**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE COUNCIL

## FIFTY-SEVENTH PARLIAMENT

## FIRST SESSION

**Tuesday, 11 October 2011**

**(Extract from book 14)**

**Internet: www.parliament.vic.gov.au/downloadhansard**

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## The Governor

The Honourable ALEX CHERNOV, AO, QC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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| | |
|---|---|
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| Minister for Housing, and Minister for Children and Early Childhood Development | The Hon. W. A. Lovell, MLC |
| Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission | The Hon. A. J. McIntosh, MP |
| Minister for Public Transport and Minister for Roads | The Hon. T. W. Mulder, MP |
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| Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry | The Hon. G. K. Rich-Phillips, MLC |
| Minister for Environment and Climate Change, and Minister for Youth Affairs | The Hon. R. Smith, MP |
| Minister for Agriculture and Food Security, and Minister for Water | The Hon. P. L. Walsh, MP |
| Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services | The Hon. M. L. N. Wooldridge, MP |
| Cabinet Secretary | Mr D. J. Hodgett, MP |

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

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

## Legislative Council standing committees

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

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

**Environment and Planning Legislation Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, *Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

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

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

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

*# Participating member*

## Joint committees

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*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.

**Economic Development and Infrastructure Committee** — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

**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.

**Environment and Natural Resources Committee** — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

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

**Law Reform Committee** — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

**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.

**Road Safety Committee** — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

**Rural and Regional Committee** — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

**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 |
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| 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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## TUESDAY, 11 OCTOBER 2011

# Tuesday, 11 October 2011

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.**

## ROYAL ASSENT

**Message read advising royal assent on 22 September to:**

**Health Practitioner Regulation National Law (Victoria) Amendment Act 2011**
**Parliamentary Salaries and Superannuation Further Amendment Act 2011**
**Road Safety Camera Commissioner Act 2011**
**Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011**
**Transport Legislation Amendment (Public Transport Safety) Act 2011.**

## QUESTIONS WITHOUT NOTICE

### Ambulance services: response times

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. Can the minister say, after being in office for 10 months, whether he finds it acceptable that during the last week it has been reported that 41 life-threatening call-outs for metropolitan ambulances were not responded to and that delays of up to 8 hours have been causing additional stress not only for patients but also for paramedics who respond to accidents, emergencies and trauma?

**Hon. D. M. DAVIS** (Minister for Health) — Members of this house well know the problems faced at Ambulance Victoria. We debated a motion in June last year that sought the assistance of the Auditor-General in reviewing Ambulance Victoria and its performance. It was very clear from the Auditor-General's report, which was tabled in this chamber in the first week of October last year — —

**Mr Jennings** — That was a year ago.

**Hon. D. M. DAVIS** — Let me be very clear. We are dealing with 11 years of neglect. We are dealing with 11 years of failure and 6 years of declining performance under the Brumby and Bracks governments. Response times deteriorated under the Brumby and Bracks governments — —

**Mr Jennings** — And now they have escalated under you.

**Hon. D. M. DAVIS** — Very gentle improvement is beginning to occur. I have got to say and be very clear here that we are turning around 11 years of neglect, 11 years of failure. The government has applied the promises it made during the election campaign to put more money into Ambulance Victoria, to train up more staff and to hire more very competent paramedics that we rely on as a community. It is a long-term task to turn around the 11 years of damage and the forced merger that occurred, without planning, under the now Leader of the Opposition when he was the health minister. In 2008 he forced the merger of the ambulance services.

We have a very tough task, and the community is prepared to work with this government and paramedics to steadily, incrementally turn around the mess left at Ambulance Victoria by the previous government. There is a steady challenge for our community, and our community has to support our paramedics. We have to put in the resources, we have to hire more paramedics, we have to get the single responders working and we have to do the work, but I have to say that, with 11 years of failure and declining performance under the Labor government, we inherited a terrible mess, and we are slowly beginning to apply what is required to turn it around.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — In his substantial response the minister indicated that there is a gentle improvement in the performance. His definition of 'gentle improvement' is a little bizarre, because during the term of the Labor administration we were measured by our effectiveness in terms of ambulance response times — within 15 minutes. This morning I heard on radio that now the government is responding to 90 per cent of calls within 20 minutes — out from 15 to 20. How does the minister describe that as a gentle improvement?

**Hon. D. M. DAVIS** (Minister for Health) — In response to the member's question, performance times, as measured and reported by the Auditor-General, deteriorated year on year for six years. There was a terrible performance — worse than the performance today.

**Mr Jennings** — Never!

**Hon. D. M. DAVIS** — Yes, indeed worse.

**Mr Jennings** interjected.

**Hon. D. M. DAVIS** — I have to say your performance was worse, and it will take time to turn

that around. We had 11 years of failure, 11 years of mismanagement and a forced merger.

**The PRESIDENT** — Order! I take this opportunity to indicate that David O'Brien is not with us today. He and his wife, Janine O'Brien, have had a baby daughter.

**Honourable members** — Hear, hear!

**The PRESIDENT** — Order! As I understand it, that was today. She has not been named yet, so that is rather tardy, but we extend congratulations to the O'Briens.

**Hon. M. P. Pakula** — Maybe they'll call her Inga.

*Honourable members interjecting.*

**The PRESIDENT** — Order! It might be Davida, after the Leader of the Government.

I also take the opportunity to welcome back Mrs Kronberg, who has firsthand experience of the health services of the state. Mrs Kronberg has the next question.

## Health: undeclared savings

**Mrs KRONBERG** (Eastern Metropolitan) — I direct my question to the Minister for Health, who is also the Minister for Ageing, Mr Davis. I ask: can the minister inform the house of any secret or undeclared savings in the health portfolio?

**Hon. D. M. DAVIS** (Minister for Health) — I welcome Mrs Kronberg back to this place. She has had time to convalesce and is now well and truly on the mend, and I think all members of the chamber are very pleased to see her back in the chamber.

The question she asked was about secret or undeclared savings in the health portfolio, and I think most people in this chamber would be surprised to discover that the Labor Party — —

**Mr Lenders** — They're in the man safe!

**Hon. D. M. DAVIS** — There was no such thing, I have got to say.

The Labor Party, under the then Minister for Health, Daniel Andrews, instituted savings of a very significant order but did not declare those savings. In this financial year $283.4 million of savings were ordered by Labor, and they are embedded in our system. It was $336.4 million in the 2012–13 budget year, $336.4 million in the 2013–14 budget year, and $336.4 million in the 2014–15 budget year. These are savings that have never been declared fully to the Victorian community, savings that were not declared as being applied to the health portfolio, savings that will have some impact on the health portfolio. They are very significant savings that were applied to the health portfolio by former Premier John Brumby and former ministers Daniel Andrews and John Lenders. These are savings in the portfolio that were not declared openly or honestly, savings that in the period I have outlined add up to $1292 million. These are significant savings that Labor applied and that were put into the budget we inherited. These are significant savings that are a challenge in the portfolio of health, and I have to say that honesty is an important point here. The previous government refused to declare the savings it had applied in the portfolio. These are savings of $1.3 billion over that four-year period; $1.7 billion between 2008–09 and 2014–15. These are very significant savings that were not openly and honestly declared to the people of Victoria.

## Alcoa Anglesea: native vegetation

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Planning, Matthew Guy. Can the minister tell us whether as part of the government's decision on the Alcoa mine the company will be required to achieve a net gain in native vegetation, as would any other developer operating under the government's planning scheme?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Barber for his question.

**Mr Lenders** interjected.

**Hon. M. J. GUY** — I will always go gently, Mr Lenders. That was a good question from Mr Barber. The details that he is asking for, to my knowledge, have yet to be arrived at, so I am prepared to take the question on notice and give him a little more detail in an answer when and if that would be possible before the permit requirements have been satisfied.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — There is some difficulty because the nature of the heathland vegetation there makes it basically impossible to offset and there are some extraordinary difficulties in actually bringing back that vegetation after mining has occurred, so what approach is it that is open to the minister in the decision he has to make through both the Planning and Environment Act 1987 and the Environment Effects Act 1978?

**Hon. M. J. GUY** (Minister for Planning) — I accept what Mr Barber has stated, but I clearly say that, as he knows, nothing has been decided. I do not want to pre-empt any of the permit conditions or the permit itself, so it would probably be easier for me to make no comment on that and then, as I said, follow up on the substantive question he has asked.

## Employment: skilled migrants

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Employment and Industrial Relations, Mr Dalla-Riva, and I ask: can the minister outline to the house the coalition's policy on skilled migration? How does this policy compare to the approach of the Australian Council of Trade Unions and the Australian Manufacturing Workers Union?

**Mr Lenders** — On a point of order, President, question time is about government administration. Mr Ramsay asked about a political party's policy versus that of a peak body. I ask that you either ask him to rephrase the question to relate to government administration or rule him out of order.

**The PRESIDENT** — Order! I share Mr Lenders's concern about the way the question was asked, because it sought the minister's opinion on other organisations and invited debate in an answer as distinct from an answer that would refer to government administration. I think we understand the substance of the question in the sense of the government's policy, so without requiring Mr Ramsay to reword his question, I ask the minister to focus on government policy and not to debate what other organisations might have as a policy.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Certainly one would not want to criticise the master of those opposite at any point. One would not want to criticise the union movement to those opposite, because that interjection gave a clear example of who the master is.

The greatest competitive advantage a state can have is an abundance of well-educated people with relevant skills. Changes to the commonwealth government's skilled migration scheme, along with the increase in national competition for labour, mean that we need to do more as a state to ensure that we continue to attract the most talented people to add to Victoria's economic strengths. One of the things we will do over the next four years as a government is invest $8.8 million to refocus Victoria's skilled and business migration program so that it directly addresses the needs of industries for highly skilled workers.

Support will also be available for specific industry programs and forums to help bring the right workers in quickly and to help Victorian employers navigate the commonwealth's migration processes. There will also be targeted support to ensure that regional Victoria benefits from Victoria's improved and more focused skilled migration program.

Recently, in June, I had the privilege of hosting Engineers Australia's strategic workshop to facilitate discussion and consensus on the role of skilled migration and how to attract more skilled engineers. Many specialised professions, such as engineering, recognise that over the last decade the Victorian economy has undergone significant changes that have resulted in increased demand for highly skilled workers.

The Baillieu government recognises that Victoria needs to secure a competitive advantage through attracting a skilled workforce with global networks and experience. Although it was a passing comment in the question I have been asked, I note that at the jobs forum held last week in Canberra some organisations argued for cuts to skilled migration intake, and I think it is fair to say we know who they are.

**Hon. D. M. Davis** — They are affiliated with the Labor Party.

**Hon. R. A. DALLA-RIVA** — They are affiliated with the Labor Party. This is very outdated thinking from some people in the Labor movement — and the interjection we heard earlier points to their thought processes on skilled migration.

But we are being proactive. Only last month, in September, I announced with my colleague the Minister for Multicultural Affairs and Citizenship, Mr Kotsiras, that information sessions would be held in Germany and Greece to attract more skilled workers to further strengthen our competitiveness. Those sessions, which occurred on 6, 8 and 9 October, facilitated the direct engagement of Victorian employers with the highly skilled workers in those two countries. At the Germany session we had 150 attendees, and 900 people attended the Greece session.

These initiatives will ensure that Victoria is a prime destination of choice for skilled and business migrants and that they are well integrated and able to move quickly and seamlessly into employment aligned with their profession and skills. We know a shortage of skilled workers drives up costs for business, for the industry and for the general population, which is something those opposite fail to understand. In the

immediate future our focus in our state migration plan is to target the right people to fill key gaps in our workforce.

## Austin Hospital: funding

**Mr JENNINGS** (South Eastern Metropolitan) — My question is to the Minister for Health. Last week a senior doctor at the Austin Hospital took the drastic action of drawing attention to the major underresourcing at the hospital, which places lives at risk and staff under great stress. With the current crisis in Victorian hospitals and ambulance services getting more and more acute under the minister's watch, will he guarantee that whistleblowers will not be victimised in their workplace for drawing attention to these issues?

**Hon. D. M. DAVIS** (Minister for Health) — I do not accept the premise of the member's question — that whistleblowers would be victimised in any way or, importantly, that there is any deterioration in our hospitals. In fact hospitals like the Austin have increased budgets. I agree that the Austin is facing significant challenges in its emergency department — there is no question about that — and I accept the challenge that the highly qualified clinicians, doctors and nurses are faced with in the emergency department to this day. There is no doubt that there is a significant challenge. There is no doubt that there is an increase in demand and that there is a significant need for resourcing, but there is also no doubt that there is a need for better systems in the emergency department as well.

Additional funding has been provided to the emergency department, including $1 million to fund its expansion. The number of resuscitation bays will be expanded from one to three, the fast-track area will be expanded and the emergency department triage and waiting room area will be reconfigured to improve capacity. All of these are important steps to strengthen the position of the Austin.

In the recent state budget we allocated $25 million to the Northern Hospital for an expansion of its emergency department, which will help take some of the pressure from the Austin in the northern suburbs. There is no doubt that there is significant population growth in the north of the city and that the Northern Hospital is also facing significant challenges of increased demand. The government is responding to these challenges. There is increased funding being provided to both those hospitals with additional resourcing to improve the configuration of the emergency department at the Austin and specifically to rebuild the emergency department at the Northern Hospital.

I make the point that the previous government failed to plan properly. It had no plan. It had no approach as to how it would deal with these points and how it would deal with population growth. It failed to deal with the challenges of population growth in the north, the west or the south-east. It failed to properly plan for maternity and obstetric growth. It failed to plan for emergency department growth. There was an ad hoc approach and a complete and utter failure to plan for the future and the growth of the city. Both city and country regions of Victoria have had significant population growth over the last 11 years.

**An honourable member** interjected.

**Hon. D. M. DAVIS** — In the case of Swan Hill, you had 11 years to rebuild that hospital and you did nothing. You had 11 years, and you did absolutely nothing. You allocated not one jot of money.

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

**Hon. D. M. DAVIS** — President, I was clearly being provoked there to attack the member on a point on which he failed to act over 11 years. The same applies to the shadow Minister for Health who, as a member of the previous government, also failed to deal with the proper planning of our health system and failed to deal with the growth in population. They left a terrible legacy that is going to be difficult to turn around without proper planning and proper approaches. In the case of the northern side of the city, which the member alluded to, we are very determined to make sure that there is proper resourcing of the Austin and additional money to improve the resuscitation bays and the fast-tracking of patients in the emergency department, and in the case of the Northern Hospital, a rebuilding of the emergency department, which is a significant part of the challenge in the northern suburbs.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — I thank the minister for having a bit of a dip at least and indicating that the government has spent $1 million. That is something in terms of supporting the emergency department.

**Hon. D. M. Davis** — Twenty-five million at Northern in fact.

**Mr JENNINGS** — Can you confirm that? I ask the minister to take the opportunity before the Parliament to indicate what will be the real increase in the Austin

Hospital's budget from last year to next year. What will be the real increase that his government will provide to that hospital so he can provide confidence that is clearly currently lacking in the doctors, nurses and paramedics who work within his system?

**Hon. D. M. DAVIS** (Minister for Health) — As I have said, there will be an additional $12 million provided to the Austin Hospital this year. In addition there will be funding for the emergency department resuscitation bays and the fast-tracking area, and in the case of Northern Hospital, there will be a full rebuild of the emergency department there to the tune of $25 million — a massive expansion — and an additional 21 places. Equally — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — You want to pick on Bendigo? Six hundred and thirty million dollars and we are still waiting for you to support the bigger hospital and get off your support for a hospital that is $102 million smaller. Why do you still support the smaller hospital?

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

**Hon. D. M. DAVIS** — President, I am being provoked here, as you can see. I am still seeking from the opposition some indication as to why it persists with its ongoing support for a small hospital in Bendigo. Why do they — —

**The PRESIDENT** — Order! Minister, time!

**Questions interrupted.**

## DISTINGUISHED VISITORS

**The PRESIDENT** — Order! It gives me great pleasure to interrupt proceedings and let everyone cool down, apart from anything else, but from my point of view also to extend a warm welcome to a delegation from the Parliament of Malta who are in the gallery today, led by Michael Frendo, the Speaker of the House of Representatives. This is a very distinguished delegation. In fact a couple of the members of the delegation either have very safe seats or are extraordinarily popular in Malta because their longevity in Parliament dates back to 1987.

Two of the members, including the Speaker, have had significant roles in foreign affairs et cetera, and they met with the Speaker, me and a couple of other members of the Parliament today. Speaker Frendo was particularly keen to suggest that there were both opportunities and a need for the parliaments of Victoria and Malta to have some closer alignment going forward. He made the point that Malta provides a gateway for Victoria both to Europe and to North Africa. We extend a very warm welcome to the Legislative Council.

If I might just intrude on your welcome very briefly, I also acknowledge Geoff Barnett, who is a former employee of the Parliament, and we welcome him back. We hope you enjoy your stay here in Victoria. It will be all too short. We hope we see you back again.

## QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Information and communications technology: national broadband network

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Technology, Mr Rich-Phillips, and I ask: can the minister inform the house about how the Baillieu government is supporting Victoria's position as a leading state in the development of broadband capabilities?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Ms Crozier for her question and for her interest in the development of broadband opportunities here in Victoria. One of the great challenges that we face with the Victorian economy and with the national economy is driving productivity in the economy, and one of the great opportunities we have to do that is through harnessing new technologies.

One of the great opportunities for technology is the further development of high-speed broadband in Australia, and whether that broadband is provided by existing fixed-line services, whether it is broadband provided by the national broadband network (NBN) or whether it is wireless broadband provided by the existing 3G and the new 4G wireless broadband providers, there is a great opportunity with new broadband technology to help drive productivity in the Victorian and the Australian economies. One of the challenges, though, is that broadband by itself will not drive productivity. What we need to do is develop applications to use broadband, and the Victorian government is committed to supporting the development of broadband applications here in this state.

Back in July I was pleased to announce a commitment of $3 million to the Institute for a Broadband-Enabled Society. In association with the University of

Melbourne, the institute is developing a precinct of capability at Parkville around broadband applications. On 27 September I was pleased to announce the establishment of the Australian Broadband Applications Laboratory, and the purpose of the laboratory — ABAL — is to provide opportunities for the private sector and for not-for-profit organisations on a fee-for-service basis to develop and test broadband applications prior to rolling them out in a commercial sense.

It is a great opportunity for companies seeking to harness the potential of the broadband rollout. Whether it is NBN, as I said, or whether it is the alternative wireless platforms, 3G and 4G, that we are now seeing, there is a great opportunity to harness that technology, and the government is very pleased to be supporting the development of ABAL as a test laboratory by which those applications can be tested before they are introduced into commercial operations.

The Victorian government is keen to support the development of broadband technology and the harnessing of broadband technology. The opening of ABAL will add to the capability we have in the Parkville precinct built around Melbourne University and further enhance Victoria's reputation as the hub for broadband development.

## Hospitals: waiting lists

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. Is it not true that the most recent Victorian health data released by the minister's department shows that the number of Victorian patients admitted for elective surgery peaked at 40 315 in the mid-2010 quarter and has fallen each quarter since then?

**Hon. D. M. DAVIS** (Minister for Health) — The data is as the data is, and the member will make his own conclusions on that data.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — In fact I measure it as a failure, and my supplementary question to the minister is: is it not true that the number of Victorian patients treated for urgent elective surgery and semi-urgent elective surgery has dropped quarter by quarter, so as a consequence the median time for all elective surgery has gone up by over 20 per cent during his time as minister?

**Hon. D. M. DAVIS** (Minister for Health) — I am surprised to hear the shadow minister leading with his chin like that. The record of the previous government on the median waiting time for elective surgery in the acute, the subacute or the one-year waiting time category shows that the period increased by about 40 per cent from 1999 to 2010. If we were to get back to the former Kennett government achievements in terms of median waiting times, it would be better than the performance under the Bracks or Brumby governments and it would be a better performance than under the former Minister for Health, Daniel Andrews.

## Vocational education and training: government initiatives

**Mr ONDARCHIE** (Northern Metropolitan) — My question is for the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, the Honourable Peter Hall. Can the minister advise what the Baillieu government is doing to ensure that the vocational education and training system is being run in the most effective and efficient manner possible?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I am sure this question is of interest to all members and not just Mr Ondarchie. At the change of government late last year the Baillieu government inherited a funding system for vocational education and training (VET) in this state that was demand driven. The principles behind that funding system were supported by the Baillieu government, and it oversaw the full implementation of that demand-driven system in January this year.

We now have a system in Victoria whereby if a young person — or someone of any age — seeks access to the training system, under certain eligibility criteria they are guaranteed government support. I say 'under certain eligibility criteria' because at the time these reforms were introduced by the previous government there were some concerns about whether the system needed some refinement, particularly whether it was equitable, whether it enabled universal access, whether the fees and funding structures that were in place were transparent and whether the market-driven system was in fact working — that is, whether the training dollars and the training effort were matched by employment outcomes at the end of the day. These were all important issues, and we on this side of the house considered it necessary to resolve them to satisfy ourselves that the system was as good as it could be.

With that in mind we made an election promise to review the fees and funding associated with this demand-driven system. In May this year the Minister for Finance, Robert Clark, and I prevailed upon the Essential Services Commission (ESC) to undertake a

review of the fees and funding in the VET system in this state.

Members may have observed that on today's list of papers to be tabled in the Parliament is a report from the Essential Services Commission on the review of VET fees and funding. I will pay members the courtesy of their having a look at that report when it is tabled and will not debate in this answer any of its contents, but I encourage members to read it. It is a substantial piece of work undertaken by the Essential Services Commission and is important in making sure that the training system we have in Victoria is equitable in its ability to be accessed by all Victorians. The ESC made some 40 recommendations, and from here on in we propose to take that report to the people of Victoria.

I have commissioned two gentlemen, being Professor Gerald Burke and Dr Peter Veenker, with the task of undertaking some consultation on the recommendations made by the ESC. Between now and the end of November they will undertake consultation on those ESC recommendations at venues scattered throughout Victoria. They will then come back to me and provide me with the public feedback on the ESC recommendations before the government produces a final response to the report in about mid-December. That is the target for achieving that.

I wanted to alert members to the fact that we have acted upon our election promise, and I draw the attention of members to this document on the list of papers to be distributed today, which in my mind will be essential reading for those with an interest in training in Victoria.

## Hospitals: bed numbers

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Minister for Health. Will the minister now clarify his policy on bed closures and openings, given the reported 32 bed closures at Box Hill Hospital and his subsequent explanation that his election promise of 800 new beds will see hospital-in-the-home care instead? Does this mean that over the next four years the minister's policy will be delivered by closing hospital-based beds and funding nurses to visit patients at home, or can the minister rule out that confusion and tell us where the new hospital-based beds will be?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for his question. I do not accept the premise of his question and I am not going to be verballed by the member. But I will say something about our commitment to hospital beds. The first point is that we will stick by our commitments; the second is that budget allocations have been made to achieve that.

Members would be aware that the government made a capital funding allocation of $447 million for Box Hill Hospital and $22 million for Maroondah Hospital, another part of Eastern Health. Recurrent funding from the state budget to Eastern Health will increase by more than $20 million this year. The $447 million redevelopment of Box Hill Hospital is $40 million more than the former government's funding of $407 million. We are putting $447 million into the redevelopment of Box Hill Hospital — and I remember the questions in this chamber — which is $40 million more than the previous government allocated. That will provide additional emergency facilities, additional cubicles, a new intensive care unit, six new operating theatres, four refurbished theatres, two endoscopic laboratories, additional inpatient wards and women and children's health facilities. The Box Hill Hospital will be a magnificent new hospital.

I challenge the member to step forward and support the expanded size of the Box Hill Hospital redevelopment. We have still not heard Labor renounce its plans for a smaller hospital at Box Hill, for which its members said they would spend only $407 million. The $447 million rebuild of Box Hill Hospital will be a significant improvement for people in the eastern suburbs. We need to hear from Labor members that they got it wrong, that we need a bigger hospital at Box Hill. We certainly look forward to them recanting their former support for a smaller hospital at Box Hill.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — Last sitting week the minister seemed to ask me to become the Minister for Health, and he seems to have done it again. He seems to be imploring me to take decisions and actions on his behalf. Is not the logic of the minister's hospital bed policy saying that if a Victorian patient wants a new bed, the last place they should go to is a Victorian hospital, but they might be able to pick one up at Captain Snooze?

**The PRESIDENT** — Order! I rule out the question. I am ruling it out on the basis that there was no government administration involved in that supplementary question. It was provocative, it was seeking debate and I am not prepared to accept a question of that nature.

## Housing: homelessness action plan

**Mr FINN** (Western Metropolitan) — My question without notice is to the Minister for Housing, who is also the Minister for Children and Early Childhood Development, and I ask: can the minister inform the house of details of the recently announced Victorian homelessness action plan?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for his question and his ongoing interest in the welfare of Victorians who are unfortunately caught in the homelessness sector. Last week I was proud to release the Victorian government's $76.7 million Victorian homelessness action plan, which focuses on innovation and prevention to tackle the growing and extremely complex issue of homelessness.

This plan has been based on consultation with the homelessness sector and other experts in the field. It involves $25 million for innovation action projects, which will focus on the different needs of families, children, victims of domestic violence, young people and the elderly. These projects will fund outcomes for the homeless in terms of getting them into stable housing, reconnecting them with their families and communities where possible, with education and training where appropriate and with health services where needed.

I am also establishing a ministerial advisory council to advise government on the necessary system reform we need. I am pleased to announce that the council will be chaired by former Victorian Senator, Dr Kay Patterson, a former federal Minister for Health and Ageing and Minister for Family and Community Services. She has a longstanding interest in solving the problem of homelessness in Australia. The plan also includes our $34.7 million election commitment to establish three new youth foyers and five work and learning centres on public housing estates. It further includes $14 million for other services, including rental brokerage and intensive case management.

The plan takes an approach that is superior to that of the former Labor government, which delivered its homelessness strategy just prior to the election. Unlike the prescriptive, one-size-fits-all approach of the former government, our investment of $25 million in eight innovation action projects will focus on funding service providers that can demonstrate integration of service delivery across a minimum of two service sectors.

The plan will focus on partnerships to deliver specialist services to homeless Victorians. The important difference is that we want homelessness service providers to implement projects which will actually provide the supports which will move people out of homelessness rather than the government funding the sector according to the number of times a homeless person moves through a provider's service.

The Victorian Council of Social Service has welcomed the government's action plan, particularly the opportunities for innovation funded under the plan as well as the focus on joining up approaches across different areas of service delivery. The Council to Homeless Persons also applauded the plan, saying:

> … this new and important focus on innovative service delivery models will target the right support, in the right housing, to the right people, at the right time.

The Community Housing Federation of Victoria also welcomed the new strategy, emphasising its support of the collaborative manner of delivering services.

The action plan has broad support from the sector, which is in stark contrast to the response to the strategy the former government released in September last year, after 11 years in government. The sector's disappointment with the former government's strategy showed just how out of touch the former Minister for Housing and current member for Richmond in the Assembly, Richard Wynne, was with the sector and more importantly how out of touch he was with the needs of homeless Victorians.

The government looks forward to working with the homeless service sector to implement the action plan, which, unlike the Labor approach, will address the root causes of homelessness and actually make a difference to the lives of Victoria's most vulnerable residents.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions: 344, 359, 375, 378, 391, 437, 456, 470, 489, 2300, 2947–3049, 3146–3242, 3245–54, 4018, 4029, 4044, 4166–261, 4823–49, 4851–918, 5112–207.

## PETITIONS

### Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Baillieu

government's decision to end funding for the Take a Break occasional child-care program in December 2011.

In particular we note:

1. the program is provided at more than 220 neighbourhood houses and community centres across Victoria;

2. the program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment;

3. the cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

**By Ms MIKAKOS (Northern Metropolitan) (67 signatures).**

**Laid on table.**

## HEALTH PRACTITIONER REGULATION NATIONAL LAW AMENDMENT (MIDWIFE INSURANCE EXEMPTION) REGULATION 2011

**Hon. D. M. DAVIS (Minister for Health), by leave, presented regulation.**

**Laid on table.**

**The PRESIDENT** — Order! As a courtesy to the house I make the comment that, as members may notice, now that Mrs Kronberg has returned she is occupying Mr O'Donohue's seat. This is on an interim basis until she is fully recovered. Mr O'Donohue has effectively changed places with Mrs Kronberg.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest* No. 11

**Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 11 of 2011, including appendices.**

**Laid on table.**

**Ordered to be printed.**

## PAPERS

### Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2010–11 report.

Ballarat General Cemeteries Trust — Minister's report of receipt of 2010–11 report.

Bendigo Cemeteries Trust — Minister's report of receipt of 2010–11 report.

Business and Innovation Department — Report, 2010–11.

