

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 25 May 2011

(Extract from book 7)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AO, QC

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 committees

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

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, 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 Petrovich, 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 — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Naphine and Mr Walsh.

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

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

Education and Training Committee — (*Council*): Mr 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.

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr 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

WEDNESDAY, 25 MAY 2011

PETITION

Kindergartens: funding 1341

PAPERS 1341

MEMBERS STATEMENTS

Maggie Smith..... 1341

Scouts: Green Cord awards..... 1341

Country Fire Authority: Moyston brigade 1341

Wallan Secondary College: funding..... 1342

Skilled Stadium: redevelopment..... 1342

Rail: Altona loop service..... 1342

Victorian Bar: pro bono awards..... 1343

Whatmough Park: facilities 1343

Kingston Centre: 100th anniversary 1343

Jacob Hedger 1344

Sunshine Mosque: open day 1344

Red Cross Victorian Floods Appeal 2011:

Lindsay Fox donation 1344

PARLIAMENTARY PRIVILEGE

Complaint: misleading the house 1344

PRODUCTION OF DOCUMENTS 1361, 1395

QUESTIONS WITHOUT NOTICE

Planning: Footscray development..... 1362, 1363

Vocational education and training: government initiatives 1363

Planning: urban growth boundary..... 1364

Health: palliative care 1365

Western Region Health Centre: dental service funding..... 1366

Housing: federal set-top box scheme..... 1366

Minister for Planning: meeting records 1367, 1368

Geelong Manufacturing Council: initiatives..... 1368

Road safety: experience centre funding..... 1369

Bendigo Airport: redevelopment 1369

QUESTIONS ON NOTICE

Answers 1370

ALPINE NATIONAL PARK: CATTLE GRAZING 1370

PLANNING: AMENDMENT C60..... 1375

SOLAR ENERGY: FEED-IN TARIFFS..... 1392

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: Managing Student Safety..... 1399

Drugs and Crime Prevention Committee: impact of drug-related offending on female prisoner numbers 1400

Auditor-General: Facilitating Renewable Energy Development..... 1401

Brimbank planning scheme: amendment C117 1402

Auditor-General: Revitalising Central Dandenong 1402, 1403

ADJOURNMENT

Princes Freeway, Morwell: closure 1404

Agriculture: young farmers..... 1405

Water: charges 1406

Native vegetation: legislation 1406

Planning: Footscray development 1407

Reach Out for Kids Foundation: funding..... 1407

Higher education: multicultural communities 1408

Manufacturing: job losses 1408

Ambulance services: subscriptions 1409

SPC Ardmona: future 1409

Public transport: Western Metropolitan Region 1410

Kindergarten Inclusion Support Services: eligibility criteria 1410

Responses..... 1410

Wednesday, 25 May 2011

PAPERS

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

Laid on table by Clerk:

PETITION

Auditor-General's reports on —

Following petition presented to house:

Early Childhood Development Services: Access and Quality, May 2011.

Kindergartens: funding

Tertiary Education and Other Entities: Results of the 2010 Audits, May 2011.

To the Legislative Council of Victoria:

MEMBERS STATEMENTS

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

Maggie Smith

1. Victoria's current baby boom and the COAG agreement to increase kinder hours for all four-year-olds from 10 to 15 hours will mean that many more kindergarten places will be required; and
2. the Baillieu government's commitment of only \$15 million over four years will be unable to provide the necessary expansion of kindergarten facilities.

Ms DARVENIZA (Northern Victoria) — I take this opportunity to congratulate Ms Maggie Smith, a young Swan Hill soccer player who was selected to play in the Victorian under-13 girls soccer team which competed in the national junior championships in Canberra. The centre defender was awarded best on ground against Queensland. Maggie's achievements, rising from her local Loddon Mallee team to state representative, are remarkable and show the importance of supporting rural and regional sporting projects across the state.

The petitioners therefore request that the Legislative Council of Victoria urgently calls on the Baillieu government to address this funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens.

Scouts: Green Cord awards

By Ms MIKAKOS (Northern Metropolitan) (185 signatures).

Ms DARVENIZA — On another matter, I congratulate Lachlan Curnow, Corey Barnett, Shantell Collings, Leigh Horgan and Tim Wilson, five local scouts from the Stanhope and Kyabram scout groups who received the Green Cord, the highest level of achievement in scouting. Their awards were presented at a ceremony at the Stanhope scout hall in early May.

The PRESIDENT — Order! The question is:

That the petition do lie on the table.

Those of that opinion say 'Aye' and the contrary 'No'. I think the ayes have it, and I thank the lone Liberal for agreeing to that motion.

To earn the Green Cord a scout must complete the adventure badge requirements, which involves receiving six proficiency badges and three patrol activity badges. I congratulate all of those scouts who received their Green Cord.

Laid on table.

Country Fire Authority: Moyston brigade

The PRESIDENT — Order! If members put propositions to the chamber, it is better that they agree with them. I would appreciate it if members would respond and confirm their agreement with or opposition to those propositions. There have been a couple of instances in the last couple of days, and I dare say for most of the sitting, where I have put a motion and there has been silence and I have really been looking for a nod from Hansard to ensure that it is passed. It is not on. If a member puts a proposition to the house, then they should back it.

Mr O'BRIEN (Western Victoria) — On Friday, 20 May, I had the privilege of opening the rebuilt Moyston Country Fire Authority (CFA) fire station on behalf of the Deputy Premier and Minister for Regional and Rural Development, the Honourable Peter Ryan. This \$450 000 facility will provide the 85 members of the brigade with a modern base from which to work. For the residents of Moyston and the surrounding region the new station represents an investment in the safety of the community. The Moyston fire brigade is responsible for all firefighting and fire prevention

activities in its local area. It also provides support to surrounding communities.

The 94-year-old brigade has made a significant contribution to fighting major fires across the state, including the devastating 2009 Black Saturday fires, when the brigade members formed strike teams, as well as the 2006 Grampian fires, which affected Moyston and the surrounding areas. I congratulate the brigade captain, David Coad, and the rest of the Moyston CFA volunteers on this important milestone in the brigade's history. For a town of 600 to have 85 of its residents registered as brigade members shows the extent to which the CFA is woven into the fabric of Moyston.

I also witnessed the presentation of the National Medal to Ewan Clugston. To be eligible for a national medal one must have served at least 15 years in the CFA, although at the presentation I believe it was stated that Ewan began his association with Moyston CFA in 1982. I was humbled by Mr Clugston's example of volunteer service to the community, which extends not only to the fire brigade but also to flood and community work and work as a volunteer. I look forward to the CFA continuing its integral work in the Moyston area, and I congratulate it on this significant achievement.

Wallan Secondary College: funding

Ms BROAD (Northern Victoria) — When in opposition the Liberals and The Nationals were very vocal in calling for investment in Wallan Secondary College. The school was visited by the now Premier, Mr Baillieu, who even went so far as to offer tips on how the school plan could be improved. However, now that the Liberals and The Nationals are in government we have seen in their first budget no commitment to completing the school plan for Wallan. In terms of a commitment to this school, since the election the silence has been deafening.

The fact is that Labor built and opened a new school in Wallan in 2006, and it invested in the first stage of the school plan. It is absolutely vital for the growing communities in Wallan and the surrounding areas that the school plan is completed in order to ensure that families have access to the quality education and future opportunities they absolutely deserve. I call on members of the Liberal-Nationals coalition government to put their funding where their mouths were in opposition and put up the money for this school.

Skilled Stadium: redevelopment

Mr KOCH (Western Victoria) — The Baillieu government's \$25 million commitment to redevelop the

Doug Wade Stand and establish a new community wellness and education centre at Skilled Stadium will improve the facility for the Geelong Football Club, its many fans and the Geelong community. The redevelopment is scheduled to be completed with the help of a \$15 million grant from the federal government as well as financial support from the Geelong Football Club, the AFL and the City of Greater Geelong and will deliver a wonderful asset for the region.

The redeveloped stand will increase the stadium's capacity to 34 500 and provide better spectator amenities and improved facilities for local sporting clubs as well as a huge boost for community sport and recreation. One of the great features of this redevelopment is the community wellness and education centre and the benefits it will provide to the Geelong community outside the football club. This redevelopment will use the power of our most popular team sport to engage the community and assist people to become more active in their daily lives.

I congratulate Premier Ted Baillieu and the Minister for Sport and Recreation, Hugh Delahunty, on following through on yet another election commitment by the government — this time of \$25 million. Congratulations to Geelong Football Club president, Colin Carter, and CEO, Brian Cook, on presenting such a positive initiative for their club and the Geelong community. I look forward to the project being completed before the beginning of the 2014 AFL season.

Rail: Altona loop service

Ms HARTLAND (Western Metropolitan) — My statement today is on behalf of the Finnish Friendly Visiting Service (FFVS), which is a home and community care-funded social support service for frail and isolated Finnish seniors. Its services are held in the Finnish Hall at 119 Pier Street, Altona, and concerns have been raised about service cuts to the Altona loop and how that is affecting its members.

One gentleman, Mr Pentti I-Ieikkilä — I am sorry about the pronunciation — who recently turned 80 and uses a mobility aid, attends many Finnish Hall events, including the FFVS planned activity group and the Finnish Society of Melbourne seniors group every week. The impact of the train time changes means he has to now leave home at 6 o'clock in the morning and travel on public transport for 2½ hours. He has to change trains at Newport and then wait for the train to Altona.

While waiting for a train on a freezing cold morning recently, because of his hearing difficulties he found this exercise very strenuous, frustrating and limiting, so he is contemplating whether he can continue his attendance at these activities. He also needs to do the same thing in reverse to get home in the middle of the day, when he needs to change at Flinders Street as there is only the shuttle service between Laverton and Newport. A 5-hour round trip is what he now has to face when normally he would have travelled for 1½ to 2 hours.

Victorian Bar: pro bono awards

Mrs PETROVICH (Northern Victoria) — I am pleased to report on my attendance last Tuesday at the Supreme Court Library on the occasion of the presentation of the Victorian Bar pro bono awards. I would like to congratulate the Victorian Bar for its support of these awards and the legal practitioners who willingly and freely give their time. They represent those who would on many occasions not be able to be represented or those who are involved in cases of public significance that are of community and social interest which would not be able to be funded by many plaintiffs and justice would not be well served — or served at all.

These awards represent many hours spent by barristers on issues such as sex trafficking, discrimination on the basis of gender, race or sexual orientation, and environmental protection, or on some occasions because they have just stepped in to represent those who have no-one to represent them on a range of issues. These awards represent a massive 33 624 hours of time spent by barristers representing people in pro bono cases; in dollar terms this adds up to \$11.7 million over 12 months.

I am pleased to highlight the generosity with which the legal profession is not always associated publicly. These awards were presented by Justice Chris Maxwell. The winners were: the Victorian Bar trophy, Debbie Mortimer; the Daniel Pollack readers award, Kathryn Bundrock; the Ron Castan award, Emrys Nekvapil; the Susan Crennan award, Serge Petrovich —

Mrs Peulich interjected.

Mrs PETROVICH — A very good man — thank you, Mrs Peulich — and Ashley Halphen; the Ron Merkel award was won by Fiona McLeod; and the public interest/justice innovation award went to Ron Merkel, QC, Kristen Walker, Fiona Forsyth and Neil McAteer. I am very proud of the work that was done by

Serge Petrovich, obviously because he is my husband. He did great work for the people who were unrepresented in the Kerang rail disaster inquiry and great work in relation to the north–south pipeline, where the previous government rode roughshod over the communities of northern Victoria.

Whatmough Park: facilities

Mr ONDARCHIE (Northern Metropolitan) — I wish to report to the house my representation of the Minister for Sport and Recreation, the Honourable Hugh Delahunty, at the official opening of the Whatmough Park club and function room facilities on Kalparrin Avenue in Greensborough last Sunday. This is a venue that is very dear to me in that it saw the highlight of my cricketing career: when I got to bat with my son, Matthew. It is a very important venue for me. The new facility came together through funding from the Victorian government, Banyule City Council and, not least, the St Mary's junior and senior football clubs, the Riverside Cricket Club and AFL Victoria.

It is great to see such exciting things happening for sport in Melbourne's north. They encourage people of all ages, including mine, to maintain a healthy lifestyle through physical activity as well as provide first-class venues for the clubs and the community to socialise and hold functions in and as places for the community. I was blessed to be asked to officially open the building, along with the mayor of Banyule, my friend Cr Peter McKenna.

I wish to congratulate St Mary's junior and senior clubs and Riverside Cricket Club, and in particular Sam Gioffre from the St Mary's Greensborough Junior Football Club, Paul Bohan from the Riverside Cricket Club and Phil Cattenazzi from the St Mary's senior football club, on their successful fundraising efforts. I also thank the Banyule City Council, AFL Victoria and Minister Delahunty for getting behind this project to allow the work to go ahead and for supporting my region.

Kingston Centre: 100th anniversary

Mr TARLAMIS (South Eastern Metropolitan) — I rise today to acknowledge the 100th birthday of the Kingston Centre at its home in Cheltenham and to recognise its important role in the health care of Victorians for the last 100 years. The Kingston Centre began its life as a home for ill and destitute men and women, known as the Melbourne Benevolent Asylum. It was founded in 1849 in North Melbourne and was the first of its kind in the Melbourne colony to offer the ill and destitute a place to be cared for. It was later

moved across Melbourne to its current location in Warrigal Road, Cheltenham where it opened in 1911 when the first of 530 patients was transferred to the new facility.

The first patients to move across were 125 occupants from the women's invalid wards two years after the foundation stone was laid. It was renamed the Cheltenham Home and Hospital for the Aged from 1965 through to 1970, when it expanded its role to provide occupational therapy and physiotherapy units. In 1970 it was renamed again as the Kingston Centre and its purpose changed dramatically — from a home to house the infirm, ill, elderly and disabled to a rehabilitation centre for the elderly.

The former Labor government recognised its vital role in providing health care for seniors in the south-east and invested a further \$46.3 million for new wards, facilities, subacute beds and rehabilitation services. The centre will host a number of events to celebrate its centenary, and I wish it continued success in providing vital services for seniors across the south-east.

Jacob Hedger

Mr ELSBURY (Western Metropolitan) — I would like to pass on my congratulations to a young man by the name of Jacob Hedger. Jacob has worked very hard over the last two years; he is a scout in the Brimbank region, and he has put in 150 hours of work completing 13 Venturer award criteria. He has also taken on the additional challenge of seeking his Queen's Scout award. I was pleased to be able to join Jacob, the Hedger family and the numerous friends and colleagues within the scouting fraternity who were at the Brimbank scout hall last Saturday.

Sunshine Mosque: open day

Mr ELSBURY — I attended the Sunshine Mosque open day last Sunday. My visit coincided with an interfaith service for victims of the Queensland floods and victims of the Japan earthquake and tsunami. It was great to see people from various faiths coming together, talking with one another and sharing a time of solemn reflection. I would like to express my thanks to the Australian Intercultural Society for making the event possible.

Red Cross Victorian Floods Appeal 2011: Lindsay Fox donation

Mr DRUM (Northern Victoria) — I would like to thank Mr Lindsay Fox, who this morning made a presentation of over \$1 million to the flood recovery

fund. In fact it was \$1.17 million that was handed over on the steps of Parliament this morning to Ron Walker, who is the chair of the Red Cross flood appeal. This money will be distributed across a range of our flood-affected communities for a whole raft of projects that are in the waiting.

As many of us who represent flood-affected communities know, not only are these communities still doing it extremely tough in their houses — many of which have had plaster cut out to within 1.2 metres of the floor to enable the inner walls to dry — but also a lot of their community assets have been ruined as well. Many members of these communities are conducting their pastimes and recreational activities in makeshift accommodation. This money is going to be extremely well received by a range of communities around the state.

I want to sincerely thank Lindsay Fox for going to the effort of raising this money. A couple of significant fundraising events have enabled him to be able to make such an enormous donation to the Red Cross, and I hope that money hits the right spot around the communities of Victoria.

PARLIAMENTARY PRIVILEGE

Complaint: misleading the house

The PRESIDENT — Order! We will now proceed to general business. I take this opportunity to make a few remarks as we move into the first item of general business. I regard this motion as extremely important. It is my understanding that we have never had a member referred to the Privileges Committee before. Whilst there have been a number of motions, those motions, to my knowledge, have not ever been passed.

I regard this motion as a matter of importance for the house to deal with. I expect that it will be dealt with in a proper way and that this will not be a debate that features interjections and remarks that go beyond the scope of what I regard as a fairly narrow motion. Obviously I would expect there to be substantiation for the motion, including reasons for the house supporting it, and I accept that that will be part of the debate and should properly be part of the debate, but in adjudicating on this matter I am not prepared to have a broad-ranging debate or a lot of unhelpful interjections when we are dealing with a grave matter.

From my point of view the job of a Presiding Officer is to make sure that the proceedings of the house are carried out in a proper manner. Secondly, and most

importantly, the job of a Presiding Officer is to protect the rights and entitlements of members. I am mindful of the fact that that obligation relates not just to an individual member on any particular occasion but also to the longer term interests of members of this place and to the conventions, privileges and procedures of this house.

From that point of view, as I said, this matter will be presided over by me in a manner which will ensure that the debate is properly conducted and is not subject to a lot of extraneous commentary which is not relevant to what I regard as a quite narrow debate.

Mr LENDERS (Southern Metropolitan) — President, I certainly will heed your advice. I move:

That there be referred to the Privileges Committee for inquiry and report the failure by the Leader of the Government, Mr David Davis, to fully meet his obligations under the code of conduct prescribed by the Members of Parliament (Register of Interests) Act 1978 as evidenced by his answer to a question without notice given in this house on 4 May 2011 that no minister, to his knowledge, had accepted funds for private advantage and his subsequent answer relating to himself indicating that he may have received such a benefit, in apparent breach of section 3(c) of the Members of Parliament (Register of Interests) Act 1978.

As the house will recall, I sought that this issue be given precedence on 5 May. President, in your absolute discretion, and appropriately, you said that this should be raised at the first available time rather than given precedence on that day, and this is the first available opportunity for me to raise it.

In my address today I will refer to four documents. They are an *Age* newspaper article of 5 May, the act itself, which is referred to in the motion, *Hansard* of 4 May and, for context, *Hansard* of 10 March 2010.

The PRESIDENT — Order! I will intervene very briefly. In respect of *Hansard*, Mr Lenders has had a discussion with me and sought guidance as to whether or not he could refer to *Hansard*, because the standing orders as a rule provide that a member cannot read *Hansard* from a current session and must paraphrase it in the context of a debate.

There was a ruling by a previous President, Bruce Chamberlain, in September 2000 which was to the effect that some matters before the house do not in effect qualify as debate. Those matters include questions, adjournments and personal explanations of ministers. For the purposes of that ruling he also included members statements and ministerial statements. On that occasion he ruled that they are not matters of debate as such in the house and that therefore

it is possible to refer to and quote directly from *Hansard* in regard to those matters.

Even if that ruling had not been available to me, it would have been my intention to rule that on this matter Mr Lenders would be able to quote directly from *Hansard* because again, given the importance of this matter, I believe it is better to have a proper quote from *Hansard* than to be arguing over or have as a matter of debate a paraphrased version of that quote. In any event, had that ruling of previous President Bruce Chamberlain not been available, that is the way I would have ruled.

Mr Lenders has just indicated to the house that he will use *Hansard* as part of the four documents to support his argument, and I make it clear to the house that I am in agreement that he is able to use *Hansard* for that purpose.

Mr LENDERS — The central premise of my argument today is that Mr Davis should be referred to the Privileges Committee because of his inconsistent answers to questions on 4 May. I chose the option of seeking to refer this matter to the Privileges Committee rather than moving a motion of no confidence or condemnation or any other motion in this place because I think as a matter of process the onus is on me to establish a prima facie case that Mr Davis has misled the house and breached the code. Then the Privileges Committee can deal with it in more detail. That is an appropriate way to deal with this. We could have a long and turgid debate in the house about what is, in my view, a matter of breach of privilege, or we could have the Privileges Committee review it.

The motion on the notice paper for the constitution of the Privileges Committee, which ironically is to be moved by Mr Davis, hardly makes it a fearsome body for him to face. The Privileges Committee, as proposed by Mr Davis, will have him and three other government members, two members of the opposition and one member of the Australian Greens, so it is not as though it is a Star Chamber out to get him. What is proposed is that this issue be referred to the appropriate committee for consideration and for that committee to report back to the chamber. I will outline why there is a clear prima facie case that he is in breach of privilege and why the committee should consider it and report back.

Before I go to the events of this house on 4 May I will refer to page 6 of the *Age* of 5 May and an article by Reid Sexton and David Rood. This is important for the context of the debate. It says:

A legal invoice ... seen by the *Age*, showed defamation lawyers Piper Alderman addressed an account to the 500 Club.

Premier Ted Baillieu's chief of staff, Michael Kapel, was named as the contact on the bill.

The context, as reported in the *Age* — and I think it is fair to say in pretty well every other media source — is that they had sighted an invoice addressed to the 500 Club from Piper Alderman to pay for a legal bill in relation to Mr David Davis's settlement of a defamation action against Stephen Newnham, the then ALP secretary, for which the contact was Michael Kapel, the Premier's chief of staff. The factual situation, as reported in all the media, was that they had sighted such a bill.

Now I will go through question time of 4 May in this house. In question time of 4 May, firstly we had a question from my colleague Mr Pakula. He asked the minister whether he had attended a 500 Club fundraiser prior to the release of the code of conduct. Mr David Davis said:

The code will be released shortly. I am happy to find out the exact date from the Premier and get some information on the precise timing of the code's release.

Mr Pakula then asked him whether, to the best of his knowledge, he had ever obtained personal financial benefit from moneys raised by the 500 Club, and Mr Davis's response was:

I do not believe I have obtained personal financial benefit.

Following that, in a supplementary question Mr Pakula asked:

... whether it is a fact that the minister's legal bills in the defamation matter brought against him by former Australian Labor Party secretary Stephen Newnham are being paid in full or in part by the 500 Club?

The minister's response was:

I am confident that nothing that has been donated to me by the 500 Club would compromise my role as a minister.

Essentially we had two different answers. Leaving aside that this is not the time for a debate about when or if the code should be released, we had a question of the minister about whether he had ever received a personal financial benefit through moneys raised by the 500 Club, and he said:

I do not believe I have obtained personal financial benefit.

Then he said:

I am confident that nothing that has been donated to me by the 500 Club would compromise my role as a minister.

The 500 Club is a fundraising arm for the Liberal Party, and I understand that it is appropriate that political parties support their members. There is no issue with any of that. The issue, and why I think the Privileges Committee should look at this, is that the original answer from the minister was, 'No, I didn't get donations', and then when it was clear that a donation or support had been received in kind the answer was, 'I don't think anything that was given was inappropriate'. I put to the house that there is a clear prima facie case that the minister changed his story and misled the house.

