as to why this debate cannot occur tomorrow.

Mr FINN (Western Metropolitan) — I came into this Parliament in 1992, as did Mr Davis. I am sure he will remember — and I am sure the President, if he is listening in his room, will remember — only too well the first three sitting weeks of that Parliament when we sat for I think an average of 20 hours a day. Those members of the staff who were here at the time will never forget those days.

I often thought, sitting in the Parliament at 4 or 5 o'clock in the morning, just how ridiculous that was. I have often thought that we get carried away with ourselves in this place, but I have to say that tonight all logic seems to have gone out the window. Here we have opposition members saying, 'We want to go home! We need our sleep!'. They need their beauty sleep; I am not arguing with that for a moment.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Finn should stay on the procedural motion. This is not the Comedy Theatre.

Mr FINN — No. I am not laughing, Mr Chairman; I hope you are not laughing either. The point I am making is that here we have an opposition whose members are saying, 'We need to go home. We want to get out of here'. So what do they do? They get up and debate this, to put the debate, the committee stage and the vote back for another half an hour, so instead of getting out of here at 2.30 or 3 o'clock tomorrow morning, we are going to be here until 3.30 or perhaps 4 o'clock. If that is logical and common-sense behaviour, I just do not understand the thought processes behind it.

The government made its position clear on Tuesday. We came in here and we told the opposition, 'We need these bills passed this week'. What did opposition members do? They started a talkfest on Tuesday afternoon. It was so important that I cannot even remember what it was about. They started a talkfest so that we could not get any legislation through on Tuesday afternoon. Here we are at 10.35 on Thursday night. We are here because the opposition and the Greens could not control themselves on Tuesday afternoon.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! We will complete this procedural debate a lot more efficiently if people show just a little more decorum in the chamber.

Mr FINN — Taking those matters into consideration, you would have to say that the logic on display here tonight is absolutely zero. I should point out to those members of the opposition who say we should be back here tomorrow to debate and vote on these bills that tomorrow is a very important day in the history of Victoria, because tomorrow the new Governor is being sworn in. I suppose, being the Republicans that they are, they would not accord that the importance it is due. I believe as many members of Parliament as possible should be given the opportunity to be there. Obviously we will not be able to be at Government House for the swearing in of the Governor if we are all here doing what we can just as easily do now. Stop the nonsense. Let us get on with the job. We know what we have to do. Let us pull up our sleeves, get on with it and get the job done.

Mr LEANE (Eastern Metropolitan) — In the couple of minutes I have, I put on the record that the Opposition Whip and the Greens Whip have not indicated that there is any change of plans to finish item 6 on the list of orders of the day. There has been no indication by the government that there has been any change of plans. If there has been any change of plans — —

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

Committee divided on motion:

Ayes, 19

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr (*Teller*)
Elasmar, Mr (*Teller*)	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Mikakos, Ms	

Noes, 21

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Motion negatived.

The DEPUTY PRESIDENT — Order! Are there any further questions or contributions on clause 3?

Ms PULFORD (Western Victoria) — If we had all had a bit more sleep, holding our train of thought through that procedural debate would have been a simpler thing, but let me try to pick up where we were

before we decided to do the graveyard shift on this. The minister was providing an example of a theoretical or possible worthy project for consideration for funding from the Regional Growth Fund in the strategic project stream, and he said that is something the government would consider.

There are a number of municipalities that I know are interested in getting some clarification around the question of who is in and who is out in relation to the urban-rural interface. I ask the minister to confirm that Melton Shire Council, Wyndham City Council, Cardinia Shire Council, Hume City Council, Whittlesea City Council, Mornington Peninsula Shire Council, Nillumbik Shire Council and Yarra Ranges Shire Council are the municipalities that the government has in mind when it talks about the interface communities and that there are circumstances in which communities within those municipalities could have access to the strategic project stream of the Regional Growth Fund.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Ms Pulford for her question. Of those councils she listed, two in particular I have used as an example before — the Shire of Cardinia and the Shire of Yarra Ranges — but my answer equally applies to those others she mentioned: Melton Shire Council, Wyndham City Council, Hume City Council, the City of Whittlesea, the Shire of Mornington Peninsula and the Shire of Nillumbik. I think they are all the others that she mentioned. I have described the way in which the shires of Cardinia or Yarra Ranges may seek to have certain geographic areas within their shires declared for the purposes of applying for infrastructure funding, and those same arrangements will apply to those other councils as well.

Ms PULFORD (Western Victoria) — I thank the minister for that clarification. Can he also confirm that the municipalities of Melton, Wyndham, Cardinia, Hume, Whittlesea, Mornington Peninsula, Nillumbik and Yarra Ranges will not be eligible to seek funding under the local project stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes.

Mr TEE (Eastern Metropolitan) — I think I have got a reasonably good sense of the intention of the bill in terms of what may or may not constitute a geographical area prescribed by the regulations. I suppose the concern goes to the enforceability of those intentions. There is a concern about the provision being open to abuse in that any city area or any country area may be prescribed by the regulations, because there is nothing in this act that in fact says that the geographical area has to be in regional Victoria. I think there is a concern about the broadness of this language. There is nothing in this act that prohibits any part of Melbourne being prescribed by the regulations.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is a good question, and I am pleased to clarify it with an answer. The answer to the question lies within the Subordinate Legislation Act 1994. Under that act a regulation can be disallowed for a whole series of reasons. One of the criteria under which SARC, the Scrutiny of Acts and Regulations Committee of the Parliament, can recommend that a regulation be disallowed is if that regulation 'appears to be inconsistent with the general objectives of the authorising act'. That is a clear statement. I am quoting from the Subordinate Legislation Act 1994.

Clearly the intention of this act is to provide for economic opportunities and growth and development in regional Victoria. It is impossible for anyone in their wildest dreams to conceive that a declaration of a geographic area in South Yarra or Toorak or the city of Boroondara could possibly fit within the intentions of this particular legislation. A safeguard is provided by provisions within the Subordinate Legislation Act 1994.

Mr TEE (Eastern Metropolitan) — The safeguard then is that the regulations are disallowable by the Parliament; is that correct?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I think the member would understand that not all regulations made under certain acts are disallowable by the Parliament. I have come across that problem myself. I wish they were. Where the act does not specifically prescribe the ability for the Parliament to disallow regulations, the provisions of the Subordinate Legislation Act 1994 apply. In this case we need to use provisions within the Subordinate Legislation Act 1994, so it is that SARC has that provision to be able to move for the disallowance of a regulation under the provision which I have cited before — that is, in cases of inconsistency with the objectives of the act itself.

Mr TEE (Eastern Metropolitan) — My ignorance of the process the minister has outlined is coming to the fore, but I ask: is the protection a mechanism whereby SARC can disallow the regulation or ask the Parliament to disallow the regulation? Does SARC have the power to disallow the regulation or recommend that the Parliament disallows the regulation?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The words I have in front of me state that SARC may recommend, under section 21 of the Subordinate Legislation Act 1994, that the legislation be disallowed in whole or in part when it considers the regulation. SARC then recommends to the Parliament that that regulation be disallowed. If the provision of an act directly allows for its disallowance, then any member of the Parliament can move in the Parliament a motion to disallow the regulation. In this circumstance where that provision is not explicitly provided within the act, SARC makes that recommendation to the Parliament, and the Parliament decides whether it should be disallowed or not.

Mr Leane — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Clause agreed to.

Clause 4

Mr SCHEFFER (Eastern Victoria) — I have a quick question for the minister in relation to clause 4(2), which states:

> There must be paid into the Fund —
>
> …
>
> (b) money received from the investment of money in the Fund.

The corresponding section in the Regional Infrastructure Development Fund Act 1999 is section 4(2)(b) headed 'Regional Infrastructure Development Fund', which says:

> interest received from the investment of money in the Fund.

I am just wondering why there is a shift from the term 'interest' to 'money'? Does that relate to the point made before about some programs being rolled over into the fund?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that 'money' is a more contemporary term than 'interest', and it was the advice of parliamentary counsel that money which arises from investments may be in the form of interest or dividends, for example. The contemporary term is 'money', and there is no intention to change the practice.

Mr SCHEFFER (Eastern Victoria) — Clause 4(3) states:

> There may be paid into the Fund money received from any other source for the purposes of the Fund.

What might those other sources be?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that an example would be contributions made from other sources to a project. The federal government, for example, might be contributing to a specific project. If those moneys are paid to the state for that particular purpose, there needs to be a way in which those funds can be held until they need to be paid out. So the subclause refers to contributions from other sources — for example, the federal government.

Clause agreed to.

Clause 5

Ms BROAD (Northern Victoria) — In relation to clause 5 and the application of the funds and of certain requirements in relation to reporting on the fund, I ask the minister whether it is the government's intention to require the Auditor-General to report on every application of funds and of every amount under this fund in accordance with the case that The Nationals and the Liberal Party argued in 1999 in their proposed amendments to the Regional Infrastructure Development Fund Act 1999, the principal act that this bill seeks to repeal.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is my understanding that the Auditor-General would undertake the same level of activity and scrutiny in the auditing of this particular fund as he would for any other fund. In this particular case we know that the Auditor-General goes through material before him very diligently, line by line, and if there are anomalies, he seeks to highlight those, sort them or seek explanation from the body he is auditing. My understanding is that the auditing functions undertaken by the Auditor-General would be no different with respect to this fund and no more or no less in terms of the diligence he would apply to all of the tasks that he undertakes.

Ms BROAD (Northern Victoria) — That answer is remarkably close to an answer I gave in 1999 in response to a similar question to the one I have just asked. I have a further question: is it the government's intention that there should be a public report not only on the application of funds but on every unsuccessful application to the fund and reasons for unsuccessful applications to the fund made publicly available?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that there is no intention to publish a list of all those applications that were unsuccessful, but proponents of those applications

would be advised of reasons why their applications were not successful.

Ms BROAD (Northern Victoria) — I make a comment in this committee stage that again the minister's answer is remarkably similar to one that I gave in 1999 in relation to the Regional Infrastructure Development Fund, and it was a response that was not accepted at that time by Minister Hall or by other government members who at that time were in opposition and who found that that was not a satisfactory state of affairs.

