

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 5 April 2011

(Extract from book 5)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
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
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs.	The Hon. E. J. Powell, MP
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 standing committees

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

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, 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

CONTENTS

TUESDAY, 5 APRIL 2011

ROYAL ASSENT 723

QUESTIONS WITHOUT NOTICE

Hospitals: election commitments 723, 727
Health: GST revenue 723
Monash Medical Centre: children's centre 724
Planning: western suburbs 724
Bendigo hospital: funding 726
Taxation: GST revenue 726, 728
Planning: election commitments 729
Latrobe Valley: Moe call centre 730

QUESTIONS ON NOTICE

Answers 730

PETITION

Autism: eastern suburbs school 731

SCRUTINY OF ACTS AND REGULATIONS

COMMITTEE

Alert Digest No. 3 731

PAPERS 732

PRODUCTION OF DOCUMENTS 732

BUSINESS OF THE HOUSE

General business 732

MEMBERS STATEMENTS

Members: division pairs 733, 737, 738
Floods: community consultation 733
Rail: Altona loop service 733
Government: election commitments 734, 737
Sacred Heart Mission 734
Lyndale Secondary College: 50th anniversary 734
Hallam Community Learning Centre:
25th anniversary 734
National Youth Week 735
Victorian Farmers Federation: grains
conference 735
Nelson: foreshore renewal 735
Old Gippsdown heritage park: funding 735
Sailability 736
Planning: Yarraville development 736
St Francis of Assisi Primary School, Tarneit:
ground-breaking ceremony 736
Brimbank Festival 736
Northern Interfaith Intercultural Network 736
Harmony Day 737
Kyabram Italian Ladies: 25th anniversary 737

ENVIRONMENT AND PLANNING REFERENCES

COMMITTEE

Reference 738

ECONOMY AND INFRASTRUCTURE REFERENCES

COMMITTEE

Reference 746

PARLIAMENTARY COMMITTEES AMENDMENT

BILL 2011

Second reading 758
Committee 770
Third reading 778

BUILDING AMENDMENT BILL 2011

Second reading 778
Committee 788

Third reading 797

ADJOURNMENT

Premier: departmental briefing 797
City of Port Phillip: skate park 797
Housing: Swags for Homeless 797
Princes Highway: Waurin Ponds–Winchelsea
duplication 798
Rail: Altona loop service 799
Coles: marketing strategy 799, 801
Pioneer Road, Waurin Ponds: upgrade 800
Rail: South Morang 800
Responses 801

Tuesday, 5 April 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 29 March to:

**Civil Procedure and Legal Profession
Amendment Act 2011
Police Regulation Amendment (Protective
Services Officers) Act 2011
Shop Trading Reform Amendment (Easter
Sunday) Act 2011
Shrine of Remembrance Amendment Act 2011.**

QUESTIONS WITHOUT NOTICE

Hospitals: election commitments

Mr JENNINGS (South Eastern Metropolitan) — I refer my question to the Leader of the Government, who is also the Minister for Health. I refer the minister to the commitment the coalition took to the election to add 800 beds to the public health system in Victoria, and I ask: what are the embedded capital and recurrent costs for each bed required to satisfy this commitment?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. The coalition is very happy to stick with its commitment to deliver 800 beds over the term of government. The fact is the previous Labor government cut bed numbers across its terms. There are fewer beds in Victoria than there were in 1999. It is no wonder that patients are waiting, and we will certainly respond very strongly with additional bed numbers.

As to the precise cost of every single one of the 800 beds, which is what the member asked about, I think it would be beyond any individual to recall in detail, one by one, the cost of each of 800 beds across the state, but what I will say is that the 800-bed commitment is an important commitment that will deliver better health care for Victorians, and it contrasts with the tawdry record of Labor over 11 years, when it cut bed numbers.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — This commitment was made on 11 November 2010, lest we forget. Obviously the minister has forgotten the cost structures of the biggest election commitment he

made. If the house were made aware that Department of Treasury and Finance estimates of recurrent costs are \$500 000 per bed, could the minister confirm to the house what will be the cost of implementing this policy? Will it be \$800 million, as was in his election costing documents, or in excess of \$800 million?

Hon. D. M. DAVIS (Minister for Health) — The member will have to wait patiently for the delivery of these important commitments, but what I can confirm is that our costings were correct and the beds will be delivered over the next four years, as was promised.

Health: GST revenue

Ms CROZIER (Southern Metropolitan) — My question is also directed to the Minister for Health, Mr Davis. I ask the minister can he inform the house of the impact on the Victorian health system of the federal Labor government's massive and unprecedented assault on Victoria's finances?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her concern for Victorian patients and the impact on Victorian services that the commonwealth's seeking to withdraw money from Victoria will have.

The concern about the \$2.5 billion removal of GST from Victoria over the forward estimates period is likely to be a bipartisan concern. I think Labor members of Parliament, Greens members and Independent members, if there were any, along with all Victorians would and should be concerned about the impact of the removal of money by the commonwealth through the GST changes. Health services are one example of where that could have an impact in terms of the amount of money available. There will be less money if the commonwealth persists with its plan to remove \$2.5 billion. Health services are one example where the impact could be significant.

The impacts on culturally and linguistically diverse (CALD) populations will be significant in terms of the cost of service delivery in Victoria. I reference the study undertaken by the Department of Human Services in August 2007 into the additional costs of providing health care to culturally and linguistically diverse patients in Victoria, which laid out some important facts. The facts show that the average cost per hospital separation for non-CALD patients was \$3509 and for culturally and linguistically diverse patients it was \$5010. After adjusting for age and case complexity, the cost difference was 17.5 per cent.

As a number of members on the other side of the house will understand, this has a significant impact on Victorians and Victoria's capacity to deliver services. Importantly, one of our great strengths in Victoria is the number of people who are from a range of culturally and linguistically diverse backgrounds. That is something that both sides of the house regard as an important competitive advantage. But as some migrant communities have aged, it is clear that additional services are required by those communities, and they should be provided to them. They will be provided. I imagine that is again a matter of bipartisan support across this chamber.

However, the fact is that there are additional costs to deliver those services. These facts do not appear to have been fully understood by the Commonwealth Grants Commission or the federal government, which appears not to be prepared to undertake its review first and rejig the allocations second. Instead, the way the federal government intends to do it is to take the allocations first and the review second. Again this is a matter that should be bipartisan; it is a matter on which all parties should agree. I make the point that in this — —

Mr Lenders interjected.

Hon. D. M. DAVIS — The former Treasurer on the other side of the chamber was the Treasurer in the last Parliament. In this chamber we gave the Treasurer pairs to go to ministerial councils — as was quite appropriate in my view. In that case he was the Treasurer of Victoria, and he went to ministerial councils to represent Victoria's interests there. But now, when there is a Liberal Treasurer in the Parliament, the same is not returned by Labor; Labor will not allow the Treasurer — —

Honourable members interjecting.

Hon. D. M. DAVIS — I have got to say — —

The PRESIDENT — Order! Thanks, Minister. Time.

Monash Medical Centre: children's centre

Mr JENNINGS (South Eastern Metropolitan) — My question is again for the Minister for Health. I refer the minister to comments made by the Premier, Mr Baillieu, on 24 March 2011 when he actually made an ongoing commitment by the coalition government to the Monash children's centre:

We were committed to it in the election campaign period and we are committed to it on a time frame which we stand by.

I assume the minister stands by his Premier's commitment to fund the full \$250 million for the Monash children's centre. Can the minister clarify the time frame in which the Premier's commitment applies, and is it within this government's four-year term?

Hon. D. M. DAVIS (Minister for Health) — The coalition stands strongly by its commitment to the Monash children's hospital. We will deliver that hospital. We have indicated it will be delivered partially in this term and partially in the next term. That was announced prior to the state election. I have got to say that Monash is an important hospital that delivers significant services to people in Melbourne's south-east. I have to say that the Monash children's is an important hospital. The Baillieu government stands by its election commitment to deliver that hospital. We will deliver for the people of Melbourne's south-east. As we indicated prior to the election, we will put the money in to make sure that that hospital is delivered, over that period.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I note that the minister did not quite confirm the time frame in which the promise will be committed to and fully implemented. I ask him whether his health plan, which he promised to deliver to the Victorian people by the end of April, will clearly outline the cash flow and implementation of his Premier's commitment?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. On the matter of the Monash children's, again I make it very clear that the scheduling and delivery of the Monash children's will be exactly as outlined prior to the state election. The *Age* ran a story on the Friday before the state election, and the exact time schedule on which it would be funded was extremely clear. We stand by that commitment absolutely.

Planning: western suburbs

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy. I ask: can the minister inform the house of how the Baillieu government is supporting new opportunities for urban renewal in Melbourne's western suburbs and what associated infrastructure issues are being considered by the government as a result?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Elsbury, a member for Western Metropolitan Region, for an outstanding question, and I thank him and Mr Finn for their interest in urban renewal in

Melbourne's western suburbs. I take pleasure in informing this house that, despite the matter languishing on the former planning minister's desk for years, I have rezoned and brought forward — —

Mr Viney — On a point of order, President, I refer you to previous rulings — the name of the President who made the rulings escapes me — that have said that — —

Mr Jennings interjected.

Mr Viney — President Chamberlain — thank you, Mr Jennings. He ruled that questions should not seek information on matters that are on the public record. I draw your attention to the fact that the minister is referring to his own media release.

Honourable members interjecting.

Mr Viney — I am happy to have a debate with Mr Guy about the standing orders, but perhaps he ought to have listened to the beginning of my point of order, which referred you, President, to rulings of previous presidents, not standing or sessional orders. Previous presidents have indicated that questions should not be asked of matters that are easily accessible on the public record, such as media releases, and this is a question to the minister about his own media release.

The PRESIDENT — Order! I thank Mr Viney. It is valuable for members of the house to understand this matter, because it is pertinent to the deliberations of the house. What Mr Viney refers to in terms of a previous ruling is correct, but I think one of the reasons he was unable to pinpoint the presiding officer concerned is that it was not one of the more recent presiding officers, and the reason such a ruling was not confirmed is that the standing orders have subsequently changed.

Mr Viney would be aware that in the last Parliament there were many occasions when ministers referred to media releases and sought to elaborate on those media releases for the benefit of the house. In this context, whilst Mr Guy's remarks — and I am not personally aware of this — may pertain to a media release that he might have issued at some point recently, the fact is that he is quite within his rights to answer the question and to provide further details, which is probably what Mr Elsbury was seeking. Mr Guy, to continue.

Hon. M. J. GUY — Thank you, President. I appreciate that ruling, and I may want to update Mr Viney's knowledge of the standing orders and let him know that Milli Vanilli is no longer in the top 10!

The PRESIDENT — Order! That was not a helpful comment from Mr Guy.

Honourable members interjecting.

The PRESIDENT — Order! The fact is it was not helpful because it was provocative and it was not at all apposite to the question the minister is dealing with.

Hon. M. J. GUY — Thank you, President. I will start again, for the second time, and again point out how pleased I am to have Mr Elsbury's question about a wonderful opportunity for urban renewal in Melbourne's inner western suburbs. After it languishing for years on the former government's desk, this government has brought forward the rezoning of the Bradmill site — 26 hectares of urban renewal, 1000 dwellings. We have brought it forward, we have acted, we have moved, we have achieved, and we have done it within five months of coming into government. It took years for previous ministers to even contemplate this rezoning, but we have got on with the job and we have done it.

What is important is that this site will have a library, medical facilities and a supermarket. A previous minister who stood on this side used to say, 'We want to create a city where people do not have to use a litre of petrol to get a litre of milk'. While Mr Madden, now the member for Essendon in the Assembly, talked about it, the Baillieu government is acting on it. That is what the Bradmill site rezoning will do.

The second part of Mr Elsbury's question is very important. It relates to, as he said, urban renewal for sites such as Bradmill and of course in terms of transport infrastructure and infrastructure issues that are being considered by this government to facilitate the movement of those people.

The regional rail link will run through Melbourne's inner western suburbs — the regional rail link that this government found in relation to urban renewal sites had been grossly underfunded. Carriages were \$260 million underfunded, and \$150 million was not there for rail underpasses to suit urban renewal.

What we found astounding — and the former minister for transport and the former Treasurer sit opposite — was that there was no money for signalling on this rail network. Who builds a train line and forgets to put in the signals? We are talking about safety and urban renewal. My son's Thomas the Tank Engine toys have signals. The Labor Party seems to forget that when you spend \$1 billion on trains, you might want to remember to put in a signalling system. But the members opposite forgot that, and \$2.5 billion has been ripped out of

Victoria by the feds, despite the proposed rail link going through the Prime Minister's electorate.

This government will still get on with the job of providing transport infrastructure. Despite the woes and the politics inflicted on this state by the federal government, we will provide the transport infrastructure for inner city urban renewal, such as at the Bradmill site at Yarraville. For the work that Mr Finn and Mr Elsbury have done to bring forward this project, a good project which will enable people to live close to the city, I say congratulations, and I also congratulate the Maribyrnong council for getting this project up and running after eight years of delay.

Bendigo hospital: funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I refer the minister to the comments of the Deputy Premier, Peter Ryan, in the Bendigo *Advertiser* of 24 February 2011 that, 'We said the new Bendigo hospital was our no. 1 priority'. Can the minister provide a full guarantee that the full \$102 million promised by the government for the redevelopment of the Bendigo hospital will be provided in this government's four-year term?

Hon. D. M. DAVIS (Minister for Health) — I suggest that the former minister for innovation, the current shadow Minister for Health, might want to pick up a copy of the 2010–11 budget paper 3. I take him to page 309, which is about asset initiatives in health. It talks about the 'new Bendigo hospital'.

Mr Drum — Oh, the one that Labor hasn't started.

Hon. D. M. DAVIS — Dear, dear! I advise Mr Drum that not all the funding is across the current term of government. In fact the previous government's planned funding goes across three terms of government. It starts in the last term and goes over all of the four years of this term and into the next term of government: one, two, three terms of government! Not all the money is expended under the previous government's \$473 million plan — even if we count the additional \$55 million that the opposition claims, bringing it to \$528 million.

What I will tell Mr Jennings is that on top of that \$528 million, \$102 million will be provided for the Bendigo hospital to make it a larger and better hospital. It will be provided across precisely the same construction period as the previous government proposed for building the hospital, except that it will be built to a larger scale. It will have an integrated cancer centre on the one site, it will have a mother-and-baby

unit associated with the hospital, there will be additional teaching and training space and there will be additional beds. This will make it a bigger hospital — a \$630 million hospital.

I urge the Labor Party, including local Bendigo members, to get on board with the program and to join the current government, the Baillieu government, in delivering a bigger hospital, a \$630 million hospital, for Bendigo across precisely the same time period as was proposed by the previous government.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — It seems to me that government members have taken many lessons this week from Thomas the Tank Engine. I think Mr Davis may have been directed by the director of Thomas the Tank Engine, given his eloquence during that last answer. However, as an adult I would like to hear about the commitments made by the government, as it was coming into government, about the time frame that the people of Bendigo would have expected, given the undertakings by the coalition at the time to complete this project, to complete it earlier and to increase the scope. Will the minister finally clarify these matters in the health plan he will deliver by the end of April?

Hon. D. M. DAVIS (Minister for Health) — I will clarify it right now for members on the other side who may struggle. The fact is this project will be delivered in precisely the same time frame as the former government proposed. It will be a larger hospital — \$102 million extra will be spent, bringing it to a \$630 million project — with an integrated cancer centre on one side, an associated mother and baby unit, additional beds and additional teaching space. This is a much better hospital; it is a hospital for the future, and I urge the opposition to get on board with this program. The member can advocate either for the smaller, \$528 million alternative, or he can join the government and go for the \$630 million alternative. I can tell you, I would rather the \$630 million alternative. I would rather the — —

Mr Jennings interjected.

Hon. D. M. DAVIS — It is \$102 million. I will help the member with the arithmetic. It is \$102 million of additional spending in Bendigo for a bigger hospital and a better hospital.

Taxation: GST revenue

Mrs COOTE (Southern Metropolitan) — My question is to Minister Lovell, the Minister for Housing

and Minister for Children and Early Childhood Development. I ask: can the minister inform the house of the impact on Victorian public housing and early childhood development of the federal Labor government's cuts to Victoria's GST revenue?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and for her ongoing concern about the impact on Victoria's finances of the Commonwealth Grants Commission's unprecedented decision to rip \$2.5 billion out of the Victorian economy. This decision will have serious repercussions for this state. The commission appears to have ignored the fact that we have had a massive population explosion in Victoria since 2006 through immigration, but also over the last 10 years we have had a baby boom that has meant a 21 per cent increase in the state's birth rate. These have created a need for additional early childhood infrastructure.

The decision of the federal government and the Commonwealth Grants Commission will have serious repercussions for our state in trying to meet the demand resulting from this growth in the social housing sector and also in providing additional early childhood education and care facilities. Nowhere is this issue more confronting than in the housing portfolio, which also takes responsibility for homelessness. The fact that this money has been ripped out of this economy will hurt some of Victoria's most vulnerable residents.

Managing the explosion of growth in the need for early childhood education and care infrastructure has already been hindered by the former Labor state government's failure to invest in Victoria's future by building early childhood education and care facilities when it was in government. It was also further hindered by Labor's decision to sign up to the federal government's 2007 election commitment without first assessing the capacity of our early childhood infrastructure to deliver and without securing enough funding from the federal government to deliver on its election policies. These further cuts to our GST will make this problem even bigger.

The former Treasurer was fond of telling this house that Victoria should get its fair share of GST payments. The opposition should now take a bipartisan approach to the GST cuts, and it should stand alongside Victoria's Treasurer and demand that the \$2.5 billion is reinstated in payments to Victoria. The opposition in this state has now denied our Treasurer the opportunity to attend the ministerial council on Thursday; it has not given him leave. This is an important meeting where he could argue to have these funds restored to Victoria's share of the payments, but the Labor opposition in this state —

as it always did in government — is putting Labor first and Victoria second.

Hospitals: election commitments

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I refer the minister to health policies he developed for the incoming coalition government, including cutting the elective surgery waiting list by 20 000 in the next four years and introducing a maximum waiting time of no more than 26 weeks for 90 per cent of first outpatient appointments. Is the minister committed to these outcomes for Victorian patients in the current term of his government?

Hon. D. M. DAVIS (Minister for Health) — Question time is an opportunity to ask about matters of government administration.

Mr Lenders — The grants commission.

Hon. D. M. DAVIS — Yes, and it impacts directly on services, as Mr Lenders well knows. He answered questions about the impact on services too.

The coalition made a number of formal policy commitments at the election, and I am pleased to answer questions on those. I have to say that the coalition is very committed to cutting waiting lists, to dealing with the long waiting lists that have been left by Labor and the secret waiting lists that have been left by Labor. We will audit the waiting lists, and that data will come forward. Some of it has already begun to come forward in the form of HEWS (hospital early warning system).

Hon. M. J. Guy — Who was the health minister?

Hon. D. M. DAVIS — Who was the health minister? It was Daniel Andrews, the current Leader of the Opposition in the Assembly. And who kept the HEWS data secret? Who kept the ramping data secret? Who kept the outpatient data secret? It was Daniel Andrews. I can tell the house that we will make this data public. We have begun doing that. Members should stay tuned, because there will be more, and that will be important in cutting waiting times and waiting lists. We will stick by the commitments we made at the election.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Has the minister just confirmed that he has made a commitment to reduce the waiting list by 20 000 in

Victoria and that he will confirm that in his health plan that he will get up by Easter?

Hon. D. M. DAVIS (Minister for Health) — What I say to the member in response to his question is that the coalition made a number of formal policy commitments at the time of the election. We did say we will work on waiting lists and cut them, and we certainly will. We will release data, and we will make this situation better for patients after 11 years of mismanagement, cutting bed numbers, hiding data, manipulating waiting lists. It will be a better arrangement for Victorians. We will stick by the formal commitments we made at election time.

Taxation: GST revenue

Mr DRUM (Northern Victoria) — My question without notice is to the Assistant Treasurer, Gordon Rich-Phillips, and I ask the minister if he can inform the house of the financial consequences of the commonwealth's imminent reduction of Victoria's share of GST revenue?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Drum for his question and for his interest in Victoria's position with respect to the GST. The decision by the Commonwealth Grants Commission to announce a reduction in Victoria's allocation of GST last month is going to have a major impact on the Victorian budget.

Mr Lenders interjected.

Hon. G. K. RICH-PHILLIPS — I was interested to hear the interjections from the Leader of the Opposition over the course of question time this afternoon, because when we look back at what the previous Treasurer used to say about the Commonwealth Grants Commission during the days of the Howard government, when he was far more vocal about the Commonwealth Grants Commission than in later years, we heard repeatedly his criticism of the Commonwealth Grants Commission and the mechanism that delivered Victoria a less than fair population share of GST revenue.

The announcement we had from the Commonwealth Grants Commission last month reduces Victoria's share of the GST pie from 94 per cent to 90.5 per cent. Despite Victoria having 24.8 per cent of the Australian population, we are only going to receive under this proposal 22.5 per cent of total GST revenue. We will have Victorians providing subsidies to other states and territories at more than \$200 per Victorian per annum.

This is going to have a major impact on the Victorian budget.

A previous Treasurer in this place complained in August 2007 about a \$1.2 billion subsidy from Victoria to other states. I can tell the house that this decision of the Commonwealth Grants Commission will take \$2.5 billion out of the forward estimates for Victoria — \$2.5 billion with which the government could have delivered services and infrastructure to the Victorian community. We heard the Minister for Health before talking about a \$600 million hospital. The decision from the Commonwealth Grants Commission involves an amount that could have funded four such hospitals that the minister spoke about.

This Thursday we have an opportunity for the Treasurer of Victoria to go to Canberra to address this issue with his commonwealth colleagues. We have an opportunity for the Victorian Treasurer to go to Canberra, represent Victoria's interests, stand up to the commonwealth and try to have this decision redressed. Last week we saw the Prime Minister announcing a review of the GST mechanism. In fact she has appointed former New South Wales Premier Nick Greiner, former Victorian Premier John Brumby and Bruce Carter from South Australia to review the GST mechanism. That is an indication that the Prime Minister recognises the current formula is flawed.

We have an opportunity for the Treasurer of Victoria to go to Canberra this week and address this issue with the commonwealth government, but what we have is those on the other side of the house standing in the way and refusing to provide a pair for the Treasurer to go and represent the state. They are happy to put politics ahead of the interests of Victoria. They put Labor first and Victoria second. When we were in opposition we always provided the Treasurer in this place with a pair to go to ministerial councils. We call on Mr Lenders and Mr Andrews to do the same.

Mr Lenders — On a point of order, President, the rules of this place are quite clear. Where a minister misleads the house they are asked to address it at the earliest possible opportunity. On not one occasion was former Treasurer Bracks or former Treasurer Brumby given a pair by the opposition. Mr Rich-Phillips has misled the house, and I ask him to clarify the record.

Hon. D. M. Davis — On the point of order, President, I say to Mr Lenders that in this chamber he was provided with pairs.

Honourable members interjecting.

Hon. D. M. Davis — You were indeed. The point was made that the former Treasurer in this house was provided with a pair. The Treasurer now happens to be in the other house, and he should be provided with a pair there. I have to say this is a case of members opposite putting Labor first and Victorians second.

The PRESIDENT — Order! Just to take up the last comment by Mr David Davis, points of order are not for matters of debate. The slogan that had been previously used in question time was not appropriate as part of a response on the point of order, because we are not debating points of order.

I am at a bit of a loss on this, because no minister ought to be in a position of misleading the house. A minister should endeavour wherever possible to ensure that the information they provide to the house is accurate. If it is evident at a subsequent stage that that information is not accurate, then there is an expectation by the house that the matter will be clarified because the house needs to be properly informed on all matters. To that extent I hear what the Leader of the Opposition is saying. To some extent the government has been arguing a point concerning the conduct of this house. The Leader of the Opposition suggests that by implication the government was saying that was an across-the-board rule, and in the view of the Leader of the Opposition that was not the case in the other house — and he certainly sought to establish that point.

I invite the Assistant Treasurer to make some comment to the house in respect of that matter. I am not sure that it was entirely a point of order, particularly the way it was argued, but nonetheless the matter was raised in a context which sought to ensure that the house was properly informed.

Hon. G. K. RICH-PHILLIPS — On the point of order, President, I think the record will show that, in responding to Mr Lender's interjection, during the course of my answer I indicated that the Treasurer in this place was provided with a pair, and I expect that is what *Hansard* will reflect.

Planning: election commitments

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. The minister's government went to the last election with a policy of loosening subdivision controls in land under the farming zone. Can the minister tell me when he expects that planning scheme amendment to be completed and whether the amendment will simply be signed off at his ministerial desk, the way a former Minister for Planning, Rob Hulls, the member for

Niddrie in the Assembly, did with the previous version, or will it be put on exhibition?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Barber; it is a good question. The government is reviewing the rural zones as a whole at the moment, both internally and, as Mr Barber has indicated, it will come out with an external position when it has come to a finality in relation to some of those zones. However, I point out that one part of the position on which we are clear is in relation to the 40-hectare principle, where we have said councils should be the determinant in providing a recommendation to the government as to what should be the minimum hectare requirements. That position would not need to go to a further consultation phase beyond the state election, which is where it was clearly articulated in policy documentation. There would still be a minimum figure retained and councils would be able to retain that figure or provide advice to the state government as to whether they wished to change it. As I said, at the moment there has not been a determinant in terms of the timing around it, although I expect it to be sooner rather than later.

Supplementary question

Mr BARBER (Northern Metropolitan) — In relation to the issue of minimum subdivisions, recommendation 39 of the 2009 Victorian Bushfires Royal Commission specifically directed the government to do the opposite of its policy — that is, to tighten subdivision controls in various zones, including bushfire-prone zones, but certainly including the farming zone where it is prevalent in those areas. Can the minister tell me which policy will win, or will both policies have to be incorporated into this planning scheme amendment?

Hon. M. J. GUY (Minister for Planning) — Again, I thank Mr Barber. I point out that the key factor in determining the coalition's policy at the last election was that there is not a one-size-fits-all approach for regional Victoria. There are areas where there will be a bushfire risk which may require a council putting in a recommendation for a larger minimum lot size. There are other areas, for example in north-western Victoria, where you would have to say the bushfire risk might be significantly reduced compared to areas in central Victoria that may have a different set of circumstances.

The key point is that we clearly articulated at the election that we believe the councils will provide recommendations to the government. Obviously this is being worked through with the Minister for Bushfire Response in relation to areas where a wildfire

management overlay may be in place or where an increased bushfire risk was identified through the 2009 Victorian Bushfires Royal Commission. As I said, in the coalition's view, the state does not deserve a one-size-fits-all approach. It should be an approach that is determined on vegetation and land use and indeed on township use and township density for all parts of Victoria.

Latrobe Valley: Moe call centre

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Higher Education and Skills, Mr Hall, and I ask: can the minister inform the house how the Baillieu government is supporting individuals who have been affected by Telstra's decision to close its call centre in Moe and who may need retraining?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr O'Donohue for his question and for the opportunity to make some comments on matters that have been raised previously in this house by my colleagues on the other side of the chamber who represent Eastern Victoria Region, Mr Viney and Mr Scheffer, who made comments about this matter when Parliament last sat, on Thursday, 24 March. Those questions were directed to my colleague Mr Dalla-Riva, the Minister for Employment and Industrial Relations, but as Skills Victoria has played a leading role in coordinating the government's response, it would be more appropriate that I comment on what the government has done to assist those workers. When something like this occurs it is a serious matter, and I do not pretend that I want to play politics with it. The important thing is to provide what assistance we can to those people whose jobs have been lost because of this decision.

In respect of this matter there are two responses that are appropriate. First of all, the government needs to meet with the enterprise which has made the decision to close its business operation in Moe — the organisation in this case is Telstra — to see whether the government can work with that company to keep the business in operation. If that is not possible, then the government needs to explore what other options might be available to replace those jobs in the local community. The second prong of a response to such matters should be to ensure that workers are given the opportunity to retrain, if required, so as to be best positioned for any other local job opportunities that may be around.

In regard to both aspects of the government response, I want to say very clearly that the coalition government's response has been both immediate and sustained. This

announcement was made by Telstra on 16 February. The next day, 17 February, the Department of Planning and Community Development's regional manager for the eastern region met with Telstra to explore whether it was possible to resurrect its business enterprise at Moe and, if not, to make some assessment as to the training needs of the workers.

The following day officers from my department — from Skills Victoria — and from the Department of Planning and Community Development met with stakeholders in Moe to explore how Victorian government investment through the Victorian training guarantee might assist workers who have lost their jobs.

On 23 March some decisions were taken as to what moneys could be made available through the Victorian training guarantee to meet the needs of potential new business opportunities in the region. My department identified that in excess of \$250 000 may be required to provide training through the Victorian training guarantee for those displaced workers.

Also during this time there was active work in exploring other business opportunities and other companies that might be interested in establishing a similar call centre operation in Moe. Those discussions are ongoing, and some of the recent discussions have been positive.

While I am not in a position to make any announcements today, it is something that we are continuing to work for because, if we can refine a replacement business where the jobs are directly filled by those who previously worked with Telstra, then all the better.

I am pleased to report that, while this has been ongoing, 96 of the 114 displaced workers have already inquired about retraining through GippsTAFE. That in itself is positive, but we will continue to work on this to ensure that we do everything we can to help those who have lost jobs on this project.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 90, 107, 113, 118, 135, 143–45, 149, 152–54 and 159.

Mr Viney — On a point of order, President — and you may wish to take this into consideration — I am raising an issue which relates to standing order 8.03,

entitled 'Matter not to be debated in answer', which states:

In answering any ... question, the minister or member will not debate the matter to which it refers.

That may be a bit subjective, and you might like to give it some consideration.

I refer you to page 500 of *Odgers*. After the relevant paragraph discusses rules relating to questions and answers, it says:

Thus an answer should be confined to giving the information asked for, and should not contain any argument or comments. An answer must also be relevant to the question.

The reason for raising this with you, President, is that I believe that in answers to four of the five government questions today there was a considerable amount of commentary and argument relating to the opposition and the federal government that was beyond what one would normally expect as being confined to providing the necessary information. It was beyond what is required in terms of giving the information asked for in the questions.

By way of comment, one would expect that where questions come from the opposition there may be a bit of response to the question as it is framed, which in some instances may be, as one would expect from an opposition, provocative. There may be some provocation in an opposition question. I am interested in your guidance on how it could be that where a government member has asked a question of a government minister that question could be provocative to the extent that would require it to be debated.

The PRESIDENT — Order! I think in his point of order Mr Viney is slipping into the situation of debating the point of order, but I certainly get the gist of what he is saying. In regard to our standing order, it is quite clear and Mr Viney is absolutely right that the standing order provides that an answer ought to be a response to the question that has been asked, and it should not be a matter of an answer being debated or including undue or overt criticism of the opposition or other individuals. In fact the material that a minister might rely on in answering a question — even if it were at a tangent, if you like, to the direct question — should still be apposite. It should still be information that relates to the central point that is being made in the response to that question.

In regard to the answers today, I will not reflect on them because there was obviously an opportunity to raise a point of order on any one of those answers at the time. I take the point of order in the spirit in which it

has been raised — as a broader point of order to apply in a general sense rather than to specific answers.

I make the point that it is obviously difficult for me as Chair to contain ministers to a particular line of answer where there are frequent loud interjections that really are not apposite to the matter that has been raised by way of the question. In other words, they run off on all sorts of tangents. Some of them are quite clever, but nonetheless every one of them invites the minister to be distracted; every one of them invites the minister to a commentary which is not relevant to the answer that was originally sought. It is difficult for a Chair to keep a minister on track, if you like, in terms of responding to a question if he or she is being distracted or provoked by interjection. The tactic of interjections needs to be thought through fairly carefully as well.

In general terms, I think Mr Viney has made a very valid point as part of his point of order.

PETITION

Following petition presented to house:

Autism: eastern suburbs school

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the current uncertainty of funding for the establishment and construction of the eastern autistic school in Ferntree Gully.

The petitioners therefore request that the Legislative Council of Victoria asks that the Minister for Education provides funding in the 2011–12 Victorian state budget to complete stage 2 of the eastern autistic school, to benefit the children and their families for whom this facility is urgently needed.

**By Mr LEANE (Eastern Metropolitan)
(3021 signatures).**

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

**Mr O'DONOHUE (Eastern Victoria) presented
*Alert Digest No. 3 of 2011, including appendices.***

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Accident Compensation Act 1985 — Minister's Orders of 12 March 2011 approving compliance codes (four papers).

Crown Land (Reserves) Act 1978 — Minister's Order of 5 March 2011 giving approval to the granting of a licence at St Kilda Botanical Gardens Reserve.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return, April 2011 and Summary of Variations notified between 8 February 2011 and 4 April 2011.

Parliamentary Committees Act 2003 —

Government Response to the Economic Development and Infrastructure Committee's Report on State Government Taxation and Debt.

Government Response to the Road Safety Committee's Report on Pedestrian Safety in Car Parks.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C116.

Benalla Planning Scheme — Amendment C13.

Brimbank Planning Scheme — Amendments C113 and C125 Part 1.

Frankston Planning Scheme — Amendment C72.

Greater Bendigo Planning Scheme — Amendments C133 and C136.

Greater Dandenong Planning Scheme — Amendments C128 and C130.

Greater Geelong Planning Scheme — Amendments C215, C218, C221 and C238.

Hume Planning Scheme — Amendment C129.

Kingston Planning Scheme — Amendment C113.

Knox Planning Scheme — Amendment C103.

Maribymong Planning Scheme — Amendment C47.

Melton Planning Scheme — Amendment C65.

South Gippsland Planning Scheme — Amendment C55.

Southern Grampians Planning Scheme — Amendment C19.

Yarra Planning Scheme — Amendments C103 and C131.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the use of small steel-jawed traps.

VicFleet Pty Ltd —

Minister's report of failure to submit report for 2009–10 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2009–10 report.

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

Education and Training Reform Amendment (Skills) Act 2010 — Part 1, Part 2, Part 3 (except Divisions 3 to 5, 7 and 9), Part 4 (except sections 55(3), 56, 59 and Division 3), Part 5 and Part 6 (except section 72(1)) and the Schedule — 1 April 2011; Division 3 of Part 4 — 1 July 2011; Divisions 3, 4, 7 and 9 of Part 3 — 1 January 2012 (*Gazette No. S102, 29 March 2011*).