I believe this should be investigated by the Privileges Committee rather than there being a straight all-out condemnation, because there is arguably a benefit of the doubt here. We see a smoking gun; one could argue that. But it is possible that there are different stories being told. What we know from the newspaper reports is that the journalists, Reid Sexton and David Rood, have put it on the record that they saw an invoice to pay for Mr Davis's bills that was addressed to the 500 Club and marked for the attention of Michael Kapel, the Premier's chief of staff.

On the following day there was a report, again in the *Age*, that the director of the Liberal Party said the Liberal Party paid the bills. If the Liberal Party paid the bills, then the Liberal Party paid the bills. There is nothing illegitimate about that, provided that all this is disclosed. Nothing of this appears in the minister's register of interests. Again, in fairness to the minister, there is a time line in which he needs to report this, and it has not yet elapsed. Hence it is more appropriate for the Privileges Committee to look further into this rather than for members in this house to act as judge, jury and executioner — a sort of tribunal — and deem him guilty.

It is even more important that the Privileges Committee look into this matter because there are forums in the house for the minister to clarify matters about which he feels he is being misrepresented. As an illustration of this I recall a very fiery debate in this place just some weeks ago, when Mr Dalla-Riva was the subject of a series of fairly vigorous questions that reflected on him personally. He came into the house and made a personal explanation to clarify his position. That is the appropriate forum for a member who feels they have been wronged. Mr David Davis did not take up the option of clarifying the very serious allegations made against him. He could have clarified them quite simply by coming into the house, like Mr Dalla-Riva did, and making a personal explanation. He chose not to do that. He chose instead to come out swinging the following day with an all-out attack on the Labor Party.

That is part of the political process. Mr David Davis is perfectly entitled to do that. He made some fairly strong allegations about identity theft and other things, and he appropriately reported that to Victoria Police. Mr David Davis has every right to feel aggrieved and to take action on his own behalf. However, in the context of a minister of the Crown in this house who gave contradictory answers and took no action to correct the answer and whose answers were contradicted by the *Age* and all the other media outlets that say they saw an invoice to the 500 Club for payment of these bills which he now says were paid by the Liberal Party, it becomes an issue if the Liberal Party paid them and that is not disclosed in the minister's register of interests.

As I said, the register of interests deadline has not yet arrived, and that is why I am saying that an inquiry by the Privileges Committee would be more appropriate than this house forming a judgement based on limited information. However, there is an unanswered story here. The minister has consciously not taken up the option of making a personal explanation to clear his name. This becomes even more of an issue because of the high standards expected of a minister in the Westminster system.

It is no mild matter that the minister has taken an oath as a minister and as an executive councillor whereby he has taken on a whole series of obligations to administer his portfolio without fear or favour. There is an allegation that people unknown to the community who attend the 500 Club and donate to the 500 Club paid Mr David Davis's legal fees. The 500 Club is required to report to the Australian Electoral Commission on donations it has made, but the individual workings of that organisation over a period of time are not on the public record.

What we have is an organisation which fundraises with the medical profession, and more generally, making a donation. There are reports in all the newspapers of reporters having the invoice, yet the minister has not disclosed that his legal fees of potentially \$130 000, if one is to believe the *Age* article, have been paid for either by this organisation or by the Liberal Party — and he regularly attends fundraisers for this organisation.

The prima facie evidence suggests that there is a case to answer. I am not saying the minister is guilty of impropriety. I do not know that. I am not saying that the minister has breached the law. I do not know that. But I do know that there is a cloud over a minister of the Crown that could have been cleared by him making a personal explanation. He did not. The easiest way for

this house to clarify the matter is for the Privileges Committee to undertake an inquiry and report back.

The Privileges Committee is not some hostile, opposition-dominated body that the minister suggests it is. It is one on which he, two of his cabinet colleagues and his former leader would form the majority, if this motion is passed by the house.

This becomes even more of an issue with this particular minister in this particular house, because this minister raised the bar of standards that was expected of ministerial propriety. I will quote the minister's own words from *Hansard* of 10 March 2010, early last year — there was also a motion on 3 June 2009, but I will not refer to that — in the context of a motion of no confidence in the then Minister for Planning and in relation to why it is important that ministers do certain things:

... the house now calls on the minister to resign immediately, in the interests of upholding the long-established traditions of ministerial responsibility under the Westminster system.

Mr David Davis then said that the Minister for Planning was a minister of the Crown, that he was sworn to be so and that he had responsibilities and obligations as a minister of the Crown and as a member of Parliament. He said:

Ministers must be able to demonstrate that they have taken all reasonable steps to observe relevant standards of procedural fairness ...

He then said:

In particular, ministers are required to ensure that official decisions made by them as ministers are unaffected by bias or irrelevant consideration, such as considerations of private advantage or disadvantage.

...

If the government has nothing to fear, it should have nothing to hide —

and therefore the minister should disclose information. *Hansard* shows that Mr Davis also said on 10 March last year that:

Ministers are required to provide an honest and comprehensive account of their exercise of public office, and of the activities of the agencies within their portfolios, in response to any reasonable and bona fide inquiry by a member of the Parliament ...

He went on to say:

This matter is fundamentally about the minister's office ...

He said that members of the community:

expect high standards of ministerial accountability to be observed and —

members of the public —

expect members of this chamber to act as custodians of those standards ...

The point of all that is the minister set a very high standard.

Mr Drum interjected.

The PRESIDENT — Order! I indicated at the outset of this debate — and Mr Drum might not have been in the chamber — that I expect this debate to proceed without interjections.

Mr LENDERS — The reason I have raised the comments that Mr David Davis made in March last year in the no-confidence motion is to show that he has argued in this chamber that we expect a particularly high standard of a minister and that the onus is on the minister to uphold that. The issue is not whether I voted for or against that motion; I voted against that no-confidence motion. The issue is that that was a motion expressing no confidence in a minister on the basis of the argument presented in the chamber. I did not vote for that; it is irrelevant how I voted for it. What is relevant is that the motion today is not expressing no confidence in Mr Davis; the motion says that there is a prima facie case of a conflict of interest and that there is a prima facie case of misleading the Parliament.

The two answers quoted at the start of my contribution were very different. They changed once it was clear that Mr Pakula had more information than Mr Davis thought he had when he answered the first question. That is my interpretation of it. The reason I have quoted Mr Davis's contribution to a previous debate is that he said there should be an exceptionally high standard for ministers. On that basis he was prepared to move a no-confidence motion regarding a minister last year, and that same standard should be applied today. This is not a no-confidence motion regarding Mr Davis; this motion is to refer a prima facie case to the Privileges Committee for it to report to this house with an informed decision on whether or not that issue should be dealt with.

The final document I will refer to is the Members of Parliament (Register of Interests) Act 1978, which says:

... a Member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of the use of, his position as a Member ...

If a minister is attending the functions of a fundraising organisation which raises money and makes contributions to his legal bills, which is a direct benefit, there is a valid case that could be made that the minister should answer. This is not to say that Mr David Davis did anything inappropriate by attending a 500 Club function; I am not saying he has. I am not accusing him of doing any such thing. What I am saying is that there is a potential conflict of interest.

You have a fundraising organisation which to my knowledge does not report on its individual donors, unlike political parties, which do. It is a fundraising organisation that has round tables on health and round tables on a range of areas where the minister can affect the profitability of companies. It is not an unreasonable question to ask him to outline whether he did he or did not attend those functions. Did he or did he not have \$130 000 of legal bills paid for by the organisation that he has assisted? That is the case. If the answer is that he did not, then so be it, but the Privileges Committee is in a better position to investigate and report on that than I am in getting up in this house and making a statement. I say there is clearly a prima facie case for that.

Also section 3 of the act says:

- (d) a Member shall make a full disclosure to the Parliament of —
 - (i) any direct pecuniary interest that he has;
 - (ii) the name of any trade or professional organization of which he is a member which has an interest ...

In this particular instance Mr David Davis — despite questions being raised in papers of record in relation to the 500 Club having paid his bills, despite questions in this house and despite the opportunity to make a personal explanation — has to my knowledge not put in an update to his register of interests saying that either the 500 Club or the Liberal Party paid all or part of a \$130 000 legal bill. Surely, while that is not the letter of the law, the black letter law, the standard that Mr David Davis himself outlined in a no-confidence motion against Mr Madden last year would require the minister to at least update his register of interests or at least make a statement as to who paid his legal bills. If the minister had done any of these things, the need for this matter to be referred to the Privileges Committee would, arguably, be non-existent.

I am not going to go on any longer; I have made the points I wish to make: that there is a clear prima facie case that the minister has misled the house by giving contradictory answers to the questions raised by Mr Pakula in this place on 4 May. Those questions

relate to a potential conflict of interest under the terms of this act.

Mrs Peulich — Potential? Prima facie?

Mr LENDERS — Mrs Peulich says a ‘potential’ conflict of interest, as if to say — —

Mrs Peulich — You said a prima facie case; there is no ‘potential’ there.

Mr LENDERS — As if to say, ‘Well, this is a light matter that can be swept under the carpet’. Under the Westminster system one of the gravest accusations that can be made against a member is that they misled the house on an issue of conflict of interest. That is one of the gravest accusations that can be made. What this motion puts forward is Mr Davis did not take up the option of making a personal explanation in this house that would have clarified these matters. He chose not to. In fact he chose to quite aggressively attack his accusers, which is a legitimate political device, but it is not something for a member — a minister of the Crown under oath — to just sweep under the carpet.

This is a measured motion seeking to refer the matter to a Privileges Committee that would, if this motion in relation to Mr Davis got up, have four government members and three non-government members to inquire and report back to this house. I can hardly imagine a gentler or easier option to clear the name of a minister who has chosen to take none of the other options of the Parliament. The opposition could move a condemnation motion and accuse the minister of everything, but what we are saying is that there is a clear prima facie case that he has misled the house and that there are clearly multiple unanswered questions about his register of interests and whether he is compromised.

On that basis I think it is more than reasonable that the house support the motion to refer this to the Privileges Committee for it to report back. We will then have a more informed decision and Mr David Davis will actually have a chance to outline his view as to why the prima facie case I am putting forward does not stack up, if that is his belief. I urge the house to support the motion.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — In rising to respond to the motion moved by Mr Lenders and his comments this morning, I have to say that on first reading of the motion my concern was that the motion was contrived and with political intent and that the nature of the motion was at best misleading. My concern about this motion has been reinforced while listening to Mr Lenders’s argument

insofar as the case he has set out did not address the substance of the motion on the notice paper.

I will start with the elements of the motion and then move to the material that Mr Lenders placed on the public record. Mr Lenders said that this motion is not about the house condemning the Leader of the Government or the house judging the Leader of the Government, yet the motion on the notice paper does that very thing. The motion starts, ‘Mr Lenders — to move’:

That there be referred to the Privileges Committee for inquiry and report the failure by the Leader of the Government, Mr David Davis, to fully meet his obligations under the code of conduct prescribed by the Members of Parliament (Register of Interests) Act 1978 as evidenced by his answer ...

et cetera. The very wording of the motion moved by Mr Lenders sets out to judge the Leader of the Government as having failed to fully meet his obligations under the Members of Parliament (Register of Interests) Act 1978. While Mr Lenders says that this motion is merely about referring a matter to the Privileges Committee, in fact its wording is quite different. It is adjudging the minister to have failed to have met certain obligations. On that very basis alone, the government would not be in a position to support this motion, given that it does, in judging Mr Davis, exactly what Mr Lenders denies that it does.

The motion goes on to use the word ‘evidenced’:

... be referred to the Privileges Committee for inquiry and report the failure by the Leader of the Government, Mr David Davis, to fully meet his obligations under the code of conduct prescribed by the Members of Parliament (Register of Interests) Act 1978 as evidenced by his answer to a question without notice given in this house on 4 May ... that no minister, to his knowledge, had accepted funds for private advantage and his subsequent answer relating to himself indicating that he may have received such a benefit, in apparent breach of section 3(c) ...

I put to the house that the very words of this motion are misleading, because in his motion Mr Lenders is quoting as evidence certain statements that he has attributed to the Leader of the Government. Mr Lenders’s position is borne out by quotes from Mr Davis which do not in any way support the contention of this motion, that Mr Davis indicated that:

... no minister, to his knowledge, had accepted funds for private advantage and his subsequent answer relating to himself indicating that he may have received such a benefit ...

There is not evidence in the record of 4 May of Mr Davis indicating that he may have received such a benefit. The words in the motion completely

misrepresent the comments made by the Leader of the Government in response to those questions from Mr Pakula.

The relevant section was reported at page 26 of *Daily Hansard* of 4 May. There was a question from Mr Pakula:

Let me ask whether he has ever obtained personal financial benefit from any moneys raised by 500 Club fundraising?

Mr Davis answered:

I do not believe I have obtained personal financial benefit.

Then there was a supplementary question from Mr Pakula:

I will ask now whether it is a fact that the minister's legal bills in the defamation matter brought against him by the former Australian Labor Party secretary Stephen Newnham are being paid in full or in part by the 500 Club?

Mr Davis, in his response at page 28, is reported as saying:

I am confident that nothing that has been donated to me by the 500 Club would compromise my role as a minister.

There is absolutely nothing at all in the responses given on 4 May by the Leader of the Government that supports the contention in the motion, described as evidence that Mr Davis indicated he may have received such a benefit. The very premise of the motion the house is being asked to consider this morning is completely false. I note that in his contribution Mr Lenders failed to make the case to support the words in this motion.

Frankly the government has concerns about the way this motion has been put forward. Firstly, it seeks to judge the Leader of the Government as having failed to meet obligations under the legislation, with Mr Lenders contending that this is merely referring a matter off for investigation when in fact it is seeking to judge the Leader of the Government. Secondly, the very words of the motion misrepresent the comments and responses made on 4 May by the Leader of the Government.

I now turn to the matters raised by Mr Lenders in his contribution. At the outset of his speech, Mr Lenders said the onus was on him to establish a prima facie case that Mr Davis had misled the house. I put to the house that that in fact is not the subject of this motion. The subject of this motion is that Mr Davis had breached certain obligations under the act. Section 3(c) refers to the receipt of fees, payments, retainers or rewards et cetera. It has nothing to do with misleading the house. The whole argument that Mr Lenders put

forward this morning about establishing a prima facie case that Mr Davis misled the house has nothing to do with the subject matter that he is seeking to refer to the Privileges Committee. Section 3(c) relates to a very narrow matter — that is, whether Mr Davis, as a member of Parliament, had received fees, payments, retainers et cetera. We have a complete mismatch between what the house is being asked by Mr Lenders to refer to the Privileges Committee and the arguments that he put forward as to why this motion should be carried.

I do not particularly wish to go to the substance of the allegations that have been made by Mr Lenders against the Leader of the Government, because this is not an appropriate forum in which to do that. On the substance, I note Mr Lenders indicated that members of Parliament and political candidates receiving support from their political parties is not unusual. On the issue of whether a member of Parliament, in this case Mr Davis, had received support for his activities as a member of Parliament, Mr Lenders said that it was nothing unusual; it was nothing illegal.

Mr Lenders then went on to say that the prima facie case is that Mr Davis changed his story — again, the allegation of misleading the house. I point out that that is not the substance of the motion before the house this morning. Mr Lenders has failed to make a case on the substance of Mr Davis allegedly breaching the requirements of the Members of Parliament (Register of Interests) Act 1978.

Mr Lenders went on to talk about contradictory answers and Mr Davis taking no action to correct the record. I submit that, notwithstanding that contradictory answers are not the subject of this motion — it is very clearly about whether Mr Davis has received benefit in breach of the code of conduct — there is nothing in *Hansard* of 4 May that supports Mr Lenders's contention that Mr Davis had given contradictory answers. As I indicated earlier, the first of the answers given by Mr Davis on 4 May was:

I do not believe I have obtained personal financial benefit.

In response to the second question, he is reported as saying:

I am confident that nothing that has been donated to me by the 500 Club would compromise my role as a minister.

There is absolutely nothing contradictory in those comments. Not only has Mr Lenders not established a case that supports the contention in his motion that Mr Davis is somehow guilty of a breach of the act but he has also not substantiated his case that Mr Davis has

somehow misled the Parliament by providing contradictory answers. On the point of establishing a prima facie case, I would argue that Mr Lenders has failed to do that on both the substantial issue of his motion and the basis of the arguments he put forward this morning about Mr Davis having somehow misled the Parliament with contradictory answers.

The second issue that Mr Lenders did not talk about at any length was the suggestion of a conflict of interest. In the contribution we heard from the Leader of the Opposition this was put very much as a secondary and minor part of his concluding comments. Despite it somehow originally seeming to be the substance of the motion before the house it did not get any substantial run in the arguments Mr Lenders put forward.

By his own words on the issue of conflict and Mr Davis's obligation to disclose certain matters Mr Lenders made it very clear that there is a reporting time frame under the Members of Parliament (Register of Interests) Act 1978 and that that time frame remains open to report matters if indeed matters are due to be reported under that legislation. So Mr Lenders by his own words acknowledges that there has been no breach by Mr Davis of an obligation to report matters in the register of interests and that the time frame available to report matters remains open into the second half of this calendar year.

The other matter I would like to raise is the fact that the motion refers to section 3(c) of the Members of Parliament (Register of Interests) Act 1978. Mr Lenders quoted section 3(c) under part 1 of that act, which lays down the code of conduct. Section 3(1) states:

- (1) It is hereby declared that a Member of the Parliament is bound by the following code of conduct —
- ...
- (c) a Member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of the use of, his position as a Member ...

That is a very interesting paragraph in that code of conduct, and it can be interpreted very literally. A literal interpretation of that section of the code of conduct would mean that a member of Parliament could not receive a salary or support from an electorate office by virtue of being a member of Parliament. A whole range of things which occur in the ordinary course of a member of Parliament carrying out their duties and receiving support from the Parliament could not happen. It is worth reflecting on the basis on which this clause has ended up in the code of conduct.

I refer members to subsection (2) of the code of conduct, which sets out a reference to the Constitution Act Amendment (Qualifications Joint Select Committee) Act 1973. That act established a select committee to inquire into and report on matters relating to codes of conduct for members of Parliament. A report was produced by the Parliament in 1974, which is referenced in the act, and it sets out the basis for which the act was originally established. It is quite clear from the report that was produced for the Parliament in 1974 that paragraph (6) of the section in that report titled 'Code of conduct' was the basis on which the provision we now see as section 3(1)(c) was put into place. I will quote from paragraph (6) of that report, which states:

As long as members continue to conduct and involve themselves in community, business and professional activities whilst holding public office, there must always be the risk that their private and public activities may become intermingled.

The report goes on to say:

The committee is of the opinion that members could not be expected to completely divorce themselves from outside activities, but that there should exist some guidelines to prevent any possible conflict of interest.

The basis on which this code of conduct was put in place and the basis on which that particular section was inserted in the code of conduct was the need to address concerns that existed some 35 years ago when members typically occupied and continued to practice in professions and outside occupations whilst sitting as members of Parliament. That is the basis on which the code of conduct that is the subject of discussion today was introduced to this Parliament, and it is in that context that we need to read paragraph (1)(c) of the code of conduct. As I stated earlier, a direct and literal reading of that subsection would mean that a member of Parliament could not accept a salary or accept support from the Parliament by virtue of an electorate office. The house needs to be very conscious of the interpretation of section (3)(1)(c) and the basis on which it was inserted in that act when this matter is being considered.

I would submit that this motion has been put forward with a contrived and political outcome in mind. The substance of the motion which seeks to judge Mr Davis as having failed to meet a certain obligation prejudices any matter that could reasonably have been sent to the Privileges Committee, and the assertions in the motion are not supported by the words recorded in *Hansard* of 4 May. I further submit that the issue raised by Mr Lenders this morning around alleged misleading of the house by Mr Davis is not the subject of the matter that Mr Lenders seeks to refer to the Privileges

Committee and has not been substantiated by the arguments he put forward this morning. For those reasons the government will not be supporting this referral to the Privileges Committee.

Mr BARBER (Northern Metropolitan) — The President noted at the beginning of this debate that this is the first privileges motion we have dealt with here, and certainly it is in my time in the Parliament, but we dealt with other motions in the last term that made allegations against certain ministers and asked the house or other people to take certain actions. We had two motions where we were asked to make a finding of no confidence in Mr Madden. The Greens, after some deliberation and listening to the argument in the chamber, supported both of those motions.

There was also a motion that we should refer to the ombudsman some alleged conduct by a former minister in this house, Mr Theophanous. Upon listening to that argument the Greens did not support that motion. In any case, we were vindicated when the Ombudsman investigated the issue. Members will have the chance to compare what I argue today with how consistently the Greens have voted across all of the matters we have dealt with in relation to the conduct of ministers over the time in which the Greens have been in this chamber.

Mr Lenders stated that his job was to establish a prima facie case that the minister is in breach of privilege. The term ‘prima facie’ normally means something slightly different. It means evidence that unless rebutted would be sufficient to prove a particular proposition, and if it makes that test, then it can move to a legal proceeding where it can be tested. Normally in that legal proceeding the person gets to defend themselves.

The real question is: if the evidence that Mr Lenders has put forward were not rebutted, could he achieve the required standard? That is exactly the situation we were in with those earlier motions I referred to in relation to two ministers in the former government. We had variable amounts of evidence in those proceedings. Again there were newspaper reports and other second-hand sources available to us. This morning we heard about the sources that Mr Lenders intends to lay out — extracts from *Hansard*, some newspaper reports and an invoice which the Greens members have never seen. Mr Lenders stated that *Age* reporters have seen it, but the Greens members have not seen the invoice. That may or may not be important.

I can understand that the government would be affronted by the moving of this motion, but we need to put aside our affront and simply look at the context in which we are operating, and for that reason I will raise

some more general points. Over the last term of Parliament there was an extensive debate on the need for an independent commission against corruption (ICAC). At the end of that process all the parties in the Parliament ended up supporting a motion that called for an independent commission against corruption in Victoria. The proper model for that was never really argued out because we did not get legislation for it in the last Parliament, but as a general proposition all the parties argued that we needed an independent commission against corruption in some form. It would no doubt deal with matters similar to the ones I am raising today.

If an independent commission against corruption had been established in Victoria, somebody would have already taken this matter as a complaint to that ICAC. Anybody who knows how other jurisdictions work would know that ICACs receive thousands of complaints every year, of which some proportion are investigated. In those jurisdictions it almost becomes routine to send something to an ICAC. When this complaint was raised the government responded by suggesting that the conduct of the Leader of the Opposition in the lower house might also have been improper. If we had that ICAC, I am pretty sure the government would also have referred its allegation, and the ICAC would then be investigating the allegations about the conduct of both sides in this particular controversy.