Crown Land (Reserves) Act 1978 —

Minister's Order of 28 August 2011 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Minister's Order of 26 September 2011 giving approval to the granting of a lease and licence at Torquay and Jan Juc Foreshore Reserve.

Minister's Order of 22 September 2011 giving approval to the granting of a lease at Geelong Botanical Gardens and Public Recreation Reserve.

Essential Services Commission — Report on Review of VET Fees and Funding, September 2011.

Health Purchasing Victoria — Minister's report of receipt of 2010–11 report.

Medical Radiation Practitioners Board of Victoria — Minister's report of receipt of 2010–11 report.

Melbourne and Olympic Parks Trust — Report, 2010–11.

Melbourne Market Authority — Report, 2010–11.

Mercy Public Hospitals Incorporated — Report, 2010–11.

Nathalia District Hospital — Report, 2010–11.

National Parks Act 1975 — Minister's consent of 14 September 2011 and notice of consent of 29 September 2011 to explore for gas in the Bay of Islands Coastal Park.

Ombudsman — Report on the Investigation into the Office of Police Integrity's handling of a complaint, October 2011.

Peninsula Health — Report, 2010–11.

Peter MacCallum Cancer Centre — Report, 2010–11.

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

Ballarat Planning Scheme — Amendment C145.

Cardinia Planning Scheme — Amendment C160.

Greater Geelong Planning Scheme — Amendment C217.

Greater Shepparton Planning Scheme — Amendment C152.

Knox Planning Scheme — Amendment C99.

Maribyrnong Planning Scheme — Amendments C82 Part 1 and C120.

Mornington Peninsula Planning Scheme — Amendment C156.

Stonnington Planning Scheme — Amendment C134.

Victoria Planning Provisions — Amendment VC77.

Yarra Planning Scheme — Amendment C144.

Police Appeals Board — Report, 2010–11.

Regional Development Victoria — Report, 2010–11.

Rochester and Elmore District Health Service — Report, 2010–11.

Southern Metropolitan Cemeteries Trust — Report, 2010–11.

South Gippsland Hospital — Report, 2010–11.

South West Healthcare — Report, 2010–11.

Statutory Rules under the following Acts of Parliament:

Country Court Act 1958 — No. 107.

Courts (Case Transfer) Act 1991 — No. 101.

Education and Training Reform Act 2006 — No. 109.

Electricity Safety Act 1998 — No. 110.

Estate Agents Act 1980 — No. 100.

Local Government Act 1989 — No. 103.

Rail Safety Act 2006 — Nos. 104 and 113.

Subdivision Act 1988 — Nos. 111 and 112.

Tourist and Heritage Railways Act 2010 — No. 102.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 105 and 106.

Stawell Regional Health — Report, 2010–11.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 93 to 96, 98, 100 to 107, 110 and 112.

Swan Hill District Health — Report, 2010–11.

Tourism Victoria — Report, 2010–11.

Treasury Corporation of Victoria — Report, 2010–11.

Tweddle Child and Family Health Service — Minister's report of receipt of 2010–11 report.

Upper Murray Health and Community Services — Report, 2010–11.

Victoria Grants Commission — Report, 2010–11.

Victoria Police — Report, 2010–11.

Victorian Commission for Gambling Regulation — Report, 2010–11.

Victorian Electoral Commission — Report, 2010–11.

Victorian Environmental Assessment Council Act 2001 — Minister's request for the Victorian Environmental Assessment Council to investigate existing Marine Protected Areas, pursuant to section 16(1)(a) of the Act.

Victorian Law Reform Commission — Report, 2010–11.

Victorian Privacy Commissioner's Office — Report, 2010–11.

West Gippsland Healthcare Group — Report, 2010–11.

West Wimmera Health Service — Report, 2010–11.

Wimmera Health Care Group — Report, 2010–11.

Yea and District Memorial Hospital — Report, 2010–11.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Road Safety Camera Commissioner Act 2011 — 12 October 2011 *(Gazette No. S313, 4 September 2011).*

Tourist and Heritage Railways Act 2010 — 1 October 2011 *(Gazette No. S298, 22 September 2011).*

Transport Legislation Amendment (Public Transport Safety) Act 2011 — 5 October 2011 *(Gazette No. S313, 4 September 2011).*

## PRODUCTION OF DOCUMENTS

**The Clerk** — I have received a letter dated 7 September from the Treasurer headed 'Order for documents — Deloitte review of the myki ticketing system'.

I have also received a letter from the Premier dated 11 October enclosing a copy of a document in accordance with the resolution of the Council of 14 September relating to modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet.

*Letters at pages 3423–24.*

**Ordered that correspondence from Premier be considered next day on motion of Mr BARBER (Northern Metropolitan).**

## BUSINESS OF THE HOUSE

### General business

**Mr LENDERS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 12 October 2011:

(1) order of the day 20 relating to the Victoria planning provision amendment VC 82;

(2) the notice of motion given this day by Mr Barber referring a matter to the Scrutiny of Acts and Regulations Committee;

(3) the notice of motion given this day by Ms Pennicuik relating to the production of a document relating to a freedom of information request by the *Age* regarding Carl Williams;

(4) the notice of motion given this day by Mr Scheffer relating to the decision to rezone land at Ventnor, Phillip Island;

(5) the notice of motion given this day by Mr Tee referring the decision to rezone land at Ventnor, Phillip Island, to the Environment and Planning References Committee;

(6) the notice of motion given this day by Mr Viney to establish a select committee to inquire into the decision to rezone land at Ventnor, Phillip Island;

(7) the notice of motion given this day by Ms Pennicuik relating to the production of documents relating to the manual gates and railway crossing at New Street, Brighton;

(8) notice of motion 173 standing in the name of Mr Somyurek relating to the Victorian manufacturing sector;

(9) the notice of motion given this day by Ms Mikakos relating to funding cuts to various youth programs.

**Motion agreed to.**

## MEMBERS STATEMENTS

### NOV Mono: Carrum Downs plant

**Mr TARLAMIS** (South Eastern Metropolitan) — On 19 September I had the pleasure of attending the grand opening of the head office in Carrum Downs, after 50 years operating in Moorabbin, of NOV Mono, a pump manufacturer. I was honoured to participate in the official ribbon-cutting ceremony with Frankston mayor Kris Bolam and deputy mayor and ward councillor Sandra Mayer to formally open the new facility.

NOV Mono is a global manufacturer of progressing cavity pumps and pump parts, and it provides solar power pumping solutions for developing countries to access safe drinking water from underground bore holes. Since 1985 it has installed over 17 000 pumps into some of the most remote and harshest environments in Africa and across the globe. This of course is only a small part of its global operations, as it provides a range of products suitable for the pumping of fluids within the wastewater, chemical, food, beverage, paper, mining, mineral processing, marine, agricultural and oil and gas sectors. It is a significant employer in the South Eastern Metropolitan Region, providing jobs for over 150 employees. I would like to give special thanks to the managing director, Paul Jeffery, for inviting me to tour and experience firsthand its manufacturing plant and the new modern facilities.

### Casey Aquatic and Recreation Centre: 10th anniversary

**Mr TARLAMIS** — On another matter, I attended the 10th birthday celebrations of the Casey Aquatic and Recreation Centre in Narre Warren on Friday, 23 September. The centre was constructed at a cost of $17.4 million, with the Bracks Labor government investing $5 million toward the project. Today the centre boasts over 4500 members and includes a health club, group fitness classes, personal training, children's programs and physiotherapy. It is an important recreation facility for the Casey community, whose members have taken to the centre in droves, and it underscores the importance of investing in community infrastructure in growing communities in our outer suburbs.

### Department of Human Services: director of housing

**Hon. W. A. LOVELL** (Minister for Housing) — During the last sitting week I was asked questions by a former Minister for Housing, Ms Broad, in relation to the appointment process of the director of housing and the minister's role in that appointment. Ms Broad stated that the position of director of housing is a ministerial appointment. Further to her question, Ms Broad raised a point of order, inferring that my answer was wrong and that I should correct the record by way of a statement to the house.

For the benefit of the house and as a history lesson for Ms Broad, let me once again confirm the legal position of the director of housing as an executive officer of the Department of Human Services. On 12 April 2005 the Governor in Council declared, by order, that a number of public authorities are to be known as 'declared authorities' under section 104 of the Public Administration Act 2004. One such declared authority out of 28 was the director of housing. Column 2 of the schedule to the order specifies that the public service body head in relation to the declared authority is the Secretary of the Department of Human Services. For the member's benefit, section 105 states that provisions

in the Public Administration Act 2004 that are applied to a declared authority prevail over inconsistent provisions in other acts or documents. These include the Housing Act 1983.

The remarkable aspect of this confusion on the part of Ms Broad is that these significant changes all occurred during the period of the former Bracks Labor government, when the housing minister was none other than Ms Broad, which leads to the assumption that either Ms Broad was incompetent as minister and unaware — —

**The PRESIDENT** — Time!

## South West TAFE: award

**Ms TIERNEY** (Western Victoria) — I take this opportunity to congratulate the students and staff of South West TAFE, who recently celebrated a big win. The institute, which offers more than 400 nationally accredited qualifications, was awarded the Victorian Large Training Provider of the Year award. The award recognises the TAFE's commitment to delivering high-quality education programs and highlights its dedication to building a skilled workforce in south-west Victoria.

## Geelong Performing Arts Centre: award

**Ms TIERNEY** — I also mention the Geelong Performing Arts Centre, which was awarded the Australian Performing Arts Centres Association's 2011 Drover award for best presenter. GPAC is the cultural heart of the Geelong community. It is the premier performing arts venue in the G21 region, and this award is extremely well deserved.

## Matthew Ryenbakken and Tyler Boots

**Ms TIERNEY** — I also want to bring to the attention of the house two year 11 Portland Secondary College students, Matthew Ryenbakken and Tyler Boots. These young men are among the 19 high-performing Koori students to be awarded the Wannik education scholarship. This scholarship is a fantastic initiative that was initially introduced by the Brumby government and is aimed at closing the gap.

## Leslie Fisher

**Ms TIERNEY** — In the time that remains I would like to pay tribute to Portland's newest centenarian, Leslie Fisher, who celebrated 100 years on 27 September. After spending decades farming in the district, Mr Fisher is happily retired and leads a busy life, playing bowls and gardening regularly. He is an inspiration to everyone.

## Geelong Football Club: premiership

**Ms TIERNEY** — Finally, I congratulate the Geelong Football Club on a highly successful football season and a well-played grand final. Go, Cats!

## Ballarat: ministerial visits

**Mr RAMSAY** (Western Victoria) — I wish to provide the house with a snapshot of the efforts being applied by the Baillieu government in Ballarat in the last week alone. Firstly, I wish to applaud the Minister for Racing, Denis Napthine, for his visit in which he announced further upgrades to the Bray Raceway harness venue. He then launched the new stable complex for Malua Racing near Dowling Forest. The facility is a serious investment in the local horseracing industry. I would also like to thank the minister for opening my office in Ballarat. Ballarat now has better representation than it has had in the past 11 years.

Most importantly, I would like to applaud the Premier's two-day visit to Ballarat, a visit that clearly signals the government's recognition of the city's importance to the state. The Premier officially opened the Australian Modern Masterpieces exhibition from the Art Gallery of New South Wales, as well as announcing $400 000 to support the eisteddfods across the state. He was part of the audience at the Royal South Street Eisteddfod. He launched a new campaign to reduce the regional road toll, which was attended by more than 40 media outlets. He went track side at the Ballarat Turf Club and accompanied me at the Committee for Ballarat round table dinner that night, where he announced $800 000 for the Leadership Ballarat and Western Region program.

Also in Ballarat last Wednesday was the leader of the federal opposition, Tony Abbott, who spoke to a full house at the Ballarat Mining Exchange. Even the Prime Minister dropped by the office — but I think she was looking for directions to the University of Ballarat.

I also applaud the Minister for Housing, Wendy Lovell, who met members of the Wendouree West community.

Lastly, I had great pleasure in representing the Minister for Sport and Recreation, Hugh Delahunty, at the Australian Masters Road Cycling Championships in Ballarat and giving medals to those lucky winners. I am happy to report that the demographic of this house would meet the necessary demographic for a masters cycling club.

## Feast of Saint Moura

**Mr ELASMAR** (Northern Metropolitan) — On Saturday, 24 September I attended as a guest speaker the annual feast of Saint Moura celebration. It is always a lovely celebration with members of the executive committee, their families and members of the community. The association has a strong reputation for assisting the community whenever it is called upon. I congratulate the organisers once again for an extremely enjoyable evening.

## City of Banyule: seniors festival

**Mr ELASMAR** — On another matter, I was invited by Banyule council to attend the Banyule seniors festival on 6 October. There were about 300 people in attendance, including a multitude of parliamentary colleagues from both houses. The Victoria Police band played for the elderly invitees, most of whom were locals who thoroughly enjoyed their morning tea. I congratulate the organisers and the Banyule council for their magnificent efforts.

## Sex trafficking: legislation

**Ms HARTLAND** (Western Metropolitan) — Many members in the house may have watched *Four Corners* on television last night and been as sickened as I was by the treatment of women who are trafficked into sexual slavery in Australia. What is really interesting about this subject is that an excellent report was done on this issue just last year. Members of this house Shaun Leane, Jenny Mikakos and Andrea Coote were members of the Drugs and Crime Prevention Committee, which made a number of recommendations in its report.

The work has been done on this issue. The *Four Corners* program last night clearly showed that we have a problem. Kathleen Maltzahn is a former worker at Project Respect, and Project Respect made it quite clear that councils know, police know and the state government knows about this terrible problem, so it really is time we got on with the job of doing something about it.

The government appears to be running a constant law and order campaign, but I would have to say that when the issue is women and it is behind doors, somehow it just slips under the radar. I urge the government to reread this excellent report entitled *Inquiry into People Trafficking for Sex Work*, to look at the recommendations, to look at the work that has already been done and to set up the advisory committee this report suggests. I urge the government to just get on with it and to stop allowing women to be trafficked into this country into the most appalling degradation that we can imagine.

## Wintringham: United Nations award

**Ms CROZIER** (Southern Metropolitan) — Earlier this month Wintringham received an accolade from the United Nations when it was included on the UN-HABITAT Scroll of Honour. Wintringham was established by Bryan Lipmann in 1989 and provides specialised services to groups of older people who have complex care needs.

The UN-HABITAT website describes the award as:

> … the most prestigious award given by the United Nations in recognition of work carried out in the field of human settlements development. The aim of the award is to honour individuals and institutions instrumental in improving the living conditions in urban centres around the world.
>
> Wintringham is awarded for helping provide accommodation for about 1000 elderly people in need every night … This is the first time UN-HABITAT recognises an initiative devoted to the elderly, and the first time an Australian project has been awarded.

Earlier this year I was fortunate to tour the Wintringham site in Port Melbourne with my colleague Andrea Coote, and I witnessed firsthand the remarkable work being undertaken by Bryan Lipmann and his staff. I know Mrs Coote has been working with Wintringham in other areas of the state in her capacity as Parliamentary Secretary for Families and Community Services, and I know that, like other members for Southern Metropolitan Region, she has great admiration for the tremendous work being undertaken by Bryan Lipmann. Bryan is inspirational in so many ways and should be congratulated and acknowledged for the work he has undertaken since establishing Wintringham. He is a remarkable Victorian, and this international award is a fitting recognition of his many achievements.

## Seniors Week

**Ms MIKAKOS** (Northern Metropolitan) — On 6 October I attended, with many other local MPs, the Banyule City Council's 'Celebrating Seniors' morning tea, which was also an impressive launch of Banyule's seniors festival. That day I also attended the seniors variety concert at the Melbourne Town Hall. This event was jointly organised by the Victorian branch of National Seniors Australia, Life Activities Clubs Victoria and the Office of Senior Victorians, and included music and dance performances, comedy, stand-up and circus acts. Congratulations to the

organisers of both of these events and of all the other seniors week events held last week.

Living Longer Living Stronger is just one of the many successful programs that did not receive any funding in this year's state budget. It is a proven, popular and cost-effective strength training program that benefits approximately 17 000 senior participants annually. If the Baillieu government and Minister Davis are serious about supporting our senior Victorians, they must start recognising the benefits that this program and others like it provide to older Victorians and reinstate the funding.

## Australian Greek Welfare Society: 40th anniversary

**Ms MIKAKOS** — On 30 September I attended the Australian Greek Welfare Society's 40th anniversary celebrations with other members of Parliament. The Australian Greek Welfare Society (AGWS) has played a special role in providing culturally and linguistically appropriate services to Victoria's Greek-speaking community across a range of areas, including education, health, welfare, child care and language services. The services it provides to a rapidly ageing first generation of Greek-Australian migrants have been especially important. I wish to congratulate the AGWS, its board of directors and all its staff and volunteers, both past and present, for their service to Victoria's Greek community over 40 years.

## RESOURCES LEGISLATION AMENDMENT BILL 2011

*Second reading*

**Debate resumed from 15 September; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).**

**Mr LENDERS** (Southern Metropolitan) — The bill before the house is one that the opposition does not oppose. My comments on the Resources Legislation Amendment Bill 2011 will be very brief, because the house and anybody in the community listening to this debate or reading it in *Hansard* will have already heard the minister's second-reading speech and the opposition's reply from our spokesperson on this in the Legislative Assembly, the member for Mill Park, Lily D'Ambrosio. I would also draw the attention of anyone who is interested in this matter to the contribution of the member for Essendon in the Legislative Assembly, my colleague Mr Madden. Essentially this is a fairly routine bill that affects six acts of Parliament.

I am not seeking to take the bill into committee, but I would be interested if Mr Hall, in his summing up, could comment on this matter again. This legislation does not include a business impact assessment or a regulatory impact statement — and of course they are for regulations rather than legislation. However, this bill deals with significant economic matters in the sensitive mining industry and the agricultural sector, so I am surprised that a government which prides itself on reducing red tape and on reducing the burden on business has made an executive determination, presumably by the Minister for Energy and Resources, that that is not necessary. In fact, I will not ask Mr Hall to sum up. I will save this matter for a committee stage on another bill at another time, and hopefully his words of advice to his colleagues in cabinet to do this will slowly filter through. But I draw the attention of the house to it.

Another comment I make in my concluding remarks on this bill is that this is a routine piece of legislation dealing with a series of acts, but the issue of the moment is about mining and exploration in Victoria today and the whole dichotomy between farming versus mining. I find it interesting to note, particularly as there was a fair flurry of commentary from the Premier and Deputy Premier as to the pros and cons of it some time ago, that the first piece of legislation from this government on the issue does not deal with it.

Federal members Senator Brown and Mr Abbott were a dual ticket on this issue a while ago. Obviously it has been an issue in many jurisdictions, so I find it an interesting omission by a government that claims to be a government of action, one that is fixing problems and addressing claims, to not deal with this matter in its first piece of legislation on the issue.

As I said in my opening remarks, this is a routine piece of legislation. From the Labor Party's point of view, the issues were addressed by my colleague the member for Mill Park in the Assembly, Ms D'Ambrosio. I will not detain the house any further with my comments.

**Mr BARBER** (Northern Metropolitan) — The legislation makes small changes to a number of pieces of legislation which collectively represent the legal framework under which we exploit resources here in Victoria. As a suite of legislation, it is nowhere near adequate to deal with the challenges now being faced by modern society, because this is where the debate is at, with the pressing ecological crises and contemporary views and attitudes of land-holders, communities and local councils when it comes to resource extraction. Above all those is the framework of the Mineral Resources (Sustainable Development) Act 1990, which

is being hotly debated in communities around Victoria right now.

Over the last few months I have attended meetings in places between Wonthaggi and Deans Marsh. Those communities are coming to grips with the procedures under the act and are finding out that, as land-holders and as people living in a community which wants to protect the natural values of their area, they basically have no rights. I know that more of these meetings are being held and that more action groups are springing up all over Victoria in response to some particularly invasive forms of resource extraction that are on the horizon, notably various ways of accessing gas from coal which is spread in small deposits in many parts of Victoria and which are well outside the Latrobe Valley, which is what we think of as the coal area.

Abutting this suite of legislation is an emerging community view that is very different to the sorts of minimal rights that are enshrined for the rest of us, outside the rights of the Minister for Energy and Resources and those who seek to explore and ultimately mine. As Mr Lenders noted, even the federal Leader of the Opposition, Mr Abbott, became aware of this particular issue in relation to gas extraction through Queensland and New South Wales, and for all of about 5 minutes was willing to support a Greens bill through the federal Parliament which would have given land-holders, notably farmers, some rights. Unlike Mr Abbott's usual practice, where he tends to stay on something for as long as he is getting attention, his view on that underwent a rapid reversal even within the time of one particular news cycle. In fact, we went to bed that night hearing that he was on the same page as the Greens, and we woke up the next morning to find out that he was not. Perhaps it was just a dream and we woke up and thought we had really heard it.

In any case, while the Victorian coalition government might not want to set out on a plan of major law reform in this area, it certainly has the power at its discretion within these bills to make a statement, to draw some lines in the sand if you like, about where certain types of mineral exploration and exploitation are going to occur and where they are not. For that matter, those values — agricultural, biodiversity, water, tourism or just plain old community values — are more important than getting to the next pile of coal and to other areas which may be opened up for exploration and mining for other minerals, or perhaps even for coal itself, depending on the wish of the government of the day. Under the Mineral Resources (Sustainable Development) Act 1990 the minister has the power to exempt any area from either exploration or mining, for any reason that he chooses, with no real comeback from any other person.

Ministers often exempt Crown land or to excise Crown land out of particular exploration or mining leases. They do it for convenience, because it means it will not trigger native title claims. But the same provisions — and they appear in a couple of places in the act, on my reading — certainly would allow the Minister for Energy and Resources to conduct a study of Victoria to determine which areas at the current time are so valuable that we do not want to see invasive forms of mining there. Those values might include premium agricultural land and crucial water resources, and in my view they should include biodiversity, Victoria being the most ecologically damaged state in Australia.

The minister could do that right now. He could solve this debate right now to a large degree. He could give certainty to communities and to those who want to explore or mine, but he is not doing it. The pressure is building up and he is not willing to do that, nor is he offering up a process through which we could have a proper dialogue about where to draw these lines in the sand. Instead we just get this minor tinkering.

The changes to the Geothermal Energy Resources Act 2005 will allow the minister to authorise any person or the department to access properties to conduct a land, geothermal or geological survey. The changes to the Greenhouse Gas Geological Sequestration Act 2008 are a complete can of worms. Currently tenderers for sequestration projects have to submit a community consultation plan irrespective of whether they win the tender or not; under the amendments in clause 11 of the bill that requirement will apply only to the successful applicant.

I would have thought relations with the community might have been something we wanted to know about before we determined one of these tenders. But in any case that particular legislation, which we first dealt with in the previous term of government, is a complete fiasco and does nothing to ensure community protection. It sets no standards, it does not allocate risks in any meaningful way, and where it talks about risks it tends to bring them back to the government — and for that matter to future generations. After all, if they are going to pull $CO_2$ out of pipelines and stick it down in the earth, they are going to have to leave it down there for geological-scale time lines. Nothing in the legislation seems to even recognise that fact. In fact at a certain point all liabilities simply come back to the state.

The Pipelines Act 2005 establishes a procedure for a licensee to apply to decommission part of a pipeline. They have to submit a decommissioning plan in accordance with regulations, but the minister can still approve the decommissioning even if they are not satisfied with the plan, provided the reasons behind the plan being substandard were the result of events outside the control of the licensee. It seems like a very strange provision, and it will not offer any comfort to anybody along the length of the pipeline. If the government continues to push down this fossil fuel direction that it is taking and presumably thinks it will take forevermore, we will see pipelines carrying all sorts of toxic substances across the country.

Under the Mineral Resources (Sustainable Development) Act 1990 we have some continuation of last year's minor tinkering. Prospecting licences and retention licences are brought into the current processes whereby the licensee has to inform the landowner within 14 days that their application was successful, but they still do not have to inform them that they are making an application in the first place. Someone can put a small advertisement in the *Colac Herald* and they have done their duty, even though what they are triggering will be, fairly soon, invasive and to a dramatic degree something that will turn people's lives upside down. I have seen the impacts this is already having.

Under the Offshore Petroleum and Greenhouse Gas Storage Act 2010 there are a series of technical amendments that align the principal act with the corresponding commonwealth act. Greens Senator Christine Milne showed us exactly how paltry that commonwealth act is, and our comments in relation to the state regime are exactly the same. This is a rather dissatisfying result. The government is doing some minor tinkering around the basic day-to-day convenience of the exploitation side of this equation, but it is still offering up nothing to the communities which are inevitably impacted — the communities, after all, which are most often the guardians of the values that brought them to that place in the first place.

While these issues have certainly been bigger so far in Queensland and in New South Wales, where we have seen some shockingly exploitative and damaging practices used as extraction has actually been rolled out, in Victoria right now we are simply seeing a whole series of exploration proposals flying around. The community is very vigilant on that, and when one of those moves to the next stage the government would be, I think, well aware that the communities of Victoria will be rallying around those land-holders and backing them up, and at that point the government will find itself with a real political mess and really very little by way of a legal framework to solve the problem.

**Mr ELSBURY** (Western Metropolitan) — It is my pleasure to speak in favour of the Resources Legislation Amendment Bill 2011. Victoria has a very long history of mining, reaching back to July 1851 when gold was discovered in Clunes. Of course we all know the history of Victoria's gold rush, the immigration that it encouraged, the wealth it generated and even the political changes it sparked. Today the mineral wealth of this state remains a resource upon which many jobs are reliant. While gold is still mined in Bendigo and Ballarat, our state has also proven to be a treasure trove of other mineral deposits, with new technologies for energy production and resources beneath our feet continuing to reveal themselves.

This bill seeks to reduce overlapping regulation and streamline the processes the many companies involved in the earth resources sector face in dealing with government. The Mineral Resources (Sustainable Development) Act 1990 will be amended with changes designed to strengthen notice requirements for property licences, clarify survey requirements for prospecting and retention licences, and enable the renewal of certain exploration licences.

These changes will rectify minor omissions from the Mineral Resources (Sustainable Development) Act 2010. Amendments will also be made to the Geothermal Energy Resources Act 2005 to allow the Minister for Energy and Resources to authorise drilling and exploration to be carried out by the Department of Primary Industries on any land to undertake geothermal exploration activities. This is consistent with other resource exploration activities.

The Offshore Petroleum and Greenhouse Gas Storage Act 2010 will be brought into consistency with the commonwealth offshore legislation. The Pipelines Act 2005 will be amended to reduce the administrative burden on industry by clarifying processes for varying pipeline groups. The Greenhouse Gas Geological Sequestration Act 2008 will be changed to allow a successful tender applicant to submit a community and council consultation plan three months after their attainment of a licence or a permit. The current act is inappropriate in seeking that a tender applicant — not a successful applicant but a tender applicant — undertake consultation before they are given authority to operate a licence or permit for projects in which other entities may be showing an interest.

Ultimately these amendments, while covering a range of acts, are housekeeping measures, knocking some of

the rough edges off legislation introduced by the former Labor government. The amendments will improve the regulation of the earth resources sector, improve development opportunities by reducing the regulatory burden and enhance jobs growth.

The Resources Legislation Amendment Bill 2011 is backed up by the government's budget commitment of $625 000 to the Rediscover Victoria project, which aims to improve our knowledge surrounding mineral sands deposits and disseminated base metals and disseminated gold. Some of us would not be aware of the vast mineral sands deposits that we have in this state. Victoria holds a great reserve of rutile, or titanium oxide, and zirconium — items of high demand for paint, electronics, nuclear reactors and deodorants. I suggest we do not get them mixed up.

The parliamentary Economic Development and Infrastructure Committee is undertaking an inquiry into increasing greenfields mineral exploration and project development in Victoria. Victoria is host to the first and only operating carbon storage project, the CO2CRC Otway Project. Victoria has room to improve its participation in the resources market, and our Western Australian and Queensland cousins have benefited from strong growth in this sector. I highlight a media release headed 'Vast Victorian mineral sands deposits pose major opportunity', which was put out by the Department of Primary Industries on 29 September and which refers to Dr Hollitt. In particular I highlight the paragraphs that say:

> Dr Hollitt said as well as having world class deposits, a major point of difference for Victoria was its established infrastructure. Many of the world's biggest undeveloped mineral sands deposits are in frontier jurisdictions and require huge spending on infrastructure.
>
> Victoria by comparison, is a stable and mature economy with a long history of hosting mining projects. It has gas pipelines running close to some of the biggest undeveloped deposits, relatively low cost gas and electricity and upgraded rail and port systems.