Justice Legislation Further Amendment Act 2010 — Part 3 — 22 March 2011 (*Gazette No. S95, 22 March 2011*).

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 5 April 2011 from the Attorney-General headed 'Order for documents — alpine grazing and metro trains'.

Letter at page 802

Ordered that letter from Attorney-General be taken into consideration next day on motion of Ms PENNICUIK (Southern 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, 6 April 2011:

- (1) the notice of motion given this day by Mr Lenders relating to job security;
- (2) the notice of motion given this day by Mr Barber relating to a reference to the Economy and Infrastructure References Committee relating to metropolitan train timetables;
- (3) notice of motion no. 2 standing in the name of Mr Viney relating to the funding of the government's election promises;
- (4) order of the day 4, relating to the production of certain Australian Grand Prix Corporation documents;

- (5) a motion to take note of the Attorney-General's letter of 5 April 2011 relating to certain alpine grazing and metropolitan train timetable documents; and
- (6) order of the day 5, resumption of debate on a motion relating to kindergarten funding.

Motion agreed to.

MEMBERS STATEMENTS

Members: division pairs

Mr LENDERS (Southern Metropolitan) — I rise to make a statement regarding pairing agreements and to make some factual statements and commentary for the government. If members wish to go into the Assembly and look at its pairs book, I think they will find there has not been a pair issued in the Legislative Assembly since the end of 1992. If they were to check the period since that time, they would find that Treasurers Bracks and Brumby were never paired when they went to ministerial council meetings or any official functions, and those pair requests were rejected by Stephen McArthur, the then member for Monbulk in the Assembly and Leader of the House during the 1999–2002 parliamentary term.

The point I make is that if the opposition and those from the three-pay bench, who are paid for three jobs — —

Honourable members interjecting.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Members statements are not a time for debate across the chamber. Members should be heard in silence as they make their statements.

Mr LENDERS — What I say to the government is, if it wants four ministers to come into question time, but accuses us in this house of not pairing for ministerial councils, if it wishes to accuse us in the Legislative Council of not doing that, we will be happy to oblige. The arrangements in the two houses of Parliament have been that the Assembly has completely different rules from the Council. If Mr Davis wants to apply the same rules, we will be happy to oblige. It is his problem, not ours. But what I would say is the Treasurer, Kim Wells, can go to Canberra; the Speaker, Ken Smith, will protect his government. They have nothing to fear.

Floods: community consultation

Mr KOCH (Western Victoria) — I congratulate the Baillieu government on the speed and efficiency with

which it has instigated community consultation to review the 2010–11 Victorian floods that have had such serious consequences for so many in regional Victoria. The consultation sessions conducted by Victorian flood review chairman, Neil Comrie, will allow people to give their perspective on what occurred during the September 2010 and January 2011 floods. Sessions have already been completed in some parts of the state, with strong attendances in Skipton and Creswick in Western Victoria Region.

At the consultation sessions attendees are asked three questions in relation to the response to the floods: what worked well, what did not and what could be done to improve future responses in the event that these disasters recur. The themes raised thus far include response times and the capacity of our emergency services; the level of waterways and the construction of levees; highway drainage redevelopment; and communications during the crisis. Views gathered will form part of Mr Comrie's draft report to be presented to the Baillieu government on 30 June, with the final report due at the end of December. The flood review community consultation sessions, instigated by the Baillieu government, are the first step in ensuring that best practice with emergency services and local infrastructure is put in place to combat future flood incidents.

Rail: Altona loop service

Ms HARTLAND (Western Metropolitan) — Last week I hosted a public meeting regarding the service cuts to the Altona loop trains. The meeting was organised by the Altona community. I especially want to thank Diana Rice, Damien Saunders, Jax Saunders, Jude Kirkman, Sandra Wilson and Pam Hutson for their hard work. This meeting was the second held in regard to the Altona loop train service cuts in the proposed new timetable.

Five hundred residents attended the meeting, double the 250 at the first meeting. Representatives from the Department of Transport and Metro Trains Melbourne, including Metro's CEO, Andrew Lezala, attended and gave presentations. This was followed by an extensive question-and-answer session and comments from frustrated residents. Local MPs and councillors who attended provided brief overviews of their activities on the issue. They included Wade Noonan and Jill Hennessy, the members for Williamstown and Altona in the Assembly; Cr Tony Briffa from the Hobsons Bay City Council; and me. The Minister for Public Transport, Mr Mulder, local Liberal MPs and members for Western Metropolitan Region Mr Finn and Mr Elsbury were invited to attend both meetings but

appeared not to have the courage to face local residents and explain their reasons for cutting these train services. While the minister has agreed to meet with four local residents, this is not enough. I urge the minister to agree to a date to come out to Altona to answer questions from residents in a public forum.

Government: election commitments

Ms MIKAKOS (Northern Metropolitan) — In its election campaign the Baillieu government promised to fix the so-called problems in Victoria. Some of its promises included making Victoria's teachers Australia's best paid, a big pay rise for Victorian community sector workers and a safer and more efficient public transport system — to name a few. In government, however, these promises have become empty rhetoric at best and blatant deceit and hypocrisy at worst. Every day we are seeing another broken promise.

Ted Baillieu's promise to make Victorian teachers the best paid in Australia was recently broken with the all-too-convenient excuse that teachers pay is subject to the enterprise bargaining agreement. Who is Mr Baillieu kidding? The promise was as empty as the moon is high, because the pay rise was never factored into their Treasury costings to begin with.

More recently the Minister for Community Services backed out of a pledge made in the lead-up to the election to fund the women's pay case for community workers, even if it cost more than the \$200 000 that was budgeted. The excuse this time was that it could lead to 'a reduction in services', as stated in the government's submission to Fair Work Australia.

Mr Baillieu and his shadow ministers were more than happy to make promises during the election, but what we have witnessed since they have been in government is dithering, 100-plus reviews and promise after promise being broken. We have seen the Minister for Health punishing cancer sufferers by originally denying the final stage of funding to the Olivia Newton-John Cancer and Wellness Centre, only to backflip on this yesterday after justifiable community outrage. I welcome the funding announcement and congratulate the community on its success.

I question why the Baillieu conservative government is penalising my constituents by refusing to fund a number of significant projects for the north, such as the relocation of the wholesale market — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

Sacred Heart Mission

Mrs COOTE (Southern Metropolitan) — Yesterday I again visited the Sacred Heart Mission in St Kilda, and I want to put on the record how much I commend all of those who work at that organisation, particularly Mr Michael Perusco, who is the CEO of the Sacred Heart Mission. He has been there since 2003. He is also the current chairperson of the Council to Homeless Persons and I was particularly interested to have a look at the program Journey to Social Inclusion which will be piloted for three years with 40 participants.

The project aims to demonstrate that it is possible to break the cycle of homelessness for adults who are chronically homeless and socially excluded by focusing on developing and understanding the underlying causes of a person's homelessness, resolving the trauma experience prior to and during their homelessness and the stigma associated with an individual's identification with the homeless culture. Mr Perusco and his team have undertaken a detailed data analysis so it can be evaluated properly. I commend everybody who is involved with this program. It is also salutary to understand that volunteers prepare 500 meals at Sacred Heart Mission every single day. They are all to be commended.

In his role as chairperson of the Council to Homeless Persons Mr Perusco wrote in the *Age* some time ago that he feels the federal government must address the issues very closely when looking to tax incentives to reduce homelessness in the long term.

Lyndale Secondary College: 50th anniversary

Mr TARLAMIS (South Eastern Metropolitan) — I rise to congratulate Lyndale Secondary College on its 50th birthday, which it celebrated on 2 April. This is an important milestone for a school that opened its doors to 45 students in 1961 and today has grown to 1202 students. As part of the celebrations a time capsule that was laid in 1986 was opened and its contents displayed. A new time capsule will be laid later this year. There was also an opportunity to tour the school and view photos of past students and staff. Memorabilia from the past 50 years was on display. I wish Lyndale Secondary College all the best for the future.

Hallam Community Learning Centre: 25th anniversary

Mr TARLAMIS — On another matter, I rise to congratulate the Hallam Community Learning Centre on achieving its 25th anniversary last week. The centre

began when a group of mothers came together to form a playgroup, and it has grown into a community resource staffed by volunteers offering exercise, sewing and cooking classes in addition to playgroup. The centre caters for approximately 250 members each year and is open to the broader community, not just residents of Hallam. I wish the centre well in its future endeavours.

National Youth Week

Mr TARLAMIS — I also bring to the attention of the house that this is National Youth Week, which provides a great opportunity for Victorians to join the rest of Australia in recognising and celebrating the diverse skills, knowledge and ideas that young people contribute to our communities. It is also a perfect time for young Victorians to showcase their talents or highlight issues that are important to them. Every year over 100 events and performances take place across Victoria to celebrate National Youth Week. We should encourage and foster young people to participate in public life and the community, as they are our future leaders.

Victorian Farmers Federation: grains conference

Mr RAMSAY (Western Victoria) — It gave me great pleasure to open the Victorian Farmers Federation grains conference last week in Horsham. I had spent time in Horsham helping the residents through the flood recovery, and the grains conference was an opportunity to reflect on the importance of the grains industry in Victoria, which produces 3 million tonnes of grain per year and exports \$8 million worth of grain annually.

Victorian grain growers in the Wimmera lost up to 30 000 hectares in the floods, and it is estimated that water damage will lead to 120 000 hectares of crops not being harvested. The conference reiterated the importance of the government's commitment to research and development in the grains industry so Victorian grain growers can remain competitive, along with the ongoing investment in freight rail. It also supported the coalition's commitment to reform of the fire services levy and local government tax collection.

Nelson: foreshore renewal

Mr RAMSAY — I had the opportunity to represent the Minister for Regional and Rural Development, Peter Ryan, in opening the Nelson foreshore renewal project. This project was driven by the Shire of Glenelg and the local community. It was funded by the Small Towns Development Fund through Regional

Development Victoria, the Shire of Glenelg and Portland Eco Trust to upgrade the amenities on the foreshore and enhance the area but also to encourage tourism in Nelson.

Nelson and many small towns across Victoria will be beneficiaries of the new Regional Growth Fund, which aims to promote a grassroots approach to identifying community projects and providing flexible funding for facilities and infrastructure. Tourism is vital for towns like Nelson and flood-affected areas like Halls Gap and Creswick. These towns are not only open for business but look to the travelling public to support them — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

Old Gipps town heritage park: funding

Mr SCHEFFER (Eastern Victoria) — I am concerned that over the past week a severe storm caused considerable damage to the facilities at the Old Gipps town heritage park in Moe. Michael Fozard, the manager, tells me he estimates the damage at around \$50 000. While the premises are insured, the heritage park needs to find the first \$10 000 — which it does not have. To its credit, the community has so far contributed around \$4500. Old Gipps town has asked the government for immediate financial support and I acknowledge that the member for Narracan in the Assembly, Gary Blackwood, has been in contact. I hope Mr Blackwood can persuade the government to provide the necessary funds.

I am pleased that the heritage park is on the way to developing its new business plan, which was made possible through the financial and in-kind support from the Brumby Labor government. At the time Mr Blackwood campaigned for the then Labor government to provide the heritage park with an ongoing \$50 000 annual operational grant. Since the election of the Baillieu government Mr Blackwood has fallen silent on what was a political stunt. He knows it was just a vote grab for the Liberals.

The water damage occurred last week, at a time when the heritage park is still working through its organisational issues and needs all the support it can get. Old Gipps town is much loved in the Moe community. It is important that Gary Blackwood and the Baillieu government step up to provide dollar support to Moe, just as the Brumby government did last year.

Sailability

Mr ELSBURY (Western Metropolitan) — Last week I had the pleasure of going to see participants in a disability services project called Sailability which allows people who suffer from disabilities to discover their abilities through sailing. I congratulate the Royal Yacht Club Williamstown, Hobsons Bay City Council, the Victorian government and other community groups involved. As a result of this project, one of the participants has announced she is very interested in becoming one of the team leaders next year.

Planning: Yarraville development

Mr ELSBURY — I was heartened to hear of the Bradmill redevelopment in Yarraville, which will comprise 1000 dwellings. As members heard during question time, the redevelopment will also include a neighbourhood activities centre with shops, a medical centre and a library. The rebirth of the site in terms of housing recognises the great potential the west holds not just for manufacturing but also housing.

St Francis of Assisi Primary School, Tarneit: ground-breaking ceremony

Mr ELSBURY — I recently attended a ground-breaking ceremony at St Francis of Assisi School, a school in the Catholic system. It will provide a high-quality, faith-based education to the growing community of Tarneit. I am pleased my wife and I will be considering this school, which is only around the corner from where I live, for the education of our two daughters.

Brimbank Festival

Mr EIDEH (Western Metropolitan) — On Saturday, 19 March, I had the pleasure of attending the Brimbank Festival. The day celebrated the 150th anniversary of Sunshine and its districts. Cultural Diversity Week and the multicultural community of Brimbank were also recognised. I was joined by my parliamentary colleagues Mr Telmo Languiller, the member for Derrimut in the other place; Ms Marlene Kairouz, the member for Kororoit in the other place; Ms Natalie Hutchins, the member for Keilor in the other place; and Andrew Elsbury from this house.

The festival featured many cultural performances and a colourful street parade to mark the importance of this day in our district's history. It was fantastic to see some 800 performers. I was told 720 of the performers were members of the Brimbank community. These performers represented many cultures, including the

Serbian, Samoan, Sudanese and Greek communities, to name just a few. Victoria thrives on its rich multicultural history, and through the years we have greatly benefited from the contributions made by our diverse community. During 11 years of Labor government we did much to ensure that the ideals of a multicultural society were upheld. I am proud of that achievement.

The Brimbank Festival was a joy to attend, and I am looking forward to next year's celebration and festivities. Congratulations to all of the people who made it happen.

Northern Interfaith Intercultural Network

Mr ONDARCHIE (Northern Metropolitan) — I would like to report to the house my attendance at the launch of the Northern Interfaith Intercultural Network on Tuesday, 29 March, at Preston city hall in the city of Darebin. The master of ceremonies was Celeste, a Victorian certificate of education student from Saint Monica's College in Epping, who did a wonderful job. The Northern Interfaith Intercultural Network brings together faith and cultural leaders, educators and community members from across Melbourne's northern region. The network aims to initiate forums and activities that celebrate the region's different faiths and cultures and to develop community-led responses to local, social and cultural issues.

The overall aim is to deliver a model for a dynamic and sustainable interfaith and intercultural network for the northern region of Melbourne — a region famous for its cultural diversity. It is based on active collaboration between the La Trobe University Centre for Dialogue, five municipalities and eight partner organisations from the faith and cultural sector. I expect this to be the first regionally developed network of its kind in Australia. This innovative network aims to engage with local communities to identify their social concerns. The network will connect with various community-related organisations — such as the government — and religious, media, sporting, education and welfare bodies. The Baillieu-led government continues to encourage and celebrate the multicultural diversity that makes Victoria such a beautiful place to live.

I congratulate and thank Reverend Ian Smith, Professor Joe Camilleri and Michális Michael on their leadership of this network, and their commitment to using the network. I congratulate them for this wonderful initiative. As the only MP in attendance at the launch, I commit to supporting the network's aspirations.

Government: election commitments

Ms TIERNEY (Western Victoria) — The Baillieu government went to the November election promising families that a coalition government would keep cost-of-living pressures down. However, all Victorians are seeing day after day is yet another Baillieu government promise being squandered, shredded and shunted out the back door.

Documents released under FOI show that the Treasurer, Kim Wells, has failed to request even one briefing from his department regarding ways in which the Baillieu government might reduce the cost of living.

Not only is the Baillieu government doing nothing to reduce the cost of living but it is calling for restraint regarding the minimum wage case currently before Fair Work Australia. Rather than keeping the cost of living down, the Premier is advocating for keeping wages for our lowest paid workers as low as possible. The Baillieu government is also pushing for the minimum casual shift to be cut from 3 hours to 1.5 hours, which attacks every young Victorian worker. Mary Wooldridge, the Minister for Mental Health, promised before the November election that there would be a community sector wage increase. She said:

We've been very clear: we'll be making financial commitments in our policies in relation to supporting that claim and if it's more than that, then we will be funding and supporting it ...

This is yet another abandoned policy and yet another broken promise.

The Premier promised teachers they would be the highest paid teachers in the country under a coalition government, but now the Baillieu government has offered Victorian teachers a measly 2.5 per cent increase. This government has hoodwinked the electorate and continually demonstrates how disingenuous it is when it comes to the real needs and aspirations of Victorians.

Members: division pairs

Mr DRUM (Northern Victoria) — The hypocrisy of the Victorian Labor Party has now reached a new level. Its decision to refuse to provide a pair to enable our Treasurer to travel to Canberra to campaign for a more equitable share of GST revenue shows once and for all that the Victorian Labor Party is more interested in playing destructive political games than helping Victorian families.

Over the last eight years Mr Lenders, a former Treasurer and minister, has been on his feet over

40 times in this chamber attacking members of The Nationals and the Liberal Party for their inaction and for not campaigning hard enough to get the former Howard federal government to change the formula for the distribution of GST funding back to the states and territories. Against that background we now have a situation where the Labor Party in opposition is doing everything it possibly can to stop Victoria getting a fair share of GST funding. We now have an opposition that is actively campaigning against Victoria receiving part of the \$1.4 billion that it is short-changed every year.

Victoria will be the only state where the opposition is taking this action. South Australia, Tasmania and Western Australia are all allowing their treasurers to be paired and to go to Canberra to argue their respective state's cases.

When the Labor Party was in government its members urged the coalition to do more, and we now have a situation where the entire credibility of Labor is destroyed by the actions of the Legislative Assembly in denying this pair for our Treasurer.

Members of the Labor Party in Victoria have proven they will do any amount of damage to this state if they think it will improve their own stocks. They need to be exposed for what they are doing —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

Harmony Day

Ms DARVENIZA (Northern Victoria) — I was very pleased last Wednesday to attend Cobram for its Harmony Day and Cultural Diversity Week celebration. All who attended really enjoyed the occasion. There were cultural performances, lots of singing and dancing, and local schoolchildren were involved. There was a sea of orange, which was the colour for celebrating Harmony Day and Cultural Diversity Week. I want to congratulate the Shire of Moira, particularly Cr Wendy Buck, for organising the event. We were pleased to have Waleed Aly as the special guest. Waleed is a television host and social and political commentator, and he addressed the festival attendees.

It was a great day. It is great to see cultural diversity being celebrated, particularly in northern Victoria, where we are very proud of our cultural diversity, particularly in Cobram.

Kyabram Italian Ladies: 25th anniversary

Ms DARVENIZA — On another matter, I take this opportunity to congratulate the Kyabram Italian Ladies,

who have celebrated their 25th anniversary. The Kyabram Italian Ladies group was originally formed in 1986. Its members meet every Wednesday at the community centre. It is a terrific group which has done a lot not only to support Italians within the community but also the broader community generally. Congratulations on 25 — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! The member's time has expired.

Members: division pairs

Hon. D. M. DAVIS (Minister for Health) — I rise to make some response to the commentary made by the Leader of the Opposition.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I hope Mr Davis is making a member's statement.

Hon. D. M. DAVIS — I am making a member's statement. I am rising, as I indicated, to respond to some comments made by the Leader of the Opposition just before and to point out that it is in the interests of Victorians that the Treasurer be able to go to ministerial council meetings. I have to say that for Labor to seek to take tactical advantage — —

Mr Lenders interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I make the same comment I made when Mr Lenders was making his statement: that Mr Davis should be able to make his member's statement through the Chair and without pointing at the Leader of the Opposition.

Hon. D. M. DAVIS — Acting President, I will seek not to point at the Leader of the Opposition on this occasion. I make the point that it is in the interest of Victorians that the Treasurer be able to go without Labor in the lower house seeking to take tactical advantage from the fact that Victoria needs to be represented.

My point earlier in the day was that in this chamber we, when in opposition, worked on the principle that we would provide pairs for ministers who had to attend genuine ministerial activities interstate where Victoria needed to be represented. We did that as a matter of principle, and we did it in the interests of Victorians. My encouragement to opposition members is that they look at these things in the same manner. I do not want them to be seen as Labor first and Victorians second. It would be wrong to deny that representation.

ENVIRONMENT AND PLANNING REFERENCES COMMITTEE

Reference

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

That this house requires the Environment and Planning References Committee to inquire into, consider and report on the contribution of environmental design to prevention and public health in Victoria, and in particular:

- (1) review the evidence of the contribution of the natural and built environments to the promotion of health and wellbeing;
- (2) identify and report on those elements of environmental planning and design which provide the most promising opportunities for improving health outcomes in Victoria;
- (3) assess the extent to which these factors are currently taken into account in environmental planning and design in both the public and private sectors, and their effectiveness, with particular reference to new growth areas;
- (4) determine opportunities to influence environmental planning and design for health, including consideration of the role of legislation, guidelines and public-private partnerships, and the costs and benefits of various options; and
- (5) provide recommendations for future planning and investment; and that the committee will consider:
 - (a) the effectiveness of the environments for health municipal public health planning framework;
 - (b) the state Public Health and Wellbeing Act 2008, the Transport Integration Act 2010 and the Planning and Environment Act 1987;
 - (c) international experience such as the World Health Organisation's Healthy Cities initiative;
 - (d) the consistency of policy approaches across the Victorian government to promote health through evidence-based environmental planning and design measures; and
 - (e) the role of public open space in promoting health

and that the committee present its final report to Parliament no later than 12 months after this reference is given to the committee.

This is an important reference. In one sense it is not a party-political reference; it is a reference designed to use the Parliament's good offices — in this instance, the bipartisan character of upper house committees — to inquire into and report on matters surrounding environmental planning initiatives. It is a reference that provides the opportunity to give long-term recommendations to government and can extend more

broadly than government. There is a wealth of international literature about city design and arrangements that can be put in place to lead to healthier outcomes in terms of town and country planning, in the old parlance.

The Public Health and Wellbeing Act 2008, which was introduced by the former government, provides a unique framework in Victoria. I understand many of the principles in that act, and whilst there were some parts that were controversial, there were other broad concepts supported by the opposition at the time, now the government. The focus of that act on promoting health is one of those.

Equally, there is a close tie-up between the planning and transport arrangements that apply to particular communities, public transport in particular. It is clear that planning arrangements that are put in place impact on the health and wellbeing of local communities. When a new town or new development is planned, the shape of that development will impact on the health of that community for decades and longer into the future.

We all have an interest in getting better outcomes. Again, this is not to point the finger at any particular government or any particular approach, but it is just to say there is a wealth of international literature that enables us as a community to do much better in how we plan developments. I know the Minister for Planning sees the potential for these issues, and I also know that groups like the Planning Institute of Australia are aware of the options and the capacity of a reference such as this to lead to better outcomes for the Victorian community in the longer term.

As I have said, there is significant international literature that relates life expectancy in some cities to better planning arrangements and environmental design. I would very much encourage the committee to explore such evidence and how it could be adapted successfully to guide the developments in Victoria.

The key thing here is that this is a reference for the future. It is a reference that is not designed to be partisan. It is a reference that offers an opportunity for all parties to contribute to the future, to bring in information from both international literature and international arrangements and to learn from other jurisdictions, at the same time as consulting those relevant planning groups which understand these matters at a community level in our state. I commend this reference to the house and seek support for it.

Mr LENDERS (Southern Metropolitan) — Having listened to Mr Davis's remarkably conciliatory and

bipartisan comments, I can certainly say that the committee reference he proposes is something that the opposition has no issue with, but I will move an amendment to his motion. I move:

That the words 'Environment and Planning References' be omitted with the view of inserting in their place 'Family and Community Development'.

I will confine my remarks to why the reference should be to the joint Family and Community Development Committee rather than the Legislative Council Environment and Planning References Committee. Mr Tee will comment on the merits of the reference. I do not have any issue with the reference Mr David Davis is proposing.

We have before us a fairly fundamental issue that this motion from the executive government — and it comes from the Leader of the Government in the Legislative Council — is referring a matter to a Legislative Council committee. Everybody who is involved in the Standing Orders Committee, which includes Mr David Davis, well knows that reference to committees was designed as a bipartisan position for this house to exercise scrutiny of the executive government.

This reference to committee is a worthy one, and if the government wished, it could have it referred to any government department or to the Family and Community Development Committee when it is formed. This government has itself referred matters to committees that have not been formed yet. This is an important issue because it goes to a fundamental report that had quad-partisan — if that is the way to describe it — support and came from the Standing Orders Committee in the last Parliament. The committee included present government members Mr David Davis and Mr Dalla-Riva. Mr Hall was also a member of that committee, but he did not go on the visits we made to the New South Wales Legislative Council and to the Australian Senate.

The Standing Orders Committee specifically looked at the history of the joint investigative committees. On both sides of politics the executive government has frequently referred matters to those committees, and both houses of Parliament have frequently referred matters to those committees. In the 54th Parliament the Labor Party had a majority with the support of Independents and referred things from the Assembly to those committees, and the Legislative Council, where the opposition parties had a majority, also referred matters. In the 55th Parliament both Labor-controlled houses referred matters. In the 56th Parliament the Assembly was Labor controlled, the Council was

controlled by three other parties and an Independent, and both houses referred things to committees.

The Standing Orders Committee looked at all this and said, 'This is fine. Where no party controls a house or both houses, you do things by negotiation'. The establishment of the committees of the 54th Parliament was done by agreement. The make-up of the committees of the 56th Parliament was done by agreement. My concern and the reason I am moving an amendment to this motion is that as soon as the Baillieu government — —

Hon. G. K. Rich-Phillips — The 56th Parliament?

Mr LENDERS — They were done by agreement, Mr Rich-Phillips. The Labor Party and The Nationals reached an agreement in the 56th Parliament. At the end of that Parliament the unanimous vote of the Standing Orders Committee — which had three Labor members, two Liberal members, one Nationals member and one Green — was to recommend to this house that it set up the new committee system like the Senate system.

The bipartisan bona fides of Mr David Davis can be addressed in his reply to this matter. We have no issue with the reference at all. The issue is why it is being made to a Legislative Council references committee when the whole point of the Standing Orders Committee review — the reflection of what the Australian Senate does — was that the references committee would be aware that the Legislative Council could have a review of the executive government.

I will be charitable to Mr David Davis. If he agrees with the amendment, I will eat humble pie and say with sincerity what a great, wise man he is. But my expectation is that at the end of this debate there will be 21 government members, 16 opposition members and the Greens members, I suspect, supporting the opposition on this matter, all voting along party lines as to whether the executive government determines what the Legislative Council references committee looks at. If that is the case, then that is unfortunate, not because of the merit of this reference but because there was a four-party agreement that this would be different.

Forget the history of Victoria. I am sure Mrs Peulich will go through what happened in the 2002–06 Parliament, and I could go through what happened in the 1992–96 and 1996–99 parliaments. Those are valid points; that has happened. But what has happened in the meantime is that in 2007 there was an across-the-aisle agreement between the Labor Party and The Nationals which saw some sharing of committee chairs. At the

end of that Parliament there was an agreement by all parties that these references committees of the Legislative Council would be different. We spent time talking to the Reverend Fred Nile and to various Labor, Liberal and Nationals members in the New South Wales Legislative Council. We talked to the President of the Australian Senate and various Senate committee chairs about how we could make the review of this place work.

The government is choosing to use its numbers to decide what the Legislative Council references committee is going to do. So be it — 21 always beats 19. However, Mr Davis is rapidly getting the debate going about how, somehow or other, this naked grab for power by the executive government is different and justifiable. The review he wants to refer can easily be done by accepting the amendment. The Family and Community Development Committee will address it and will address all the issues that he suggests. The Legislative Council references committees can then deal with scrutiny of the executive government, rather than being kept busy on a task that the executive wishes them to keep busy on so that they cannot scrutinise the executive.

There is a lot more that I could talk about, but I am sure I will have the opportunity in reply to do so on the next reference, if need be. However, I think this is an opportunity for Mr David Davis to convince the house that his words of bipartisanship actually mean something and that this can be reviewed. There are no references for the Family and Community Development Committee to date. That committee will be controlled by the government, because I know how the 45:43 rule and the 21:19 rule work. The government can refer it there, and that committee can report back on all those matters that are important to Mr David Davis. For those reasons I would urge the house to support the amendment in order to keep the house in control of its own destiny, so that the house rather than the executive government determines what matters are referred to the references committees of this house.

Mr BARBER (Northern Metropolitan) — The Greens will support Mr Lenders's amendment and the motion from Mr David Davis, in that order. Mr Lenders predicted that the first act of the government would be to jam this reference into the committee. It is not actually the government's first act; last week the government voted down a reference put up by Mr Tee that was intended to scrutinise the government's proposed planning scheme amendment. So we already know something of what the government intends to do with these committees so far. We are 1 for 0 at the moment — the government has opposed one proposal

from the non-government parties and has put up one of its own — and we will be debating another one shortly after this motion has been dealt with.

There is one further issue I would raise to add to the contribution of Mr Lenders — that is, the resourcing for these committees. I was not a member of the Standing Orders Committee, but it was a clear observation of that committee, as it travelled around and looked at the different parliaments, that joint committees no longer held a lot of sway in the various parliaments they visited. Once committees began to be split up in this way it resulted in a series of lower house committees and a series of upper house committees, and in my view that fits with the different roles and destinies of the two houses.

However, this government has chosen to do something a bit different. It has proposed to continue the joint committees but to make some changes to them, which we will see in a bill that we will debate a bit later this week. As Mr Lenders says, the government also now wants to treat the Legislative Council committees in the same way as joint committees, using them for things that are usually uncontroversial and would certainly be the sort of thing that a minister could order up from their own department or run as their own review if they so wished.

I think the topics of the two motions proposed by Mr Davis are important. This one in particular notes the relationship between the environment — the environment in which humans live — and human health. This is something that the Greens spend a lot of time trying to promote. In fact if we were to get into this reference we would be looking at three different acts: the Public Health and Wellbeing Act 2008, the Transport Integration Act 2010 and the Planning and Environment Act 1987. These are all acts under which the government regularly makes decisions that set us up for future health outcomes.

There is no question that over the coming four years we will be asking a series of questions of the ministers responsible for those acts — though unfortunately we do not have the transport minister in this house — to try to elucidate from them what their direction is in ensuring that the environments we build up, particularly in closely settled areas, determine the good health of the people who will then live in those areas. As it is, it appears obvious that the government will vote for its own motion, so it appears that we will go ahead and consider this matter. I would expect that the relevant government departments — that is, the Department of Transport, the Department of Planning and Community Development and the Department of Health — would

be able to provide a high level of cooperation and assistance to the committee as it goes about considering this reference. In fact I would love it if those departments seconded a person to our committee to help us give this reference its due consideration.

Mr Davis predicted that this would be a non-political reference — I do not know whether he anticipates that any findings made by the committee will be non-political — so the question of resourcing for committees becomes quite important. When we debate the committees bill, possibly tonight or this week, there will be an opportunity to again ask about the resources available to the various committees, because the budgets for committees and the Parliament as a whole are interlinked. They relate specifically to the joint committees and also to our own upper house committees. However, having said that, I have indicated the position of the Greens on this motion, and I will not take up any further time.

Mrs PEULICH (South Eastern Metropolitan) — I rise to speak briefly on the matter before the house as the deputy chair of the Environment and Planning References Committee to which this motion is directing this work.

I have had nearly 15 years of parliamentary experience across a range of committees, including 10 years of service on the all-party Family and Community Development Committee to which Mr Lenders would rather see this reference directed. Having had the benefit of that experience, I understand that the Family and Community Development Committee has undertaken work on a broad range of issues. Its predecessor, the Social Development Committee, often undertook work in areas where there is not a lot of political agreement. It worked on very difficult issues as a way of finding some common ground, engaging with the community and trying to map a blueprint for advancement.

Recommendations for legislation do not necessarily emerge out of that kind of all-party work — legislation comes out of the response of the government of the day — but you can take some small steps in causing shifts in attitudes, improving knowledge and sharing information, and then the government of the day will pick up the challenge set by the all-party committee, especially if it is unanimously supported.

We know that the worth of any all-party report is substantially compromised if it is not supported by both sides of the house and even the minor players; unfortunately it often ends up collecting dust on a shelf for a very long period of time. Having a report and

recommendations that are supported by all the political parties is something that is very important to the parliamentary committee process.

I had the pleasure of being involved in some very significant inquiries in the 1990s at a time when Caroline Hogg, a former Minister for Health, also served on the Family and Community Development Committee. She was an outstanding and well-respected member of the committee and brought a wealth of ministerial experience to it. It was an enormous pleasure to work with her because our basic principles and approach to the committee were to try to divest it of political rhetoric. We would leave the political rhetoric at the door, and we would focus on the problems and try to generate some options and solutions. If we came to an agreement, we could often be fairly confident that we could carry the rest of the committee with us.

The committee had a very comprehensive agenda with lots of public hearings, and we came out with two significant reports. One was the review of family and children's services back in 1994, I think. That was the basis of a lot of the reforms that have taken place in the intervening period. It was well overdue, but some of those reforms have lost direction since then. Another very important review related to positive planning for ageing. That really did break new ground. It was a very significant report and blueprint; it did not provide the machinery of translating these objectives and goals into action. It was very well received internationally and by all of the key stakeholders, and much of the government's policy and legislation to do with positive planning was based on that report.

From experience, I know that the level of work that is required on these committees is detailed, but it is not at the level of crunching what is already happening in terms of policies, legislation, strategies and so forth in various portfolios that somehow may not have the synergy to deliver the outcomes that perhaps we might all share a view on. We may even agree on them but have differences of opinion as to how those important pieces of machinery should be aligned to deliver those outcomes. I have seen a lot of legislation over recent years — certainly since my return to the Parliament and certainly in this house — which makes me think, 'How in the hell does this integrate?' or 'The left hand does not quite know what the right hand is doing'.

For a house of review this particular reference is a very good test case to break in the workings of this new Legislative Council committee system. The Environment and Planning References Committee is in an excellent position to break some new ground, to review some of these significant documents, strategies,

legislation guidelines and so forth in the areas of planning and health — two things that are very high priorities in the community — and to see how we can align those better to achieve better outcomes in terms of objectives, better value for money and better synergy in implementing government programs and objectives.