However, there is an issue with that — that is, the house retains the power to investigate breaches of privilege. Because we have not yet seen any legislation for an ICAC, we do not know whether it will be able to investigate matters that would normally be matters of privilege, whether it will be stopped from doing that or whether there could be both investigations at once. For example, recently we saw the former Queensland minister Gordon Nuttall charged for taking a bribe. Subsequent to his conviction he was taken out of prison to face the Privileges Committee in the house and to explain why he had not disclosed the bribe under its register of interests, and he was further sanctioned.

The course I am trying to steer here is to anticipate what the view of the Greens might be and whether when setting up this ICAC it will also cover matters of privilege. It is an extraordinarily important issue to flog out. It seems to be common ground in this chamber that the Members of Parliament (Register of Interests) Act 1978 codifies privilege. Nobody has suggested today that the Privileges Committee could not investigate matters relating to this act. Nobody has rebutted the proposition that what this act does is codify

privilege and that a breach of the act is therefore a breach of privilege.

If you look up the general order, you find that the minister responsible for this act is the Premier, but no-one has suggested that the Premier needs to somehow enforce it. The act is assigned to him and he would create the regulations or any other further matters, but he is not administering the act. It seems pretty clear to me that a breach of this act is something that the house would need to sort out via the Privileges Committee. Hopefully we have agreement on that much at least.

As I said, the government may be somewhat affronted by the moving of this motion by Mr Lenders. I must be feeling fairly raw still from the state election, when the Labor Party's dirt unit threw out enormous amounts of material anonymously and via the media against the Greens, so I think it is a positive step that a member of the ALP is willing to put their name to an allegation and to put it on the notice paper. It is a pity that not every political allegation made is moved by a substantive motion. Generally speaking, when one of those media outlets calls me to account there is nobody on the other side of the allegation; it is simply a nebulous allegation. I am debating myself when it comes to answering one of those charges.

On the other hand, you would have to say that the government has brought this debate upon itself over the last four years. Mr Rich-Phillips talked about the context of the discussion. There is no doubt that the context of the discussion is that for the last four years we have had some pretty serious allegations thrown at the previous government. Mr David Davis himself, on 20 different occasions in the last four years, came into this Parliament and used the word 'corrupt' in relation to the ALP or somebody associated with the government. In my mind, that was a clear raising of the bar for what we should accept by way of standards.

I need to go through some specific issues as they relate to the motion and to the Members of Parliament (Register of Interests) Act 1978. Mr Rich-Phillips said the motion was contrived, and he attempted to trip up the wording of the motion in a way to say that it was prejudging the matter. It may be that in order to make the case the allegation will need to be put into the motion. In any case, a substantive issue has been raised in the public, in the Parliament and now with this motion, and the wording of the motion is sufficient to do what we need to do, which is to get a matter referred to the Privileges Committee.

I am not worried about his little trip-ups here and there. Does the motion mechanically do what it is meant to do? Yes, it does. It says that something will go to the Privileges Committee. I am not prejudging what the Privileges Committee will find. I am not going to be on the Privileges Committee. That is the reason I am speaking about this motion. I have to form a judgement as to whether it is a prima facie case — that is, evidence that unless rebutted would be sufficient to prove a particular proposition. If the Privileges Committee were to be created, then it would be Ms Pennicuik, on behalf of the Australian Greens, who would have to sit there and go through all that evidence again. It is true that the government has not come in here and attempted to rebut the evidence — it dismissed the motion as failing earlier than that — and that puts me in some difficulty.

Mr Gordon Rich-Phillips took us back to the select committee of 1974 that led to the insertion of the code of conduct. I have read reports of that select committee — not today in preparation for this motion, but quite some time ago — because this code of conduct as provided for in legislation is itself quite significant. An independent commission against corruption or a like body will not just investigate corruption in the sense of grand corruption or taking bribes; such a commission will also be capable of investigating breaches of an applicable code of conduct. This is clearly that. Public servants have one, and public servants who leak things may be in breach of their code of conduct. Does that mean the government will use the ICAC to investigate public servants who leak? I do not know. We will decide that only when the legislation is presented.

This substantive motion sends us to section 3(c) of the Members of Parliament (Register of Interests) Act 1978:

... a Member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of the use of, his position as a Member ...

and that term 'use of' is quite important. Subsection (e), which the motion does not refer to, states:

... a Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests ...

In my view that might have been the more applicable section for this matter, but it is not what the mover of the motion referred to. Some of these terms are defined in the act; others are not. I am not as convinced as Mr Rich-Phillips is that the context of 1974 is the one we should use today. The Premier has mooted a code of conduct for ministers. Such a code of conduct would of

course have to be compliant with this legislated code right here. By the way, it seems to have been a bit of a surprise to members when they discovered that this code of conduct was in the act and could be used in this way. I have noted surprise around here, and I am not sure whether the formal induction that all members have been given to Parliament or the induction that their parties give them has actually informed them that there is a legislated code of conduct that they have to comply with. That in itself I find pretty surprising.

There is also the question of the timeliness of disclosure. I cannot take people through the entire act because I am running out of time, but there appear to be some holes in the disclosure regime, as I read it. When members are first elected in a new Parliament they have to do a primary return, and then if anything changes, they have to make amendments to that return by 30 June of each year. Therefore, in the dying days of the Parliament — like last year, for example — my last amended return would have been submitted by 30 June of the election year. My primary return on re-entering Parliament therefore did not have to refer to the donations, gifts or other in-kind support that I might have received between 30 June and the beginning of this new Parliament.

Is it really the intention of the Parliament that a returning MP does not have to disclose gifts they might have received for their personal benefit or that of their campaign between 30 June of the election year and the time they take up their office? That would appear to be the period. If I had received a \$1 million donation to my personal campaign on 1 July of an election year — which does not get disclosed through my party, because we do not have state-based donation disclosure — I will never have to disclose that I received that. That appears to be a major gap.

Since the issue has been raised about the timing and nature of this particular contribution to Mr Davis — the paying of his legal bill — it is really a question of when that gift, if you like, which was paid by someone else but which certainly had a very clear monetary value, was actually received. I do not know when it was received. We do not yet know whether it fell within an appropriate period for the purposes of disclosure.

In any case, members should be aware that yesterday I gave notice of a motion calling on the house to request the Premier, the responsible minister for this act, to:

... conduct a review of the Members of Parliament (Register of Interests) Act 1978 with a view to making the act and regulations made under that act international best practice, and that all members of the Legislative Assembly, Legislative

Council as well as other interested parties be given the opportunity to provide input to the review.

I do not want to anticipate debate on that motion; I am simply making the point that if we are raising standards here, then all members should be involved in a process, collegially, of determining what those standards are. In the last Parliament there were changes to this act proposed by the Attorney-General. I do not want to spend time on what I thought of that bill, because we never got to vote on it. There were also amendments to that bill proposed by then shadow Attorney-General, Robert Clark, and some of those amendments also had merit. It seems to me that those ideas should be brought back — but not through one party moving a bill against another and so forth. Through some sort of process we should work out what we want in this piece of legislation. Right now, though, we are arguing about what is in the legislation.

Members should look at the schedule in the regulations which deals with not only the primary return but also the amended return, because in the section on the amended return we see a provision that does not quite match the wording of the act. It says:

Any gift of or exceeding \$500 received by you from a person other than a relative by blood or marriage.

That is a totally separate section with a clearly different and much wider meaning than the section that the motion addresses specifically when it talks about section 3(1)(c). It is the definitions section of the Members of Parliament (Register of Interests) Act 1978 that we need to look at for the meaning of financial benefit:

- (a) the remuneration, fee or other pecuniary sum exceeding \$500 received by the Member in respect of any contract of service entered into or paid office held by the Member; and
- (b) the total of all remuneration, fees or other pecuniary sums received by the Member in respect of any trade, profession or vocation engaged in by the Member where the said total exceeds \$500 —

but shall not include any remuneration received by the Member under the Parliamentary Salaries and Superannuation Act 1968.

The \$500 gift provision and the provision I have just described are fundamentally different, and this paying of the legal bill could fall under the gift provision.

By the way, that section also refutes what Mr Rich-Phillips said. He said that if you read this section too widely, we would not be able to draw a salary. The salary is not only mentioned in here but it is established by legislation. Our electorate officers and

resources are established by legislation. If there is a piece of legislation out there saying that this is what is going to happen, that is not what we are referring to when we refer to the code of conduct about gifts and other sorts of benefits.

Mr Rich-Phillips said we needed to be conscious of the interpretation of this section. I am actually quite conscious of it. I am conscious of how it operates in relation to other sections of legislation and to other bodies that are meant to ensure integrity across this Parliament, so I am concluding something a bit different to both speakers and according to a different rationale.

This question of privilege and how it will relate to an investigation of the conduct of members is incredibly important. As MPs, including and especially opposition MPs, we are also watchdogs, and privilege is there to protect us as we carry out our task. If our task as a watchdog comes into conflict with another watchdog, such as an independent commission against corruption, we have the potential for real problems, problems that the President would find himself at the centre of. I can tell the house that is how it went down in New South Wales. After a complaint was made against a member, the Independent Commission against Corruption (ICAC) turned up to the member's office and grabbed the member's hard drive, which could have contained any amount of privileged information separate to the matter that was being investigated. It could have contained complaints against the ICAC, for all we know.

I do not think there is any clear view yet from the parties in this house on the delineation between the role of an ICAC and an ombudsman, and the role of the house itself in determining, protecting and enforcing privilege. For that reason I am quite happy to accept the proposition that a matter like this could be investigated by the Privileges Committee. At the moment it is the only body, it is clearly the appropriate body, and as far as we know it might continue to be the body that deals with breaches under this act.

I am also concerned about the role of political fundraising. A section of this code talks about members, and especially ministers, not allowing a conflict to exist or appear to exist between their public duty and their private interest. The public duty of a minister is to run their ministry and their legislation according to all appropriate standards. If that minister then offers to make himself or herself available to be lobbied for a fee — that fee going into their party's election account or into that minister's own fund to pay

the minister's legal bills — then we have a real problem.

I do not have a problem with ministers and politicians addressing a fundraiser as members of their party, but when the flyer that goes out for the fundraiser says, 'Pay this amount and you will get to lobby a minister and influence the policy-making process', in my view you are actually entering into a contract. You are saying that if you do not get into the ear of that minister at that particular event, you should ask for your money back. That, in my view, is a minister selling their time.

As a member I would not do that. I would not tell my constituents that they can come and see me but that the meter will be running in the corner clocking up \$2 a minute. I would not be very popular if I did that. The point is that at the ministerial level — and this covers both parties when they have been in government, now and in the last term — that is the arrangement being entered into. I argue that such an arrangement, when it goes out on a flyer from an organisation such as Progressive Business or the 500 Club, to which people have subscribed or paid a fee, could be brought before this house as a matter of privilege under section 3(1)(e). I hope that all members of Parliament, if they had not already done so, have today familiarised themselves with the code of conduct that applies to them.

I do not yet have any available facts on this issue. All I have heard are the reports, the statements made in this chamber when I was present and an allusion to an invoice which I have not seen and would not necessarily probe if I had. Mr Rich-Phillips is quite right that the motion does not refer to the minister misleading the house. This is a charge against other sections of the code; I do not need to pass judgement on whether the minister misled the house.

The minister in his answer said — and I am paraphrasing — that nothing had been donated or provided to him from that organisation that would compromise his role as a minister. He did not say money had not been donated. He answered the question in two parts. He said that nothing that had been donated would compromise him. I think that is the matter that we are asking the Privileges Committee to judge. First of all, did he receive it; and if he did, did it compromise him? I am not suggesting the minister was thinking up an answer that he could use to mislead the house. It is quite possible the minister was literally just thinking about the question and answered in that way, but it is true that the minister then did not subsequently take the chance to make a personal explanation or clear the air in any way.

When we dealt with matters in relation to Mr Madden, he eventually appeared in the house and gave his case; I sat and listened to it. By the way, Mr Madden in that case did not attempt to rebut the facts; he just simply defended himself. I do not know yet, but I am guessing that Mr Davis is not going to come into the house and attempt to rebut each item, and therefore I find myself in a position where Mr Lenders has put forward some evidence that unless rebutted would be sufficient to prove a particular proposition. I make no judgement on whether it has been proved or is going to be proved. The only integrity body that we have available to us right now to do it is the Privileges Committee, and therefore I will support the motion to send the matter to that committee, so that the committee can then in its own way and its own time do the job that we are not able to do right here today in the chamber.

Mr VINEY (Eastern Victoria) — I rise to support the motion of Mr Lenders, and I do so because I think this goes to the heart of the democratic process as we know it in Australia and as is experienced around the world under the Westminster system. That is a system of accountability that is designed to build and maintain public confidence in the processes of Parliament. It is a system designed to ensure accountability for the actions of elected members of Parliament, people elected to make decisions on behalf of and for the public they represent. It exists to maintain confidence in the process. That is the fundamental purpose for which accountability in the political system exists.

There are essentially — and I know there are lots of debates about an ICAC (independent commission against corruption) and so on — two methods of accountability for elected representatives in the Westminster system. The first is the ballot box. That is the basic accountability of our system of democracy whereby all of us are held to account by the public that we represent; in Victoria that is once every four years. The second method of accountability is the ongoing accountability of each of us through the processes, forms and structures of the Parliament itself, and in this instance in the Legislative Council. Where an allegation has been made against a member there are opportunities for it to be dealt with.

The first method of dealing with such an allegation is for the member to respond. The member can respond in a number of ways, and what we saw from Mr Davis was a political response in question time and on the next day whereby he chose through the forms of the house and question time to make political assertions against his opponents who were making allegations against him.

We saw quite recently a very different approach that was taken by Mr Dalla-Riva when allegations were made in relation to him. He took the opportunity of making a personal explanation to the house, and that essentially ended the matter. There has been very little consideration of those issues subsequently. If members would care to consult the authorities that the practices of these houses of Parliament in Victoria are built on, they would see in *Erskine May* that that is the normal process for dealing with these matters. Where a matter has been referred to a privileges committee, as is proposed in this motion, and the committee has reported, this is common practice.

I think *Erskine May* says that in all instances where there has been an adverse finding, and the member has then come into the house and made an explanation or apology, on no occasion has the house pursued the matter or adopted the proposed course of the relevant privileges committee. That is the proper process and the way that our system of accountability works. Mr Dalla-Riva's process was absolutely the proper process. He dealt with the matter and has essentially ended the matter. Mr Davis has not chosen that method, and it was within his right to take a different approach. The approach he took — a more political response — was to use question time to make, in answer to specific questions, counter allegations against his accusers.

My view is that there are a limited number of proper processes for dealing with a matter that has not been resolved in the way used by Mr Dalla-Riva when he dealt with the issues that were raised about him. One of those methods is to make an adverse finding, by substantive motion, against the member. This methodology was used on numerous occasions by the now government when in opposition against ministers of the last Labor government. It was a methodology used against Mr Theophanous and Mr Madden and, to an extent — in a slightly different context in relation to the presentation of documents before the house — used fairly aggressively against Mr Lenders, resulting in him being suspended from the service of the house. That is one method by which the house, by resolution, can take particular actions against a member that the house believes has not acted in accordance with the traditions or standards expected of a member.

The alternative is to refer the matter to the Privileges Committee so that it can be more dispassionately and objectively dealt with through a proper process. In order to go to the Privileges Committee, *Erskine May* and *Australian Senate Practice* by Odgers point out that a particular complaint must be made. This goes to the heart of Mr Rich-Phillips's suggestion that Mr Lenders made allegations in his motion and his criticism of the

motion on those grounds. The motion would have no validity if allegations were not formed in the motion so that the Privileges Committee knows what it is being asked to inquire into.

The basis of Mr Lenders's motion is that it sets out a series of propositions that Mr Lenders believes have taken place so that the Privileges Committee can investigate dispassionately and objectively and then report back to the house. If the Privileges Committee finds adversely, it would make recommendations to the house about courses of action available to the house. If it does not, the matter is ended. If it does make adverse findings, it is still within the capacity of the relevant member to deal with the matter at that time, and that would end the matter.

If the house is not proposing to deal with the matter in a more formal sense — as a condemnation, no-confidence or suspension motion, all of which we saw from the government when in opposition, and today the opposition is not proposing to move a motion against Mr Davis of condemnation, suspension or no confidence — then it is merely asking the Privileges Committee to inquire into matters raised in the house that are unresolved. Those matters are unresolved because Mr Davis has not dealt with them other than in the way he chose to in question time, and it was his right, as Mr Lenders said, to deal with them in a political way.

The opposition is saying that given it was not resolved through the normal course, which is how Mr Dalla-Riva dealt with matters concerning him, then the opposition is left with two alternatives: to move a formal resolution of condemnation or suspension or use some other method of finding against Mr Davis; or to ask for the matter to be properly investigated. That opens up the question of an ICAC, which Mr Barber raised. I believe the political process of accountability is best dealt with by the proper forms of parliamentary democracy that have been established over centuries. They are best dealt with in that way when they can be.

There may be some instances of matters being of such a serious nature that they require expert investigation by persons outside of the political process. There are opportunities to consider ways in which such matters might be investigated. The Ombudsman and the Auditor-General are the current standards.

Mr Barber — There are a couple of parliamentary standards commissioners in the UK.

Mr VINEY — There is that. There are a number of things, but the most common have been the

Ombudsman and the Auditor-General. What was proposed at the last election, and we are advised it will come before the Parliament in the near future, is an IBAC, as this government is calling it — an independent, broadbased anticorruption commission.

I am not sure that Mr Lenders is suggesting the matters before the house right now are of such seriousness that they require that level of investigation. He has not indicated that to me and it was not part of his contribution, but what is essentially of debate here is the compliance or otherwise of Mr Davis with the code of conduct in the Members of Parliament (Register of Interests) Act 1978. Mr Lenders referred specifically to section 3(1)(c) in relation to his proposed inquiry, but I think the totality of the code of conduct needs to be considered. There is a provision, section 3(1)(e), that says:

a Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests ...

This goes to the heart of the issue that I opened with — to maintain public confidence in the democratic political process, we need not only to do the right thing but for it to be seen to be done correctly. What is now at question is whether or not Mr Davis has been seen to do properly those things that affect him concerning his potential private interests, of legal costs having been met by another body and his public duty as a minister.

It is arguable, to say the least, that there is a potential problem when a minister's legal bills are dealt with and paid for by a body made up of a range of private interests, from business interests to personal involvement. All of us, all the time, are subject to a determination of whether something before us conflicts with our own personal interest. That is part of public life, and part of public life is knowing where that line is and declaring a potential problem or potential interest when there is doubt.

What is at heart of this is that that was not done. In answering questions Mr Davis asserted that there was no conflict and that he did not feel in any way conflicted. Others in the house have suggested that there has been a conflict of interest and that therefore the best method of resolving this matter is through a proper process of investigation. I believe that the proper process of investigation right now, today, is through the Privileges Committee. There is no IBAC in place in Victoria. There are other alternatives in terms of the Ombudsman and so on, but what is at heart here is not any overt corruption.

Unlike the issues raised by Mr Barber, I do not believe I have ever come into this place and directly accused anyone of being corrupt. It is not a word that I use, and it is not an allegation that I make. I would not make it without knowing with absolute certainty that there was substance behind such an allegation. It is not a standard that others have met in this place. I have heard it used far too often in my judgement. But that is not the assertion here; the assertion is that in one's public duty as a minister there needs to be a clarity about our interests.

We choose to take public office, and in taking public office we have to be prepared to expose our personal interests much more than we would otherwise do. That is our obligation as public people. If we do not go down this path of proper inquiry and proper accountability in this place, then we are left with no alternative but to have IBACs and ICACs. If we cannot govern ourselves using proper process, there is no alternative but to have third-party investigations.

Frankly I think it would be an unnecessary development, because in my experience there has not been much substantiation of improper behaviour by members of Parliament. But it is a view that now seems to be publicly held that we need these things. There is absolutely no question that we will need them if we are not prepared to use the forums and practices of this place to hold one another to public account. If we do not use those forums properly, we are left with no alternative but to bring in outside persons.

We should be mature enough, we are mature enough and we can be mature enough — and this debate has generally been of that standard — to have a proper inquiry for the minister to be able to explain to the Privileges Committee why he believes there is no difficulty and for the Privileges Committee to properly report to the house. As Mr Lenders said, the government will have a majority on this committee, so there is not a lot for them to fear. As Mr Davis has frequently said in this place — and I can remember Mr Guy's words on the many select committees on which I have sat with him — if you have nothing to hide, then you have nothing to fear. If Mr Davis is confident in himself and his proper processes and how he has acquitted himself, then he has nothing to fear from a Privileges Committee inquiry on which committee the government has a majority.

What we seek is a proper process by which this matter can be dealt with. It could have been dealt with by Mr Davis making a personal explanation, and that would have ended the matter. He chose not to take that approach, so the opposition has formed the view that

we ought to go to the next possible process of a proper inquiry by the Privileges Committee. If we do not do this, then we start to undermine public confidence in the democratic system itself. We cannot afford to do that.

On a number of occasions I have met with young people touring the Parliament, and I have often asked them, 'Have you seen politicians on the TV behaving not too well in this place — behaving a bit badly?'. They always say they have. What I point out to them is that, yes, it is true that sometimes we do, and I also admit to them that sometimes I behave perhaps a little worse than I ever did in school. But this is the place in our society where we resolve our differences — in here, through words. We can only do that if the public has confidence in the system. We can only do that if the public can have confidence that we are acquitting ourselves properly and fully accountably.

If we do not do this and if we continue down this path, then we will undermine that public confidence, and to undermine public confidence in the processes of this Parliament will ultimately lead to the destruction of democracy. What I say to those young people when they come to the Parliament is that in our society we resolve our differences in here, through words. Yes, it is true that sometimes things get a bit heated, but in other societies differences are resolved by other means. I think our way is preferable. I know that sometimes we get very caught up in the personality of politics and the personality issues associated with it, but this is an issue that goes to the heart of the appearance of integrity — not to the question of integrity but to the public appearance of integrity, whereby interests must be declared.

Those things are spelt out in the code of conduct, therefore we must deal with these things using a proper process. The only forum remaining to the house, other than by political resolution in here if the minister were to choose to make some sort of explanation which would end the matter, is the consideration of the details of the issue by the Privileges Committee, which is an objective and proper process. Those of us who were in the last Parliament have seen the political resolution take place on a number of occasions, and it is not a pretty sight. The exchanges can be heated and quite aggressive.

The Privileges Committee is a better process to deal with an allegation that has been made. There is now an opportunity, through this process, for the Leader of the Government to have the matter dealt with in a proper forum. To do so means that we can continue to maintain public confidence in the democratic system in Victoria. I urge the house to support this resolution.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I start by saying that, having regard to the President’s ruling at the start of this debate, I do not intend to canvass all the particulars relating to the issue at hand. While the mover of the motion, Mr Lenders, has made the prima facie case, as he said he felt he had an obligation to do, to their credit subsequent speakers who have contributed to this debate have not gone to the extent of expressing an opinion as such but rather have suggested that the matter should be fairly adjudicated by a committee of this house, that being the Privileges Committee.