Ms PULFORD (Western Victoria) — There are a number of commitments that coalition members have made in the lead-up to the election and since then concerning the Regional Growth Fund. I would like to take a few moments to explore some of these. Perhaps if we could start with the Bairnsdale oval facelift and another project I am familiar with in my electorate, the Ballarat regional soccer facility. Would projects like the Bairnsdale oval facelift, which the government has committed to, or a project like the Ballarat regional soccer facility be funded through the strategic projects or local stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that no election commitments will be funded from the local stream. Any election commitments to be funded from the Regional Growth Fund will be funded from the strategic stream.

Ms PULFORD (Western Victoria) — I thank the minister for that clarification. For the record, I will quickly run through my list and seek confirmation that our records and tabulation are accurate: $100 million for the Putting Locals First program; $500 000 for Bairnsdale City Oval facelift; $1 million for the Queen Elizabeth Oval in Bendigo; $5 million for the Latrobe Valley job security program; $2 million for Bendigo showgrounds; $6 million for regional community leadership; $2.8 million for the planning flying squad; $100 million for the local government infrastructure account; $100 million for the regional gas fund; $3 million for the Port Welshpool long jetty; $2 million for the Chisholm park upgrade; $800 000 for the Gippsland Plains rail project; $1 million for the Lindenow Valley water project; $2 million for the Bright off-stream storage project; $500 000 for the water for Wangaratta project; $1 million for the Hazelwood Pondage; $20 million for the partnerships participation fund; $10.2 million for student accommodation in Warrnambool — we talked about this earlier; the minister said he announced this — $7 million for the regional community health hub at Deakin University; and $14.5 million for the Mildura riverfront. That is the list of things we think have been committed to by the government against the Regional Growth Fund.

The Putting Locals First program and the local government infrastructure account are funded from the local stream, not the strategic stream, but can the minister confirm that the rest in the list are accurate and are funded from the strategic stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — First and foremost, as we have said time and again, all election commitments made by the coalition government will be met. Secondly, I can take the question on notice to this extent: I have a list here, but I have not got a list of exactly how much each of those projects were valued at. I have not got a copy of the press release or anything that refers to the source of the funding for those projects.

There still needs to be an application process; there needs to be a consideration and a tick-off process for each of those projects, because the Regional Growth Fund will not come into existence until 1 July. There will still need to be a process by which each of those projects is assessed. But the government and I stand by the commitments. Part of the assessment process will involve who are the best proponents, who are the best managers, who is going to undertake it, what planning needs to be undertaken, the preparation time and the like. There needs to be a process involved. Those projects will be delivered. How and when they are delivered is the subject of further consideration.

As I said, if I take this question on notice, I will be able to confirm whether the amounts the member mentioned for those projects are precise in terms of the commitments we have given. In addition to that I can also provide details as to whether the source of funding for those projects will definitely be the Regional Growth Fund or another source.

Mr Leane — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Ms PULFORD (Western Victoria) — Perhaps if we could turn to the question of community leadership programs, or regional community leadership. I thank the minister for his response on the election commitments indicating that they would all be requiring a proper application to be duly considered and that the fund would have to be established before they can progress terribly far. Will the $6 million available for regional community leadership programs be

available to new and emerging leadership programs, or will all of the $6 million over the eight years, or over the period to which the commitment relates, be allocated to the eight or nine existing programs that are referred to in the government media releases relating to that commitment?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I advise that the $6 million to which Ms Pulford refers was, as I understand it, contained in a press release which listed a number of leadership programs. Those funds as per the release will apply for those particular leadership programs also mentioned in the press release as part of the election campaign.

Ms PULFORD (Western Victoria) — Will those funds be available for applicants from other leadership development programs that exist across regional Victoria — for example, indigenous leadership programs, women's leadership programs and the types of things that Champions of the Bush do? Will they be able to apply for funding from that stream?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that in respect of that there are other leadership programs throughout regional Victoria which are worthy of attracting support or at least we believe are worthy of an application for consideration, so the leadership programs in the press release are not exclusive. There may well be others that upon application will also be worthy of funding.

Ms PULFORD (Western Victoria) — Will they be worthy of funding and support from that stream? Sorry, it is getting a bit late and I just need that clarified.

Hon. P. R. HALL (Minister for Higher Education and Skills) — They may well be accommodated within that stream, but, if not, they would still be worthy of consideration in their own right. All I am saying is that the listed ones in that press release are not the totality of leadership programs that might be funded under the Regional Growth Fund.

Mr SCHEFFER (Eastern Victoria) — I would like to raise again a matter that I raised in my contribution to the second-reading debate. The minister has probably already commented on this, but at this point in the debate I would like to raise it again for the record. I note that in the Regional Infrastructure Development Fund Act 1999 the relevant section, headed 'Application of the fund', the same heading as in the present bill, refers to transport, industries, tourism, education and information technology as the target areas the fund should be directed towards, whereas in the present bill, in my view the criteria at subclauses 5(1)(a) to 5(1)(e) seem to be a hell of a lot broader, especially taking note of item 5(1)(e), which basically refers to any project that will benefit regional Victoria as determined by the minister.

My question, which the minister may want to just take as a comment, is: how would the minister, in the absence of clear focus areas for the application of the fund, prioritise the allocation of those funds? And, as I asked earlier, how would the minister avoid the pitfalls that were faced by the Regional Partnerships program of the commonwealth government?

Hon. P. R. HALL (Minister for Higher Education and Skills) — There is a whole range of questions in the member's contribution. First of all, was it subclause 5(1)(e) that the member made reference to primarily?

Mr Scheffer — Yes.

Hon. P. R. HALL — Subclause 5(1)(e) is, at the end of the day, the catch-all provision. It is not uncommon for legislation, where it can be specific, to prescribe the appropriate terms, but it is also not uncommon to have that catch-all phrase to allow for something that may not quite fit within the given category.

In essence I think the question was: how can we ensure that that catch-all phrase is not abused and does not become a slush fund? That was the terminology used by one or two speakers during the second-reading debate. There are a couple of provisions which I have already spoken about: firstly, policy guidelines can be developed in relation to what might be appropriate for an assessment of where particular applications might fit within the structure of this funding program; and secondly, there are accountability measures, as we have also spoken about, like the Auditor-General, the annual reports of departments and budgetary requirements. In the case of the Auditor-General there is the opportunity for the Auditor-General to make a comment, and in the case of a department's annual report to be tabled in Parliament there is the opportunity for comments to be made as to whether or not the fund has been appropriately used.

With respect to this provision we believe that such a provision is not uncommon, and we also believe that there are appropriate accountability measures in place to ensure that all Victorians have the ability to apply scrutiny to the decisions taken by the minister in this regard.

Mr SCHEFFER (Eastern Victoria) — I will just make one last comment, and I do not expect the

minister to respond. I guess my concern is the wording of the last part of subclause 5(1)(e), which is 'as determined by the minister'. There is a catch-all in the substantive act, but it does not give that privilege to the minister. I guess it is that privilege which is my concern. But I think the minister has answered the question, so I will leave it at that.

Mr TEE (Eastern Metropolitan) — I think there is a breadth here, but there is nothing in terms of the government's intentions in relation to the fund and there are no limits in terms of who may apply. I ask the minister: whether it is health facilities, schools or sport and recreation facilities, does the government not have in mind certain categories of applicants that may be excluded even if they comply with the other requirements in the bill?

Hon. P. R. HALL (Minister for Higher Education and Skills) — No, this is like the Regional Infrastructure Development Fund and the Community Support Fund. A fairly broad range of organisations can apply. They can be anything from community groups to local organisations, and they can be local councils and private organisations as well. In relation to those who have previously applied to the Regional Infrastructure Development Fund, there is no intent to restrict groups that have been able to apply in the past.

Ms PULFORD (Western Victoria) — Regional Development Victoria has good form in terms of creating funding for projects from a whole range of different sources. By way of example I cite the Quantong community centre. It was my great pleasure to announce funding for this centre on 4 June, and it stuck in my mind because it was a remarkable project. It had community, family and business donations to the value of $96 000; the Horsham Rural City Council contributed $20 000 in cash and $10 000 in kind; the Victorian Bushfire Reconstruction and Recovery Authority contributed $47 000 in cash and $87 000 in in-kind labour and materials; the Small Towns Development Fund gave a grant of $300 000; and the Community Support Fund, administered by Department of Planning and Community Development (DPCD), provided $50 000. A really small community with modest resources cobbled together all those bits and pieces to establish quite an impressive community facility that, when it is finished, will be a $600 000 asset for the community in Quantong.

On many occasions I have seen good projects supported jointly by Regional Development Victoria programs in partnership with the Community Support Fund. I am curious to know whether this is something that will be able to continue now that the Community Support Fund has gone back to Department of Treasury and Finance for administration — that is, the regional programs are now in DPCD but the Community Support Fund money has gone to DTF. How will that be able to continue? Or will it not continue?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Infrastructure projects will still be able to seek funding from a variety of sources. I cite an example I have used during the course of the debate tonight, which is student accommodation at regional universities. The funding source for these, if the applications are successful, will be part federal government and part state government, and in at least one of the cases I know there will be some funding from the university itself. There will still be the ability for organisations that are the proponents of a project to try to put together contributions from multiple providers to achieve an outcome.

Ms PULFORD (Western Victoria) — It has certainly been put to me by community leaders and representatives in my electorate that they are concerned about the share of the Community Support Fund that has been allocated to regional Victorian communities to date. Is the minister able to provide any information about the government's expectations about the proportion of the Community Support Fund that will be able to be used to support regional projects, and can he contrast that with past levels?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I understand the question, but I am not sure it is relevant in terms of this piece of legislation. This bill is not about the Community Support Fund, and as I understand it the member asked me if there is expected to be any change in the way in which the Community Support Fund is going to be distributed.

I have checked, and I confirm that my answer is correct.

Ms PULFORD (Western Victoria) — It is my concern that a great many sources of funding and support for regional communities will be absorbed into the new Regional Growth Fund — and that is the government's prerogative — and that a part of this will be able to be accessed by some of the communities in the interface councils, so we are talking about a similar amount of money for a larger number of people. This is compounded by my concern that the Community Support Fund will be disproportionately dragged towards Melbourne.