Dr Hollitt was also quoted in a *Sydney Morning Herald* article, which I am pretty sure I read in one of the local papers, but I could only find it in the *Sydney Morning Herald* when I searched for it. That article says:

> Victoria was the original Australian mining boom state during the 19th century gold rush and still boasts strong natural gas, coal, mineral sands and base metals production.
>
> It's smaller size also helped in terms of getting electricity, rail and oil and gas infrastructure to mines, compared to remote regions such as the Pilbara in Western Australia, Mr Hollitt said.

With these advantages that Victoria clearly has, it is no wonder that the government is interested in being able to allow for greater expansion of exploiting not only the mineral deposits this state possesses but also some of its other geological features, such as the hot granite in the Western District which allows us to produce clean energy through geothermal production. This is an exciting time for Victoria. These amendments to these pieces of legislation assist the earth resources sector in doing its business efficiently to employ Victorians, deliver opportunities for other industries and enable Victoria to continue to prosper. I commend this bill.

**Mr SCHEFFER** (Eastern Victoria) — Mr Lenders has already indicated in his contribution that the opposition is supporting this legislation, which makes a number of minor and technical changes to some half a dozen acts. Mr Lenders has fully covered the details of this very slight bill, so I do not propose to go over the same matters, but I use this opportunity to take up a couple of areas that relate to the energy portfolio as the bill facilitates geothermal exploration and makes some changes to the community consultation process that an applicant needs to follow for a permit or licence under the Greenhouse Gas Geological Sequestration Act 2008.

Geothermal energy is one part of a suite of renewable forms of electricity production that would benefit from the introduction of a carbon price, and interestingly enough the Latrobe Valley appears to be one of the locations where such a power source could be optimally located. There is considerable potential for geothermal energy production in Victoria. As members would know, geothermal energy involves piping water through subterranean hot rocks and pumping the hot water back to the surface to drive turbines to produce electric power. A variation of that process involves maximising the subterranean heat through a natural insulation blanket that is best formed by brown coal sitting on the surface. Of course the Latrobe Valley has brown coal on the surface in abundance, and I understand it is the best in the world for this type of geothermal production.

One of the difficulties of geothermal energy production is that underground heat is transferred to turbines by water, and the energy needed to move the heated water up to the surface is massive because water is extremely heavy. It takes around one-third of the energy costs to move it back up to the surface and move it through that pipe system. A more energy-efficient alternative being worked on involves using carbon dioxide in a semiliquid form instead of water. A research team at the University of Melbourne is working on both the technology and the economics behind that. So far the

team thinks it can make that work to provide baseload power, which is extremely encouraging.

In June last year the previous Labor government launched the Victorian arm of the Australian Geothermal Energy Association and indicated its support for this technology, which could potentially provide 24-hours-a-day baseload electricity to the grid. The former Labor government also supported the geological study in the Otway Basin, which was referred to by the previous speaker. That exercise is about mapping the geology and aquifers beneath Victoria's surface. The results of this exploration could help promote a future geothermal power industry capable of putting out minimal greenhouse gas emissions into the atmosphere.

I see from the 2011 Australian Geothermal Energy Conference website that both the Minister for Energy and Resources, Michael O'Brien, and the federal Labor Minister for Resources and Energy, Martin Ferguson, will be speaking at the Australian Geothermal Energy Conference being held in Melbourne next month, and I look forward to seeing what the positive outcomes of that conference are for the geothermal industry in Victoria.

The bill also amends the Greenhouse Gas Geological Sequestration Act 2008. Members will recall that the previous Labor government introduced that legislation and that it requires applicants for an exploration licence to find suitable locations for storage and to consult with affected communities and stakeholders. In fact under that act applicants are required to prepare consultation plans prior to making their application. This legislation amends that requirement so they only need to do that if their application is successful.

The point of conducting community consultation is to make sure that all those affected by any activity related to carbon capture and storage are fully informed about what it might mean for them and for their property, and I am aware from previous contributions that there is some debate about this. Carbon capture and storage is still a very new technology even though, to tell the truth, it has been talked about and debated for quite a while and a number of research projects into the technology have gotten under way in recent years. The really big challenge here is to scale up this technology so that it can happen on a commercial scale. That is where the problem is because to scale it up to that level and to compress and push the carbon dioxide into these underground aquifers is highly energy intensive. That is the difficulty of it. It is fine to do it on a smaller scale, but scaling it up is the problem.

A lot of work remains to be done to find suitable places underground where the carbon can be stored. This is why licences are granted to enable people to do that work in a consultative way so that risk is reduced, decision making is sound and everyone can live with the results, and that is important.

Under the provisions in this bill, and I know I have already mentioned this, the plan for the community consultation would occur afterwards. Both geothermal and carbon capture and storage technologies are important elements in our collective effort to lower greenhouse gas emissions, and I note the Baillieu government appears to be continuing to work in this policy area. We on this side understand that the Victorian government, as distinct from a number of its foot soldiers in this chamber, is in a difficult place. On the one hand it knows that greenhouse gas emissions need to be lowered, and I note even the Treasurer now must know that Victoria has a legislated emissions reduction target of at least 20 per cent by 2020 compared to 2000 levels.

On the other hand, Liberal members in this place are under pressure to support the incoherent and reckless views of the leader of the federal Liberal Party, Tony Abbott. However, it is a good thing that, notwithstanding that sort of theatrical play, Minister Ryan, the Leader of The Nationals in Victoria, is working constructively with the federal Labor government to ensure that Victoria is well placed to benefit from the clean energy legislation, which I hope and expect will be passed in the commonwealth Parliament by the end of this week.

We on this side understand absolutely that there is a rhetorical level where Liberal members of this chamber and the other chamber need to be seen to be strutting their stuff and to be siding in the public arena with the leader of the federal opposition. But in a practical and responsible sense this government, through its departments, is getting on with the job of making sure that Victoria benefits from this very important federal legislation that will introduce a carbon price and eventually a carbon market that will enable us to operate not only nationally but also internationally to the good of the economy and to the good of the planet.

**Mr RAMSAY** (Western Victoria) — It gives me great pleasure to rise to support the Resources Legislation Amendment Bill 2011. In doing so I am happy to note the opposition is not opposing this bill. In fact members opposite were the creators of the substantive amendments originally put to this chamber some years ago. It is true that past speakers have indicated that these are minor technical amendments we

are discussing today — a tidying up, if I may use Mr Barber's words, of some of the technicalities around the legislation, but also identifying and, in accordance with the coalition pre-election policy, putting into effect these amendments.

The Resources Legislation Amendment Bill 2011 contains a range of amendments to the resources portfolio legislation. The key amendments in this bill are designed to improve regulation in the earth resources sector and are consistent, as I said previously, with the government's election commitment to improve the effectiveness of industry regulation in the earth resources sector and reduce overlapping legislation.

I did hear one of the members for Western Metropolitan Region, Andrew Elsbury, talk about the impact and the importance of the earth resources sector to Victoria, and I do not intend to go through that information in detail. However, it is important to recognise that, as has been said previously, it is not just about coal; it is about gold, as previously stated by my friend Mr Elsbury, and also petroleum, stone and mineral sands, all of which are large contributors in my region of Western Victoria.

As has already been said, Victoria's early wealth was built on gold, leaving a legacy not only in our magnificent Parliament House but also in Ballarat, which is an important city in my region. In fact one can see many aspects of the importance and the legacy of the gold rush in many of the buildings throughout Ballarat and Bendigo.

The bill has a significant number of parts which affect different acts. Section 15(5) of the Mineral Resources (Sustainable Development) Act 1990 requires:

> an applicant for a licence must, within 14 days after being notified under subsection (3)(b) or (4) that the application has priority, advertise the application in accordance with the regulations and, if the application is for a mining licence —

or prospecting licence —

> give notice of it in accordance with the regulations to the owner and occupier of the land affected.

It also goes on to amend section 38AA of the Mineral Resources (Sustainable Development) Act 1990, which provides that the holder of a mining licence, prospecting licence or retention licence must survey and mark out the boundaries of the land covered by the licence in the manner and within the time required by the legislation.

I just picked up those two sections as being particularly important in relation to the communities I represent in western Victoria and to the number of issues that have arisen out of applications for exploration licences in the state of Victoria. Other acts that will be affected by this legislation are the Mineral Resources Amendment (Sustainable Development) Act 2010, the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Pipelines Act 2005 and the Offshore Petroleum and Greenhouse Gas Storage Act 2010.

I do not intend to go into detail about the small technical amendments in relation to these different acts, but there are a couple of issues that I wish to draw the house's attention to relating to communication between land-holder and miner. I have already identified in this chamber some months ago rising concerns in relation to a plethora of applications from different mining companies looking to gain an exploration licence to mine for a range of minerals. In particular, given the viability of commercial mining, in the Western Victoria Region there is a significant bank of minerals throughout the Otway Ranges across to the South Australian border which would be most attractive to commercial mining operations if they were successful in the application process; they would be attractive potentially for the domestic market but more so for the export market.

I raise this matter because many members have raised with me the need for further discussion in relation to the way the 14-day notice or the 21-day objection period, required under the act for miners applying for exploration licences, is actually communicated to both communities and local councils. I have attended a number of meetings, and I suggest perhaps the Acting President, Ms Pennicuik, has also attended a number of meetings with her comrades-in-arms in relation to the possible impact that commercial mining might have on areas of a more sensitive nature in terms of both the environment and food production.

In my former role as past president of the Victorian Farmers Federation, acting on behalf of the National Farmers Federation, I signed a very important agreement between land-holders, farmers and mining companies under the auspices of the Minerals Council of Australia, whereby there was an agreed process of engagement in which the land-holder would be made fully aware of his or her rights in relation to companies wanting to enter his or her property and explore with the permission of the minister under the act. If there were grounds for commercial viability then an application for a commercial licence was made, and the issues around compensation and restoration of works once it was completed would be resolved.

So there are a number of issues that I would like to draw the house's attention to in this legislation. It is not about the technical housekeeping in relation to tidying up some of the minor amendments which, I might add, were included on the basis of the Labor Party supporting the Liberal-Nationals on the substantive amendments. I would like to make the house aware that even though these minor amendments do to some point satisfy the concerns raised by communities with me in relation to applications for exploratory mining licences, they do not quite go far enough.

Certainly I take on board comments made by previous members that there is still the issue of how we communicate with land-holders in relation to exploratory licences being granted and also the issue of opportunities for communities to understand when the objection periods are actually enforced. There is a period of 21 days at this point whereby land-holders can object to applicants applying for exploratory licences.

**Mr Barber** — You are agreeing with the Greens again!

**Mr RAMSAY** — I do. Mr Barber does raise a point, and I actually do have some sympathy with the concerns that he raised. I have attended many community meetings where it has been raised that the communication of advice provided to land-holders in relation to miners applications for exploratory licences does need to be enhanced at some point in the future.

Having said that, I also want to take up certain comments made by the member for Albert Park in the other house in relation to what he terms the Victorian farmers union. I say to Mr Foley that he needs to get with the program, because in fact it has not been a union and has never been a union. It has always been a federation. He also referred to the national farmers union. In fact there is no such thing. They are both federations; they are not unions. I guess, given his background and roots arising from his previous career, he thought there was some resemblance.

Both state and national farmer organisations are sympathetic to the rights of miners to mine, but they are also sympathetic to the rights of land-holders to have a process available where they can engage with miners about what impact exploration will have on their land. In relation to the roles and level of engagement of land-holders and miners, I believe there should be respect on both sides regarding how approaches are made once an application is approved, if indeed it is approved, to enter private property. Land-holders and miners should also be involved in consultation while those activities continue. Not only the land-holder but also communities are impacted. During engagement there should be respect for communities and for the mining company in relation to its proposed activity and an understanding of what will be required in relation to the exploratory licence and the impact it will have not only on land-holders but also on the community at large.

The other issue I want to bring up is that I read in *Hansard* some comments made in the other house in relation to this government walking away from renewable energy. I am at a loss to understand why those comments were made. I can only assume that there is a total misunderstanding on the part of the opposition in relation to our renewable energy policies. We are fully supportive of renewable energy and of projects that enhance opportunities for the use of renewable energy, as well as being in sympathy with traditional fossil fuels. Wind farms were mentioned in the other house — and they are often mentioned in this house also — but again I am at a loss. There are still over 1000 turbines that have not been built under the old planning permits, so there are plenty of opportunities for industry, particularly the wind generation industry. If it wishes to build wind farms, it can do so, even under the old planning permits, which will not be restricted in any sense by the new guidelines that the minister has only recently announced.

There are plenty of opportunities to use wind energy, plenty of opportunities to use geothermal energy and wonderful opportunities to use solar energy. We have some of the best feed-in tariff rebates of any state in the country, so I say 'Bull' to any commentary in relation to how this government is not supportive of the renewables sector or of having opportunities to invest in the renewables sector.

On that basis I am happy to support the bill. It is minor tinkering; it is a bit of housekeeping. However, we must keep in mind that we can further enhance the amendments in relation to consultation between land-holder, community and mining company to allow all stakeholders to invest in this great country of ours.

**Mr EIDEH** (Western Metropolitan) — I rise to support the Resources Legislation Amendment Bill 2011, and I do so because Labor is a positive political party that does not oppose positive legislation. With a background in business I have a solid understanding of what is needed to foster business growth, and this bill is on the right track. Labor aims to promote a better balance on those critical issues of economic development that need bureaucratic red tape to be cut and administrative processes to be streamlined. We are

also strongly supportive of strengthening existing and new industries to survive, to create jobs and to bring further economic prosperity to our state, and the record shows that we achieved that in our 11 years in government, despite the snickering from the other side.

It is vital to develop major resource industries such as mining for the economic prosperity of the state and the nation. With the price of gold being so high I am well aware of the new interest in the gold resources that still exist in many parts of our state but which were previously too expensive to mine. We have been advised by the government that it is its firm intention to ensure the integrity of the competitive tender process and to reduce the burdens of cost, time and effort on unsuccessful tenderers. The opposition supports this aim. We need to reduce those costs on businesses that make their lives more difficult so that we encourage competition and so that the benefits will flow for the people of our great state.

However, that does not mean that we do not have concerns with the specific model presented by the government in this bill. Despite the ongoing national argument over agriculture versus mining, which has clearly split the Premier and his deputy, this bill barely touches on the coal seam gas issue, which is something we must not ignore. Agriculture and industry must both survive if our state is to prosper in the future, but the current government is unable or unwilling to tackle this critical issue. In the tender process there is no real consultation and no real opportunity for the community to oppose or to modify what is happening until it is too late — until the company has all the cards in its favour. I support business growth, but this is taking things far too far. In theory this could mean that a mining company could roll into a dairy farm area and decimate it, destroy it — kill it for centuries — and then move on to another area.

I also find it odd that part 4 of this bill will make it more costly to compensate farm owners for developing geothermal energy than it will be to develop new coalmining projects. Is this yet another measure of how little this government cares about our environment and another example of how this government lacks vision and leadership where it counts? Sadly the entire state will suffer as the truth becomes known and we are forced to tear down the cobwebs the government is creating. We are not opposing the bill.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I want to make a few comments in reply. First of all I thank those who contributed to the debate — Mr Lenders, Mr Barber, Mr Elsbury, Mr Scheffer, Mr Ramsay and Mr Eideh — for their mostly positive comments on the content of the Resources Legislation Amendment Bill 2011. Various members described the amendments as technical, minor or tinkering at the edges of some of the processes in place under the acts to be amended. It is true that they are small amendments and technical in nature, but they are important in improving the system insofar as these amendments go. I thank members for not opposing the amendments contained in this bill before the Parliament.

I particularly want to note the comments of Mr Lenders and Mr Barber, who requested the opportunity for a broader debate around some of the issues associated with resource extraction and associated procedures in regard to minerals extraction and mining in this state. That request will be conveyed to the Minister for Energy and Resources. In response to that, though, I want to point out to those members that the government gave terms of reference to the Economic Development and Infrastructure Committee of the Parliament in February this year, and that inquiry goes at least in part to some of the issues canvassed by Mr Lenders and Mr Barber and their desire to have a broader public debate about some of these issues. That inquiry provides at least some opportunity for discussion about the important matters they rightfully raised during today's debate on this bill.

That inquiry provides an opportunity, but there will be further opportunities before that report is completed. Other bills currently going through Parliament — and I expect there to be others in the future — will give more occasion for raising some of the issues that both Mr Lenders and Mr Barber gave notice of their interest in during their contributions to this debate today. Ultimately the government's response to that inquiry will provide a forum for further debate on these matters. With that in mind I thank members for their contributions to the debate today and I leave it to you, Acting President, to ask the appropriate questions.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

# BUSINESS OF THE HOUSE

## Sessional orders

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That, until the end of the session, unless otherwise ordered by the Council —

1. Interruption of business

That standing order 4.06(1) be suspended and the following will apply:

'(1) Unless a motion to adjourn has already been moved by a minister pursuant to standing order 4.05, the President will interrupt the business before the house at —

(a) 10.00 p.m. on Tuesday, Wednesday and Thursday

(b) 4.00 p.m. on Friday

(c) 6.30 p.m. on Wednesday if there is notification that a standing or select committee is meeting that day.'.

2. Time limits

That the time limits specified in standing order 5.03 for the following business be suspended —

Address-in-reply

Government business

Motions of urgent public importance

Government bills — second-reading debate

Budget debate

and that the following will apply:

'Address-in-reply (standing order 1.10)

| | |
|---|---|
| Total time | No limit |
| Main government party lead speaker | 60 minutes |
| Main opposition party lead speaker | 60 minutes |
| Other party lead speaker | 45 minutes |
| Remaining speakers | 15 minutes |

Government business (standing order 5.06)

| | |
|---|---|
| Total time | No limit |
| Main government party lead speaker | 60 minutes |
| Main opposition party lead speaker | 60 minutes |
| Other party lead speaker | 45 minutes |
| Remaining speakers | 15 minutes |

Motions of urgent public importance (standing order 6.09)

| | |
|---|---|
| Total time | No limit |
| Main government party lead speaker | 60 minutes |
| Main opposition party lead speaker | 60 minutes |
| Other party lead speaker | 45 minutes |
| Remaining speakers | 15 minutes |

Government bills — second-reading debate

| | |
|---|---|
| Total time | No limit |
| Main government party lead speaker | 60 minutes |
| Main opposition party lead speaker | 60 minutes |
| Other party lead speaker | 45 minutes |
| Remaining speakers | 15 minutes |

Budget debate

| | |
|---|---|
| Total time | No limit |
| Main government party lead speaker | 60 minutes |
| Main opposition party lead speaker | 60 minutes |
| Other party lead speaker | 45 minutes |
| Remaining speakers | 15 minutes'. |

3. Procedure when answers to questions on notice not provided

That standing order 8.11(1)(a) be suspended and the following will apply:

'(a) at the conclusion of the normal time for answering questions on notice, a non-government member on a Wednesday, and a government member on a Thursday, after that period, may ask the relevant minister for an explanation; and'.

4. Relationship to standing orders

The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council will have effect notwithstanding anything contained in the standing orders or practices of the Council.

In doing so, I indicate that essentially these are modest incremental changes to the orders that govern this place. These changes are changes to sessional orders, the rules that apply in this session, as opposed to changes to standing orders, which are the deeper rules of the procedures of the chamber. For the benefit of the chamber I will briefly recap what happened in the last Parliament. As in most parliaments, activities were undertaken by what was called the Standing Orders Committee, now renamed the Procedures Committee but essentially doing the same work, in looking over a lengthy period of time at a number of changes.

It is worth reiterating briefly that a number of those changes brought agreement across all the parties at that time in the chamber: the Labor Party, the Liberal Party, The Nationals, the Greens and the Democratic Labor Party. Those changes saw a Senate-style committee system introduced. This was partially the work of Ms Pennicuik, and I am happy to put on the record that this was broadly supported across the chamber. Those committees have since been established and have begun to do some of their work.

Other changes were made at that time. I am not going to list them all, but many of them were agreed upon; there were points of disagreement. Indeed in the last

sitting week of the last Parliament I, as Leader of the Opposition in this chamber, moved a number of amendments which sought to, as it were, liberalise the standing orders and allow greater flexibility in the chamber to achieve greater clarity about the position of minor parties and other matters. The changes that I proposed at the time were opposed by the Labor Party and the Greens. It is a matter of record that I was disappointed about that, but nonetheless that is the way it transpired in the chamber.

In that context I see that there will be a need in this Parliament to look further at the standing orders. This is an incremental process where standing orders are refined and improved on matters important to both the government and the opposition in order to find points of agreement and collaboration. I put on the record that the government is prepared to work as part of the Procedures Committee in future months and years as this Parliament progresses to undertake that work to either make some sessional order changes or, particularly towards the end of the Parliament, to make changes to the standing orders that the chamber, as represented in the Procedures Committee, thinks is appropriate at the time. That is by way of background, and it is important to put those points on the record.

The motion essentially does three things. Firstly, it tidies up the issue of Wednesdays. A number of changes were made to the standing orders to bring in an opportunity for the new committees to meet on a Wednesday night, and a specific place was found for them. At the suggestion of Mr Hall, who is on the Procedures Committee, I think I can say without breaching the confidences of the committee too extensively that the idea to meet on a Wednesday night was so the new committees would have the opportunity to meet as it was needed.

What then emerged — and I do not think this was genuinely foreseen by anyone — is that there would be a choppiness about how that would be applied. Committee reports were dealt with from 5.30 p.m. until 6.30 p.m. Then on some occasions the house has adjourned because a number of committees have set down meetings. On other occasions the house has not adjourned, some committees have met and then the house has been brought back for quite short periods close to 10 o'clock, holding back staff who are not part of the committee proceedings.

If it were the case that this would be routinely a time of business of the house, we would not be looking at this particular amendment. The aim is to ensure that there is a smooth transition if a standing or select committee is meeting on the Wednesday. They would need to notify the President or officers of the Parliament to tell them that a select committee or standing committee is meeting on that day. If that is the case, it would then become the practice that the adjournment would occur at 6.30 p.m. and the adjournment debate would occur at that point, rather than bringing the chamber back within minutes of 10 o'clock.

This motion is to clear a genuine glitch. If no select or standing committee is meeting on that day, then the house would continue in the normal way through its range of business, which would be the default general business but occasionally might be government business where there were some negotiated arrangement between the various parties. This is a very reasonable step to improve the operation of this chamber. The opportunity is there if we see that the capacity of the house to continue is important for one party or another. We can work through that, and the opportunity would be there for the house to sit further by arrangement.

The issue of time limits was raised during relevant debates in the last Parliament. It is a matter of record that my view has generally been against time limits. The Labor Party has had a view in favour of time limits — that is a longstanding position — but the standing orders currently prescribe time limits. However, there is a glitch in the time limits in that they do not recognise clearly the position of the Greens; they leave the position of a third party perhaps unclear. I would argue that, given other parliamentary acts, the third party by definition and traditionally in this chamber has been The Nationals. In my view that is what has always been intended by the meaning of 'third party'.

However, to put that beyond doubt, it is our intention that the position be made clear: the major government party lead speaker would have 60 minutes, the main opposition party lead speaker would have 60 minutes and the lead speaker of any other minor party or parties present — in the case of this Parliament that is The Nationals and the Greens — would have 45 minutes, with remaining speakers having 45 minutes also.

The President has made a ruling which to some extent appears to defy the precise meaning of the current relevant standing order, but at the same time that ruling was made in a generous spirit with which I would not take issue. It is quite correct that the lead speaker of a minor party that wants to put its position should have that additional period of time. I do not think there will be quibbles in the chamber about the principle behind that point. People might argue about the framing of it or about the way the words are put together, but I do not

think there will be argument about the principle behind the point.

The third element of the motion is to put in place a change in procedure in relation to times when answers to questions on notice are not provided. Standing order 8.11 would be altered such that on Wednesdays non-government members would raise issues about questions on notice with the relevant minister and on Thursday government members would do so. This would ensure that an opportunity remained for members to raise those issues.

Given the nature of the standing orders, it would be reasonable that any debate that followed would fall, in the case of non-government members, into the time for non-government business and, in the case of government members, into the time for government business. Again, I think this is reasonable. It would address the practice we have seen in recent times, when there have been arguably very long periods devoted to these points — which I might add was not the practice in the last Parliament. Those rights of members to raise those matters are clearly important, and it is also important for members of the chamber to be able to put their case in a structured debate — in a take-note format. That will be preserved by this proposed sessional order change.

As a chamber we can trial these arrangements to see how they operate. If they were not operating properly, the government would be prepared to discuss that and to look further at how we might make refinements that would ensure that the house operated smoothly and that members' rights and privileges in terms of raising these matters were not in any way curtailed. This would mean members would be able to make their points about questions on notice, whether there were specific items or more general points that a member wished to make. We believe those opportunities should exist.

On the matter of questions on notice, it is important to note the scale of the numbers of such questions coming through this chamber. I absolutely acknowledge the importance of questions on notice as a vehicle with which both government and non-government members can seek information from ministers in this chamber and in the other chamber. I place on record our commitment to assist in that. I could go on a trip down memory lane about the failure to answer questions in previous times, but I do not think that would be highly productive in the context of a genuine discussion within this debate.

It is worth putting on record the significant number of questions on notice asked in this Parliament. With the house's indulgence I will place some statistics on the record. These are figures to 13 September this year, so they are not the most recent figures, but they are quite indicative. In the Assembly there have been 1203 questions since 8 February this year, and in the Council there have been 4499 in the same period. The average number of questions per sitting day in the Assembly has been 35.38 and in the Council 132.3.

It is interesting to look at the comparisons with other states. In the New South Wales Assembly there have been 964 questions since 3 May this year, equating to approximately 22.95 questions per sitting day, and in the NSW Council there have been 712 questions on notice in the same period, equating to approximately 17.8 per sitting day. These are very different from the numbers here. In Queensland a significant numbers of questions were asked — about 40.92 questions per day. In Western Australia's Assembly there have been 37.13 per day and in its Council 26.72 per day; in Tasmania's Assembly 1.65 per day and in its Council 0.88 per day; in the Northern Territory 3.08 questions on notice per day; in the ACT's single house 15.3 per day. In the commonwealth Parliament's House of Representatives there have been an average of 9.25 per day and in the Senate an average of 23.6.

What can be seen from those statistics is that the number of questions on notice being put in the Victorian Legislative Council, at 132.3 per day, is far and away the most significant number in any chamber in the country. The load of questions is very significant. A number of other parliaments have orders that limit the number of questions. For example, the New South Wales Legislative Assembly has sessional order 132, which limits the number of questions to three per day. Queensland's standing order 114 limits the number of questions to one per day in that chamber. That is a very small number. We have no such restriction on the number of questions on notice, but I note the very large number that we have here. I remember that Mr Lenders, when he was Leader of the Government, in a previous Parliament became agitated and without refusing to deal with questions on notice, he indicated a level of displeasure at the number of questions Mr Dalla-Riva had put forward.

I think these privileges are important rights for members. Members should exercise these privileges judiciously on behalf of their constituents with a measure of responsibility. We understand that with word processing it is now very easy to replicate a question dozens and dozens of times and place those questions on the notice paper, requiring an enormous amount of work from the ministers. I hasten to add that I am not arguing that members should not have the

right to do that or should not have the right to ask a significant battery of questions. I think that is appropriate, but there is a line and members need to think about what is a reasonable and responsible — —

**Mr Lenders** — So that is phase 2?

**Hon. D. M. DAVIS** — I am making the clear point here that Victoria, in this chamber, with its average of 132.3 questions per sitting day, is far and away ahead of the Queensland Parliament with its average of 40.92 questions per sitting day. The Queensland Parliament has one chamber, and it is the next most active chamber in the country in terms of the numbers of questions on notice being asked. The ministers of this government are endeavouring to respond to questions as best we can. In fact today I provided answers to more than 500 questions. I point out that we are trying to respond to those questions. I know there will be a genuine concession from members in this chamber who were previously ministers that it is sometimes hard to chase up ministers in the other place. That has been the case in the five parliaments I have been part of in this chamber. I understand that ministers of any political party find that challenging. We will certainly undertake that with some enthusiasm.

I make the point that the changes that have been proposed are sessional orders; they are not changes to standing orders. In that sense they are temporary to this Parliament and are a trial. They will deal with some of the points that members have made to me and others. I know that the clerks and the staff of the chamber are aware of the challenge of questions on notice. We are endeavouring to find a way of dealing with the challenges there while preserving the rights of members to raise matters on behalf of their constituents.

Equally the point in regard to Wednesday sittings is a sensible approach. It is an approach that will clean up what I think was a misunderstood aspect. In conversation with me last week Ms Pennicuik made the point that we could have some discussion about the scheduling of statements on reports. Currently these are scheduled to occur between 5.30 p.m. and 6.30 p.m. on Wednesdays. Ms Pennicuik suggested that it would be better if they were moved to Thursday, for example. I think there is a legitimate case for that.