What members have said in their verbal contributions to this debate is not entirely reflected in the wording of the motion. My colleague Mr Rich-Phillips made an excellent suggestion that the way in which the motion, moved by Mr Lenders, has been framed suggests there was a preconceived view about this matter when he described a failure to meet obligations under the act. Clearly there is a view expressed there. But Mr Lenders’s contribution this morning was more even-handed. He did not say that in his mind an opinion had been conclusively made; he said that was the prerogative of the Privileges Committee of the Parliament.

In keeping with the President’s ruling at the start of the debate, I want to talk about a couple of principles involved with this issue. I intend to argue that regardless of what one believes are the merits of this particular case, a referral to the Privileges Committee is inappropriate and premature, and the Council would be unwise to pursue it. I will set out two reasons for that position.

The basis for making this claim revolves around two significant points made by the Leader of the Opposition in his contribution when he moved this particular motion. He made the concession, as part of his speech, that the time for reporting any benefit or any interest under the provisions of the Members of Parliament (Register of Interests) Act 1978 for the last calendar year has not yet expired. Those of us who have been in this house for a while know that soon after 1 July, the clerks of this Parliament serve us well by sending a form to us. We fill out that statutory declaration and attest to matters relating to our interests as members of Parliament. We have 60 days to respond. That is the process of listing items that are covered under the Members of Parliament (Register of Interests) Act.

Under the provisions of that act members are able to update that list at any time during the course of the year. However, an update of the list presumes you have come to a conclusive view that there needs to be an

addition to the list. No member contributing to this debate today has claimed to have prejudged Mr David Davis or suggested that this is definitely a breach of the code of conduct. They have said the matter should be assessed by the Privileges Committee.

Our obligations are to fill out that return form within 60 days, and for the clerks of the Parliament to file those returns. They are our obligations. On my reading of the words of this motion, I fail to see how the conclusion can be that Mr Davis has failed to meet his obligations under the act when the actual time and process for meeting requirements for any declaration of pecuniary interests has not yet expired. Forgetting for one moment the merits of the case, there is no case until such time as that addition to the register of interests has been filed for the previous calendar year. You cannot reasonably, logically or in any sense argue that somebody has breached those provisions. Mr Lenders made that point. He conceded that the time for the declaration of interests for the last calendar year has not yet expired.

That is the first reason that any reference of this issue to a Privileges Committee is premature. Members should not try to assess whether somebody has conformed to particular elements of this legislation until the time they are required to conform, under the act, has passed.

The other point in terms of why this motion to refer this matter to the Privileges Committee is premature is highlighted by the words of the motion of the Leader of the Opposition. He said, and I paraphrase, that Mr Davis had appropriately referred certain matters relating to this issue to Victoria Police. He has, and there is an investigation currently being undertaken by Victoria Police into matters which may be of a criminal nature. I say ‘may be’. A police investigation is under way.

The Parliament is attempting to implement a parallel process to the process currently being employed by Victoria Police. On the one hand there is an investigation being undertaken by Victoria Police which may be looking at matters of a criminal nature. On the other hand there is the Parliament looking to establish its own inquiry processes through a Privileges Committee. They are matters of common interest. One can concede they are not exactly the same matters, but a certain overlap of the matters will occur. In such cases where there are parallel processes, it is inappropriate for the Parliament to put in place a process which may, in some way or another, influence or impact on an inquiry by Victoria Police where criminal matters may be involved. That is why I argued, at the very least, that it

is premature for the Parliament to put in place its own process.

I do not need to speak for a long time. I just wanted to make those points about matters of principle and whether this process should go forward. I, like others, am not expressing any judgement on the particulars of the case. They will be subject to comments in the future.

Without expressing an opinion about the merits of the case, the fact that the declaration of interest period has not yet expired is in itself a valid and logical reason for not supporting this motion today. It is premature to suggest that any breach of the act has occurred, because the time for lodging a statement of members interests has not yet passed. We should not set in place a process which may in some way or another conflict with or influence an inquiry currently being undertaken by Victoria Police. For those two reasons alone I say that any such reference to the Privileges Committee is premature and that none of us in this chamber should support the motion.

Mr LENDERS (Southern Metropolitan) — I rise to close the debate, and my central premise in summation is the same: that a prima facie case has been made out as to why Mr David Davis's case should be referred to the Privileges Committee. I congratulate the house on the measured debate on this motion. This is a serious issue, and I thank Mr Viney, Mr Barber, Mr Rich-Phillips and Mr Hall for their contributions.

However, I would like to rebut a couple of the assertions made by Mr Hall. He raised the ancillary issue of the police investigation. I raised that in my debate, saying that was an issue that was out there and that was the appropriate thing for Mr David Davis to do. I think this is an essential issue that goes to the rights of this house, but it would be a sad starting point for a debate if the presumption is that the Parliament should therefore abrogate its responsibility to hold ministers to the highest standards of account. Despite the fact there is a police investigation into an ancillary matter, in the end the Parliament itself is master of its own destiny. If there are parallel issues, fine, send those off if people have issues or complaints, but here it is an issue of whether a minister is adhering to standards set out in the act and — probably of equal importance — standards that he himself has put clearly on the record during his contributions in this house to previous debates concerning ministers of a much higher standard than the one we have.

The essential proposition is that we have made out a prima facie case as to why the minister has misled the

house and been in breach of the Members of Parliament (Register of Interests) Act 1978. Certainly in the spirit of that act, he has not quickly replied to the substantive issues that were raised. We are asking the Privileges Committee, which would have four government members, two opposition members and one crossbench member, to investigate the matter and report back to the house. I can hardly imagine a fairer process for a minister of the Crown to have to deal with, where essentially a friendly committee is dealing with the issues. I can only begin to contrast that with the treatment of other ministers in select committees which have been far more hostile.

Privileges is a very severe issue, but this is a measured way of going forward. Despite the arguments put forward by Mr Rich-Phillips and Mr Hall, the prima facie case is clearly there, and therefore I urge the house to refer this matter to the Privileges Committee.

The PRESIDENT — Order! Before asking the house to vote on the motion I would like to make a comment in respect of my own position in so much as I find it difficult when the Presiding Officer is required to vote on a matter such as this, given that this vote is going to be taken along party lines — as has been indicated during the debate. That places the Presiding Officer in a position where there is an obligation to vote according to those party lines. I have some concerns about the perception and the reality of the independence of the Chair in a judgement on what I consider to be a very serious matter.

This is one of the reasons I informed the house yesterday that I would be referring to the Procedures Committee the proposition that the Presiding Officer may be in a position to elect to vote on matters in this house but ought not be mandated to vote on such matters so that there is, in certain circumstances, an opportunity for a Presiding Officer to establish the independence of the Chair, and the independence of the view of the Chair in particular debates. I gave serious consideration on this matter in terms of vacating the chair for this vote, and on that basis I was enjoying the luxury that the outcome of the vote was unlikely to be changed if I vacated the chair because of the numbers and because of an assurance that a pairs proposition for Mrs Kronberg would be honoured by the opposition. In any event, if a member of the government failed to get through the doors on time, an equal vote would have meant that it was negated in any case. There was, if you like, a comfort zone for me if I was to vacate the chair.

I gave serious consideration to that because of the nature of this matter and the regard that I have for the

independence of the Chair and the ability of all members of this house to understand that their matters will be treated with proper concern and deliberation by the Chair. On this occasion I will vote. I have decided not to vacate the chair, having in part listened to the debate. I would hasten to add that my consideration on this matter was on the basis of the independence of the Chair, and it should not be construed in any way as my support, as a member of a particular party, for the leader of that party. There is absolutely no reservation on my part in that respect. My whole consideration on this matter was in regard to the independence of the Chair.

My decision not to vacate the chair on this occasion, given the concerns that I had, is based on the fact that I have referred that voting position, which is currently set out in the standing orders, to the Procedure Committee for consideration. I would hope that it will be resolved there and that the Chair will be in a different position in such matters in the future.

House divided on motion:

Ayes, 18

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

Noes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
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 (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Pair

Darveniza, Ms	Kronberg, Mrs
---------------	---------------

Motion negatived.

The PRESIDENT — Order! I commend members who participated in the debate for respecting the guidelines I set out at the start and for respecting other members. As I indicated, it was an important debate. It is difficult when we are asked to adjudicate on one of our own, a member of this house. The respect members showed for the house, its procedures and all other

members involved was a commendable effort. I commend everybody involved in terms of the process.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 31 May 2011, a copy of the Victorian government's submissions to the federal government's Carbon Capture and Storage Flagships program.

I will not speak for very long on this motion, but I will explain why it is important that the Parliament is able to see this material.

Carbon capture and storage is the great white hope of those who continue to have a vision for a fossil fuel based power system. For that reason it is highly controversial. I do not want to turn this into a policy motion, because that might get others going. Suffice it to say that I think it should be commonly understood that the Labor and Liberal parties and a large section of industry and the community think that carbon capture and storage will offer us an opportunity to keep burning coal and achieve lower emissions.

If members go to the relevant website for the federal government where the CCS (carbon capture and storage) flagships program is described, they will see that it tells us that funding is subject to a competitive process; that the government expects up to \$2 billion of state government funding and \$2 billion of industry funding to go along with its program, which it puts at about \$1.68 billion; and that in combination with what it calls the National Low Emissions Coal Initiative — call it clean coal, for short — it will establish an industrial-scale project in an accelerated time frame as part of a global carbon capture and storage initiative.

That has been the hype until today. Now we see that the federal government is rapidly scaling back its funding commitment in this area. There is some debate about how much of it was cut in the last budget. Some say it has been cut; some say it has been rephased — that is, deferred. In any case, for a state such as Victoria, which seems to be putting so many of its eggs into this particular basket, it should be of concern to us that the goalposts are shifting.

I cannot say that I am terribly surprised. I always thought that the main value of carbon capture and storage was that it allowed governments to come up with a plausible excuse for deferring action. When you get into the discussion on this, you learn that the experts on CCS and clean coal who are quoted do not believe

CCS will be up and running on any meaningful scale inside 20 years. The latest estimate is that when these technologies are added such things could triple or quadruple the cost of power generated from coal.

By the way, they are not incredibly complicated technologies. For a long time processing plants have been separating carbon dioxide (CO₂) from natural gas in particular, so they know about that bit. For quite a long while we have been piping liquids, including in some cases liquefied CO₂, over long distances. For a long, long time we have certainly been reinjecting gases into old geological storages to pump out other things — to pump out fuel — so the three technologies are reasonably mature. All this initiative requires is to stick the three of them together but most importantly make it economical.

With the federal government now slowing down its commitment to this and with applications to the scheme having closed back on 14 August 2009, I think it is appropriate to ask: how much is Victoria in for and what are the implications of the federal government now being on a go-slow? For that reason, I request that all submissions on this program made by the Victorian government be provided to the house. The matter is not simply one of my personal interest. It is demonstrated that all political parties in this Parliament have a big interest in it. It is big bucks, and it is a major question as we move forward to reduce our emissions, so it is something that all parliamentarians would have a very strong interest in. Therefore I have moved this motion.

Mr O'DONOHUE (Eastern Victoria) — The government will not oppose this motion, but I would like to make a couple of brief points about it. The motion states:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on ... 31 May ... a copy of the Victorian government's submissions to the federal government's Carbon Capture and Storage Flagships program.

I make the point that next Tuesday, which is 31 May, is less than a week away, which is a very short time for the government to collect and review the available information, check that information against any potential privilege and then respond to the house. It is an unrealistic time frame. The government approaches these requests for documents with goodwill, which has been demonstrated by the fact that numerous documents, such as the train timetables and documents relating to alpine grazing, have been provided to the house. The government has processes it must go through, and they take some time. To request that documents be provided within six days is unrealistic.

I note also that, as Mr Barber has said, the carbon capture and storage program is a federal program. It is a competitive program under which different states are competing for federal funding. As with the HRL Ltd motion, it is possible — although I am not privy to these documents; I do not know — that some of those documents, if they have indeed been submitted, may relate to ongoing commercial propositions.

With those few words, the government will not oppose this motion.

Mr LEANE (Eastern Metropolitan) — Due to the time, I will briefly say that the opposition supports Mr Barber's motion to call for these documents.

Motion agreed to.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Planning: Footscray development

Mr TEE (Eastern Metropolitan) — My question is for the Minister for Planning. I thank the minister for his timely arrival. Yesterday we were treated to the extraordinary spectacle of the minister using this chamber to beat up on the local mayor who supported a 12-storey height limit and who dared to question his decision to approve a 25-storey tower in Footscray. In making his decision the minister ignored the council, he ignored the community and he ignored the recommendation of a 12-storey limit — —

The PRESIDENT — Order! The first part of Mr Tee's question, the preamble, was in order, in that it referred to matters that the minister actually said yesterday. He is now beginning to commentate, and I am not happy about that at all. Perhaps he could bring his question back and away from that sort of commentary.

Mr TEE — My question is: in the face of the departmental report recommending a 12-storey limit will the minister now apologise to the mayor; and in deciding to approve this tower, who did he listen to?

Hon. M. J. GUY (Minister for Planning) — It is not usual to get up and say, 'What a bizarre question from the Labor Party', but that is becoming a regular event that we are seeing in this chamber at the moment.

What I find astounding is the absolute and utter mistruths told by the mayor of Maribyrnong on ABC radio yesterday morning. There were the mistruths

about this project being called in, when it was not called in. It was part of the zoning which she asked for. Fact. There were the absolute mistruths about the Labor Party mayor of Maribyrnong, to whom Mr Tee then said, 'Congratulations for a job well done' — congratulations on spreading misleading material to her own constituents. It is quite astounding.

Mr Tee gets up and asks about planning policy in this state and about listening to people. Who did the Labor Party listen to when it brought in Melbourne 2030, which peppered high-rise, high-density development across every suburb, every street and every cul-de-sac in metropolitan Melbourne? It listened to no-one. Who did the Labor Party listen to when it implemented a rural zone strategy to destroy farming and livelihood and destroy population stabilisation in regional Victoria? It listened to no-one.

Who did the former planning minister, Justin Madden, listen to when he made decisions about things such as the Windsor Hotel? Have they forgotten the Windsor Hotel? Have they forgotten the issue with Brimbank? Members of the Labor Party have exceedingly short memories, but Victorians, thankfully, are smarter than the Labor Party. Victorians have not forgotten the contempt with which Labor treated constituents.

The PRESIDENT — Order! Minister — —

Hon. M. J. GUY — He asked me this question.

The PRESIDENT — Order! I know that, but the minister has turned it into a debate. In particular, in the last part of his answer the minister was really starting to debate the issue rather than answering the question. Mr Tee might be mindful, when he frames his questions, of provoking such responses from the minister, but nonetheless there was debate at the end of that answer.

Supplementary question

Mr TEE (Eastern Metropolitan) — My question really went to the issue of the advice that the minister has obtained. My supplementary question is: prior to making his decision, did the minister meet with the developer?

Hon. M. J. GUY (Minister for Planning) — No.

Vocational education and training: government initiatives

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to my learned colleague the

Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession.

Mr Lenders interjected.

Mr P. DAVIS — I just wanted to share the question with Mr Lenders. The question I ask is: can the minister inform the house on how the government is planning to make Victoria's vocational education and training system more accessible?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Davis for the opportunity to answer this question in the Parliament. His response to interjections was right; I am sure it is good news that all members of the chamber would like to share. While Mr Davis asks me many questions of a private nature, and I respond to him fulsomely, we should all be aware of the information regarding access to vocational educational opportunities, and we should encourage our constituents of all ages to participate in those opportunities. I thank Mr Davis for his question. I also acknowledge that our other coalition colleague in Eastern Victoria Region, Mr O'Donohue, shares an interest in this subject. I observed that he raised a matter on the adjournment last night which went to this issue as well.

At the previous election the government made three major commitments regarding vocational education and training, particularly fees and eligibility for government support for those issues. In respect of the reinstatement of concessions at diploma and advanced diploma level, that election commitment was delivered in February this year when those concession places were made available.

The budget of just two weeks ago implemented the second commitment, and that was an increase to \$10 million per year for the provision of exemptions for people who did not strictly meet the eligibility criteria for government-supported positions in vocational training.

The third election commitment related to a review of all fees and charges associated with vocational education and training in Victoria. My colleague the Minister for Finance, Mr Robert Clark, and I employed the services of the Victorian essential services commissioner to undertake that review. We were particularly desirous of and pleased about doing that to ensure that this was not just an in-house review of all fees and charges associated with vocational education and training but a review undertaken by a body which I am sure enjoys the wholehearted support and confidence of the Victorian public in its being able to conduct a review

with openness and fairness while providing the opportunity for all to participate.

On 4 May the essential services commissioner accepted the government's invitation to conduct this review, and that is now in place. Details of the review and its terms of reference can be found on the essential services commissioner's website.

We are looking at a whole range of outcomes coming from this review, which I would hope will lead us to a position where a person's financial position in society is not a significant barrier to participation in vocational training. We would like to see a simplification of the eligibility criteria for government-supported training positions throughout the state.

The system I inherited was a demand-driven, uncapped system. As I have said before in this chamber, I accept that that is an appropriate system, but we have to make sure that the system provides the opportunity for all of those with a need to participate to be able to do so. I encourage members to promote the review within their electorates. I also encourage them to look at the essential services commissioner's website so that they can learn about this important issue.

Victoria's economy and the needs and aspirations of individuals will be enhanced with a clearer system of vocational education and training in Victoria. This review will go some way towards achieving that.

Planning: urban growth boundary

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to the review of the so-called logical inclusions for the urban growth boundary, a review that is limited to looking at submissions made to the 2008–09 urban growth boundary review. If this is a genuine objective look at the logical inclusions, it seems arbitrary to exclude land just because it was not part of a submission made to the 2008–09 review. My question to the minister is: why are landowners who failed to make a submission to the 2008–09 review excluded from the minister's review?

Hon. M. J. GUY (Minister for Planning) — What an interesting question. I thank Mr Tee for it and for him flagging his party's interest in expanding the urban growth boundary. That is an interesting turnaround for the Labor Party, and no doubt its factional friends, the Australian Greens, will be interested to learn about it.

I advise Mr Tee that — as the phrase 'logical inclusions to the 2008–09 boundary process' suggests — a logical inclusion is obviously an inclusion to a process that has already occurred. You do not open up the process to an

entirely new situation where anyone can put in an application for any parcel of land if it is not a logical inclusion or process that has already occurred. Hence the name 'logical inclusion' and hence the debate on it before the 2010 election with Mr Tee's colleague Mr Madden, the former Minister for Planning and now the member for Essendon in the lower house, Mr Barber and me.

The boundary inclusion process is one that this government has said it will make sure is open, transparent and obviously not conducted out of the minister's office as was done in the past, where maps were reportedly taken upstairs into the minister's office and statements were made like, 'This land is in and this land is out'. There will be none of that, as I said in estimates hearings in answer to Mr Pakula, who I think asked me a question about this.

For the first time in this state we are going to establish an open, structured and transparent process around boundary change, should it occur — and there is no guarantee that it will. As identified in the logical inclusions process, that process at first instance will be one of reviewing, by a publicly available set of criteria available, land that in many instances is close to infrastructure. Its ability to be brought forward into the boundary in a manner that is consistent with state planning policy, as suggested by the Growth Areas Authority, will then be able to be assessed by an independent planning panel. It will then make a recommendation, not me. It will make a recommendation about the land that will or may come in.

It might suggest one piece of land, it might suggest none, but it will be an open, transparent process that will not have the minister or the minister's office making decisions about what land is in or out. More to the point, there will be no necessity for anyone to come knocking on my door asking if I can work to get their land in the boundary. Those days are over. This government believes in openness and transparency when it comes to boundary inclusion, and we are proving that by putting it in place.

Supplementary question

Mr TEE (Eastern Metropolitan) — I thank Mr Guy. I note that the process adopted by the minister will have the Growth Areas Authority doing the same review as the 2008–09 review — it is the same process. The minister mentioned the election and the debate, and indeed this was an election commitment, but nowhere in his commitment was this sort of exclusion considered in terms of new material. My question is: is

this really the delivery of an election promise made to particular developers that they will have a chance to relitigate their previously unsuccessful claims?

Hon. M. J. GUY (Minister for Planning) — I notice Mr Tee said it would be the same review and the same process. He should go and have a look at the terms of reference, because it is not. He might also refer to page 8 of the document titled *Victorian Liberal-Nationals Coalition Plan for Planning*. It is quite a comprehensive document, in contrast with the fact that after four years my predecessor, Minister Madden, released nothing but a blank sheet on planning policy. There was not a single thing released. Mr Tee might have a look at page 8 of the coalition's planning policy, which says that we will conduct a biennial audit of land supply in Melbourne and, more to the point, we will establish a new structured process for the biennial review of the urban growth boundary in growth areas.

The logical inclusions process will relook at the process undertaken under Labor and, more to the point, should the process that we are putting in place for logical inclusions be a success, we will, as stated clearly in our policy, then transfer that to a two-year review of the boundary in growth areas articulated and put in print before the election, and voted on as a success for the Liberal and National parties.

Health: palliative care

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis. I ask: can the minister advise the house of the public response to the Baillieu government's palliative care package which was announced in the state budget and whether there are any further developments that support the government's strategy?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to respond to Mr Elsbury's question, and I note his interest in palliative care and his advocacy for his community on these matters. The government is proud to be honouring its election commitments to deliver \$34.4 million over the next four years in increased palliative care funding. This is an important program that recognises not just the ageing of our population but the unique circumstances that are faced by a range of patients and their families over the whole of the life cycle.

I was proud to attend with Premier Baillieu a recent event at Very Special Kids and to see the strong support for our palliative care initiatives given by Palliative Care Victoria and by that important organisation Very

Special Kids, which provides critical care and critical support for children and their families challenged by chronic disease and in many cases a difficult process of dying.

I note that it is Palliative Care Week, which is a very important national program and an opportunity for people to talk about many issues that the community should engage with much more. I was pleased to receive a letter from Associate Professor Brian Le, the chair of the board of Palliative Care Victoria, and Odette Waanders, the chief executive officer, thanking the government for its commitment to palliative care and for honouring its election promises. The letter says the additional funding over four years will:

... enhance the quality of life of people living with a terminal illness and enable them to die with dignity and in comfort, as well as providing support to their families and loved ones.

I am happy to share this letter with the house, because it is an important issue, and I understand that there is strong support across the political spectrum for better and more substantial palliative care for patients. The letter goes on to say:

The comprehensive package of measures you have approved will improve equity of access, enhance the quality of care and build a stronger palliative care system for the future.

I also note that our palliative care package will be reinforced by a commitment to seek further public comment on our directions in *Strengthening Palliative Care — Policy and Strategic Directions 2011–2015*, which I had the pleasure of releasing on Sunday. I look forward to contributions from communities, from providers and indeed from members of this house if they have particular views about the directions outlined in that document. The document will be finalised in the next few months, but it will form the basis of the allocation of resources under the improved and substantial package — a 38 per cent lift, as Associate Professor Le laid out at the launch of the document on Sunday.