I appreciate that it is a little tangentially related, but there are numerous projects all over regional Victoria

with which the minister would be familiar in his electorate and with which I am familiar in mine that have benefited from this joint funding punch. I seek an assurance that the proportion of the Community Support Fund that has supported regional communities in the past is something that the government intends to maintain.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I share the member's views on this, and I will be with her in the advocacy for the Community Support Fund to be applied in the same way as it has been in the past. This particular bill does not address that matter, because it is not the subject of it. But I can honestly say I am unaware of any intentions, and there has been no discussion of this in government circles, to change the context of the Community Support Fund, including the way it is distributed.

Ms BROAD (Northern Victoria) — On clause 5, on the application of the fund, I refer the minister to June 2010, at which time the fund which the new fund will replace, the Regional Infrastructure Development Fund, stood at $611 million. At that time the then government announced that the fund would be boosted by a further $260 million. A lot of commitments were entered into at that time in connection with that announcement of an increase to the fund which this new fund will replace.

Essentially I want to refer the minister to those commitments made by the former government and to ask him whether those commitments are going to be followed through by the new government or not. I think it is reasonable that I focus on commitments about projects in the Northern Victoria Region that I represent and that I am most familiar with, and I am unashamedly going to do so. I am not going to do this as an exhaustive process, but I am going to identify a number of projects and hopefully those will give the minister a very good understanding of where I am coming from on this.

Those commitments included that the Victorian government would invest a further $12 million in the north-west rail corridor to Mildura to improve freight-carrying efficiency, building on an earlier investment of some $73 million for the Mildura rail freight corridor upgrade. That was to involve upgrading some 15 level crossings along the corridor to make them safer, to allow trains on the corridor to travel at a faster speed and to leverage more investment by freight, improving capacity particularly in the Merbein to Mildura area. I am sure Mr Drum will also be familiar with this.

Another commitment made at that time — and this is one that I am sure Minister Hall will be particularly familiar with, putting on his portfolio hat — was for $75 million to be dedicated through the Regional Infrastructure Development Fund to help improve and build new TAFE and university infrastructure, including student accommodation designed to provide a local tertiary education choice for regional students. This is something to which I know many members on both sides of the house are very dedicated.

In the Hume region the former government had committed to a number of projects, adding up to $7.1 million. They included $1 million for a Strathbogie equine industry facility in Euroa to widen an access road to Lindsay Park to improve traffic safety; $250 000 towards a bulk biodiesel terminal in Wallan; and $878 000 towards a Benalla gasification project. The former government had also committed to a number of Loddon Mallee region, projects totalling $9.8 million. They included $730 000 towards the upgrade of the Iron Horse Intermodal terminal in Merbein, near Mildura, to help reduce costs by making pricing more competitive for freight customers; $1.8 million towards a great waste to energy project at Australian Tartaric Products in Colignan; and $298 000 towards the Robinvale CBD development to improve streetscapes. There have already been some significant investments there, which have been very successful in improving amenity in Robinvale. This was intended to take those improvements to the next step with some further streetscape improvements.

There are many more, but I do not intend to labour this point. To sum it all up, I am seeking from the minister an indication of the new government's attitude to these commitments, which include commitments of funding, that were made by the previous government and announced in June 2010.

Hon. P. R. HALL (Minister for Higher Education and Skills) — First of all, I will seek some specific advice from the advisers with respect to those projects. We have a break coming up in a minute which might provide an opportunity to get that advice. In terms of some of these projects, I know, for example, that the $75 million Ms Broad referred to was an election commitment the Labor government made before the last election. That commitment, as I understand it, was that if the government was re-elected, it would provide $75 million for those purposes. As I said, it was an election commitment by Labor in government. I quite openly say that what the Labor Party promised before the election is not necessarily what the coalition government is going to deliver after the election. Each of the major political parties made their own election

commitments, and we would expect the side elected to government to honour, first and foremost, the commitments it had given.

That is not to say that some of those projects are not very worthy. As the member said, I have unashamedly picked up part of the previous government's commitment to supporting accommodation applications at regional universities. I have said that. It was not one of our election commitments, but it was submitted to me as something that was needed, and we were prepared to consider it and put funding towards it. As I said earlier, that was one of those that came from the $47 million that has been appropriated — not forward estimated, but actually appropriated — and we are able to use that appropriated money for particular projects. So that is where the $75 million sat in that list.

Sitting suspended 11.30 p.m. until 12.03 a.m.

Hon. P. R. HALL — During the break I sought advice on all those projects that Ms Broad made reference to in her question, and I can give her an assurance that my answer on the $75 million component of regional university accommodation was an accurate comment and that the RIDF component of all of those other projects she mentioned will definitely go ahead.

Ms BROAD (Northern Victoria) — I thank the minister at the table for his response and am quite sure that all of those project stakeholders will be greatly reassured that that is the government's intention. However, I do wish to take issue with him in relation to the $75 million, which I believe he characterised as a Labor election commitment. I do not have any information before me to indicate whether or not this matter was referred to in election policy documents. It may well have been, but if it was, then it was being recycled, because I have in front of me from Tuesday, 15 June 2010, the announcement from the then Minister for Regional and Rural Development dedicating $75 million through the RIDF to help improve and build new TAFE and university infrastructure, such as student accommodation designed to provide a local tertiary education choice for regional students. That is clearly a commitment from the fund made by the then minister on 15 June 2010, which was a long time before the election, the caretaker period or anything else. I ask the minister at the table to perhaps seek some further advice in relation to the status of that commitment from the minister at the time dedicating those funds for that purpose.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am happy to ask that that be verified, but the advice I am able to give this evening while we are in committee is as I have said before, and I cannot do better than that. If there are further matters about which we need to go back and check records in the department, then I am happy to provide that advice subsequent to the committee stage.

Ms PULFORD (Western Victoria) — Further to Ms Broad's point about some of these projects, whether initiated or announced for funding by the previous government and where moneys have not been received or the projects have not been completed, is the minister able to confirm that the $5 million commitment to the Horsham town hall will be honoured?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advisers are unable to tell me whether that project fits into the category I am about to describe, but I am told that where letters of offer were written to those organisations they will be honoured. If Ms Pulford wants me to check subsequently, then I invite her after the committee stage to list that project and others about which she would like the department to confirm whether letters of offer were sent and therefore whether they will be funded under the RIDF. I would be happy to facilitate that.

Ms PULFORD (Western Victoria) — Perhaps in a similar category, also in June 2010 the previous government committed $1 million to provide upgrades to Eureka Stadium in Ballarat, which was distinctly separate from the further funding commitment that was made during the election campaign by the former government. In relation to that $1 million committed to in June 2010, I am advised that the funds have not been made available to the facility. Will the government honour that commitment?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can only say again that that would fit into the category I just mentioned. If a letter of offer was written and sent to that organisation, then it will be funded. Again, I cannot be specific in terms of saying yea or nay about particular projects, but the invitation is that subsequent to this committee stage, if the member would like to ask about specific projects, I will be happy to receive that correspondence and seek a written answer for her from the department.

Ms TIERNEY (Western Victoria) — On that point, it was always my understanding that once a minister made a public announcement, and it was in a media release, that gave effect to the money being provided to whatever organisation the funding was for, not a letter of offer.

Hon. P. R. HALL (Minister for Higher Education and Skills) — If it occurs just prior to an election, for example, often the press release will say 'conditional upon us being elected', and that would then become an election commitment. If that party is in a position to form government after that election, then that becomes an election commitment which you would expect to be honoured. If something was said — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Excuse me for interrupting you, Minister. I am not sure with whom Mr Leane is debating across the chamber, but I ask both members to desist. Ms Tierney has asked a serious question, and the minister is attempting to respond to that.

Hon. P. R. HALL — Despite somebody saying something publicly, it is a matter of their credibility if that is not honoured. But the formal process for giving approval requires an exchange of documentary evidence to formally make that offer of funding. That is why I have said what I have said in terms of projects. Where a letter of offer has been sent to those organisations, they will be honoured. However, if there is no letter of offer, then the status of that application is uncertain.

Ms TIERNEY (Western Victoria) — I ask the minister if the normal practice is that there is always an exchange of letters, whether or not it is close to an election period.

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said, there needs to be an exchange of documents for any funding arrangements. It might be in the form of a letter of offer, or it might be in the form of a signed contract. There needs to be a formal mechanism by which approval by law is assured. Just saying things publicly does not necessarily do that. If somebody, whether they be in government or in opposition, makes a verbal commentary to the effect of, 'I will do this', they can say they will do it, but the contract is not signed off until there is that mechanism of a formal commitment and written guarantee.

Ms BROAD (Northern Victoria) — It had not been my intention to take this matter up, but I think it is necessary given that the minister has said a number of different things in his response to Ms Tierney. He has referred to an exchange of letters, he has referred to contracts and he has also referred to public announcements. It has been my understanding, including during the period that I had executive responsibilities, that where ministers had signed letters committing the government to a course of action, including funding, that constituted a matter that would be honoured by subsequent ministers either in the same government or in a government formed by a party of a different political persuasion. I can clearly recall that upon becoming a minister in 1999 I was presented with a whole range of commitments in the form of letters signed by ministers in the previous government, which I honoured. To the best of my knowledge, ministers across the board honoured those commitments.

A signed contract is of course an entirely different matter. Legal contracts with governments can take a very long time to conclude due to lawyers on both sides of the equation, and sometimes a number of parties are involved in the negotiation of the contracts. For whoever the government and the responsible minister are, the safety mechanism is usually that until contracts are concluded money is not advanced, and when it is advanced it is only advanced in accordance with the many milestones set down under the contracts. But that is a question of process rather than a question of whether or not in principle the commitment is going to be honoured on the understanding that legal documents, including contracts, and milestones are met before government funding goes anywhere, and that is right and proper. I would now like clarification as to whether, in circumstances relating to the matters I raised where there are letters from the minister making that commitment and subject to due process being followed, those commitments will be honoured.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I used the term 'contracts' in a general sense when I was asked, 'What constitutes a formal arrangement between the two organisations?'. I said then that what constitutes a formal arrangement is when you actually sign off on the deal. The sign-off on the deal might be a letter of offer, which is what I specifically said previously in answer to Ms Broad's questions about particular projects and also to Ms Pulford. The issue of contracts came up when I was speaking in a general sense about how two parties come to an agreement. It is usually a written agreement, and that written agreement can take the form of a letter of offer or a contract or another sort of legal arrangement between two parties.