I see it as very different work to that of the other committees. I think it can fulfil a more high-level strategic function. Although 12 months is a fairly substantial time commitment in terms of work, we all know it is not necessarily going to allow the depth of work that some of the all-party committee inquiries of the past required. There have been some on euthanasia and on other fairly contentious pieces of legislation. It can be work that we can do more quickly because the documentation, guidelines and literature are there. With the professional assistance of those who support the committees — whether or not they are coopted or they are from the department, there are now resources in place — I believe we can fast-track things and make sure that there is an alignment of the stars, so to speak, when it comes to these key strategic documents and legislation so that we can make sure we have legislation and key initiatives that facilitate outcomes and pull in the same direction and are not counterintuitive or counterproductive.

I see this as an exciting opportunity. There has been too much of a silo approach to legislation and policy-making. This invites a more holistic, cross-portfolio approach and is an opportunity for members of this chamber to tease out the implications and review the legislation and guidelines to see how they are functioning, which I think is very exciting. I look forward to having the opportunity of doing that.

I was pleased to hear that Mr Barber was going to support the reasoned amendment and that if that failed, he would then support the motion. I welcome that. It is very important that the Greens are involved in this. We know they have made a decision not to involve themselves in certain committees, such as the Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee. I understand that, obviously because of the numbers, they have some difficulty providing members to serve on all the committees. Because all the Greens members are in the upper house, I would have thought the Legislative Council committees would be an ideal forum to try to make progress in areas that can be politically divisive and get the improvements that the Victorian community wants and expects us to make.

This chamber is a house of review. It is not just a review of executive government; it is a house of

review. It has a broader function. By giving this reference to the Environment and Planning References Committee, in which the Greens are participants, we can make sure that all the key players are involved, and I certainly welcome that. Many of us can think of lots of examples where the intent of particular reforms, whether they were state or federal, have cut across other outcomes that we value.

A recent example is the BER (Building the Education Revolution) program. We will not get into the merit or otherwise of the program and how it was implemented, but we know that the hasty implementation of BER — the objective of which was on the record as being to sustain and prop up jobs — also cut substantially across a range of other outcomes, including the loss of open space and ovals at our schools. That to me is something that we will not easily replace, and it comes at a time when we have concerns about obesity, about fitness and about young people spending too much time on computers rather than in active play. That is one example of where good intentions cross paths and, unfortunately, cut across what are very legitimate concerns within the community. There are other examples, including housing design and the design of streets. Obviously we need to make sure that our suburbs are designed for the ages and not just for a single age.

I welcome this reference. It is potentially groundbreaking. This new Legislative Council committee system is a new experience for Victoria, and obviously there is much to learn. The committees have had discussions, and we are all feeling our way around. However, given the frustration that we have already felt in trying to establish some of the joint house committees — and the opposition has made it difficult to establish some of those — this is a perfect vehicle to deliver some more highly strategic work in order to deliver better outcomes for Victorians. I welcome the reference.

Mr TEE (Eastern Metropolitan) — I have listened carefully to the remarks of Mr Lenders in support of his amendment. Having read the final report on the establishment of the new standing committees for the Legislative Council, it is clear that his observations are consistent with the objective of the new committees. I also agree with the proposition put forward by the Leader of the Government when he said the shape of a new town will impact on the health of that community for decades. I think that is right. It is hoped that the committee — hopefully it will be a joint committee, but whatever form it takes — will take this as an opportunity to guide development in Victoria, benchmarked against best international practice.

We have an opportunity here to use as guides or as role models the two recent announcements of this government, which has indicated its willingness regarding redevelopment at Fishermans Bend and the Bradmill site in Yarraville. What we have here are two projects which provide a starting point to unpack the challenges that government faces when it wants to make sure that these infill developments have the right infrastructure and the right planning to promote health and wellbeing. They are good examples for the committee to consider in terms of planning for these new communities. I hope the committee will have an opportunity to consider these in detail, but I also hope it will not be limited to consideration of just those sites. The government has flagged a number of inner city sites for urban renewal. The motion again identifies the urban growth areas as areas that the committee would want to consider, and they are clearly within the terms of reference.

There are a couple of clear examples of the types of challenges that this government faces and that this committee can explore. We have an opportunity through this reference to review what actions the government has taken to deliver on those projects. We have an opportunity to consider the appropriateness of those actions. We have an opportunity to recommend other options or actions that need to take place so we can ensure that these sites deliver best practice in terms of planning and design. For example, at Fishermans Bend we need to look on a practical level at the environmental impact when we talk about the removal of contamination, but because it is a broad reference we also need to make sure sufficient planning is undertaken so there is sufficient open space to promote growth — which, again, is a clear part of this reference.

We can see how the Bradmill site intersects with this reference. It is a site that will have a new community — a new town, as the Minister for Health, Mr David Davis, said. It will have 1000 homes and a supermarket, as the Minister for Planning indicated in question time, along with a library and a medical centre. There are obvious issues about how you get that planning right and how you remove pollution from a site that has housed a textile factory for some 80 years. That site has particular issues in relation to access. It is hemmed in by the West Gate Freeway and Francis Street, which is one of the busiest arterial roads for trucks in the country.

When we talk about planning in that context and when we talk about the environment and about health, it is clear that we will need to talk about the health and safety of the residents. As they try to get out of that community to go to schools or to drop their kids off at

sporting venues, we want to make sure that they can go about their business safely. That might mean reviewing how you remove trucks from Francis Street and how you ensure that there is a safe environment. It might mean looking at some of the issues identified in the former government's trucking plan, which identified some opportunities — and they do not come cheaply, but they are important to consider — to get trucks off Francis Street so that the community has a safe environment.

For all those sites the issue of public transport is writ large. There are also issues around bike lanes and of the types of housing available. There is a need to make sure that there is affordable housing that caters for Victorians through their various life stages, whether it is young people, young couples or families with young children or whether it is older Victorians looking for unit-style accommodation.

I am sure that using those examples the committee would want to hear from local councils and other interested community groups, because we have to get this right. Without proper planning, a proper budget and proper infrastructure, what we will end up with at those sites, and elsewhere, will be soulless, park-less, dormitory suburbs, without a blade of grass. This reference is an opportunity to get that planning right. It is an opportunity to ensure that we deliver opportunities that promote health and wellbeing to communities at the Bradmill site.

I note that the same issues emerge in relation to the Fishermans Bend site. Again I urge the committee to consider those issues. The committee might want to call Mr Phil Lovel from the Victorian Transport Association, who indicated that the Fishermans Bend site is 'a grand scheme with a lot of issues'. We might want to unpack those issues in relation to planning for the site. He also said:

There's a lot of work that needs to be done before any consideration of increasing the urban development down there goes ahead.

Mr Lovel further stated that the current link from Fishermans Bend to the West Gate Freeway is blocked and traffic noise levels are too high for a neighbourhood. One would have thought that those sorts of issues, which very much go to planning and environmental considerations and to ensuring that communities meet the health and wellbeing needs of families, children and individuals who live there, would be paramount. Also, inner urban-style developments are often buttressed by existing communities, and the reference would allow the government to consider the impact on both of the existing communities. What

impact will there be on the amenity of surrounding suburbs? How will health and wellbeing there be affected? What will the impact be in terms of roads? Will they become more congested? What impact will there be on existing public transport in those suburbs? Will they become more crowded? What will happen to schools in the area? How will they cope with the additional demands of an extra 1000 houses or 2000 people in the middle of existing neighbourhoods?

This amendment offers the potential, hopefully, for a joint committee or otherwise for this reference committee to ensure that at those sites — and more broadly, because those sites set up the parameters for a number of these sites identified by the government — we can have a look at the built environment and make sure that we develop a planning scheme that promotes public health. That is a critical outcome and something I am sure everyone in this house seeks to achieve.

Hon. D. M. DAVIS (Minister for Health) — I will be brief. I want to thank all parties in the house for supporting the concept of this reference to align environmental factors and planning issues with health issues in a significant way which will look to the future. Apart from welcoming the cooperation of the house in relation to the general principles of the reference, I will make a couple of points in response to parts of the debate. I note that the Select Committee on Public Land Development, of which a number of us were members, looked at some matters that touched on this area, and it certainly gathered material which is relevant to aspects of this reference.

I note in response to the points raised by Mr Lenders — and, in a sense, he left Mr Tee to respond to substantive points about the reference — that he seeks to move an amendment — —

Mr Lenders — You think constitutionality is not substantive?

Hon. D. M. DAVIS — I am not trying to be troublesome; I meant substantive in terms of the internals of the reference — that is, the matters surrounding the concept of the reference. I do not think Mr Lenders opposed the substance of the reference as being worthy, and that is the point I was trying to make: that Mr Tee responded to those matters — —

Mr Lenders interjected.

Hon. D. M. DAVIS — I stand to be corrected, but Mr Lenders made the point that there were points in the reference that he thought had merit, and he indicated that Mr Tee would respond to a number of those comments. That is the point I was making. I was simply

reiterating what Mr Lenders had said and indicating that Mr Tee had, as Mr Lenders outlined, made those points.

Mr Lenders — You were going to reiterate what you said in the Standing Orders Committee.

Hon. D. M. DAVIS — I am about to come to those points and indicate that Mr Lenders proposed an amendment to send this matter to the Family and Community Development Committee rather than the Environment and Planning References Committee of the upper house. There are a number of reasons why the government does not support that approach. The first is that we think this is appropriately handled in the upper house, and the upper house — —

Mr Lenders — Why?

Hon. D. M. DAVIS — One reason is that the Greens political party is represented in this chamber, and it does not have a member on the Family and Community Development Committee. We think members of the Greens might have some useful points to make with respect to these references.

Honourable members interjecting.

Hon. D. M. DAVIS — No, they had the opportunity to go on that committee but chose not to. They said they want to put their efforts into the committees in this chamber. As I understand it, Ms Pennicuik is a member of — —

Honourable members interjecting.

Hon. D. M. DAVIS — That is an incongruity.

Mr Lenders — You are speaking for the Greens as well!

Hon. D. M. DAVIS — No, I am making a significant point: the Greens may have something to contribute. I see Ms Crozier is in the chamber. She is a member of the Family and Community Development Committee, and unless I am otherwise misinformed, the Greens members said they would not take part in the joint committees. They made a decision to concentrate their efforts, and we thought this — —

Mr Viney interjected.

Hon. D. M. DAVIS — It is incongruous. Nonetheless, I make the point that Ms Pennicuik may have something to contribute to the work of this committee on this reference. I know she has an interest in these areas, because I served on the Select

Committee on Public Land Development in the last Parliament — —

Honourable members interjecting.

Hon. D. M. DAVIS — I am pointing to incongruities. Nonetheless, she may well have something to contribute to this issue.

Secondly, the points that Mr Lenders made about the Standing Orders Committee are only partially right. It is true that we looked at a number of other parliaments, including the federal and New South Wales parliaments, and that was worthwhile. A number of upper house committees in New South Wales and the Senate references committees would undertake work precisely of this type.

Honourable members interjecting.

Hon. D. M. DAVIS — There are not as many joint committees, I concede. Nonetheless, there are joint committees, and those upper house committees may well undertake work that is directly relevant to this reference, so I do not accept the point.

Mr Barber made points about cooperation from departments. My department, the Department of Health, is supportive of this reference, as I think is Mr Guy's department, the Department of Planning and Community Development, so I have no doubt that there will be some cooperation from departments.

Mr Barber interjected.

Hon. D. M. DAVIS — I cannot speak for departments directly, but Mr Barber makes a point. I have no doubt that departments will make some contribution and will do so, as I understand it, quite willingly.

Whether joint committees hold the sway they used to is a matter for broader judgement, but I am of the view that joint committees have their role, as do the legislation and references committees of this chamber. This chamber, as Mrs Peulich pointed out, has a broader role than simply review of the executive and legislation. It has a role to look at a whole range of relevant public issues. The issues in this reference are important, relevant issues about which all members of Parliament, particularly members of the committee, may have views and may come to points of commonality. There may be points of political difference which can be teased out in the committee, but there may be points of commonality as well. That is precisely how bipartisan or all-party committees should operate.

The three committees in this chamber are all-party committees in the sense that their members represent all the political parties, and I would have thought that it was a very reasonable thing to give this sort of reference to an upper house committee. I think the Environment and Planning References Committee can do worthy work.

With those points, I encourage the chamber to support this reference. It is always a point of debate as to which committee is best placed to handle the work. The Family and Community Development Committee already has two important references — one relating to seniors and one relating to mental health issues — and I do not want in any way to diminish the importance of those two references. As I understand it, the Environment and Planning References Committee currently has no references, and it would be a very worthy place for these matters to be examined.

House divided on amendment:

Ayes, 18

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

Noes, 21

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

Amendment negatived.

Motion agreed to.

ECONOMY AND INFRASTRUCTURE REFERENCES COMMITTEE

Reference

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

That this house requires the Economy and Infrastructure References Committee to inquire into, consider and report on

the measurement, including budget measures, of primary health and aged-care services and outcomes, and in particular whether —

- (1) Australia, like most other western countries, should mandate the provision of information on the reasons people receive primary-care treatments — that is, epidemiological coding according to the international classification of primary care or similar;
- (2) Australia should mandate the provision of waiting times and waiting lists for primary-care services;
- (3) Australia should mandate the requirement for provision of information about outcome measures, such as appropriate treatment for all patients with diabetes in primary-care settings, appropriate treatments for asthma in those settings and so on;
- (4) conditions for which hospitalisations can be avoided should be considered a surrogate for the adequacy of our primary health-care system;
- (5) actual rates of provision of residential aged care for each community should be provided, as opposed to bed ratios;
- (6) comparable rates of community care alternatives should be provided for these communities;
- (7) quality criteria for residential aged care across a community and for each individual setting should be more clearly available and provided; and
- (8) potentially unnecessary or avoidable hospitalisations of patients in residential care should be used as a surrogate indicator for poor care in these settings;

and that the committee present its final report to Parliament no later than 12 months after this reference is given to the committee.

This is an important reference. The community will be aware of the debate that has taken place about which levels of government ought to be responsible largely for each particular type of service that is provided in our health-care, aged-care and acute-care settings. There has been a broad national debate about whether the states or the commonwealth ought to undertake certain services and how those ought to be reported.

The fact is that those services are mixed. Primary-care services are provided by both the commonwealth and the states. Victoria provides a number of key primary-care services. Whilst aged care is funded and regulated largely — and I emphasise largely — by the commonwealth, Victoria has a number of aged-care settings that are provided by the state government, and they constitute important contributions to the aged-care services in Victoria.

There is significant measurement of and reporting on the acute health sector in Victoria. They are important measures, and the new Baillieu government has

indicated that it will ramp up the level of reporting on acute health. We will certainly do that. Prior to Christmas we reported on waiting times for treatment in a number of key condition areas. We have released additional ambulance bypass and hospital early warning system data. We will be releasing further data sets that relate to acute health provision.

In a number of areas there is not good reporting and no good data is available, and the data that is available and could be aggregated is not reported in a public way that is accessible either in a budget format or some other documentary or Web format that could inform the community and decision-makers at commonwealth, state and local levels. I make the point here that in primary care there is a lack of some of the key measures that could make a difference to the allocation of resources and the focus of a number of local communities in their decisions on how they focus their activities. That is also true at national and state levels.

The purpose of this reference to the Economy and Infrastructure References Committee is for the committee to look at what measures are appropriate. I make no prejudgement in bringing this reference forward. In a sense the points listed in the terms of reference point to where there are clear deficiencies in the material and measures that are available. It is not just me saying this — the motion lists a much broader series of points. Recently in a series of debates with the commonwealth in public and private we have talked about the need to improve accountability and performance measures. A number of those points have been made at health ministers conferences.

As members know, the commonwealth funds a lot of the general practitioner activity in primary-care settings, but a number of allied health provisions are not captured and reported particularly well. There is private health insurance data that could be made readily accessible in a de-identified form to provide additional data as to what services are provided in particular areas. There is commonwealth Medicare data that again could be provided in a de-identified form that would provide greater information as to what services are provided and the types of services that are provided. I make the point that this data is already collected in part but is simply not available in accessible formats that not only protect patient privacy but also provide us, in an aggregated form, with a much better understanding of what is happening in a particular state or even nationally or at a particular local service level.

This is an area where commonwealth and state government cooperation could deliver better outcomes, and I do not think this committee would need to

prejudge any of this. It could work through these matters with state and commonwealth departments to see what is feasibly achievable, can be done in a way that does not provide too much of a burden in terms of collection and aggregation, but does provide material that would inform the provision of health care and enable the targeting of particular health services to particular regions of need.

If you look at some of the performance indicators that might be available, you can see that the ratio of GPs per population is not always clear in particular areas. The utilisation of allied health-related Medicare Benefits Schedule items in a local government area again is data that is collected on GP referral to allied health people, but is not available in an accessible form. The rate of primary-care presentations at emergency departments is only partially recorded, and simple coding might tease out some useful points there. With respect to the utilisation of after-hours general practice services, again payments are made. I suggest that without a great deal of additional work, if it were aggregated in the right way, this data might become useful for predicting where areas of need are and where greater resources are required.

Avoidable mortality — that is, the secondary avoidable mortality data, which includes conditions that respond to early detection and treatment — typically could occur in a primary-care setting. Some other examples include the percentage of the population that have had mammography within a two-year period or had a cervical screen within three years being assessed for their primary risk of developing cardiovascular disease. We have some very good preventive health programs in Victoria, but that data is not necessarily available in a form that could inform future decision making. Flu vaccinations that have been provided by regions by 30 June each year would be another example. There is a long list of these that could be provided and done in a way that would not be burdensome but would aggregate data that is already collected in one form or another. The number of people who have received their complete set of age vaccinations is not provided at a detailed level in public formats.

The states obviously have a role in reporting on access to community services, and state-based organisations could play a role in assisting a number of these reporting changes if the committee believed this was broadly in the public interest.

I make the point that the commonwealth government has indicated that it wishes to move to a system of Medicare Locals. Victoria, as part of the heads of agreement, has agreed that there could be a role for

Medicare Locals. The commonwealth government, in my view, needs to be much clearer about the precise role of Medicare Locals and what it seeks to achieve. We have obviously corresponded with the commonwealth government as to Medicare Local boundaries and the size of Medicare Locals in Victoria, and constructive conversation has occurred with the commonwealth minister on a number of those matters. I welcome those conversations.

The point on these Medicare Locals is that, without the clear definition by the commonwealth government of precisely what it is wanting to achieve with Medicare Locals, it is a little hard to be precise on which size of boundary is the best and in the interests of Victorians. Nonetheless we have sought to work on a number of those matters and to put the views of many Victorian providers and communities on Medicare Locals to the commonwealth in a constructive and in a sense non-partisan way.

Another important point is that there are international conventions and reporting mechanisms for primary-care services, and those are not broadly used in Australia. It is a timely point to look at whether some of those measures could be used. This obviously is a reference that straddles health issues but goes into budget and reporting and measurement issues, which is why it is highly relevant for this particular committee.

Some of the measures could be brought forward into Victorian documents; others might be measures that could be brought forward in commonwealth or other national documents. Those documents have the capacity to lead to a better understanding of what primary care is provided and what aged-care services are provided, and a better understanding of how we can target interventions to improve the health of the community.

This is a new set of concepts in one way, but in another way it is deeply simple in that if you do not record and measure in a constructive way and you do not report, it is very hard to see how you can properly align your resources and focus to get better health and community outcomes.

Mr VINEY (Eastern Victoria) — I will be proposing an amendment to this motion, but I wanted to make a few general comments first. I must say, in reading this notice of motion from Mr David Davis that I am a bit bewildered by it. I am bewildered for a number of reasons, but most particularly because of the expectation that Mr Davis seems to have that a number of very competent politicians from both sides of the house should be expected to undertake a very complex

inquiry into matters that have been the debate of health experts and econometricians for decades — that is, how does one measure health performance and hospital performance?

I suspect that this motion given by Mr Davis has been framed in this way because we have in him a minister who does not understand his own portfolio. Mr Davis is obviously bemused by my comment, but he might like to think about how I have come to that conclusion, because he is asking the committee to inquire not only into matters relating to Victorian performance but into matters relating to national hospital and primary health performance. He is asking the committee to inquire into some very complex issues that really are the domain, and properly so, of specialists and experts in the health professions. These include issues relating to conditions for which hospitalisation can be avoided, which are matters that the minister and his department may wish to spend some time pondering. We are verging on somewhat new territory to be suggesting that is something that the expertise of a parliamentary committee can add a lot to. It is questionable whether a parliamentary committee, without any resources and with no professional expertise or capacity to purchase specialist expertise in relation to such a complex issue, could properly deal with that issue.

Other matters such as the potential and unnecessary or avoidable hospitalisation of patients in residential care are questions requiring complex health-related consideration. They are not questions that a group of politicians are going to be able to inquire into in 12 months and without any resources.

Mr Davis himself, in his own contribution, was commenting on a range of data that he thought could be made available for comparative purposes. He talked about private health insurance data and, presumably flowing from that, private hospital data. He then noted there might be some problems in relation to privacy. So we have gone from expecting a committee to deal with complex economic analysis of performance to expecting it to deal with complex health analysis of when hospitalisations are appropriate for the general population and, in particular, when they are appropriate for those in residential care, most commonly aged persons, although not always. Now we are beginning to encounter some fairly complex legal issues around the subject of privacy and how one deals with data, data protection and so on. This is all being expected of committees that the government is refusing to provide resources to, and those are the references committees of the upper house — in this case, the Economy and Infrastructure References Committee.

With all due respect to the members of this committee, including yourself, Acting President, and Mr Barber and Ms Broad, and with due respect to their expertise as members of this place, I do not think many of those members would claim to be experts on health data or the analysis of it. Most of those members would have joined this committee because of an interest in economics and infrastructure. That is why they would have, in their own parties, put their name forward as a relevant person to be on that committee. Even with the knowledge gained and opportunities had during my three years as Parliamentary Secretary for Health and my four years as Parliamentary Secretary for Innovation and Industry, and even given my strong interest in medical research during my time in that second portfolio, I would be nervous about embarking on a study of this complexity and magnitude, and I would be particularly concerned about doing so without access to resources. I am not sure who provides service to this particular references committee, but I assume it is one of the clerks. I have enormous confidence in the ability of the clerks in this place to provide me with advice on parliamentary procedure, but I have never asked the clerks for advice on technical health data, and I am not sure whether they would particularly want to volunteer it.

The government has provided a complex and detailed reference to a committee comprising members of this place who put their name down for that committee because of their interest in economics or infrastructure. These members have been confronted with an expectation that they undertake research into one of the most complex areas of debate in the health sector — that is, how one measures performance. They are being asked to investigate when it is appropriate for people to be in hospital, the length of time that people should be in hospital, issues associated with the availability of beds and number of beds per head of population, and what impact an ageing community is going to have on those things. This is a whole range of issues that are national issues, particularly in primary health.

Mr Davis said most primary health care is covered by the commonwealth government. The Minister for Health ought to know that all general practice costs are covered by the commonwealth government and not by state governments. However, the minister went to a whole range of areas that are the commonwealth's responsibility and not the responsibility of the states.

The inquiry will have national implications — that is, not just implications for Victoria but for every state — in terms of the allocation of funds at a national level to the health sector. There is also the crossover effect from primary health and investigating data in relation to

primary health — that is, not only bed ratios and staffing ratios and all the other things that will flow from that. It is not just a question of the input data but there is also the output data and all the procedural data that are necessary to understand an analysis of what is happening in our health system. Then there is a consideration of the impact on this data of areas such as community and public health. What are those impacts? What are the impacts on immigration and on the ageing population? What are the impacts on these issues that affect health? The complex issues which have been debated by the health professions include how to manage data, how to do data assessment and whether you measure output, input or procedural data. At what point do these studies need to be undertaken? What are the impacts of all the other effects on the health system from this process? These are the issues we need to consider when making a reference to this committee.

As a lead-in to talking about the proposed amendment the opposition will move, I want to touch briefly on the issue of resources for these committees. The standing orders were changed in the last Parliament — a process that Ms Pennicuik, Mr Lenders, Mr Davis and Mr Dalla-Riva were involved in — and there is no question that the role of the references committee is about the scrutiny of government, particularly the executive. There is no question about that. That was always the intention of the references committee and upper house committee system.

During the discussions of the Standing Orders Committee, it was always clear that the then government, without giving an absolute commitment, was heading in the direction — and this, I think, was supported by Ms Pennicuik — of saying we would have fewer joint committees and properly resourced upper house committees. That was always the then government's intention. I do not think the Standing Orders Committee would have gone down the path of establishing the upper house committees if the government had expressed the view that there would be no resources provided to the committees. The Standing Orders Committee went down the path of using a combination of what has been happening in some other states — and particularly what has happened in the Senate — on the basis that there would be some proper resources allocated.

Mr Davis mentioned New South Wales in either this debate or the debate we had before. The fact is the New South Wales committee system does not have the joint investigatory committee structure that we have in Victoria. However, New South Wales has approximately the same number of staff for its committee structure as we have in Victoria. Roughly

the same amount of resources are allocated to committees in New South Wales as are allocated in Victoria, but in New South Wales those resources are distributed according to the committees and their workloads. The fact that New South Wales has a strong upper house committee system means those committees get some proper resources to undertake their work.

If this committee were to undertake this incredibly complex work, I believe it would need at least specialist consultants to provide it with some advice. It would need to travel to other jurisdictions to look at what those jurisdictions are doing. It would need dedicated research people working on this reference. Whether they were working full time on this reference or spread between a couple of references is a matter the clerks and committee staff would have to work out. But there is no question that you could not undertake this study without some proper research support. It would be absolutely impossible. I do not believe it will be possible for any committee to do that. At the very least we ought to send this reference to a committee that has some capacity to undertake the research necessary to make it work.

Mr Davis is obviously distracted, but I hope he will focus, because if he genuinely wants an outcome in terms of this matter, there are some ways he could achieve it. Firstly, if he genuinely wanted an outcome, a lot of this work could be done by his own department. A lot of this work is exactly the sort of analysis work a government department ought to be doing. If Mr Davis genuinely wanted some proper research done, he could use the resources he has at his disposal as the Minister for Health. That is the first option.

Secondly, he could support an amendment which I intend to move, which refers this reference to the Family and Community Development Committee.

Mrs Peulich interjected.

Mr VINEY — I did not hear Mrs Peulich's name called, but given that she wants to participate in the debate, let me just say that if she was not listening, yes, we did recommend in the last motion that the reference go to the Family and Community Development Committee, and the government voted against it. It did not get that reference. Now we are going to give it an opportunity to get another one. Here is an opportunity to give this reference to that committee.

The second way that Mr Davis could be serious about this reference and at least get some analysis done in the way he wants would be to send it to a committee that has some resources and some capacity to undertake the

research. By the way, the members of the Family and Community Development Committee have presumably nominated for it because they have a genuine interest in these kinds of issues.

We are giving the government an opportunity to send the reference to a committee that has the capacity to undertake this research and to at least give us some response. Frankly, I do not believe any committee of the Parliament would be able to do such incredibly complex work within a 12-month period without the support of a substantial number of experts such as econometricians and legal experts, because of the privacy issues that are associated with it, and certainly a number of health experts, particularly in relation to the hospitalisation issues and, using the words in the motion, 'unnecessary or avoidable hospitalisations'. As someone who was Parliamentary Secretary for Health I have to say I have always been of the view that most patients do not think their hospitalisation was avoidable. Anyway, that is the terminology the Minister for Health has chosen to put into the motion.

I move:

That the words 'Economy and Infrastructure References' be omitted with a view of inserting in their place 'Family and Community Development'.

In moving that I say that we think this is little more than an attempt by the government to fill up the functions of the references committee of the Legislative Council that were fundamentally established for the purpose of scrutiny of government and scrutiny of the executive. It is a poor development by a government that, led by Mr David Davis in opposition, talked extensively about the issues of accountability and scrutiny and the role this house must play in those areas. It is a bad development indeed that the government is choosing to use its numbers, its 21:19 rule, to fill up the references committees with inquiries that ought to be conducted elsewhere and at the same time to deny resources to those committees so that, even having given them these references, there is no chance of them doing anything near an adequate job. I urge the house to support the amendment and to at least allow the chance for some degree of opportunity for an appropriate inquiry.

The ACTING PRESIDENT (Mr Ramsay) — Order! I was going to draw the chamber to order during Mr Viney's contribution in that nearly all members in the chamber bar two were having some discussions with their nearby counterparts, and I found that hum of conversation quite distracting. Unfortunately I am guilty and got caught up in that myself. I ask those in the chamber to confine their commentary to their

contributions to the chamber rather than to their next-door member.

Mr BARBER (Northern Metropolitan) — Thank you for your ruling on that, Acting President. The motion Mr David Davis has moved here is quite a different animal to the one we debated just a few minutes ago. It is also clear from the way Mr Davis set about arguing it that it is quite a different animal. Mr Davis has a particular agenda that he would like to push forward; it is even there in the wording of his motion. The motion asks whether certain questions, (1) to (8), should be considered, but it is pretty clear to me that Mr Davis has already decided the answer is ‘yes’ to all eight of them.

Leaving that aside, I find it quite an excellent reference. If I had the power, I would move it to the Senate community affairs inquiry, because at paragraphs (1), (2) and (3) Mr Davis asks whether Australia should do something. It would be good for Australia to make up its mind on that, but Victoria having a view is not really taking us too much closer to Australia having a view.

Mr Davis may very well want to prosecute this argument through his ministerial council, but he has the enormous resources of government, not to mention his department, with which to do it. For that reason the Greens support Mr Viney’s amendment and, if it comes to it, we will vote against this particular referral.

I am a member of the Economy and Infrastructure References Committee, and I do not believe this is the right committee, even of the three upper house standing committees, to consider this question. Mr Davis frames the motion in the terms of whether measures, including budget measures, should be developed for the eight issues he raises. Measures can be anything — any measures used by anybody at any time. Budget measures are something quite specific, but it is not clear to me whether he is referring to the state budget or perhaps the federal budget. If Mr Davis believes state budget measures of primary health and aged-care services and outcomes should be prepared, then he can just prepare them. But if he is recommending that the Economy and Infrastructure References Committee make a decision on whether the federal budget should contain measures on these things — and the last time I looked, I think it did not — I will put it this way: I had to take some advice just to understand what the motion was driving at. The advice to me was that it would be an extremely ambitious project for a commonwealth health minister to take this on. I am not at all clear that Mr Davis, as state health minister, is taking it on, but he is asking us to take it on and perhaps advise him as to how he should do that.

That being the case, and with the lack of resources so far made available to the upper house committees, I put it to the chamber that if this reference is to be sent to our committee, it is the Department of Health that should respond to the committee in the initial stage, because, as Mr Viney correctly argued, this is an enormous task that is well outside the jurisdiction of the Victorian Parliament, even when given a full 12 months to do it.

In contrast I intend to move a motion tomorrow to send to an upper house committee the tightly focused issue of Melbourne’s rail timetable, which relates directly, by the way, to the government’s announcement about the regional rail link because it is all about squeezing in more trains. I am suggesting it be done on a tight time line and that it be done — were I to be determining the way the committee evidence would work — by hearing very quickly from the relevant people while offering members of the public the opportunity to say what they want as well. We could knock it off in a couple of months.

Whatever Mr David Davis’s personal interest in this matter is, it is obvious he understands quite clearly that this represents an extremely effective blockage that can be jammed into the work plan of the Economy and Infrastructure References Committee. It ensures that no matter how many resources the committee has it will be stuck doing this for 12 months and will not come up with any clear answers. With no resources the committee will be there forever trying to answer the eight questions that Mr Davis has already answered quite clearly in the affirmative. You heard it in the speech with which he introduced this motion. It was practically the report of the committee. It was not an argument for why we should get into this topic; it was an argument for why Australia, according to paragraphs (1), (2) and (3) of the motion, should do the things he is saying it should do. It was an argument in favour of the proposition, and probably the same speech he will give when he receives the report of the committee.

Mr Leane — Job’s done!

Mr BARBER — Job’s done! As they say in the classics, ‘What part of yes do you not understand?’. Of course this will not stop the upper house doing its job in scrutinising government. It will certainly not stop my committee doing its job or for that matter members scrutinising the government’s performance on health. There will be a very high level of scrutiny over the coming four years on all the hot-button issues that Mr Davis raised.

Mrs COOTE (Southern Metropolitan) — I commend Mr David Davis for bringing on this motion and for looking at the reasons for bringing it on. I am the deputy chair of the Legislative Council Economy and Infrastructure References Committee, and I am particularly concerned about the direction this debate has taken so far.

In an earlier debate about government business, notice of motion 34, Mr Lenders talked about previous parliaments. He went into some detail about the configuration of those parliaments. I would suggest that over the years this chamber has become more aligned with what has gone on in the lower house. When the issue of committees was looked at in the last Parliament and there was significant debate about configurations of committees, the basis of that debate was to see how we could upgrade this chamber and bring it more into line with being a house of review rather than just rubber-stamping whatever had gone on in the lower house. There was a general consensus in dealing with the Senate at the time that we wanted to give this chamber a greater sense of responsibility and clarity of purpose. The configuration of the committees that have been established by the Legislative Council has gone a long way to doing just that.

I was therefore particularly perplexed to listen to the contributions of Mr Viney and Mr Barber, because both of them tended to reflect on this chamber in a derogatory way. To reiterate, Mr Viney said that he was bewildered. He may well be bewildered that he is in opposition; he probably does not quite know what he is doing. He seemed to have more confidence in the clerks than in this chamber. He said he did not believe, quite frankly, that a committee from this chamber was up to debating the issues outlined in this motion. He said they were complex issues. He said they were national primary health issues that did not have a lot to do with this chamber at all. He said how we measure health activities and outcomes should be determined by professionals, and then he went on to say that a group of politicians could not possibly do this.

I would suggest he was being patronising and that he underestimates the strength of the committee work that could be done by this chamber. He may be underwhelmed by the people from his side of the chamber, but I have great confidence in the people from our side. The members of the Economy and Infrastructure References Committee are politicians of a very high calibre; they have good insight, debating skills and knowledge. Mr Viney is underestimating them and putting down the whole committee, to which I take great offence.