I also make the point that one of the directions that has been outlined is the need for greater palliative care services not just on the edge of the city and in country Victoria, where there are not sufficient palliative care services, but also with a focus on ensuring that culturally and linguistically diverse communities are properly represented in the support that is provided through palliative care. We are determined to make sure that support is there. We are committed to that, and I want to work with Palliative Care Victoria to achieve that.

Western Region Health Centre: dental service funding

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Health. The minister will be aware that there is a community campaign under way in relation to the need to fund a major upgrade of building and equipment at the Western Region Health Centre dental service at Paisley Street and Geelong Road, Footscray. Some equipment dates from the 1960s, and when I visited the site it was clear that most of it is coming to the end of its life. While the services may not be unsafe at this stage, unless the government funds this upgrade there are some services that may close in the near future. The question I ask of the minister is: when will the government commit to the \$9 million needed to rebuild the clinic and upgrade the equipment?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for the legitimate concerns she raises about the services available at Western Region Health Centre and the state of the equipment at that service. This is a matter that Mr Finn has raised in this chamber on a number of occasions, and I have to say Mr Pakula raised it in the chamber last night. I guess the thing is that Ms Hartland and Mr Finn actually live in their electorate; Mr Pakula lives some distance away.

The member's question is entirely legitimate. We will look at this in the normal funding cycles. I make the point that in over 11 years in government, Labor chose not to fund this service. I have to say that we have kept our commitments in this budget, but I do understand the legitimate points that have been raised. I have had correspondence from a number of people, and I have had discussions with Mr Finn on this matter. I note the now tripartisan support from those representing Western Metropolitan Region.

Honourable members interjecting.

The PRESIDENT — Order! There are to be no references to Dan the Man.

Supplementary question

Ms HARTLAND (Western Metropolitan) — As there are 7000 concession card holders who use the Paisley Street site each year and 400 children who use the Geelong Road site each month, what will the impact be on the local services and waiting lists if this service has to close because the government does not fund it?

Hon. D. M. DAVIS (Minister for Health) — I think I have answered the substantive point here. I think there

is a legitimate case for upgrading the services, and I understand the point that has been made in this chamber by Ms Hartland, Mr Finn and indeed Mr Pakula. It is a matter that I will pay attention to, and it is a matter that we will look at in the normal budgetary cycle. I accept the points that have been made about the importance of the service, and it will have my attention.

Housing: federal set-top box scheme

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Housing, who is also the Minister for Children and Early Childhood Development, Ms Lovell, and I ask: can the minister inform the house of what ramifications exist for pensioners in rental housing in Victoria trying to access the federal government's set-top box scheme?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and for her ongoing concern for vulnerable residents not only in public housing but also in private rental accommodation in Victoria.

There is no doubt that the Gillard government has failed vulnerable Victorians by not including them in the full rollout of the digital switchover household assistance scheme. As with the pink batts, the Building the Education Revolution program and the green loans, the federal government has once again failed to fully consider the practical implementation of its policy.

The federal government will supply and install a set-top box and make external cabling and antenna system changes for pensioners who are homeowners, but it is neglecting those who are not financially able to buy their own home. The federal Labor government claims the scheme will cater for the most vulnerable and needy pensioners; however, those living in rental properties are excluded from receiving the aerial and cabling upgrades needed to make the set-top boxes work.

These pensioners will be left to sit in their lounge rooms looking at their set-top boxes but with no picture on their TVs to view. Julia Gillard and her Minister for Broadband, Communications and the Digital Economy, Stephen Conroy — —

Mr Viney — On a point of order, President, my point of order relates to the question of the relevance of the minister's answer to her responsibilities as a Victorian minister, because her answer has been entirely about a federal government program, including comments on other federal government programs. I question the question, but I do not see how the answer is relevant to her responsibilities.

Mrs Coote — On the point of order, President, this minister has 2 minutes and 31 seconds left. I asked the question. I do not need the point of order. I am very happy with the answer she is giving me.

The PRESIDENT — Order! Whether or not Mrs Coote is happy is absolutely not a point of order. We are delighted she is happy, but the fact is that was not a point of order.

Hon. D. M. Davis — Further on the point of order, President, the minister was asked about the ramifications of those federal programs for rental housing in Victoria. Necessarily she refers to the federal programs, and necessarily she is talking about the impact on areas that she is responsible for.

The PRESIDENT — Order! On the point of order, I was concerned that the question sought an opinion on federal government programs. Whilst it might well have been necessary for the minister to refer to those programs to some extent in her answer, I think she has relied to too great an extent on debate and discussion of those federal programs rather than addressing the implications for Victorians. No doubt that is the course that she will chart in the rest of her answer.

Regarding Mr Viney's point of order in respect of discussing matters that are outside the Victorian jurisdiction, in the weight of the answer to date I think he is correct.

Hon. W. A. LOVELL — As I was saying, Julia Gillard and the Minister for Broadband, Communications and the Digital Economy, Stephen Conroy, get a fail on communications because they have failed to communicate with this state and with other states on the Victorian — —

The PRESIDENT — Order! I ask that the minister discuss the implications for Victorians and not give a commentary on the Gillard government.

Hon. W. A. LOVELL — They have failed to communicate with this state on the residential tenancies laws and to establish who is responsible for the installation of television aerials. This failure to communicate with the states and to establish that responsibility has meant that they have misled pensioners by telling them that the federal government will make their homes digital ready when the fine print excludes all pensioners who live in private rental accommodation and in public and social rental properties.

The switch to digital television is a federal responsibility, and as such the Gillard government

needs to make sure the most vulnerable Australians are not cut off when the analogue signal is gone. The digital switchover — —

Mr Viney — On a point of order, President, I do not believe the minister, who has clearly got a script that she is needing to stick to, has taken any notice whatsoever of your ruling. She has stuck religiously to the political point she wants to make about the federal government rather than drawing upon the implications in relation to Victoria and her administrative responsibilities. As she has refused to take guidance from you, President, I think we should not hear any more from her.

The PRESIDENT — Order! The minister did, in the latter part of her answer, actually come back to the implications for Victorians, which is what the question was about. This answer has tested me — and I accept that — because it has had a lot of discussion about the federal government rather than the state. As I said, the minister did actually come back to talking about implications for tenants who are in social housing, which is a Victorian government responsibility. I hope that in the remainder of her answer the focus will be on that aspect of the programs that Mrs Coote, in her question, has sought information about and that the minister has clearly expressed some concerns about.

Hon. W. A. LOVELL — There is no doubt that this federal policy does have serious implications for Victorian tenants in not only social housing but also community housing, public housing and private rental accommodation. It ignores the most vulnerable of all Victorians — that is, pensioners who cannot afford to buy their own home. I am not surprised that the members opposite are touchy on this, because there is no doubt that this policy is just another Gillard cash-for-clunkers clunker.

Minister for Planning: meeting records

Mr TEE (Eastern Metropolitan) — My question is for the Minister for Planning, and it relates to reports in the newspaper in February this year in relation to meetings he had with developers about a 140-metre tower at the Palace site in Bourke Street. In March there were also reports of meetings the minister had in relation to the proposed redevelopment of a 26-storey tower block at Moonee Valley Racecourse. The report into the Hotel Windsor redevelopment by the Ombudsman made recommendations about the keeping of records of meetings, and I ask: is the minister and his department complying with the recommendations of the Ombudsman?

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

Supplementary question

Mr TEE (Eastern Metropolitan) — My supplementary question to the minister is: when the minister has meetings with the private sector or with developers and where the minister is shown development proposals like that for the Palace or for Moonee Valley, do officials from the minister's department attend those meetings, and are minutes of those meetings taken?

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

Geelong Manufacturing Council: initiatives

Mr KOCH (Western Victoria) — My question is for my colleague the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, and I ask: can the minister inform the house about any new initiatives involving the Geelong Manufacturing Council, the acknowledged advocate for manufacturing in Geelong?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his ongoing interest in and support of the manufacturing sector, particularly in Geelong, because, as members opposite would be aware, this government places great importance on Geelong being one of the state's key manufacturing bases.

We as a government are committed to ensuring that we have greater access to and relationships with those in the research and development technology areas. We are looking for manufacturing to be working across institutions that can provide some of that initiative and understanding.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — With that in mind — and the interjections from those opposite are interesting — we were pleased to announce funding in our recent budget to build a closer connection between the manufacturers in the Geelong region and the research community at Deakin University. We provided \$800 000 for the Geelong Manufacturing Council to deliver a program that partners postgraduates from Deakin University with local manufacturing businesses.

It is important for those opposite to understand that this is a commitment we gave at the election, and it is a commitment that we have delivered on. Unlike those opposite, who promise much and deliver little, we actually see the importance of the relationship between

postgraduate university students and the opportunity to apply their knowledge and research to practical industry work. Those opposite seem to fail to understand that an idea and a concept needs to have some commercial reality. The commercial reality is that it needs to provide some form of development in jobs and outcomes.

This initiative is a further commitment to manufacturing in regional Victoria. As Mr Koch has rightly indicated a number of times to me, we recognise the difference between the manufacturing base here in Melbourne as opposed to those industries in regional areas. Those opposite would be aware that I have raised many times the importance of the defence industry in the manufacturing sector — for example, in Bendigo, which is an important area. In fact I was out at the announcement of National Manufacturing Week today with the Bushmaster, again seeing one of the great manufactured pieces of material coming out of Bendigo. But I digress.

In terms of Geelong, our commitment is to be strong and to undertake a series of continuing negotiations and meetings with those in particular regions. We recently had an industry round table in Geelong, and that was attended by Mr Koch, Mr Ramsey and Mr Drum. I would have sent an invitation to Ms Tierney, but I did not know what her address was in Northern Metropolitan Region. I am sure my neighbour here, Mr Guy, will know. I thought it was important to hear firsthand some of the concerns — —

Hon. M. J. Guy interjected.

Hon. R. A. DALLA-RIVA — A few members opposite live in your electorate, I understand, Mr Guy, which is very good, even though they represent another electorate.

We are out there listening to people's concerns. I keep saying that the importance of the manufacturing sector will not be diminished by the doom and gloom and continual putdowns of those opposite. We are focused on ensuring that this critical area is looked after by this side of the house.

As I said, I was pleased to launch National Manufacturing Week today. This in my view strengthens our commitment to manufacturing in Victoria. We will be talking more about the collaborative relationships we have with industry, academia and government.

Road safety: experience centre funding

Mr LENDERS (Southern Metropolitan) — My question is addressed to the Assistant Treasurer, Mr Rich-Phillips, in his capacity as the minister responsible for the Transport Accident Commission, and it relates to his decision not to fund the road safety experience centre. The Minister for Roads said recently at a Public Accounts and Estimates Committee hearing, ‘I believe every member of Parliament from both sides has a responsibility to drive down the road toll’, and I ask: when was the minister advised by the Transport Accident Commission that there was no funding source for the centre, and when did he decide to scrap the project?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his interest in this matter. The road safety experience centre is a promise that was made by the previous government and the previous Premier in the lead-up to the 2010 election. In late October the then Premier announced that a re-elected Labor government would undertake the development of the road safety experience centre, a project which would have cost some \$50 million. Subsequent briefings that I obtained on coming to government indicated that the capital cost of the project was to be of the order of \$28 million, with a recurrent operating cost of around \$17 million per annum.

Importantly, the promise made by the previous government did not have funding attached to it. The advice I have received from the Transport Accident Commission and the Department of Treasury and Finance notes that while the project was announced prior to the previous government going into caretaker mode, no funding was provided and no funding source was identified.

It was not a case of this government not proceeding with something that had been started by the previous government. The reality is that it was a pre-election promise by the previous government without any funding, and this government is committed to delivering on its election promises, not the previous government’s promises.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the Assistant Treasurer for his answer, but I asked him if he could confirm that the Transport Accident Commission board had approved the project and had agreed to fund the project out of its reserves.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his supplementary question. I can confirm what I said in my substantive answer, and that is that my advice from the Transport Accident Commission was that no funding source for this project had been identified by the previous government.

Bendigo Airport: redevelopment

Mr DRUM (Northern Victoria) — My question is to the Minister responsible for the Aviation Industry, Mr Gordon Rich-Phillips, and I ask: can the minister update the house on the status of the coalition government’s commitment of \$5 million towards the redevelopment of the Bendigo Airport in Bendigo?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr Drum for his question and his interest in this important project. I know it is an interest that is shared by his colleagues in Northern Victoria Region, Mrs Petrovich and Ms Lovell.

Prior to the last election, the now Premier made a commitment that a coalition government would provide \$5 million of support towards the redevelopment of the Bendigo Airport. As I have advised the house previously, in the budget brought down by the Treasurer earlier this month the government has delivered on its commitment to establish a \$20 million regional aviation fund to support the development of airport infrastructure at regional airports throughout Victoria. This afternoon I am therefore able to confirm to Mr Drum and the house that the government is now in a position to deliver in full upon its commitment of a \$5 million contribution towards the cost of the redevelopment of the Bendigo Airport.

The redevelopment of the Bendigo Airport is a \$15 million project to be undertaken by the City of Greater Bendigo. That municipality has undertaken a master planning process in the last couple of years, leading to a \$15 million proposal for the development of a new north–south runway at the airport, the development of new taxiways and new apron areas. The project will require a three-way funding split between the commonwealth, the state and local government. Victoria is pleased to be contributing \$5 million towards the \$15 million project, and we look forward to the commonwealth making a contribution towards the project as well.

In recent weeks I had the opportunity to visit Bendigo and meet with the council — the mayor and the chief executive — as well as the chairman of the advisory

committee overseeing the redevelopment of the Bendigo Airport, and the message we have received back from the City of Greater Bendigo is that the government's commitment to this project has been the impetus for ensuring that it goes ahead. This government is very proud and pleased to have been a contributor to ensuring that the project goes ahead.

During my meetings with the council I had an opportunity to discuss the proposed scope of the project, and I look forward to receiving a formal proposal from the City of Greater Bendigo as to the early works that can be undertaken with regard to taxiway and apron upgrades at the airport. The Victorian government looks forward to having a productive relationship with the City of Greater Bendigo to deliver that important airport redevelopment.

Ms Tierney — On a point of order, President, I wish to raise a matter that was put on the record during Mr Dalla-Riva's response. I live at Portarlington and my electorate office is in Geelong, and I ask that the record be amended to reflect the reality.

The PRESIDENT — Order! That was not a point of order, but I can understand the member's concern that her circumstances may well have been misrepresented in an answer. Whilst the comment was not a point of order, it will clearly now be a matter of record in *Hansard*. Members might be a little careful about making remarks about other members if they are not certain of the circumstances.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 220, 585, 601, 602.

Hon. M. P. PAKULA (Western Metropolitan) — I raise the matter I sought to raise yesterday but for which leave was denied. In regard to answers to questions 496 to 537 from the Minister for Consumer Affairs, they are unsigned. Obviously I cannot be satisfied that the minister has actually reviewed or authored the answers without his signature, and I ask that they be signed by the minister.

The PRESIDENT — Order! It is my understanding that under standing orders there is not a requirement for answers to be signed. I can appreciate that Mr Pakula would like to be satisfied that they came from the minister and not a grade 1 clerk or someone else, but I

suggest to Mr Pakula that he can be assured that if they are transmitted to him by the Leader of the Government, then they come with the imprimatur of the government. There is no requirement for ministers to sign answers. Some ministers may do that by practice, and it is probably a good practice, but it is not a requirement. I also understand that a cover sheet signed by the minister accompanied those answers.

Hon. M. P. PAKULA — As a point of clarification, there are two batches of answers: one batch that is signed in its entirety and one batch that is not.

Ms Broad — On a point of order for your information, President, I indicate that this practice seems to be good enough for the Premier, who has signed his responses to me, therefore I expect it would be good enough for all ministers.

Hon. R. A. Dalla-Riva — On the point of order, President, members opposite seem to have short memories. When I received answers to questions on notice I got exactly the same response — exactly what Mr Pakula has indicated — but not as quickly. I want to clarify that they are trying to put a new system in place.

The PRESIDENT — Order! Mr Dalla-Riva is debating the issue; that is not a point of order. If people are going to raise points of order, they should make sure they are points of order and not simply an opportunity to have a swat. It is my experience that in the past all the answers I received from the previous government were signed by ministers, as I recall, so there is a practice that most ministers have followed. I suppose in this instance the minister decided that because of the numbers there would be a cover sheet. As I said, the point is not covered by standing orders and so there is not a requirement.

There is a practice — it is probably a good practice — and I would hope that ministers might adhere to it so that members can have some confidence in the answers. At the same time, given that the answers are provided to members by the Leader of the Government, I do not think members should be in any doubt about the veracity of those answers. Ministers might take into account the point that Mr Pakula has raised, notwithstanding that it is not covered by standing orders.

ALPINE NATIONAL PARK: CATTLE GRAZING

Ms PENNICUIK (Southern Metropolitan) — I move:

That this house takes note of the alpine grazing documents tabled in the house on 4 May 2011.

I acknowledge receipt of those documents, which were requested back in March and tabled on 4 May. Approximately 100 pages of documents have been supplied to the house under that motion moved by me. I would like to go to the reason I requested the documents in the first place to remind members of the important public interest issue that is involved, of the newspaper reports about what happened and of the correspondence between the Department of Sustainability and Environment (DSE) and the University of Melbourne with regard to research into the issue of alpine grazing in national parks.

On 6 March Melissa Fyfe asserted in an article in the *Age* that pressure had been brought to bear on the University of Melbourne by the Department of Sustainability and Environment. Various opinions were expressed by commentators as to the effect that had on the academic freedom of the University of Melbourne. The public interest issue is about maintaining academic freedom so that universities — academics and research units in universities — can carry out research without fear or favour in pursuit of the truth and not at the whim of the government nor out of a desire to fulfil a government's policy or to back up an action taken by a government, which was the implication of the article and the commentary in the media regarding the email correspondence between the department and the university.

I have had the opportunity to read through the documents that were tabled in the house on 4 May. As I said, there are about 100 pages of documents. I am not able to assist the house by reading them into *Hansard*, but I can summarise what is in them. The documents include the full text of the email that was quoted in the *Age* by Melissa Fyfe, of which there are a couple of copies. Some emails are responding to earlier emails, so the original email is quoted several times. There are several copies of the research proposal. There are also several drafts of the contract of agreement between the department and the University of Melbourne with regard to the research on alpine grazing that the department wished the university to oversee on behalf of the University of Sydney.

There are also subsequent emails between the Department of Sustainability and Environment and the university and between the university and Melissa Fyfe regarding the emails that had been obtained by the *Age*. This was prior to the publication of the article. There are also emails between the department and the University of Melbourne regarding the leaked emails.

They do not reveal who leaked the emails; as far as I can ascertain from these documents that is an unknown; obviously it is known to some people, but it is not revealed in these documents.

There are a lot of names redacted from the documents, and I think that is fair enough. A lot of people have probably been caught up in it who had no key role to play in what was happening, and some people are just copied into emails. I think it is fair enough that those names are redacted from the documents. The documents reveal that the emails were leaked to the *Age*, obviously by someone who was concerned about what was going on. In a nutshell, that is what is contained in the documents that were tabled in the Council.

The issue at heart, if we go to the original article by Melissa Fyfe that was published in the *Sunday Age* of 6 March with the headline 'Government blackmailed university', is that:

The Baillieu government has been trying to blackmail the University of Melbourne into overseeing its controversial alpine grazing trial by threatening to withdraw millions of dollars in research funding.

Members can read this article for themselves, because it is still online. Melissa Fyfe goes on to quote from emails which she obtained and which were tabled on 4 May in this collection of documents. I am not sure if members have had a chance to look through them, but if they do, they will find that the chain of events started with a proposal that was put to the university by the Department of Sustainability and Environment that it conduct some research into the effect of alpine grazing on fire mitigation after the introduction of 400 cattle into the Alpine National Park.

On receipt of that proposal from the department, the first key event was that Associate Professor Gerd Bossinger expressed concern about it. In essence he said, and this is described in the article in the *Age* and reflected in the documents tabled in the Council, that he had concerns about the proposal because there was plenty of information and research on the public record going back to the 1940s and as recently as the recent bushfires. There are mountains of research — pardon the pun — to the effect that there is no benefit to be gained in relation to preventing bushfires from the introduction of cattle into the Alpine National Park.

I do not want to spend time today rehashing that debate. Members could return to the debate that has been had in the Council regarding that particular issue and the comments and the evidence that was presented during that debate. Suffice it to say, Dr Bossinger made the

point that the evidence is already in on that, and there was no need to redo the work that was in the proposal sent by DSE to the University of Melbourne.

In response to that an executor director in the Department of Sustainability and Environment, Mr Peter Appleford, who is quoted in Melissa Fyfe's article in the *Age* of 6 March, told the university that it was not the decision-maker. Melissa Fyfe quoted an email attributed to Mr Appleford, which is among the documents that I have seen. In her article she quoted him as having written in that email:

I request that [the University of Melbourne] do not consider the request to manage the contract in isolation of the broader operating environment — that is, [the department] committing to an evergreen contract worth millions of dollars annually and the ability of [the university] to leverage that investment.

That is pretty much a verbatim quote from Mr Appleford's email; it only leaves out a small phrase to do with overheads. To all intents and purposes it is a verbatim quote, and that is just fact. Melissa Fyfe went on to say:

Mr Appleford, executor director of forests and parks, added: 'If the [university] does not agree and chooses not to manage the contract ... the department will enter into an arrangement with an alternate provider ... This may then impact future investment decisions'.

Again, I have compared that quote from Melissa Fyfe's article in the *Age* with the email among the documents tabled in the Council. Apart from another phrase referring to overheads, which is not apposite to the point, it is an accurate quote.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Ms PENNICUIK — Just before the lunch break I was saying on my reading of the documents and comparison with the article by Melissa Fyfe in the *Sunday Age* I was of the view that the quotes used by Ms Fyfe in her article were not taken out of context and that they very closely mirrored the actual quotes in the emails that have been tabled in the Parliament. People can compare those documents for themselves if they wish to do so.

It is interesting to note that on the same day that the article appeared in the *Sunday Age*, Minister Smith, the Minister for Environment and Climate Change, issued a statement in which he said:

A report in today's *Sunday Age* 'Government blackmailed university' is inaccurate and misleading.

The *Sunday Age* has misrepresented and taken out of context comments by a departmental officer. As a result, the report is neither a complete nor accurate account of the circumstances.

The government rejects the interpretation by the *Sunday Age* of a selectively edited section of one email in an exchange of many emails and conversations.

The Baillieu government stresses its strong commitment to academic freedom and its strong support for the University of Melbourne and other academic institutions in Victoria.