Let us not try to get too complicated about this. The question previous to the last one, which was more general, was about the circumstances in which particular projects funding commitments were going to be honoured. I said — and I repeat — that those projects for which a letter of offer was made by the minister at the time would be honoured.

Ms PULFORD (Western Victoria) — Government speakers in the debate on this bill in the Legislative Assembly talked about the role of the Regional Growth Fund in helping communities get back on their feet after natural disasters. I appreciate that the government's focus in initiating the Regional Growth Fund is different to the economic focus that the previous Labor government had, so what I ask is: what proportion of the $1 billion does the government anticipate will be allocated to disaster recovery?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The advice I have received is that Victoria has in place some well-established practices in respect of the funds required for disaster recovery. Those arrangements typically include some shared responsibility between the state and commonwealth governments once certain levels of funding levels are reached. I say quite categorically that it is not intended that the Regional Growth Fund be used to replace in any way or to any extent those practices that have been traditionally used by state and federal governments to assist communities at the time of natural disasters.

Clause agreed to.

Clause 6

Mr SCHEFFER (Eastern Victoria) — My question is about the clause relating to delegation. It refers back to clause 5, which says at subclause (2) that payments under $5 million are authorised by the minister and payments over $5 million are authorised by the minister and the Treasurer. In the delegation section it indicates that a minister can delegate to the secretary and then the secretary can delegate the allocation to others for amounts under $5 million. In the original Regional Infrastructure Development Fund Act 1999 there is no section on delegation, but there is a reference in the bill that takes us to officers, who are persons employed under part 3 of the Public Administration Act 2004; I think the relevant section of that act is section 18. Without reading through it, my sense is that 'officers' refers to virtually anyone who is employed in the public service. My general concern, which I have raised a number of times, is the issue of proper processes and clear lines of accountability, and I think it is concerning that an amount under $5 million can be signed off by anybody in the public service.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised in regard to this question that the grant itself must be approved by the minister, but subsequent staged payments of that grant can be delegated to others. I just want to stress that the initial decision to fund a particular project must be made by the minister.

Mr SCHEFFER (Eastern Victoria) — Clause 6(2) says power is:

> … delegated to the secretary by the minister under subsection (1) to authorise amounts to be paid out of the Fund …

That means it could be $4 million — or $4 999 999. Where does it sit?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I just want to repeat that once the minister has approved the grant and there are staged payments, for example, the making of those staged payments can be undertaken by delegation given by the minister, but the minister must at the outset approve the grant.

Mr SCHEFFER (Eastern Victoria) — With respect to the minister, I am not a lawyer and I cannot see that the way he has described it is actually set out in that part of the clause, but I take his advice.

Ms PULFORD (Western Victoria) — Why is it that the chief executive officer of Regional Development Victoria will no longer directly report to the minister?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am not sure about that question; could Ms Pulford repeat it for me?

Ms PULFORD (Western Victoria) — Under the current legislative framework the chief executive officer of Regional Development Victoria reports directly to the Minister for Regional and Rural Development. This bill seeks to change that arrangement so that the person in that role is at a second-tier level, and our concern is that that will impact on the responsiveness of the government to the needs of regional communities.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I hope I have this right: under the old act the CEO of Regional Development Victoria reported administratively to the secretary of the department. Under this bill the CEO can continue to provide advice and report directly to the minister. In terms of the powers and functions available to the CEO of Regional Development Victoria, they have certainly not been downgraded. The CEO will still be able to communicate decisions and matters of administration directly to the minister involved.

Clause agreed to.

Clause 7

Ms PULFORD (Western Victoria) — I apologise if we canvassed this earlier, but it would have been a while ago. Just quickly, what public consultation process will be undertaken before the regulations are made?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Obviously a level of consultation will be required, because we are talking about regulations that will impact upon parts of municipalities. In that regard there will necessarily be consultation with municipalities. In addition there will be consultation with Regional Development Australia (RDA) committees, which also provide advice. There will be a process by which consultation will be undertaken by way of necessity in communicating with those directly involved and concerned.

Clause agreed to; clause 8 agreed to.

Clause 9

Ms PULFORD (Western Victoria) — On the transitional provisions — and we canvassed a lot of this in earlier discussions, so this is a very narrow question — on the Regional Development Victoria website three infrastructure projects are listed as having received government support for 2011. They are the Australian Paper Maryvale investment program, $2.395 million; the University of Ballarat's student accommodation development, $5 million; and the Gisborne Recycled Water Scheme project, $1.27 million. Are these three projects part of the $47 million RIDF allocation for this financial year?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yes, they are.

Clause agreed to.

Clause 10

Mr SCHEFFER (Eastern Victoria) — I refer to the Regional Development Victoria Act 2002, which has a similar heading 'Regional Development Advisory Committee', and under that act the committee includes the chief executive of Regional Development Victoria (RDV), who is to be the chairperson. In the present bill there is no such provision. I am interested to know from the minister why the RDV chief executive is not part of the committee and not the chair of the committee.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The purpose of the change in the person who will occupy that position as chair is to actually make it more independent of government. Rather than having the chief executive of Regional Development Victoria as the chair, by having an independent person appointed it is felt by government that it will provide for a greater degree of independence, openness and accountability in the whole decision-making process.

Mr SCHEFFER (Eastern Victoria) — I guess my comment is that this is another example of what has been my theme in these questions: that that disconnection means there is a consequential lack of rigour whereby the departmental view and the view of the CEO are not sufficiently integrated into the work of the committee. That is an observation of mine. The minister has responded to that, but I have a further question. In the Regional Development Victoria Act 2002, which is being amended, there is a requirement that at least one member is to represent employers and one member is to represent employees. That requirement also has been dropped, and I was wondering why that is so. For the minister's information, that is in section 11 (4)(c) and (d).

Hon. P. R. HALL (Minister for Higher Education and Skills) — The structure of the Regional Policy Advisory Committee has been framed to more fairly represent the five regions, and so there is more in terms of commonality and of geography and location rather than particular classifications within those areas. But it does not specify that an employee or an employer must be part of that committee. It was thought to be a way in which expert views and knowledge could be best utilised rather than specifically saying one must be an employee and one must be an employer.

Mr SCHEFFER (Eastern Victoria) — If we were to have a look at the membership of these committees in six months, would I be right in predicting that there would not be a member representing employees on those committees?

Hon. P. R. HALL (Minister for Higher Education and Skills) — People will be appointed on merit, and whether they are an employee or an employer will make no difference whatsoever. They will be appointed on merit.

Ms PULFORD (Western Victoria) — Will interface communities be represented on the Regional Policy Advisory Committee? I appreciate that once the five positions on the eight-member committee are filled they probably cannot all be represented, but will there be some representation from the interface communities?

Hon. P. R. HALL (Minister for Higher Education and Skills) — My advice is that interface communities will not be specifically represented on those advisory committees.

Ms PULFORD (Western Victoria) — When the Leader of The Nationals made the policy announcement that underpins this legislation and the Regional Growth Fund at The Nationals state party conference in May 2010 he said that if the coalition was elected, the operation of the strategic projects stream of the fund would be overseen by him, the Minister for Regional Cities and the Minister for Housing. I wonder if the minister could provide some advice to the committee about how the government proposes to reconcile the views of the Regional Policy Advisory Committee with those of this ministerial subcommittee in determining what projects will be of benefit to regional Victoria.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that the second-reading speech — and I would have to go back and find the exact words — says that the minister responsible will consider applications in consultation with other ministers as appropriate. In respect of Dr Napthine and Ms Lovell being included in commentary by the Leader of The Nationals at the party conference, it was at that time that they held shadow ministerial portfolios that were relevant to this matter. When I say that the Minister for Regional and Rural Development will make decisions in consultation with other ministers as appropriate, in terms of those regional university accommodation applications there was consultation with me, because it was appropriate in that case. That is how that consultation with other ministers will occur.

Ms PULFORD (Western Victoria) — The subcommittee-type structure foreshadowed at the initial policy launch is not to be; is that correct?

Hon. P. R. HALL (Minister for Higher Education and Skills) — As I said, and as the minister said in the second-reading speech, that consultation process will be with other ministers as appropriate. I concede that is a little different to what was said when it was originally announced, but what we have come up with is not a major policy shift from what the minister originally said; it is a more appropriate way of consulting with other ministers who are relevant to those consultations.

Ms PULFORD (Western Victoria) — This is an important point, because I would hope it would give some indication of how senior executive members will determine what is in and what is out. We are talking about $1 billion, which is a pretty big share of a $43 billion budget and represents potential funding for many worthy and competitive projects proposed by all manner of people and organisations from around the state.

I thank the minister for clarifying that the structure as envisaged then, under a different political paradigm, will not be as it was planned to be. I would be keen, however, to hear the minister comment on the participation in that kind of decision making by the Minister for Sport and Recreation and either of the ministers who are attached to the Department of Business and Innovation, because, as the minister would know, we are reasonably concerned about the shift away from an economic outcomes focus in relation to the allocation of resources in this fund.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Part of the consultation will be with the Treasurer, who needs to sign off when that threshold figure is greater than $5 million. That consultation and seeking of input will be undertaken in relation to the funding applications. As I said, the consultation process is defined in the minister's second-reading speech as being conducted with ministers as appropriate. The intention of this bill, as noted both in its purposes that are outlined at the start of the bill and in the minister's comments in his second-reading speech, is focused on regional and economic development and promoting such economic development in country and regional Victoria. The intentions are quite clear, and they will be a high priority in the consideration of all ministers when they are being consulted about particular projects. Part of the assessment criteria will be the value that the projects add to the lives, opportunities and economic development of the people and communities of regional Victoria.

Clause agreed to.

Clause 11

The DEPUTY PRESIDENT — Order! It might get a little confusing for members, but clause 11 is on page 13. Clause 10 is about the insertion of new clauses in relation to clauses 11, 12, 13 and 14. When members are trying to follow the bill there is potential for a misreading of what clause 11 is, because there is an 11 immediately following a 10, but that relates to an insertion. I am now calling clause 11, headed 'Definitions', on page 13 in division 2 under the heading 'Consequential and other amendments'.