He suggested, as his amendment proposes, that this reference should be given to the Family and Community Development Committee of the Parliament. That committee already has two references. Mr Viney completely misses the point of what this motion is trying to achieve. As Mr Davis said in a very comprehensive way in his contribution, we are looking at accounting measures. We are looking at accountability and how information and data is collected. If we want to make decisions in this state and beyond — and Australia needs to be making such decisions — on how we formulate policy into the future and deal with the economy, this is exactly the right place for this motion. The charter of the Legislative Council Economy and Infrastructure References Committee is to deal with these issues. It is completely relevant, and the opposition parties have completely misread the whole thrust of where this debate is going.

Mr Davis spoke about some of the accountability issues. If we are looking at developing economically viable and responsible policies for the future, it is vital that we have the necessary data and performance indicators. Mr Davis spoke before about there being a need for further detail on the ratio of general practitioners to local government associations and the rate of primary-care presentations at emergency departments, for example.

We also need to have information on people who have had mammograms and cervical screenings and on people who are at risk of developing cardiovascular disease. If we are looking at how we determine policy and how we deal with budgetary processes for the future, we will need to look at the forward estimates, and of course we need to base it all on facts. The Australian government needs to be far better at providing us with this information. However, that was not a hallmark of the former government.

We know from the budget papers that we have been left with that forward estimates were not a strong point of the former government. In fact that was a huge weakness, because we have found many programs that were not costed into the future. We only have to look at the Olivia Newton-John Cancer and Wellness Centre to see an example of the former government not providing any future money for its fit-out. It said, ‘Sure, we’ll build the building, but we won’t fit it out’. Fortunately the Minister for Health announced that the Baillieu government will put \$45 million into fitting out the Olivia Newton-John cancer centre.

As I have said, I believe Mr Viney is patronising. I do not think he believes in the skills of his own colleagues, which they must be feeling disappointed about. I have

every confidence that the Economy and Infrastructure References Committee can come up with the information outlined in this motion. However, I will not finish there, because I also have some concerns after listening to Mr Barber's contribution to the debate.

Mr Barber said he did not believe this committee could undertake this reference. In fact, he said he thought these matters should be referred to the Senate.

Mr Barber was intricately involved in looking into and upgrading this chamber as a house of review, into building its integrity instead of it just being a rubber stamp. He was very keen about the value of this chamber, so when he says this work should be sent off to a federal committee he is once again not giving this chamber the benefit of being able to debate and to investigate, as this motion says, in the best possible way. He does not believe we can do it, or that we are as capable as the Senate. That is a derogatory view of members of this chamber.

Mr Barber then went on to say that Mr David Davis, in his contribution to the debate, indicated that the job had already been done, that he had written the report and that he had already answered his own question. That view is ridiculous and offensive. I suggest that each member of this chamber has a responsibility to make this chamber much more accountable. We have a responsibility to raise the level and calibre of our debates, our investigations and the work of our committees.

This motion will increase the integrity of the Economy and Infrastructure References Committee and enable us to get vital information from the Australian government, particularly about what is happening in this state with regard to aged care and primary care, and given the huge emphasis that will be placed on residential care and aged care in particular. If we are to have proper planning into the future, we need to understand what we are dealing with. This can only be done by gaining information on the very things Mr Davis has identified in this motion. I commend this motion, and I will not be supporting the amendment.

Mr JENNINGS (South Eastern Metropolitan) — Mrs Coote, who has preceded me in this debate, has done her level best to lend integrity to the debate before us. She has done her level best to give integrity to the motion that has been put by her leader. However, notwithstanding her extraordinary talents in terms of her debating skills and her undoubted belief that this nation's health care would be better if we had a better information system, better data available to us and better advice about how we should systematically plan for health care and aged care, about the connection

between primary care, tertiary care and the availability of aged-care services, despite the fact that she understands this all too well, she has used her understanding and her ability to call on the goodwill and better contributions of other members of this chamber to hide the fundamental failings of this motion.

A fundamental failing of this motion is that it is directed to the wrong jurisdiction; it is the wrong brief to the wrong committee, with the wrong intent. The wrong intent, as Mr Barber and Mr Viney have identified, is to create a workload for a committee of this chamber which, by design, is meant to do something else. By design the committee is meant to scrutinise the performance of the executive government, the performance of infrastructure and economic activity within Victoria and to make recommendations about how the government can better provide economic and infrastructure activities. That is the committee's brief, and this reference has been given to the wrong committee on purpose to ensure that its time, agenda and workload are dominated by a brief that should have gone elsewhere.

In Mr Viney's terms, it would have been better if the work were undertaken by the Family and Community Development Committee, primarily because it falls within that committee's brief and scope.

Mrs Coote interjected.

Mr JENNINGS — Mrs Coote knows that her interjection is a clear indication that she is losing this debate and is trying to take me off message.

Mr Barber — On a point of order, Acting President, members appear to be flouting your previous ruling about the level of noise in the chamber. A little while ago you told us that you were having a lot of difficulty hearing the contributions and that even Ms Pennicuik and myself sitting here huddled over my BlackBerry whispering to each other was causing so much industrial noise it was drowning out your ability to hear. Now I am suffering the exact same syndrome in stereo. Given that these members are flouting your ruling, Acting President, I would ask you to bring them back to order.

The ACTING PRESIDENT (Mr Ramsay) — Order! I am not quite sure it is a point of order, but I do have some sympathy with Mr Barber's sentiments. I actually felt, as I think we all did, that I was an innocent bystander between Mr Jennings and Mrs Coote in relation to their contributions. I agree with Mr Barber that there has been some fairly incessant background

chatter between members in this chamber that I have found to be reflecting away from the business. I also agree that it is not good for this house to have both Mr Jennings and Mrs Coote exchanging arguments. I will ask both members to refrain from interacting with each other and for Mr Jennings to continue with his contribution to the chamber.

Mr JENNINGS — Thank you, Acting President, because you have reminded the chamber that I have the call; I think that is what the net effect of your intervention has been.

The argument that I have been putting to the chamber is that fundamentally, and regardless of the relative merits of the motion in terms of its subject matter about the availability and consideration of health statistics and the establishment of measures and benchmarks by which better health care can be delivered to Victorians — and Australians, for that matter — this is the wrong brief for the committee that it has been referred to. Mr Viney has suggested that if it is going to be considered by a committee of the Victorian Parliament so that the Victorian Parliament expresses a view about this matter, it be given to a committee that has resources to commission additional research that can support that committee establishing with some degree of credibility some in-depth analysis and a well-researched and well-argued position that enhances the situation of the Victorian people in relation to these matters.

Mr Barber identified another fundamental failing of the motion and has been ridiculed by Mrs Coote for suggesting that this may be a reference that is better applied to the Australian Senate. He is on very solid ground in his arguments, because the drafting of the motion clearly calls upon Australia to do things. Its scope and intent is to mount arguments for intervention at the national level not at the state jurisdictional level.

The committee is not actually asked to do any work to prepare Victoria's view about those issues, to provide the Victorian government with any advice about how its service provision and resource and budget allocations could be better made to meet these outcomes. By design it is created in the wrong jurisdictional framework to be a lobbying exercise to call upon or apply pressure to the federal government to implement these outcomes. Even if the committee acquits its responsibility on this reference, it is not within the scope of Victoria to be able to deliver the outcome.

At best it is a lobbying exercise that creates the circumstance whereby the Victorian Parliament could pick this up, abrogate its responsibility for delivering

better health care and apportion the blame to another jurisdiction. Is that the purpose and intent of a reference that goes to a Victorian parliamentary committee? Surely not. Surely the intent of references that are created for committees of the Victorian Parliament should be that they are able to be enacted by the Victorian Parliament in the interests of the Victorian people, not merely created as a weapon in the public relations war between the Victorian government and the federal government because the Victorian government anticipates not being successful in its negotiations about health-care reform.

Clearly the reference is opportunistic in the way it has been constructed. The very words in the scope of the reference indicate that the target of this is federal health policy, and Mr Barber is quite right to suggest that if this were a reference for the Senate, it would make sense. Maybe it has been lifted from a draft prepared in the federal jurisdiction and has just been copied and pasted into a reference to the Victorian Parliament. Maybe that is one of the reasons why it is so poorly drafted.

I think the arguments are pretty clear. Despite the fact that this information could play a positive role if it were compiled in an appropriate fashion and subjected to the rigour of consideration by experts and people who have a major contribution to make to health-care policy into the future, this reference is going to the wrong committee of the Victorian Parliament and would be better given to a committee of the federal Parliament because that is the scope and jurisdiction in which these outcomes would best be applied.

The opposition will support Mr Viney's amendment, which in the first instance suggests that this reference should go to a committee that is better resourced, better scoped and better able to deal with it, if it is going to proceed at all. If that amendment is unsuccessful, then it is the intention of the opposition to oppose this motion because, despite the potential benefits in the outcomes of this reference being considered by the federal government, it will not be undertaken so as to enable that information to be transmitted in a way that will be useful.

Most particularly, when it goes to the heart of it, this reference has been drawn up to stop the Economy and Infrastructure References Committee of this chamber doing its work. It is extremely transparent that that is the intent of this brief. Regardless of any other argument that is mounted, we will not lose sight of the fact that that is the reason this motion is before us today.

Ms BROAD (Northern Victoria) — I wish to make some remarks on the referral motion moved by Mr David Davis, who is also the Minister for Health, and I will do so to the degree that I am able to given my health condition at the moment — hopefully this microphone will keep working.

Firstly, I wish to direct the attention of the Legislative Council to the role of the committee to which Mr Davis has chosen to make this referral, the Standing Committee on Economy and Infrastructure. The role or function of the committee is to inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport. The government departments allocated to the committee in furtherance of this role are the departments of business and innovation, primary industries, transport, and treasury and finance. There is no mention of health in any of those descriptions and no mention of the decisions of the Legislative Council when it established the Standing Committee on Economy and Infrastructure.

I imagine it might take the committee just a few brief minutes on meeting to agree that a healthy population is good for the economy and good for industry. Having agreed, I imagine across all parties, that that is indeed the case, we could rapidly conclude our business. But the motion that has been put before the chamber by Mr Davis goes into a great deal more detail than the question of a healthy population being good for the economy, good for jobs and good for industry.

The motion moved by Mr Davis goes on to require the committee to inquire into, consider and report on the measurement, including budget measures, of primary health and aged-care services and outcomes. That reference to budget measures is the only reference to anything to do with any matters which are within the province of the departments that have been allocated to this committee — the Department of Treasury and Finance of course has responsibility for budget measures. However, it would be extremely difficult for and one would think not responsible of the committee to presume to inquire into these matters without taking advice from the Department of Health. That department is of course responsible to the Minister for Health, and this does rather beg the question of why the minister has not simply sought advice from his own department on all of these matters.

I can confidently assert to the Legislative Council that the Department of Health could tomorrow cheerfully supply the Minister for Health with enough information on these subjects to choke a horse. Without having to

do any work his own department could gather up enough information for the minister. In case he has not figured it out, as the Minister for Health he only has to ask for this information from the department that is responsible for giving him advice and information and the department will give him enough information to choke a horse.

If that was not enough, as Minister for Health Mr Davis could seek advice from the Australian Institute of Health and Welfare and a number of bodies to which he himself referred in speaking to his motion. There is a vast amount of material available to the minister from his own department and from many other organisations that are much better informed, much better equipped and have much more expertise on the subjects that he has set down in this reference to a committee established to consider matters to do with the economy, industry and infrastructure.

The second matter to which I want to draw the Council's attention is that the purpose of the motion Mr Davis has put before the house is to seek advice from the Department of Treasury and Finance and the Department of Health in relation to measurement and the ministerial capacity to request and receive advice from all of these departments and organisations to which I have referred.

Thirdly, the first three points of Mr Davis's motion all start with the word 'Australia'. It states:

- (1) Australia, like most other western countries ...
- (2) Australia should mandate the provision ...
- (3) Australia should mandate the requirement ...

This serves to draw attention to the fact that Mr Davis, who was the Victorian Minister for Health the last time I looked and not the health minister in the Australian government, is requesting that a Victorian parliamentary committee provide advice to him about matters which are essentially the responsibility of the Australian Minister for Health and Ageing. It does rather beg the question of why Mr Davis is asking a committee of the Victorian Parliament to provide advice to him about what the Australian government should be doing in relation to matters which are the responsibility of the Australian government and the Australian health minister, particularly when you consider that these are all matters about which Mr Davis's own department could give him a great deal of advice, should he choose to ask for it.

Assuming that the government uses its numbers to pass this motion today, I would speculate that one of the first

questions for the Economy and Infrastructure References Committee would be whether Mr Davis will give permission for his own department, the Department of Health, to give advice to the committee about matters on which presumably the minister, if he so chose, could ask his department to give him advice.

The Department of Health is not one of the departments which has been allocated to this standing committee, but it would be patently absurd for the committee to think it could go about its job without getting advice from the minister's department. Perhaps in summarising the debate the minister might care to make some comments about whether he will give his department permission to give advice to the committee, given that presumably this is advice that he could ask his department for.

In conclusion, I wish to place on record that Labor has a strong record of investing to keep people well and out of hospital. This has been achieved through a range of measures across preventive health, primary health care and aged-care services, whether that be through the successful home and community care program or through WorkHealth. The current year's budget papers contain a range of outputs and deliverables on these services. There are currently joint agreements and arrangements in place between the states and the Australian government on the delivery of these services. The National Health and Hospitals Reform Commission also considered these matters in detail, consulting broadly with a range of stakeholders. All of this information is readily available to the minister right now.

The National Health and Hospitals Reform Commission recommends the implementation of national access targets across the continuum of health services, including primary health care and aged-care services. It is therefore puzzling that the minister has not asked his department to provide him with advice on this matter rather than pursuing a parliamentary inquiry, an inquiry that he is proposing should be set down for a committee established to consider matters to do with the economy, industry and infrastructure. It is puzzling, but we know this new government is partial to reviews and inquiries, with over 100 reviews committed to in as many days.

Finally, I draw the minister's attention to some of the measures readily available to him in budget paper 3, which contains a range of major outputs and deliverables for primary health and aged care — for example, bed days, standard equivalent units and accreditation. Aged care assessment includes assessments and average wait between client

registration and aged care assessment services hospital or community-based assessment. Aged support services includes the number of individuals provided with respite services and pensions. HACC (home and community care) primary health, community care and support includes clients receiving HACC, HACC service delivery hours and the percentage of eligible population receiving HACC services.

I could go on, but I urge the minister to reconsider his referral to the committee he has chosen and to reconsider his capacity as a minister in the Baillieu government to request from his own department all the information he is setting down for a committee established for entirely different purposes by the Legislative Council. I urge the minister to consider what specialist resources are going to be made available in the event the committee — presuming that the government is going to use its numbers to pass this motion — endeavours to add to the wealth of information already available to him should he choose to use his authority as a minister, in case he has not yet already figured this out, to request this information.

If that is not satisfactory, perhaps he could request that the federal Minister for Health and Ageing make available to him the wealth of information that the commonwealth minister and her department could, I am sure, provide if his own department feels it does not have adequate information to advise him on these matters, which quite frankly I would find surprising. I urge members of the house to support the amendment and not support the motion moved by Mr Davis.

Hon. D. M. DAVIS (Minister for Health) — I will make a brief response to points raised in the chamber. I think a number of opposition members misunderstand the importance of this matter. It is of economic significance, but the Department of Treasury and Finance link is important. Reporting these measures is a matter of economic as well as social significance. I do not in any way diminish the importance of the second point, but this matter is also of economic significance. The need for this information is not widely understood. While Mr Viney tried to argue that this is all too complex, I have faith in the committee's eight members. They have the capacity to understand these matters, and they certainly have the capacity to seek information from community groups and sectoral and departmental interests and others who understand these matters very well. The committee will be able to take that evidence and understand these points very well indeed.

In response to points raised by opposition members who said this ought to be something done at a national

level, I would welcome national input, but Victoria has its own health system and the motion is in part due to a vacuum of activity at a national level in terms of proper reporting and output measures. This is a significant area of state spending, and reporting of these matters at a state level is important, but it is also a significant area of national spending. It is correct to say that more money is spent by the national body on, for example, primary care and aged care.

Of course the long-suffering taxpayers are the same people who are represented both nationally and in the Victorian context by the Victorian Parliament, so to make this referral is entirely within our purview. These are areas of state responsibility in part. They are areas of significant commonwealth responsibility as well — that is quite correct — but one of the issues here is the interrelationship between the state and federal governments and the failure of one government to take account of the activities of another government in deciding what will happen. We need to look at the issue of duplication occurring in some cases and at services not being provided — in effect at things falling through the cracks because of a set of mixed responsibilities.

It is also true that significant steps were taken by the heads of agreement on national health reform in February this year. It laid out state responsibility for public health and joint responsibility for primary health care, and joint responsibility is what this motion goes to. It is true that commonwealth spending is much greater — that is a fact — but that does not mean the state through this Parliament does not have an interest and, arguably, a responsibility to ensure that the health of Victorians is advanced.

If it is advanced by better measurement and better reporting, that is an important outcome. If it means that there needs to be joint arrangements and a rationalisation of arrangements with the commonwealth, that is also relevant. If it means that data held by the commonwealth and by state bureaucracies is accessed by the community — in a way that is de-identified and does not involve privacy infringements — and is used to inform the activities of all levels of government and other providers as well, that is all good. The health of the community is also an economic issue, but primarily this is about data, about reporting and about getting better outcomes through having better measurement and better transparency of these issues.

I do not think Mr Viney's claim that it is too complex stands up. There are plenty of sources of significant advice. The committees have resources and capacity; I do not underestimate that. A national performance

authority is being set up by the commonwealth, but the state has every right to put its view as to what matters are measured and how. This enables Victoria to put a potentially bipartisan position, which is in the interests of patients and the community and which ensures that state spending is targeted and well focused. It also enables Victoria to encourage the commonwealth to focus its resources in a way that will lead to better results for the community. I would strongly argue that the targeting of resources is very much an economic issue.

I disagree that this reference should go to the Family and Community Development Committee. That committee already has two important references and is yet to be fully established. It needs one or two more members, but it has significant work. The Economy and Infrastructure References Committee has every capacity to do this work and can take its lead from the reference and from the debate. I have not sought to be prescriptive in laying out the task for the committee; I have said that it needs to look at these matters in the broader context. The government opposes the amendment put forward by the opposition but looks forward to support from other members in the chamber for the motion itself.

House divided on amendment:

Ayes, 18

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

Noes, 21

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

Amendment negatived.

House divided on motion:

Ayes, 21

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

Noes, 18

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

Motion agreed to.

**PARLIAMENTARY COMMITTEES
AMENDMENT BILL 2011**

Second reading

**Debate resumed from 24 March; motion of
Hon. D. M. DAVIS (Minister for Health).**

Mr LENDERS (Southern Metropolitan) — I rise to speak on the Parliamentary Committees Amendment Bill 2011. At the outset I indicate to the house that the opposition will oppose this bill because it is our view that it is unnecessary, reflects a very poor work ethic by the government and is a classic case of jobs for the boys and the girls with no work to follow.

What we see is the government introducing a bill that will change the very nature of parliamentary committees. The bill is fairly simple. It provides that instead of the committees having a minimum of 4 and a maximum of 10 members, they will have a minimum of 5 and a maximum of 10 members. It provides that instead of the committees being required to have two members from each house, they will be required to have only one member from each house. It provides also that a quorum for a committee can be simply a majority of the members of the committee rather than a member from each house.

The rationale in the Premier's second-reading speech, which was presented in this house by Mr Davis, is

effectively 'The Parliament was cut by four members back in 2006. There's a lot of work to be done and there are not a lot of members to staff the committees, so let's bring in these changes'.

Let us go through what the Premier's arguments are. Firstly, there is a lot of work to be done. It is a bit hard for the government to staff 12 joint investigatory committees, so what it has done, using its numbers ruthlessly in this Parliament, is to cut committee membership from 7 to 5 members, other than the Public Accounts and Estimates Committee (PAEC), which has been cut from 10 to 7, and the Scrutiny of Acts and Regulations Committee (SARC), which has been cut from 9 to 7.

The government has done that because it wants to ruthlessly use its numbers to control every single committee. That is the long and the short of it, nothing more and nothing less. If the government is talking about committees of the Parliament and about people staffing the committees, there are plenty of members of non-government parties who could do that. But, no, it wishes to control all 12 committees. The government wishes to have its members as chairs of all 12 committees, drawing \$13 000 in extra salary for each and every one of them. It wishes to have the majority on all 12 parliamentary committees, but it will find under the existing act that to be in the majority on all 12 parliamentary committees and to have two government members of the upper house on all 12 parliamentary committees means some of them will have to work. I think that is a bit of a four-letter word for some MLCs present.

If it is so important to have 12 committees running and if it is so important to have government majorities on all of the committees, surely with 14 government backbench MLCs, it is not all that hard to staff 24 committees. That is 24 jobs. Some government members would have to serve on two committees, something that I might say happened during the first and second Bracks governments. It happened during the Brumby government, it happened during the Kennett government, it happened during the Hamer government, the Thompson government, the Cain government and the Kirner government, but does it happen under the Baillieu government? No, because some members of the Legislative Council, bless their dear souls, would have to serve on two joint investigatory committees if the government wanted to maintain its numbers on all committees.

How outrageous! The opposition would not respond to the bullying of the Leader of the House in the Assembly, Andrew McIntosh, who said, 'You guys

have got to nominate a person from the upper house on every committee'. The opposition said, 'We will serve on the committees where our members have an interest, and if the government finds it hard to staff 12 committees and, heaven forbid, have some MLCs serving on two committees, then the government should provide that'. If that is too onerous or too hard, we have already accepted the premise that the committees should be cut to five members. The only argument we had was that the major scrutiny committees, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, should not be cut. We accepted the government's argument that the other 10 committees would be cut from seven members to five. But, no, from the government's point of view, bless their precious souls, there are MLCs who do not want to draw on their salary unless they get an extra salary. There are a few in this house drawing three salaries, which to my knowledge has not happened before. There are a few people who draw a salary to be an MP — to turn up to work — they draw a salary to chair a joint investigatory committee and they often draw a salary to be a member of the executive as well.

Under the Kennett government that was rightly condemned when the chair of the Public Accounts and Estimates Committee was parliamentary secretary assisting the Premier. The government has not repeated that mistake this time, because those two positions are separate, but the situation with the other scrutiny committees is quite interesting. The Scrutiny of Acts and Regulations Committee has a parliamentary secretary, a member of the executive, chairing it. What are we seeing now? Not only do we have this conflict of interest — —

Mrs Peulich — Carlo Carli was a parliamentary secretary.

Mr LENDERS — He was not a parliamentary secretary, Mrs Peulich. If you check the record, you will see that he stopped being a parliamentary secretary when he became chair of a scrutiny committee. Members will find that there was not a single case under the Bracks and Brumby Labor governments where a member of the executive chaired a joint investigatory committee, let alone a scrutiny committee like PAEC or SARC. I will be fascinated to see how Mr O'Donohue, who is Parliamentary Secretary for Transport, deals with conflicts of interest when SARC looks at regulations affecting the Department of Transport, and he also doubles up as chair of an investigatory committee. It will be interesting to see how that goes.

Mr Leane — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Mr LENDERS — As I was saying, this parliamentary committees bill is unnecessary. If the objective of the government is to have enough MPs to staff these 12 committees, it would have simply said to the opposition, 'Why don't you chair a committee or two?'. Mr Drum is in the chamber; in the last Parliament he chaired one of these joint investigatory committees. It is not unheard of. It is unusual, but it is not unheard of.

Firstly, it is not necessary to bring these rules in. The irony of this is that if the Legislative Council, this house of review, is being asked to support a bill that will say that once joint investigatory committees are established and there is a token member of the Legislative Council nominated to be on each of these committees, the executive can just run riot. Three Assembly members can turn up, form a quorum and do the business under the pretence that it is a joint investigatory committee. Under such a joint investigatory committee you would not even need a member of the Legislative Council to darken the door of the committee. You would not even need one of these overworked, precious government MLCs who do not want to work on two committees. They do not even need to darken the door of the committee; they just need to have their name put up and then the committee can function. They do not need to darken the door of the committee or turn up to work.

We have an executive government that wants to control all 12 committees, and it will use its numbers to do so. Twelve members of the government will get \$13 000 pay increases — I am sure that is the driver of this. We have seen the size of the committees cut, but if the government were serious about staffing them all, it would have cut the number of committees. There is no magic about the number 12. If the government were concerned that the Bracks government increased the number of committees in 2007, it could reduce them to the pre-2007 number. There is no great science to that. But no, 12 members of the coalition have to draw an extra \$13 000 in salary each, and then the rules have to be changed so the numbers can be kept without their members having to work.

Let us get right back to that basic point. The existing rules could have applied if the 14 non-executive members of this house or a few of them — taking out the President and the ministers — were prepared to serve on two committees. There would not have been a problem. What we have today is a fix. The Leader of

the House in the Assembly, Andrew McIntosh, the Minister for Corrections, has brought in a fix because he could not negotiate an outcome with the manager of opposition business and member for Bendigo East in the Assembly, Jacinta Allan. The government will use its numbers in both houses to change the parliamentary committees legislation. It will diminish the authority of the Legislative Council, and it will make an absolute farce of where it goes.

The answer is not more work by MPs. It is not in any way an attempt to rationalise the size of the committees. The sole rationale used by the Premier in his second-reading speech in the Assembly — which, incidentally, was given by Andrew McIntosh; the Premier was obviously too busy — was that back in 2006 the Parliament was cut by four members. Because the Parliament was cut by 4 members, 24 people are being taken off joint investigatory committees, all in the name of giving 12 government members \$13 000 pay rises. That is contempt, that is absolute arrogance. If the government were even vaguely serious about scrutiny and cooperation, it would have tried to discuss this with the opposition and tried to get an outcome. But no, winner takes all. By using its numbers of 45 to 43 in the Assembly and 21 to 19 in the Council — and the government will use them tonight — it will get its way, look after its mates and change the law to fix its problems. The opposition will oppose this piece of legislation with the contempt it deserves. It is nothing but an embarrassing fix for the government.

Ms PENNICUIK (Southern Metropolitan) — The Parliamentary Committees Amendment Bill 2011 before us today is an interesting bill. It seems that at the start of every Parliament we debate a bill that changes the committee arrangements in the Parliament. In March 2007, four years ago almost to the month, the Parliamentary Legislation Amendment Bill 2007 was before us, which also changed the remuneration of committee chairs and deputy chairs and rearranged the issue of party status. We did not support that bill at that time.

As Mr Lenders has said, this bill only does a few things. It increases the minimum membership of a joint investigatory committee from four to five, but it also decreases the minimum number of members that must come from each house from two members to only one member. In the second-reading speech, which Mr Lenders went to in his contribution, the minister makes the point that the size of the Legislative Council was reduced from 44 members to 40 members and therefore we need to reduce the number of people on the committees. It seems quite odd because we were able to go through the last Parliament without doing

that. I can see no reason we cannot do this, notwithstanding that we now have the three upper house standing committees.

I concur with what Mr Lenders said about there being plenty of members who can serve on more than one committee at one time, and many members who have been here over the years have done that. I have done that, and Mr Barber has done that. We have been able to serve on more than one committee at the same time, including the Public Accounts and Estimates Committee and standing or select committees of the upper house. I do not find that a very convincing reason for bringing this bill into the Parliament.

The other point which is made in the second-reading speech is that the workload on members would be too high. No ministers are on the committees, but there are many members in here who do not have significant other responsibilities and who should be able to manage more than one committee in their parliamentary work. The number of joint committees is also mentioned in the second-reading speech. There have been 12 joint committees in the Victorian Parliament since 2003. There used to be 8; there are now 12. I think that is an interesting point, because there is no reason for there still to be 12 joint committees.

Members would be aware that I have long taken an interest in committees in this Parliament. In August 2008 I moved a motion to send a reference to the Standing Orders Committee to look into the establishment of standing committees for the upper house. The structure we have adopted for the three standing committees in the upper house is based on the Senate model of a legislation committee and a reference committee, with eight members each. The legislation committee is chaired by a government member and the reference committee is chaired by an opposition or non-government party member and they are based on the Senate. As a result of the Standing Orders Committee in the last Parliament looking at the Senate committees and the upper house committees of the New South Wales and Western Australian parliaments it came to the view that that would be an appropriate model for Victoria — that is, three upper house committees of eight members each. It was considered to be a manageable number for a Legislative Council of 40 members given that New South Wales has five general purpose standing committees in its upper house and some other committees as well and Western Australia has three major committees and several other committees in its upper house.

The Senate has a greater number of committees. Obviously there is a greater number of members of the

federal Parliament — there are 150 members in the House of Representatives and 76 in the Senate — so it can have more committees. What we came up with was a small number of three committees that we could accommodate with 8 members on each, a total of 24 members, but while also adopting the Senate style. It has the potential to be a very good committee system and to serve this Parliament well. I commend the government for setting up the committees, notwithstanding the debates just held on what references and subject matters those committees will be working on.

In our deliberations the members of the Standing Orders Committee discovered, and this was in our report and in our comments about the report in the Parliament, that the Parliament of Victoria had run with a lot of joint committees in the past and that is not the case in other parliaments. For example, the Parliament of Western Australia has six upper house standing committees, two upper house select committees and two joint committees. Those joint committees are there for particular reasons; one is called the Joint Standing Committee on the Corruption and Crime Commission and the other is the Joint Standing Committee on Delegated Legislation. In New South Wales it is the same situation with five general purpose committees and five other standing committees of the upper house — and a select committee at the moment — but there are only seven joint committees. Again, they are looking at issues such as oversight of the independent commission against corruption and oversight of the Ombudsman and the Police Integrity Commission, and a couple of other committees look after children and young people and health care complaints.

However, for all intents and purposes they tend to be committees that look after independent offices of the Parliament, or oversee them, and the parliaments of New South Wales and Western Australia, which have these established upper house committees, do not have a lot of joint committees. The Parliament of Australia's House of Representatives administers 12 joint committees and the Senate administers 4 joint committees, so that is 16 in total. We are talking about the Australian Parliament, and we are looking at committees such as one that deals with law enforcement, formerly known as the Parliamentary Joint Committee on the Australian Crime Commission, and the committee on the Australian Commission for Law Enforcement Integrity. Those committees deal with issues that a state Parliament would not look at, such as foreign affairs and defence, intelligence and security, migration, treaties et cetera.

Generally the policy, legislation and reference type committees are standing committees of the upper house or standing committees of the lower house. The House of Representatives has 15 of its own standing committees, which look at broad subject matters, as do our standing committees and those of the Senate. Some of them overlap in terms of the subject matter that they deal with.

The way that the committees are set up here in Victoria is not set in stone. It would have been preferable for the government, given it has made a commitment to the new upper house committees, to have taken a closer look at the joint committee structure in Victoria and perhaps merged or done away with some of those committees. The government might also have looked at the issues we have raised before, such as the need for the independent officers of Parliament to be overseen by a committee just as the Auditor-General is overseen — that perhaps is not quite the right word, but it is difficult to find an exact word to fit — by the Public Accounts and Estimates Committee.

When the Office of Police Integrity was created we suggested that it should also report to a joint investigatory committee such as the Drugs and Crime Prevention Committee. We also said that the Electoral Commissioner should be reporting to the Electoral Matters Committee. That is the case in other parliaments, so I would encourage the government to look at those models. Perhaps some of the committees that are joint committees — for example, the Family and Community Development Committee — could be standing committees of the lower house, as is the case in other parliaments. I hope that we will evolve in that direction at some stage.

I have taken the opportunity to draw up amendments to this bill, and I am happy to have the amendments circulated.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — The proposed amendments include requiring that the chairperson and a majority of the members of the Public Accounts and Estimates Committee, which is the joint committee which scrutinises the Parliament, not be members of the party or parties forming government. This is the same amendment that was moved by Mr Barber in March 2007 to the Parliamentary Legislation Amendment Bill 2007, and the amendment was supported by the Liberal Party at the time. It is interesting to note that The Nationals did not support the amendment because it

contained a provision to change the parliamentary party structure to reflect the 2006 election outcome for The Nationals. At that time, when they were not in coalition with the Liberals, The Nationals voted with the government on that bill. The Liberal Party supported this amendment four years ago when we were dealing with the same subject of committees and party status.

The reason we will propose this amendment again is that the Public Accounts and Estimates Committee of the Parliament is an important committee. It has been described by its previous chair, Bob Stensholt, as the premier committee of the Parliament. It plays a very important role in that it scrutinises the budgetary expenditure of the government of the day and oversees the Office of the Auditor-General. The committee works with the Auditor-General on establishing a work program. The Public Accounts and Estimates Committee also reports on and scrutinises departments following the Auditor-General's reports on them. It looks to see if recommendations that have been put forward by the Auditor-General regarding the effectiveness and efficiency of the activities of the departments have been acted upon. That requires written submissions and hearings with particular departments, and it is all valuable work done by the committee.

The Public Accounts and Estimates Committee is, in some ways, the pre-eminent committee of the Parliament, along with the Scrutiny of Acts and Regulations Committee, which undertakes the important function of looking at all bills before they come to either house. The problem is that sometimes we do not get the reports from SARC prior to the bill coming before the house, which is an issue that I have gone on about a few times in this Parliament. Perhaps that might change in the next few years with the full report from the Scrutiny of Acts and Regulations Committee, including answers to letters from ministers, being made available.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Ms PENNICUIK — Before the dinner break I was speaking to my proposed amendments to the Parliamentary Committees Amendment Bill 2011. The purpose of my amendments is to require that both the chairperson and the majority of members of the Public Accounts and Estimates Committee must not be members of the party or parties that form government. I mentioned that we moved a similar amendment in 2007 when we were debating a similar bill and that the Liberal Party supported that amendment and the principle that a committee which oversees and scrutinises the expenditure of public money by the

executive and departments should not be chaired by a member of the government nor have a majority of government members. The government should not oversee its own expenditure and programs. That is the important principle at stake here.

Mr Barber and I have served on the Public Accounts and Estimates Committee. Mr Barber served from 2007 to 2008, and I served from 2009 to 2010; we each spent two years as members of the Public Accounts and Estimates Committee. I have outlined the important work the committee has done. I am supportive of a lot of the committee's work, but I say, without breaching any committee confidentiality, I was often disappointed — and I have said words to this effect in this chamber before — that when we got to the essence of scrutinising an issue which the government did not want scrutinised government members closed ranks and used their numbers to stop that scrutiny. That happened on a number of occasions. That is again a possibility for the new committee in this Parliament if a majority of the committee is made up of government members and it is chaired by a government member.