I have to say that I do not agree with the minister with regard to the article. On my reading of the documents tabled in Parliament on 4 May I do not believe the article is inaccurate or misleading. I do not regard the *Sunday Age* as having misrepresented or taken out of context comments by a departmental officer. On my reading and comparison of the quotes in the *Sunday Age* and the actual email, they have not been misrepresented or taken out of context.

I agree it is not a complete record, but it is an accurate representation of the tone of the email from the departmental officer. I do not want to read into *Hansard* the whole of the email from Mr Peter Appleford to Associate Professor Bossinger because it is quite long, but I invite people to look at it themselves. The email starts out in a very abrupt manner and a tone that one would have to say was bordering on aggressive towards the associate professor.

I was also concerned with other parts of the email. Mr Appleford seems to have dismissed the academic views of the associate professor and his concerns regarding the research project, and put the need to 'meet administrative law' above research integrity. I was concerned to read his approach to that particular comment from the associate professor, who was expressing his concerns about the academic integrity and the actual need for the research project, which I would have thought you would want an associate professor to be doing.

A subsequent article appeared on 13 March, the following week, titled 'Uni plays down role in cattle study'. In the emails tabled in the Parliament there were certainly attempts by both parties, in particular Associate Professor Bossinger, to smooth over things, and to make out or assert that there was no attempt by the department to influence or put pressure on the university. But that is not my reading of the email.

In the debate on the previous notice of motion regarding privileges we were talking about prime facie evidence, and on my reading of that email I would say there is a prima facie case that the department wanted to back up the government's decision to introduce cattle

into the high country by proposing research that would back up its decision. In fact part of the research summary in these documents says:

The Victorian government wishes to test the effectiveness of grazing as a management tool for mitigating fuel loads in montane and subalpine vegetation in Victoria ...

It is proposed in the first year ... a limited program of summer grazing ... will be restricted to a ... number of research sites ... with fuel reduction provided under contract by local graziers. The first year will be used as a proof on concept and experimental design validation phase.

...

Given the opportunity to initiate the research in subalpine and montane forest ... the first year of research will focus on:

establishing methods and techniques for tracking cattle and for establishing their use (general habitat, grazing, resting) of different vegetation types;

establishing methods and techniques for measuring the effects of cattle on fuel load structure and load relative to the above (i.e. fuel load and structure vs. grazing intensity).

And it goes on. It is two and a half pages of a research proposal.

The concerns that were expressed by Associate Professor Bossinger would be echoed by me. Firstly, this type of research has been done many times, and secondly, the basic flaw with the whole research proposal is that the cattle had already been introduced before any base study had been done on the state of these particular areas before the cattle had been introduced — so you cannot actually do a before-and-after study. I think Mr Smith's statement on 6 March was not correct. I do not agree with the statement he made in regard to the article that was published in the *Sunday Age* of 6 March.

It is interesting that probably about a quarter of the other documents that were tabled on 4 May in the house or that were supplied are in relation to emails between the University of Melbourne and the Department of Sustainability and Environment. There is an email from the vice-chancellor to the staff of the university regarding the leaking of emails to the *Age* and discussions amongst all of the parties regarding that.

One email that I found interesting was dated 5 March; DSE sent an email to the university suggesting that dissenting staff should be counselled and managed. I would have thought it is the job of free academics in universities in Victoria who have a dissenting view to express that view. I do not think they need to be counselled or managed by anybody, including the vice-chancellor or anyone else. What we are talking

about is academic freedom. It is not for anyone in the department to be telling the university that free academics need to be counselled and managed in terms of the free expression of their views on research. That is the road we do not want to be going down. We want our academics to feel they are quite free to express their views. That is what we want; that is what academic freedom is about. That is why it is important that we get to the bottom of what has been going on.

I also asked for the charter agreed to by the Department of Sustainability and Environment and the department of forest and ecosystem science. That was supplied, and I read through it. It is the charter that was agreed to by the two bodies. My only comment about that is that it needs some strengthening. But in any case the DSE suggested in an email on 25 January that perhaps that charter could be bypassed or the contract could operate outside of the charter. I thought that was an interesting comment by the department, given that the charter is there and I presume it is there because it is meant to operate inside it.

I think it has been worthwhile obtaining these documents. They are there for members to read. They are in the papers office. Members are free to read the articles published in the *Sunday Age*, the minister's statement of 6 March and the documents themselves and come to their own conclusions. My conclusion is, without passing judgement, that the article by Ms Fyfe did not misrepresent the emails. I have some concerns about the emails sent from the department to the University of Melbourne, notwithstanding that the university has tried to smooth over what has been going on.

One of the keynote speakers of Law Week, which recently finished, was the Ombudsman, George Brouwer. I attended and heard a part of his speech. He said that a vast majority of what he does as the Ombudsman is deal with own-motion inquiries, most of which are not published. Under part III of the Ombudsman Act 1973, section 13(1) says:

The principal function of the Ombudsman shall be to enquire into or investigate any administrative action taken in any Government Department or Public Statutory Body to which this Act applies or by any member of staff of a municipal council.

Section 13A says:

- (1) The Ombudsman may conduct an enquiry for the purpose of determining whether —
 - (a) an investigation under this Act should be conducted; or
 - (b) the matter may be resolved informally.

- (2) The Ombudsman may conduct an enquiry either on his or her own motion or as a consequence of complaint under section 14.
- (3) The principal officer of a Government Department, Public Statutory Body or municipality must assist the Ombudsman in the conduct of an enquiry.

I have not suggested in this motion that the Council require the Ombudsman to inquire into this matter, but from what I can see and from what I can read in the documents that have been put in front of me, I am concerned that undue pressure was put on the University of Melbourne by the department. I think that is a precedent that should not be set. Perhaps it has been set before and we do not even know about it. I know the Ombudsman follows what is said in Parliament, so the Ombudsman may take it upon himself to look into this issue. In any case the fact is that the documents have been provided to the Council because of my motion. They should have been and they have been; I acknowledge that. Perhaps the fact that we are discussing this motion now will give all parties involved in this issue pause for thought in terms of how relations between governments, departments and independent, free academic institutions should be conducted.

Mr O'DONOHUE (Eastern Victoria) — The government does not oppose this take-note motion. I agree with Ms Pennicuik that the documents that have been tabled, together with some of the other material relating to this issue that is in the public space, are available to members of the house to read and draw their own conclusions from.

There are two distinct and separate issues here. The first is one's view of the policy issue of cattle grazing in the high country and elsewhere, and that is canvassed in some of the documentation that is the subject of this motion, and legitimately there will be different views about that. Indeed there will be different views about research around that issue and about the need for additional research. That is legitimate and normal in these sorts of scenarios. The second proposition that is in effect being put forward by Ms Pennicuik is whether the government unduly influenced or tried to exert undue influence on the university, thereby compromising its academic freedom and integrity. That is something on which Ms Pennicuik and I, speaking on behalf of the government, have a different opinion.

I congratulate Ms Pennicuik on referring to the email from the vice-chancellor of Melbourne University, Glyn Davis. I wish to do so as well, but perhaps in a more fulsome way than Ms Pennicuik did. This is an email sent, as I understand it, on 7 March, and it states:

Colleagues,

No doubt many will have been dismayed to read on the front page of the *Sunday Age* a story asserting that the Baillieu government had been trying to 'blackmail' the University of Melbourne into 'overseeing its controversial alpine grazing trial' by 'threatening to withdraw millions of dollars in research funding'. The story quoted from leaked emails between Peter Appleford of the Department of Sustainability and Environment (DSE) and Dr Gerd Bossinger, Head of Forest and Ecosystem Science with the Melbourne School of Land and Environments.

The facts are rather less colourful. MSLE researchers have set out for DSE an account of past work on the impact of cattle grazing on alpine fire risk and their professional view that repeat research may not be necessary. DSE are nevertheless keen to fill gaps in our knowledge, and have asked us to contract a researcher at another university for his particular expertise in this research.

Such contracting is common in this project, and would be covered by our existing DSE grant funding. The further work has not yet begun and we do not yet know what it will show.

It concludes:

The University of Melbourne does not tailor its research work to respond to political pressure. Nor in this matter has the Baillieu government used research grant powers to force particular research outcomes. Dr Bossinger is a researcher of high integrity, but his attempts to persuade the *Age* of a different interpretation of his dealings with DSE were not heard. As in this case, basing a media story on leaked selected email correspondence can lead to distortion.

The government refutes the allegation that undue pressure had been put on the University of Melbourne. The government does not oppose this take-note motion.

Mr LEANE (Eastern Metropolitan) — In relation to Ms Pennicuik's motion to take note of the alpine grazing documents, I was actually surprised that there were relevant documents in relation to the alpine grazing introduced by the government. I thought it was just a thought bubble from The Nationals, a populist thought bubble that would get some votes, maybe in that region. I do not take comfort from the fact that there actually were documents, and I hope we never again have to debate this sort of program, given that it has ceased, given that it was ill thought out from the start and given that it will probably be irrelevant into the future.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr O'Donohue and Mr Leane for their very brief responses. I did mention, as Mr O'Donohue said, the email from the vice-chancellor. I think it was a diplomatic, vice-chancellorish-type of email that a vice-chancellor would send to their staff to calm the troops. That is how I read that email from the vice-chancellor, and the role of the vice-chancellor is to

keep up morale. I think people would take from what I have already said that I totally agree with what the vice-chancellor said in his email, because I am of the view that the original email by Mr Peter Appleford put undue pressure on the university and, as one other commentator said, contained veiled threats that funding would be at risk if the university did not do what it was told by the department. That is basically how I see it from what I read. I do not think that is wise and, as I said at the conclusion of my remarks earlier, I think all parties should take pause and think about what the correct relationships should be between government departments and free academic institutions.

With regard to Mr Leane's remarks: yes, water has gone under the bridge, but the public interest here is in relation to governments, whether via departments or directly, trying to influence the research directions of universities and schools within universities or to close down the free expression of opinion by academics. That is the issue at heart here. I think it has been worthwhile to get these documents just to see what was going on and, as I said, I do think there was some pressure brought to bear. People might disagree with me, but they are my thoughts on the matter, having looked at all the documents that were tabled — some 100 pages or so.

I am quite pleased that we were able to get the documents, because I think academic freedom is something we need to preserve, and that is really the whole point of the exercise. We are all singing the one song — that we want to preserve academic freedom. That is how the minister — despite the first parts of his remarks, with which I do not agree — ended his comments. That is what this motion is about, and I am glad to hear that we in this Council chamber all support academic freedom.

Motion agreed to.

PLANNING: AMENDMENT C60

Mr TEE (Eastern Metropolitan) — I move:

That amendment C60 to the Glenelg planning scheme be revoked.

This is an important motion which really goes to whether this local community should be in charge of its own destiny. It is an important issue particularly for the community around Portland, because it is facing a true test of its destiny. That community is literally on the front line, battling the effects of climate change. You do not have to spend too much time there to see how that community is being affected by climate change.

It is disappointing that the government through the Minister for Planning has rather contemptuously ripped from this community its right to decide how it will deal with the reality of climate change. What the minister has done is strip from this community its right to have a say about the development that occurs along the coast where members of that community live.

This is of concern to us on this side of the house, but it is of enormous concern to the members of the community down at Portland, who are now being denied their right to have a say. It also sets an awful precedent for communities up and down the coast who are worried that this minister might come in and treat them in the same awful way. This is a full-frontal attack, and everybody is worried about who will be next. Today it is the rights of the Portland community. Today they are in the gun, in the sights of this minister, but communities up and down the coast could be next. They are fearful that they will be next.

The tragedy here is that the approach taken by Glenelg Shire Council in responding to climate change and to development on its coastline was being seen as the model by councils up and down the coast. Glenelg was being held up as the first council to really grapple with the reality of climate change. That strategy, which had been going for some time and was a long way through, has really been cut down by the actions of the planning minister. That strategy started with the council working with the Victorian government to commission a report titled *Portland–Narrawong Coastal Engineering and Planning Study*, which was completed in July 2010. That study summarised the science around identifying the risks for development along the coast. It gave the council an idea as to what the risks were according to the science. It was not a political exercise; it was not done by politicians. It was the best science available.

Mr Barber — Have we seen that document?

Mr TEE — The next step was for the council to align that document with a detailed consideration of the coastline, to have a sense as to where there would be an impact from storm surges and flooding and to identify the particular geographic considerations for each area of the land. That second stage was being done in April this year. A position paper was being developed. It was about recommending where, based on the science, development should occur; where, based on the science, there should be some development but that development should be restricted or limited to take into account the risks of storms and flooding; and, third, where there ought to be no development because the risks of storm surges and flooding were such that it

would be irresponsible to put families and communities in that sort of danger.

As I said, these recommendations were based on the science, not the politics. They were based on the risk of harm to communities from development. It was a responsible and considered approach. In adopting this approach the council did not work alone; it worked hand in glove with the previous government and with the new government.

Mr Barber asked if I had seen the strategic document or the policy paper. The answer is no, I have not — but the minister has, because he was briefed by the council. People from his office and certainly his department were shown the position paper. There is correspondence between the government and the council and there were meetings on a regular basis in January, February and March this year. At those meetings people from the minister's office attended and were briefed on the approach that the council was taking. The department was provided with a draft of the position statement.

During March and April the council was confident that it was working hand in glove with this minister. It knew it had the backing and support of the minister. Comments were made about the excellent nature of the work that had been done.

The council was in readiness for the next stage, which was the council meeting in April. At that meeting, the position paper, which was being finalised, was ready to go. The council meeting was set down for 27 April, and it was intended that at that meeting the council would tick off on the position paper.

Mr Barber — Who told you that?

Mr TEE — The council, Mr Barber. The next step was that there was to be public consultation and engagement with the community. After all, it is the members of the community who are at the front line and who will suffer the emotional and financial cost of storm surging, coastal inundation, flooding and so on.

As I said, as far as the council was concerned things were progressing well and there was nothing to suggest that anything untoward was going to happen. So you can imagine its surprise when on 23 March the minister wrote to the council — and I have sent a copy of that letter to Mr Barber.

Mr Barber — I would like to see that.

Mr TEE — I am happy to provide a copy of that letter to Mr Barber. It is a surprising letter, because it

does two things. Firstly, in that letter the minister asks for an update on what has been happening. We have council meetings with the minister's office or at least with the department; we have correspondence in January, February and March; and then out of the blue the minister asks for an update. Here he is, lock stock and barrel, every step of the way with the council, and he writes asking for an update.

The intent of the letter is in its second part, where the minister says:

... if you fail to provide me a satisfactory response within seven days, I will take the appropriate action to become the responsible authority ...

What the minister is really saying is, 'You have seven days to give me an explanation'. But we all know he had the explanation. He knew what was happening. It was not about the explanation, because he could have just asked the department. Its representatives were at the meetings, and they had received the correspondence. It was all about a takeover by this minister.

I met with staff from the council after they had received that letter, and it is fair to say that they were shattered. They were gobsmacked. They could not believe that the process which they had spent so much time on, and that they were so committed to and had worked so hard on was being ripped from them in such a fashion. They asked me why the minister wanted to stop them. They wanted to know why he wanted to stop the council from talking to the local community, why the minister wanted to stop the community from having a say and why, literally before the community was going to have its say, the planning minister was going to strip from the community its right to express a view on what sort of development there should be on the coast.

I did my best to provide answers to those questions in as honest a way as I could, but it is difficult to comprehend what was motivating the minister in his arrogant approach to this community. He certainly was not there to provide explanations to them for his arbitrary actions, so I did the best I could to explain what was motivating him.

The council responded to Mr Guy's letter. It did what was requested and provided a response.

Mr Barber — Have you got a copy of that?

Mr TEE — I do not have a copy of that, Mr Barber.

The council responded. It put out a media release in which it indicated again the steps it had gone through and the steps it intended to take. But the die had been

cast, and on 8 April the minister announced that he was making himself the responsible authority for permits. He subsequently did that by introducing this planning scheme amendment that we on this side of the house are seeking to revoke. The minister gave a statement to the *Age* newspaper in which he indicated that he was taking this scheme over and that he would allow for private development on this part of the coast, at private risk.

It is painfully ironic that we are at this point some two years after the bushfire royal commission, when central to that inquiry was the notion that we should discourage new housing on land in bushfire-prone areas. That really was the central tenet or theme of the bushfire royal commission, and indeed the royal commission recommended that those living in bushfire-prone areas should be allowed to sell their property to the government on a voluntary basis.

The central tenet of the royal commission was to not allow people to live in harm's way, and yet the central tenet of the government's approach to flood-prone areas is to allow people to live in those areas, as the minister says, at private risk. I would have thought it was inconsistent with the lessons we have learnt from the royal commission that we now have an approach which allows development in these areas.

There is the risk of the cost, and there is an argument about whether or not the Victorian government will wear the financial cost of a decision, knowing the risks, to issue permits to develop on land that the science suggests will be subject to flooding and storm surges. We know that governments, state and local, inevitably pay for the loss and damage of any community infrastructure, but what Mr Guy seeks to address is the risk that government has for damage to private property in circumstances where it allows development on land which it knows is at risk of flooding. It is an important issue. It is a question about whether or not Mr Guy is saying to the taxpayer, 'In 5, 10 or 15 years time you will be required to pay for any loss or damage to private property as a result of our decision today allowing you to build on land that we know is at risk of flooding'.

Commentary from a number of experts has indicated that if there is an untoward or unfortunate storm, the government of the day will be liable for any damages. Deakin University coastal planning expert Associate Professor Geoff Wescott is quoted in the *Age* of 16 April 2011 as saying that the Baillieu government's approach to Glenelg was naive because of the issues of liability.

Further, the article states that:

... councils issuing planning permits for areas they knew were at risk from sea level rises or storm surges 'could be sued down the line'.

The article also reports that Associate Professor Jacqueline Peel from the Melbourne University law school told the *Age* that:

... councils and state governments might face legal liability claims if they authorised development that was inundated during future climate change.

Andrew Beatty, a partner at the law firm Baker and McKenzie, told the *Age* that:

... I think anyone who suffers harm as a consequence of storm damage ... could well have an argument against the council for negligence.

There are real concerns about the financial consequences of the government's contemplation of allowing development on this land at private risk.

There are three important issues that suggest that the chamber ought to support the motion to revoke this planning scheme. Firstly, there is a real risk for taxpayers in the future, who may bear the financial cost of this decision; secondly, the government is condemning those communities to living literally in harm's way; and thirdly, I have concerns about the failure of the government to allow this community to be engaged in decisions regarding its development and destiny.

We have a clear choice today: we either stand by the minister who grabbed the rights of this community or we stand up for this community. We ought to return to the members of the community their dignity and responsibility to manage the impacts of climate change that are going to affect where and how they can live. It is an important issue, and one which sets a precedent for whether or not you support the rights of a community to have a say and determine its future. I urge the chamber to support my motion.

Mr O'BRIEN (Western Victoria) — I rise to oppose the motion proposed by the opposition to revoke amendment C60 to the Glenelg planning scheme. This matter has had a long, drawn-out history, and what the chamber heard was a very brief part of that recent history in comparison to nearly 10 years of uncertainty and complexity around planning issues in the shire of Glenelg generally and specifically in the Narrawong area, the subject of this important amendment.

This history is known to many local community members who have been very concerned about the length of time it has taken to resolve these decisions

one way or the other and as a consequence the length of the decision-making process. The history is also known to many members of both houses of Parliament who have raised this issue on numerous occasions.

This history underlines the importance of the issue for the state of Victoria in terms of one of the key questions — namely, who should be the decision-maker? History supports the minister's decision to become the decision-maker in relation to this particular amendment to the Glenelg planning scheme. Rather than calling for this important amendment to be revoked, on the contrary I congratulate the Minister for Planning and the Baillieu government for what they have done on behalf of the Portland and Narrawong communities and all those people who have invested significant years calling for a decisive resolution to this issue. They have called for a process to be put in place so that there can finally be some light at the end of the tunnel of what was described as a shemozzle by a former Minister for Planning in relation to this long decision-making process.

I do not wish to cast any aspersions on what happened in the past; I simply rise to support the minister's decision to bring about a decisive resolution to these longstanding issues. That is what this decision on this amendment is about. It is not about a substantive development outcome in Narrawong per se, although facilitating a resolution will provide answers to the questions of how these complex issues will be resolved. It will enable the minister and the department to work in consultation with the community, affected landowners, concerned residents, the opposition, the Greens and most importantly the Glenelg Shire Council and all those who make submissions to it, to work through these remaining issues in a timely way and to decide on these important longstanding permit applications.

It is fundamentally an amendment about the decision-making process and who is to be the decision-maker; not the outcome of the decision. In relation to the minister's power to intervene in these types of matters, these are the sorts of matters in which a minister should intervene. When there has been a well-documented failure of the system to deliver outcomes, this minister — and all good ministers — should call upon the resources of the state government and the department to assist the community and all stakeholders to arrive at a timely decision. Whilst it is important to take time to consider matters properly, it is also important to make decisions and to provide certainty one way or the other, particularly to important communities and people with vested interests.

The power to intervene is an important power that is reserved in the planning scheme for the minister in dealing with planning scheme amendments, permit applications and other issues of state significance or public importance involving decision-making powers. Those powers are set out in the legislation. There is also a parliamentary power to revoke amendments which is at an even higher level of significance.

A minister's decision to become the decision-maker should not ordinarily be the subject of a motion to revoke a planning scheme amendment, particularly if it is just because members of the opposition, or even members of a council, if that be the case, do not like the minister's decision to take that responsibility and to invest the state resources as an outcome of that decision. Rather, such a motion should be reserved for serious cases where there is a real question about whether or not an amendment should be revoked. I would submit that this is a long way off that standard. This motion is misconceived and ought not be the sort of thing that either of these houses of Parliament frequently entertain from the opposition.

Mr Barber — That is what they argued in the last four years. You should read the history of disallowances in this place.

Mr O'BRIEN — I have read the history, and it has been a rare time, Mr Barber, when a motion has been disallowed. This is a long way off that standard. An opposition calling to reverse a decision, particularly one that has been taken to resolve a longstanding dispute, should not be the basis for such an important power as the power to revoke a planning scheme amendment. Accepting the opposition's motion, if it were to be accepted, would be another retrograde step and would not provide an outcome to affected landowners, stakeholders or others concerned with the issues. It would simply be another chapter in this sorry saga where this minister is going to, in a timely manner and with the resources of the department and the council, provide a procedure and a finality to this longstanding quagmire.

In relation to some of the specific matters that have been raised, I remind Mr Tee that many of the matters he is concerned about remain, and are considerations that need to be taken into account in the state planning scheme. I refer to clause 13 of the planning provisions, which is headed 'Environmental risks', particularly to clause 13.01-1 'Coastal inundation and erosion', which states:

Objective

To plan for and manage the potential coastal impacts of climate change.

Strategies

Plan for sea level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

Apply the precautionary principle to planning and management decision making when considering the risks associated with climate change.