I know that Mr Lenders in the Procedure Committee, or the Standing Orders Committee as it was known in the last Parliament, was keen to have those statements on reports moved to a day that was not a government business day because the period set aside for those statements was encroaching on government business time. I understand Mr Lenders's point of view in the context of my position to get legislation through the chamber and ensure that there is proper and reasonable time to debate it.

There is a long list of things to consider, and I know that Ms Pennicuik and indeed others in the chamber will put some of those points on the list today. No doubt the chamber will begin to discuss those issues over the forthcoming period.

In conclusion, what we have here are three moderate and reasonable modifications that have been put forward through the sessional order mechanism. The first in effect puts in place the President's ruling to ensure that smaller parties are properly able to put their case, the second deals with some points around questions on notice and the third concerns the smoothing of the issue of the interruption of business on Wednesdays.

**Mr LENDERS** (Southern Metropolitan) — In opening my response to Mr David Davis I would say that he seeks to be reasonable in all of this, but in practice what we are seeing here is something that is anything but reasonable. It is interesting how the leopard has changed its spots. If we compare the time when Mr Davis was in opposition to that of classical Greece, he behaved like Socrates walking around the streets of Athens talking about democracy and talking about the brave new world, how things could be and how fantastic it was. However, while Socrates was walking around the streets of Athens, the Spartans had besieged the city. I would urge Mr Davis to do a bit of research into what a Spartan archer was. I think Mr Davis has moved from being Socrates to being a Spartan archer. I would not be flattered by the description 'Spartan archer', if I were Mr Davis, because the Spartans' view of archers was that they were sneaky and cowardly.

What we are seeing here is that with the protection of 21 votes in government, the coalition has moved from being like Socrates inside the city, espousing democracy, to a position of using sheer numbers — that is, we are seeing the Spartan archer syndrome, which I think is a cowardly and sneaky way of basically winding back the rights of this chamber. I am not going to overexaggerate what the three points do. I am not going to overexaggerate that, because these are incremental changes, but they are all changes that wind back scrutiny. Socrates is basically gagging those who would like to have a democratic chamber.

I will start by saying that members of the Labor Party are not opposed to reform. For history's sake I will look back to the 55th Parliament, when the Labor Party had

the numbers in this house, and I will outline for Mr David Davis what happened then. We actually had quite a clear platform. We went to an election with a platform that included the reform of this Parliament and a commitment to basically bring the procedures of the Assembly into the Council. We went public with a platform of what we were intending to do.

Weeks before the Parliament resumed we circulated a copy of proposed sessional orders to the other parties in this house — to the Liberal Party and the National Party, as it was at the time. We circulated the proposed new sessional orders, and the sessional orders we finally presented to the house were varied as a consequence of that discussion. There were some issues that members of the opposition parties took great exception to, and in some areas the government used its numbers to deliver on — for example, with respect to the issue of time limits — but the then government tweaked and varied other areas. That was the 55th Parliament.

At the end of that Parliament many of the sessional orders were incorporated into the standing orders after a committee process. The will of the government of the day was essentially exercised, but there was a lot of variation — amendments were accepted, and changes were made. That committee included a number of people: Mr Philip Davis, who is still in this house, Mr Bill Forward from the Liberal Party, Barry Bishop from the National Party and four members of the Labor Party. As far as the process of getting engagement went, that was how it happened in the 55th Parliament when the government had the numbers in the Legislative Council.

We have talked about the 56th Parliament and the then Standing Orders Committee recommendations that were adopted by this house. All of the members of that Standing Orders Committee are still here, except for Robert Smith, if my recollection is correct. In fact the committee membership is the same, except that Bob Smith has been replaced by our current President; so we had a continuum. Mr Davis is correct in saying there was a collective view that we should adopt the rules of the Australian Senate as much as possible. We had a long discussion as to how that applied to Victoria across a range of things.

What Mr Davis does not mention is that while the Standing Orders Committee was discussing the Australian Senate, there was this big dark space that we did not want to touch on which was the period from 1 July 2005 until the change of government in 2007 when the Senate was controlled by the then coalition government and all of these procedures were essentially put on hold. I exaggerate in saying 'all of these procedures', but certainly the dual committees — the legislation-reference committee proposal, for example — were put on hold when the then Howard government had the numbers. I would say to Mr David Davis that we on this side are wary of reform proposals that get read out on a Wednesday.

I know what is going to happen to our amendment should it be referred to the Procedure Committee; it is going to be voted down. Suddenly the government will use its numbers. Part of the reason I say that — and perhaps I am being a bit naive and untrusting — is that the last time the Liberal Party or the coalition had control of this house, in 1992, one of its first acts was to reduce the precedence general business had on Wednesdays. I might be verballing Mark Birrell to say this was his first act, but one of his first acts last time there was a change of government and the coalition came into power was to reduce the number of hours general business had precedence on a Wednesday to only 3.

It would be disingenuous of me to say that when we were elected to government in 1999 we changed that; we did not. We left it at the 3 hours codified by Mark Birrell. It is interesting that the change was carried by the previous government of the 56th Parliament, when the non-government parties once again gave general business precedence for the whole day. It is back in place. But it is interesting to note that now we once again have had a change of government, the very first sessional order proposed by the coalition starts to buy back into that tendency whereby the government of the day decides how much time the Legislative Council will spend on general business. I do not want to overdramatise this; it is a tweaking. But the direction of this tweaking genuinely alarms me.

I will formally move my amendment and speak to it. I move:

> That after proposed sessional order 4, insert:
>
> '; and
>
> that the proposed sessional orders be referred to the Procedure Committee for inquiry, consideration and report and that such sessional orders not take effect until such time as the committee reports back to the house.'.

Essentially that means that rather than the house adopting this motion today, it will be looked at further. This is particularly important, because these issues are not just something for the session, as Mr David Davis says. He knows that probably for the last 15 or 20 years a session has lasted the duration of the whole Parliament. In effect we are being asked to basically

agree to these as the standing orders for the next three years and two months. That is a concern.

I will go through the three areas and express the opposition's concern on them. It is particularly important to note the history, because the Senate procedure which Mr Davis talked about becomes a total farce when a government ruthlessly and continually uses its numbers. That is the 21 to 19 rule. I say that because we had a genuine quin-partisan agreement that the Senate committee system would be good for the Victorian Legislative Council. It is on the books; it is there. But what has happened is on every single occasion, without exception, when a Labor or a Greens member has moved to refer anything to a Legislative Council reference committee the government has used its numbers, 21 to 19, to stop it being referred.

Now we have the Hall doctrine, as I will call it — not quite as grand as the Monroe Doctrine was, although perhaps to Latin America that was draconian — where suddenly the government says, 'It is a government election commitment; therefore it is fantastic'. I say to Mr Hall — and it will probably be held against me — that when we were elected in 1999 we had an election commitment for a system of fast rail to regional cities. The outcome has been fantastic. But we did not quite get the maths right with our Treasury advice. On Mr Hall's assumption all of that should not have been scrutinised, because it was an election commitment. The Hall doctrine — and I know Mr Hall will speak on this motion, so he can clarify the record if he thinks I am verballing him — essentially says that because it is an election commitment it should not go to a reference committee.

There is another example. I do not quite recall which minister said this; I suspect it was Mr Dalla-Riva. But let us just say it was a minister who made the comment, 'This has been scrutinised through the government process. It has been through the department, through the cabinet, through the party room'.

**Mr Viney** — That is it.

**Mr LENDERS** — That is it. Again, without disrespect to the coalition government's process, I have been in government. I know that sometimes after that process there are still mistakes that slip through. It is the same bureaucrats advising the same ministers who are using the same cabinet and committee process. Yet it is somehow a heretical suggestion that the Legislative Council standing committee or legislation committee might actually cast its eye over legislation and then send it off. It can do this in two or three days if it is urgent legislation; it is hardly slowing it down. My point is that we have all the processes of the Senate, but the committees cannot self-reference. I know Ms Pennicuik would say she wanted committees to self-reference, but we were copying the Senate. When the government has a majority — when the 21 to 19 rule is in place — the Senate practice is meaningless. It is all in the hands of one man, the Leader of the Government, and we do not have a lot of goodwill in addressing this.

Before going to the three points, I will once again use my Spartan archer analogy to note the sneaky and cowardly flagging of the fact that there are too many questions on notice. Let us just pause for a second on this point. How outrageous that the Labor Party and the Greens would dare ask so many questions on notice and as a benchmark use the number of questions asked in Queensland. There are a couple of things I would say to that. Firstly, if it is okay for Mr Dalla-Riva to ask 5000 or 7000 questions, and I was critical of him asking them — —

**Hon. D. M. Davis** interjected.

**Mr LENDERS** — If Mr David Davis would actually listen, he would hear me say that when I have spoken to seek the answers to questions on notice I have not been seeking them from Mr Hall, from whom I have sought many in his role of representing in this chamber the Minister for Education, Mr Dixon, because there were a lot to ask. Having been education minister, I know that, on those questions on capital works funding for schools, it is simply a matter of loading down information from the education database into an answer for the minister. I suspect the problem is that there is concern about what the answers might actually bring out — that schools are losing their funding. Presumably Josephine Cafagna and her media unit, or whoever from the Premier's office is minding this — because these obviously go through the Premier's office — are concerned that if these questions are answered it will be embarrassing for the government. I say categorically that there is no administrative reason for some of these answers not to be provided.

I also say to Mr David Davis — and I say this to him in all sincerity — that if he considers the workload of ministers in this house is tough in answering so many questions on notice, there are now six ministers in this house while in the last Parliament there were four and for quite a time there were three. If he is talking about workload in relation to questions on notice, I point out that he actually has 50 per cent more ministers than there were previously to respond to those questions. If he is talking and concerned about a 10 per cent or 20 per cent increase in the number of questions, when

the state of Victoria is growing by 2 per cent a year, what are six ministers doing, when four or three ministers used to manage the same item of business?

Mr Davis talked about other houses of Parliament. I note that for the best part of six months the South Australian Legislative Council had a single minister and that the Tasmanian Legislative Council has a single minister, so let us match apples with apples. If it is such a big issue for Mr Davis, perhaps he should get his ministers to share some of the load.

I will go through three particular issues that are being proposed. The first is that the house adjourn at 6.30 p.m. effectively on a Wednesday. Under the previous government we had a proposal from the Standing Orders Committee that we put essentially all the non-government business on a Wednesday. I acknowledge that Ms Pennicuik did not like the statements on reports being included there. There was a sensible proposal from Mr Hall — I do not think I am giving anything away by saying this — that the committees should meet then. At the time we as the government agreed to that as a relevant part of scrutiny. If the committees met from 8.00 p.m. until 10 00 p.m. on a Wednesday, that would be a sensible use of people's time.

This system is not working because the committees are totally shackled by the government. The only references the committees are given are those that Mr Davis deems should be given to them. We have a house with 40 members and the only references, without exception, are those that Mr Davis, as the Leader of the Government, wants to give to a committee.

We have had good references such as that on organ donation having been referred and that is fine. Surely the Legislative Council, the house of review, should be choosing what it wishes to review, not what the Minister for Health, who happens to be the Leader of the Government, decides that the committees should review. One could be incredibly cynical and say that he does so just to keep the committees busy, to shut up their members and not let them do any scrutiny of their own. One piece of legislation after another that the non-government parties have sought to refer to a committee has not been allowed because the government has used its numbers. All that the government gives the committees are references that the Minister for Health fancies. I challenge anybody to refute that. It is a David Davis show!

The first sessional order proposes that the President will interrupt the business of the house at 6.30 p.m. on a Wednesday if a committee is meeting that day. So, while the government has 21 members, it will be beyond the power of the Legislative Council to even decide whether it wishes to meet after dinner on a Wednesday. The government will always determine that one of its committees will meet, even for a sham 1 minute, so that it actually effectively shuts down scrutiny. I am sure Mr Davis will put his hand on his heart, look sincere with that Spartan archer look and say, 'No, no. Trust us'. But it is not the case. We were not born yesterday. This is a deliberate effort, as was the case with the federal Howard government, to shut down scrutiny.

On the face of it, for the house to adjourn at 6.30 p.m. if committees are meeting appears reasonable. But it actually does two things: first, because the government, using its numbers, will shut down the house, it completely rips apart the procedure agreed by the last Procedure Committee of this house that Wednesday be the day of the business of the non-government parties; and second, it leaves staff and members uncertain of when the house will sit.

A while ago I raised in this house the issue of a Labor Party function at a Max Brenner shop to show support for that Israeli business that was being ridiculously persecuted by people. That was at 6.45 p.m. during a dinner break, which allowed me time to get to South Melbourne in my electorate. The new sessional order will provide that the house will not sit if a committee is meeting and members will not know until 6.30 p.m. whether a committee will be meeting. Again, on a Wednesday of a sitting week members will not be able to plan what they will do during the dinner break. For me, it was important to go to Max Brenner's. That example is exactly the sort of thing that will come up under the proposed scenario. Members will not know whether the house will adjourn at 6.30 p.m. I will have a choice — that is, not to raise a matter in the adjournment debate.

No matter how members look at the proposal, it is bad management practice and it also guts the rights of members. We on this side do not approve of the symbolism of this proposal. With the government using its numbers, the general business day will be taken away from the non-government parties. There is also the uncertainty for staff and the cost of running the Parliament. Do we have the Hansard team here? Do we have other staff here at 6.30 p.m. or not? We will not know until 6.30 p.m. It is a Clayton's answer.

The second proposal that Mr Davis has put forward is on time limits for items of business and speakers. I find it interesting, given that people screamed about the evils

of time limits, that they are still there. Members of the Labor Party do not oppose time limits. We have always been supporters of them. I am just noting the hypocrisy of party members who screamed about how bad time limits were but who now want to keep them. That is fine. We have no issue with the principle. From day one of the 55th Parliament we as the government were trying to work out what to do with new parties, but to be blunt, it was too complex for Mr Bishop, then a member for North Western Province. We said we would look at it in the next Parliament.

We have no issue with the lead speaker for the Greens having 45 minutes to speak in a debate, but we are amused by the lead speaker for The Nationals having 45 minutes. I am assuming that that is what the proposal is. On reading the motion, one would not know what is the definition of a party. I take Mr Davis's point that the President has effectively ruled that the Greens are a party until something to the contrary is decided, so that is fine. I find it amusing, though, that with members of The Nationals, who have chosen to be bound by cabinet solidarity and to be part of a coalition government, suddenly there is this charade of independence. I get the charade of independence if it is so that Mr Drum gets another two salaries, but I do not understand the charade of independence when it is proposed that the lead speaker for The Nationals is given the opportunity to speak for 45 minutes in a debate.

I could hypothesise on this matter. In the Labor Party we have a country caucus, of which Ms Tierney and Mr Viney are two of the six members in this house. If you add another 9 or 10 in the Assembly, they are a party bigger than The Nationals. We are not seeking 45 minutes for Ms Tierney to speak because she is a country caucus member. I put to you, Acting President, that The Nationals have signed a coalition agreement and form part of the government, so it does seem strange that it is proposed that their leader be given 45 minutes to speak in a debate. We will not oppose this proposal on that ground because we are all about people having more time to speak and we consider it reasonable. However, we note this strange dichotomy. I consider that Ms Tierney has as much right to speak for 45 minutes as a second Labor speaker as any member of The Nationals does as a second government speaker.

The last point I touch on is the third proposal, which takes away the right of a member at the end of question time to ask why a question on notice has not been answered. I do not want to overdramatise this, as members of the non-government parties will still be able to do so on a Wednesday. I almost fell over laughing and injured myself when I saw this motion, because I could hardly imagine a member of the government having the guts to put a question on notice, let alone ask a minister about it. Forgetting the ranks of Spartan archers opposite, I must admit that I was somewhat amused at that proposal. What we will see is that the ability of the opposition to hold the government to account will again be reduced.

The argument is already coming from Mr David Davis about the abundance of questions on notice and how unreasonable that is. The absolute response to that is: what on earth are those two extra ministers that the Premier appointed doing? Literally the first act of the Baillieu government was to increase the cabinet by 10 per cent. Four Labor ministers managed to do the work and suddenly the six in this house cannot do the work. Clearly Mr Davis is flagging that the government will again hack into democracy in here. The Labor Party is opposed to the first and third sessional orders being made here. We certainly are not opposed to the second one concerning time limits.

In conclusion, this is the thin end of the wedge. In itself it is not something we are particularly alarmed about, but it is the thin end of the wedge, and we ask: where is it all going? We propose these proposed sessional orders go to the Procedure Committee, because if we are trying to tidy up some of the procedures, that is the place to do it. That is the place where it has always been done. To come into the house with a series of changes and think that is somehow or other okay, I think is wrong. Sadly, Socrates walking around Athens has forgotten. I have moved my amendment, and I urge support for it.

**Ms PENNICUIK** (Southern Metropolitan) — There are three items in Mr Davis's notice of motion 177 regarding new sessional orders, and they are interesting. As Mr Lenders has said, some parts of the motion, for example the second one around time limits, are basically just putting in place what the President has already ruled upon, but I think the others at the very least require more discussion. I would also suggest that there are other aspects of the way we operate that could be included in sessional orders.

Mr Davis referred to a conversation we had last week after I approached him to speak about his proposed motion and raised the issue of the problem with the adjournment debate. I think Mr Hall would agree, because he was on the Standing Orders Committee of the last Parliament, which is now called the Procedure Committee — as Mr Lenders said, basically the same people who were on that committee in the last Parliament are on it again in this one. We had a long conversation about adopting Senate rules and about

other aspects of our operation under the Victorian standing orders and we looked at the adjournment debate.

I do not think what has transpired in terms of limiting each member to raising one adjournment debate matter per week is what we intended. Prior to the rewriting of the standing orders right at the end of the last Parliament — pretty well on the last day of it — we had been operating under sessional orders whereby a person could raise an adjournment matter every night of the week if they wished to. Not many people did that, although there are some in the Parliament who do raise a lot of adjournment matters — at least two and possibly three a week. That worked well. It did not cause a problem. Now we are all limited to raising just one matter per week. Given that there are not normally many opportunities to raise matters with ministers, and given that adjournment matters are by and large issues that are raised by the community — by community groups or individuals — and brought by members to the Parliament on behalf of those community members and raised with the minister in the adjournment debate, I think it is unfortunate that we have now arrived at that restriction, which was not actually intended to be imposed. That is one outstanding issue.

Another outstanding issue that I think could be talked about in much more detail is the schedule for Wednesdays. During our long discussions on standing orders last year and about how to rearrange Wednesdays we plucked statements on reports and papers out of its timeslot, which was just following member statements and formal business on Thursdays, and plonked it in at 5.30 p.m. on Wednesdays. I said at the time in the Standing Orders Committee, and I am happy to repeat it to the chamber, that this would be disruptive and a bit messy, particularly as we were also changing the Wednesday schedule to allow for committees to meet after dinner from 8.00 p.m. until 10.00 p.m. As Mr Lenders was saying, a lot less than the whole of Wednesday was being devoted to general business. Certainly the time after dinner was taken away from general business. Even though I thought it was a very good idea to have a dedicated time for committees to meet, putting statements on reports and papers in the 5.30 p.m. timeslot made the day more disjointed.

I also made the point that many members like to speak on the Auditor-General's reports. Those are tabled on Wednesdays and the Auditor-General gives his briefing on those reports at lunchtime on Wednesdays. To expect members, with the other duties they may have in the house, to be able to make statements on reports 2 or 3 hours after lunch is probably not reasonable. They need to have at least that night to consider the report and be able to make a statement on it the following day. I am presuming that is why statements on reports and papers were previously scheduled for Thursdays.

Those are just two of the issues that I think could be discussed in the Procedure Committee, so the Greens are inclined to support Mr Lenders's motion that the proposed sessional orders be referred to the Procedure Committee for inquiry, consideration and report and that such sessional orders not take effect until such time as the committee reports back to the house.

I can also say in support of that motion that a little while ago a scheduled meeting of the Procedure Committee was postponed, which I understand was due to the illness of the Clerk's wife and the Clerk not being able to be there. That was fine, but I was expecting that once we came back from the midyear break the committee would be convened, because in our previous meeting of the Procedure Committee many of these issues had been canvassed and where the issues were left was with the agreement that we needed to have a meeting of the committee to discuss them further, along with any other issues that people wished to raise. That is where I thought we were, but the next thing I knew Mr Davis had popped up with this motion. I think if time and effort is going to be put into producing sessional orders, the committee should discuss all these other issues that are outstanding and then come to the chamber with a recommendation.

Firstly, I go to the issue of time limits. I understand that what Mr Davis is proposing will put the ruling by the President into the sessional orders, but I make the point — I think I made the point when we had this discussion leading up to the President's ruling, and it is worth making again — that in terms of the 'other party', Mr Davis's intention is that 'other party' will mean the Greens or The Nationals — —

**Hon. D. M. Davis** — Or both.

**Ms PENNICUIK** — Or both. I do not want to die in a ditch over that, but I would say that The Nationals are part of the government, so I would have thought that the lead government speaker, at times, may be a speaker from The Nationals. I do not think that is quite as it was intended; the lead speaker of the government is the lead speaker of the government, be that speaker from the Liberal Party or The Nationals; and the other party, in the case of the configuration now, would be the Greens.

I also make the point that when 45 minutes is taken up by the lead speaker of the other party, in 9 cases out

of 10 that speaker will be the only speaker from the Greens, because we tend to only put up one speaker. We do not all speak on every piece of legislation. When we want to put an argument about an important piece of legislation and foreshadow amendments, it is very difficult to do so in 15 minutes, so we appreciate the ruling by the President and we appreciate what Mr Davis is proposing in this motion.

I have also drawn up amendments. In terms of time limits, I seek to amend the motion by Mr Davis such that there be no time limits. The first of my three amendments is that the adjournment debate not be limited to one adjournment matter per week per member, but it would still keep in place the limitation that no member could make more than one statement per night. Members could only raise one statement per day but could at least raise a statement on every day if they wished to, as long as there were no more than 20 matters raised each day.

Therefore, I move:

1. After proposed sessional order 1, insert:

   '2. That standing order 4.10(3) and (4) be suspended and the following will apply:

   "(3) No individual member may be called more than once each day.".'.

2. Before proposed sessional order 2, insert:

   '2. That standing order 5.02(2) and (3) be suspended and the following will apply:

   "(2) On Wednesday —

   Messages
   Formal business
   Members statements (up to 15 members)
   General business
   At 12 noon questions
   Answers to questions on notice
   General business (continues)
   At 8.00 p.m. standing committees (if meeting) or general business or government business (if standing committees not meeting)
   Adjournment (up to 20 members)

   (3) On Thursday —

   Messages
   Formal business
   Members statements (up to 15 members)
   Statements on reports and papers (60 minutes)
   Government business
   At 12 noon questions
   Answers to questions on notice
   Government business (continues)
   Adjournment (up to 20 members)".'.

3. In proposed sessional order 2 relating to time limits, omit all words and expressions after 'and that the following will apply:'.

The second amendment goes to the matter I raised earlier, which is the reinstatement of 60 minutes for statements on reports and papers, with 5 minutes per member, which should go back to its original timeslot on a Thursday. For the reasons I mentioned I do not think that encroaches too much on government business, and I also make the point that many of the speakers during statements on reports and papers are in fact government members. At least half and sometimes more of those speakers are government members, so I am not sure why that needs to be confined to non-government business time. Another of the reasons I mentioned earlier was that the tabling of the Auditor-General's reports routinely done on Wednesday gives members an opportunity to read the report overnight and make notes in order to make their 5-minute statement on those important reports from the Auditor-General.

One of the other issues I raise relates to the time limits which were in the original standing orders. In the last sessional orders time limits were taken away from most things except adjournment matters, members statements and a couple of other formal matters, which means that there are time limits when significant reports are tabled in the Council, such as Public Accounts and Estimates Committee reports and also the reports we look forward to seeing tabled at the end of this year or early next year by the new standing committees, which have large and important references, such as the one on organ donation. The committee I am on, the Environment and Planning References Committee, has a reference on environmental planning and health, which is a very important issue, notwithstanding that it is an issue referred to the committee by the government.

As things stand at the moment, the standing orders allow for the lead speaker — or the member presenting the report — to speak for 5 minutes and subsequent speakers to speak for 2 minutes. The work of the committees is carried on for a whole year. They hold hearings on Wednesday nights, receive submissions from hundreds of community members, hold outside hearings, make site visits and produce large reports on very important public matters, but under the standing orders the person tabling a report has 5 minutes to speak about it and other members are confined to 2 minutes. Those time limits should also be removed. That is another issue that could be discussed in the

Procedure Committee. If statements on those reports are confined to those time limits, they do not do them any justice. There should be a proper debate in the Council about those reports if and when they are tabled.

Another issue I think we could revisit in the Procedure Committee is the issue of self-referencing of the Senate-style committees. Mr Lenders mentioned earlier that I advocated strongly for those committees to have a self-referencing power. The reason I did that was that although I knew it was a slight departure from the Senate model — which Mr Lenders is very attached to and will not deviate from at all — I made the point that this is not the Senate, we do not have 76 members and we do not have the staffing, the resources and everything else that the Senate has, including the number of committees, as we have only three committees. It would be a very handy device for the committees to be able to self-reference and look at matters that fall within their remit. That is something we could also discuss in the Procedure Committee.

It would be a very good thing for the government to consider supporting the amendment to this motion proposed by Mr Lenders and to convene the Procedure Committee to look at these other issues that should be added to anything that changes or introduces sessional orders for this Parliament.

I would like to go to paragraph 3 of Mr Davis's motion, which concerns the procedure when answers to questions on notice are not provided. This deviates from the current system whereby any member may stand up at the end of any question time and ask for an explanation as to why a question has not been answered when it is past the 30-day limit.

I have had a discussion with Mr Davis about this, and he mentioned in that discussion, as indeed he did here in the house, that the reason for it is that too much time has been taken up with people raising queries about unanswered questions. As I did say to him at the time, my answer to that is: can we get the answers to the questions? I say this because, although I do not want to go to that debate now, I still have quite a large number of questions on notice which have not been answered, and the interesting thing about them is that when we have called or emailed or both the office of the minister, the staff have sometimes told us that the answers have been given to the minister, sometimes quite a long time ago — back in June or even May — but they have not arrived here in the chamber, when they are meant to be delivered to the member within 30 days.

Therefore I think it is legitimate for us to stand up on any day of the week and ask where the answers to particular questions are. The chamber does not need to be held up on any particular day if the answers are provided within the 30 days or not too much longer after that or if explanations are given as to why that cannot be so. As the President has mentioned — certainly in the last sitting week when this became an issue — we must be able to reassure him that we have approached ministers by email or by telephone asking where the answers are. I feel that if we have gone to the trouble of doing that — and of course the standing orders do not require us to do that; they require the minister to furnish an answer to the question within 30 days and if the question has not been furnished, then the member has the right to ask for an explanation — and if the answer still does not appear, we should not be confined in the chamber to asking that question on a particular day of the week.

What happens in practice is that the minister comes in on a Tuesday, most often with a bunch of questions that have been furnished, and therefore we do not necessarily stand up on a Tuesday and ask where the questions are because we are thinking that our answers might be in the bunch that have just been tabled; so it tends to be Wednesdays and Thursdays only, and I do not agree that it should be confined to non-government members asking the question on Wednesdays and government members on Thursdays.

I take Mr Lenders's point that there are not that many questions put to ministers by government members — I am sure they would not be asking a minister in the chamber about where the answer to their question is, so I think that is a moot point. Therefore I do not believe that part 3 of Mr Davis's motion is required at all.

With regard to paragraph 1 (c) of his motion, which is to interrupt business at 6.30 p.m. on Wednesdays if there is notification that a standing or select committee is meeting that day, I understand where Mr Davis is coming from, and to be honest I think that is what was envisaged in the Standing Orders Committee when we discussed it in the last Parliament, but I do agree that what was envisaged at the same time was that those committees would be very busy with many references and with bills referred to them under their legislative function. Therefore in effect they would always be meeting at that time.

However, as it turns out, some of them do not meet and some of them only meet for a short time, so not all committees meet from 8.00 p.m. until 10.00 p.m. on Wednesday evenings. I must say the committee of which I am a member, the Standing Committee on Planning and Environment, does tend to do that, so from my point of point of view I can see that this is not

an offensive proposal, but if it means that some people who are not on committees simply take off after the adjournment, then I do not agree.

Just to clarify, I have moved my three amendments to the motion, but I would suggest that if Mr Lenders's amendment is agreed to, then I will withdraw my amendments because that would mean they could be discussed and drawn up into new sessional orders. At the end of the day we will not be able to support the motion, not because we do not appreciate what Mr Davis is doing with regard to time limits but I prefer — as I know many in this house do — that we do not have time limits, and I think that worked very well in the last Parliament. I know some people do not have that view, but by and large, except for a couple of occasions when people did speak for very long times on bills, they did work well.