Mr SCHEFFER (Eastern Victoria) — I have a quick question. I thought it was clause 11, but you are right — I was confused by the numbering. Can I ask

which clause relates to the terms and conditions of appointments to the committee? I believe it is clause 13 on page 12.

The DEPUTY PRESIDENT — Order! I will have to offer some guidance to Mr Scheffer on this matter, because we have already incorporated clause 10 into the bill.

Mr Scheffer — I withdraw, Chair. That is fine.

The DEPUTY PRESIDENT — Order! If the member has a query, I am happy to ask the minister if he will deal with it. The other thing is that it is possible to recommit the clause.

Mr JENNINGS (South Eastern Metropolitan) — At this point in time, 12.45 in the morning, given the lateness of the hour, given the confusion that has just been evident, given that we sat for many hours during the day and given that we have got to the stage of making errors even in procedure — notwithstanding the extraordinary efforts made in committee by the Minister for Higher Education and Skills in being extremely responsive to members who have asked questions; I think a good night's work has already been achieved — I feel duty bound to move that we report progress on this matter. It is not the intention of the opposition to delay consideration of this procedural motion. Nobody else from the opposition will speak on this matter. It is the opposition's intention to indicate that we have been sitting for many hours and do not, as a Parliament, have great confidence in how many hours we may sit before we and, very importantly, the staff of the Parliament go home.

When we broke for a late supper at 11.30 p.m. we were staggered by the number of staff of the Parliament who came and joined us. The number of people we are keeping up is quite extraordinary. When we see them assembled for such an occasion, we know how many people's lives and how many families' lives we disrupt the longer the Parliament sits. I urge the government to see sense in the way in which the Parliament operates so that we can have certainty in the way we and the people who work in this place structure our lives and so that we can come to some amicable and sensible arrangement to provide that certainty into the future. I implore everybody in the chamber, and anybody who is listening now or subsequently, to think about the best way in which the legislative program in Victoria can be satisfied so that we can get on with our lives doing productive work.

We are not intent on delaying the passage of this piece of legislation by talking it out. Some hours ago Mr Pakula indicated that the bill will be passed today, according to the government's numbers. It will be done either shortly or in a number of hours time. If we come back and complete our work during daylight hours, there will be no net effect on the operative date and the application of this piece of legislation. We urge the government to see the sense of that for this sitting day and for other sitting days into the future so that we can work productively and constructively as a chamber. So as to enable us to conclude our business tonight and recommence in the morning, I move:

That progress be reported.

Mr BARBER (Northern Metropolitan) — In the absence of an alternative proposal from the government as to when we will end — that is, between now and doomsday — the Greens will support this motion.

Hon. D. M. DAVIS (Minister for Health) — Whilst we all appreciate the lateness of the hour, the government will not support this motion, because what has occurred here tonight is an outrageous filibuster. The best endeavours of the Minister for Higher Education and Skills have been noted, and I think they are appreciated by all in the chamber. Notwithstanding that, if we were to come back tomorrow, the opposition would continue the filibuster and go on indefinitely. There is no guarantee that debate on the legislation would be finished on Friday, Tuesday or Wednesday, so I do not support the member's proposal and the government will oppose the motion.

Committee divided on motion:

Ayes, 19

Barber, Mr (*Teller*)	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr (*Teller*)	Viney, Mr
Mikakos, Ms	

Noes, 21

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms (*Teller*)
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D. (*Teller*)	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Motion negatived.

Clause agreed to; clauses 12 to 16 agreed to.

Clause 17

Ms BROAD (Northern Victoria) — Given that this is the final clause, I would like to thank the minister for his cooperation.

Clause agreed to; schedule 1 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT BILL 2011

Second reading

Debate resumed from 24 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I rise to speak on this bill — let the record show at 1.00 a.m. — and the fact that we are about to commence debate on this bill at 1.00 a.m. highlights the hollowness of the rhetoric that we have just heard from the Leader of the Government. His justification for continuing just a few moments ago was that the previous bill needed to pass and that the government was concerned that the opposition was engaged in a filibuster that would prevent it from passing today, tomorrow or any time at the future. That bill has now passed, and yet we continue.

Mr O'Donohue interjected.

Hon. M. P. PAKULA — We continue, I say to Mr O'Donohue, on a bill which is about giving the licensees of licensed venues and their staff the ability to bar people from those venues. I would defy anybody on the government benches to mount a cogent argument about why that needs to occur now rather than tomorrow or indeed in the next sitting week. I thought it was important to make that point, given the rhetoric of the Leader of the Government.

The opposition will not be opposing the bill. This is a proposal that the government clearly enunciated in advance of the last election in much the same way as it enunciated its commitment about protective services officers. On that basis it is the opposition's view that the government should be given the opportunity to attempt to implement those of its commitments which were clearly enunciated and well publicised. As I recall it, this was a commitment that was the subject of a media release from the then opposition in around March 2010.

The Labor Party is absolutely committed to dealing with alcohol-fuelled violence on our streets or anywhere else. We are concerned with all forms of violence in all locations, and we are concerned about all kinds of antisocial behaviour. This bill is more about alcohol-fuelled violence in public places than other kinds of antisocial behaviour. It is an issue that has become one of heightened concern for public policy-makers right around Australia, and probably right around the world, in recent times. If we are being fair about it, it is a matter that could be the result of a number of potential factors. It is a phenomenon that I think is difficult to get to the bottom of, and it is a phenomenon for which there are probably as many theories as there are commentators on the issue.

Some people say it is primarily about alcohol. Some people say it is primarily about other narcotic stimulants that are probably more prevalent today than they were once upon a time. Some people say it is about violent video games or violent TV programs. Some people say it is about the different attitudes of different generations or different cultural attitudes. Some would say it is about the fact that nowadays almost every incident that occurs is captured on somebody's mobile phone, which means that effectively everybody out in the public domain has a video camera on their person, and many of those people are more than happy to post images on YouTube and other forms of social media, so it is a complex problem.

However, having said all that, there is no reasonable debate about the fact that it is a matter that has been of great concern to the community. It has been of great concern to Victoria Police, and it was of great concern to the previous government — and I have no doubt it is of great concern to the current government.

Despite the revisionism that no doubt government members will try to engage in as this debate continues — whether that is into the night or on another day — the previous government did respond to that phenomenon, and it responded with a whole range of measures. We gave the police the power to shut down a venue for 24 hours where there was a risk to public safety. We responded with on-the-spot fines for disorderly conduct. We responded with the doubling of fines. We responded by giving police the power to ban

troublemakers from entertainment precincts for 72 hours. We responded with new weapons laws and enhanced search powers for police.

This bill seeks to extend some of those previously enhanced measures. The opposition would say that it does so in a way that raises a number of questions which we would seek to have answered during the second-reading debate or during the committee stage if that becomes necessary.

Ms D'Ambrosio, the member for Mill Park in the other place, went through the detail of the opposition's position on the bill in the other place. Indeed the detailed measures that are contained within the bill are outlined in some detail in the minister's second-reading speech, and given the lateness of the hour, I think all members would welcome me not feeling the need to repeat all of those details in my contribution.

I will focus on a few matters. On the question of barring orders, which is a major part of the bill, it is important to remind the house that the right of a licensee to eject someone or to bar someone from their premises is a right that exists at common law. The second-reading speech makes it clear that this bill has no effect on that common-law right, so it begs the question — and I am sure government contributors to this debate will elucidate on this point for the benefit of the house — what the point of this is given that the right exists at common law and, by the minister's admission, this bill does not affect that right in any way. The second-reading speech says that this provision somehow enhances that common-law right, but having made that claim it does not then in any way seek to qualify it or to give any detailed explanation as to how the right is enhanced; it is just a claim that is made in the second-reading speech.

I want to also deal with the definition of 'drunk, violent or quarrelsome', which is the right that is given to the responsible person to bar someone who is drunk, violent or quarrelsome. I think most people would understand what is meant by 'drunk' or 'violent'. 'Quarrelsome' is a bit more difficult to define — and I do not want to be quarrelsome about it because I would not want the President to bar me. It sounds like it is about the same standard applied by the Presiding Officer in the other place when he decides to eject members from the house. It is difficult to expect a responsible person in this circumstance, whether that is a licensee of a licensed premises or some other responsible person, to be able to decide for themselves whether someone's level of quarrelsomeness is sufficient to enable that responsible person to issue a barring order.

The effect of this bill, as I understand it, is that a quarrelsome person can be barred from a venue for up to a month, rising to six months where a person has been barred more than once before, by a person who is not the licensee of the venue and in the absence of any member of the police force. Time will tell whether this provision will work. It will be given an opportunity to work, because the bill will pass. It is fair to say that Liberty Victoria has expressed concerns about these sorts of powers being in the hands of people other than the proper authorities, and I do not think it is too difficult to imagine the types of scenarios that Liberty Victoria might be concerned about.

The sorts of scenarios you could imagine might arise, given the breadth of the definition — and let me say the opposition hopes they do not arise — include, for example, a situation where a responsible person, a bar manager, might issue a barring order in a way that a reasonable person would consider to be capricious. There might be a patron in a venue to whom a bar manager takes a dislike for some reason and the bar manager decides to define that person as quarrelsome. That is one potential scenario that I think people are rightly concerned about.

Then you have a possible scenario where someone is being genuinely quarrelsome, argumentative, disagreeable — I suspect either of those terms could have been substituted for the term 'quarrelsome' — or disruptive in some way — —

Mr Barber — Singing a song.

Hon. M. P. PAKULA — Mr Barber, I suspect it would depend on what the song was. Some songs might be deemed offensive by some bar managers; some would be deemed offensive by me.

Mr Barber — *Good Old Collingwood Forever*.

Hon. M. P. PAKULA — That is exactly the kind of song that would get you into trouble, Mr Barber, in certain parts of Melbourne.

You could easily imagine a scenario where a quarrelsome person is approached by a bar manager and told that he or she is barred, and that quarrelsome person in those circumstances then becomes a violent person. Responsible people, bar managers, will be expected to deal with that somehow or other. You can also imagine a scenario — given that these barring orders have to be issued on the proper forms, which require the name of the person being barred — where the quarrelsome or violent person simply refuses to provide their name or to identify themselves. That is another scenario that you can imagine would be

extremely difficult for the licensee or other responsible person to then manage.