Any reasonable person would agree you should not oversee your own activities. If you want to set up a committee to oversee and scrutinise your activities, you should not have control of that committee because, ipso facto, you will try to close down or stymie any line of inquiry that is going on in that committee. It happened a lot in the estimates process. If they do not believe me, people can read the transcripts of the estimates process to see where that happened many times. The chair would intervene in a line of questioning, and many motions were passed by the committee during its various activities whereby the government chose to shut down a line of inquiry.

That is why we will again be moving these amendments and encouraging members of the house to support them. This proposal would probably mean this committee would be one of the first public accounts and estimates committees in the Westminster system to be set up this way, but these committees are set up this way in other parliaments in Asia and Europe — that is, the committees are not chaired by members of the government of the day but by members of other parties. It is not unheard of in the known universe, but it would be a leading edge thing for Victoria to do this.

I had a look at the Finance and Services Committee of the United Kingdom Parliament. In that particular case the committee is chaired by a member of the Liberal Democrats party. There has been a change to the composition of the government in the UK. The Liberal Democrats and the conservatives have a majority of one

member on that committee. But it is interesting that at the moment a member of the Liberal Democrats, which is the minority party in that particular government, chairs the Finance and Services Committee in the UK. It is not necessarily a government-controlled committee now, and that committee has a history of being non-partisan and independent in its work, going back a long way. You cannot always say that about the Public Accounts and Estimates Committee in this Parliament.

I note that the new chair of the Public Accounts and Estimates Committee is Mr Philip Davis, a person for whom I have great regard. I am looking forward to, under Mr Philip Davis's guidance, the Public Accounts and Estimates Committee — if my amendment is not successful, but I am hoping it will be — —

Mrs Peulich — Are you serving on it?

Ms PENNICUIK — Thank you, Mrs Peulich; you know I am not. I am looking forward to Mr Philip Davis steering that committee in a direction of independence and serving the community of Victoria well in the responsibilities and duties that the committee is charged with, to look after the public expenditure on behalf of the taxpayers of Victoria. It is an important duty and responsibility of that committee.

I commend to the house my amendment to change the composition of the Public Accounts and Estimates Committee in terms of the majority of members and the chair being non-government members.

I want to make a few remarks about the new committee system, which I have already gone into a little in my contribution. I would like to finish by saying that the reference that was given to the Environment and Planning References Committee, by a motion moved by the government earlier today, is interesting. I think the intention with these committees is that the reference function in particular be used for issues which are perhaps more directly relevant to activities in the community or things of great and timely relevance to the community. I do not think the reference will have no value, but it is a long, rambling reference that will take 12 months. I am fairly sure that is not exactly the right use of that committee; however, we will see how it goes. I also do not think the reference given to the Economy and Infrastructure References Committee is a proper reference for that committee, but I will not rehash that debate.

It is to the credit of the government that it has set up the new committees, but I would like to see the government move towards using them in the way they are used in

the Senate — in good faith and well respected by and doing good work on behalf of the community.

In terms of the legislative functions, in the previous sitting week I tried to have one of the bills in this place referred to one of those committees to be considered under its legislative function. Bills are often considered this way in the Senate and the upper houses of other Australian parliaments. They do not just introduce a bill into the upper house, debate it and perhaps take it into committee; there is a little bit more investigation into issues that might be behind a bill. That can only be good for the citizens of Victoria and usually for improving legislation.

I hope the committee structure can evolve that way. It is great that we have these committees. It has taken one session of the new Parliament to get us to this stage. I hope that by the end of this four-year term the committees will have matured to look and behave more like the Senate committees.

Coming back to the direct business of the bill, with particular regard to changing the membership of the committees to require a minimum of only one rather than two members of either house on each committee, earlier I made the point that there are too many joint committees. The government should look at merging some of them and perhaps creating some stand-alone Legislative Assembly committees, like those in other parliaments of Australia. We have our three standing committees, and from time to time we may set up some select committees to look at particular issues in the short term, which is what a select committee is there to do. That would be a more sophisticated way to deal with the problems that are outlined in the second-reading speech, which are that people are on too many committees or have a too heavy workload. Just using this blunt instrument is not very sophisticated. I would prefer that as we evolve, hopefully, and have fewer joint committees, those joint committees have at least two members from each house. I suggest that would be the better way to go in terms of adjusting the committee system to accommodate new committees in the upper house and the workload of members across both houses. For those reasons we are not supportive of the provisions of the bill.

Mrs PEULICH (South Eastern Metropolitan) — I rise to make some comments on behalf of the government on the Parliamentary Committees Amendment Bill 2011. Before I get into the detail of the bill and its intention, first of all I thank Ms Pennicuik. She always makes an interesting contribution that is worth listening to. There are people who may disagree, but I appreciate the detailed work

Ms Pennicuik does and in particular the emphasis and importance she places on the parliamentary committee system. I think she is right to do so. She is also right to observe that the parliamentary committee system is subject to an evolutionary and changing ambience, which often is reflective of the changing status of the parties as a result of an election but also as a result of our understanding of the workings of democracy.

I noted just a few moments ago that we had a group present in the gallery, probably from an English language centre or something like that, observing the workings of this democratic chamber. A lot of people who do not have an opportunity to watch Parliament in session only see what is on television, and they see a very adversarial and combative system, more characteristic of question time than any other time. When I speak to groups I talk to them about the work that is done by the committees behind the scenes. Differences can often be ameliorated or bridged as a result of early work being done on many issues in a deep and profound way through the committee system so that people can buy in, have some understanding, divest themselves of their party-political ideology and rhetoric and come to some practical agreement about the way forward. That is the benefit of the parliamentary system and our democratic system.

Here we are very blessed. Having been born under a communist system, where there was no opportunity to participate in democracy, to be talking about the internal workings of our democratic system and how it can be further improved is a great privilege.

Referring to the bill, before I come to rebutting or answering the substance of the arguments advanced by Mr Lenders, the lead speaker for the opposition, and some of the points raised by Ms Pennicuik, I would like to say that this is a very short bill by which the government seeks to facilitate the establishment of committees which have not yet been established some four months after the election. It is my understanding that the major reason it has been impossible to establish them is that the opposition is not willing to provide Legislative Council members for those committees.

I can understand the position of the Greens party, although I do not necessarily agree with the conclusions Ms Pennicuik came to. Given there are only three of them, they need to make some strategic decisions about how their time and resources are best utilised. They have made the decision that they will participate in the Legislative Council committees rather than the all-party standing committees. I understand that. I will not say it is regrettable, but a range of perspectives is always

more positive in getting a better buy-in and a better outcome.

I would have thought that the greatest service the Greens could provide would be to serve on our two scrutiny committees, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. The skill set members of the Greens bring would have been well utilised, and it would have given them a breadth of portfolio and legislative program experience that would have held them in good stead and, more importantly, served democracy well. I think the Greens made a tactical and strategic mistake there.

Nonetheless, the problem is that we have prescriptions under the Parliamentary Committees Act 2003 — it is a fairly short act — which outline the requirements and structure of our committees and we are unable to fulfil them. The government has therefore been forced to revisit this act. In the Greens instance it was a decision necessitated by the number of members and the party's strategic decision making. But in the instance of the Labor Party, we must not allow its decision to withhold members of the Legislative Council from the joint standing committees to sabotage the workings of these committees, some of which have not yet had the opportunity to be established. Allowing that would be a retrograde step for democracy.

We heard the Leader of the Opposition in the Council, John Lenders, saying the Liberal Party is afraid of hard work. The Liberal Party wants to get on with this committee work, which is very important behind-the-scenes work that involves all the parties. What Mr Lenders has very cleverly done is reflective of what the Brumby government was renowned for — the spin of trying to turn a weakness, an Achilles heel, into a strength. He was trying to turn what he should have been defending into a cause for attack, suggesting it was as a result of us being afraid of hard work that we were doing this rather than as a result of the Labor Party failing to furnish its members to do the necessary work on these committees, which would enable these committees to be formed and to function and work effectively.

I would have thought access to information and the opportunity to hear from the public through public hearings and written submissions would have been an outstanding way for members of the Labor Party to understand the policy imperatives of the state and their constituencies, rather than making the decision they have. I think it is a flawed decision, which is probably reflective of the now defeated ministers still setting the agenda rather than letting the new blood, the changed

guard, map a way forward and rebuild the Labor Party's credibility.

Yes, it was only a slender win, but it was a message from the electorate that requires any party to rethink and rebuild. In my view this has been a very bad strategic decision by members of the Labor Party. They should not be afraid of hard work. It is good to see some of them working and rediscovering the meaning of that four-letter word. But the hard work is represented by serving on these committees. By serving on these committees members can shape the direction of the legislative program and the government's initiatives and also ensure that the interests of local communities are well represented.

I am looking at my list of committees that have not been formed as a result of the Labor Party deciding not to furnish MLCs for their formation. It includes the Economic Development and Infrastructure Committee. That would have been a crucial committee for our interface communities in particular, such as the Casey seats. In Narre Warren North, Narre Warren South and Cranbourne — Assembly electorates in the region that I represent in this place — people expect their members of Parliament to represent them vigorously and to make sure the needs of their communities are met by the new government and the government's policies and promises are adhered to. The failure of that committee to be established as a result of the Labor Party's tactics impacts on the Assembly electorates of Monbulk, Macedon, Bendigo East, Bendigo West, Ballarat East, Ballarat West, Bellarine and Essendon and, as I mentioned before, the seats of Cranbourne, Narre Warren South and Narre Warren North, which are all very marginal Labor-held seats that should not be taken for granted and require re-earning and keeping the trust of the electors. That is done through hard work.

One of my favourite expressions ever, which I said in particular to young children that I taught in the past, is that opportunities are often disguised as hard work and that is why they are not recognised. This is very much the case with members of the Labor Party: they are failing to recognise the opportunity of serving their constituencies through a very important instrument of democracy, which is the all-party committee system. Each one of those seats will be the worse for not having Labor Party MLC representation on committees.

In addition to that, the Environment and Natural Resources Committee has not been able to be formed as a result of the Labor Party not furnishing MLCs to that committee. We know how important our physical environment is to metropolitan as well as country and

regional seats, yet the Labor Party has prevented that committee from being formed.

Today we heard that two references should be referred to the Family and Community Development Committee, a committee that I served for 10 years when I was a member of the other place. It is an excellent committee with a strong social focus. Yet as a result of the Labor Party failing to furnish members of the Legislative Council to the committee, it has not been able to start its work. The Family and Community Development Committee is still unable to be formed because the Labor Party will not allocate its MLCs to that committee. This means the electors in the seats of Monbulk, Macedon, Cranbourne, Narre Warren South, Narre Warren North, Bendigo East, Bendigo West, Ballarat East, Ballarat West, Bellarine and Essendon are worse off as a result of not having their full complement of representatives on that committee.

The Law Reform Committee has not been able to be formed as a result of the Labor Party failing to furnish MLCs to that particular all-party committee. The extremely important Road Safety Committee has not been able to be formed as a result of the Labor Party not furnishing its complement of MLCs to that committee. We know how important road safety is to the community. Only today one of the popular radio stations was calling for a single minister for road safety. One would think that an all-party committee dedicated to road safety would be a priority for the Labor Party, and that it would have provided to the house the names of its MLC members that it wishes to be appointed to the Road Safety Committee so that this committee could function.

Then we have the Rural and Regional Committee, which has not been able to be formed as a result of the Labor Party not allocating MLCs to the committee, which in turn is holding up the committee's important work. This is a sad story, and the contribution from Mr Lenders, when he tried to launch into an attack as his best form of defence for a flawed strategy, was disingenuous and needs to be reviewed by the Labor Party. There is a lot of new blood in the Labor Party, and hopefully that will give its members a better strategic capacity to form better decisions, not just for the direction of the party — which I hope does not have a chance of returning to government any time soon — but also in the interests of the communities that it represents and for Victoria.

We believe all that work is important and it takes time in the busy schedules of Parliament and of parliamentarians. Time has already been lost. The committees need to be established; they need to be able

to proceed. Rather than accept the inadvertent or perhaps calculated sabotage of the parliamentary committee system, this government is doing what it needs to do — that is, it is amending the Parliamentary Committees Act 2003 so that these committees can be established and can proceed with their important work.

As I mentioned earlier, this bill amends the Parliamentary Committees Act 2003 to alter the membership and quorum requirements for all joint investigatory committees established under the act. It is quite simple, and I have given the house the reasons for it in chapter and verse. It does not matter how people cloak the issue. There are lots of flaws and lots of improvements that can be made to the functioning of the all-party system, but this is the bread-and-butter stuff — that is, the need to establish the committees and the need for them to work.

The purpose of the bill is to increase minimum membership requirements, decrease the minimum number of members of the joint investigatory committees that must come from each house of Parliament and remove the requirement that a quorum must not be comprised of members of a single house. Democracy is protected, because if any committee tables a report that does not represent the views of its members, they have the freedom and the right to submit a minority report. They also have ample opportunities to respond to any government response or any other matter that is tabled in the Parliament.

To suggest that this is somehow a government that wants total control is preposterous. Those who know the workings of Parliament know this not to be true. It is disingenuous, and it reflects poorly on their willingness to serve the communities who elected them as well as to serve those who lost their trust. I call on the Labor Party to change its position and to support this bill, to allow for the establishment of these committees, to move forward and to do the important foundation work that is often the basis of government programs and legislation.

Hon. M. P. PAKULA (Western Metropolitan) — Despite Mrs Peulich's urgings, the opposition will not be supporting this bill. I found Mrs Peulich's contribution interesting. It seems that she has lost some of her mojo since she became a government MP. The fact that she cannot criticise the government is like her losing her reason for being.

Mrs Peulich interjected.

Hon. M. P. PAKULA — Yes, but it was without the same enthusiasm that Mrs Peulich has shown in the past.

We are opposed to this bill for many reasons. Since its election in November the behaviour of the government with regard to the construction of committees has been shameful. I turn first to the Premier's second-reading speech, where he makes a great deal of the fact that the membership requirements for joint investigatory committees were not altered to reflect the reduced size of the Legislative Council in 2006 and that the number of committees has increased from 8 to 12 since 2003. It is now 2011, and the fact is that for the term of the last Parliament — from 2006 to 2010 — we operated with 12 committees. We operated with a greater number of members on each committee and a greater number of members from both houses of Parliament on all of those committees. Despite the fact that the numbers in the Parliament changed in 2006, in the last term of the Labor government those committees were able to operate extremely well.

It is important to point out that a number of conversations took place between the opposition and the government when the government came forward with the notion of reducing the number of committee members to five and reducing the number of members of the Scrutiny of Acts and Regulations Committee (SARC) and the Public Accounts and Estimates Committee (PAEC) to seven. It is not as if we were not understanding of the fact that the government had fewer members than the previous government; the government does have fewer members than the previous government had.

One of the things the opposition suggested to the government was that if it were intent on reducing the number of members of the joint investigatory committees to five, at the very least it should consent to SARC and PAEC being made up of nine members rather than seven. I believe that was an absolutely reasonable request, given the workload of both of those committees.

The Premier in his second-reading speech talks about the increased workload of committee members as a consequence of the increase in the number of committees, but he does not talk about the increase in the workload for members of SARC and members of PAEC that will be brought about by the fact that the government has reduced the size of those committees from 10 members to 7 members.

Just to put that into some context, the Scrutiny of Acts and Regulations Committee has to consider every bill

that goes through this Parliament, and that workload now falls on a smaller number of members than it did in the last term of Parliament. That is equally the case with regard to PAEC, of which I am a member. Let me reflect on the comments made by Ms Pennicuik about Mr Philip Davis and the role she hopes he will play on that committee.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — I hope so too, Ms Pennicuik. Let me say — and I hope Mr Philip Davis will not mind me saying — there have been some promising signs. Having said that, over the two weeks following the state budget, PAEC will conduct something like 55 hours of hearings, and that is just — —

Hon. D. M. Davis — We have to work hard.

Hon. M. P. PAKULA — That is exactly right, Mr Davis; we have to work hard. There is nothing wrong with that, but it is the Premier's second-reading speech that talks about the impact of the increased workload on committee members as a justification for this bill. It is not the opposition that has any qualms about working hard, and nor do I suspect is it the Greens. It is the Premier himself in his second-reading speech who uses workload as the justification for this bill. All I am pointing out is that if it is all about workload, if the increased workload is the basis of this bill, then how can Mr David Davis justify the government's refusal to accede to the very reasonable request of the opposition for SARC and PAEC to have nine members rather than seven? For its own reasons the government has refused to do that, so now we have a smaller committee.

The last Parliament had an equal number of government and non-government members, and Ms Pennicuik was right to say that on occasion the chair of the committee used his casting vote. No such requirement will exist in this term of Parliament because the government has more members than the opposition on those committees.

Going also to the issue of workload, I have to say that this is really a spurious piece of logic from the Premier with regard to this bill. When I entered this Parliament in 2006 I went onto PAEC — and it has already been indicated that it is a very busy committee — and shortly thereafter the then opposition with the support of the Greens and the Democratic Labor Party instituted a select committee inquiry into gaming licensing. We all remember the inquiry; it was about trying to stitch up

former Premier Bracks, but it failed spectacularly to do that.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — Ms Pennicuik, it might not have been your reason; I will grant you that.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — And it probably was not Mr Kavanagh's reason either, but I cannot say the same for members of the Liberal Party.

Mr Guy was on that committee, and no doubt he was on another committee as well. Mr Viney was on that committee. Mr Drum was on that committee.

Ms Pennicuik — Mr Barber.

Hon. M. P. PAKULA — Mr Barber was on that committee. I was coming to Mr Barber, because Mr Barber, Mr Rich-Phillips and I were all on that committee and we were also all on PAEC. A lot of people who were on the select committee described it as a year they would never get back. The committee sat for hour upon hour, week after week, and it was an enormous workload, particularly for Mr Rich-Phillips, who was chair of the committee, and for me and Mr Barber, who were simultaneously on that committee and also on the Public Accounts and Estimates Committee. Can I say, though, that we managed. All the members of the select committee who were also on PAEC attended pretty much every meeting of that committee, every hearing and all of the deliberative committee meetings as well as conducting the estimates process.

I am not suggesting by any means that that is the only example of members of Parliament working diligently on committees. I think Mr Viney was on all of the select committees that were created by this house in the last Parliament. Everybody manages; you make it work. For the Premier in the second-reading speech to use the workload of MPs as an excuse to change the committee structure to reduce the size of the committees and to reduce the quorum requirements is frankly a claim that just does not stand up to scrutiny.

Let me go to the issue of quorum very briefly. I think it is extraordinary that the now government, which for day after day in the last term of Parliament — I was not here for the terms before that, but I have no doubt that it was the case in the 54th and 55th parliaments as well — went on about the importance of the Legislative Council as a chamber of review. In every debate about documents, committees — you name it — members of

the Liberal and National parties consistently put their hands on their hearts and talked about the importance of the Legislative Council as a chamber of review. Given that rhetoric, for the coalition to now be bringing forward a bill which in effect means that a quorum on a committee can be formed by members of the Legislative Assembly only is just extraordinary. We heard nothing but blandishments and hosannas from members of the Liberal and National parties about the importance of the Legislative Council, and they now bring forward a bill the effect of which will be that members of the other place can get together and form a quorum without a single member of the Legislative Council being in attendance. It is a disgraceful backflip from the government after all its rhetoric about the importance of the Legislative Council.

Let me now turn very briefly to Ms Pennicuik's amendment, which the opposition will support for the reasons that follow. First of all, the Leader of the Opposition in this place has talked eloquently both in this debate and in previous debates today about the way the government is treating the upper house references committees.

Mrs Peulich talked about how the upper house references committees should be dealing with and considering the policy imperatives of the state. I take issue with that. The upper house references committees should be scrutinising the government on matters of importance to this chamber, not on matters dictated to them by the cabinet. That is what the Minister for Health, Mr Davis, is imposing on those committees. He is bringing forward motions that have been determined at the cabinet table and then loading up the time of all those committees with references that the government wants us to deal with, not with references that either the Greens or the Labor Party have had any input into. There has been no opportunity for input from anyone other than the government on the matters that will be investigated by those references committees.

Hon. D. M. Davis interjected.

Hon. M. P. PAKULA — Mr Davis says he sent it to us. That is big of him. I thank him for that. It is not that he was prepared to enter into any discussion about it. He was not prepared to entertain any amendments or any other references. The government has imposed upon the opposition the references that the cabinet wants and nothing more.

Secondly, we have a government with majorities in both houses which has already demonstrated that it is prepared to use those majorities ruthlessly. As I have already indicated in this debate, there has been a refusal

by the government to negotiate with the opposition about the composition of committees, even down to matters such as whether or not SARC and PAEC should have nine members rather than seven, which I think any fair-minded person would suggest they should have.

As Ms Pennicuik and Mr Lenders have already pointed out, we are now in the position where the government chairs every single joint investigatory committee. For those reasons, not only will we be opposing the bill but we will be supporting the amendment to be moved by the Greens. Given that the government supported an almost identical amendment when it was in opposition, we would expect — unless there are very good reasons for it not to do so — that it would also support the amendment.

Mr LEANE (Eastern Metropolitan) — Mr Pakula covered very well the reasons why we are opposing this bill and also why we will be supporting Ms Pennicuik's amendment, so there is no need for me to cover old ground. I still want to touch on a couple of other things. I know Mrs Peulich covered the government's main argument around the availability of MLCs, particularly given the make-up of this house. Considering that there are 21 government members, if you take away the 6 ministers — we would not expect them to be on a joint committee, and that was a precedent that the previous government set for ministers — that leaves 19 members. In the last government there were four ministers, and when we took them out of the equation we were also left with 19 members, so the number of government MLCs available to go on committees is exactly the same now as we had in the last government.

I have to say the former government in its last term took the responsibility of making sure the required number of MLCs were available to make up the quorums as prescribed by the standing orders. Government members took that responsibility seriously. Mrs Peulich blamed the opposition MLCs for not making themselves available. The last government took the responsibility to make sure that the required number of MLCs were available to make up the quorums of those joint committees, and that is not happening under this government.

I will illustrate the situation under the previous government by using my situation as an example, because that is what I am most familiar with. At the start of the last government's term I was on two joint committees, the Drugs and Crime Prevention Committee and the Road Safety Committee, and then I ended up on the Select Committee on Train Services, which reference came from the then opposition side of

the house. We spent about the last 18 months of the former government's term on that committee reference.

Mr Viney was on the joint Environment and Natural Resources Committee. He was also on the first select committee that looked into land, if I am not wrong. He was also manager of government business and Government Whip, and then he was on a second select committee — and we should remember that reference came from the then opposition side of the house, not as a trumped-up reference from the government to waste time, as we have seen happening in the last few days from this government. The second reference came from the coalition side of the house, which Mr Viney dealt with. I know that from the start of the last term of the former government the Acting President was on two joint committees, which he remained on.

In response to Mrs Peulich's comment that ALP MLCs are not taking any responsibility for manning these committees, I point out that you, Acting President, are now on three committees in this term — and I am happy for you to correct me on that.

Mrs Peulich interjected.

Mr LEANE — What I would be saying to Mrs Peulich and the government MLCs about taking responsibility for manning these particular committees is that government MLCs need to visit their local Coles or Safeway store, go to the canned goods area and buy themselves a big can of 'Toughen Up'; to take responsibility and accept that now they are in government they might have to be on two joint committees. They should have no fear, because in this term they will not be dealing with references generated from the opposition side of the house, as occurred with joint committees under the previous government!

The last reference that the Drugs and Crime Prevention Committee dealt with in the last Parliament came from the then opposition side of the house. It was a robust reference, and I concede that. That is what happens when you let opposition parties have a say on committee references — rather than the government controlling all references. When you have references coming from other sides of the political spectrum you have robust references that are well worth looking at. I concede that the reference that came to the Drugs and Crime Prevention Committee from the coalition side of the house in this chamber was a good reference. The select committee that was set up to look into train services, which was one of the committees on which I was fortunate to serve, was an interesting reference and one well worth looking into.

Government MLCs need to go and toughen up a bit. They need to be prepared to man these committees rather than pointing to the other side of the chamber and saying 'The reason why we had to change the quorums and unravel joint committees' — as in joint house committees, I would have thought — 'and make them just bodgie Assembly committees, where three Assembly members from the government can come and make a quorum, is that the government MLCs might think they are some sort of delicate geniuses who are not prepared to put in their time'. I know Mrs Peulich called us disingenuous or something like that. I think maybe that was a message that those on the other side believe they are delicate geniuses who should not have to make themselves available and be prepared to put in the time. They might actually enjoy it. It takes a bit of time and a bit of work, but they should not be scared; I think they should be prepared to do it, rather than pushing this first bit of legislation to come from the new Premier.

This is the first piece of legislation from a Premier who, before he became Premier, walked around during the election campaign saying, 'There is going to be a new era of openness and transparency'. He makes an absolute joke of that statement with his first piece of legislation. As far as changing the quorum requirements and reducing the number of parliamentary committees, the problem for the Premier was that he had many mouths to feed; he had to make sure there were 12 committees so that there would be 12 committee chairs who would attract a certain loading for that job. Rather than showing some courage and reducing the number of committees while keeping the current committee membership numbers, what the Premier has done, in the first piece of legislation he has produced for Parliament, is the absolute opposite to what he walked around spruiking during the election campaign. He said there would be a new transparent government, and then he brings in legislation under his name that does the absolute opposite.

House divided on motion:

Ayes, 21

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

Noes, 19

Barber, Mr (*Teller*)
Broad, Ms
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms

Pakula, Mr
Pennicuik, Ms
Pulford, Ms (*Teller*)
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr LENDERS (Southern Metropolitan) — Clause 1 describes the objective of the bill. In the context of the rich tapestry of this place and a number of allusions to a debate that took place in March 2007 when the Leader of the Government was an opposition frontbencher, during that debate Mr Davis stated that the highest priority for committee reform in the Parliament was to adopt a Scrutiny of Acts and Regulations Committee (SARC) report that, amongst other things, called for greater resourcing of committees. My question to Mr Davis regarding the objective of the bill is this: if four years ago that was the highest priority of the Liberal Party, why is it not in this bill?

Hon. D. M. Davis — On a point of order, Chair, this is a very narrow bill that deals with membership and quorum requirements of investigatory committees. This seems to be well outside the purview of the bill.

Mr Drum interjected.

Mr LENDERS — On the point of order, Deputy President, Mr Drum voted with us last time this came through — he has done even more of a backflip than Mr Davis. We are talking about the objective of the bill. As Mr David Davis has said, the purpose of the bill is:

... to amend the Parliamentary Committees Act 2003 to change the membership and quorum requirements of Joint Investigatory Committees.

That is the objective —

Mr Drum interjected.

The DEPUTY PRESIDENT — Order! I have heard enough, Mr Lenders. I do not need the help of

Mr Drum either. We are discussing the purpose of the bill, which is:

... to amend the Parliamentary Committees Act 2003 to change the membership and quorum requirements of Joint Investigatory Committees.

That is a very broad purpose, so I will allow the question.

Mr Drum interjected.

The DEPUTY PRESIDENT — Order! That is enough from Mr Drum!

Hon. D. M. DAVIS (Minister for Health) — Thank you, Chair, for your guidance on that. As I said, the purpose is simply to change the membership and quorum requirements. I regard Mr Lenders's points about the resourcing of committees as being beyond the scope of this bill, but I am happy to respond to points about membership and quorum requirements. They are the key points of this bill.

Mr LENDERS (Southern Metropolitan) — Further to the objective, which is to change the membership and quorum requirements, and focusing on the membership requirements, the second-reading speech outlines the reason for the membership change as being that membership of the Legislative Council was decreased by four members in 2006, which is correct. My question to the Leader of the Government is this: if membership of the Legislative Council was reduced in 2006 by four members and membership of joint investigatory committees is to be cut by 27 members — that is, 24 members under the government's proposal, which is to cut two members from each of 12 committees, and also Mr Ingram, the former member for Gippsland East in the Assembly, Ms Hartland and Ms Pennicuik, who served on committees in the last Parliament — how do the mathematics work?

Hon. D. M. DAVIS (Minister for Health) — The member is quite correct. The key point is that the number of people in the Legislative Council fell from 44 to 40 and the number of joint investigatory committees increased from 8 to 12, and that is the reason for the bill.

Mr LENDERS (Southern Metropolitan) — I understand that Mr Davis does a lot of counting of numbers in the Liberal Party, and I notice that Mrs Peulich, in quite an unusual fashion, is at the table. I have never before seen another member sit next to the minister at the table, but clearly Mr Davis needs assistance from Mrs Peulich. It is nice that one of his

two supporters is next to him. The question that Mr Davis has not addressed is about mathematics. If under the government's proposal to reduce the size of committees the number of members serving on committees will be cut by 27, about which he does not disagree — membership of nine joint investigatory committees has been cut by two members and membership of three has been cut by three members — how does he link that rationale to the Legislative Council being reduced by four members four years ago? How do four MLCs equal 27 fewer positions on committees?

Hon. D. M. DAVIS (Minister for Health) — I think I have explained it, and I have nothing further to add.

Mr LENDERS (Southern Metropolitan) — We have a discussion with no time limit, and Mr Davis has said he has answered the question and has nothing further to add, but the second-reading speech states publicly the rationale for this legislation, which reduces from seven to five the number of members of Parliament who will form the core membership of each committee. Mr Davis says there is nothing further to add. I put to Mr Davis that perhaps this has more to do with control than it does with scrutiny. I refer in particular to the Parliament's two main scrutiny committees, which are the Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee (PAEC). In the last Parliament the Public Accounts and Estimates Committee had 10 members and the Scrutiny of Acts and Regulations Committee, which has a series of subcommittees, had nine members. The government, by ruthlessly using its numbers in both houses, has cut membership of those committees to seven.

I do not think there would be anybody in this Parliament who would not have the view that greater scrutiny by those committees is good for the executive government. I do not think anyone would dispute that there are more than enough members willing and keen to serve on those committees. The government's rationale is that because four years ago the membership of the Legislative Council was cut by four it will slash by five the members of those two committees plus another 22 members of other committees.

Mr Davis says he has answered the question. I beg to differ. He has stonewalled. He has not sought to answer the question of how cutting 27 positions can be necessary when four years ago the number of members of this house was cut by four.

Hon. D. M. DAVIS (Minister for Health) — I am not sure that is actually a question.

The DEPUTY PRESIDENT — Order! I heard a 'why', but that is okay.

Mr LENDERS (Southern Metropolitan) — Mr Davis clearly is very comfortably hiding behind his 21 votes in this house and considers he does not need to answer, that it is fine for his Premier to put — —

Honourable members interjecting.

Mr LENDERS — There are some very arrogant members of the government who think 21:19 means everything.

Mr Drum interjected.

Mr LENDERS — Mr Drum, who voted with our side of the house last time, is amazingly vocal for someone who has done a complete and utter backflip. I put to you, Deputy President, and the committee that what we see here today — —

Mr Drum interjected.

The DEPUTY PRESIDENT — Order! That is enough from Mr Drum. Mr Drum has tested my patience in questioning my rulings from the Chair, and now with those unruly interjections he is pushing it way beyond my tolerance.

Mr LENDERS — I put to the committee that what we see here today is a bill that has been put before this Parliament for the sole and simple purpose of fixing a problem in the government. The problem is that the government, which has 45 members in the Assembly and 21 members in the Council, has chosen to appoint 22 ministers. That is the highest number of ministers in the history of Victoria other than during the first term of the Kennett government. The government has chosen to take all 12 committee chairs and to appoint 12 parliamentary secretaries. By this decision the government has chosen to give essentially three-quarters of the coalition members higher salaries. I put on the record that three members of this house draw three salaries, which is unheard of in Victoria.

Mr Finn interjected.

Mr LENDERS — Mr Finn is one of the very few on that side who does not have more than one salary. Perhaps he might reflect on that.

I put to the committee that this proposal is designed as it is because Mr McIntosh, the Leader of the House in the Assembly, could not negotiate an outcome. The new government quite arrogantly said, 'If we can't negotiate an outcome like previous governments have,

we'll change the legislation'. Not only that, but it then said to the opposition, 'You will provide a number of MLCs to form quorums on the committees. If you don't, we'll change the legislation'. We see here a new government which is arrogantly saying, 'We can't negotiate through the Parliament, so we will legislate'.

Hon. M. J. Guy interjected.

Mr LENDERS — Mr Guy may form his — —

The DEPUTY PRESIDENT — Order! If Mr Guy wants to make a contribution to this debate, I will be happy to recognise him at an appropriate time.

Hon. M. J. Guy interjected.

The DEPUTY PRESIDENT — Order! That is enough from Mr Guy!

Mr LENDERS — I put to the committee that the government will use its 21 votes to get its way as it chooses. The government will do that despite what Mr David Davis said back in 2007, as reported at page 669 of *Hansard* in the debate on the Parliamentary Legislation Amendment Bill 2007. He lectured the house about the importance of a better resourced parliamentary committee system and said that if we were debating legislation on this, we should do the things he listed.

I put to the committee that I can read numbers, and I will not be wasting the time of the house, but I put on the record that this is all about jobs for the boys and girls on the government side. This is all about removing the need for government members of the Legislative Council to serve on more than one joint investigatory committee. This is all about shoring up Mr Baillieu's numbers and handing out the perks of office, and it has nothing to do with good administration.

I am interested that Mr Philip Davis and some of the other champions of the role of the Legislative Council are not in the chamber. For decades they have thundered on in this place about how members of this chamber should not be trampled on by the executive, and yet under this proposal by Mr David Davis the Legislative Council will be totally irrelevant to joint investigatory committees. Once this bill is rammed through using the government's 21 votes, all MLCs might as well go home because we will have rolled over to the Legislative Assembly.

Hon. D. M. DAVIS (Minister for Health) — I reject the points made by Mr Lenders. I value the importance of parliamentary committees, both the joint committees and the committees of this chamber. This is a very

narrow and simple bill. It proposes some very simple things relating to quorums and membership of committees. It is not a complex bill. It makes the arrangements for parliamentary committees more workable, and in doing so it will enable committees to be established. The committees need to be established. It is important for Victoria and this Parliament, and I put it very deliberately in that order. It is fine for Mr Lenders to make his points, but I reject those points. I think he has misunderstood the narrow and simple purposes of the bill.