Ensure that new development is located and designed to take account of the impacts of climate change on coastal hazards such as the combined effects of storm tides, river flooding, coastal erosion and sand drift.

Ensure that land subject to coastal hazards are identified and appropriately managed to ensure that future development is not at risk.

Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip-landslide, acid sulfate soils, wildfire and geotechnical risk.

There are a number of strategies.

Mr Barber interjected.

Mr O'BRIEN — They are strategies that under the planning scheme the minister — or whoever is going to make the decision, whether it be the minister or the council — is obliged to take into account. With this amendment all that will happen is that it will be the minister who becomes the decision-maker. That does not mean that the outcome of this decision is in any way pre-empted at this point in time. I do not wish to make any comment — and none of my comments should be construed as reading the mind of the minister one way or another — on decisions that will be made on any of these important permit applications or other associated decisions. The important thing is that this is about process. It is about allowing the Minister for Planning to decide an important issue, taking into account all relevant considerations, including those raised by Mr Tee in his supposed support of his motion, and those raised by stakeholders and land-holders.

Many other decision guidelines need to be taken into account. These all need to be weighed in balance, and that is what will be done by the minister, who will ultimately be accountable for that decision. The community, far from criticising the minister for taking the step of becoming the decision-maker, has in large part supported the decision.

In that regard I refer to some specific background to this matter and some of the correspondence that has been received. This matter has a long history, and I will not take the house to all of it. As an example I refer to the contribution of the now Minister for Regional Cities, Dr Naphine, the member for South-West Coast in the other place, who on 10 June 2008 raised this issue in the other place and said:

Firstly, landowners with land between Narrawong and Portland in the area covered by development plan overlay 7 (DPO7) have been in planning limbo since mid-2006. They are unable to develop or subdivide their own land or even build a house or garden shed on it. The minister is directly responsible for the creation of DPO7 and can fix the problem immediately but does nothing. The minister told Parliament in February that this was 'a matter of absolute priority'.

This goes back to 2006:

Some six weeks ago the Glenelg Shire Council advised the minister of DPO7 but still there has been no action.

The families affected by DPO7 deserve a response from the minister so they can get on with their lives.

It goes on. On 29 October 2008 in the other place the persistent agitator for resolution — that is, the local member, the Minister for Regional Cities, who is also the Minister for Ports, Dr Naphine — again sought action:

... to lift the planning freeze which is still imposed on many properties in the area between Narrawong and Portland in the Glenelg shire. These properties are in an area under development plan overlay (DPO) 7.

It goes on, and I ask members to specifically refer to that. I refer to an answer by the then Minister for Planning, the Honourable Justin Madden, in response to a question in this place on 26 June 2008. I quote a section where the minister says:

To describe the operation of the planning system over a number of years at Glenelg as a shemozzle is probably something of an understatement, and I say that not as a criticism of the planning officers currently there, because the planning officers at the Glenelg Shire Council are doing their very best in difficult circumstances, but they are confronted by a number of inappropriate land zonings in Portland.

Again, I do not wish to endorse views about whether or not it is a shemozzle; I make no criticism about anyone involved in the past. It is a longstanding issue. I should say I have received briefs in relation to landowners in the Portland area generally, and I know the Portland community reasonably well. There are many views about a lot of this history, and there was an Auditor-General's report. I do not wish to go back there except to point out that the history of the matter calls for the timely action that is being taken by the minister in the present instance to provide certainty and to make

a decision to bring finality to these important longstanding matters.

I do not believe it is necessary to go into some of the issues in great detail, but there have been a number of tribunal decisions in related areas, including one at the end of last year. Some of the issues involving soil capability, coastal development, the appropriateness of the zoning and bushfire risks are real issues. Owing to the delay in resolution of these strategic planning issues the community's awareness of these issues and the level of public debate involving issues of climate change and coastal strategies have themselves been evolving. What you are getting are more complex decision guidelines, more complex planning scheme considerations and conflicting views in all levels of the community and also within the town planning consultants' reports, so that the lack of finality in decision making means a more complex situation is evolving all the time.

That is the reason the minister is the appropriate person, blessed as he is with the resources of the state, to look at these sorts of issues and then take responsibility for the actions of the Baillieu government as a whole. Rather than setting a poor precedent, as has been suggested, we suggest that this will be a landmark intervention in terms of the assistance of the minister's office. It will be an opportunity to provide clear guidance and set valuable precedents in relation to the development of this land. There is nothing to suggest on outcomes that the minister has decided things one way or the other or that those decisions will not be otherwise appropriately made, taking into account all factors and circumstances.

In terms of the more recent response, I have met with some of the Shire of Glenelg representatives themselves, and they expressed to me that they were close to a decision. That is not the point; the point is that the minister has got the right to decide and that these sorts of delays have occurred in the past. In that circumstance where the minister assesses that he should take responsibility for the decision making because of its importance, he has the right to take over and take on that responsibility. I suggest that rather than the council disengaging from the process, it should be encouraged to remain in the process and assist the minister and the community to arrive at an outcome that can deal with these very complex and important issues not only for Narrawong but for the rest of Victoria.

In that regard I note that the council's website media advice on 15 April 2011 suggested the council may be capable of involving itself in this manner. I quote the

last line of the media release, which is a statement by Ms Kelsey, the CEO:

The council would welcome a professional, consultative approach by the state government to deal with the complex issues that need resolution to achieve the best outcomes for our community. Our community deserves no less. This is best considered in an apolitical environment.

We encourage that sort of engagement in the decisions that the minister will be taking. The council, the Greens and the opposition can all be involved in this process. There is nothing in this decision to shut anyone out; it does not exclude or alter third-party rights in any way that is not contained within the planning scheme. What is there in the planning scheme is there.

There are some additional guidelines within amendment C60, which is something Mr Tee did not touch on. A decision of this Council to revoke the whole amendment would, I think, have some additionally unhelpful and unintended consequences in that amendment C60 has three changes to the Glenelg planning scheme.

In the notice of approval the first dot point is the change to the schedule to clause 52.03. It is replaced with a new schedule to introduce additional decision guidelines to assist in the assessment of applications for dwellings on coastal land east of Portland between Dutton Way and Narrawong. The second dot point is the change to the schedule to clause 61.01. The schedule is amended to specify that the Minister for Planning is the responsible authority for the administration of the planning scheme for coastal land east of Portland between Dutton Way and Narrawong. The third dot point is the change to the schedule to clause 80.01, which is replaced with a new schedule to incorporate the document titled *Coastal Land East of Portland between Dutton Way and Narrawong — April 2011* into the Glenelg planning scheme.

The criticism, as I understand it, is being levelled at the second of those dot points, being the amendment to specify the Minister for Planning as the responsible authority. However, the action of revoking the amendment would take things a step backwards because it would have other impacts on the amendments in the planning scheme designed to assist decision making in this important area.

I will touch just briefly on one of the important issues raised by Mr Tee, again in support of his motion. However, I would say it is not a reason to support the motion. The government does not accept in any way the characterisation that has been put forward by Mr Tee regarding the issue of any liability the

government might have for insurance issues in relation to eventual development that may take place on that land.

I stand here and make no admissions that the government would, by involving itself as a decision-maker under a statute, increase, decrease or otherwise affect whatever liability or claims may be lodged. There is always a difference between a claim that may be lodged and a claim that may be successful. These issues of coastal erosion, climate change, storm surges and insurance are very complex, and they are not matters that should be the subject of comment in relation to specific cases, hypothetical cases or future liability issues. There is this question of what responsibility the locals will take for their decision making.

In terms of what the amendment does, I quote from the explanatory report:

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will provide certainty for the use and development of the land, at landowners' own risk and in the knowledge of potential coastal environmental risks.

The amendment addresses the environmental effects of using the developing of the land by providing additional guidance for planning permit applications for new dwellings. The amendment facilitates a retreat adaptation response in managing the future risk of coastal erosion on any new approved dwellings on the affected land.

Turning to another important aspect, the third dot point in the incorporated document of April 2011 adds the additional decision guideline which will be taken into account by the minister. Clause 52.03 of the Glenelg planning scheme would then have the following additional requirement:

An application for the use and development of land for a dwelling within the 2030 coastal erosion hazard area (shown in the map to clause 4 of this document) should demonstrate that the dwelling is designed to enable relocation in the event future coastal processes threaten the safety of the land and appurtenant dwelling.

That is an additional decision guideline that would be put into the decision making. That does not carry with it any admissions or acceptance of any increased liability on behalf of the government. Others can speculate on how this will all work out and how insurance companies may deal with these issues, but for me this is simply pointed out as an additional decision guideline that will assist decision making through this process.

I do not wish to go on much further. I wish to emphasise that this is a decision for the Minister for

Planning to become the decision-maker; it is nothing more. I refute any suggestion that this has shut out the community or that the community does not support this decision, and I refer in this regard to an article in the *Portland Observer and Guardian* by Bill Meldrum dated 11 April 2011, which states:

Property owners contacted by the Portland Observer on Friday were ecstatic that Mr Guy had taken the action to become the responsible authority for the area.

'Anyone but the shire to deal with' and 'Labor and this council have not heard the end of this, they will pay for all the pain they have caused ... all we want to do is build houses, not 20-storey high rises', were common themes expressed by people.

Again I do not take it any further than saying that that is the suggestion Mr Meldrum has made, but it refutes any basis that somehow this is shutting the community out of the decision for the minister to become the responsible authority. Rather, this article suggests that at least the property owners who were contacted by Mr Meldrum, who is a very busy journalist in the Portland area and of longstanding reputation there, were in his words 'ecstatic' that Minister Guy had taken the action to become the responsible authority. Others may have different views, and they will be entitled to express those views to the minister at the appropriate time or to the council or other submitters.

Just in case there is any suggestion that there are no specific examples of supportive individuals, I also have copies of correspondence from two important landowners who I would suggest again refute some of the bases for the suggested revocation. I have a letter from Kevin and Sharni McNamara to Mr Tee, which is copied with a response from Mr Tee dated 27 April 2011. I will not read it in full —

Mr Tee — Why not?

Mr O'BRIEN — I am happy to; I am just conscious of time. It says:

After almost 10 years of riding the nightmare rollercoaster of owning coastal land between Portland and Narrawong my husband and I thought that our anguish was over when the new planning minister, Matthew Guy, made the decision to abolish DPO7 and its ridiculous development freeze. We have continued to sit in limbo since that day in December 2010 with Glenelg Shire Council continuing its stalling and not actioning any of the planning applications submitted.

On Friday of last week, it was announced that the state government would become the responsible authority for our land. We were so happy, finally some hope of having a decision made on our planning permits.

Now Labor steps in again. I would have thought that after almost 10 years of stalling you would have been happy to

wipe your hands clean of what you created in DPO7 and let someone else more competent than your predecessor Justin Madden tackle the hard issues.

Another 'study' has surfaced, what a joke! How many studies have been completed on this land in order to find one that says what you want it to. If this study completed by AECOM Australia principal engineer Melanie Collett is so credible, why wasn't it made public in July last year, and more to the point, why was it not acted on?

This new more decisive government is now able to see this study and other studies we as taxpayers have paid for in the last 10 years. For heaven's sake let someone else take the reins and make the decisions that neither you as the former state government or the Glenelg Shire Council have been able to make. After the hell we have been through, that's not a lot to ask.

I refer to that again as a process matter. I do not wish to enter into the debate about whether it is right or wrong, but I would like to refer to the response from Mr Tee, dated 27 April, which says:

Thank you for your email, which clearly sets out your very difficult position.

I have not responded earlier because I was unsure if you were asking for my position.

My position is that local communities and local councils should have a say in the nature of the development that occurs on the coast where they live.

Mr Barber — A say or the say?

Mr O'BRIEN — That is a very good interjection, Mr Barber. We agree they should have a say, and local communities will have the say, because they have invested their decision making through the election of the Baillieu-Ryan coalition as the state government, and the highest level of decision making that the planning scheme affords, being the Minister for Planning calling in a decision, will allow them to have a say and ultimately the minister to have the final say. Reading on, the letter says:

I also believe that local communities and their councils should take into account the science which provides that the sea levels will rise and that some coastal areas will become increasingly subject to flooding and storm surges.

I pause there to return to clause 13, which sets out those considerations adequately summarised. As part of decision making they are already strategies that the minister or the council must consider. That is not a reason to justify a revocation motion or to criticise the minister for becoming the decision-maker. The letter continues:

Finally, we should not encourage development in those areas that will be subject to flooding and storm surges.

I make the point again that that is, if anything, a pre-emptory consideration by the shadow minister on matters that I would suggest he would not be able to make a decision about, no matter how well informed, without going through the due process that I know you, Acting President Pennicuik, always encourage in relation to decision making, which is not to decide something in a four-line letter or to prejudge your views on it but to consider all the facts and go through the proper process. The letter continues:

We have just marked two years since the Black Saturday bushfires. The subsequent royal commission recommended that we do not allow building in areas that are at risk of bushfires. I think that a consistent approach would be to discourage development in areas that will be subject to flooding and storm surges.

In that letter from the shadow minister and mover of this motion we have his, I would say, prejudged adverse views about the sorts of issues that will be taken into account in great detail on each individual application, including the application from the McNamaras, balancing all relevant considerations and with all expert advice. In the view of the government no-one, not in this motion and certainly not in a letter, should be pre-empting these outcomes in any way whatsoever. Rather than expressing views as to the outcome, this is a motion about process. It is an important decision that is being made as to that process.

I refer additionally to the ministerial guidelines on intervention, which were promulgated near the start of the reign of the former government. I note one of the considerations:

In considering using powers of intervention, the minister will:

...

act so as not to unreasonably delay a decision on the matter.

There is no better justification than the former government's own guidelines. The minister's decision making involved in this is leading to certainty, not to fast track but to provide decisiveness in this important decision making, without casting any aspersions on the previous situation that occurred in Glenelg.

Look at it as a pendulum. A problem was outlined in the Auditor-General's report. The Auditor-General found that permits were issued too rapidly and without proper strategic decision making. That was at one side of the pendulum's swing. Then the pendulum swung regrettably to the other side, with no action and no decision making. It was a planning quagmire and shemozzle. Again without being critical of those concerned, a lot of this involves the complexity of the

issues. This minister has taken on the decision to attempt to bring the timeliness of decision making back towards the middle of the pendulum's swing, where you can get an outcome and see the light at the end of the tunnel and a resolution and finality on longstanding matters.

In conclusion I would like to speak from my personal perspective. Members may recall that in my maiden speech I touched upon the future I see for Portland and the Portland area. Portland is our earliest township. There is a wonderful opportunity still before this state and the Portland community to achieve some of the sustainable and regional development objectives for which we in The Nationals and the coalition have long advocated and of which the Minister for Regional Cities, as the local member, has been a longstanding proponent. We have an opportunity to help redress some of the important climate change and infrastructure hurdles that we have in this metropolis of Melbourne, which has 73 per cent of the state's population. It is Portland's collective tragedy, I would say, that it has been unable to fulfil its potential to date.

It is a wonderful area. It has many of the assets that we seek to encourage in urban, regional, rural and environmental development. It has sustainable water through aquifers. It has the potential for renewable energy through waves, wind and sea. It already has industry. It has the deepwater port that made it the first part of settlement. It has all this and complexity, and it needs strategic decision making to reconcile all of this and to give it the assistance it needs to reach its potential.

Through amendment C60 the minister has set a very positive precedent, because it allows the resources of the department to be finely focused, with the eye of government, on the far west of our state in a way that was truly envisaged by the founders of Portland in order to assist in the resolution of problems, in sustainable development, in coastal protection and in all the issues which have been cited in aid of this motion and which will be determined within the decision-making process and not as reasons for not permitting the minister to make these decisions. I make a final recommendation that the Greens support us in opposing this motion to revoke amendment C60. I commend the actions of the minister in making the decision. I encourage all people and participants in state politics to assist in the resolution of these issues. I oppose the proposal.

Mr BARBER (Northern Metropolitan) — I will summarise and kernelise the arguments that have been put forward so far. Mr Tee argued that local

communities have the right to decide, and Mr O'Brien argued that what should override that would be the necessity to bring to a resolution or to create finality in the decision for this area. It will not surprise members to hear that I think they both got it wrong. They would have done better if they had spent their time simply looking at the controls that are being implemented and discussing the merits or otherwise of those.

Mr Tee should well understand that there is not and never has been a right in the Planning and Environment Act 1987 for local communities to decide planning controls. I do not have to go back very far into the reign of his government to point to examples. I can think of Mr Madden's intervention during the global financial crisis when he started calling in and approving developments all over the landscape, with the argument that it was part of a stimulus package. He told us it was about 'jobs, jobs, jobs'. It was not about planning outcomes, either; it was about jobs. I would like to know whether any of those interventions have actually led to a building being constructed, but I will have to go and do my own research on that.

There is no doubt that local communities often play the leading role in designing and thinking about the controls that need to operate in their area, but those planning amendments — and any planning amendment that Glenelg may bring forward at some time in the future — are signed off by the minister before they are ever exhibited and then ultimately brought into the scheme via another decision of the minister. Supreme in the Planning and Environment Act 1987 is the Legislative Council, and that should never be forgotten. We have the ability to disallow any change to a planning scheme, regardless of its origin.

Mr O'Brien said that the light at the end of the tunnel is approaching and that we should therefore hurry up and approve this. But of course the resolution and the finality only comes with the issuing of a planning permit. What Mr O'Brien cannot do is hold back the tide. It would be handy if he was a modern-day King Canute who could go down to Narrawong and Dutton Way and say to his subjects, 'It's all right. I am going to stand here, and I am going to stop that water from coming in'. Collectively we cannot offer that resolution when it comes to the dynamic processes of the coast and the fast-moving processes of climate change.

It is for that reason that I want to talk about the controls and about the necessity of adaptation to climate change, and I am going to do it without, as far as possible, criticising the former government for its role, the current government for its role or the local council for what it has been doing. This problem is so complicated

that none of us has the right answer yet. There is no perfect answer. All those parties are going to need to work together to find an answer. This is a problem that as a modern society we have never really dealt with before. It is a problem that every maritime country is now dealing with simultaneously. The decisions that are made are always going to be probabilistic in nature.

Mr O'Brien interjected.

Mr BARBER — Mr O'Brien is still prosecuting his old and failed argument, which I had thought I had dispatched. The minister is always the decision-maker in the planning scheme — that is what the Planning and Environment Act 1987 says — but at various times he delegates parts of his or her power to local governments. That is literally how it works. I know Mr O'Brien has experience in planning matters from a couple of sides, not only from a professional side but also from his interests in life. I have also had experience of it from the point of view of a councillor, having prepared planning scheme amendments and dealt with overbearing governments that rewrote my planning scheme overnight without asking me or even telling me — —

Mrs Peulich interjected.

Mr BARBER — My responsibility as a Yarra city councillor — —

Mrs Peulich interjected.

Mr BARBER — In those instances I can point to, not only were poorly drafted controls put in place but Yarra City Council was then made the responsible authority for those controls. There are worse things than having your responsible authority status taken away from you.

In any case, it is a problem we have never dealt with before. Everybody around the world is dealing with it and a set of decisions that have to be made based not on certainties but in reality on a set of uncertainties. We should think ourselves lucky we are not Bangladesh.

When it comes to the processes of coastal change driven by climate change, there are a few main approaches. There is the process of protection — typically buildings, seawalls, dykes and so forth. If members go down to Dutton Way, they will see that there is one already there — a massive 10-kilometre rock wall. I drove along it a few weeks ago. It is there because when changes were made to the west of the harbour in the 1960s the entire process by which sand was deposited, picked up and carried away was changed. That was when this started. There are areas of

land that were previously subdivided as titles but that no longer exist. They are now in the ocean. An earlier planning scheme amendment removed them from the planning scheme on the basis that they are no longer land; they are now water.

As I said, there is an enormous rock wall there, with a loss of amenity. It is not the best piece of coast one would like to spend time on, because of having to climb over these massive boulders. When I was there the tide was up, so there was nothing more than a few inches of beach that I could have sat on. That starts to show members some of the disbenefit of the protection approach, but it is very tempting. Once you get started on it, there is no easy way out.

There is the accommodation approach to sea level rise and particularly coastal change, and that might include insurance or it might include raising houses to a level above which they will not be impacted by water. The same thing goes for all the essential infrastructure that goes around those homes, including roads, which we have in this instance. It could be power supplies and reticulated water, where that exists.

Then there is the fatalistic approach, which is where nature is left to make those decisions for us. When things are swept away, either a lack of insurance or some future decision says they cannot be rebuilt. That approach, by the way, is being taken in an interim control at Lakes Entrance. The previous Minister for Planning, right before the state election, introduced an interim control for Lakes Entrance that required buildings to be higher above the ground. That control will have to be considered by Mr Guy at the end of the 12-month period. By the way, I point out that that control was introduced after a Victorian Civil and Administrative Tribunal case that dealt with a particular decision in Lakes Entrance.

I have said I am not going to be particularly critical of any of the parties to this, but I will point out that sometimes it is the courts that lead the strategic decision making that then leads to the creation of a plan and often directs the future research required to make those controls work. Ideally it would be the other way around. Ideally we would do the perfect piece of research, design the perfect control, get it implemented and see it upheld when it is tested. But that is the dynamic nature of this particular problem; often we will find ourselves behind the eight ball.

The third strategy that has been talked about is retreat — that of abandonment of dwellings and land that in any case are going to be taken by the oceans. What is interesting about the controls that Mr Guy has

introduced here is that he seems to be leading us towards that third strategy. I will talk about that when I get to the specific controls.

What this means is that any piece of research — any engineering study such as that which Mr Tee referred to and which I have not been able to get a copy of — will not end up drawing us a line. It will not be like classic engineering where it says that if it is built this strong, then so many trucks can drive over the top of it. The engineering studies lead to a probabilistic approach, which was described by the National Climate Change Adaptation Research Facility at the Coastal Councils Research Forum on 28 March 2011. What they say is that for a given amount of coastal change there could be different levels of recession — that is, how far back would the coast erode — and that there are probabilities associated with each of those recessions.

Up until now we have worked from these rules of thumb. People say that if there is 1 metre of sea level rise, we might get 50 or 100 metres of erosion in horizontal distance. They are not bad formulae for putting into a model. What I am pointing out is that we are now headed towards a planning instrument that does not just draw a line in the sand and say, 'Do not build here, but you can build here'. It could be a set of planning tools that relate to different probabilities. That will bring us back to the question of liability, and I will get back to that.

What we are really talking about is not just the old rule of thumb for coastal erosion but three sets of risks: the average recession that is due to what they call the unbalanced littoral sediment budget — in other words, how the sand moves up and down the coast; the mean trend recession due to accelerated sea level rise, and Mr O'Brien noted that in the last round there was a change to the estimate and it was a change upwards; and the storm erosion demand, which is the effect of storms and storm surges.