You have also got the circumstance where the patron who is being barred has no way of knowing whether the person doing the barring, for want of a better term, is authorised to do that, whether they are or are not a 'responsible person'. A bar manager is entitled to issue a barring notice; a bartender is not. A person who is in a quarrelsome or argumentative frame of mind being unable to distinguish between a bar manager and a bartender in those circumstances, and not knowing whether their rights have been infringed upon, is another scenario which is not difficult to imagine.

A lot of these circumstances that I am describing would more than likely lead to the police having to be called anyway. If someone refuses to provide their name, refuses to leave or disputes the right of the responsible person to issue them with a barring notice, the likely outcome is that the police will end up being called. The police can already do something very similar to what this bill is trying to give responsible persons the right to do, and in a number of cases the police may end up having to visit the scene and issue that notice themselves.

There is also the very real problem that there is no effective right of appeal under this bill. I refer to the second-reading speech where the Assistant Treasurer, Mr Rich-Phillips, said:

> The director of liquor licensing will play an important role in the barring order process. The director will have the authority to vary or revoke any barring order.

If you stopped there you would think, 'All right, there is a fail-safe here. If someone acts capriciously or outside their powers, the director will step in and will be able to rectify that problem'. But further on in the second-reading speech the powers of the director are radically narrowed. It says:

> It is not the intention of this power to allow for a quasi-appeals mechanism that allows the director to consider and vary barring orders issued by the police, licensees, permittees or responsible persons. Rather, we acknowledge that the police, licensees and permittees have the requisite knowledge of management issues experienced by the licensed premises, and are therefore better placed to decide whether a barring order is warranted in the circumstances …

In effect the claim that the director has an important role in the barring order process is not correct. The director has only a very minor role in cases of mistaken identity or when there are incorrect details of the barring order. That is about it. If someone is barred and they believe their rights have been infringed upon, frankly, what this bill says is 'too bad'. Beyond that there is really no way for the director of liquor licensing or the public to ever really know how effectively this bill is working, because there is no requirement for the licensee to ever send the information in to the director.

Ms Pennicuik — There is a requirement for the director to get it.

Hon. M. P. PAKULA — Ms Pennicuik says there is a requirement for the director to get the information. We should probably not engage in cross-chamber dialogue, Ms Pennicuik. I am sure the President does not appreciate it at this hour.

The director is not going to know what is going on, because the records are held at each licensed venue. So not only does the director not have any real role to play in the issuing of barring notices or their variation, but the director has no role in keeping records about those things either.

Mr Barber — You can stop right there if you like. You've convinced me!

Hon. M. P. PAKULA — I appreciate that, Mr Barber, but I am going to quickly finish on three other brief points. I want to state for the record that there is a potential issue in regard to licensed clubs. Most of the time the patrons in a licensed club are members of that club, and licensed clubs have their own rules about how they deal with their members. They have their own rules about how to deal with members who misbehave; they have their own articles. There has been concern raised by the Licensed Clubs Association of Victoria and let me be clear, it does not oppose this bill. I can see Mr O'Brien writing furiously. I know the association does not oppose this bill, but it is concerned about the interplay between the provisions of this bill and its own rules and relationship with members.

I also want to very briefly put on record some of the concerns raised by the Scrutiny of Acts and Regulations Committee (SARC). I saw Mr O'Donohue, who is a member of that committee, in the chamber earlier, but Mr O'Brien is here and he is also a member. I was mistaken — Mr O'Donohue is here.

I go very briefly to some of the concerns raised by SARC. First of all it notes that offences are not limited to those that occur on the footpath or on the road outside the entrance of a premises, but instead the 'vicinity of the licensed premises' extends 20 metres in all directions from the boundary of the premises. Importantly the 20-metre exclusion rule applies even when the licensed premises is closed. It is incumbent upon the government to explain why it is a problem for

someone under a barring order to be heading into a 7-Eleven next door to the licensed venue in question when it is shut. It does not seem to make a lot of sense.

SARC also makes the point that the new section 106J(2) may apply to people for periods of months at the discretion of private individuals. The committee observes that orders barring people from public places are similar to civil injunctions, and therefore people subject to those orders may have a right to have them determined by a court or tribunal after a fair hearing. Again it would be useful to the house if a government member could address that matter in their contribution.

Finally SARC made the point that new section 114(3) applies to any person who is refused entry to a licensed premises, but it does not expressly limit the ban to refusals based on that person's inappropriate behaviour, it does not specify how long a person must remain away from the vicinity of the premises and it does not provide for such a person to be informed that it is an offence to remain within 20 metres of the premises. Those are all relevant and valid concerns that were raised by SARC. They are valid concerns that should be addressed by a government member joining the debate on this bill.

Mr O'Brien — Which digest is that?

Hon. M. P. PAKULA — Mr O'Brien has asked me which digest I have referred to. It is *Alert Digest* No. 2.

Mr O'Brien — Do you have *Alert Digest* No. 3?

Hon. M. P. PAKULA — I do not have no. 3.

Mr O'Brien — I would have a look at it.

The PRESIDENT — Order!

Mr O'Brien — Mr Pakula.

Hon. M. P. PAKULA — It seems that Mr O'Brien is calling me to speak!

The final matter I wish to raise concerns the coalition's commitments in this area in the lead-up to the last election. The coalition made one very specific commitment in relation to licensed premises and people behaving inappropriately that has not found its way into this bill or any of the pronouncements the government has made around it, and that is the commitment that anyone who was convicted of a criminal assault while under the influence of alcohol would be barred from all licensed premises, including cafes, restaurants and bars, for a period of two years.

The opposition expected, perhaps naively, that all of those liquor licensing behavioural issues would be dealt with in this piece of legislation, but that commitment has not been included. I wonder whether that is because the government intends to deal with it in a subsequent piece of legislation or whether it is because the government has recognised that the notion of being able to enforce a provision which says, 'We will be able to bar you from any licensed cafe, restaurant or bar for a period of two years' is too problematic.

The enforcement challenges related to that kind of provision would be extreme. I hesitate to say the provision would be unenforceable because governments always find ways to enforce things if they absolutely want to, but I would challenge any member of the government to explain to the chamber how it could enforce that provision. Again, it would be useful if a government member could indicate whether the government remains committed to that promise that it made in the lead-up to the election, whether it is going to be brought forward in a separate piece of legislation or whether it has been jettisoned.

With those comments, I reiterate that the opposition will not be opposing the bill. I wish it a speedy passage.

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the debate be adjourned for one week.

The reason I am moving this motion to adjourn debate on this bill is I feel we are now engaged in an abuse of parliamentary process. I use the word 'abuse' carefully. We had a similar conversation about this issue during the last sitting week and I made the point that we have designated sitting times. Under standing orders we also have the ability to extend the sitting time. But the reason we are able to extend the sitting time is to enable us to deal with exceptional circumstances facing us — that is, if there is an urgent bill that is not passed and there will be dire consequences in relation to some aspect of public life in the state of Victoria if it is not passed. That is not the situation that is facing us here now.

We have a bill before us, the Justice Legislation Amendment Bill 2011. Clause 2 deals with the dates for the commencement of various clauses. The clause notes regarding clause 2 state that:

> Subsection (1) provides that the provisions of the bill will come into operation on a day or days to be proclaimed.
>
> Subsection (2) provides that any provision of the bill that does not come into operation before 1 February 2012 comes into operation on that day.

There is nothing in clause 2 like what we often get in bills before us that says a bill will come into operation fairly shortly after it is passed. We have 10 months before this bill is due to come into operation. There is absolutely no urgency for us to be embarking on debate on this bill at 1.30 a.m. I have a certain amount of sympathy for finishing debate on the Regional Growth Fund Bill 2011 that we started debating earlier, because I agree that if we start debating bills and we can finish them, then we should do so.

The government has not necessarily organised its business in the best way possible this week. If the government is saying this is an urgent bill, why is this bill listed as no. 4 on the list on the notice paper? If it was so urgent, why was it not further up the list?

We started on Tuesday debating two references to standing committees which were also not urgent. They are 12-month references. I think it would have been better if we had waited for the excellent address we received from the Clerk of the Senate, Dr Rosemary Laing, who explained to us the operation of the Senate committees on which our upper house committees are closely modelled, how those committee should work and the work they should do in terms of types of references and legislation. It probably would have been better if we had waited for that to happen and then spoken amongst parties in the chamber about appropriate references for those committees based on what we were told by Rosemary Laing. I am sure we would have been able to obtain extra information from her, because I sensed there were more questions that needed to be asked.

We spent quite a bit of time on Tuesday debating those issues. They were the first things that were done. There was no mention then to us of this being an urgent bill. The government told me earlier in the week this bill was unlikely to come on the program this week. Last week I foreshadowed to the government I would propose an amendment to this bill. When I was told this bill was not going to be on the program this week, I did not annoy parliamentary counsel with my amendment. Then I was told yesterday that the bill was on the program, so I had to rush to parliamentary counsel to have the amendment drawn up.

We are here in this chamber now because things were not organised properly. I do not believe we should be keeping Hansard staff and advisers, who are members of the public service, sitting here in the chamber at 1.30 a.m. when they should be at home with their families, while we debate a bill which has absolutely no urgency whatsoever. The bill will not come into operation until 2012. The government might feel it wants it passed, but there is no urgency. It is a total abuse of the process.

Mr LEANE (Eastern Metropolitan) — I put the opposition's position that it will be supporting Ms Pennicuik's motion. We support her view that this bill is not urgent in that the implementation date is 2012. In this chamber we pride ourselves on this house being a house of review. Members get up and talk about how important this chamber is as a house of review. Members are prepared to make contributions to second-reading debates and committee stages to analyse legislation.

However, when we come to 1.30 on Friday morning — which is compounded by the fact that we continued the sitting on Tuesday until a similar time on Wednesday morning — members of the Legislative Council are not doing the right thing by the people we represent. We are not in the best frame of mind to be analysing, dissecting and debating anything, let alone an important piece of legislation that will come into effect and prescribe the way people we represent are able to behave. We will be supporting Ms Pennicuik's motion. I defy the government to unpick the logic Ms Pennicuik used in support of her motion.

Hon. M. J. GUY (Minister for Planning) — On this occasion the coalition will be supporting the Greens motion.

Motion agreed to and debate adjourned until Friday, 15 April.