I urge the government to support Mr Lenders's amendment to refer Mr Davis's motion to the Procedure Committee so that committee can discuss new sessional orders and amendments that are needed to other aspects of the standing orders and come back to the chamber with a new proposal for sessional orders.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — We have had a few of these debates over the years on standing orders and changes in this chamber, and many of us may have had different positions at different times depending on which side of the house or end of the chamber one was sitting. They have been interesting debates. Indeed those debates have been necessary because the way this chamber operates has changed significantly over the years. I could cast my mind back to when I first came into this chamber and talk about the committee structure and the sitting of the chamber then. It would take some time to go through all of that, and I will not do so except to say that 20 years ago the way in which this chamber operated was significantly different to the way it operates today.

There has been an evolution of practices over the years, and we will continue to see those changes roll out into the future as this house, as is quite rightly its prerogative, gives some consideration to the way it operates. Some members have already referred in this debate to the discussions that took place through the Standing Orders Committee throughout 2010. If my memory is correct, it was through a large part of that year that the Standing Orders Committee of the previous Parliament sat and deliberated on trying to set a program that might be effective for the current Parliament.

It is also true to say, given that we are revealing some of the real motives behind changes today and what people were thinking, that this whole exercise throughout 2010 was approached with a view about who was going to be in government. Nobody knew who that would be next time around, and therefore it was a good thing that it seemed the workings of the committee sought to strike a balance between what was fair and reasonable for government, opposition and other parties in the chamber. Consideration was not given to the fact that we were going to be in government or somebody else was going to be in government, because nobody really knew. Therefore the approach sought to achieve a balance of fairness and allocate time for all parties to participate fully in debates.

One of the catalysts for those discussions was the need to fairly allocate time for the transaction of government business and provide the opportunity for opposition parties to raise matters of business. After some deliberations throughout 2010, all parties agreed to the formula that we have currently reached and have been practising in 2011, and that has predominantly been a change to our committee structure. Committees are given the opportunity to meet during the week at a time which has been allocated for parliamentary sittings under our standing orders.

That is a bit of the background, and while I am not sure that everybody was totally happy with the changes arrived at as part of that process in 2010, we agreed it was a reasonable compromise as to the rules. Some of us did not agree entirely, but we saw that as a reasonable compromise.

I now turn to the reason we are looking at some changes as proposed in Mr Davis's motion. I do not think the proposed changes move away from the general set of agreements and procedures that were reached last time. They seek to, as is the case with the second amendment regarding time limits, basically put into practice what the President has already ruled. I think that is helpful. The other two matters do not significantly diverge from the sentiment of those procedures agreed to last time, except to make them more efficient.

I will comment on each of them in particular, but I want to make one other general point about this. It has been my longstanding view, a view I have expressed in this chamber on many occasions before, that this house best works if there is a sense of cooperation, goodwill, understanding and compromise between all parties. No matter how many rules we make by way of standing or sessional orders — and we can have as many rules as

we like — people will always find a way around them. We can set rules and we can refine what we have — and we are doing that again today — but at the end of the day they will not work if there is not that sense of goodwill and cooperation between all parties. I want to make that point again in this debate. We can achieve what we would all like to achieve if we are prepared to work together towards achieving that.

I know that when governments are elected they are often very wary in their first term about what might or might not happen. I can remember the previous government setting in place a process for establishing a government business program for the course of the week because of some uncertainty about getting their business transacted. I said at that time that it was not necessary, that we could achieve what the government wanted to achieve with a bit of cooperation and goodwill. After an initial period, the government did not introduce a business program on a regular basis because it was demonstrated that we can do what needs to be done if we work together. Yes, it still sits there, but the new government has not decided to enact it, again trying to do what needs to be done with a sense of goodwill and cooperation between all of the parties.

As I said, that is the way this chamber best works. Yes, we can have a very long list of rules and procedures in place, but invariably people will find a way around them if they set out to do that. Many practices will depend on people cooperating and having some trust and confidence in each other.

I will comment on each of the amendments that have been proposed in turn. The first amendment will enable an adjournment motion to be moved at 6.30 p.m. on a Wednesday evening if a committee is sitting or meeting after dinner. That will make the operations of the house more efficient. I heard what Mr Lenders said about the government potentially being able to abuse that privilege by having one of the committees meet for 1 minute or 5 minutes after dinner, circumventing a period of time allocated for opposition business in this chamber.

I believe the committees essentially form part of the business of this chamber, but they are weighted towards the opposition's needs in terms of exploring ideas and other matters. I accept some of the criticisms from both the previous speakers about the way in which business does or does not get referred to those committees. I am happy to have that debate and have a look at the way in which such business has been referred, but the committees were virtually a creature of opposition. Without saying it is the fault of any government on one side of politics or another, committees are creatures of the opposition. As such, we all agreed in the last Parliament that the appropriate place for committee work was during a day in which general business was being transacted. That is why we all agreed that they should meet on a Wednesday night.

**Mr Viney** — The only references have been government references.

**Hon. P. R. HALL** — No, we agreed that that was the appropriate place.

**Mr Viney** — How is that the business of opposition if the only matters that get referred to it are government references — ever?

**Hon. P. R. HALL** — I let people have their say, and I am sure Mr Viney will have his say in due course.

**Mr Viney** — But what you are saying is not correct.

**Hon. P. R. HALL** — But when Mr Viney was a part of the former government he agreed that the appropriate positioning of the committee's work was on Wednesdays, which have traditionally been the time for opposition business. Mr Viney agreed with that proposition, that essentially it was part of opposition business by putting it on a Wednesday. I put forward that proposal and the government agreed with it. It agreed with it because it essentially thought it was appropriately placed on a day when non-government business was transacted.

That being the case, as I said, the rules are always there, and people can circumvent them or they can act against the intent of the rules, but for my part as a member of government, this is not a measure to try to curtail opposition business by potentially bringing the adjournment debate forward to 6.30 p.m. when there are committees sitting after dinner on Wednesday; it is more a measure of efficiency and providing some degree of certainty. Mr Lenders himself argued about the need for having some certainty so members can plan exactly how they are going to use the dinner break and staff around the Parliament can manage expectations around their workload for that particular night.

Indeed I agree with the point. If there can be some notice given earlier than 6.25 p.m. on a Wednesday evening that there will be an early adjournment, I agree entirely. There should be an ability to give advance notice to everybody that the committees are sitting on Wednesday evening and therefore the adjournment debate will take place at 6.30 p.m. Thereafter there will be a break and members will be able to pursue their business, whether that be as a member of a committee

or otherwise. I agree with that point. However, in terms of the ulterior motive in bringing forward the adjournment to 6.30 p.m., my point in regard to this and as a member of government is that I would never seek to have that particular provision abused by using it as a mechanism purely to curtail general business time.

The second sessional order, which is about time limits, is, as Ms Pennicuik said, essentially to put in place the practice adopted by the President in giving the Greens' lead speaker comparable speaking time to that of the lead speakers for the other parties. It has been suggested that this as it stands is fine except for the position of The Nationals, because we are currently part of the coalition; we have not always been part of the coalition. I might add that we have been part of the coalition in government and in opposition.

All I want to say is, while I appreciate that, you cannot define a perfect set of orders without naming the parties — it is always going to be difficult and wordy and complex. We could expand on this and we could specifically cite the instances when a member of The Nationals is the lead speaker for a coalition government or when a member of the Liberal Party is the lead speaker and then define exactly when every other party gets to speak. We could do that, and we could have a set of rules on time limits which might go for a couple of pages instead of the single page that we have in this motion.

As I said, you can have all the sorts of rules in the world, but it is how people use those rules and whether they abuse them that matters. I would say quite categorically, as Leader of The Nationals in this chamber, that none of the three members of The Nationals in this chamber intend in any way at all to abuse what might be an allowable practice for us under this current rule.

As it is, I do not think that we as a party have any history of abusing any of the privileges afforded to us in terms of speaking opportunities in this chamber, and I would be pretty disappointed if someone suggested that we did. I think our practices are as good as those of any other party, and I do not think that we are suddenly about to change the practice and start abusing any privileges that might be afforded to us. I wanted to put that on the record in respect of time limits. Predominantly they have been developed so as to acknowledge the rulings and judgements exercised by the very worthwhile and competent President that we currently have in Mr Atkinson.

The third point I want to go to is the issue of seeking answers to questions on notice. That issue has arisen in this Parliament because of the significant explosion in the number of questions on notice asked in a short space of time and the potential for opposition parties to tie up and use up government time in seeking answers to questions on notice. I do not have any objections. I try to answer the questions on notice asked of me in a timely fashion, yet sometimes because of the volume I have not always met that 30-day rule. However, I will endeavour to comply and will not ever complain about that.

This sessional order is simply an attempt to formalise and give some certainty to the original motivation behind the changes made to the standing orders last time — that is, to give some certainty about how much time is going to be available for the government to get its business through. I do not think proposed sessional order (3) is divergent from the intent of the standing order changes that were debated extensively throughout 2010.

Finally, I would just like to make comments on the amendments, both the amendment moved by Mr Lenders and the amendments moved by Ms Pennicuik, with respect to this particular motion. First of all I want to say that we have all agreed that notice of changes needs to be timely and given to the house with time for good consideration. Notice of this particular motion was given by Mr Davis four weeks ago in this chamber — —

**The ACTING PRESIDENT** (**Mr Ramsay**) — Time, Mr Hall!

**Hon. P. R. HALL** — Time?

**The ACTING PRESIDENT** (**Mr Ramsay**) — Fifteen minutes.

**Mr LEANE** (Eastern Metropolitan) — That did seem very quick. I would like to take up one point from the start of Mr Hall's contribution and his understanding that the sessional orders proposed in this motion moved by Mr Davis reflect the intent of what was agreed to at the end of 2010. The intent of the house not adjourning at 6.30 p.m. on a Wednesday if committees are meeting was that — and this has been shown during this term — there is potential that committees may meet for a half an hour, leaving an hour and a half available for debate on that particular day. I cannot agree with Mr Hall that the pure intent of this particular part of the standing orders is reflected in Mr Hall's and Mr Davis's interpretation of the motion, which obviously they are supporting. Therefore there are alarm bells going off in my head in that we may be moving to limit debate in this house.

As members in this chamber some of us have a lot of things in common and some of us do not, but one thing we do have in common is that we are all privileged to be members of the Legislative Council. We are privileged in the work we do in our electorates and privileged to be standing in here representing the people we represent. However, as members of this chamber we have responsibilities. If we believe we are privileged, if we are proud and if we believe in this chamber, then one of those responsibilities is to defend the chamber and the institution.

Recently we all found some common ground. There was a *Herald Sun* article written by Alan Howe that included a photo of every one of us and questioned the members of this chamber and the existence of this institution. We all found some common ground. We rallied together, at least in our discussions with each other, as we believed that the article did not reflect the importance of this chamber and of this institution. If we believe in this institution, we should in no way be impeding our ability to have debate, whether on Tuesday, Wednesday or Thursday. If we pass this motion, we give Alan Howe ammunition to say that he is right, that we are not fair dinkum and that we are not prepared to hang around for a bit after dinner to proceed with more debate. That is a problem and a real concern that we should take into account while debating this motion.

As previous speakers have done, I fully support Mr Lenders's amendment to have the Procedure Committee talk about these items and report back. The Procedure Committee is there for a reason. If it reports back and suggests changes to things that are not working in this session of Parliament, that is something we could all embrace. However, unfortunately today the government is using rule 21-19. There are parts of the standing orders that do not suit its position, and therefore it will use its numbers to push through Mr Davis's motion.

As Mr Lenders said, there are parts of this motion that have been embraced by the President in that there are changes to time limits to accommodate the third parties. As Mr Lenders said, we do not have any great issue with that. What we do have issue with is the change that would mean that the adjournment debate comes on at 6.30 p.m. on Wednesdays if committees meet. Mr Hall spoke about surety for staff and members who have organised meetings or social occasions on a Wednesday at 6.30 p.m., but there is no surety at all. Even if the adjournment is to start at 6.30 p.m., we never know how many people will speak to the adjournment and how long the debate will take with the responses from ministers, so I do not think there is any surety about when staff and members will have a dinner break on Wednesdays under these circumstances. I disagree with the position that Mr Hall took. The opposition does not agree with that provision or with Mr Davis's position on the procedure when asking about outstanding questions on notice. In saying that, we have no huge problems with the time limits.

I move:

1. In proposed sessional order 1 relating to the interruption of business, omit paragraph (c).

2. Omit proposed sessional order 3 dealing with the procedure when answers to questions on notice are not provided.

This is quite a technical debate because we have a number of different amendments coming from different non-government parties. I believe Mr Viney will suggest an amendment to Ms Pennicuik's amendment, but regarding her amendments as they stand, we support her amendment 1, which would change the sessional orders to allow members to raise more than one adjournment matter per week.

Regarding Ms Pennicuik's amendments 2 and 3, at the end of 2010 the parties agreed on what the sessional orders should look like in this Parliament. We agreed that statements on reports would happen at 5.30 on Wednesdays. We need to be consistent on that, so we cannot support Ms Pennicuik's position on that. Regarding her amendment to remove all time limits, that is not a position we had last year and it is not a position we have this year.

The problem with removing all time limits is that the government needs passage for its legislation with a fair amount of debate. If there were no time limits, there could be an issue with progress of bills if certain individuals were to speak for hours on end. Individual members of the chamber should be able to get their message across within 15 minutes and represent the people in their electorates. We wholeheartedly support Ms Pennicuik's intent in her first amendment, but because we believe that we should be consistent we have problems with supporting her second and third amendments.

**Mr VINEY** (Eastern Victoria) — In your life in politics you see various positions changed, rejigged and reconfigured and history reworked, and today we have yet another fairly stark example of that. I will deal initially with some of the comments made about the then Standing Orders Committee, now the Procedure Committee, in the last Parliament. I was a member of that committee in the last Parliament, so I have some

knowledge of the history of this process and a modicum of knowledge about the procedures of the house and its history. The position taken by the last Standing Orders Committee was that where all parties and participants in that process agreed to a change to the standing orders they would be proceeded with in a report from the committee but that other members of the committee and other parties would be at liberty to proceed with different or various changes to the ones that were put. A comprehensive set of changes that all parties agreed to was made to the standing orders.

We have had some discussion about time limits, and there is a good example of one that was not agreed to, because while the former government took the view that time limits were appropriate and should be kept, that was not the position of the then opposition or the Greens. There was no agreement within the committee about changing those time limits, so they stayed in the standing orders. Mr David Davis is looking amused, I am not sure why, but that is the history. Actually Mr Davis was the one person on that committee who did not seem to understand the principles that we were working to — that is, a consensus on change where we could agree and then it was up to others to move changes in the house later if they wished. Mr Davis struggled with that concept.

The whole issue of time limits came up because Mr Barber quite correctly raised an issue some months ago about the amount of time that he was limited to as a third party speaker on a bill and the President made a ruling on that matter. The effect of this proposal from Mr Davis today is that it will reinstate the 45-minute speaking capacity of the lead speaker from The Nationals. That is all that that particular provision on time limits does; it does not make any other change.

The Greens were not in this chamber in the debate that first introduced time limits into this house and their members did not hear the thunder and roar from Mr Philip Davis. They did not hear the outrage from Mr David Davis about those changes or Mr Philip Davis lecturing this house on the fact that the Legislative Council had existed for 150 years with cooperation between the parties without the need for time limits or controls. The issue of time limits is not an issue for us. What is interesting in this debate is that it was always an issue for the Liberal Party and The Nationals; their members did not believe time limits should exist until they came into government and decided to keep them.

It is not an issue for us; we do not have a particular concern about the issue of time limits. In a debate on sessional orders on 26 February 2003 Mr Philip Davis was critical of the then government. He gave a lecture on hypocrisy and cant and told the house the correct Macquarie dictionary definition of hypocrisy. He said it was:

> The act of pretending to have a character or beliefs, principles, etc., that one does not possess.

Today we have one of the great demonstrations of hypocrisy from the Liberal Party. I would not be surprised to see Mr Philip Davis demonstrate that he is a hypocrite by actually voting against the amendments. I am a bit disappointed he did not come in and move an amendment to abolish time limits, because that would be consistent with his longstanding position. I can see Ms Pennicuik nodding, because when the Greens came into this Parliament Mr Philip Davis negotiated with them about abolishing time limits. He was a big supporter of abolishing time limits. He was consistent after the 2006 election, but I will be interested to see the position he takes in relation to this proposed sessional order when his party is now in government after the 2010 election.

The issues I have the most difficulty with in this motion concern the proposed alteration to Wednesdays and changes to the procedure when answers to questions on notice are not provided, which I will get to in a second. The tradition of this house was to start very late and adjourn as frequently and as early as it could, but the house has a more recent tradition of adjourning at 10.00 p.m. on Tuesdays and Wednesdays, and, depending on when messages come from the other place, somewhere between 4.00 p.m. and 6.30 p.m. on Thursdays. This motion effectively moves the adjournment on Wednesdays to 6.30 p.m., and that is not my recollection of the intention of the Standing Orders Committee. It was our intention that the house would still adjourn at 10.00 p.m. The reason for that was that whilst one of the committees or a select committee might meet at 6.30 p.m. or after the dinner break at 8.00 p.m. on a Wednesday — and obviously the house would not sit while that was occurring — it does not follow that that committee will meet until 10.00 p.m., 11.00 p.m., 12 midnight, or until whatever time it wants to meet. It may be that the committee wants to have a short, sharp half-hour meeting to deal with some procedural matters, adopt a report or whatever.

The effect of this will mean that the house cannot reconvene in that circumstance. The house will not be able to reconvene when one of its six committees decides to have a half-hour procedural meeting. The effect will be that those committees are going to be reluctant to meet on a Wednesday unless they have a

full program, because meeting would mean the house would not reconvene. Certainly that would be the opposition's view, and I suspect it would be the view of the Greens. It may well also be the view of the government.

Recently in this place we saw the farce of the chamber's sitting time on a Tuesday extending until 4.00 a.m. the next day and then the government moving to adjourn the house at 6 o'clock on the Wednesday so that government ministers, who are not members of those committees, could go home and get an early night's sleep while all other members had to stay and attend committee meetings — a very smart trick. If the government is so disorganised that it wants to keep meeting until 4 o'clock or 5 o'clock in the morning instead of using available time on a Wednesday or a Thursday, when it could meet until 10.00 p.m., or on a Friday, then that says a lot about how this government is managing the business of this place. That this place in one sitting week met on a Tuesday until 4 o'clock the following morning and then effectively adjourned early on the Wednesday demonstrated absolute incompetence in the government's management of the operation and business of this place. Of course the effect of this is to interfere with the scrutiny day — to interfere with the Wednesday, which is really a day of scrutiny of the government. That Wednesdays are about scrutiny has become an important tradition of this place, and I am concerned to see that changed.

Another matter I would like to briefly touch on is the proposal to limit the ability of members of this place to raise concerns about questions on notice that have not been answered. Presumably the government is saying that this is a waste of the house's time. The implication of what the government is saying is that the house should not be spending its time on matters such as this on any day other than one day allotted for non-government members to raise matters and another day allotted for government members to raise them. Mr Lenders made a point about this, and I can think of no example where a government member has raised a concern about a question on notice, let alone has actually asked a question on notice.

The government is saying that with 6½ hours of normal sitting time on a Tuesday, 8 hours of normal sitting time on a Wednesday and 6½ hours of normal sitting time on Thursday — with 21 hours per week — it is not appropriate for the house to spend any more than 10 or 15 minutes on questions on notice that have not been answered. The implication of what the government is proposing would be that despite there being 21 hours in a sitting week, it would be inappropriate for members to be raising questions about government ministers failing to answer questions on notice within the time limits set down in our own standing orders. I might say that that 21 hours does not include the time for the adjournment or time when the house sits beyond 5.00 p.m. on Thursday or 10.00 p.m. any other night.

This motion is the sort of step you see taken by governments that are arrogant. It is a step being taken by a government that is not honouring the commitments it made to the community at such a forum as the Burvale Hotel forum, where the now Premier made comments about the importance of scrutiny and accountability of the Parliament and the importance of holding governments to account.

I do not believe it is appropriate for this house to vote on either the substantive motion of Mr Davis or the proposed amendments of Ms Pennicuik. All of those matters should be referred to the Procedure Committee. I know Mr Lenders has moved an amendment to that effect, but given that that would be considered after all of the other amendments and the substantive motion, we think it should be done in a different way. Therefore I wish to move:

> That all the words after 'That' be omitted with a view to inserting in their place 'the proposed sessional orders moved by the Leader of the Government and the proposed amendments be referred to the Procedure Committee for inquiry, consideration and report and that such sessional orders not take effect until such time as the committee reports back to the house.'.

I am proposing that this amendment be put before the consideration of all other amendments so that the whole matter can be considered properly by the Procedure Committee and so we can have the kind of discussion which, when we were in government, we were prepared to have with other parties. When we were in government we were prepared to consider the views of The Nationals, the Greens and the Liberal Party in relation to the operation of the house. We did that twice over two Parliaments, and I served on both of those standing orders committees. I believe that is the appropriate thing to do. It is the way we can get some rational consideration into the debate and get some fairness into a consideration about changing the sessional orders.

The standing orders of this place are an important pillar in holding governments to account and in the democratic processes of this state, and when you tamper with them you put at risk the democratic process itself. Every time a government uses its numbers to close down debate, to reduce the opportunity for scrutiny and to reduce the opportunity for accountability it places democracy itself at risk. People

must have confidence in the system and in the process, and by taking this to the Procedure Committee all parties can have confidence in the process and can consider these matters properly.

**Hon. D. M. DAVIS** (Minister for Health) — I am pleased to rise in reply on motion 177. As I have said, it makes some modest and incremental improvements to the operation of the chamber. I make the point that these would be changes to sessional orders, not standing orders. These particular points that have been brought forward by the government today through me are in fact very reasonable changes. As I have said in relation to the changes to time limits, you could argue against time limits. I think there is a very respectable argument in that regard. We might well have that argument in the Procedure Committee over the first series of — —

**Mr Viney** interjected.

**Hon. D. M. DAVIS** — This is about gently formalising the points that are required to ensure that minor parties have a fair opportunity in this chamber and to do that in a clear way in which the chamber affirms that point.

The interruption of business on Wednesday is a clear attempt to smooth out a process that I think was genuinely agreed to by all parties in the Standing Orders Committee of the last Parliament — that is, the idea that the committees would work on Wednesdays. I do not think that people foresaw the lack of flow that would be brought about by that process. That lack of flow will be addressed reasonably by these changes if select committees or standing committees do meet on a Wednesday night of a sitting week. I think we can have a more predictable and reasonable approach. It would be good if those committees were able to advise the President or the clerks ahead of time so that people would have a greater degree of stability. I think this is a reasonable step. I think the opposition has missed the point on this particular matter.

There has been significant debate in regard to the issue of questions on notice. We affirm the right of members to raise those points about questions on notice. The government is dealing with a significant load of questions on notice, and it welcomes the scrutiny that comes from responding to questions on notice. Indeed as I said earlier, there were 500 responses to questions on notice tabled today. It is true to say that we are hitting new records with the numbers of questions on notice we are seeing; these are new records for any chamber in this country. They are new records in terms of the frequency of these questions on notice. Members have every right to raise matters on behalf of their constituents, and they ought to do so; they also ought to exercise that right reasonably and responsibly.

These are sensible and, as I said, incremental changes. A number of other legitimate points have been raised in the debate. It is the government's intention that the newly named Procedure Committee will look at improvements to standing orders in time. We need to revisit the standing orders at some point in a comprehensive way, and it may be that there are opportunities to make minor and incremental changes in sessional orders and to perhaps trial a number of other changes.

Ms Pennicuik raised some points about time limits. We did have that debate in the period between 2002 and 2006, and it is worth recording that one of Mr Lenders's first acts in this chamber was to alter the operation of the chamber, which had not had time limits historically. His first act was to bring in the gag, the guillotine and the government business program. Unfortunately some of those things are still embedded in the standing orders. As an opposition we sought to remove those changes ahead of the last election. That move was defeated by a vote that involved the former government and the Greens. That was unfortunate, but nonetheless it was the decision of the chamber. I commit to the preparedness to work with the Procedure Committee to look more comprehensively at standing orders in the normal way as the Parliament progresses.

**Mr Viney** interjected.

**Hon. D. M. DAVIS** — I say to Mr Viney that these are very reasonable changes. He needs to recognise that — —

**Mr Viney** interjected.

**Hon. D. M. DAVIS** — We have done it properly. Mr Viney brought forward a number of these amendments just today. We put these proposals forward some weeks ago. There has been plenty of time to put forward proposed amendments to these, and that is one of the reasons the government — —

**Mr Viney** interjected.

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — That is not how Mr Lenders did it in 2002.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — Nonetheless, that was not through the Procedure Committee; it was just a decision.

My point here is that these are not major or wholesale changes. These are incremental and modest changes in sessional orders rather than changes to the standing orders. For those reasons the government will proceed with its proposals. We will oppose the immediate referral to the Procedure Committee. As the Parliament progresses, we will be prepared to discuss matters around sessional orders and standing orders. I regard these as reasonable steps that will be tested, and we will see that these steps are proceeded with.

**House divided on Mr Viney's amendment:**

*Ayes, 18*

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

*Noes, 20*

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

*Pair*

| | |
|---|---|
| Darveniza, Ms | O'Brien, Mr |

**Mr Viney's amendment negatived.**

**Mr Leane's amendment 1 negatived.**

**Ms Pennicuik's amendment 1 negatived.**

**Ms Pennicuik's amendment 2 negatived.**

**Ms Pennicuik's amendment 3 negatived.**

**House divided on Mr Leane's amendment 2:**

*Ayes, 18*

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

*Noes, 20*

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

*Pair*

| | |
|---|---|
| Darveniza, Ms | O'Brien, Mr |

**Mr Leane's amendment 2 negatived.**

**The PRESIDENT** — Order! That completes the amendments that have been proposed to Mr Davis's motion; Mr Lenders is not proceeding with another amendment that was before the Chair. Having completed consideration of and voting on all those amendments, I will now return to the substantive motion moved by Mr Davis.

**House divided on motion:**

*Ayes, 20*

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

*Noes, 18*

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

*Pair*

| | |
|---|---|
| O'Brien, Mr | Darveniza, Ms |

**Motion agreed to.**

**Sitting suspended 6.18 p.m. until 8.05 p.m.**

## DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT

## (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011

*Second reading*

**Debate resumed from 15 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr JENNINGS** (South Eastern Metropolitan) — I will be speaking relatively briefly on the subject of this piece of legislation, which is a comparatively small bill — very small on detail, very small on explanation, very small on implementation plan and very small on ability to deliver results. Nonetheless, it is a bill that has a reasonable intention, and because it has a reasonable intention that we believe the government has a mandate for and support for on the basis of harm minimisation in the community in relation to addiction to drugs of dependence, the opposition will not oppose the bill. Subject to some discussion in the committee stage of the bill, in which we can perhaps tease out with the responsible minister how this piece of legislation may be effectively implemented, the opposition will not oppose it.

When in government the Labor Party recognised the need to take action in the field of alcohol and drug abuse generally. That government provided assistance for education, guidance and support, and care and prevention programs that over the life of the government contributed more than $1 billion worth of investment to those programs. We also appreciate the need to try to help young members of the community handle some of the consequences of engaging in a lifestyle that increases their chances of addictive behaviour and, most importantly, the potential for adverse physical and mental health risks that may be associated with, in this case, cannabis use. That is something we have been and continue to be concerned about.

Ultimately the reason the opposition will not oppose this piece of legislation is that it identifies within both the statement of compatibility tabled in accordance with the Charter of Human Rights and Responsibilities Act 2006 and the second-reading speech that the government has in this bill recognised that that is its primary driver for taking some action on this matter. Both of those documents contain evidence to suggest that there is an increasing occurrence of cannabis use in Australia, particularly by young people — for instance, the Australian Institute of Health and Welfare indicates that over the period leading up to 2010 there was estimated to be an increase in the percentage of the population who have used cannabis. That increase was from 9.1 per cent to 10.3 per cent and has a variety of consequences. One is increased ambulance use and demand on the ambulance service in relation to adverse consequences of that use. During the year 2010 a 9 per cent increase in the call-out of ambulances was reported and about 887 incidents of adverse consequences of cannabis use.

People in this chamber, people in the community and people in the mental health industry in particular have recognised for some time that in many individuals cannabis use may contribute to enhanced risk of psychosis, anxiety or depression. In fact there is some research analysis that supports that concern.