The DEPUTY PRESIDENT — Order! I did not raise this matter earlier because I did not want to interrupt the comments between Mr Lenders and Mr Davis, but I am not sure why Mrs Peulich is sitting at the table. Perhaps surprisingly, I am someone who is on the conservative side of the forms of the parliamentary process, and I would prefer that the person sitting at the table be the minister responsible for the legislation. Of course I cannot recognise Mrs Peulich while she is sitting in that place. Whilst I do not mind someone coming up momentarily to have a discussion or whatever, I would prefer that it be done in the normal way.

Hon. D. M. DAVIS (Minister for Health) — It is nothing out of the ordinary. I have seen members sit at the table here with ministers. There is nothing unusual about that. The Deputy President is quite correct in saying that members cannot speak out of their place, so if Mrs Peulich wanted to contribute specifically to the debate, she would have to go to her seat.

Mr P. Davis interjected.

The DEPUTY PRESIDENT — Order! I will just give this advice first, and then I will recognise Mr Philip Davis.

Mr P. Davis — It is in relation to the — —

The DEPUTY PRESIDENT — Order! I understand, but I have been given advice by the clerks and I will advise the house of it, and then I will hear from Mr Davis. I am advised by the clerks that someone can sit at the table only by leave of the house. If that is the position that the government wishes to take, I will ask if that leave is sought and if it is granted.

Mr P. DAVIS (Eastern Victoria) — I want to make a reflection on precedent. I can recall this occurring on a number of occasions in the past, including in 1998–99 when on a couple of occasions I sat at the table to assist a minister in relation to a bill that I was responsible for in respect of my portfolio responsibilities as parliamentary secretary. It is not without precedent, and

my understanding is that it is simply an issue for the minister seeking assistance to have that assistance readily to hand, and it expedites the business of the house.

Hon. D. M. DAVIS (Minister for Health) — It is, as Mr Davis correctly points out, a long-established practice in this chamber, and I have seen it on many occasions. On this occasion when I began this bill there were no bureaucrats in the chamber if I needed assistance on a technical point, and my suggestion to Mrs Peulich was that if I needed additional points about some legal or technical matter, she would be in a position to achieve that for me.

Mr LENDERS (Southern Metropolitan) — On this point, certainly from my perspective of having whilst in government sought to bring about a situation where we encouraged a parliamentary secretary to handle a piece of legislation, in that particular area I do not have an issue with the assistance, but I find it interesting that the person assisting Mr Davis is actually the Parliamentary Secretary for Education, not the parliamentary secretary to the Premier, whose bill this is. This is a five-clause bill that Mr Davis, in his response to my remarks on clause 1, said was very simple and dealt with two matters, so I find it interesting that for a simple bill in his area — —

The DEPUTY PRESIDENT — Order! I prefer not to get into the quality of advice sought or whatever. Based on the advice of the clerks, I will be asking Mr Davis if he is proposing to seek the leave the house for it to continue, and I will be asking the house whether leave is granted. That is the position I will take. If there is anything further members want to add that might change my mind at the last minute or otherwise alter it, I will be happy to hear it, but I do not really want to get into the merits of the advice that could be given by Mrs Peulich to Mr Davis. The question of the validity of that advice, in my view, is not relevant to the point I am trying to clarify here. Does Mr Lenders have something further he wants to add? No. If Mr Davis is not seeking for Mrs Peulich — —

Hon. D. M. DAVIS (Minister for Health) — I would seek leave.

The DEPUTY PRESIDENT — Order! You are seeking leave?

Hon. D. M. DAVIS (Minister for Health) — I am seeking leave.

The DEPUTY PRESIDENT — Order! Mr Davis is seeking leave for Mrs Peulich to sit at the table. I am asking the house whether leave is granted.

Leave granted.

The DEPUTY PRESIDENT — Order! Leave having been granted, Mrs Peulich may stay at the table, but I advise that if she wishes to contribute, it must be from her place.

Ms PENNICUIK (Southern Metropolitan) — I have an amendment, but I was wondering if I could pursue this line of questioning before moving the amendment.

The DEPUTY PRESIDENT — Order! That is fine, yes.

Ms PENNICUIK (Southern Metropolitan) — I note in the second-reading speech that the minister referred to the workload of committee members increasing significantly. I have looked at the numbers of members appointed to certain committees such as the Public Accounts and Estimates Committee, which has been reduced from 10 to 7 members, and the Electoral Matters Committee, for example, which has been reduced to 5 members or will have 5 members appointed to it, et cetera. I am concerned that there may be a difficulty in populating the committees.

I do not want to rehash my second-reading debate point about the number of committees or joint committees perhaps needing to be rationalised to the core ones that exist in other parliaments and perhaps having separate Assembly committees, but I am concerned about the workloads of people on those committees. Having spent two years on the Public Accounts and Estimates Committee, and Mr Barber having spent two years on that committee, I know that committee requires a very big workload. There is a lot of breadth of content, and it does benefit from having up to 10 members. What I did not say in my contribution to the second-reading debate was that most committees in other parliaments have no less than 8 members; there are 8, 9 or 10 members, perhaps even up to 12 members.

I am concerned about the workload of the particular members of the committees. There is one issue of workload being raised by the Premier, but then there is that other issue. I wonder whether the minister can explain to me how the government has looked at that issue and is going to ameliorate that issue, because I presume that the work of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee will be the same as it has been but with less people doing the work.

Hon. D. M. DAVIS (Minister for Health) — The member raises some points. Both she and I have been on committees like the Public Accounts and Estimates

Committee, and those of us who have been on that committee do appreciate the significant workload of people on PAEC. I know that Mr Davis as chairman understands that. I think the second-reading speech makes the point that the workload of committee members has increased, and the impact has been felt most strongly by members of the Legislative Council. There are a number of additional committees, as has been pointed out, and that makes it more difficult in terms of workload, but the point is that it is up to members in the end to manage that workload as best they can.

This is a very simple bill. It really deals with membership in a modest way and deals with quorum requirements. That is all it does. I do not think there is a great issue in that, and I think this will be a more workable arrangement.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister for that. I feel that perhaps that issue has not been given enough attention, and I feel the workload is going to be quite onerous for the members of those major committees given this new arrangement. Even a committee like the Electoral Matters Committee having five members does not provide enough heads around an issue, and, as I pointed out, it is not the case in other jurisdictions that there are such low numbers on committees.

I move to the quorum requirement. Given that this repealing of that section of the principal act would mean that a committee could meet with, for example, just members of the Assembly present, if under this new bill a committee member of the Legislative Council was not in attendance, what assurances can the government give that the unavoidable inability of the one member from the Council to attend would not mean that a meeting would go ahead without that member who was unavoidably unable to attend, given the business of the house here, for example?

Hon. D. M. DAVIS (Minister for Health) — I listened to the member's point, but I am not sure that in the end it is such a problem. I think the quorum requirements under this new arrangement will be reasonable, and it will mean that members will make their points. I do not see that there will be any great difficulty. Members will exercise their reasonable conscience and do so as members of a committee discharging their duties. I do not see that there will be any difficulty in that.

Mr LENDERS (Southern Metropolitan) — If the Legislative Council is sitting and a joint investigatory committee is called into session, will the committee,

with this quorum requirement, need to seek leave of the Council for it to meet while the Council is sitting?

Hon. D. M. DAVIS (Minister for Health) — My understanding is that that requirement does not change.

Mr LENDERS (Southern Metropolitan) — I accept that Mr Davis says his understanding is that it does not change. He says it is his understanding, but what comfort does the Council have if his understanding is wrong and we have one of these joint investigatory committees that seeks to meet, dominated by Assembly members? I understand he says it is his understanding, but on what basis is it his understanding?

Hon. D. M. DAVIS (Minister for Health) — This is a very narrow bill, and it does not appear to change those requirements in any way.

Mr LENDERS (Southern Metropolitan) — I know Mr Davis has not given an assurance. If it is of assistance to him, I am quite happy to move that the committee report progress while he seeks advice. If he were to give an assurance, I would accept that it was an unqualified assurance, but at the moment it has been particularly qualified. If Mr Davis wants to give an unqualified assurance, I will accept that from him, but while it is a qualified assurance I give notice that I will move that we report progress until he can give an unqualified assurance.

Hon. D. M. DAVIS (Minister for Health) — I see that section 25(1)(a) of the Parliamentary Committees Act 2003 states:

- (1) Subject to this section, a Joint Investigatory Committee may sit and transact business —
 - (a) at times (including times when either House of the Parliament is not actually sitting) ...

The assurance is there.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 1, line 3, omit "to change" and insert "to —".

This amendment seeks to make a minor change to clause 1 of the bill but it foreshadows other changes. Deputy President, I presume you will give me some guidance as to whether this is the only amendment I need to move and the implications of this amendment. The effect of the amendment is to require that both the chairperson and a majority of the members of the Public Accounts and Estimates Committee must not be members of the party or parties forming government. I will briefly outline, for the benefit of the committee,

that it is our view, and has been our view ever since we have been in the Parliament, that the Public Accounts and Estimates Committee, which is a committee set up to scrutinise the expenditure of the government — that is, the executive — and its allocation to departments and their spending of Victorian taxpayers money, should not be under the control of the government.

The government should not be scrutinising its own expenditure, and it should not be conducting hearings into its expenditure or that of the departments under its control. It is a fundamental question, and I gave two examples in my contribution to the second-reading debate where that happens elsewhere around the world. I think Victoria could take a position of leadership in this regard, and that is why I am moving this amendment to the bill. I think it is also important, given the reduced numbers of the committee, that this amendment be successful.

The DEPUTY PRESIDENT — Order! Just to clarify so that everyone understands where we are headed, I regard Ms Pennicuik's amendment 1 to clause 1 to be a test of her subsequent amendments simply because she is proposing an amendment to the purposes clause to enable her to move her subsequent amendments. If it passes, Ms Pennicuik can proceed with her remaining amendments. If it fails, she will not be in a position to move the subsequent amendments because the purposes clause of the bill will not have been so amended.

Hon. D. M. DAVIS (Minister for Health) — I have noted Ms Pennicuik's proposed amendments, and I have had a discussion with her about them. I note that the bill is a particularly narrow bill dealing with the membership and quorum requirements of the joint committees, and in that sense, as the Deputy President correctly points out, this amendment would broaden this purpose. Whilst the government will not on this occasion accept the points and the amendments proposed by Ms Pennicuik, I do accept that they are perfectly legitimate points to raise in a broader context and also legitimate matters for public debate about how committee structures should be formed. There are legitimate arguments about the shape of key committees that have scrutiny roles. In no way do I reject that those points are worthy of debate, but I do make the point that the government will stick with its bill and reject the proposed amendments.

Mr LENDERS (Southern Metropolitan) — Where I suspect this debate will go tonight is as follows: Ms Pennicuik and Mr Barber moved a similar amendment to this one in March 2007, and I suspect they will vote for this amendment. Mr Drum and

Mr Hall voted against the 2007 amendment, and I suspect they will vote against this amendment. Members of the Labor Party look at this with great interest — —

Hon. M. J. Guy interjected.

Mr LENDERS — No, we are talking about the amendment. There was an amendment moved in this place four years ago, and Mr Guy, Mr Davis, Mrs Peulich and Mrs Petrovich voted for it — I could list a series of people who voted for that amendment. I voted against the amendment four years ago. In the debate four years ago on that similar amendment, we had a discussion around the government's proposal that Mr Drum chair a joint investigatory committee. The then government since that time was part of a standing orders review which accepted that a series of Legislative Council committees should not be chaired by the government of the day.

We of the Labor Party looked at this issue four years ago. Unlike the current government, we accepted that not all committees should be chaired by the government of the day. We came through a process where we accepted that scrutiny required some committees to be chaired by non-government parties. On that basis the Labor Party will support the amendment on this occasion as part of a broader reform package. My question is: will Mr Davis and most of his colleagues, other than Mr Drum who has consistently voted against this type of amendment, who voted for the amendment last time because it provided for greater transparency — paraphrasing Mr David Davis and his then leader, Mr Philip Davis — and was a worthwhile objective for the scrutiny of the executive government, accept Ms Pennicuik's amendment this time? I think not.

Hon. D. M. DAVIS (Minister for Health) — As I have outlined, this is a particularly narrow bill dealing with membership and quorum requirements. I have indicated there is a legitimate debate about the shape of parliamentary committees more broadly. It is just that this is not the bill for that debate.

Mr BARBER (Northern Metropolitan) — I will expand a little on this issue because Mr Lenders has been allowed to go down the track of providing a rationale for what is happening this time versus what happened last time. There are some members here tonight on the government side who will not have to do a backflip, because they were not in the chamber four years ago. It is not simply a matter of consistency for Mr Drum, because the bill we were voting on last time contained provisions to make The Nationals a

parliamentary party and keep it that way. It was a matter of survival at that stage for The Nationals to support their bill. But if Mr David Davis has been asked — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Guy! Mr Finn! I ask members to tone down the general commentary so I can hear Mr Barber's contribution.

Mr BARBER — But if Mr Davis has been asked a couple of times to provide a rationale for why the government is opposing this amendment, which is unlike what it did four years ago, and has not provided one, we should be explicit about it. The only thing that has changed since then is that the Liberal Party is now in government, and it does not want to face this kind of scrutiny.

Hon. D. M. DAVIS (Minister for Health) — I reject that point. This is a very narrow bill. I have made the point that there are legitimate arguments to be made on the points that — —

Mr Barber — Make one.

Hon. D. M. DAVIS — I have made the point that you can have a legitimate debate about that and — —

Mr Barber interjected.

Hon. D. M. DAVIS — We have done that in the chamber and on other occasions. But this is a very narrow bill that seeks to deal with committee membership and quorums alone. That is, in my view, where the bill should rest.

Ms PENNICUIK (Southern Metropolitan) — I have to defend my proposed amendment. I have heard the minister say it is a legitimate point to make. But the point is legitimate in terms of this bill, because it is very much about the membership of the committees, who are the chairs and who makes up the majority of the committees; it is not outside the scope of this bill whatsoever.

It is disappointing that government members do not see their way clear to support this amendment when they were able to support the amendment moved last time and were able to articulate reasons why they supported that amendment. Basically, I see that I am giving members of the chamber a second chance to do the right thing. It is good that the opposition has now decided it is the right thing; it has always been the right thing.

It would be a much better thing for the Parliament of Victoria if the Public Accounts and Estimates Committee was not chaired by a government member and did not have a majority of government members on it. It would operate in a different way and be much more rigorous in its scrutiny of the expenditure of the Parliament because, ipso facto and inherently, the government is not going to be as rigorous a scrutiniser of its own behaviour as non-government parties would be. Rigorous scrutiny is a good thing for the people of Victoria, and ultimately it is a good thing for the government of the day as well.

During my contribution to the second-reading debate I gave the reasons why it is better for the Parliament that the committee not be chaired by a government member or have a majority of government members on it. I think people understand; I think it would be a lost opportunity if the government did not support this amendment.

Hon. D. M. DAVIS (Minister for Health) — I do not want to add much more. SARC and PAEC have already been established. I reiterate that this is a narrow bill. Broader debates are legitimate, but in this context the government will stick with the narrow bill.

The DEPUTY PRESIDENT — Order! I am not sure whether in that comment Mr David Davis is suggesting that the amendment is not in order. I earlier ruled that the amendment is in order.

Hon. D. M. DAVIS — Deputy President, I am not in any way flouting your ruling. I am accepting your ruling entirely, but I am making the point that the government will not accept this. We see this as quite a narrow bill dealing with small matters. Whilst those broader points may be legitimate points for debate, those committees have been established, other committees have not been established, and we do not propose to accept those amendments for that reason.

Ms PENNICUIK (Southern Metropolitan) — I do not see that as a reason because, as I read it, there are 7 members appointed to the Public Accounts and Estimates Committee and 3 could be appointed, even under the provisions of this bill, which has a minimum of 5 and a maximum of 10. So three other people could be appointed to the PAEC, which could change the majority and could change the chair. Theoretically it could happen, so that is not a reason for rejecting the amendment.

Mr BARBER (Northern Metropolitan) — The Public Accounts and Estimates Committee also serves another important function, and it is another good reason why members should support Ms Pennicuk's

amendment. PAEC is the committee through which the Auditor-General reports, and it has a formal role within his act. To put it quite simply, if there is a need for some detailed dialogue between the Parliament and the Auditor-General, or if the Auditor-General wants to raise a specific issue, that happens via the Public Accounts and Estimates Committee.

That particular relationship in that act has been pounded out over a long period, when there has been a very extensive debate about exactly how an independent officer such as that should relate to the Parliament — for example, the Auditor-General tables reports in Parliament, but the main opportunity for the Auditor-General to then speak in a public forum to those reports is when PAEC calls hearings on the Auditor-General's reports.

It is at that point that we actually hear the Auditor-General's own voice; that is when he appears before a parliamentary committee and speaks in more detail about the contents of his report. The Public Accounts and Estimates Committee controls that pipeline. It controls the timing and whether the Auditor-General is given that particular public voice to speak before a parliamentary committee. At the same time departments are then called to answer to the matters raised in the Auditor-General's report. That is a further rationale.

Members should understand that Victoria would be one of the few places where the audit committee, if you like, is controlled by the entity. The Australian Securities Exchange listing rules now certainly put a very strong bias towards, if not requiring, a majority of non-executive directors for audit committees. Local government has already gone this way. I could not tell you what the government's attitude might be to its various statutory authorities and the others, but I would be mightily surprised if they were not all moving to having a majority of non-executive directors on their audit committees, for very good reason.

I have sat on PAEC, and I have sat on audit committees as well. We will soon find ourselves being isolated as the only body that lets this kind of practice go on. As Ms Pennicuik said, there are plenty of other more emerging democracies around the world that have gone this way. I have no doubt that in 2015 there will be another bunch of Greens here probably moving this same amendment again and having another crack.

Ms PENNICUIK (Southern Metropolitan) — Following on from what Mr Barber said, there was an example during the last Parliament where the Public Accounts and Estimates Committee was undergoing a review of the Audit Act 1994, and the government of the day, with the majority and the chair, ignored calls

by the non-government members to hear the views of the Auditor-General regarding that act. That is a very unfortunate thing for a committee like that to be doing. That is on the public record, because we made comments about it at the time. Mr Barber was talking about the Auditor-General, and I am talking about the estimates. But on that particular occasion the government used its numbers to silence the Auditor-General and to stop us hearing from the Auditor-General. That is the sort of thing that can be done when there are majorities like that. I would hope if my amendment does not go forward the newly appointed chair would not do something like that. Unfortunately it has been done in the past, and it is not good for the people of Victoria. That is why I am moving the amendment.

Hon. D. M. DAVIS (Minister for Health) — I understand the points that have been made, and there are some legitimate aspects to them. As I have said, this is a narrow bill. The other points are ones that, in my view and the government's view, are quite legitimate and require broader debate. But on this occasion we propose to remain with the membership and quorum requirements in quite a narrow way. I think the actual size of the committee is indeed unrelated to those points that Ms Pennicuik has made.

The DEPUTY PRESIDENT — Order! The amendment proposed by Ms Pennicuik seeks to broaden clause 1, the purposes clause, to enable her to move subsequent amendments relating to the structure of particularly PAEC.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

Clause agreed to; clauses 2 to 5 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

BUILDING AMENDMENT BILL 2011

Second reading

Debate resumed from 3 March; motion of Hon. M. J. GUY (Minister for Planning).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this important bill. As a community, one of our great challenges is ensuring that we treat our ageing population with dignity and respect, and we are becoming more aware of the needs of Victorians, both young and old, who are living with a disability. That is an important step — the awareness that we as a community and we as politicians are judged by how we treat the most vulnerable in our community.

The bill is about improving the way in which we treat the most vulnerable in our community. It is about ensuring that those Victorians, or Australians, who are living with a disability are treated with dignity and respect. In practical terms the provisions of this bill ensure access to public and commercial buildings. The bill will ensure that the one in five Victorians who are currently experiencing or living with a disability have access to swimming pools, hotels and buildings where they can get jobs and training. It will ensure that people with a disability are more fully incorporated into our community and that they are not isolated.

The bill will ensure an inclusive Victoria — one that allows access regardless of a disability. It will allow everyone to share the same standards, and those standards are being rolled out in this bill. It will ensure that both new and renovated public and commercial buildings have wheelchair accessible entrances and toilets, that they provide lifts to access upper storeys and provide turning and passing spaces in corridors.

Currently those Victorians living with a disability are protected from discrimination by the federal Disability Discrimination Act 1992. That legislation provides a prohibition against discrimination, but it is silent on the building specifications needed to ensure against

discrimination. The Disability Discrimination Act 1992 outlaws or prohibits discrimination, but it does not specify what standards must be provided for in a building for it to comply with that act. To address this gap, to fill out and to flesh out what is required in those standards, the previous Brumby government and all state and territory governments got together with the federal government to develop national building standards that would meet the compliance requirements of the Disability Discrimination Act 1992. All states and territories have adopted national standards which provide compliance specifications for a building. By complying with those specifications, one complies with the Disability Discrimination Act 1992.

The process that led to that national agreement was lengthy. I believe consultations began as early as 2002, and those consultations needed to be thorough and needed to involve a range of stakeholders, because the agreement sought to maximise the benefits to those living with a disability and to maximise their capacity to access buildings, but at the same time to do so in a way that did not impose a massive cost burden.

For those living with a disability, the benefits of this national agreement will be obvious. It allows people with a disability to go to the toilets at movies, to access shops and to visit a public library. It is impossible to underestimate the harm and indignity of not being able to go shopping because one cannot access a building or not being able to access accommodation at a hotel because there is no wheelchair accessible toilet.

This bill makes an important contribution and is a critical advance to the rights of those living with a disability. The other important advantage of the bill is that it provides certainty and clarity for those who are building public or commercial buildings. For the first time there is an outcome where, by complying with these national building standards, one is complying with the federal Disability Discrimination Act 1992.

Business interrupted pursuant to standing orders.

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

That the sitting be extended.

House divided on motion:

Ayes, 21

Atkinson, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.

Koch, Mr
Kronberg, Mrs
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr (*Teller*)

Drum, Mr	Petrovich, Mrs
Elsbury, Mr (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Noes, 19

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

Motion agreed to.

Mr TEE (Eastern Metropolitan) — I note the concern that some of the parties in this chamber, particularly the Greens, were not offered the courtesy of being advised that the sitting would be extended this evening.

Before the division I was talking about the advantages of this bill for those who have a disability. The second advantage is that compliance with these standards would in theory entail compliance with the federal Disability Discrimination Act 1992, which would mean that if you complied with the standards under this bill, you would not be liable for a claim made under the federal disability act.

The third compelling argument for this bill is that it provides for the first time across all Australian states and territories national consistency in terms of building standards. That is an important achievement, because it means that architects, builders, investors and developers can for the first time operate nationally. We can get the best designs from across the country without there being the fear of tripping over some technical standard that is unique to a particular state. It is an important achievement that provides greater clarity and certainty and a less technical approach. This will deliver better design and construction efficiencies and ultimately a cheaper product; it will save money.

The way the bill works is in picking up the national framework by inserting into the building code the national standards and the standards that go to door size, lifts, corridor size and facilities like toilets; the bill effectively picks up those agreed standards. They come into effect on 1 May 2011 and apply to new public and commercial buildings and renovations of existing buildings which require a building permit.

Both the Victorian and complementary commonwealth legislation provide that in individual circumstances,

exemptions for modifications can be sought on the basis of unjustifiable hardship, which is reasonably broadly defined to include matters such as the financial position of the builder or owner and the extent to which the building is used by the public and therefore needs to be accessed by people with a disability. Another factor to be taken into account is whether changing the building to ensure compliance with the standards will result in the destruction of important heritage features that are associated with the building.

The exemption provisions seek to provide a balance by ensuring that, where appropriate, an exemption could be provided. For example, if the building is a public building that is rarely used by the public, if compliance costs would be considerable because of the nature of the building and if compliance would involve the destruction of important heritage aspects, there might be appropriate modifications that could be made to the standards. In those circumstances you could envisage a situation where an exemption or modifications could be obtained. Hopefully they would be carefully thought through and considered to make sure they occur infrequently rather than as the norm.

Unfortunately the bill fails on this front. What it does through the exemption process is provide a back door that will allow builders to escape these standards. So what you have are standards that have been developed with builders and with the disability community over a number of years — standards which have been carefully considered and which are held up as a national standard — and yet at the same time you have this sort of white-anting of the standards through the Victorian provisions.

There are a number of consequences because of the white-anting which the exemptions can provide. Firstly, obviously those living with a disability will literally be locked out — locked out of jobs, locked out of hotels, locked out of local pools. That is an appalling indictment and it is certainly unnecessary. It is a very disappointing aspect of this bill.

The second loser, I suppose, from this get-out clause is national consistency. What you lose when you have Victorian builders and developers queuing for an exemption and queuing to get out of the standards is that national consistency. What will happen over time is that the Victorian standards will evolve in a different way from the national standards. In time the Victorian building standards will have a different norm, a lower standard, and we will have lost that national consistency and the savings that were an important part of this bill insofar as developers were concerned. Of course this will massively increase the red tape and

bureaucracy because as those new norms develop national builders will need to take care to comply with those uniquely Victorian standards that emerge and will need to ensure that they comply with the standards that evolve as exemptions are granted over time.

It is disappointing. The effect of the watering down of the standards through the provisions in this bill is that decision-makers will not be required to keep in mind the object of removing discrimination when they make a decision. Under the federal legislation it will be rare to obtain an exemption or modification, partly because when granting that exemption the decision-maker needs to make sure that the decision is consistent with the object of removing discrimination. But that standard will not apply in Victoria; that standard has been dropped in the Victorian provisions and we have been given no explanation as to why we have these second-rate standards in Victoria.

This issue was picked up by the Scrutiny of Acts and Regulations Committee, which said in its *Alert Digest* No. 1 of 2011:

The committee is concerned that the definition in new section 160B(7) may provide less protection to disabled people than the definition in the national premises standards.

That was the concern raised by the committee, which comprises the likes of Mr O'Donohue and Mr O'Brien from this chamber. That committee, including those members, was sufficiently concerned about Victoria having a lower standard that it was prepared to express it. I welcome its contribution to the debate. It is not too late for those opposite because I have drafted some amendments, which I seek to have circulated.

Opposition amendments circulated by Mr TEE (Eastern Metropolitan) pursuant to standing orders.

Mr TEE — What the amendments do is plug the gap in the bill. They are not particularly onerous. They align the provisions of the Victorian bill with the national standards so that they provide a consistent approach across the board. In doing so they protect those living with a disability and at the same time they ensure that there is protection for builders in terms of discrimination claims that might be brought against them under the commonwealth Disability Discrimination Act 1992. This ensures that there are efficiencies that can be obtained when there is a national standard and removes the red tape that the bill in its current form provides or imposes on builders.

There are two substantive amendments which, as I say, do no more than lift the Victorian standard to the level of the national standard. Now that I have circulated the

amendments I will prosecute them when we reach the committee stage. I will support the bill with those amendments.

Mr O'BRIEN (Western Victoria) — It is with considerable pleasure that I rise to support the Building Amendment Bill 2011. It is a bill with a lengthy history and which I am very pleased will be delivered by the coalition government as promised and on time for the annual review of the building code and the plumbing code by 1 May 2011. Mr Tee sought to make the point that the bill has its germination in the previous Brumby government. The bill has been the product of much more work by the building industry and the disability groups that have for many years lobbied the government to bring in this legislation. I am very proud to say it is not the Brumby government that is delivering this bill; it is the Baillieu-Ryan coalition government that will bring it in as promised and on time.

The key provision of this concise bill is proposed new section 160B, which is a new provision to be inserted into the Building Act 1993 as a response to the recently enacted federal discrimination law standards which deal with access to buildings and associated services and facilities for persons with disabilities.

I shall make just a brief opening remark. We reject absolutely any suggestion that this bill will in any way attempt to or have the effect of watering down those very earnest negotiations that have taken place across the industry and resulted in standards that will be uniform across every state and territory in Australia.

Mr Tee very selectively sought to quote a single sentence from the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 1 of 2011 report. I call on him to quote the rest of the report and what SARC, of which I am proud to be a member, actually did. It wrote to the minister, which is its job, seeking further information as to the significance of the difference. Pending the minister's response, the committee drew attention to new section 160B and made no further comment. Mr Tee did not take the house to the lengthy and helpful response SARC received from the minister, which confirmed in absolute categorical terms —

An honourable member interjected.

Mr O'BRIEN — He did not disclose that, and I called out, 'What about SARC 2?'. I will briefly take some time to compliment the minister, his advisers and the department, who collectively put together an

exhaustive three-page response which was published in *Alert Digest* No. 2 of 2011. It categorically confirms that there is no intention to water down the bill; there is no white-anting process. A careful and considered implementation of the commonwealth standards has been undertaken to ensure that the outcome of those negotiations that have taken place will be implemented by the Victorian government. The negotiations are consistent with the Victorian statutory regime for the Building Appeals Board and deal with the fact that the Disability Discrimination Act 1992 is an act that also extends in its objects to other commonwealth laws and is in need of particular application to Victoria in the Victorian context. That furphy of an argument ought to have been put to bed by the minister's response. Hopefully it has been categorically put to bed by those brief remarks.

Returning to the background of the bill, I am fortunate that in my past life as a barrister I had extensive involvement in the pursuit of this legislation when I acted in a pro bono capacity on behalf of certain disability groups, some of which have long advocated for this important reform. By remarkable coincidence, two of my former clients, Shauna and Wayne Stevens, happened to be in the gallery in the last sitting week. They had had a very difficult time dealing with a matter involving their house and attempts for it to be constructed according to a disability standard then in place. I compliment them on their courage and determination to achieve what they eventually achieved, and I am pleased to say they are now in their new home.

I was very concerned about the alarmist attitude of a press release issued by the previous speaker. It unnecessarily alarmed important constituents across Victoria by suggesting there was an attempt to white-ant, back door or water down the legislation, which I think were the words in the press release. That sort of alarmist spin happened with the former government, and Labor is now spinning in opposition. It is uncalled for. We categorically confirm our intention to implement these access standards in full.

I am also reminded of the body of work undertaken by another former client of mine, Mr Bernd Bartl from the Disability Support and Housing Alliance, who conveniently and eloquently explained to me that rather than use the term 'disabled' in terms of access, he preferred the term 'universal access'.

Mr Barber interjected.

Mr O'BRIEN — He reminded me and other people that those afflicted with mobility impediments, though

they can be looked at by able-bodied people as 'disabled', are in fact 'temporarily abled'. I have difficulty hearing Mr Barber, so I will ignore the interjections and continue.

We all start our lives as infants and are carried in prams and pushers, so mothers, fathers and grandparents using prams and pushers will be assisted by universal access provided in buildings with wide open spaces, single-level ground access et cetera. Those of us fortunate to get through life without any disabilities in the middle of our lives are what Mr Bartl used to call 'temporarily abled', and for a period in that time we can walk with our legs. Regrettably, in one way or another, some of us tragically lose the ability to walk at various points in our life, and that can have significant consequences and costs for the community. I compliment all those people who have dealt with disabilities that have occurred to them through their lives. They often provide an inspiration to able-bodied people by putting the trivial concerns we deal with in our lives in context.

Regrettably some of us will enter into a more disabled state as we become elderly, and we will potentially require the assistance of walking frames or wheelchairs. In that respect this bill benefits all Victorians, as these standards do, particularly those who unfortunately never get the gift of movement at all or any convenient movement. As Mr Bartl said to me on the phone:

Our mobility is a gift and it can be taken away at any time, and some people have never had it.

Another anecdote I used to enjoy sharing with Mr Bartl when I worked as a barrister was that I would often be seen running nearly late to various courts and tribunals while wheeling two big suitcases behind me. Anyone who has ever travelled has had that experience. We find that buildings designed in a modern way which have convenient ground-level access are universally accessible. We can all benefit from convenient access to wide lifts, turning bays, good signage et cetera.

That is not the end of the story, because we also have to deal with older buildings and particularly issues involving heritage buildings. This wonderful Parliament House building is an example of those buildings. If we are able bodied, we have the opportunity to ascend these wonderful stairs and enter the chamber. Wheelchair access is provided at the rear of the building, an appropriate response given the heritage considerations of this building.

In terms of the design of new buildings, which is what the standards are principally designed to affect, this legislation will ensure that future buildings are built in a

way that they are universally accessible, as has been the case under the existing standards for many years.

This raises the question of the hardship provisions, which on occasion will need to be applied, particularly in relation to heritage buildings, but also in relation to other relevant considerations. I will deal with the suggestion that there is an intent to water down these provisions. The first thing that needs to be noted, which was not properly clarified by Mr Tee in his contribution, is that the Victorian bill incorporates the national standards. In part 4 of those standards, section 4.1(2) states:

... compliance is required —

that is, compliance with the code —

to the maximum extent not involving unjustifiable hardship.

The first thing that is established is that you have to do the best you can to comply with the code, and unjustifiable hardship must be put in that context. The standards then set out a list of criteria, which are reflected in the bill. Most importantly, you are required to take into account ‘all relevant circumstances’. I will not read through the criteria, because they are all there. An important point in relation to the suggested criticism of section 4.1 of the standards is that subsection (5) states:

For these standards, unjustifiable hardship is to be interpreted and applied having due regard to the scope and objects of the act —

that is, the Disability Discrimination Act 1992 —

... in particular the object of removing discrimination as far as possible ...

The point that is being suggested does not apply. It was suggested that Victorian standards would somehow evolve to undermine what is in the commonwealth standards. It will not happen; these standards are clear. All we are doing is implementing those standards in the Victorian context, having regard to the learned Building Appeals Board. I will finish the quote from section 4.1(5):

... and the rights and interests of all relevant parties.

If one were to include holus-bolus, as is suggested in the amendment, the objects of the commonwealth act — —

Mr Tee interjected.

Mr O'BRIEN — That is what you have suggested.

Mr Tee — Have a look at the amendment!