BUSINESS OF THE HOUSE

Adjournment

The PRESIDENT — Order! As Mr David Davis rises to his feet I wish him a happy birthday.

Hon. D. M. DAVIS (Minister for Health) — Thank you very much, President. I move:

> That the Council, at its rising, adjourn until Tuesday, 3 May 2011.

Motion agreed to.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

> That the house do now adjourn.

Country Fire Authority: Northern Victoria Region stations

Ms BROAD (Northern Victoria) — The adjournment matter I wish to raise is for the Minister for Police and Emergency Services, and the action I seek is that the minister guarantee that the Victorian communities of Toolangi, Buxton, Reedy Creek, Wandong and Glenburn in my electorate of Northern Victoria Region will have their fire stations rebuilt before the next fire season; alternatively, if the minister is unwilling to give that undertaking, I ask that he advise these communities that their fire stations will not be rebuilt.

The firefighting volunteers in these towns work with dedication and commitment to protect their communities all year round. In February 2009 these brave men and women protected and saved many homes and lives selflessly, often at great personal cost to themselves and their families. We know after Black Saturday that areas of northern Victoria are some of the most fire-prone areas in Australia, and our local fire brigades do a great job in protecting us and responding to all types of emergencies, including road accidents.

Victorian Labor demonstrated its commitment to these communities by promising to build and upgrade 250 more Country Fire Authority (CFA) stations right across Victoria, including at Toolangi, Buxton, Reedy Creek, Wandong and Glenburn. This was in addition to all the fire stations already built or upgraded by Victorian Labor, including those at Badger Creek, Seymour, Hilldene, Kilmore, Yea, Taggerty, Strath Creek, Thornton, Murrindindi and Wallan — to name but a few in northern Victoria alone.

In contrast, the Ryan-Baillieu government has promised only 60 unidentified CFA and State Emergency Service units and has given no definitive timetable for when these 60 units will be identified and built. The communities of Toolangi, Buxton, Reedy Creek, Wandong and Glenburn need new fire stations; they need them before the next fire season, and they deserve to know where they stand with the Ryan-Baillieu government.

These volunteers deserve the best and safest facilities and the most up-to-date and modern firefighting equipment money can buy. We do not want to see a return to the state of affairs in 1998, the last time The Nationals and Liberals were in government, when the CFA did not have the resources to buy proper safety boots.

Floods: local government response

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Minister for Local Government, the Honourable Jeanette Powell. First of all, I commend the minister on her administration of that portfolio as well as her administration of her other portfolio responsibilities in Aboriginal affairs. I also congratulate her administration in relation to the particular challenges that have faced local government in my electorate in response to the floods and the damaged infrastructure.

Mr Barber interjected.

Mr O'BRIEN — Some of the achievements include, Mr Barber, the coalition government's initiative of establishing a $5 million Local Government Clean Up Fund, which has provided welcome additional assistance to many communities. This money has been provided in a timely manner to enable local councils to get on with the arduous job of cleaning up following the floods. A number of councils have expressed their gratitude to the Minister for Local Government for these extra clean-up funds.

This has been in addition to the extensive consultation that all members of the government, both those in the ministry and those on the back bench, have undertaken in the flood-affected areas over many months. They continue to undertake that consultation, but more importantly than that their communities continue to work through their response, to the floods. In particular, the response of the volunteer organisations and community organisations and the local government initiatives are continuing to be progressed and worked through.

Some local councils have questioned whether particular aspects of the recovery work being undertaken as a consequence of the floods may require the additional preparation of certain documents, such as cultural heritage management plans, prior to some recovery work being undertaken. This falls under Minister Powell's other portfolio of Aboriginal and indigenous affairs.

I have a question for the Minister for Local Government, who is also the Minister for Aboriginal Affairs: do the cultural heritage management plans required under the Heritage Act 1995 apply to areas where flood repairs are required? If so, how are councils advised to work through those issues involving sensitive matters of Aboriginal heritage while taking into account the important financial and technical

considerations of flood recovery? I ask the minister to provide a response in relation to those matters.

Again I commend those communities for continuing to work through the issues, and I commend the responses of many of the shires in my wonderful electorate.

Insurance: fire services levy

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Treasurer, Mr Wells. In opposition the coalition called vigorously for reforms to the fire services levy. In fact, if I recall correctly, for seven years or more there were strident calls for those reforms to take place. That is all part of the historical record. What we saw was the coalition insisting that the fire services levy be abolished. The then opposition said it would act urgently and rapidly and do more than Labor said it would do in response to the 2009 Victorian Bushfires Royal Commission.

The Brumby Labor government said it would release a white paper on the path to having the fire services levy removed by 1 July 2012 and that that white paper would be released by the end of February 2011. We are now more than one month after that deadline. The action I seek from the Treasurer is, if the government's commitment when in opposition was to do things more rapidly than the Brumby government, it means the government is already five weeks late — —

Hon. W. A. Lovell interjected.

Mr LENDERS — I take up Ms Lovell's interjection that we had 11 years. The coalition had seven years in government before that when it did nothing either.

In response to the royal commission the Brumby government said it would have the fire services levy white paper out by the end of February so there could be an orderly transition to a new system. We are already five weeks past the deadline set by the Brumby government and there is no action going forward to bring about a change in this levy, something the Treasurer, the Premier and the Deputy Premier said they would achieve more promptly than Labor. The action I seek from the Treasurer is that he honour the election commitment, even though the government is five weeks late now, and come forward with a solution on this matter which was so urgent when the government was in opposition and achieve the solution that Labor promised. The coalition said it would match and do better, but it has sat on its hands for five weeks.

Western Region Health Centre: dental service funding

Mr FINN (Western Metropolitan) — The matter I raise is for the attention of the Minister for Health. I am sure the minister, and indeed most members of the house, would have suffered at some stage or another from toothache. It is a debilitating affliction that takes control of one's persona. I draw to the attention of the minister a service which last year alone assisted over 10 000 people in the western suburbs of Melbourne, the Western Region Health Centre dental service in Footscray.

That service has provided for many underprivileged and economically disadvantaged people — —

An honourable member interjected.

Mr FINN — I am not sure about the waiting list, but we will get to that. I am actually going to visit the centre next week to have a look at what I am told are the pretty shocking conditions at that service. Members would have thought that after 11 years of government by a party that was supposed to represent the west — own the west as it thought — those conditions might not be as bad as they are, but sadly that is the case.

The people who run this dental service do so under very difficult circumstances. For example, I am told that the 12 dental chairs at the dental service would perhaps be better as a display at the Tutankhamen exhibition at the moment because they are so old. It is a disgrace that the centre has not received the attention it needs much earlier.

I refer this matter of the dental chairs to the minister because obviously it is difficult to provide a dental service without dental chairs. I know that we as a government have suffered some very difficult funding cuts from the federal government and that once again those cuts have hit the people of the western suburbs. Despite that, I ask the minister to see if he can in some way come up with the necessary funding for 12 chairs. I have been told that dental chairs are not cheap but I ask the minister to investigate whether it is possible to provide these chairs for the Western Region Health Centre dental service. If the minister were able to provide these chairs, many thousands of people throughout the western suburbs, particularly the inner west, would be eternally grateful to him.

Barwon Heads: kindergarten funding

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is directed to the

Minister for Children and Early Childhood Development, and it is in relation to the Barwon Heads kindergarten. Many people would be aware that a new Barwon Heads kindergarten is required to be built on a new site as the current site is too small for a double-room kinder facility.

Last year the then member for South Barwon in the Assembly, Michael Crutchfield, City of Greater Geelong councillors and council staff were well down the path of working out an appropriate location and determining a possible time line for construction. Leading up to the election Andrew Katos, who has since become the member for South Barwon, made a promise of $1 million for a new Barwon Heads kindergarten.

I am advised that since the election Mr Katos has not met with the very active kindergarten committee at all. The committee is in the dark as to where that promise is. It is in the dark as to where the potential site of the new kindergarten might be. Therefore I ask the minister to provide me and the people of Barwon Heads with information on when the funding will be provided and when this promise will be honoured by the Baillieu government.

City of Greater Dandenong: tree pruning

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is I think for the Minister for Energy and Resources, although I am advised by the clerks that it could also be for the Treasurer. I think it might be the energy portfolio, but I ask the Leader of the House to perhaps show me some latitude.

The issue is in relation to a matter that was raised with me recently and with a number of other members who attended a breakfast briefing from the Greater Dandenong City Council. The council raised a range of issues. One of those issues was the problem it faces with the management of street trees, which is affected by regulation and particularly affected by the Electricity Safety (Electric Line Clearance) Regulations 2010. These regulations detail clearance spaces required to be maintained between vegetation and various kinds of electrical lines.

Pruning trees is of course costly, and a lot of trees will be destroyed. I understand that under previous regulations inner city councils were exempt. The concern is about the negative amenity impact of the harsher pruning regime and obviously the greater costs. The council advises that the regulations are due for review in 2011 and that Energy Safe Victoria (ESV) is working currently with the MAV (Municipal Association of Victoria) and councils to find an approach that achieves a balance between the protection of electrical lines and the amenity value of the trees.

I am a great believer that mature trees, good planting and vegetation make a great suburb — or certainly contribute to making a better suburb. I think that vegetation needs to be protected where it can be. In the meantime the council is seeking to find out if an exemption from complying with the Electricity Safety (Electric Line Clearance) Regulations 2010 within the municipality can be granted, pending the completion of the regulatory review and the work of ESV and the MAV, on the basis that the application of the regulations will have an unacceptable impact on amenity and costs within the municipality.

The Greater Dandenong City Council generally does a very good job in terms of advocating for its communities. It has done a fair bit of redevelopment of the Dandenong CBD, and I must commend the council for the quality of its briefings, reports and advocacy. Whilst the council has many challenges, I believe this is one we can certainly assist with. I ask the minister to see whether an exemption for this suburban council may be granted in order to protect these trees pending the review of those regulations. I believe common sense will prevail, and I ask the minister to see what he can do to assist.