In terms of the bona fides of the government in bringing this piece of legislation forward, we think that concern is its primary health-related driver in bringing this piece of legislation to Parliament, and that is the reason we will effectively support it, even though we have some profound reservations about whether this piece of legislation has been designed to be effective in delivering the outcome that it purports to do.

What is very clear from the political drivers of this piece of legislation is that the government may have hoped it would create some wedge between my party and the community, or a wedge between my party and the Greens political party in this chamber, that would create some degree of political intrigue far beyond the relative health elements of this piece of legislation. The issue is that that is not going to be delivered.

**Ms Crozier** interjected.

**Mr JENNINGS** — I do not know, but the interjections from the government benches have encouraged me to comment about whether this is a sensible piece of legislation. I look forward to hearing sensible contributions made at the table to explain some of the elements of this piece of legislation that may be somewhat underdeveloped, if not perhaps very loosely constructed, that may mean that it will be a very difficult piece of legislation to implement and to effectively enforce.

I have a fair guess that this may be a concern for other members who contribute to this debate, and without necessarily reading the tea-leaves of where Ms Hartland goes with her contribution I have a fair guess that she may contest the assumption that is made in the second-reading speech — —

**Mrs Coote** interjected.

**Mr JENNINGS** — No, I will not crystal-ball gaze Mrs Coote's contribution, because I know the level of sincerity. There is no disingenuous contribution going to be made by any member of the government bench tonight, I am certain, but the second-reading speech purports that the effect of this will be that:

> Bongs will no longer be visible nor available as a retail item.

I seriously doubt that anybody who is associated with this bill or anybody who has actually scrutinised the effective enforcement of this bill would believe that statement from the second-reading speech. I seriously doubt that anybody who has thought about this matter at any great depth would believe that this bill, being enforced by the good offices of Victoria Police, would be able to guarantee that cannabis water pipes would not be available for retail purchase in the state of Victoria, whether that be by black market behind-the-counter activity or whether it be through internet purchasing arrangements. In fact Harvey Norman purports to indicate that the retail sector in Australia is being undermined — that is, mainstream retail activity — by internet retail sales.

**Mr Leane** — Bernie Brookes from Myer?

**Mr JENNINGS** — Bernie Brooks from Myer apparently is here with us in the chamber this evening. No, Bernie Brooks from Myer has joined Gerry Norman, and — —

**Mr Finn** — Gerry Harvey.

**Mr JENNINGS** — Gerry Harvey.

**Mrs Coote** — On a point of order, Acting President, this is a very serious bill. The lead speaker for the opposition is being frivolous and is not sticking to the main aspects of this bill. I think you should draw him back to the bill.

**The ACTING PRESIDENT** (**Mr Elasmar**) — Order! I take Mrs Coote's point of order, and I ask the lead speaker to come back to the issue.

**Mr JENNINGS** — The issue at hand is what is said in the second-reading speech in the line that says that this bill will guarantee that cannabis water pipes are not available for retail distribution within the state of Victoria. I suggest to the member who has called me to order that that is an absolute dream and not fair dinkum. In fact if government members want to play it this way and suggest that I am being frivolous, then I say that this is a frivolous piece of legislation that purports to do something that it will not do and that it has only been put forward for symbolic political reasons that it will not achieve.

**Mrs Coote** interjected.

**Mr JENNINGS** — In fact if they want to play the game seriously, they should bring forward some serious legislation which will deliver what the bill purports to deliver. If they want to be serious about it, be serious about it. If the minister can explain how Victoria Police can guarantee that no retailer will sell components of a bong in the state of Victoria because of this legislation, then let us stay here until the end of the week, the end of the month, the end of the sitting year so he can guarantee it and describe all the various elements that will make a bong unavailable for retail sale because it is subject to an enforceable legislative provision. Let us see how fair dinkum and well thought through this is.

*Honourable members interjecting.*

**Mr JENNINGS** — If we are going to pull one another up on being frivolous, let us have a go, and we might be in for a much longer night than I might have intended it to be because this piece of legislation does not warrant a lengthy examination. It has not been prepared in a way that is fair dinkum, nor in a way that will make a skerrick of difference to public life.

**Mr Finn** — You should get fair dinkum!

**Mr JENNINGS** — Mr Finn, are you going to make a contribution?

**Mr Finn** — Yes.

**Mr JENNINGS** — I look forward to Mr Finn making an outstanding contribution in which he extols the virtues of the bill and explains why on the one hand the bill makes cannabis water pipes illegal — describing the various elements that make up a cannabis water pipe as 'bong components' or a 'bong kit' in their definition — but on the other hand, when we talk about hookahs, which are described in the text in exactly the same terms as cannabis water pipes, they are exempt from the provisions of the bill because they are essential parts of cultural practice in Victoria and therefore have been excluded, even though they function in exactly the same way as cannabis water pipes.

In many ways a lay observer who was not well versed in this area of recreational pursuit will now be thankful for this law, because he or she will go down to Sydney Road and be crystal clear about what they are seeing.

They will not be seeing a cannabis water pipe; they will be seeing hookahs, but only in lots of three.

**Mr Ondarchie** — Are you supporting the bill?

**Mr JENNINGS** — We are supporting the bill. If it had any effect, if it was legitimate, if in fact it had any bona fides, we would support it even more than — —

**Mr Finn** — Why would you support something that is not legitimate?

**Mr JENNINGS** — Because interestingly enough, Mr Finn, as you understand, sometimes governments have mandates to do things, even if they do them badly. They have a mandate to do something, so they effectively are supported.

*Honourable members interjecting.*

**Mr JENNINGS** — In terms of the interjections of government members trying to convince me that I should sit down because I am wasting my time, I think the Parliament may be wasting its time. I think it is pretty clear from the way I am being invited to respond to those interjections that members on the government benches know they are on pretty thin ice in relation to the legitimacy of this legislation. If government members, in their contributions on the bill, can outline how the questions I have raised in my contribution can be addressed and how they can deliver a guarantee that these items will not be available for retail purchase in Victoria, I will be pleased to hear how that will be achieved. Let us hear that this piece of legislation will turn the tide of worldwide internet retail practices that permeate this field just as they permeate the book market, the white goods and electrical goods markets and in fact all the items that people around the world buy online.

But this piece of legislation, so brilliantly drafted, constructed and supported by government members, will apparently prevent that permeation from occurring. That will presumably be an outstanding achievement, and one of the key performance indicators of Victoria Police in the next 12 months will be to deliver on its obligation to acquit its responsibilities under this bill. Of all the law enforcement and community safety issues that are uppermost in the minds of the people of Victoria in terms of the police force delivering a result, this surely is it. Surely this is the way we want to see Victoria Police shift resources — to maintain eternal vigilance in relation to this matter, to see every weekend at every local market up and down the Maroondah Highway and up into the foothills and beyond the police on an eternally vigilant path to guarantee that these items do not appear.

**Mr Leane** — The Bong Squad!

**Mr JENNINGS** — The Bong Squad; Mr Leane is quite correct.

**Mr Ondarchie** — Mr Jennings, you're better than this. Come on.

**Mr JENNINGS** — I think the government should be better than this. This is in many ways a bit of fraud. This bill purports to do something that it will barely do. I would be interested to know from government members how many police will be dedicated to this activity. What confidence do we have that they will achieve the obliteration of these issues? When the Bong Squad goes to these retail outlets and they see the three hookahs on display, let us ask the question: when they go beyond the display cabinet of 3 and into the back room and there are 353, what happens then? What is the obligation of the police force in this matter? What if they go behind that door and they see a test tube or a piece of rubber hose or a Bunsen burner — the kid's chemistry set that is sitting out the back? How will they be mobilised to guarantee that they are not the constituent components as defined in proposed section 80T, to be inserted by clause 4 of this brilliantly drafted piece of legislation, and therefore that they should enforce the legislation with the full vigour of the law and apply the sanctions?

What guarantees are we going to hear from government members about the achievement of those outcomes? These are matters that one would have thought the government would have thought through given the 10 months it has had to come up with the legislation.

**Mrs Coote** — You had 11 years!

**Mr JENNINGS** — One would have thought the government would have been able to answer some of these questions, deliver on these outcomes and provide the certainty that it purported to provide in the minister's second-reading speech.

I can see the importance of the interjections of government members. It is to add some length to this debate, because on the basis of knowledge and ideas for implementation and enforceability their contributions will be extremely light. I can understand why people may be motivated to keep the debate going on the basis of taking gibes at one another. People may derive some enjoyment out of that, but in terms of satisfying the expectations of the people of Victoria that the

government knows how to put a piece of legislation together, knows how to confidently acquit the resources of Victoria Police and knows how to put together a drug and alcohol awareness program that gives some integrity to the purported intent of this legislation, I would be interested to hear from government members about what they want. What programs have been thought through to bring these elements together to reduce the incidence of cannabis use and provide additional support and guidance to people who may be using cannabis, wanting to use cannabis or suffering the consequences of cannabis use?

What enhanced programs, resource allocation and backup is this government going to provide for what is the ostensible reason it brought this legislation in in the first place? I have not heard anything about that yet. When the bill was introduced into the Legislative Assembly those programs were not described. I have not heard the government talk about those programs. Up until now I have not heard any representative of the government give a credible reason why this piece of legislation was brought forward. That may turn around, and if it turns around tonight, by the time we get to the committee stage I will be a far less rigourous, assertive person. In fact I will say to the government, 'You have actually thought this through; well done. You actually have a commitment. You want to make a difference'. But I have not been convinced of that yet. I have not heard any evidence that convinces me of that.

The extraordinary part of this legislation is that when you go through the definitions you see many provisions which describe the way in which the police can seize this material. The police can hold this material for three months. They may have to give the material back within three months, but they can go through a court-based process to extend the period in which they must return those items to their original custodian. Up until now it has not been explained to me — but it may be subsequently — why those detailed provisions are essential in this legislation, why this piece of legislation has been drafted on the assumption that members of the police force will make inappropriate seizures of equipment that they have to subsequently return to the owner and what the process is that they have to go through to return that equipment. Those provisions in the act are longer than the provisions that talk about the powers of police to seize and destroy the material. That is an extraordinary proposition.

Maybe the training, backup and guidance provided to police officers on how they enforce this piece of legislation have been a little bit underdone. Maybe there are some areas in which perhaps there could be some support provided to the police. I am sure police officers understand their responsibility to enforce the laws of Victoria as passed by the Parliament. I am sure they would hope that if this is an expectation of the government — if it is fair dinkum and is in fact meant to make a difference — there would be some additional support and structure, if not resources, provided to the police to enable them to acquit this responsibility. However, as I understand it, at the moment there is an expectation, on the basis of some correspondence that was sent out to certain retailers across Victoria who may currently be selling cannabis water pipes, that all the soon-to-be-illegal apparatuses will disappear somehow and that by the time the police visit them just after Christmas, as part of the New Year Bong Squad Tour of Victoria, there will not be any of these items evident in the state of Victoria.

That is an expectation that will not be met. My expectation is that if the government is fair dinkum — and I look forward to government members continuing to lock in with this piece of legislation in the name of demonstrating that it is fair dinkum — it will be able to identify what additional backup resource allocation is going to be provided to Victoria Police to deliver and acquit this responsibility. I look forward to the government outlining how it is going to prevent internet sales of these items so as to guarantee, as the second-reading speech indicates, that these items will not be available for retail sale in Victoria. I do not currently expect that that information will be forthcoming from the government in this debate tonight, but I welcome any member of the government who may be able to allay my concerns.

I have ended up speaking far longer than intended, thanks to the provocative nature of interjections.

**Mrs Coote** — Come on, blame somebody else!

**Mr JENNINGS** — No, it was you, Mrs Coote, who kicked the ball rolling in relation to pulling — —

**Mrs Coote** interjected.

**Mr JENNINGS** — Acting President, before you assumed the chair I was sorely provoked. In fact a point of order was made against me in relation to the frivolous nature of my contribution when I was pointing out the disingenuous comment, if not outright lie, that is written in the second-reading speech of this bill. That was the point I made then, and that is the point I reiterate now.

In fact there are only two reasons the opposition is not opposing this bill: the mandate reason — the

government has a mandate for this — and the legitimate concerns outlined in the second-reading speech and in the Charter of Human Rights and Responsibilities Act 2006 about the health risks that may be associated with cannabis use. Harm minimisation is a policy of our party and certainly was our policy in government. As I indicated, we allocated more than $1 billion to alcohol and drug problems during the life of our government. We understood the importance of risk reduction, harm minimisation, education and support programs in this field.

If the government adds to those programs and adds to the way in which our community can have greater confidence and support in relation to these matters, it will be doing something about this matter. This piece of legislation will do very little, but for those reasons the opposition will not oppose it at this stage, subject to perhaps a more harmonious, if not respectful and reasonable, conversation in the committee stage of the bill.

**Ms HARTLAND** (Western Metropolitan) — Mr Jennings has covered a great deal of ground that I will not, so I appreciate that. I would like to say that we had an extremely good briefing from the minister's office, and that was greatly appreciated even though I fundamentally disagree with this bill.

I would like to start off by saying, as I often do when I talk about drug or alcohol-related bills, that in fact I have never used cannabis. I do not use party drugs and I barely drink alcohol, which makes me an excellent spokesperson on this issue. I dislike the whole concept of the alcohol and drug culture because I have seen people destroyed by it, and I get very concerned because as Australians we never seem to think of alcohol as being a major drug.

If the government had presented any evidence that banning bongs through this bill would lead to a decrease in cannabis use or an increase in the age at which young people first try cannabis, my Greens colleagues and I may have considered supporting it, but as it stands we will not be supporting it because the government has simply not presented that evidence. On the contrary, the evidence points to banning bongs having absolutely no consequence. However, a range of things will reduce drug use and drug harm, and I will talk about those later.

I would like to thank the parliamentary library for providing an excellent briefing paper which has helped me to organise my thoughts and put them into perspective. I will refer to it throughout my speech.

I would like to start out with the health issues set out in the minister's second-reading speech. The minister's speech notes that there were 887 cannabis-related ambulance attendances in 2010 in Melbourne. I would be interested to know how many resulted in hospital admissions and compare that to ambulance attendances and hospital admissions for drugs like alcohol and tobacco. That would, I think, bring the problem into perspective, and this is a question I will ask during the committee stage.

Considering that cannabis was the most widely used illicit drug in 2010, I would like to see a comparison for ambulance attendances and hospital admissions for other drugs. I would also like to see some of the numbers on how many times ambulances have been called out for heroin overdoses which have been dealt with by the use of Naltrexone or Narcan and there has been no hospital admission.

On page 9 of the library paper we learn that the minister has not mentioned that alcohol was involved in 61 per cent of those 887 cannabis-related attendances. I wonder, out of the 345 that did not involve alcohol, how many involved drugs other than cannabis. YSAS, the Youth Substance Abuse Service, which gives very good advice, discourages cannabis use and supports the bong ban, but it also puts cannabis use in context with that of other harmful drugs such as alcohol, and I like that approach. The YSAS section of the Youth Online Bendigo website, for example, quotes some facts from the Australian Department of Health and Ageing. Four Australians under 25 die due to alcohol-related injuries in an average week. One in two Australian 15 to 17-year-olds who get drunk will do something they later regret. Seventy Australians under 25 will be hospitalised due to alcohol-caused assault in an average week. On average one in four hospitalisations for people aged 15 to 24 happen because of alcohol. I do not want to downplay the health risks associated with cannabis, but they need to be put into perspective. I would also like to hear the government talking about possibly banning alcohol and tobacco seeing as they cause just as many hospital admissions.

The library research paper draws our attention to the correlation between cannabis use by school students and levels of social support. According to a Department of Health study of Victorian secondary school students, regular users reported feeling less involved with school and lower levels of social support, including family support. In other words, alcohol and other drug use is a symptom of a range of issues. The Department of Health study concludes that if you want to prevent cannabis use, you need to help parents and schools to

increase the levels of support that children and students need and encourage students to stay engaged with school and finish year 12.

One of the things that concerns me about this is that there has obviously been a great deal of talk in this Parliament and outside in recent weeks about the defunding of the coordination of the Victorian certificate of applied learning. As I understand it, that is a program that keeps young people engaged in school. The study also tells us that kids value engagement with outreach support workers. It takes a long time for trust to be built up in that relationship and to link the kids into housing, training and employment over a number of years. For that we need specialist drug and alcohol services that are not just funded at crisis level. Young people need youth-focused services and older people need appropriate services for them also, which leads me to the Baillieu government's review of the alcohol and other drugs sector pursuant to a critical Auditor-General's report at the end of last year.

The review — and I would recommend that everybody in the chamber read it — presents a very good opportunity to think about solutions that are integrated and focused on harm prevention. The sector needs funding that is focused on outcomes, not outputs or episodes of care. The review needs to take into account the increasing problem of poly-drug use and the high number of people who abuse drugs and have mental health issues and/or are involved in the juvenile justice system.

The sector also needs to avoid the temptation to save money by mainstreaming services into a one-size-fits-all approach. We need specialist services; young disengaged people with a variety of issues will not turn up to a service run by the Department of Health. We need to move towards new and effective ways of reaching young people, like peer-to-peer education. Currently teachers have to put 10 hours of education on alcohol and other drugs into the curriculum. Some teachers are uncomfortable about this and feel ill-equipped to do it. Meanwhile the kids feel anxious about drugs and alcohol — they want information.

Generally the first people they talk to are family members, but maybe it is giggling about something they have heard or something they have read. The family reaction to that is critical, but family members need to know what to say and hopefully it will open the door to further discussion — or if it is not handled well, it will close it. How does a parent respond quickly and appropriately? If kids do not get information they trust from family and school, they will get it from their peer group, and that is how folklore around drugs is continued.

One way of helping schools and families is to provide appropriate materials, and I am not talking about a brochure that details the nicknames of drugs and how bad they are. Groups like YSAS, tell us that they want to create information from slightly older kids telling their stories for peer-to-peer education. They want kids who have been through their program to do multimedia presentations as a resource for teachers and for families via YouTube and social media. That is the way most young people now get their information. I would encourage the Baillieu government to consider appropriate funding for groups wanting to expand this approach.

Outreach and resources are much more effective than just banning bongs. For example, page 9 of the library research briefing paper includes a graph on recent use of cannabis, state by state or territory. It shows a nationwide trend of cannabis use decreasing for a decade since 1998 and then increasing again in recent years. The graphs for New South Wales and South Australia follow the national trend, with a decrease and a recent increase. Those two states banned bongs in 1987 and in the 1950s respectively. Queensland banned bongs in 2007 and Western Australia in 2010. The graphs for these two states show that cannabis use decreased before the ban and increased after the ban, but really the bong ban had nothing to do with the increasing cannabis use, as these states were just following the national trend.

The Northern Territory graph is extraordinary. There is very high use — 36.5 per cent — in 1998. It decreased sharply until 2007, but it has increased sharply again and remains the highest in Australia. This is interesting because since 1981 the Northern Territory has had the most comprehensive bong ban in Australia. So the high use of cannabis, the historical decrease and the recent increase must be due to other factors — the same factors as in every other state and territory.

I cannot see any evidence from other states that banning bongs has an effect on cannabis use, either positive or negative. I am more interested in what led to the decrease between 1998 and 2007 in all states and territories and what led to the increase in 2007.

Another useful graph from the library report is on page 12, which shows the Department of Health survey results. It shows that generally secondary students who use cannabis a lot tend to use bongs, but students who

use cannabis only occasionally tend to smoke joints. This does make some sense because the bong is a significant piece of infrastructure. You have to buy one or make one and store it somewhere, and you are not going to bother unless you smoke cannabis regularly. I would hazard a guess that occasional users who report smoking bongs were probably using a bong that belonged to a regular user.

This brings me to some of my final points. People who smoke bongs regularly will make their own bongs; they always have and they always will. New section 80U makes it an offence to display a component of a bong in a retail outlet. However, as I understand it, it will not do anything about people being able to buy online, and that will be another question I will be asking during the committee stage.

Mrs Coote may think this is frivolous, but I think it is quite true: I think we are going to have to ban sales of hoses from the garden section of Bunnings and ban water bottles from cafeterias. I used to live in a cottage near the Footscray railway station, and I could never figure out why my hose kept on getting shorter and shorter and shorter.

**Mrs Coote** — The drought.

**Ms HARTLAND** — The drought! I do not really think we should use that as a method to reduce the amount of water people use on their gardens. It is actually a really serious issue, because the Australian Drug Foundation states that smoking drugs through home-made bongs is incredibly toxic. As well as sustaining the damage from cannabis, you are also ingesting toxins from the rubber hose and the plastic bottle.

**Mr Barber** — Yuck.

**Ms HARTLAND** — Yes. I think 'Yuck' is a good description of it, Mr Barber.

**Mr Barber** interjected.

**Ms HARTLAND** — Yes. There is the argument that having bongs on display in shops makes bong use glamorous. I have never actually been into one of these shops, but I have gone and looked in the window, and it is not glamorous. It is not nice; it is not exciting. I do not understand why anybody would think — —

**Mr Jennings** — Unlike Bunnings.

**Ms HARTLAND** — Unlike Bunnings, yes. They are not glamorous. They are in the window, but remember that this bill does not stop people buying them online, and any young person who can use a computer can buy one online. Bong shops reflect the worst side of industrial drug use — garish, infantile, pretending to be edgy, but just another chain store selling cheap imported crap with a huge mark-up. The only useful thing they do is demonstrate the ineffectiveness of prohibition.

The government is upset that having bongs displayed in windows gives the impression that cannabis use is commonplace, but cannabis use is commonplace. If the government comes to us with something useful to decrease the health impacts of drug use, we will support it. That is why my Greens colleague Senator Richard Di Natale has been such a strong supporter of the federal government's move for plain packaging for tobacco products. Banning bongs is just window-dressing, responding to a law and order agenda. It does not actually do anything to address the issues.

As I said during debate on the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011 when we talked about Kronic, the Baillieu government needs to step up to the mark and look at a range of drug and alcohol programs. It needs to talk to the community, especially Yarra City Council, on the issue of supervised injecting rooms. We need more needle exchanges, and we need to look seriously at the issue of needle exchange in prison. We also need more treatment beds — not just a seven-day detox but long-term after-care, the kind of after-care you receive in places like Odyssey House. These are the kinds of things I would like the government to look at.

*Honourable members interjecting.*

**Ms HARTLAND** — I take up the interjections from across the chamber. One of the things that concerns me is that in the briefing it was discussed that we had to ban bongs because they are an illegal component of drug use. Heroin is illegal and we supply needle exchange, so will that receive the next attack from this government? Needle exchange has an obvious health promotion aspect, but I do not see anything in this bill that does anything to reduce cannabis use or to reach young people. It is window-dressing. For those reasons the Greens will not support it.

**Mrs COOTE** (Southern Metropolitan) — I am sorely tempted to respond to Mr Jennings's contribution now. However, I shall restrain myself and come to his contribution shortly. Firstly, I want to put

on record the Baillieu coalition's long anti-drugs record. Let me go back to 3 January 2010 and an article in the *Age* headed 'Baillieu's election vow to ban the bong', which states:

> Bongs would be banned in Victoria if the coalition wins the state election this year —

which we did. It goes on:

> Opposition leader Ted Baillieu said the move would send a clear message to young people that cannabis is dangerous and harmful.
>
> He said Victoria was the only state not to restrict the sale of bongs despite cannabis being illegal but widely used by young people.
>
> 'As long as John Brumby allows bongs to be sold freely at more than 100 outlets across the state, Victoria's young people and families will continue to suffer from the damaging effects of cannabis,' Mr Baillieu said.
>
> 'Victorians can't trust a government that claims it is tough on drugs yet won't take this important step to reduce drug use.'

We have heard this evening in contributions from both the Labor Party and the Greens that this is not good enough and that the bill does not go far enough. We have heard a whole range of comments that are inadequate if we are to look at how cannabis affects young Victorians and at the important messages we have to continually put out there to make certain that people understand what this drug will do.

This bill will implement the election commitment made by the Premier to ban the sale of bongs through amendment of the Drugs, Poisons and Controlled Substances Act 1981. The bill amends the act so that the display and sale of bongs, bong components and bong kits are banned. Ornamental hookahs are exempt from the ban on the sale and display of bongs. The display of hookahs for sale in retail outlets is limited to no more than three.

The ban on the display and sale of bongs, bong components and bong kits and the limit on the display of hookahs will be enforced by Victoria Police. Victoria Police will use a penalty system that includes an infringement notice in the enforcement of the ban on the sale and display of bongs, bong components and bong kits and in the enforcement of the display limit on hookahs. In addition — and it is important to note that neither of the other parties has mentioned this — this bill will implement a communications strategy to alert retailers and the general public to the proposed legislation and to the health risks of cannabis use.

I would like to reiterate what cannabis use can do and some statistics that are extremely important to get on the record. The 2007 national drug strategy household survey found that 30 per cent of the Victorian population aged 14 years and over reported use of cannabis at some stage in their lifetime, making cannabis the most widely used illicit drug in Victoria. Nine per cent of Victorians surveyed reported using cannabis in the last 12 months, which equates to more than 350 000 Victorians, almost one-third of those who reported as having ever used. According to *2010 National Drug Strategy Household Survey Report*, recent cannabis use was highest amongst young people aged 18 to 29. An estimated one in every three regular cannabis users develops drug dependence.

I believe in his contribution Mr Jennings did talk about how dangerous cannabis can be and the effects it can have. However, it is important to understand that this bill is about sending a message to young people about how harmful cannabis use can be and the effects it can have. Everything that discourages young people in this state from using cannabis is to be encouraged at all costs.

It is interesting to remind ourselves of the risks associated with cannabis use. In 2009–10 cannabis-related hospital admissions increased by 21 per cent. Half of all Victorian drug-related arrests were for cannabis use and possession, representing a 3 per cent increase on cannabis-related arrests in 2008–09. There is also an increased risk of mental illness from cannabis use, with research indicating that cannabis use is associated with an increased risk of the development of mental health problems even without a family history of mental illness. As we know, research is increasingly showing that cannabis plays a role in the development of schizophrenia, psychosis and a whole range of mental health disorders. We know that mental illness is on the rise. This is sending a clear message to young people that there is a correlation between any use of cannabis and mental illness, particularly the use of water pipes.

I could go on to a range of other issues, but I will come back to them. Now I will take great delight in talking about Mr Jennings's contribution. It is a great pity that *Hansard* cannot record the physical hand flourishes of Mr Jennings, because they were quite a sight. If I did not know that Mr Jennings is a non-drinker, I would have queried the performance we just saw. However, it is important to note that Mr Jennings, despite the flourishes, has said that the Baillieu government has a mandate. He alluded to the fact, without actually describing it, that the Premier, Ted Baillieu, has a long

and proud record of taking an anti-drug stance. Mr Jennings said that the opposition is not going to oppose the bill, but I would like to say — and I am sure this will come as a surprise to Mr Jennings — that he was particularly gracious in his comments about his bill briefing on this issue, and I would like to acknowledge that he was generous in that respect. However, his contribution tonight refuted just about all of that graciousness.

Mr Jennings said he thought this legislation was trying to cause a wedge between the ALP and the Greens. He tried to speak on behalf of poor Ms Hartland — and she did quite a good job on her own — when he said this bill was underdeveloped and frivolous. He said it did not deserve a long contribution because it was a bit of a fraud, a downright lie and not a fair dinkum bill. I remind Mr Jennings and the opposition that the Labor Party left us with $115 million in lapsed funding, a clear indication that alcohol and drugs was not a policy priority for Labor. It is really a bit rich for Mr Jennings to come in here and postulate about how this bill is a fraud, a lie and frivolous.

It is important to go back and look at some of the comments made by members of Mr Jennings's party when they were in power. In August 2005 the then Premier, Steve Bracks, claimed the government was considering restricting the sale of bongs and other water pipes to minors. He stated in a media release:

> This government recognises it's inconsistent that minors cannot buy tobacco products, yet they are able to purchase bongs or similar implements.

In August 2005 the then Minister for Health, Bronwyn Pike, who is the member for Melbourne in the Assembly, requested advice from the Premier's Drug Prevention Council on restricting the sale of bongs and other water pipes to minors. In 2007 the then Minister for Community Services, Lisa Neville, the member for Bellarine in the Assembly, claimed the:

> … ministerial council on drugs had agreed … that the federal government should develop options for banning or regulating smoking equipment used for cannabis.

In July 2009 the then Premier, John Brumby, claimed that he was willing to take advice on banning the sale of bongs. I suggest that Mr Jennings has a very short memory; he should go back and have a look at exactly what ALP members said.