Mr O'BRIEN — I will get to that. The objects of the commonwealth act include ‘the administration of commonwealth laws and programs’. The first thing Mr Tee seeks to do through his amendments is to insert a new paragraph in clause 5(4) of the bill as follows:

- (p) any decisions of a state, territory or commonwealth body established to make recommendations to building authorities about building access matters.

First of all, the Building Act 1993 contains a provision for the Building Appeals Board to have the power to consider any matter it thinks fit, which includes any of the decisions of the relevant states and territories. It already has the ability to consider any matter. Schedule 3, part 3, section 15(3) states:

- (3) The Building Appeals Board —

...

- (b) may inform itself in any manner it thinks fits ...

That is the end of that furphy argument.

Mr Tee’s amendments are not necessary, they are not consistent and they would have consequences that are not preferable in relation to the way the Victorian law is drafted. Further, and most damaging, is the suggestion that he should tamper with the wording. The wording of the opposition’s proposed amendments is not consistent, and in that respect they are poorly drafted. Proposed amendment 3 would insert the words ‘the object of removing discrimination as far as possible’, but the federal act includes the object ‘to eliminate’. You have then a lawyers’ game between — —

Mr Tee — You’ve got me there!

Mr O'BRIEN — We’ve got you there! That is the problem with ill-considered and clumsy drafting. At this point I respectfully refer Mr Tee to the considered response of the minister in the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 2, which he did not refer to, which will take him through all the reasons that it is not necessary to amend the Victorian legislation in the manner suggested. There is no watering down. The coalition government will deliver on its promise to implement the code in full. We do not support the opposition’s proposed amendments. I commend the bill to the house, and I look forward to the minister taking up particular issues in relation to the proposed amendments after they are moved at a later stage.

Ms MIKAKOS (Northern Metropolitan) — I will be brief in my contribution. I want to speak on the Building Amendment Bill 2011 because it deals with a

very important issue. The legislation before the house builds upon reforms to the building regulations that the previous Minister for Planning was involved with for some time. I am very proud to have had some involvement with these issues as the previous Parliamentary Secretary for Planning. I am pleased to see at least some small progress in this area this evening.

This legislation builds upon reforms that Labor, when in office, sought to introduce regarding building standards, aiming in particular to achieve greater accessibility in public and private dwellings in response to our ageing population and the one in five Victorians who lives with a disability. This bill is about implementing a Council of Australian Governments agreement, which we achieved in office, about the streamlining of the Building Code of Australia and the Plumbing Code of Australia and about harmonising building codes across all jurisdictions.

The legislation seeks to achieve nationally agreed standards for access to and facilities in new public and commercial buildings for people with a disability and mobility-impaired people, in line with the commonwealth government's Disability Discrimination Act 1992. The bill also applies to public and commercial buildings requiring building permits.

Whilst the Labor opposition does not oppose the bill, Mr Tee has very ably made the argument that we believe the bill does not go far enough. His foreshadowed amendments address some of our issues. We on the Labor side would like to see life for all people living with a disability made more comfortable and dignified.

I am disappointed that the bill covers only public buildings and that the new section 160B(7) will broaden the scope for builders to avoid compliance with regulations designed to improve access for disabled and mobility-impaired people. If Labor had been re-elected, in compliance with Labor's *A Fairer Victoria* document we would have moved to provide low-cost features in new private dwellings to make private homes more accessible to people with a disability. As I said, currently approximately one in five Victorians is living with a disability, and it would seem practical and fair to extend such amendments to new homes.

As the shadow minister for seniors and ageing, I am also particularly mindful of the needs of our increasing ageing population. We are expecting a significant proportion of our community to be over 65 in a few years time. In fact this year the baby boomers start

turning 65. The resources and facilities that we have will all need to be looked at to address the needs of this ageing population. It is also important that our private dwellings meet the needs of the ageing population. We need to see homes with modifications such as clear, accessible paths from the street to the entry, wider doorways and halls, reinforced bathroom walls to allow for grab rails, entrance-level toilets and level-entry showers. All these types of features were outlined in Labor's *A Fairer Victoria* to make homes more accessible for people with disabilities and for senior Victorians.

I am quite passionate about this because I remember that when I was growing up my family lived next door to a very kind elderly gentleman who spent most of his life in a wheelchair. He had been struck down by polio as a child. Every time we invited him in for dinner he had to suffer the indignity of my father lifting him up and carrying him over the couple of steps to our front door. It is a disgrace that today so many of our homes do not afford people with disabilities an opportunity to visit those homes, let alone live in them.

The Disability Discrimination Act 1992 prohibits discrimination in any form. However, the definition of discrimination may be uncertain when it comes to access to buildings. For this reason, both federal and state legislation allows builders exemptions or modifications based on unjustifiable hardship grounds. This bill extends the definition of unjustifiable hardship, and it removes a reference to the Disability Discrimination Act 1992. I am concerned about the modifications, and I question whether disabled people will derive a benefit if through this bill the government is making it too easy for builders to obtain an exemption.

Simply put, this legislation does not go far enough in making facilities and access to buildings for disabled and mobility-impaired people less problematic and discriminatory. I am concerned about that. It is a missed opportunity. I hope the government will seek to address these issues in future legislation. We have an opportunity here to move to cover private dwellings. I note that the Premier is on the public record as addressing these issues.

I will not go into any great detail on Mr Baillieu's contribution to the debate in the Assembly on 23 March 2005 on the Outer Suburban/Interface Services and Development Committee report on sustainable urban design for new communities. He called on the then planning minister to support accessibility standards for housing, including public housing and private dwellings. I remind the Premier of his previous

position. As a former architect, he obviously has some understanding of these issues. I hope he will seek to champion these issues and introduce provisions for homes that are accessible to all of our population.

Whilst I am in favour of making improvements to the legislation as foreshadowed by Mr Tee's amendments, which I strongly support, this is a small step forward but it is a missed opportunity.

Ms HARTLAND (Western Metropolitan) — Considering the seriousness of this bill, I am a bit surprised that we are dealing with it at this time of night. I would have thought that legislation about the issues around disability access was important and serious and should not be rushed through and not well considered by this Parliament.

In Australia 1.4 million people live with serious disabilities, and more than half a million people are the primary carer of a person with a disability. Many more people have disabilities that limit mobility. We want to create environments that are accessible for everyone so that we can all participate in community life. Having worked in a number of different positions, mainly with older people, I know too well what limits people's mobility and their ability to stay in their homes.

Many of us take for granted the ability to go to a sporting match, attend a theatre show, go to a restaurant or even use a railway station. In the area where I live there are two railway stations, Laverton and Footscray. They are technically disability compliant but, unless you are an incredibly able-bodied person, getting up and down the steps of those stations is very difficult. Quite regularly the lifts are not working. There are many examples of venues such as these that are impossible for a person with a disability to access. I suggest that the next time they go out members think about having with them someone who is on a frame or in a wheelchair and whether that person would manage going out. Often people cannot access quite modern new buildings.

From 1 May the national disability access standards will be applied in every state and territory. This will obviously be a great step in the right direction. On that date we will make comparisons about how those standards are being applied across the country. Will we in Victoria be able to demonstrate that we are Australia's leaders, with the nation's best disability access standards, or will we lag behind and be shown to be supporting disability access second to the requirements of special interest groups and developers? I certainly hope it is the former, but only time will tell. It will be a long time indeed, as there is no time line for

legislative review at the state level and the national review will not be undertaken for five years — but five years from when? That is not clear, and later I will be asking the minister about this.

It is yet to be determined when we will begin measuring that five-year timetable. A lot of buildings can be built or retrofitted in a five-year time line. We do not know the success or otherwise of applications of the disability access standards in those buildings.

Some of the broad language used in the bill concerns me, specifically around the exemption from disability access compliance due to financial circumstances and cost factors. The Master Builders Association has been claiming that meeting disability access standards will be costly for builders. If it is costly for builders, will they be claiming exemption on the grounds of financial hardship?

I welcome the National Disability Strategy and National Disability Access to Premises Standards, the aims of which are to improve disability access and social problems, which I have described. I hope the concerns I have raised are unwarranted.

The Greens will be considering and supporting Mr Tee's amendments. We believe inserting the reference to the Disability Discrimination Act 1992 is necessary and will improve consistency with the national application of standards.

I also note that I will be asking a number of questions in the committee stage, mainly around clause 5. While the Greens will be voting for this bill, we have concerns, as I have indicated, about the language and about the lack of time lines in the review. Because this is such an incredibly serious piece of legislation and will seriously affect a number of people's lives and the way they are able to live, I hope our concerns are proven wrong.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on the Building Amendment Bill 2011. Just to reiterate, the bill will amend the Building Act 1993 to:

1. enable volumes 1 and 2 of the National Construction Code Series (Building Code of Australia) to be adopted by and form part of the Building Regulations 2006 and volume 3 of the National Construction Code Series (Plumbing Code of Australia) to be adopted by and form part of the Plumbing Regulations 2008; and
2. enable the existing Buildings Appeal Board to determine applications made for unjustifiable hardship using criteria under the national Disability (Access to Premises-Buildings) Standards 2010 (premises standards).

This is basically a technical bill to bring Victoria into line with federal standards. Speakers who have spoken on this bill this evening have clearly articulated the technicalities of the bill. I particularly acknowledge the excellent contribution of Mr O'Brien, because he clearly marked out exactly what is intended by this bill.

However, I disagree with the Greens and with Ms Hartland's comment about the debate on such an important bill happening at this time of the night — and Mr Tee interrupted and interjected at the same time to say the same thing. Any opportunity that this chamber has and this Parliament has to talk about people with disabilities and about our ageing population is worthwhile, even if it takes us all night. During the last parliamentary sitting week we sat until 3 o'clock in the morning to debate something that was not as significant as this. If this takes us until 3 o'clock in the morning, I think every word is worthwhile.

This is a very important issue for members of this chamber, as legislators and as a community. We should spend as much time as we can debating what I think is a serious issue.

Comments have been made tonight about the ageing population and what we are facing. On several occasions I have referred in this chamber to the intergenerational report which was first done by Peter Costello and the federal government in 2002 and then was done on a regular basis. Most recently the intergenerational report of 2007 found that between now and 2047 the number of older people aged 65 to 84 years will more than double, and the very old, 85 years and over, will more than quadruple. It is salutary to note that those aged 65 plus in 1907 made up only 4 per cent of the population. In 2007 that group represented 13.4 per cent of the population, and in 2047 it will represent 25 per cent of the population. Those aged 85 plus in 2007 represent 1.7 per cent of the population and in 2047 will represent 5.6 per cent of the population. In addition, if we have a look at what is happening here in Victoria, we can see that at the moment 19.1 per cent of Victorians are over 60. By 2020 the proportion will be 22.8 per cent, and by 2030 it will be 25 per cent.

I will speak of aged care now because although, as other speakers have said, many people age very successfully and are fit, able, well and ambulatory right through until the end of their lives, not everybody is. Within those statistics there will be many people who are going to need additional support, resources and basic renovations to their homes to enable them to age in place. Ageing in place has been proven time and again to be far better for the aged people concerned.

They feel happier, they stay healthier and their friends and social networks can continue to visit them and be with them well into their ageing process. Economically that has a value as well.

In relation to renovations to houses, it is far more difficult to retrofit houses than it is to build supports into new houses. This affects not only the ageing population but the disability sector as well. In the disability sector there are people who are born with complex needs who require very significant assistance as they grow older. Electric wheelchairs are among the sorts of devices they need to get around. Sadly we are also seeing increasing numbers of people with brain injuries acquired through car accidents, sporting activities and more recently, alcohol-fuelled violence. We are seeing the need for young people who have acquired brain injuries to be housed appropriately as well.

Last Friday I was really fortunate to be able to go to a house in Dunblane Road, Noble Park, that has been built exclusively for young people who have previously been living in nursing homes. This is a very exciting, purpose-built establishment which is being run by that excellent operator of disability and other community services, Yooralla. A number of young people who had been living in nursing homes had moved into what I am not going to call a facility, because it was not a facility — it was a series of homes. It is an absolutely terrific place to visit, and it was wonderful to attend its opening.

I met a couple of people at that occasion. One of them, who shared her story with all of us there, was 41. She had an acquired brain injury and had been living in a nursing home for two years. She said this was the answer to all her prayers. She had an individual room, an adjacent bathroom and a lovely common area to share. It was light and bright. This person explained to me that her family had not wished to visit her in the nursing home. She was ambulatory and could get around without assistance; however, there were a couple of people who were paraplegics at that house. They had kitchens of their own, they had bathrooms and they too said their young friends were going to be able to come and visit. They were able to get into the house easily because it had wide areas in which they could get through the doors in their electric wheelchairs. They were able to access properly serviced bathrooms with reinforced handrails and hoists.

Anyone who has been involved with people with disabilities will know that many of them need significant help with hoists, which are used across their

beds and in their bathroom situations, to help them deal with the dignities of everyday life. It is a fabulous initiative, it was a pleasure to have been involved and I am really pleased to have been there. It is salutary, though, when we are debating this bill to see what the cost savings are.

The basic premise of this bill, which is technical and designed to bring us into line with federal legislation, is about the dignity of people's lives. It is about how people who are ageing in their own homes and in the wider community or who have a disability that they were born with or have acquired are able to lead fulfilling and dignified lives. That is a really important point to remember while we debate this bill.

I refer to the economics of the bill because it is important to understand the savings that we can achieve in the universal design of elements of what is important for people with a disability or those in aged-care facilities. One is a clear pathway from the street to an entry level. Mr Ondarchie said that it is very difficult for people with a disability to get into his electorate office. My own office in Bay Street, Port Melbourne, was modified so that people who have a disability, are on walking frames or in electric wheelchairs can get in.

Accessibility is a very simple thing for those of us who are able bodied, but it is a major problem for others. We need wider doorways and passages, toilets at entry level suitable for people with limited mobility and reinforced bathroom walls to allow for grab rails to be fitted if necessary. With an ageing population of people who will have these needs it will be increasingly important that these facilities are included in our building regulations.

I was very interested to see that the estimated cost increase for a single house is expected to be \$870, which represents an increase of only 0.2 per cent on a home valued at \$370 000. The anticipated cost across 35 727 new homes built annually works out to be \$17.9 million a year. New housing stock represents 1.98 per cent of total housing stock. Therefore new homes built with these four features would amount to 17.8 per cent of homes after 10 years. The cost of retrofitting a house to include the four features is estimated to be \$19 400. Therefore the cost of retrofitting is 22.3 times higher than including them up-front as a design feature.

As I said, these are small issues in the scheme of things but they give people with a disability a much more dignified life. We also know that such designs reduce hospitalisations and deaths caused by trips, slips and falls and would result in savings to the health system of

about \$1.95 million a year. It would add to and enhance the quality of life for a whole range of people.

I do not agree with the amendments circulated by Mr Tee or his argument in this debate. I consider the bill to be worthwhile. It recognises a very serious issue in our community that will not go away. People in this state and this country are getting older and people with disabilities are not going to disappear and their needs will be greater in the future. It is imperative for us as legislators to understand that we must offer dignity to every one of our community members. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — Given the lateness of the hour I will try to make my contribution brief. The provisions in this bill advance a wish that is shared by everyone in this house that our buildings should be accessible to everyone regardless of their particular circumstances. Our buildings should function for the young and the old, the short and tall, the sighted and the vision impaired, and for those with full capacity and those with disabilities.

Besides their expressive and aesthetic power, buildings are also systems. They are controlled environments that are designed to meet certain functional objectives. It is only relatively recently that designers have focused on energy sustainability or on what I would call democratic or social justice imperatives in the construction of buildings. Badly designed buildings in streets have for centuries effectively discriminated against people with disabilities. We have come to admire buildings such as Parliament House with its dramatic and rhetorical Spring Street stairs, even though every day, as Mr O'Brien observed earlier, we see older people and people with physical impairments struggle up those stairs or have to use the lifts at the rear of the building. It is a great building, but it is also a building that constitutes a rather magnificent obstacle to many of our citizens.

On the other side of the ledger, auditory signalling at traffic lights that assists people who have vision impairment, wheelchair-friendly kerbsides and car parks reserved for drivers with disabilities have become commonplace and have made a very important and profound difference to the quality of life of people with disabilities. The goal of making our buildings accessible and functional for people with disabilities is the current major challenge in a long campaign to remove discrimination on the grounds of a person's disability. The achievement of this goal poses huge challenges. Many individuals and organisations have worked hard over many years to try to put in place structures and processes that assist us all to think more

creatively about these issues so that we can best design our buildings to better service everyone who uses them.

The introduction of this bill is clearly a step in the right direction. As we know, the opposition will not be opposing the bill, and I am pleased to speak in support of it today. It has two purposes. It amends the Building Act 1993 to enable an owner or a person leasing a building to apply to the Building Appeals Board for an exemption to the requirement that their building be accessible to people with disabilities. They may need to do this for a number of reasons — for example, they may be materially unable to comply on the grounds of financial duress; the building may have a heritage overlay; the public may not need to use the building very often and so it may not warrant compliance with the code; or the expense of the modifications may be out of proportion with any practical benefit. They are some of the reasons for an exemption to be granted to an owner of a building.

Having said that, it appears that the Victorian government has weakened the test that the Building Appeals Board needs to apply when considering an application for exemption. For example, the bill states in clause 5 that an application must be made on the grounds that compliance would impose unjustifiable hardship on the applicant. It requires the board to take into account all relevant circumstances, including, for example, the cost of compliance, the impact on income and the value of the property, the level of government funding, public uses of the building, technical factors, overcapitalisation, benefits and detriments to users, and the level and type of consultations.

As I understand it, the federal legislation requires that a successful exemption must show that the applicant, despite being unable to fully comply with the standards, has so far as possible removed discrimination against people with disabilities. I understand that test has been dropped from the bill, and the effect of that will create a loophole through which a builder or renovator can be granted an exemption without having seriously tackled the issue of how their building design and management could assist people with disabilities. In our view that is a weakness in the bill that the government should take into further consideration.

The previous Labor government worked hard in conjunction with the federal Labor government to harmonise building codes across the country. This initiative was strongly supported by the building industry but was frustrated by the wide range of codes that applied between states and between local government areas. It was the Brumby government that negotiated these national standards, and the good news

is that, with the passage of this bill, these have now been accepted right across the country.

The premises standards ensure that people with disabilities can gain access to public and commercial buildings and use them in a way that gives them dignity and equality with all other citizens. These standards are important because they clarify the link between the provisions in the Disability Discrimination Act 1992 and the design, construction and management of buildings. The Disability Discrimination Act 1992, as speakers before me have said, is silent on the type of building specifications that are necessary to enhance the life options of people with disabilities. The premises standards set out the ways in which the design and management of a public or commercial building can discriminate against people with a disability. The standards build new protections and support for people with disabilities and identify new responsibilities for those constructing or renovating buildings.

Mr Tee drew attention to the Scrutiny of Acts and Regulations Committee report, and he referred to the fact that the bill used a different definition of ‘unjustifiable hardship’ from that used in the national premises standards. He highlighted the fact that the SARC report indicates the implication of this is that the alternative definition may provide less protection for disabled people than does the current definition. Mr O’Brien indicated that the minister had provided a response for that which addressed those difficulties. I believe the details of that will be dealt with in the committee stage, so we look forward to seeing how that develops.

The last matter that I wish to touch on is the issue of the premises standards applying to domestic buildings as well as to public and commercial buildings, as provided in this bill. This is obviously the next step that would vastly improve the quality of life for people with disabilities by removing the day-to-day difficulties that poor design poses for them. In 2004 as a member of Parliament’s Outer Suburban/Interface Services and Development Committee I had the opportunity to participate in the inquiry into sustainable urban design for new communities in outer suburban areas. Part two of the final report was entitled ‘Sustainable building’, and looked at accessibility issues in the home. It illustrated the need for a reconsideration of the relationship between planning and design to enhance accessibility for two emerging cohorts: the growing number of people with a disability and the rapidly ageing population. The report said that an accessible built environment is about equity and justice, and it was concerned with both the private home and public buildings and spaces.

The committee made a number of recommendations to the Labor government to investigate strategies to increase the number of homes that were built to cater for the needs of ageing Victorians and those with disabilities. The Bracks government gave in-principle support for the committee's recommendation that a commitment be made to investigate the economic and social costs and benefits of providing for adaptable housing in building regulations.

I remind members that leading up to the 2010 election Labor committed to making more homes accessible through mainstream design, including accessible paths to the front doors of houses, wider doorways and halls, reinforced bathrooms so that grab rails could be fitted when needed, toilets on the entrance level and level-entry showers. These were some of the details that were set out in our policies. There is always more to be done. I commend this bill to the house. It is not perfect legislation, but it is an important step.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr TEE (Eastern Metropolitan) — I want to confirm that, notwithstanding the changes taken from the federal act, the purpose of this bill is to create a national standard.

Hon. M. J. GUY (Minister for Planning) — Did Mr Tee ask me about the purpose of this bill or the purpose of the Council of Australian Governments (COAG) discussions?

Mr TEE (Eastern Metropolitan) — I asked about the purpose of the bill.

Hon. M. J. GUY (Minister for Planning) — The purpose of the bill is to put in place in Victorian law the national COAG agreed standards. If Mr Tee requires further information, he might want to read the explanatory memorandum on the front page of the bill.

Mr TEE (Eastern Metropolitan) — I have read the explanatory memorandum. I want to make sure that the purpose of the bill is consistent with the explanatory memorandum. As we heard, there are deficiencies in the bill compared to that provided in the national standard. Is it still the purpose of this bill to ensure that

the Victorian standard is consistent with the national standard?

The DEPUTY PRESIDENT — Order!

Mr O'Brien is at the table, for which no leave has been sought. I ask Mr O'Brien to go back to his place.

Hon. M. J. GUY (Minister for Planning) — I seek leave for Mr O'Brien to be present at the table.

Leave granted.

Hon. M. J. GUY (Minister for Planning) — I do not agree with the premise of Mr Tee's question. I have already stated the answer to it.

Mr TEE (Eastern Metropolitan) — Could the minister state what the position is in relation to other states and territories? If we are buying into a national standard in the provisions, which the Victorian bill is seeking to do, can the minister inform the committee whether or not all states and territories have agreed to replace their building codes with those we are being asked to pick up today?

Hon. M. J. GUY (Minister for Planning) — The simple answer is yes. The bill adopts the National Construction Code Series, which is the COAG agreed framework. Obviously all states are progressing. If Mr Tee is asking for an update on where those states are at and whether the national premises standards will be adopted by 1 May 2011, I say: New South Wales, yes; Queensland, yes; South Australia, yes; Tasmania, yes; Western Australia, yes; Northern Territory, yes; the Australian Capital Territory, yes; and, if we pass this bill tonight, Victoria will be a yes.

Mr TEE (Eastern Metropolitan) — On another matter, there was some reference in the debate to the minister's response to the concerns that the Scrutiny of Acts and Regulations Committee raised. In his letter he talks about the fact that Victoria proposed a number of changes to the building regulations, which include provisions containing exceptions and exemptions based on non-discriminatory criteria set out in the national premises standards for such facilities as existing lifts and toilets. I want to know: What are the changes that apply to Victoria that are referred to in the minister's letter?

Hon. M. J. GUY (Minister for Planning) — I am advised that they are the exemptions that exist in the premises standards.

Mr TEE (Eastern Metropolitan) — To be clear, in a comparison of the national legislation with the Victorian legislation, is the difference between them the

two parts that have been dropped off the Victorian legislation?

Hon. M. J. GUY (Minister for Planning) — Yes.

Mr TEE (Eastern Metropolitan) — In the minister's letter, he says:

Changes are also proposed to the Building Act to make provision for the exception or concession from the technical access requirements where compliance would impose an 'unjustifiable hardship'.

I want to know what those additional changes are.

Hon. M. J. GUY (Minister for Planning) — Those changes are quite detailed, so I might provide that information to Mr Tee during the course of the committee stage.

Mr TEE (Eastern Metropolitan) — To clarify, is the minister proposing to provide those changes before we complete the consideration of the bill this evening?

Hon. M. J. GUY (Minister for Planning) — Yes, that is what I just said.

Mr TEE (Eastern Metropolitan) — The other issue the letter raises is in relation to a protocol that is referred to, and I ask: is that a publicly available document which is noted in the letter — —

Hon. M. J. Guy — What page?

Mr TEE — It is on page 10 of the SARC digest. It deals with the Victorian response, and it refers to a protocol in the second-last paragraph:

The protocol is intended to provide guidance to state and territory administrations in aligning their building control schemes with the national premises standards.

Hon. M. J. GUY (Minister for Planning) — No, it is not. It was provided to states and territories during the COAG negotiations. Undoubtedly Mr Tee would find that that document is held by some members of his own parliamentary team who took part in those negotiations.

Mr TEE (Eastern Metropolitan) — Will the Victorian public be able to access that protocol rather than using the method you have just suggested? Is there any reason why that protocol is not a public document?

Hon. M. J. GUY (Minister for Planning) — I did not take part in the COAG negotiations. As I said, they were done in early 2010 when Mr Tee's lot was in government. So the simple answer to that — it will be a long night if I answer the same question for Mr Tee three or four times — is no.

Mr TEE (Eastern Metropolitan) — I understand it is not a public document. The minister has answered my question in relation to that issue twice. My question is: why not?

Hon. M. J. GUY (Minister for Planning) — Mr Tee might want to ask himself and those involved in the COAG negotiations why he made it so.

Mr TEE (Eastern Metropolitan) — The minister has access to it. He can make it available.

Hon. M. J. Guy — I am not sure that I do; that is the point.

Mr TEE — Then I suggest that the minister ask and find out. If the minister has access to the documents, he should be able to make them available now.

Hon. M. J. GUY (Minister for Planning) — It is a commonwealth document. Perhaps Mr Tee will direct his request for access to the document to his commonwealth colleagues.

Mr TEE (Eastern Metropolitan) — Regarding the protocol issue, it says in the minister's letter that Victoria has used the protocol as a guide. Is there any status beyond that in terms of the use of the protocol? I take it there is no legal status, that it is simply a document that has been developed. The minister talked about it in his letter and I am trying to see what the significance of it is and how it is articulated as being something that the Building Appeals Board will refer to.

Hon. M. J. GUY (Minister for Planning) — The Building Appeals Board will be referring to it, and it says it has been given access to it by the commonwealth government.

Mr TEE (Eastern Metropolitan) — The Building Appeals Board will be referring to it as a guide to the interpretation of the legislation. Is there any consultation around any changes to it? Does the Victorian government have any capacity to change it? I am trying to get a handle on the fact that we have a protocol that the Building Commission uses to interpret the legislation which is not publicly available. What is the capacity for Victoria to have any influence in relation to the content of it?

Hon. M. J. GUY (Minister for Planning) — It has already been stated that this is a commonwealth document which has been referred to by the Victorian Building Commission, and as Mr Tee has just stated quite correctly, the commonwealth document will be referred to. Thus the Victorian government will not be

able to change what is a commonwealth document agreed at a national COAG framework, or certainly put in place by it. It will be referenced by Victoria but not able to be changed by Victoria. That is the whole premise behind this bill — that it is a national framework rather than an individual state framework.

Mr TEE (Eastern Metropolitan) — Has the commonwealth placed any restrictions on the Victorian government making the document publicly available?

Hon. M. J. GUY (Minister for Planning) — My letter to the Scrutiny of Acts and Regulations Committee states fairly clearly what the protocol does, how it is referred to and the operation of it. Again, I refer Mr Tee to that letter, which is a very clear and public document.

Mr TEE (Eastern Metropolitan) — I thank the minister. We have moved on now. My question concerned whether any restrictions were placed on the Victorian government in relation to stopping the Victorian government from publicly releasing that protocol.

Hon. M. J. GUY (Minister for Planning) — We asked and were told that it was not a public document, although we will be providing practice notes as reference documents through the commission.

Mr TEE (Eastern Metropolitan) — I missed the first part of the answer from the minister.

Hon. M. J. GUY (Minister for Planning) — It has now escaped me. What was the first part of Mr Tee's question?

Mr TEE (Eastern Metropolitan) — My question was: has the commonwealth placed any restrictions?

Hon. M. J. GUY (Minister for Planning) — The commonwealth has asked us not to release it, and thus we were using and will be providing practice notes through the commission.

The DEPUTY PRESIDENT — Order! At 11.24 p.m. I suppose these things are understandable.

Mr TEE (Eastern Metropolitan) — Those are all the questions I have in relation to this clause.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

The DEPUTY PRESIDENT — Order! Mr Tee, do you have questions on this clause?

Mr TEE (Eastern Metropolitan) — Yes. Clause 5 deals with the application and essentially talks about a number of bodies that can make an application to obtain exception and exemption. In the ordinary course would they be the only parties to the application, or who would be the other parties to the application apart from the applicant?

Hon. M. J. GUY (Minister for Planning) — On page 12 of 27 it says that certain people can make applications to the Building Appeals Board under certain conditions.

Mr TEE (Eastern Metropolitan) — Sorry, is that on page 12 of the bill?

Hon. M. J. GUY (Minister for Planning) — I failed to say that I was talking about the Building Act 1993, which is where the sections for unjustifiable hardship are made clear.

Mr TEE (Eastern Metropolitan) — I am sorry, I do not have it in front of me, but does that have a list of the applicants, or does it have respondents as well? I suppose my question really is, just to cut to the chase: on page 7, proposed section 160B(7), which is inserted by clause 5 of the bill, talks about having due regard to the rights and interests of all relevant parties. I am trying to get a sense as to who 'all relevant parties' are.

Hon. M. J. GUY (Minister for Planning) — All relevant parties will be those who have made an application under the Building Act 1993. I will take some further advice on that for Mr Tee, but that was my understanding. As I said, building owners, managers, users — anyone who is obviously going to use the building. It is obviously going to be fairly broad because those who are using the building will be able to make the application for unjustifiable hardship, which, as I said before, is at page 12 of 27 of the expanded clause notes which refer to the Building Act 1993, which will then talk about the regulations in relation to those who can make an application.

Mr TEE (Eastern Metropolitan) — To be absolutely clear, is the minister saying that when the Building Appeals Board looks at proposed section 160B(7) — and it has to consider unjustifiable hardship, and when it considers that it has to have regard to the rights and interests of all relevant parties — those relevant parties are the builder and the architect and whoever else has applied?

Hon. M. J. GUY (Minister for Planning) — The users.

Mr TEE (Eastern Metropolitan) — I am just asking if that is the minister's position?

Hon. M. J. GUY (Minister for Planning) — I am appreciating the technicalities of Mr Tee's questions! The building owner will make an appeal to the Building Appeals Board on behalf of those who may use the building. The building owner will make the application.

Mr TEE (Eastern Metropolitan) — The building owner makes an application on behalf of those who may use the building, who may include members of the public with a disability. So the building owner is representing people who have a disability?

Hon. M. J. GUY (Minister for Planning) — Let me be very clear again on the point Mr Tee has just asked: the building owner will make the appeal on behalf of those who will use the building; is that what Mr Tee is asking? I am not sure that is correct.

I am advised the building owner makes the application to the BAB (Building Appeals Board), and the BAB takes the interests of all parties who are involved in the unjustifiable hardship issue.

Mr TEE (Eastern Metropolitan) — I thank Mr Guy. That is important. In terms of the parties — and I assume they would include users who access the premises who have a disability — essentially the building owner brings an application to get an exemption, and the Building Appeals Board then takes into account all relevant parties. The minister is saying all relevant parties will include people with a disability; is that it?

Hon. M. J. GUY (Minister for Planning) — That is correct.

Mr TEE (Eastern Metropolitan) — Is there any capacity for people with a disability or their organisations to be advised of these proceedings and to become parties to these proceedings?

Hon. M. J. GUY (Minister for Planning) — That is a good question. I am advised the answer is no; only the applicant can appear as part of those hearings.

Mr TEE (Eastern Metropolitan) — What about the Victorian Equal Opportunity and Human Rights Commission; does it have a right to be a party in these proceedings?

Hon. M. J. GUY (Minister for Planning) — No, but the BAB may opt to hold its hearings in private or in public, so a public hearing can take place. But the answer to the question is no.

Ms HARTLAND (Western Metropolitan) — I will follow on from that question as well. I am not sure, then, how someone with a disability who is concerned about access issues is actually able to take that concern to the board. Can the minister explain that?

Hon. M. J. GUY (Minister for Planning) — The Building Appeals Board considers all the rights of those who are a party, so it would consider the issues of people who have a disability, but, as I have previously stated, the individuals will not be able to make a submission to and will not be able to appear before any of the inquiries.

Ms HARTLAND (Western Metropolitan) — I need to take this a bit further. Does that mean that someone who has a disability has no access to the board and cannot make application to the board to say that there is hardship because of the way this development has occurred?

Hon. M. J. GUY (Minister for Planning) — I am advised that an individual would pursue that action through the Australian Human Rights Commission. The purpose of the bill is not to manage individual issues or complaints before the BAB.

Mr TEE (Eastern Metropolitan) — I thought the intention of the bill was to provide a defence against a claim of discrimination, and therefore I am not sure on what basis the minister has put it that an individual can make a claim when the very purpose of this bill is to provide a defence to that claim. Once you have approval from the appeals board, is that not a defence against any claim that an individual might bring?

Hon. M. J. GUY (Minister for Planning) — The bill is for an application for an exemption, as it says in new section 160B:

... Application for modification of building regulations relating to access for persons with disabilities

That is the primary purpose of the bill.

Mr TEE (Eastern Metropolitan) — The minister raised the issue of an individual making a complaint before the Australian Human Rights Commission. I am just following that up. My understanding of the bill is that it provides a defence against any such complaint. Is he now saying that is not the position?

Hon. M. J. GUY (Minister for Planning) — I do not understand what Mr Tee is saying. He is going to have to repeat that.

Mr TEE (Eastern Metropolitan) — I do want to find the provision in the bill, but, as I understand it, the bill

provides a defence to any complaint. So if you comply with the standards set out, then a complaint cannot be made against your building for denying access to a person with a disability.

Hon. M. J. GUY (Minister for Planning) — You have complied with the Building Act 1993, that is correct.

Mr TEE (Eastern Metropolitan) — Therefore the example the minister used, where an individual can make a complaint before the Australian Human Rights Commission — —

Hon. M. J. GUY (Minister for Planning) — That is a totally different issue.

The DEPUTY PRESIDENT — Order! Can we do this in an orderly fashion? If the minister would clarify the comments he made without the microphone on and while he was seated, it would be a good idea.