Princes Freeway, Morwell: closure

Mr VINEY (Eastern Victoria) — The matter I raise tonight is for the attention of the Minister for Public Transport. I wish to draw his attention to an article in the *Latrobe Valley Voice* from yesterday. In fact today's *Hansard* will be for Thursday, I suppose, so technically, according to *Hansard*, the article appeared today, but according to the hour it appeared yesterday. An article by Mr Tristan O'Kane entitled 'Accidents escalate with freeway closure' states, based on some advice from Acting Inspector Dave Watson of Victoria Police, that the number of motor vehicle accidents in the township of Morwell has dramatically increased. Acting Inspector Watson explains that in 2010 the number of motor vehicle accidents in Morwell had decreased by 18 per cent. In total in 2010 there were 23 collisions. However in 2011, since the freeway closed, there have been 38 accidents. In two months since the freeway closure the number of accidents has been 15 higher than the number for the entire 2010 year.

I raise this article because Mr Scheffer and I have for some considerable time been expressing our concerns about the closure of the freeway and the fact that the

government and the minister have provided very little information about the course of action, traffic management and other issues associated with it. It appears fortunate that none of these accidents have cost lives, but they are certainly causing significant and considerable concern and angst in the community, not just within the Latrobe Valley community but among all of those in Gippsland who must travel on this route.

I was contacted today by local media in the valley which were reporting that Mr Mulder, the Minister for Public Transport, and Mr O'Brien had announced they were going to go down to the Latrobe Valley to have a look at the freeway closure next week, which I welcome as a response to the pressure Mr Scheffer and I have been putting on in relation to this matter. It would be nice if in writing to me Mr O'Brien had advised me of that rather than attempting to reprimand me. Nevertheless I welcome their visit, and I draw this article and this concern to their attention.

Rail: Cardinia Road station

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Public Transport, Mr Mulder. As the minister and the house would be well aware, the community around Cardinia Road in Pakenham has been long looking forward to the construction of a new railway station for that community. The Lakeside community this weekend celebrates its 10th birthday, and I congratulate it on what it has achieved in a decade. That precinct has gone in a decade from broadacre farmland to a very busy outer suburban hub. The railway station under construction will form a critical part of the local community infrastructure and will be a great asset for people accessing Melbourne for work, for social activities, for medical purposes and the like and for those travelling anywhere on the rail network.

After sustained pressure from various groups, including the coalition when it was in opposition, the local community, the council and others, construction commenced late last year. It has an anticipated construction completion date of November or December this year. It is an exciting time. It is something to which this community is really looking forward.

We saw time and again that the previous government could not deliver infrastructure. It could not deliver it on time or efficiently. Yet here again we have another revelation that indicates the complete incompetence of the previous government. Yes, the railway station will be completed by the end of this year, but there will not be enough power to guarantee that trains can take off again once they get to the station. So come the end of this year we will have a completed station without enough power. This is an indictment of the previous government and an absolute disgrace, and I am disappointed that Mr Pakula is not here, because perhaps he could explain how this situation arose.

Work is now under way to address this issue, but sadly the opening of the new station will be delayed. The action I seek from the minister is that he report back on how much longer commuters will have to wait until they can use the Lakeside railway station after this incompetence and negligence of the previous government in not providing enough power to this very important station.

Health: research funding

Mr ONDARCHIE (Northern Metropolitan) — I rise today with an adjournment matter for the Minister for Health, the Honourable David Davis, whose birthday it is today. We wish him a very happy birthday.

Mrs Peulich — Yesterday or today?

Mr ONDARCHIE — Today, and I am proud to say, Mrs Peulich, that this is a gentleman I have known for over 36 years, and I am proud to raise this matter with him today. As the minister well knows, I am particularly concerned about health in Victoria. Through my time at the Royal Women's Hospital and beyond I have been particularly concerned about research associated with women's health, research associated with men's health and research associated with the care of children and the elderly in Victoria. I am concerned about the lack of federal support for research in Victoria, particularly in light of today's announcement by the Gillard government that, Fagin-like, it will take $2.5 billion out of the pockets of Victorians in terms of our fair share of GST revenue.

In light of the stealing of that $2.5 billion from us in today's decision and of other things happening on the federal scene, I ask the minister: what action will he take to protect Victorian research initiatives, given the widespread public discussion of cuts of between 20 and 40 per cent to the National Health and Medical Research Council? I am particularly concerned about this, and that once again the federal government is not getting behind Victorians but is leaving us stranded in a number of aspects, particularly in health and research associated with health. I ask the minister what he will do about it and how he will support funding for research.

Responses

Hon. D. M. DAVIS (Minister for Health) — There are nine matters on the adjournment tonight, which I will respond to in a moment, but I have a written response to the adjournment matter raised by Mr Drum on 3 March.

Ms Broad raised a matter for the Minister for Police and Emergency Services concerning a number of fire stations, and I will pass this on to the minister. However, I can assure her in doing so that our commitments will be kept and that we are very concerned to see that fire stations in country Victoria are looked after.

Mr O'Brien raised a matter for the attention of the Minister for Local Government concerning clean-up and volunteer organisations and recovery work, particularly in her capacity as the Minister Aboriginal Affairs and her responsibility for cultural heritage management plans and whether those plans would be required in clean-up processes and recovery work. I will pass that on to the minister, but I know she is doing what she can to expedite — as the whole of government is — the repair work that is required after recent events.

Mr Lenders raised a matter for the Treasurer concerning the fire services levy. I will pass that on to the Treasurer, but I think it is a bit rich for a former Treasurer to be raising this matter given his tawdry record of 11 years of failing to address the fire services levy.

Mr Lenders interjected.

Hon. D. M. DAVIS — I will pass it on; I have said I will. But I have to say Mr Lenders has a tawdry record, and that is a fact.

Mr Finn raised a matter for my attention concerning dental care at the Western Region Health Centre. It concerns dental chairs, which he indicates are antiquated, perhaps as old as the pharaohs. I am not sure that in fact they are as old as the pharaohs; even I would not accuse the previous government of leaving them in quite that state. But it is clear there is a need for some attention, and I will certainly give that matter attention. I note the risk posed by the commonwealth's approach to dental care, and we do need assistance from the commonwealth.

The fifth matter raised was from Ms Tierney and was for the attention of the Minister for Children and Early Childhood Development. The minister will answer that in a moment.

Mrs Peulich raised a matter for the Minister for Energy and Resources, and it is possible that it is a matter in which the Treasurer also has an interest. I will establish with certainty which minister has overriding responsibility and refer the matter to them. But essentially it concerns — —

Mr Viney interjected.

Hon. D. M. DAVIS — I am quite relaxed about the fact that the administrative orders are complex. I do not know every single twist and weave of them; I suspect in fact that no-one does. I make the point that this concerns the regulation of energy safety, and I am very pleased to pass it on.

Mr Viney raised a matter for the Minister for Public Transport concerning an article in the *Latrobe Valley Voice* in relation to accidents. He has raised matters around these issues in the chamber previously. I note that he recently commented in the chamber that coalition ministers had not visited the relevant area. This was later proved to be wrong. He may have taken the opportunity with some generosity to correct the record, but I note he has not chosen to do that, and that is unfortunate. Nonetheless, I will pass the matter on to the Minister for Public Transport.

Mr O'Donohue raised a matter also for the Minister for Public Transport concerning land and the development of the Lakeside railway station on Cardinia Road in Pakenham. I am not familiar with the details of this, and I will certainly pass it to the Minister for Public Transport. However, if the story as related is correct, I must say it is astounding that you would build an electric railway with insufficient power to get to the relevant station. It seems to be a tragicomedy if it is as described. As the President indicated, Thomas the Tank Engine may be able to do a better job if there is not sufficient electricity.

We are not unused to the previous government's failure to manage projects. It seems to have been quite incompetent, whether it is the desalination project, which now appears behind time, or a long list of other botched, failed, late and ineffectively delivered projects. I will pass this matter on to the Minister for Public Transport for his close attention.

The ninth matter was from Mr Ondarchie and was for my attention, and it concerned medical research. It is true that Victoria faces some challenges on two levels. The decision of the commonwealth to wind back GST funding for Victoria is significant. The matter the member raises today concerns more the recent strong indications from Canberra that there will be some

significant cuts to National Health and Medical Research Council grants. Those cuts will fall disproportionately on Victoria.

Victoria has a very large share of national research activities in the biomedical area in particular, and those research efforts are not only an important part of the future but also an important part of our economy. In fact they are an important part of our health system, informing our clinicians, strengthening the delivery of health services and also strengthening the research effort that is conducted through the medical research institutes in which Victoria has such a strong stake.

If the cuts of between 20 and 40 per cent that are currently being mooted to the National Health and Medical Research Council are in fact delivered, they will hit Victoria's research efforts significantly. I for one would be opposed to those cuts; in fact I suspect everyone in this chamber would be opposed. Any Victorian would be opposed, and I hope I would have the support of the entire chamber in opposing those sorts of cuts.

I will take this matter up with the commonwealth government, and I will take it up with my state colleagues as well to ensure that there is a united front in opposing any of these cuts that are being discussed for the National Health and Medical Research Council. As I said, they would strike Victoria disproportionately given our strong medical research efforts.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — In response to Ms Tierney's adjournment matter in which she raised the issue of the coalition's commitment to provide $1 million towards a new kindergarten in Barwon Heads, I advise Ms Tierney that my department has advised me that it has had discussions with and is working with the City of Greater Geelong to implement that election commitment.

Barwon Heads is a community that was ignored by the previous Labor government to the extent that its kindergarten has outgrown its current site and does not have the capacity to cater for the growing population of Barwon Heads. I can assure Ms Tierney that the new member for South Barwon in the Assembly, Andrew Katos, has been very active in progressing this commitment — unlike the former member, Michael Crutchfield, who ignored the community for many years. Unlike Labor's shallow attempt to appear to be interested in a new site for a kindergarten in Barwon Heads, the coalition's commitment is rock solid, and it will deliver on that commitment.

The PRESIDENT — Order! I take this opportunity to thank again all the staff for their forbearance this evening and ask that my appreciation be conveyed to Hansard and to the clerks for their assistance throughout the sitting. The kitchen staff excelled themselves this evening; the food was outstanding. Obviously there are quite a number of people across the building who are required to stay back when Parliament is still in session, and we appreciate, acknowledge and thank them for that. I also take this opportunity to wish each and every one of you a happy and safe Easter. I look forward to seeing everyone on 3 May. The house stands adjourned.

House adjourned 2.09 a.m. (Friday) until Tuesday, 3 May.