Mr Jennings wanted to know about a number of issues, which I know he is going to tease out in the committee stage, but I reiterate to him that the retail provisions are consistent with legislation governing other drug paraphernalia such as cocaine kits and ice pipes. He went on at length about the components of a bong and how it was made up, and he was scathing about the bong kit issue. He has a short memory, because it is not so long ago that the former government debated the issue of cocaine kits. Mr Jennings would get a surprise if he went back and looked at the contributions made in that debate.

I point out that when this legislation comes into force the government will be commencing a cannabis education campaign. There will be comprehensive implementation of this bill and a comprehensive — —

**Mr Jennings** — A comprehensive letter will be sent to people.

**Mrs COOTE** — Mr Jennings says a letter will be sent. No, there will be a huge amount of advertising directed at all the people concerned.

**Mr Jennings** — Where is it going to be? On the radio?

**Mrs COOTE** — Yes, I think it will be. A series of key messages will be developed and used to reinforce the rationale. Retailers will have five months to comply with the legislation. A letter will be sent alerting retailers to the legislation and we will have a comprehensive advertising campaign targeting all affected people.

I do not have much time left to speak, which I am certain Mr Jennings would say is a great pity, but after Ms Hartland's contribution, I would like to pick up on some issues raised by the Greens. First of all, I refer Ms Hartland to the Turning Point Alcohol and Drug Centre report into drug use and drug trends. We are happy to email this information to her because it has a lot of data on cannabis use. Ms Hartland said the Greens may have considered supporting the bill, but she went on to say that she believed the bill is window dressing. That is not the truth at all, because we in this chamber all know that the Greens have an on-the-record, long history of actively supporting the decriminalisation of marijuana. An Australian Greens policy document of June 2008 outlines measures in drug substance abuse and addiction. Point 24 states that the Greens would:

> … introduce the regulated use of cannabis for specified medical purposes, such as intractable pain.

Under the heading 'Principles' the document states at point 3 that the Greens believe:

> harm minimisation policies and programs are those directed towards reducing the adverse health, social and economic consequences … to the individual user and the community.

Point 12 under 'Goals' states that the Greens want:

> reduced consumption of legal and illegal drugs where this leads to a decrease in problems associated with harmful drug use.

I put to the Greens that the bill being debated here tonight addresses all those issues. It has been well thought through. It builds on what we as a government have done here already. Not long ago we debated in this chamber the Drugs, Poisons and Controlled Substance Amendment (Drugs of Dependence) Bill 2011 dealing with Kronic. That was another message sent to the drug takers of Victoria, that we do not believe in drugs being available, and that anything that can be done to minimise people using, smoking or being involved with drugs will be encouraged and supported. This bill does all of those things.

I dispute what Mr Jennings and Ms Hartland said. This bill will build on the reputation of the Liberal Party's anti-drug stance. Parents and those who in the future could be affected by cannabis smoking are going to be pleased that this bill was brought into this chamber, debated and, hopefully after this evening, will become law in this state. It will send a clear message to Victorians that drugs are unacceptable in Victoria.

**Ms MIKAKOS** (Northern Metropolitan) — I will make a brief contribution to the debate on this bill. As has already been stated by Mr Jennings, Labor will not be opposing this bill. I would like, however, to voice some concerns about the bill and what I believe are its obvious shortcomings.

As we all know, cannabis is the most commonly used drug in Australia amongst all age groups. According to data collected in the Victorian secondary school students drug use survey of 2008, cannabis is the most widely used drug amongst 12 to 17-year-olds. This is obviously a cause of concern for all of us. The members of this age group are very vulnerable and subject to peer pressure, and cannabis can be the starting point for heavier drug use. I believe youth education and guidance on issues of health and drug use should be the priority of the government, and I cannot see how this bill will provide any of that.

Mrs Coote mentioned the word 'education' in her contribution, and I got very excited for a moment, because I thought she was on the verge of telling us the government was about to develop a comprehensive drug strategy. Mrs Coote did not, however, inform us about that at all. I am disappointed that the government has yet to develop a drugs strategy that will comprehensively deal with these issues. In fact Mrs Coote was talking about educating retailers who may be selling these water pipes or bongs.

This bill is about banning the sale of water pipes, or what are colloquially referred to as bongs, in retail environments, but as we have heard in previous contributions, these types of devices are abundant in terms of their availability through the internet and other sources. Also, people compromise and use whatever they have at hand to smoke their cannabis.

I want to make it clear that I support measures that reduce the use of cannabis, but I do not believe this bill will have a significant impact on the use of cannabis, nor will it deny people access to devices they can use to smoke it; and, most importantly, nor will it change the perception that people, particularly young people, have about this insidious drug. It is cause for concern that many young people believe cannabis is a harmless or recreational drug, and I would have thought this should be the focus of the government's attention. This is going to require comprehensive education initiatives as well as a focus on treatment and rehabilitation initiatives for those already addicted.

I do not believe there is any difference between the approach of the opposition and that of the government, or indeed that of the Greens, in relation to acknowledging the harm cannabis usage can cause, particularly to long-term users. The research clearly shows that cannabis can affect the brain, impairing concentration, memory and learning ability. It affects the lungs and can cause asthma, bronchitis and sore throats. It can affect hormone production, which is quite serious for young people.

I am particularly concerned about the impact cannabis can have on people suffering from mental illness. Cannabis can cause paranoia, confusion and anxiety, and heavy cannabis use has been linked to a condition known as drug-induced psychosis or cannabis psychosis. Evidence suggests that regular cannabis use increases the likelihood of psychotic symptoms in people who are already vulnerable due to a personal or family history of mental illness. Cannabis can not only trigger the first episode of schizophrenia but can also make psychotic symptoms worse for people with schizophrenia, and using cannabis can lower the chances of recovery from a psychotic episode. I believe the focus should be on educating young people about the enormous risks they can face from smoking cannabis.

As I have indicated, my concern about this bill is that while it may ban the sale of water pipes from retail outlets, these devices are widely available through the internet. Also, as has been explained very capably by Ms Hartland — and I am no expert on these matters — young people use plastic drink bottles and hoses as makeshift bongs, so simply making the sale and display of bongs illegal is not enough. More will have to be done in the way of education and rehabilitation among young people.

Because I do not really understand the difference between a bong and a hookah — and I am very much looking forward to that being explained in considerable detail during the committee stage — I went and googled both of those terms a little earlier, and I can inform members that when pictures of each of those devices flashed up they immediately looked identical to me. I could not see what the practical difference was between a hookah and a bong. If you look at pictures on the internet, you see they look identical. I therefore hope the minister can explain the difference between the two, because the bill is going to create an absolute nightmare for retailers in terms of knowing what is restricted, in the case of hookahs, and what is banned, in the case of bongs.

Experts in the field of drug treatment have also expressed concerns about the impact of this bill. An article in the *Herald Sun* of 29 August states:

> Drug and Alcohol Research and Training Australia director Paul Dillon said that while the legislation would remove confusion about the illegality of cannabis, he did not believe outlawing bongs would result in a significant decline in the drug's use.

He went on to talk further about this, about how cannabis is so commonly used in the community and about how people would not stop using this drug.

I am concerned that what we are seeing here is a false comfort being given to parents — and perhaps I am being cynical, but I would hazard a guess that it is the parents this bill is really aimed at — to the effect that these types of implements are no longer going to be available and that somehow their young children will not be accessing cannabis. Sadly I think it is a false comfort. I do not believe these devices will disappear. They will still be used, or people will create their own devices or implements to smoke cannabis.

I am concerned that the Baillieu government has also cut funding to a number of health programs like the Go for Your Life program, which promoted health education for young people. Cuts like this are further evidence that this government is not committed to health promotion or strategies that target young people and other people in the community. It is not going to be enough for this government to simply give the appearance that it is tough on drugs without doing any of the real work. I want to contrast this with Labor. When in office Labor invested more than $1 billion in drug and alcohol treatment, care and prevention. To date the coalition government has not produced a drug strategy. I would urge this government to focus its energies on coming up with meaningful strategies to tackle the drug problem by targeting treatment, prevention and education programs that will teach young people about how insidious and harmful these types of drugs can be.

I believe the government needs to make a concerted effort to educate young people about the dangers of cannabis use. It needs to tackle the perception that cannabis is harmless to ensure that young people understand the real consequences of using cannabis. Cutting programs such as Go for Your Life is not the way to go about it.

I conclude by saying that banning the bong through this legislation is only one very small step in the work that needs to be done to reduce cannabis use. I will be generous and say that this bill deserves a 3 out of 10. I think the government needs to do a lot more if it is serious about tackling this issue.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. Like many Victorians, I am concerned about the increase in the number of young people using drugs. Some of my constituents have shared with me their concerns about the effects of drug use on young people and in fact people of all ages, with the associated ongoing social impacts, the increasing levels of violence and the social dislocation caused by the effects of drug use.

I refer to Australian Institute of Criminology statistics from 2010. According to the institute, in 2008–09, 66 per cent of all arrests in Australia involved cannabis. In line with previous years, cannabis was the drug category with the highest number of offences. So there is great concern out there about the increasing social effects cannabis is having, but they are not the only effects that are of concern to this government. There is also the relationship between drug use and mental illness. Drug abuse and its associated effects have placed an increasing burden on our health system in general. Mr Jennings highlighted that very effectively

when he spoke about the effects of drug use on ambulance services in metropolitan Melbourne. In 2010 in metropolitan Melbourne ambulance call-outs responding to issues involving cannabis use increased by 9 per cent from the previous year, with a total of 887 attendances. Our ambulance and hospital systems are already under great stress, so we should do anything we can to reduce that stress.

When in opposition the coalition listened to concerns raised by a range of people within the community and by the health sector in particular about the effects of drug use. The coalition made a pre-election commitment in relation to these issues, so this bill delivers on another of the Baillieu government's election commitments. It clearly sets out and demonstrates the government's commitment to preventing drug uptake and abuse, and it sends a very clear message that illicit drug use is harmful to both the health and wellbeing of individuals. In many instances friends and family can be the innocent victims of someone under the influence of an illegal drug, as can other members of the community.

This bill is intended to ban the display, sale and supply of cannabis water pipes, or bongs as they are more commonly known, as we have heard this evening. Cannabis use is illegal in this state. Bongs are very widely used to imbibe cannabis, and it seems incongruous that bongs and bong kits can be openly displayed and sold to the public while cannabis itself is illegal. What message are we sending to our young if we allow bongs to be openly displayed while cannabis is illegal? I would suggest it is a very mixed message. Already we have legislation in place banning the sale of other drug apparatus such as ice pipes and cocaine kits. You can take cocaine by very simple means as well. I say to Mr Jennings that there is no guarantee in relation to how people imbibe such drugs.

As Mrs Coote has said, for a number of years the coalition has made it very clear to the Victorian community that it is committed to protecting the health and wellbeing of all Victorians. In the lead-up to last year's election the coalition went to the community with a clear proposal in relation to prohibiting retailers from displaying and selling bongs, bong components and bong kits.

In a number of contributions this evening we have heard about research in this area. Research suggests that cannabis is at its highest use amongst young people aged between 14 and 24 years, and slightly older Victorians aged between 25 and 34 years. In fact only yesterday the Drug Advisory Council of Australia released drug-use statistics. The council stated:

> The latest Australian national drug survey shows that 1 in 8 Australians over the age of 14 have used an illicit drug in the previous year; 10.3 per cent used cannabis.

It seems incredible that 14-year-olds are amongst the highest cannabis users. One only has to go to the nightly news reports to see the all-too-common stories relating to drug use or drug-related incidents. In Victoria it is said that 30 per cent of Victorians aged 14 years and over have reported use of cannabis at some stage in their life, making cannabis the most widely used illicit drug in Victoria. As I have previously said, this government is committed to protecting the health and wellbeing of all Victorians, and one of the consequences of illicit drug use is an increase in adverse effects.

Over many years many health professionals have raised concerns about the effects of illicit drug use, in particular the links between the use of cannabis and an increased risk of mental illness. Mental health has been at the forefront of issues of concern to governments of all persuasions in recent times. The Baillieu government has taken the issue of mental health extremely seriously and the Minister for Mental Health, Mary Wooldridge, has already done an enormous amount of work in this area.

Earlier in the year in the first Baillieu budget it was announced that new capital funding was being delivered for headspace outlets. That will improve services for young Victorians with mental health and substance abuse issues. A further $88 million package was delivered to address the longstanding neglect of mental health issues within Victoria. These are some of the issues that have already been taken up by this government.

Much research has been undertaken over many years in regard to the relationship between cannabis use and mental illness. Research indicates that cannabis use is associated with an increased risk in the development of mental illness and that stopping or reducing cannabis use could prevent schizophrenia and psychosis disorders in some people. We need to do what we can to protect young Victorians from getting to that stage. When I worked in the health system I saw firsthand the effects of psychotic disorders and episodes as a result of drug and substance abuse. It is not only devastating for individuals but also for their families.

Mental health issues are not the taboo subject they once were. As a society and community the stigma

surrounding people with mental illnesses thankfully has largely disappeared. As a community we know that for many people mental illness starts at an early age. Adolescence is already known as a period of high risk for the development of mental illness. We need to do as much as possible to restrict exposure to illicit drugs such as cannabis during those formative years.

For younger users of cannabis — and I refer to adolescents aged between 12 and 17 years who are regular users — using a bong or a cannabis water pipe is the most common method for consuming cannabis. Banning the sale of bongs will reinforce the message that smoking cannabis is illegal.

Victoria is not the only state to have banned bongs and bong paraphernalia. All other states have, so we are certainly not leading the way in this regard. Some of those states have had bans in place for a number of years. In my region, Southern Metropolitan Region, there are a number of retail outlets that display and sell bongs and other smoking paraphernalia. One only has to drive down Chapel Street in Prahran to see one of these outlets. The businesses affected by this ban will be given information from the government, as will the community, as to what the effects of this legislation will be and what they will mean to offenders.

The Minister for Mental Health has demonstrated a very clear track record in her ability to engage with stakeholders at all levels on issues relating to the area in which she has responsibility. Again the minister should be commended for her handling of this issue. The minister and the Baillieu government are taking responsibility for the growing concern amongst many within our communities about drug abuse amongst young Victorians.

When this legislation is in place it will send a very strong message that illicit drug use is harmful and that the Baillieu government is committed to protecting the health and wellbeing of all Victorians. Banning the open display and selling of bongs and bong paraphernalia involved with the smoking of an illicit substance is another step towards achieving this objective.

**Mrs PETROVICH** (Northern Victoria) — I am pleased to rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. I am very pleased to speak on this bill, and I commend the Minister for Mental Health, Minister Wooldridge, for her work on this issue.

**Mrs Coote** — A great minister.

**Mrs PETROVICH** — She is a very good minister; Mrs Coote is absolutely right. She is a very hardworking and effective — —

**An honourable member** — Her staff too.

**Mrs PETROVICH** — Absolutely. She has very good staff in her office as well.

**Mrs Coote** — Great staff.

**Mrs PETROVICH** — Absolutely fantastic. I rise to applaud the government's stance on the prohibition of retail and display and sale of bongs and associated kits and components that will take effect on 1 January 2012.

This government made a pledge prior to its election on this matter. It is just another commitment which is being delivered by the Baillieu government. We are doing what we said we would do, and I know the people of Victoria are grateful for that after 11 years of a lack of commitment to election promises.

This item is not a normal retail item and should not be seen as one. It is illogical to display and sell equipment for smoking cannabis when it is illegal to smoke cannabis. Cannabis is the illicit drug most used in Victoria, and yet one of the commonly used methods of consuming it is the bong. It is widely available to buy. My 17-year-old son and I were recently at a party retail shop which displayed 18th and 21st birthday paraphernalia and paraphernalia for hens and bucks nights, and there in the cabinet on public display — —

**Mrs Coote** — Handcuffs and whips?

**Mrs PETROVICH** — I do not know about that, Mrs Coote; it was not that sort of shop. But there was an array of bongs available for purchase. This provoked a discussion with my son about the sale of these pipes and what message that sent to our young people about the use of cannabis as a party item and how pipes are prevalent, openly displayed and obviously available. This led to further discussion about cannabis use with other young people I interact with, and I realised that their perception is that cannabis is a natural product and that it does not harm you. That point illustrates that we have failed to educate our young people about this drug. The perception is that cannabis is grown, it is natural, and that if you smoke it, it is probably not a harmful drug to use.

We can see the effects of smoking cannabis and the effect it has on our young people. We know that one-third of Victorians over 14 are estimated to have consumed cannabis at one time in their life. It is

reported that cannabis use is the highest among young people aged 14 to 24 years old and also among those aged 25 to 34 years. It horrifies me as a parent — a mother of young people in their teens and young adulthood — to recognise the extent of the problem, especially as most users, like my young bloke, who says he has not tried the drug, will debate the health risks associated with this drug.

The health risks of using cannabis are well known. Ms Mikakos detailed some of the mental health risks associated with cannabis use, such as depression, psychosis, anxiety and schizophrenia disorders. But Ms Mikakos sent a very confusing message, which is part of the problem that we face. She spoke about the issues around mental illness associated with the use of cannabis. She was talking a lot of sense when she talked about drug-induced psychosis, but she then went on to say that banning bongs will not send a message to our young people that their use is inappropriate. We need to make it clear that when you are using an illegal substance the pipe to use that substance should also be illegal.

The bill is the first step in an education process which was not commenced by Labor. We know it will never be commenced by the Greens because, as was articulated by Mrs Coote and detailed on its website, Greens members support the legalisation of marijuana use. That is very irresponsible when you consider the harm that its use is causing young people, the number of young people who are using it, the number of people with mental illness in our hospitals and the long-term effects of smoking marijuana. We know we are not dealing with just marijuana as it was some time ago. Now we have varieties of genetically modified marijuana which are highly potent. In some cases the tetrahydrocannabinol can be stored in the fat cells of young people for up to 10 years.

I strongly support this bill, which has been introduced by the Baillieu government. It is clear that the Premier has never taken a step back from his position on this issue. This is the first step in educating our young people in knowing that it is not healthy to smoke marijuana and that it is not good for their mental health. The bill is part of a broad, wide-ranging approach to educate young people about the harm in using cannabis. We know that young and older people can fashion bongs out of plastic drink bottles by using a bit of electrical tape, but the bill sends a good message: the purchase of bongs is not desirable and their use is very different from the cultural use of shishas and hookahs, which are not covered by the bill. With those few words, I will conclude.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise tonight to speak on the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011, or the Ban the Bong Bill, as we have come to know it. I have to say, as a demonstration of my naivety, that when I first heard the word 'bong' I thought the person was talking about some jungle drum, but my kids reminded me that that is a bongo, not a bong.

I was disappointed by Mr Jennings's flippancy tonight about the bill, making light of it by referring to the 'bong squad'. Let us face it and do our job here. This is about protecting our children. It is as simple as that.

I commend Mrs Coote, Ms Crozier and Mrs Petrovich on their contributions tonight. They went to the substance of what the bill is all about.

**Mr Jennings** interjected.

**Mr ONDARCHIE** — While he sits there being flippant about this, I have to say to Mr Jennings that this is about protecting our kids and there can be no greater need than that of what we have to do in this chamber.

The bill makes it an offence to display these things in a shop window. I have to say that I have seen these things in shops, stood and looked at them and did not know quite what they were. Once it was pointed out that they were not some sort of African drum, I realised that they are items used to consume an illegal substance. This is a no-brainer. Let us take these things off the shelves.

Ms Mikakos said she looked on the internet and could not tell the difference between a bong and a hookah. One wonders which internet site she was surfing, because there is an obvious difference. All that members have to do is go to pages 22 and 23 of the parliamentary library research brief on the bill to see photographs of the two, clearly showing which is which. Perhaps Ms Mikakos could spend less time surfing those doubtful internet sites and simply go to the brief prepared by the staff of the parliamentary library, who do a great job in research.

Is it not a contradiction that in Victoria cannabis is an illegal substance, yet people can buy the implement that can be used to smoke cannabis?

**Mr Finn** — Ridiculous!

**Mr ONDARCHIE** — It is ridiculous, Mr Finn, and it is time this responsible, Baillieu-led government said,

'Enough is enough; we're going to protect our children'.

I am told that using a bong is the most common method used or consuming cannabis by regular cannabis users aged 12 to 17 years — children. In 2010 ambulance attendances in metropolitan Melbourne relating to cannabis increased by 9 per cent from 2009, with 887 attendances. In one year in my electorate of Northern Metropolitan Region, in the local government area of Melbourne, there were 62 attendances relating to cannabis; in Moreland, 45; in Hume, 44; in Darebin, 42; in Banyule, 24; in Whittlesea, 23; and in Nillumbik, 8. All those people were attended by ambulances because of the use of cannabis. I have to say: enough is enough.

Ms Mikakos said that this bill provides false comfort for parents. It does not; it is a statement that this government is prepared to protect children. We will do what we need to do. This is a great first step. I commend the government on putting this forward. I commend the minister and her team for bringing this to the table. It is time we did something to protect our kids.

**Mr ELSBURY** (Western Metropolitan) — I am pleased to rise this evening to speak in favour of the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. I do not condone the use of illegal drugs. It might surprise a few people here to learn that in fact I have never participated in that part of subculture at all. However, there was ample opportunity to do so with a number of people with whom I went to school and university, who did. It was cool to be stoned, messed up or out of your mind. None of these factors ever gave me a desire to 'get into it', as they used to say. The conversations I had with stoned people did not enthral me; it was a bit like what comes from the other side of the chamber. In many instances after the pot was exhausted the heavier drugs would follow, usually well and truly after I had already left the party or nightclub.

It has always been a paradox to me that bongs, the vessels by which cannabis can be delivered, are freely available and in plain sight. Some retail outlets, like Off Ya Tree, freely display bongs in their windows and behind their sales counter. Their website shows that currently they are having a sale, before these laws are enacted. I think this is evidence that this legislation is already effective.

At markets, alongside pirated DVDs and quality-challenged Nike tracksuit pants, you will find bongs for sale. These objects look innocuous. They are made of glass, plastic or ceramic, and are long, short, fat and thin. They come in the shape of skulls and trees and are plain or have the form of a cannabis leaf emblazoned across them. But the fact remains that they are the thin end of the wedge by which cannabis users normalise their illegal activity.

It can be called cannabis, hooch, green, grass, hemp, hash, Mary, wacky tobacky or weed. No matter how cute you try to make it or whatever name you give it, marijuana is a drug of dependence which alters the perception of people — and that is the problem. With newer and more potent varieties of the cannabis plant, prolonged exposure has serious consequences for mental health.

Cannabis is also known as a gateway drug, allowing for the perception to develop that the aforementioned heavier drugs are less dangerous or controllable. Bongs cannot be the cuddly or stylish poster child of the drugs culture, where profiteers do not care that the products they sell fry people's brains or about the ancillary consequences of drug use, such as violence, accidents or the criminal activities engaged in to support the habit.

This bill is not, as some who have contacted my office have suggested, an attack on other cultures. I appreciate that some cultural traditions involve the use of water pipes for smoking tobacco. For example, hookahs are used in Middle Eastern communities to smoke tobacco in a communal way. However, in being consistent with anti-tobacco laws, the removal of hookahs or shishas from view will comply with the regulation which insists that cigarettes be hidden, even though they are still a legal substance.

If members listened to the speech delivered by Mr Jennings, you would ask why we bother with much of the legislation we pass through this place. Why do we make it illegal for people who are under age to drink if there is still potential for them to get alcohol? Why do we stop people from smoking if they can access cigarettes via milk bar operators or parents who see nothing wrong with smoking? And why do we have speed limits if they are only going to be broken? Honestly, I say to Mr Jennings that there are laws in place to protect society and people from dangerous substances and activities. Those who choose to break these laws can do so but they need to realise that a penalty will be forthcoming. I support this bill for the good it will do in taking bongs out of the mainstream

and reducing the community's exposure to the cannabis culture.

**Mr FINN** (Western Metropolitan) — It gives me a great deal of pleasure to rise in support of this bill this evening. It is entirely appropriate that this legislation be passed in what is the beginning — for this sitting week anyway — of Mental Health Week, because as we know, there has been an explosion in recent years in major mental health problems and that is a direct result of extended use of cannabis and other drugs.

I recall some years ago being at the opening of a drug centre in the north-west of Melbourne — more the north than the west it has to be said — and I asked the director of that particular service what the problem was with mental health, why we were facing this huge explosion in numbers, why so many people were suffering mental health problems when in years gone by we had not had those sorts of numbers, and he was very quick and to the point. He said, 'Drugs'. He said, 'Cannabis in particular is the problem, but other drugs as well.' He said, 'As long as we have people using cannabis, they will fry their brains'.

It is getting worse all the time, as was explained earlier. The strength of cannabis in this day and age is greater than it was in years gone by, and this stuff just absolutely destroys people's brains. I recall my own experience with somebody who had used marijuana over a long period of time, perhaps 40 years. He was a former employer of mine from when I worked in radio. He was a fine and outstanding argument against any legalisation of cannabis. I saw for myself what extended use of cannabis had done to him. It had turned him paranoid. It had fried his brain. I think he was schizophrenic as well. There were a number of problems that he faced and they were clearly the result of his use of cannabis over many decades.

This legislation is about sending a message not just to young people but to every person in Victoria that cannabis is a very dangerous drug. That is something that I think some people do not actually realise. You still hear people occasionally ring up talkback radio programs and say, 'I've been on cannabis for the last 20 years and it's never hurt me'. They barely know what day it is. They barely know who they are, but they do not recognise that because the cannabis has in fact fried their brains. There are any number of people out there who will tell you that cannabis is a harmless drug. They will tell you that it is not a problem, that you can smoke it as much as you like every day, morning, noon and night, and it will have no impact on you. Of course that is total nonsense.

While we have laws that ban cannabis in this state, it is quite extraordinary that I can walk out that door, walk down the steps of this building here in Spring Street, walk down Bourke Street and less than 2 minutes away find a shop which has an extensive array of bongs and similar smoking implements for cannabis use. We have those in markets, we have those in a number of places right around the suburbs and throughout country Victoria. That has to stop. You cannot send a message that this stuff is dangerous and then have these things not only on display but also on sale. That is just a nonsense. That is what this bill is about. This bill is as much as anything else about sending a message that this stuff is dangerous. Cannabis is dangerous. It is not good for you. It will cause you grievous harm. It will fry your brain. I believe that that is a message that is well worth getting through.

In the extraordinarily brief time that I have to speak on this bill — I would have loved to take up the points that Mr Jennings made in his contribution but unfortunately his contribution went a lot longer than I thought it would so I have run out of time, which is very disappointing — I would like to commend Mr Peter Kavanagh, a former member of this house, who put forward a similar initiative last year that unfortunately was defeated. The Labor-Greens coalition at that time that had the numbers, because they are soft on drugs — we have to face facts: between them they are soft on drugs — defeated that particular private members bill. I regretted that then and I regret that now, but I am very pleased that we have this legislation before the house tonight because I believe this is important.

It is very important for young people in particular to get that message. As Mr Ondarchie said, this legislation really is about protecting our children. So much of what I do in the course of my public life is about defending children, and on that basis I am very happy to support this legislation tonight, because this government will have no truck with illegal drug use. This government will not go down the path, as advocated by the Greens, of injecting rooms and cannabis trials and the sorts of things that have been advocated in this house tonight. Labor is reluctantly supporting this bill. Although Labor members say they are not opposing it, they are very reluctant. The Greens are opposing the bill, and that is purely because both parties are soft on drugs. That is another message that the people of Victoria should be getting tonight. There are two messages. One is that cannabis is dangerous; the other is that Labor and the Greens are soft on drugs.

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to endorse the comments made by my colleagues

on the government benches in relation to the bill to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the prohibition of the display, sale and supply of cannabis water pipes and components and the restriction of the display for sale of hookahs.

The coalition government made a clear commitment before the last election to ban the sale and display of bongs. This bill goes some way forward in limiting the number of hookahs and bongs on display to three in a retail outlet or market, and that is a very important message to send. We can see that incremental change has had a significant effect on reducing the incidence of tobacco smoking, yet over a number of years the former Labor government did nothing to reduce and curb the incidence of drug use in the community and in particular amongst our young people.

The statistics are disturbing. The results from the 2010 national drug strategy household survey found that 33 per cent — which confirmed previous results of various research projects — or a third of the Victorian population aged 14 and over, reported the use of cannabis at some stage in their lives, making cannabis the most widely used illicit drug in Victoria. Between 2007 and 2010 the proportion of people in Australia who had used cannabis over the previous 12 months actually went up. In the South Eastern Metropolitan Region the incidence of drug offences from 2009–10 through to 2010–11, from July to June, increased by 18.2 per cent from 1765 drug offences generally for all municipalities to 2086. The biggest increase was in the city of Greater Dandenong at 32.6 per cent; in Kingston there was a 19.5 per cent increase and in Casey a 15.5 per cent increase, and that is a very disturbing trend indeed. It is certainly something that the community wants more action on, because the former government did nothing.