Hon. M. J. GUY — As I said, the point Mr Tee was asking about was a completely different issue to the initial premise of what we were discussing in relation to the purpose of the bill.

Ms HARTLAND (Western Metropolitan) — I have a number of questions in relation to clause 5, and they are around exemptions. Clause 5 inserts new section 160B(4)(a), which provides for exemptions on the basis of hardship. What level of ‘additional capital, operating or other costs, or loss of revenue’ would be reason to grant an exemption? Is there a set formula, such as a percentage of total costs or revenue, or is there a scenario as a way of an example for a new building?

Hon. M. J. GUY (Minister for Planning) — The answer to that is there is not. It is in the commonwealth standards, and it is repeated in the Victorian bill, which reflects what is in the commonwealth standards around relevant circumstances.

Ms HARTLAND (Western Metropolitan) — Can the minister explain exactly what that is because throughout this bill it talks about exemptions for builders and developers on the basis of hardship. This is a major concern for me, and I want to understand how a developer can be exempted on the basis of financial hardship from actually complying.

Hon. M. J. GUY (Minister for Planning) — The bill talks about additional capital and operating or other costs. I imagine it will be on a case-by-case basis. In circumstances like this there could not be a

one-size-fits-all approach; as I said, it would obviously need to be on a case-by-case basis.

Ms HARTLAND (Western Metropolitan) — The Master Builders Association has already said that this is going to be quite expensive, so I really do want the minister to clarify for me what it is that is going to determine that a developer can get an exemption from the subsections inserted by clause 5.

Hon. M. J. GUY (Minister for Planning) — I can read the bill from proposed section 160B(4)(a) to (o) around the relevant circumstances that would exist on a case-by-case basis. As I have said, I cannot give Ms Hartland a dollar figure; it would be impossible to give a dollar figure. It would be impossible to draw a little box, with everyone either fitting into it or going outside of it, which would then determine what would or would not constitute compliance, because as it says very clearly in the bill, there are a number of key issues in which that provision would be tested.

Mr BARBER (Northern Metropolitan) — The Master Builders Association has not done the minister any favours, because for years it has been campaigning against these sorts of standards, saying they will be hugely expensive and that they will cause hardship. Now Ms Hartland has asked what level of hardship they will have to cause before they will get an exemption, and the minister cannot answer it. Hence the concerns of the non-government parties.

Hon. M. J. Guy interjected.

Mr BARBER — The minister was not able to provide any ruler or any scale that would allow us to predict in advance what sort of hardship it would take to trigger this threshold.

Hon. M. J. GUY (Minister for Planning) — I just think that the standard is very clear that compliance is required to the maximum extent not involving unjustifiable hardship, and that will be assessed on a case-by-case basis. If Mr Barber wants to have a conversation about the Master Builders Association, he should go up to its offices in Albert Street and raise it, but this is very clear and is put out on a case-by-case basis, which is how this provision will apply.

Ms HARTLAND (Western Metropolitan) — If the minister goes to proposed section 160B(4)(e), he will see that it states:

the financial position of the applicant ...

What does that mean? Proposed section 160B(4)(f) states:

any effect that compliance with the provision is reasonably likely to have on the financial viability of the applicant ...

What does that mean? If you are going to do this kind of work, we need to understand what the exemption actually means.

Hon. M. J. GUY (Minister for Planning) — Ms Hartland may not get building, but every building is a different case and every applicant will have a different situation. I have just told Ms Hartland that I cannot give her a dollar figure — no-one will be able to give her a set dollar figure. I have just said that it is very clear that every applicant will have a different circumstance. They will be considered. The legislation, which is drafted nationally by the Council of Australian Governments drafted, will consider those circumstances around each application. It is ludicrous for a national COAG agreement to come up with a circumstance which would affect a hotel in Cairns as opposed to a residential apartment block in Melbourne on a set dollar value, when the dollar value of a property may be different, the dollar value of construction may be different and a whole range of factors may be different. The topography may be different, and a whole range of issues may be different.

With the greatest of respect, Ms Hartland is saying things have not been answered. They may not have been answered to the satisfaction of the dollar value that the Greens are seeking, but what the Greens are seeking is frankly something that borders on being ludicrous.

The DEPUTY PRESIDENT — Order! Before I call for further contributions, I suggest to the minister that this is not a second-reading debate. This is a stage of the legislation where the house in committee is able to explore the detail of legislation and to raise questions and issues that are of concern to members of the committee. We might get through this more quickly if we deal with this stage in that spirit rather than as a second-reading debate. I cannot suggest formally to the minister how he might respond to questions, but I give similar guidance to that given by the President when he was Deputy President in the previous Parliament.

Ms HARTLAND (Western Metropolitan) — I do not think it is ludicrous to find out exactly how this bill will work, because being able to access buildings is obviously of great concern to people in the community who have disabilities. The exemptions are extremely vague, and I am trying to get from the minister an understanding of what would constitute a case that someone would have to put forward to say they have a hardship and should not have to comply.

Hon. M. J. GUY (Minister for Planning) — I would like to know what the question is.

The DEPUTY PRESIDENT — Order! Did Ms Hartland have a question or was that a comment?

Ms HARTLAND (Western Metropolitan) — There was a very clear question. I am asking the minister to explain what is the hardship that a developer would have to prove to be exempted from this so as not to have to comply with disability standards?

Hon. M. J. GUY (Minister for Planning) — BAB would require maximum compliance with the provisions, which can factor in unjustifiable hardship. I think I have stated this on a number of occasions. This will not be a one-size-fits-all approach; it will be on a case-by-case basis. When an application comes to BAB the board will seek maximum compliance with the COAG-agreed framework. When it believes that has been achieved and that an application beyond that cannot fit in with that regime, then it may consider an exemption, after achieving maximum compliance with the disability standards.

Following on from the member's earlier point, we all consider this an important issue. I do not think anything about this bill is ludicrous. My point in making that comment was in relation to the same question being asked.

Mr BARBER (Northern Metropolitan) — The minister has said it is very clear, and for some of these excuses, if you like, these grounds for not providing compliance, it could be more or less clear, depending on their terms. So (4)(a) basically says if it is going to cost a lot, one has more chance of getting an exemption, I would presume, while (4)(c) says if the money is coming from the government, that is a consideration. Presumably it is a consideration that makes one more likely to get an exemption, and I do not particularly understand the logic for that. Then (4)(d) says:

the extent to which the building —

- (i) is used for public purposes; and
- (ii) has a community function ...

I presume that would make it less likely to get an exemption. Then (4)(e) says:

the financial position of the applicant ...

This is something that the minister has talked to. What this clause is basically saying is: the less financially viable you are, the more likely you are to get an

exemption, whereas presumably if, conversely, the building board takes a look at you and says, 'He has plenty of money', it is less likely to give you an exemption. I would question whether that is a logical basis on which to give an exemption. Both paragraphs (e) and (f) seemingly say the same thing. Paragraph (g) refers to exceptional technical factors, such as the effect of load-bearing elements, so it is easy enough to understand how that particular exemption would be discussed and brought to bear. Paragraph (h) says that it is really about the resources available to the applicant. I am not sure whether that gives them a lesser or greater chance of getting an exemption.

The minister simply keeps reiterating that it is clear but that it is also to be done on a case-by-case basis. We have possibilities in paragraphs (a) through to (o) that could be called upon, yet even those are not clear as to how they operate. Since he brought it up, I ask the minister: in relation to paragraphs (e) and (f), is the intention of these exemption points that the less financially viable an applicant is the more likely they are to get an exemption?

Hon. M. J. GUY (Minister for Planning) — I am just being clear on what Mr Barber has put forward: the less financially viable a project is, the more likely the applicant is to get an exemption. I understand that is what he asked about.

That is not the primary consideration. As I stated, the primary consideration, which was agreed at COAG, was all relevant circumstances, including paragraphs (a) to (o), and Mr Barber ran through a number of those himself. Some cases may meet some of those criteria and some may meet most of them, but as I have said to Ms Hartland in answer to her questions, it would have to be considered on a case-by-case basis because the number of points which may be taken into account include (a) to (o), and the bill clearly states on page 4 that this is 'all relevant circumstances'. They are the relevant circumstances which have been put out, including paragraphs (e) to (f), which Mr Barber has mentioned.

The key question is: if it is a financially unviable project, can an applicant achieve an exemption? The answer is no. That is not the key objective. It is all relevant circumstances from paragraphs (a) to (o), and the BAB will assess that.

Mr BARBER (Northern Metropolitan) — That is a lot easier to understand than the minister's simple assertion that it is very clear. I understand the minister is saying that the board will look at paragraphs (a) to (o) and start to balance one against the other and see what

the totality of it looks like. Is it not the case then that with the exception of paragraph (k), and only half of (k), all these are things that benefit the applicant — that is, the developer of the building? Generally speaking it is all about them and their circumstances, except when we get to paragraph (k), which starts talking about detriment. However, that is detriment to the applicant. The building developer, the building manager and the person with the disability are all in there as well. From the disability side of this matter, the exemptions in paragraphs (a) to (o) all seem to look at the circumstances of the applicant; only to a small degree do they look at the circumstances of the disabled person. While the code itself may drive compliance, the exemptions do not provide any counterbalance; they are simply a series of gates that an applicant will try to get through.

Hon. M. J. GUY (Minister for Planning) — With respect, I think that is a little subjective. An applicant will only gain an exemption if they can prove they cannot comply. In the first instance it is about compliance and then having the ability to prove you cannot comply, but the default is compliance. It is the premise of this bill, and of the National Construction Code, to ensure that the code is being adhered to.

As I said, I do not necessarily agree that the exemptions open a wide gate for people simply to find a way to not comply; it is not about that at all. It is about putting a mechanism in place, a nationally agreed COAG framework, that sets the standard of compliance for these standards. A range of relevant circumstances — we have been through paragraphs (a) to (o) — would be considered if an applicant could prove hardship, but the key point I will remind Mr Barber of is that these premises standards will apply as the default. They are not there to be usurped; they are there to be implemented.

Mr TEE (Eastern Metropolitan) — Minister, if someone complies with these building standards, will that constitute compliance with the Disability Discrimination Act 1992?

Hon. M. J. GUY (Minister for Planning) — If you comply with the NCC, you comply with the DDA. It is one and the other.

Mr TEE (Eastern Metropolitan) — So if you comply with the national construction code, you comply with the Disability Discrimination Act 1992. What if you get a complete exemption using this process? Would that still qualify as compliance with the DDA?

Hon. M. J. GUY (Minister for Planning) — The complaint at the federal level would not be upheld if the person were seeking unjustifiable hardship. The key point is that it would not be upheld if that was what was being sought.

Mr TEE (Eastern Metropolitan) — If an individual with a disability makes a complaint under the DDA and there is compliance with these standards, I think the minister has said that that complaint would not be sustained.

Hon. M. J. GUY (Minister for Planning) — That is correct.

Mr TEE (Eastern Metropolitan) — Flowing from that, if you have sought and obtained a complete exemption from the standards through this process because you have met whatever criteria, would a person with a disability who made a complaint in those circumstances under the DDA because your building discriminated against them also be unsuccessful?

Hon. M. J. GUY (Minister for Planning) — It is a hypothetical question that Mr Tee is asking, but I will do my best to give him a response. I want to take some advice to make sure that I give the committee the correct information.

I am advised that, if unjustifiable hardship is sought and agreed, a complaint to the Australian Human Rights Commission is unlikely to succeed as the commission will consider the same criteria.

Mr TEE (Eastern Metropolitan) — New section 160B(4), inserted by clause 5, provides that when considering unjustifiable hardship the Building Appeals Board must take into account all relevant circumstances, including:

- (c) the extent to which the construction of the building has or will be financed by government funding ...

I am unclear about how the board is to take that into account. What is the relevance of that provision? Why is it there? What does it add?

Hon. M. J. GUY (Minister for Planning) — I think it is just part of the fact that it was negotiated in, to the extent that it is considering whether it is a public or commercial building. This refers to government funding of the construction of the building, so it is obviously noting the nature of the building that the compliance is applying to.

Mr TEE (Eastern Metropolitan) — If it is publicly funded, is it more likely or less likely to get an exemption?

Hon. M. J. GUY (Minister for Planning) — I am advised that it would be less likely to get an exemption, because the provision would be consistent with the premises' standards.

Mr TEE (Eastern Metropolitan) — I have no more questions on this clause.

The DEPUTY PRESIDENT — Order! I call on Mr Tee to move his amendment 1, which is also a test for his amendment 2. If members wish to speak to amendment 1, I invite them to also speak on amendment 2.

Mr TEE (Eastern Metropolitan) — I move:

1. Clause 5, page 6, line 31, omit "subsection." and insert "subsection;"

Firstly, my amendments 1 and 2 replicate the federal provisions — I am reasonably confident they do so word for word — to ensure consistency between the Victorian and national standards. Secondly, these amendments are important because they say that if we are going to have national standards, those standards should be applied consistently.

This amendment says that in considering a case the Building Appeals Board should look at what other jurisdictions have done and that should be a relevant factor in its consideration. That way we have national disability standards. Otherwise what will happen over time is that the Victorian standards will evolve differently and we will lose an important aspect of this legislation, which is national consistency.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting the amendment for all the reasons that have just been outlined by Mr Tee.

Hon. M. J. GUY (Minister for Planning) — The government will not be supporting the amendment. As I said very early, we believe the amendment is redundant. The Building Appeals Board has the power, through the Building Act 1993, to inform itself of any matter it thinks fit on any of these points.

Mr TEE (Eastern Metropolitan) — The minister said the government's view is that it is redundant. Is it the government's view that the identical provision in the federal legislation is redundant? The reason I ask the question is that Victoria has deliberately made a decision to differentiate itself in relation to this provision. My question is: why the differentiation?

Hon. M. J. GUY (Minister for Planning) — Because Victoria already has legislation in place which can manage the issue that is being asked about.

Mr TEE (Eastern Metropolitan) — Can I ask the minister to identify the relevant legislation?

Hon. M. J. GUY (Minister for Planning) — The provision of the Building Act 1993 would be schedule 3, part 3, section 15(3).

The DEPUTY PRESIDENT — Order! I will put the question on Mr Tee's amendment 1, which as I advised the committee earlier will be a test of his amendment 2.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negated.

Mr TEE (Eastern Metropolitan) — I move:

- Clause 5, page 7, line 23, after "regard to" insert "the object of removing discrimination as far as possible and".

Firstly, this amendment will more closely align the Victorian legislation with the federal legislation. The federal legislation also has the object of removing discrimination as far as possible, and I want to add that for consistency with the federal provisions.

Secondly, the amendment has merit. Currently all that is required of the Building Appeals Board is that when it considers unjustified hardship that is to be interpreted as having due regard to the rights and interests of all relevant parties. The minister has provided evidence that the only people before the Building Appeals Board will be the applicant and the developer, but it is important to reflect the federal requirement, which says that as well as the rights and interests of all relevant

parties, the Building Appeals Board should consider 'the object of removing discrimination as far as possible'. Mr O'Brien did not approve of the word 'removing', but again that is identical to the federal legislation as set out in his digest.

Ms HARTLAND (Western Metropolitan) — For the reasons outlined by Mr Tee, the Greens will be supporting this amendment. One of the reasons for that support is that I am still not convinced about this bill, and of great concern to me is the number of excuses available for a developer to seek exemption for doing what they should do — that is, making sure that buildings are disability compliant. We should do anything we can to strengthen that.

Hon. M. J. GUY (Minister for Planning) — The government will not be supporting this amendment. It does nothing to strengthen this clause as the amendment includes the wording 'the object of removing discrimination'. The use of the word 'discrimination' is quite broad and remains undefined. In that sense it might not be properly interpreted and could mean a range of things. The amendment is not properly worded and the government will not be supporting it.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negated.

Clause agreed to; clauses 6 and 7 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Premier: departmental briefing

Mr LENDERS (Southern Metropolitan) — My matter this evening is for the attention of the Premier. This is the third occasion on which I have risen in this house to seek from ministers of this government a commitment to brief opposition parties on the basic operations of their portfolio areas, as is a provision of the Westminster tradition. It is a courtesy which I believe all governments should extend. The issue I raise for the Premier tonight is that I have received no reply, despite my having written to him towards the start of this Parliament and again in early February, from the Department of Premier and Cabinet or from the Premier's private office about my request to be briefed on the issue of federal-state relations, for which I am the Labor Party spokesman.

The reason I raise this in the house tonight — and I hope Mr Dalla-Riva has the success that Mr Hall had when he raised an issue for the Minister for Agriculture and Food Security, who duly organised a briefing — is that I was unsuccessful when I sought to have the Minister for Energy and Resources offer a briefing. Mr O'Brien at least had the courtesy to write to me to say why he thought it was inappropriate for a shadow minister to be briefed. What I ask of the Premier is that either he or, if he deems it more appropriate, which I imagine he will, someone in his office or department brief me on federal-state relations.

It is of particular importance because we have had a long debate today about whether or not it is appropriate for the Treasurer to attend a meeting of treasurers in Canberra — it is not a ministerial council — and about the importance of bipartisanship in federal-state relations. We have heard that today during question time and during debates. I would have thought that, if you were seeking bipartisanship in federal-state relations, a starting point would be to have the courtesy to take the opposition through what issues there may be in federal-state relations. For that reason, I seek a briefing from the Premier forthwith.

City of Port Phillip: skate park

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change, the Honourable Ryan Smith, and it is to do with the proposed skate park in the city of Port Phillip. The locals seriously want this skate park. From various constituents I have received correspondence, including emails, letters and phone calls, in support of the skate park. I will read from two of these to give an example of what my office has received. The first says:

I commend the final plans that the council has produced, which have evolved after considerable consultation from local and regional skateboarders, local residents and from Convic Skatepark builders, who have the reputation as being best builders of this infrastructure in Australia. I have watched the plan be transformed to accommodate safety concerns such as separation of the skate infrastructure from non-skating users of the reserve and also accommodate what users of the skate infrastructure look for in such a park.

This particular person goes on to say:

An important facet of skating is allowing for individuality and unstructured enjoyment while being able to personally challenge oneself with a learning experience. The learning experience is what keeps drawing back skaters to the park.

Another letter which is indicative of the types of emails that I am getting says:

We are of the view that it is highly desirable that the skate park should be sufficiently interesting and challenging to attract experienced skaters away from the boardwalk area, as their current activities are a danger to pedestrians and cyclists.

I have spoken in this chamber on many occasions about the necessity of having a skate park in this vicinity to give the young people of Elwood and the city of Port Phillip an opportunity to have something constructive to do in an area that is going to be readily available and safe for them. The action that I am seeking of the minister is for him, as a matter of urgency, to investigate the very few objections to the skate park and to approve the plans that have been submitted by the council for this very important piece of infrastructure — the skate park in the city of Port Phillip.

Housing: Swags for Homeless

Ms MIKAKOS (Northern Metropolitan) — My matter is for the Minister for Housing. It is estimated that every night in Victoria over 2000 homeless people will be sleeping rough on the street, many of whom have been turned away from emergency shelters unable to cope with demand. We will soon have Victoria's harsh winter upon us.

Swags for Homeless, a not-for-profit charity organisation, has developed the Victorian emergency relief homeless program, which aims to provide an emergency relief backpack bed to those unable to find basic shelter. Swags for Homeless requires \$282 000 in funding in order to provide an emergency relief backpack to every homeless Victorian who is sleeping rough. These are distributed via 55 organisations for the homeless across Victoria.

I have met with the irrepressible Tony Clark, the founder and chairman of Swags for Homeless, and I have also inspected his waterproof, fire-retardant, lightweight portable bed. Recently his organisation won the prestigious red dot 'best of the best' international design award for this backpack, and I take this opportunity to congratulate Tony Clark and his wife on being the first Australians and the first charitable organisation to win this major award. It is a testament to the quality and durability of their product and to the passion that Mr Clark and his wife have for helping the homeless.

I believe no person should be sleeping rough; every person deserves a safe place to live. However, I know that currently we have many people sleeping rough on our streets who need some protection from the elements. I think the first priority of government should be to provide safe accommodation to people, so I am advocating support for this program as a last resort. I refer the minister to previous support she has indicated for this program and quote from a letter dated 2 April 2008 that she provided to Mr Clark:

I acknowledge that the ultimate goal for all levels of government must be to eliminate homelessness. However, while this goal remains unfulfilled the swags for the homeless proposal would offer an option for those unable to access shelter.

That is a letter from Wendy Lovell, who is now the Minister for Housing.

In 2008 the then shadow Treasurer, Mr Wells, also indicated his support in a letter dated 28 March:

It is the responsibility of all levels of government to provide housing for our most vulnerable in the community. However, when this is not achieved, Swags for Homeless should be considered as an option.

I think these are admirable — —

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

Princes Highway: Waurn Ponds–Winchelsea duplication

Mr KOCH (Western Victoria) — My issue is for the Minister for Roads, Terry Mulder, and the action I seek is that the minister recognise the continued overruns of the promised duplication of a 23-kilometre section of the Princes Highway between Waurn Ponds and Winchelsea.

While in opposition Mr Mulder was a constant advocate for building better roads, particularly along high traffic routes containing accident black spots throughout western Victoria. Over the past five years almost 60 accidents, many of them head-on, have occurred along the section of highway between Waurn Ponds and Winchelsea. I would like to congratulate the minister on the pressure he exerted on Labor governments reluctant to invest in vital infrastructure in western Victoria.

Two weeks ago, along with my colleagues Simon Ramsay, David O'Brien and the member for South Barwon in the Assembly, Andrew Katos, I had the privilege of accompanying the minister at a ceremony to commemorate the turning of the first sod at the start of the Princes Highway west redevelopment at Waurn Ponds. The \$220 million project, funded in conjunction with the federal government, will convert the existing highway into a divided, four-lane highway. However, since its inception in 2006 this project has been plagued by construction delays, tendering problems and bureaucratic red tape. These issues have been exacerbated by federal government funding shortfalls, which have unfortunately resulted in the completion date being extended beyond the originally committed 2012–14.

These delays have hit members of the community, especially those in the transport industry, hard. Minister Mulder has been vigilant in defending the community's interests and holding the federal government and the federal member for Corangamite to account for these extensive and unnecessary delays. I am sure that Minister Mulder, who is the member for Polwarth in the Assembly, will continue to apply pressure on the federal government to ensure that the best possible result is achieved for his community in a more timely manner than has been experienced to date.

Though symbolic, the turning of the first sod is an important step in a project that will eventually allow residents of Winchelsea and all users of the Princes Highway from Winchelsea and beyond as far as South Australia to travel to Melbourne without stopping at a single set of traffic lights. It will remove up to 1 hour in

travel time. My request is for the minister to continue to advocate for and establish better road infrastructure connecting western Victorian towns with each other while providing links to central Melbourne and the outer suburbs for business, leisure, tourism and heavy freight needs into the future.

Rail: Altona loop service

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Public Transport, Mr Mulder. Last week I hosted the second public meeting on the issue of the Altona loop train cuts. Two hundred and fifty people came to the first meeting, and 500 people came to the second meeting. Metro Trains Melbourne released the new train timetable last week. I called a snap protest, and the local community gathered at the Altona train station the next morning before Metro staff had even got back to their offices. That very evening 500 people turned up to the Altona RSL for a community meeting. I can tell members why so many people were there.

The Altona loop is on the Werribee line. If the Werribee line train is running late — as it often is, considering it has the second-worst performance of all of Melbourne's lines — the train simply bypasses the Altona loop. Referring to the Werribee line, Nick Gray of the Department of Transport described it as follows:

When trains are running significantly late or out of sequence, it is extremely difficult to operate services via the single-line section between Laverton and Newport via Altona without causing further delays and inconveniencing more commuters.

I add that Metro's performance is measured by punctuality at the train start point and destination. Performance has not even been measured on the Altona loop; the Altona loop stations are dispensable. If Metro had bothered to do the consultation as well as produce a passenger impact statement, as it is required to in its contract — which is obviously not enforced by the minister — it would have found that patronage is low because the trains do not turn up.

The service to the Altona loop is currently so poor that many have given up even trying to use the trains. Instead they drive or cycle to other stations. The new timetable will only make it worse. A trip to the city will now take up to 50 minutes. A trip from Hoppers Crossing to Werribee Mercy Hospital, which used to take 13 minutes, will now take up to half an hour. Even the Metlink journey planner recommends that at times the quickest way to get to the city will be to catch a bus from Altona to another train line, such as the Williamstown line.

The improvements can be delivered by duplicating the Altona loop. This would allow a train to travel along it every 10 minutes, making it a reliable, efficient and attractive service. The action I ask of the minister is that he deliver public transport improvements, not cuts, on the Altona loop by duplicating the single track as far as possible and that he come to a public forum so he can answer people's questions on the cuts.

Coles: marketing strategy

Mr RAMSAY (Western Victoria) — My matter is for the attention of the Minister for Consumer Affairs, Michael O'Brien. Western Victoria Region represents strong dairy, meat and poultry industries. People involved in these industries have expressed to me concern about the recent 'Down, down' price marketing strategy at Coles supermarkets. There is no suggestion that commercial competitiveness is not healthy for a robust economic model, but people have expressed to me concerns about a shifting of market power to the duopoly of the major supermarkets that captures over 80 per cent of the market and, more importantly, the abuse of that power.

There is no doubt that the introduction of an English management team to Coles, which was designed to arrest a loss of market share to Woolworths, based on the UK Tesco model and to a lesser extent the US Walmart model, has increased competitiveness in the retail sector and provided a reduction in price for some foods, which is good for the consumer but in the longer term has ramifications for the food producer.

For a supermarket to have a disguised, aggressive marketing campaign that sells generic brand product below the supply chain cost of production and that offers discounts that remove competition in the regional retail outlets is not a good long-term outcome for regional Victoria. Having two supermarkets totally dominating the food market has also raised concerns in my region that discounted prices at retail level will impact on the farm gate price to the producer. The chairman of Warrnambool Butter and Cheese, Frank Davis, was quoted as saying that the heavy discounting of milk would undermine dairy industry confidence.

The real issue is what impact the aggressive profit motivation of Coles in a heavy discounting marketing strategy is going to have on our food producers' viability and our small regional retail outlets. While the English happily took the Ashes from us, I hope that when the English management team at Coles reaches its profit targets and heads home with its members bonuses it will not have not left behind a food

production and processing sector that is unviable or unsustainable.

Pioneer Road, Waurm Ponds: upgrade

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is also directed to the Minister for Roads. It is in relation to Pioneer Road in Waurm Ponds, Geelong. Prior to the November election the previous government committed \$13.5 million to widen Pioneer Road into a four-lane road between the Princes Highway and Meadowvale Drive to ease the heavy congestion on this road. At present there is a significant bottleneck due to more than 20 000 people using this road on a daily basis.

For those members in the house who are unfamiliar with the area, Pioneer Road links the suburbs of Grovedale and Waurm Ponds in Geelong and is a major route to the Princes Highway for Grovedale and some Waurm Ponds residents. This piece of road also contains the only entrance to the major shopping complex in Waurm Ponds and the new Leisurelink Aquatic and Recreation Centre. The new Grovedale library will be built in the precinct next to the Leisurelink facility.

Residents in the area and commuters who use this road have been very vocal in advocating for it to be upgraded. In November 2010 the previous Labor government committed to doing this, with construction to begin in the latter half of 2011. The previous Labor government committed to the upgrading of the intersection of Pioneer Road and the Princes Highway as well as expanding the bridge over the Waurm Ponds creek to four lanes.

I ask the Minister for Roads to inform me and the people of Geelong when the Baillieu government will start this much-needed upgrade. I urge that it be included in the forthcoming 2011–12 budget.

Rail: South Morang

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter is for the Minister for Public Transport, the Honourable Terry Mulder, and is in regard to the South Morang rail extension. Let me remind the minister of the history associated with the South Morang rail extension.

In 1999 the ALP promised a South Morang extension from Epping at a cost of \$8 million in its first term if it was elected. In 2000 the then Department of Infrastructure commenced a feasibility study into this project. In 2003 a train link bus service from South Morang commenced, which it was claimed would meet every arriving train and every departing train from

Epping. In 2004 the council received a \$100 000 grant from the state Labor government for a South Morang planning scheme which included the rail extension. In 2004 the Friends of South Morang collected 3500 signatures by way of petition for the rail project. Also in 2004 the Melbourne 2030 plan was issued — we remember that — and the government's policy intention, which identified the rail extension to South Morang as a priority, was released. But in December 2004 then transport minister Mr Batchelor announced that the rail extension might not be viable for another 10 years.

In 2006 the government released a transport livability statement showing that the South Morang extension would not occur until 2021. In 2006 the then Leader of the Opposition, Ted Baillieu, met with the South Morang people on site and listened to the community's concerns. In 2007 the then shadow planning minister, Matthew Guy, made a commitment that if the Liberal Party was elected in 2010, it would complete the South Morang rail extension in its first term.

There we were in 2010 and the first bit of soil was being turned just prior to the election by the then Labor government, with a project cost significantly more than the original \$8 million. People bought property back in 1999 expecting the rail extension to be built. They have been waiting 11 years. Kids who were living in that area then are now driving motor vehicles. There has been little consultation with the local residents on grade separations and noise abatement. I call on the minister to inspect the rail extension program with me. Let us get it right in our first term.

The PRESIDENT — Order! Mr Ramsay's adjournment item was technically correct, and I note he did not use up his full 3 minutes. Members certainly do not have to ask a question or action of a minister any more, so the way Mr Ramsay framed that adjournment item is quite within his rights. However, it occurs to me that given the way it was put to the house tonight it is unlikely that the minister would need to make a response, because it seemed to me more a speech than a request for the minister's intervention in some way. I would accept Mr Ramsay's guidance that he is happy enough that the matter he raised is by way of alert to the minister that there might be a longer term consequence of the behaviour of particular retailers at this time, but I also invite Mr Ramsay to clarify whether that is what he intended or whether he wanted some sort of response from the minister to this circumstance.

Coles: marketing strategy

Mr RAMSAY (Western Victoria) — Thank you, President, for the opportunity. I initially started my adjournment presentation by saying that I wanted to draw to the attention of the Minister for Consumer Affairs the concerns raised with me by my constituency in relation to abuse of power by the duopoly of Coles and Woolworths. I did so on the basis that at present there is not only a commonwealth Senate inquiry taking place but also an amount of work being done by our federal colleagues in relation to the marketing strategy presently being conducted by Coles.

My intention is to request that the minister talk to his federal colleagues in relation to actions that might be taken to protect Victorian producers, particularly food producers, who are at risk due to the pricing mechanisms of the two supermarkets, and that he talk to them about what actions we might take in Victoria in concert with the federal government in relation to that abuse of market power.

The PRESIDENT — Order! I thank Mr Ramsay. He certainly took full advantage of my invitation.

Responses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Mr Lenders raised an issue for the Premier in relation to the federal-state relations portfolio, which I will pass on.

Mrs Coote raised an issue for the Minister for Environment and Climate Change about a skate park in the city of Port Phillip. The action she is seeking is that the minister investigate that park. I will certainly pass that on.

Ms Mikakos raised an issue for the Minister for Housing regarding Swags for Homeless, which I am also aware of, which relates to emergency housing. She is seeking the minister's support for this program. I will pass that on.

Mr Koch raised an issue for the Minister for Roads relating to the Waurm Ponds and Winchelsea road connections in Western Victoria Region. He is requesting that the minister advocate for work on the roads to go ahead in that area. I will certainly pass that on to the minister.

Ms Hartland raised an issue for the Minister for Public Transport. It related to her concerns about the train timetable on the Werribee line, in particular the Altona loop. She is requesting that the minister deliver on the

duplication of that line. I will pass that on to the minister.

Mr Ramsay raised an issue for the Minister for Consumer Affairs. I will draw the minister's attention to that issue.

Ms Tierney raised a matter for the Minister for Roads regarding Pioneer Road in Waurm Ponds. I will pass that matter on to the minister.

Mr Ondarchie raised an issue for the Minister for Public Transport. It highlighted the ongoing saga of the South Morang rail extension. He is requesting that the minister visit that area to see what is happening. I will certainly pass that on to the minister.

I have written responses to adjournment debate matters raised by Ms Tierney on 8 February, Mr Scheffer on 9 February, Mr Barber on 1 March, Ms Pulford on 1 March, Ms Tierney on 1 March, Mr Scheffer on 1 March, Mr Finn on 1 March, Mr Koch on 1 March, Mr Lenders on 2 March, Mr Tarlamis on 2 March, Ms Hartland on 2 March, Ms Darveniza on 3 March, Mr Elsbury on 3 March, Ms Tierney on 3 March and Mr Lenders on 3 March.

Mr Lenders — On a point of order, President, the matter I wish to raise is that I have not received a response to my adjournment matter of 3 March. Given that Mr Dalla-Riva has said he has it, it would resolve a problem if I could have that adjournment response.

The PRESIDENT — Order! I again thank the staff for their forbearance this evening. It is appreciated that they have stayed back and supported the Parliament in these extended hours. The house stands adjourned.

House adjourned 12.53 a.m. (Wednesday).

**Attorney-General**

Melbourne, Victoria 3000
GPO Box 123
Melbourne, Victoria 3001
Telephone: (03) 8684 1111
Facsimile: (03) 8684 1100
DX 210220

-5 APR 2011

Our ref: D11/59449

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

Dear Mr Tunnecliffe

ORDER FOR DOCUMENTS – ALPINE GRAZING AND METRO TRAINS

I refer to the Legislative Council's orders of 23 March 2011, seeking the production of:

- *all correspondence (and related documents) between the Department of Sustainability and Environment and the University of Melbourne, relating to the proposed research program on Alpine Grazing, and the document "Department of Sustainability and Environment/Department of Forest and Ecosystem Science Research Program Charter"; and*
- *all documents held by the Department of Transport and created by the Franchisee for the purposes of section 7.4 of the Metropolitan Train Franchise Agreement relating to proposed changes to the metropolitan train timetable proposed to commence on 8 May 2011.*

The Government is in the process of responding to these orders. As part of this process, diligent searches are being undertaken by all relevant government departments and agencies to ensure that all documents are identified.

Regrettably, the Government is not able to respond to the Council's orders within the time period requested by the Council. The Government will respond as soon as possible.

Yours sincerely

ROBERT CLARK MP
Attorney-General

5/4/11