In 2009 ambulance attendances in metropolitan Melbourne relating to cannabis use increased from 2008 by 23 per cent, with 831 attendances. We heard today, for example, concerns about the delays in ambulance attendances and the significant problems the Minister for Health has been trying to address. Now we can imagine what would happen if indeed there were fewer cannabis-related ambulance attendances; it would certainly free up greater capacity to respond to other health emergencies.

Cannabis-related hospital admissions also increased by 21 per cent in 2009. In 2010 that figure rose again to 887 ambulance attendances for cannabis-related emergencies. According to the Australian Institute of Criminology, 66 per cent of all arrests in 2008–09 involved cannabis and more than half of all Victorian drug-related arrests were for cannabis use and possession. Quite clearly all those statistics show that the strategy in relation to drug use in the past decade has been insignificant.

I recall taking part in a very significant debate in the 1990s in the Victorian Parliament under the Kennett regime when there was quite a push to legalise marijuana. At that time I led the opposition against that, and we were successful in holding our position. I commend the former Premier, Jeff Kennett, for resisting that push.

**Mr Ramsay** interjected.

**Mrs PEULICH** — There were no changes, and now the research and the data justify and strengthen that position. The failure of the Bracks and Brumby governments to take action to curb the use of marijuana in the community is nothing short of a betrayal of our young people. Labor policy has allowed drug paraphernalia to be displayed and sold in retail outlets. It ignored the fact that over 200 000 people who enter drug treatment each year report marijuana as their primary drug of choice. My colleagues have outlined the significant impact of chronic marijuana use, in particular those crops that have high levels of tetrahydrocannabinol concentration, and its links with the onset of mental health problems, including paranoia, and certainly a strong correlation with dropping out of school and education, and a range of other developmental and social problems associated with marijuana use. There are now a lot stronger varieties than perhaps may have been experienced by the members of the flower-power generation, who may now be in various positions of decision making, and it is a much more dangerous drug now.

In 2005, 2007 and 2009 it was recommended to the former government that it should implement this change and pass this bill. There were calls for reform, but all those calls were ignored. The former government did nothing, and we see that these figures have increased. In 2005 Steve Bracks, then Premier, claimed the government was considering restricting the sale of bongs and other water pipes to minors, and we know that that action was not taken. Instead Labor restricted police funding to combat the drug epidemic, spending less per capita on police resourcing than all other states. Victoria had the lowest number of front-line operational police per capita of all the Australian states. Under Labor there was no significant

action taken to curb the use of drugs in the community, and we have seen that reflected in the figures.

This is an important step forward. It is a small step, but we know that cannabis use has a dramatic impact on social and developmental outcomes and that for people who use cannabis there are obviously lots of risks of educational underachievement, physical health problems, social difficulties and experimentation with other drugs, and we have heard references to marijuana being a gateway drug. People in Victoria — families and parents — are sick and tired of the soft approach to cannabis. Every other state in Australia has banned the display, sale and possession of bongs. Victoria needs to get on board, and this legislation does that.

The government has already passed many common-sense laws, but surely this is the most overdue common-sense law to date. Without further ado, I commend the legislation and commend the minister for honouring such an important election commitment and an important message to the community that we as legislators have got to do something to curb the proliferation of drug use. The statistic of 33 per cent of children aged 14 and over reporting use of marijuana is too high, and we must take some action. This is a very important first step, a very important symbolic action, to say that drug use is unacceptable, that it is harmful and that this government is going to do something about it. I commend the bill to the house.

**Mr RAMSAY** (Western Victoria) — It gives me not so much great pleasure but I appreciate the opportunity to support the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. I will be very brief because many previous contributions have covered the areas I was going to speak on.

I want to again annunciate the reasons this bill is before us. The Baillieu government was and is committed to protecting the health and wellbeing of all Victorians, young and old, and before the election we pledged to the Victorian people that we would prohibit retailers from displaying and selling bongs, bong components and bong kits. We are now carrying through with that commitment.

Secondly, it is a contradiction to ban a substance — in this case, cannabis — yet flagrantly allow the sale of a device that would encourage users to use that substance. What is particularly concerning is the highest demographic of users are in the 14-to-24-years age group and the 25-to-34-years age group. Therefore I do not see, as Mr Jennings suggested, that this is frivolous legislation. In fact I think it is very important that we restrict the access, particularly to that younger demographic, which hopefully in turn will restrict use.

Also the bill sends a very clear message to Victorians that we are committed to reducing the cost to the community of abuse of drugs and crime. As chair of the Drugs and Crime Prevention Committee — and there are other members of that committee in this chamber tonight — I have heard on a daily basis the heavy toll on the Victorian community of drug overdose and drug abuse. On that basis I strongly support the bill and commend it to the house.

**House divided on motion:**

*Ayes, 34*

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

*Noes, 3*

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

**Motion agreed to.**

**Read second time.**

**Ordered to be committed next day.**

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

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

That the house do now adjourn.

### International Student Legal Advice Clinic: funding

**Hon. M. P. PAKULA** (Western Metropolitan) — The matter I wish to raise is for the Attorney-General. It concerns funding for the International Student Legal Advice Clinic. Last year the Brumby government provided $220 000 in funding to run a 12-month pilot

for the clinic through the Western Suburbs Legal Service, which is based in Newport. The Western Suburbs Legal Service has operated the clinic from its base in Newport, from the Salvation Army centre in Bourke Street and through Eastcare in Box Hill.

It has been an extremely popular service. Between 200 and 250 international students have used the service, and it has covered issues such as migration advice, education services, dispute procedures and international student support services generally. Not surprisingly, the former government's funding of the International Student Care Service hotline has contributed to the popularity of the legal service, with many of the referrals to the legal service coming via the hotline, all of which makes the decision of the current government to cease funding the legal service so surprising.

The Western Suburbs Legal Service has been notified that funding for the clinic will not be renewed and that it should instead seek funding through Victoria Legal Aid. As expected, VLA has told the Western Suburbs Legal Service that it has no spare funds and, as a consequence, the legal advice clinic for international students will shut its doors at the end of October. This is causing great concern within the international student community, a community that the Premier courted so assiduously while he was in opposition.

I have received correspondence from the National Union of Students, the Council of International Students Australia, the Law Institute of Victoria, ISANA International Education Association and the Federation of Community Legal Centres. All those organisations strongly support the International Student Legal Advice Clinic and urge the government to renew funding, and I am doing likewise. My request to the Attorney-General is a simple one. The pilot has been a great success and the service is highly valued by international students. The Attorney-General should renew funding to the clinic before it is forced to close its doors three short weeks from now.

## Sex trafficking: legislation

**Mrs COOTE** (Southern Metropolitan) — My issue this evening on the adjournment is for the Minister for Consumer Affairs, Michael O'Brien, and it concerns hastening the introduction of laws dealing with sex trafficking in this state.

I know the minister has been concerned about this as an issue for a considerable time, and we have seen a lot of publicity about sex trafficking in Victoria over the last few weeks, in particular a *Four Corners* episode last night, which was referred to by Ms Hartland earlier, and a campaign being run by the *Age*.

The Drugs and Crime Prevention Committee of the last Parliament, which comprised many of us here in this chamber, including Ms Mikakos, Mr Leane and me, conducted an inquiry into people trafficking for sex in June 2010. The committee produced a comprehensive report. It was the first report of its kind in this country and was particularly well received. Much of the *Four Corners* program last night reflected the work that led to the committee's report. We came up with a lot of recommendations, but before I mention a couple that I am hoping the minister will highlight in any legislation he brings forward, I refer to the fact that we were horrified that there was as much sex trafficking in this country as there is. In fact over 1000 women are traded for sex in this country every year.

The *Four Corners* program did not show that many illegal sex workers are brought to the attention of the authorities by the punters. I would like to commend the punters who are using legal brothels in this state and who are so concerned about this issue that they have brought it up with the authorities.

One of the big things the committee found was that it was unclear as to who was responsible for the prosecution of sex trafficking offences in Victoria — whether it was the role of the federal police, the local police or the local council. I know Minister O'Brien is particularly interested in clarifying this. I am asking him to hasten the introduction of this legislation into Victoria, because it is imperative to clarify who is responsible for what in the prosecution of what are serious offences. It is an increasing problem, and it is totally and utterly unacceptable in this day and age in this state that women are being trafficked for sex.

## Planning: shire of Wellington

**Mr SCHEFFER** (Eastern Victoria) — I raise a matter for the attention of the Minister for Planning. It relates to amendment C33 of the Wellington planning scheme. Amendment C33 incorporates new flood data into the planning scheme so that future development will ensure that people are safe, that flood damage is minimised, that land use is sustainable and that drainage optimal.

Newspaper reports indicate that some residents in Port Albert have concerns over the amendment. The panel report states that these have been addressed. The minister has asked that the Wellington Shire Council and the West Gippsland Catchment Management Authority (CMA) go back to the drawing board. While

I understand that the minister is entitled to request further work on the amendment, I ask him to provide me with the precise matters that he wants the Wellington shire and the West Gippsland Catchment Management Authority to rework and report on.

The Wellington shire and the West Gippsland Catchment Management Authority used available data to map the areas subject to flooding and to work out the appropriate overlays. The shire and the CMA received 139 submissions, and while they were able to negotiate and resolve a number of the concerns of landowners, many concerns were not resolved. The shire therefore asked the minister to establish an independent panel to conduct hearings and make recommendations that would assist in resolving outstanding concerns.

The panel delivered its report in January this year and identified issues relating to the reliability of the data used to define the overlay boundaries and the applicability of the overlays to individual properties as well as the social and economic impact of the overlays on individual landowners and affected communities. The panel report noted and addressed submissions from 19 local towns but gave specific attention to Port Albert. The minister will know that the panel identified the particular concerns and anxieties of some of the residents of Port Albert but stated that in its view the shire was adopting a reasonable position in using the best available information and progressively upgrading or refining related planning controls. It indicated that there was no problem with the technical assessment underlying the extent of the overlays.

In the end the panel gave the green light to the amendment subject to a range of changes and recommendations that I understand are under way. These include some boundary overlay checks in Port Albert, permit requirement changes, a peer review of a CSIRO report, improvements in the accuracy of measuring tidal movements in the Port Albert to Port Welshpool area, flood overlay reviews around Port Albert and the establishment of a community consultative committee.

The 3 August issue of the *Yarram Standard* reported that the minister told the Wellington shire to go back to the drawing board on its planning rules for Port Albert, but the minister identified no problem that needed to be addressed that was not addressed or was inadequately addressed by the shire, the CMA or the independent panel. The 13 September issue of the *Gippsland Times* reported that the Wellington Shire Council does not know what the minister expects it to do. I therefore seek the details of what the minister requires of the shire and the West Gippsland CMA.

## Housing: Ashwood Chadstone Gateway project

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Housing, the Honourable Wendy Lovell. The matter I wish to raise with the minister is in relation to a housing project, but I would like to take the opportunity to congratulate the minister on the release last week of *Victorian Homelessness Action Plan 2011–2015*, a document that clearly sets out the priorities of the Baillieu government in relation to the concerning issue of homelessness. As it clearly states, the action plan has a focus on early intervention and targeted assistance to those most at risk of homelessness.

The matter I would like to bring to the attention of the minister is in relation to a housing project that is currently being undertaken by the Port Phillip Housing Association. The Port Phillip Housing Association has been in operation since 1986. It is an independent, not-for-profit organisation that develops and manages affordable community housing for persons on low to moderate incomes. Initially known as the St Kilda Housing Association, the Port Phillip Housing Association was established in 1986 to undertake tenancy and property management of the then St Kilda community housing program. The purpose of the housing program was to provide secure, affordable and appropriate rental housing for local residents with long-term links to the area and for those who were eligible for public housing. There was a particular priority on services that targeted people who were disadvantaged, were experiencing housing stress or were at risk of homelessness. Currently the Port Phillip Housing Association owns, develops and manages something in the order of 636 dwellings with a total value of approximately $180 million.

In recent times I have attended on behalf of the minister the opening of a new facility in Blessington Street, St Kilda. With the CEO of the Port Phillip Housing Association, Karen Barnett, and the operations manager, Tanya Armstrong, I have visited a number of sites in the Elwood and St Kilda areas and have spoken with residents who, through the association's various projects, now have places they can call home.

The Port Phillip Housing Association is currently undertaking a number of projects. One in particular, which is outside the St Kilda area but within my electorate of Southern Metropolitan Region, is the Ashwood Chadstone Gateway project. This project will involve the redevelopment of six vacant sites in the area, with funding for the project shared between the Victorian government and the Port Phillip Housing Association. I ask the minister to join with me in

visiting the Ashwood site to review the project and the construction progress of that development.

## Planning: Point Cook green wedge

**Mr TEE** (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning, Mr Guy, and it follows a meeting of about 100 members of the Point Cook community I attended on 6 October. The meeting was in response to a recommendation by the Growth Areas Authority to turn more than 200 hectares of green wedge land at Point Cook into what may be 3000 houses. Community members spoke passionately at the meeting of their concerns about the proposed development and the impact this development would have on the way of life of this community. I undertook at the end of the meeting to raise the concerns of the community with the minister and seek his response.

The community's concerns fall into two categories. Firstly, community members say that existing infrastructure is inadequate and that in fact some of the infrastructure is haemorrhaging. They identified a number of concerns, and I will articulate some of them. They include congestion on the roads and inadequate public transport with insufficient and infrequently scheduled buses and the inability to find parking at the train station. Their concerns include inadequate medical suppliers, inadequate bike and footpaths, and a lack of school and child-care places, to name but a few.

These were by no means the only issues the community members asked me to raise, but they give a flavour of some of the frustration the community feels about the lack of infrastructure. Community members said loudly that what they want, and what they want me to ask the minister, is for development to cease until the existing infrastructure gaps are rectified.

The second issue the community members raised with equal passion was the importance of this green wedge. For this community the wedge and the resulting open space is an asset they want protected and enhanced, and many said it was the reason they moved into this community. They are concerned that the loss of the green wedge will have an impact through the loss of Aboriginal artefacts and the destruction of not one but two remnant wetlands, and they are opposed to the view that the destruction of part of the green wedge is necessary to fund the preservation of the wetlands. They are concerned that once the green wedge is gone it will be gone forever.

My request to the minister on behalf of this community is that he respond to its request to not accept the recommendation that this green wedge be turned into housing. The community also wants me to ask the minister to stop further development until existing infrastructure needs are met and to have the government review that green wedge — —

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

## Autism: Eastern Metropolitan Region constituent

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is for the Minister for Education, Martin Dixon, and it concerns an individual issue for a family, the Freeman family, who have contacted me in recent times. Ms Abigail Freeman, a constituent of the electorate that the President and I represent, has a son who has recently commenced secondary school and has only recently been diagnosed with the autism spectrum disorder, Asperger's syndrome. He exhibited behaviours in primary school which caused stress to himself and to his parents, but it was the secondary school that advised Ms Freeman to have her son re-assessed, and he was diagnosed with autism.

The secondary school advised Ms Freeman that her son would require an aide at school, and has been more than happy to try to fund the cost itself this year. The family has applied for funding for an aide for next year. Taking into account the late diagnosis, they did not have the opportunity to apply for aide funding prior to their son starting secondary school.

The action I seek from the minister is that he ask his department to contact Ms Freeman with advice on any assistance the department can give to help the family in its current situation through the provision of an aide for their son, which is very important. I intend to forward to the minister correspondence that Ms Freeman has sent to me to assist him and his department in finding ways they may be able to assist this family.

## Electricity: price comparisons

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Energy and Resources. It relates to energy bills and the government's admirable commitment to keep a lid on the cost of living. Section 40R of the Electricity Industry Act 2000 deems that a condition of a retailer's licence is to include on a customer's bill one of two things: one, the levels of greenhouse gas consumption at the property; or, two, comparisons with a similar dwelling's average consumption against the customer's actual consumption. We are all familiar with this from

our water bills, where we have what is called bill benchmarking.

The current section 40R splits these two requirements with the grammatical conjunction 'or', meaning that under the current legislation the Essential Services Commission, through its energy retail code, cannot require retailers to include both sets of information on a bill. They are obliged to include only one, and the vast majority of retailers provide greenhouse gas information only, although I have seen one firm that offers the bill benchmarking of your energy consumption against similar types of dwellings.

A comprehensive US study conducted by the Environmental Defence Fund, called Behaviour and Energy Savings, collected data from 750 000 homes across 11 utility service areas, which is a huge sample. The fund found that contrasting an average household's energy usage with the customer's usage on the bill can significantly change behaviour and reduce energy consumption by up to 6.5 per cent.

With increasing electricity prices over the next few years being driven overwhelmingly by the cost of distribution businesses, Victorian energy consumers will be more responsive than ever in trying to understand their bills and minimise their consumption, just as they did with water during the drought. Simple information-based energy efficiency programs such as this will empower households and small businesses to not only beat their bills but also cut their carbon consumption. Energy-saving fruit does not get much more low hanging than simply printing information onto someone's bill and getting an immediate reduction across the board.

With the chairperson of the Essential Services Commission recently indicating that energy retailers in Victoria are currently enjoying superprofits, energy retailers are clearly in a position to absorb the minimal cost impost of bill benchmarking side by side with greenhouse gas information. They may even find their profits increasing further through a deflated wholesale energy price if consumption cumulatively drops.

I request that the minister inform me of whether or not he is willing to consider this simple legislative amendment — to change the word 'or' to 'and' in the Electricity Industry Act 2000 — so that he can pursue his electoral promise to help Victorian consumers keep a lid on their electricity bills.

## Lyndoch aged-care facility: future

**Ms MIKAKOS** (Northern Metropolitan) — My adjournment matter is for the Minister for Ageing, and I am pleased that he is in the chamber and has the opportunity to respond. The minister would be aware that concerns have been raised in the media that the Baillieu government may be planning to privatise a publicly owned aged-care facility — namely, the Lyndoch hostel and nursing home in Warrnambool. The minister would also be aware of concerns expressed by some 200 aged-care staff at the facility that their agreements are now being shifted across to private contracts.

The reason for the nervousness of staff is understandable given both the coalition's track record in this area and the minister's stance on this issue so far. Members would be aware of the coalition's record from when it was last in government. The Kennett years resulted in eight rural hospitals being closed, and aged-care services in Bairnsdale, Paynesville, Warrnambool and Mildura were privatised.

The minister had an opportunity to respond to a question during a Public Accounts and Estimates Committee hearing a few months ago, when he was asked to rule out the sale, outsourcing or privatisation of any existing publicly funded residential aged-care service, but he failed to provide a categorical assurance. Tonight I ask the minister to give the Warrnambool community an assurance, an absolute guarantee, that the Lyndoch hostel and nursing home will remain in public ownership.

## WorkSafe Victoria: safety information

**Mr LENDERS** (Southern Metropolitan) — My adjournment matter is for the Assistant Treasurer in his capacity as the minister responsible for WorkSafe Victoria. The matter I raise is an issue regarding lightweight all-terrain vehicle helmets for farmers who work on the land. As members would be aware, in order to achieve greater safety standards WorkSafe requires that farmers wear these helmets. I was contacted recently by Mr Tony Horne, a cattle farmer from north-east Victoria. He saw in the *Weekly Times* that there were lightweight safety helmets available, and he rang WorkSafe to seek advice on where to get them. The reply he got was that it was unequivocally not WorkSafe's business to tell him and that he should go and look for it himself.

The action I seek from the minister is a review of this procedure. As the house would be aware, during the Bracks Labor government, legislation was put in place

to enable WorkSafe inspectors to offer advice. The new WorkCover regime is all about offering advice to businesses seeking to make their workplaces safer, rather than there being the old practice of a WorkSafe inspector putting a provisional improvement notice on them. WorkSafe inspectors have a lot of information, because that is their job. What we have is a very agitated Mr Horne. He said:

> I find the reply unhelpful and a waste of taxpayers money to employ people to write such …

I will leave the rest to the imagination. As a former WorkCover minister I am aware of the challenge, so I ask that Mr Rich-Phillips take action to get WorkSafe to respond to Mr Horne and not hide behind a bureaucratic defence of 'seek it yourself' but give Mr Horne the advice he seeks so that he can comply with the appropriate safety regulation.

## Responses

**Hon. D. M. DAVIS** (Minister for Health) — In the first instance I am pleased to provide 17 responses to adjournment matters raised by members in this place: Mr Pakula on 16 August; Mr Lenders and Mr Ramsay on 17 August; Ms Mikakos, Mr Elsbury, Mr Lenders and Mr Koch on 18 August; Mrs Petrovich and Mrs Coote on 31 August; Mr O'Brien, Ms Hartland and Mr Lenders on 1 September; Mr Pakula and Mrs Coote on 13 September; Mr Leane and Ms Pennicuik on 14 September; and Mr Scheffer on 15 September.

In terms of tonight's adjournment matters, I note the matter raised for me by Mr Pakula for the attention of the Attorney-General concerning the Western Suburbs Legal Service. I know the Attorney-General and the government are concerned to support international students, and I will pass that matter through to the Attorney-General.

Mrs Coote raised a matter for the attention of the Minister for Consumer Affairs concerning sex trafficking, an inquiry that she and other members of this chamber were involved with, and the need to sharpen the response internationally. She mentioned the contribution of the *Age* and *Four Corners*. I too saw some of the *Four Corners* show, and I am sure that I had a similar reaction to those of many in this chamber. I was very concerned to hear about this. I will pass on Mrs Coote's concerns to the Minister for Consumer Affairs, who I know for a fact is also concerned about matters concerning sex trafficking and will seek to take steps to minimise the occurrence of that.

Mr Scheffer raised a matter concerning amendment C33 of the Wellington shire planning scheme, an arrangement relating to flood data and sustainable land use in and around Port Albert in the Wellington shire. He mentioned a panel report and also made a number of points about the issues. He noted that the Minister for Planning had asked the West Gippsland Catchment Management Authority and the Wellington Shire Council to revisit these matters. I will certainly pass this on to the relevant minister, the Minister for Planning, so he can come back to the member with some specific points.

Ms Crozier raised a matter for the attention of the Minister for Housing, Ms Lovell, concerning the Victorian homelessness action plan 2011–15. As she correctly pointed out, this is an important strategy that has met with the widespread approval of a number of third parties. The Minister for Housing has done an excellent job in putting together this important strategy. The points made by Ms Crozier also relate to the Port Phillip Housing Association and in particular its Ashwood Chadstone Gateway project — a project I am familiar with. Indeed last year Minister Lovell and I attended a number of public meetings at this project. I know the minister is aware of a number of matters concerning the project, and I have no doubt she would be keen to visit it. I will pass the matter on to her.

Mr Tee raised a matter concerning planning at Point Cook. He made a number of outlandish claims about the green wedges. I know the government is determined to put in place proper protections. As a former shadow Minister for Planning I remember being in this chamber as the former government tampered with the green wedges with little process, doing it in a way that was not transparent.

**Mr Tee** — So you will oppose this one in turn?

**Hon. D. M. DAVIS** — No, there was a series of amendments. I could go through the list if Mr Tee likes, but as a former shadow Minister for Planning I know about the many activities with the green wedges that the previous government undertook without a proper and complete process or a transparent approach in the steps it took. I also understand — and I stand to be corrected on this — that Wyndham City Council may have made recommendations around this to the minister, but I will pass this matter to him on behalf of the member.

Mr Leane raised a matter for the Minister for Education, Mr Dixon, concerning Abigail Freeman and a family member of hers who has been diagnosed with an autism spectrum disorder. I am sure the minister is aware of the challenges here, and I am equally sure that everyone in this chamber would be supportive of providing assistance of some nature for Ms Abigail

Freeman. Obviously I am not aware of the specific circumstances and cannot speak on behalf of the minister, but I will pass on the request from Mr Leane to ask the department to contact Ms Freeman.

Mr Barber raised a matter for the Minister for Energy and Resources — —

**Mr Barber** — Change the word 'or' to 'and'.

**Hon. D. M. DAVIS** — I will come to that. Section 40R of the relevant act uses the word 'or' concerning the comparisons that could be provided or the specific levels of greenhouse gas that are emitted in this specific circumstance. I understand the importance of transparency, and I am sure the minister does. From the many conversations I have had with him about these matters, I know he understands the steps that can be taken to improve the provision of information for consumers. I take it that that is essentially what Mr Barber is asking for through the changing of one word, to put 'and' instead of 'or' in section 40R of the relevant act. I will pass that on to the minister and seek his response.

Mr Lenders raised a matter for the Assistant Treasurer concerning WorkSafe Victoria, helmets and the response received by Mr Tony Horne from WorkSafe Victoria. I understand the point Mr Lenders seeks to make about the role of WorkSafe Victoria inspectors taking a step more than a purely inspectorial role and providing some advice to businesses. That is a matter which I will pass on to the minister, and I have no doubt that the Assistant Treasurer will be prepared to take it on board.

Ms Mikakos raised a matter with me concerning Lyndoch Living in Warrnambool. I am very familiar with that important centre. I have visited it a number of times, and I am very supportive of the work that is undertaken — not just the aged-care work but also the rehabilitation work. I make this quite clear: it is a not-for-profit aged-care service which provides commonwealth-funded aged-care services primarily but which receives some state support as well for a range of services, including rehabilitation services. Indeed it provides services that are supported by South West Healthcare. It undertakes a range of significant work in the community and has widespread support, with significant local community fundraising supporting the institution. I visited Lyndoch during cabinet's recent visit to Warrnambool.

I note unfortunately that as part of an industrial campaign a number of groups have seen fit to make people believe there is concern about the future of Lyndoch. The state government and the community support Lyndoch; nothing could be further from the state government's focus than any change to that. The service has received increases in funding in the recent period as a direct reflection of the importance we attach to that service. There are no plans to privatise it, as has been described. The matter of fact, as I say, is that this is a community facility that has a long history in the town of private fundraising and the delivery of very important services in that community, and it receives state government money and support as well. I can therefore put the member's mind at rest.

**Mr LENDERS** (Southern Metropolitan) — I have three outstanding adjournment matters under the carriage of Mr Davis, two directed to the Premier and one directed to Mr Davis in his ministerial capacity. They are all past the 30 days of the relevant rule. How we deal with them is in your hands, President, but two of those matters are more complex. The one from February, directed to the Premier, which asked who the coordinating ministers of the 11 departments were, is, as I said, still outstanding. In the context of Mr Davis's answer in his first question time last December, when he said he would forthwith tell the house of all the administrative arrangements — and with your guidance, President — I would invite Mr Davis to simply say who the 11 are now and discharge that matter. These three matters have now been outstanding for a long period, and that particular question is not onerous. I would have thought a minister could answer it in the house rather than leave it on the notice paper for this period of time.

**Hon. D. M. DAVIS** (Minister for Health) — I will respond to all three matters on the Premier's behalf.

**The PRESIDENT** — Order! When?

**Hon. D. M. DAVIS** — In due course.

**The PRESIDENT** — Order! I ask the minister to have a look at separating the matter Mr Lenders has specifically referred to, dealing with coordinating ministers, from the others, which he has suggested are complex. The matter of the coordinating ministers is probably a fairly straightforward matter that in the scheme of things has perhaps just been missed rather than not provided. The minister might expedite that one if possible.

The house stands adjourned.

**House adjourned 10.39 p.m.**

# The Treasurer of Victoria



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Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
MELBOURNE VIC 3002

Dear Mr Tunnecliffe

**Order for Documents – Deloitte Review of the *myki* Ticketing System**

I refer to the Legislative Council's resolution of 31 August 2011 seeking the production of the review of the *myki* ticketing system undertaken by Deloitte.

Please note that the Government will provide its response as soon as is practicable

Yours sincerely

7/9/11

**KIM WELLS MP**
**Treasurer**

State Government Victoria

# Premier of Victoria

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11 OCT 2011

D11/177314

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

I refer to the Legislative Council's order of 14 September 2011, seeking the production of *"all documents modelling the impacts of carbon pricing on employment in Victoria prepared by Deloitte for the Department of Premier and Cabinet and released to the Herald Sun in August 2011."*

The Legislative Council does not have the power to require Members of the Legislative Assembly to produce documents to the Council.

However, to assist the Council in its consideration of the detrimental impacts of the proposed carbon price, I have enclosed a copy of the report prepared by Deloitte, titled *'Modelling the Clean Energy Future Policy'*, which contains the full analysis of the economic impacts of the proposed carbon price on Victoria.

The economic modelling in the Deloitte report represents the final updated modelling, and as a result may vary from early modelling published in the *Herald Sun* newspaper in August 2011. The final modelling reveals that there will be 35,000 fewer Victorian jobs in 2015 as a result of the impact of the Commonwealth's Clean Energy Future policy.

Regards

**Ted Baillieu MLA**
Premier

11 October 2011

Victoria
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