For those who do not know much about the effects of a storm surge, when there is a lot of wind blowing in a certain direction, it piles the water up against the land, so you get a tide coming up — sometimes on top of a high tide and maybe even a king tide. At the edge of that damage is caused by waves on top of a column of water that is not flat but is actually piled up against the coast. If members were to track down the presentation that I referred to, they would see what that might end up looking like as a planning instrument. In fact it is a map of the coast with a whole series of different lines along the coast, all with different probabilities that the sea will reach each line.

It could be up to the council or some other decision-maker to assess the probabilities of different types of development being impacted by climate change and sea level rise at different times and in different places. There could even be different standards for different types of development. I would argue that if you have a look at the controls that Mr Guy, the Minister for Planning, has implemented here, you will see exactly the beginnings of that approach.

Briefly on the question of liability, also at that Australian coastal councils conference in March this year, which Ms Pennicuik attended, there was a presentation by Andrew Beatty from law firm Baker and McKenzie. He passionately argued the case that local councils and governments could be setting themselves up for liability with the decisions they are making right now.

A little flow chart was presented containing issues such as whether decisions were being made on the basis of either uninformed or static laws and policies; whether decisions had good-faith reliance on the data that had gone into those policies; and how that could lead to legal indemnity and negligence. Of course on the other side of that we have a set of coastal development adaptation guidelines being created at the Council of Australian Governments level, and they address the issue of the science, the property rights and the development guidelines.

To break it down quite simply, could a future land-holder mount a case against Mr Guy for issuing permits, despite the fact that that landowner applied for the permit? In theory it is possible that they could. We need only to look at the example of the Brookland Greens landfill decision, which has only just resolved itself, where a council made decisions about rezoning and then ultimately the issuing of permits for land that was an old landfill. The council decided it was safe. The council had some knowledge of how the landfill had been constructed and capped. With the ever-helpful people down at the Victorian Civil and Administrative Tribunal (VCAT) giving it a bit of a push along, the council ultimately decided it was okay to build there.

Mrs Peulich — The council didn't; the council's objection was overturned.

Mr BARBER — The council had some role in the management and the information that went into the original creation of the landfill, so it had some liability in that respect, but it was VCAT that ultimately pushed through the decisions.

Mrs Peulich — The liability was only that they were owners of the land.

Mr BARBER — Yes. On this particular coastline we are dealing with both public and private land and public and private infrastructure. In that instance, though, there was a big payout, but some of the decision-makers along the way were not there or were not found to be liable. All I am really arguing is that the idea cannot be dismissed that a particular decision, by virtue of it being a government decision, is open to challenge through some sort of tort. The exercise of a statutory function never gets you out that easily, and you have to do it in a very conscientious way.

The CSIRO's National Research Flagships program has surveyed the public attitude to these matters. We should probably consider what the public thinks about this before we decide on the best way to implement the community's views. In a survey conducted by the CSIRO the majority of respondents did not agree with the proposition of the government spending money to protect private property from rising seas. About half indicated that owners should be responsible for covering any loss of property due to sea level rise. The majority of respondents indicated they preferred to be responsible for judging the risks of sea level rise when purchasing property. This comes down to Minister Guy's concept of 'at your own risk'.

The public seems to believe an owner of a private property does not necessarily get to go to the government asking to be protected from sea level rise, but some think — and this is further into the survey — property owners should be compensated if their property is acquired by the government due to sea level rise and that private property rights should not be revoked if sea level rise makes a property unsafe. Then we get into a whole lot of other side questions about whether owners should be able to build defences to protect their property and so forth. That became quite interesting up at Byron Bay, where some landowners by protecting their own property made others more at risk.

This has not been exactly sneaking up on us. There have been a number of VCAT cases already on the matter. In October 2009 a nice summary of those was put together by the deputy president of VCAT, Helen Gibson, referring to the Gippsland Coastal Board case and changes to the policy framework that came after that, which is a function of the Victorian Coastal Council through the coastal strategy, and that has gone up to the federal level through the Future Coasts program. But somewhere in the middle there we had ministerial direction 13, which was about managing

coastal hazards and the coastal impacts of climate change. I have a copy of that and a nice practice note to go with it. There are some definitions and some requirements to be met. Amendments must be at least consistent with the policies higher in the planning scheme — those that Mr O'Brien referred to before. It is based on an evaluation of the potential risks. Ministerial direction 13 states that it:

ensures that new development will be located, designed and protected from potential coastal hazards to the extent practicable and how future management arrangements will ensure ongoing risk minimisation;

considers the views of the relevant floodplain manager and the Department of Sustainability and Environment.

That is all well and good. We have the high-level section of the scheme and environmental risks, which Mr O'Brien read into the record before. We have the coastal council report which sets out the sea level rise we should be aiming for, but then we have a big gap in terms of what is the recommendation for an individual decision-maker issuing a planning permit. In this case we already have underlying controls. We have zoning controls along Dutton Way and towards Narrawong which are not being changed. It is only that interim overlay that is being altered.

I would argue that there is not yet enough guidance for a local council to introduce an instrument that would be definitive, that would make it the end of the story. I appreciate that Glenelg Shire Council has been going through a whole stream of very complex questions at engineering levels and so forth. I totally acknowledge that other councils are no doubt looking over their fence to see what Glenelg is doing; and Glenelg would be quite happy to be looking over someone else's fence to see what they were doing as well. But there is not yet enough guidance all the way down as to where we intend to go and how we intend to set the balance on those three approaches that I mentioned before: protection, abandonment in some cases, and also introducing protection measures.

It probably will not be the last time we have to debate this; I think we will have to debate this soon, because in the East Gippsland instance we now have an interim control, we have a document for local landowners telling them exactly what it means in very simple diagrams and we have a group that has been established there which is meeting regularly and has its meeting minutes published on the internet. There are various maps that guide us regarding the likely impacts on Lakes Entrance at possible times in the future, but that is not yet a permanent control.

That preamble leads to a discussion about the actual control that Mr Guy has implemented. The thing about Mr Guy is that you need to avoid some of his political pugilism, because he loves it. All this talk about Trotskyism, socialism and all of that kind of thing tended to obscure his message when he announced this —

Mrs Peulich interjected.

Mr BARBER — It would be Moscow on Nicholson Street if you wanted to go that way. I am arguing very strongly that one level of government cannot do this alone. Clearly there has to be federal, state and local government cooperation. Mr Tee quite rightly pointed to the council's dismay about the level of cooperation. I read its press release quite closely, and it was quite considered and measured. Mr Guy's comments about why he undertook this intervention were not so considered and measured, but you have to look past that, look at the actual control he has implemented and ask if we think it is the right control.

Mr Tee did not refer to it, but Mr O'Brien gave us a glimpse of the document that was incorporated into the scheme. So far that document has not really made it into the debate. As well as setting out the minister as the responsible authority and defining the land on which that is to occur, the document gives the minister a new 'application requirement', as it is called. It says:

Pursuant to clause 52.03 of the Glenelg planning scheme, land identified in this document may be developed and used in accordance with the provisions of the Glenelg planning scheme subject to the following additional requirement:

an application for the use and development of land for a dwelling within the 2030 coastal erosion hazard area (shown in the map to clause 4 of this document) should demonstrate that the dwelling is designed to enable relocation in the event future coastal processes threaten the safety of the land and appurtenant dwelling.

I find that very interesting. Ever since I picked it up and read it I have been thinking about it a lot, because it takes us straight to what I described as step 3 of the coastal adaptation framework. Step 1 attempted protection, and that is in place, while step 2 was about accommodation, lifting the dwellings up or some other measure that means they are somewhat protected on their site. To anticipate retreat from sea level rise is an even more radical approach. I do not know about this because I do not have knowledge across this entire field. I do not know how many other jurisdictions have developed that. I know that Byron Shire Council talks about a planned retreat process, but I do not know exactly how it has implemented that or whether it has

been able to, given that in its case the state government intervened to try to put up a different approach.

This particular measure by Mr Guy is quite profound on a number of levels. Firstly, it starts to indicate to landowners and developers what they might be in for.

Mr O'Brien interjected.

Mr BARBER — Mr O'Brien says I should think about it, but I actually think it is more than that. Although it is there as an application requirement, it reads like you will not be able to build it unless it is a relocatable dwelling.

Mr O'Brien interjected.

Mr BARBER — It could mean that. I do not know.

Mr O'Brien interjected.

Mr BARBER — I cannot anticipate how the minister will interpret this guideline. This is quite a specific and localised guideline that on the face of it would appear to provide very clear guidance. But DPO (development plan overlay) 7 did not provide clear guidance. DPO 7 said there are some restrictions here. Later changes meant some people could apply, but the onus was on them to do all sorts of risk management plans and put forward these very large and complicated exercises to try to demonstrate to a responsible authority what the risks would be. What those controls did not do — and they were interim controls that were meant to lead towards some better design controls — was say what risk might be acceptable or what measures to mitigate risk could lead to you being issued a permit.

In the old days we used to think of relocatable dwellings as portables, but they are a bit of a rage now. You can get beautifully designed, factory-built, ready-to-pick-up-and-carry-away houses that are fitted out internally. There are some real advantages to that: firstly, you are building a house in a factory, not in the open air; secondly, you get to look at it before you take possession of it and decide if the finishings and other things are okay before you ever —

Mrs Peulich interjected.

Mr BARBER — The cost is comparable, and it depends a lot on the situation. I have friends who have bought and installed them, and they are beautiful. They are not some second-rate mobile home option. They are, in some cases, a premium option.

My approach to this was the same as the approach I always had when I was a local councillor: no. 1, you pull out the controls, have a read of them and think about what they mean; and no. 2, you go and visit the site. Then you think about the two.

I had to shut out all the noise from Mr Guy about Trotskyite councils or the Labor Party or whoever it was — forget about all the political contestation — and for that matter Mr Tee's attempt to excite us with the idea that there was a people's revolt about to happen in Glenelg as a result of this amendment, and just actually think about it and ask myself: if I were the decision-maker, these were the controls and this was the site, what would I do? Would I have the tools in my hand to make good decisions? I cannot warrant that Mr Guy will make good decisions or that a particular council will necessarily do better than him, but someone has got to. That is quite right; at a certain point someone does. These controls are actually quite interesting and quite novel.

I could say where I think they are lacking — for example, they do not address other development apart from dwellings that might occur on the site. They do not really address the issue of the road and infrastructure that goes with it. In some places along the coast there are houses between the sea and the road, and then a little further down the road is between the sea and the houses, so there it is the road that will go first if coastal erosion continues. Then you have the problem of having houses there, but they no longer have their traditional access road.

It is not necessarily the perfect planning outcome, yet if we were to successfully disallow this set of controls here, what would we be left with? We would be left with the underlying zones. We would be left with high-level controls in the planning scheme that are useful but do not give us the guidance we need, and we would be left with an unresolved issue that is not just unresolved on Dutton Way but actually unresolved for the entire coast. Yet it has to be resolved, and councils, the government of the day, all political parties and ultimately the Parliament have to be willing to be part of that resolution. They need to roll up their sleeves and be part of it, even if it just means offering in-principle political support to a particular approach.

It is a hard enough problem to solve without it also being used for political advantage at the same time. Disappointingly there has been a bit of that over past years and recently. Nevertheless that will not let me be distracted from the opportunity to support an outcome that is actually a step forward. It is a lurching step forward, and it has not perhaps been delivered in the

perfect way at the perfect time, but I sincerely believe this particular approach that the minister has taken is an important step forward. So, having looked at and thought about it a lot, I believe this is an acceptable way forward for a problem that we so far have not done a very good job of solving.

For that reason the Greens will not support this disallowance, but what does that mean? It means now that the minister might potentially be less likely to get local councils resolving these problems themselves. What it means is that local councils could look at this control and say, 'We'll have one of those in our area, thanks'. This is something that local councils could now adopt as an approach and put up as a planning scheme amendment and ask the minister to approve it. He needs to be aware that he is setting an interesting and important precedent on this one little site, which other jurisdictions, other councils along the coast, will very quickly be onto. I suspect that before he knows it he will be famous for this particular approach.

It is a pity that he has not been able to be a bit more articulate about how and why he came to this conclusion. It has been all about this false dichotomy that I have referred to from the two speakers from either side, and there has been very little about what it actually means for planning and what the decision means. We cannot make a comprehensive finding yet on Mr Guy's performance as minister. The problem is that he is a bit of a stealth bomber. You do not know what he is doing, then suddenly he does something quite dramatic. That is not the approach we need on this very complex issue of climate change, coastal erosion and rising sea levels. We actually need some very clear statements from the minister laying out a set of principles that he wants councils to follow in their strategic work and within which others with an interest in this area should be able to find their place.

It will be different along different parts of the coast. This approach might work well on coasts that are highly erodable. It will be different again where those coasts are backed up by floodplains and wetlands from rivers that enter the coast. It will be different again in St Kilda, I am pretty sure. I do not think he is about to implement this policy for St Kilda whereby you would have to build a relocatable dwelling if you were going to build in Elwood? No? I am keen to know what is forthcoming on that. As we know, the government allocated some more money in its budget for strategic work in this area. I asked the minister a bit about that during one question time.

It is disappointing to me that the existing mapping of coastal elevations is not available in a user-friendly

format. It is available, but only if you run a geographic information system, and that is not exactly a household item. I think every resident on the coast or in a low-lying area should have access to that highly detailed, fine-grain mapping of coastal elevations. That was a project of the previous government, and it was released during its time, but it is not currently available in that format. We need to know a lot more about what this government intends by way of converting that data into planning scheme instruments and how those instruments might work. I do not want to be drip-fed the government's view on this.

I would be extraordinarily disappointed if it emerged that the minister took this action because the council was about to set a policy and he did not like that policy. Unfortunately I do not know. The council's decision making was to be in confidential session, so I cannot access the material that it considered at the time. Beyond what Mr Tee has been able to tell us about an engineering study, we do not know whether the council was about to convert that immediately into a planning scheme amendment.

I have made some approaches to the council, but for various reasons I cannot get an answer on that. The council did not approach me to make particular representations about this amendment one way or another. I do not know if all councillors necessarily agree, but, as I said, I would be extraordinarily disappointed if it comes out after a month or two that the council actually was packaging up a solution and it was just one that the minister did not like.

That is pretty important because time and again the government is going to need the trust of not only other parties in this Parliament but the public as a whole. We can play that either way. We can assist the government with the resolution of a problem that we all agree is massive for all of us or we can make problems for the government. What I would like to see is the material the council has prepared being released publicly and the minister then telling us how that sort of material will be converted into further controls that will set a standard for resolving the problem of climate change, climate change adaptation and coastal erosion. This will not be the last time we talk about it in this Parliament; in fact we will be talking about it again very soon.

Ms TIERNEY (Western Victoria) — I rise this afternoon to speak in support of Mr Tee's motion, and I do so on a number of grounds. Mr Tee and others have taken us through a number of issues pertaining to the history of this matter. This afternoon I would like to take the chamber as much as I can to the area of Narrawong. It is a hamlet 15 kilometres west of

Portland and it has the Surry River meandering through the town, making its way to the sea. The coastline in the area has always experienced erosion and storms and has a high sea level to land. Butted up against the coast is a long primary dune that has significant vegetation on it. On the other side of the primary dune are significant wetlands that run parallel to the coast. On one side of this dune, before the wetlands, is where the proposed development, the subject of this issue, is to take place.

With that setting, it is no surprise and no wonder that in anyone's language this is a recipe for controversy. Everyone recognises that when we build structures they need to comply with rules and regulations. That is to ensure that the right thing is done in a whole range of areas, let alone a build in a sensitive coastal wetlands area.

In recent weeks I have received from locals in the area numerous materials — letters, photos, emails and computer disks — on this issue. So committed is one local group, the Friends of the Surry, that its members have raised and spent more than \$11 000 on getting expert environmental advice and prosecuting their case in various forums, including the Victorian Civil and Administrative Tribunal. I might add that the VCAT decision dated 10 December 2010 was to not grant a building permit for what known as East Street, Narrawong.

I met with Narrawong locals not last Saturday but the Saturday before, 14 May. For those who want to know more about that meeting, it was pretty accurately covered in an article in the *Portland Observer and Guardian* of 20 May. At that meeting the local residents raised with me a number of significant issues. What I came away with was an overwhelming sense, firstly, of the deep-seated love the locals have of the local environment. Secondly, the locals simply cannot comprehend how and why anyone can be allowed to build in the location that is being sought for development. Thirdly, the locals have approached this issue purely on environmental facts, and they believed that that would have won the day. Fourthly, the locals are pretty angry that they now have to deal with this issue on a political level.

The locals are also angry because they see this issue as a no-brainer. I must admit that when I went to the site and saw the half-built building that is on the sand dune, I agreed that this is essentially a no-brainer. The locals are also offended that after all the letters, emails and various other attempts to contact the government they have not received a reply. Apart from the important straightforward environmental protection issues, residents are really worried about the fire and flooding

risks, the liability and insurance issues and, of course, community rescue planning. They are concerned that all those issues will essentially be handballed to the next generation. The locals also cannot really work out why we have this situation of the government implying that it will allow development in high-risk areas when recently a royal commission recommended the buyout of land that is subject to high risk.

All these issues are keeping lots of people in the area awake. They simply do not have any confidence in the system. They are, as am I, concerned that right from the beginning the minister has had only one view on the proposed development at Narrawong. Right from the beginning people have seen that the Liberal Party has not been interested in listening to alternative and community views other than what was in its own election campaign — and the campaign leading up to the election as well.

Mr Guy said the Glenelg Shire Council was dragging its feet on all these planning issues and that was why he had to seize control of the process. When you talk to people about the work that had been done, this just does not ring true. I refer to an article in the *Portland Observer and Guardian* of 15 April. It states that:

... in line with the state government process ... As a necessary first step, the council partnered Department of Planning and Community Development (DPCD), the Department of Sustainability and Environment (DSE) and Regional Development Victoria (RDV) —

in the coastal study that Mr Guy and others have mentioned. That was completed last year, and the council then prepared a position paper to relate this study to the geographical characteristics of each of the 550 allotments in the former development plan overlay 7 area.

Following that we found out that the new Minister for Planning, Matthew Guy, and the member for South-West Coast in the Assembly, Denis Napthine, had met with the council on 17 December and had a conversation, but the minister neglected to mention that he had put out a media release that day advising the removal of the development controls over Portland and Narrawong. In his media release he said he had done that because there was ‘no end in sight’, but when you read the article published in the *Portland Observer and Guardian* of 15 April this year you see that that does not seem to be the case at all. This article quotes Sharon Kelsey, the CEO of the Shire of Glenelg, as saying:

The coastal engineering study was highlighted again when council wrote to Minister Guy and Dr Napthine on January 7 this year listing options to advance the planning policy and requesting the urgent assistance of government. The council did not receive a reply to these letters.

‘On February 23, Dr Napthine wrote to council requesting an update on four planning permit applications for this area. An update was provided by council the next day. Council’s response was accompanied by the original letter of request for assistance and a subsequent request for state government advice. The council’s letters have never been responded to’, Ms Kelsey said.

On March 11, a senior staff member of DPCD visited the Glenelg shire to convey the minister’s interest in the prompt approval of the planning applications before council. Council asked for this direction to be provided in writing. That written confirmation never came.

Meanwhile council progressed and finalised its position paper. This process was undertaken with the full knowledge of the DPCD. On viewing the position paper researched and prepared by council staff, the minister’s representative commended the council on the high calibre of the report and the speed at which this work had been completed.

‘As the CEO I was proud to receive this recognition by the minister’s representative on behalf of staff’, Ms Kelsey said.

Any suggestion that the council had been lax in responding to this issue is wrong. It’s completely contrary to the facts. Not only is this issue receiving the priority it deserves and our community expects but the Glenelg Shire Council is at the cutting edge of planning policy. The council is tackling an issue that has been too hard, too difficult for too long for others to be prepared to responsibly act to resolve. But the resolution is there.

Ms Kelsey is reported as going on to say:

Regular updates on this issue have been shared with relevant representatives of the government and the minister’s office. The council highlighted that they were only weeks away from drawing together all the expert knowledge to conclude a policy document.

The government was well aware that the council was only weeks away from finalising its policy for referral to the Minister for Planning.

The article continues:

On Wednesday of this week the council received formal advice that the Minister for Planning was to become the relevant planning authority for the former DPO 7 area.

What we have seen here is that the basis on which this intervention has occurred really is lacking in substance. The Glenelg shire has a chain of correspondence that verifies the work and the requests it has made over a long period of time. What are we to conclude then — that the minister might not have liked the direction the council was going in just two weeks before the council voted on its planning policy? Along with Mr Barber I do not know, but it all seems a bit coincidental.

There was a change of government — yes. There was a VCAT decision on 10 December — yes. There was a minister who intervened and prevented a vote by council on a matter that it had been working on diligently for a long time and for which it had received accolades. It is little wonder that a lot of people were

quite angry and disappointed by the minister usurping the council. I might add that the council's excellent professional planning department does not deserve to be skittled at the eleventh hour by a minister who I think, and I am yet to be proven incorrect, is hell bent on another course of action.

I am calling on the minister to give the planning powers back to the council, talk with the wider Narrawong community and engage with the dedicated and committed Friends of the Surry group. Members of the Narrawong group who I met with say that with the minister having the planning controls that stand at the moment, it does not look very good for them in prosecuting their cause, even though they won at VCAT. They believe the government seems obsessed with giving unqualified support for individuals to build on the land they own. We have a case here where we do not have all the information in front of us but we have such a strong set of circumstances that I can understand why the local community does not have confidence in the planning minister making the right decision in relation to Narrawong.

This issue is too important to be reduced to a slogan that Minister Guy keeps on promulgating — that is, the right of an individual to build on the land they own. If this is to have real meaning, then some key important words need to be added to indicate that one person's right does not override another person's right. In this case there also needs to be proper and full consideration of the environment and future generations. Sensitive environments must have sensitive planning, and they must have sensitive structures that sit well within smaller communities, otherwise physical and social cohesion will simply not occur.

In closing, I say again that this is an important issue. When the minister resorts to name-calling it demeans the tone of the issue and does not assist the debate. I also allude to certain misrepresentations he has promulgated in the media in recent times. I call on the minister to enter into proper discussions. He needs to take a chill pill on this one and listen to all of the concerns raised. I can reliably inform Mr Guy that if the right thing is not done in this situation, this will be the issue that makes him rue the day, because it sets the tone not only in Narrawong but also for the rest of the Victorian coastline.

I implore members in this chamber to vote for Mr Tee's motion. In particular I call on Mr O'Brien, Mr Ramsay, Mr Koch and the Greens members to vote for this motion so that Narrawong can get on with life and get on with appropriate development.

Mr TEE (Eastern Metropolitan) — In summing up I wish to respond to a couple of comments made by

Mr O'Brien. He said that this issue was complicated and difficult and that we should not allow or trust the local community because it is all too hard and it is not up for it. That is a very patronising and arrogant approach. It is what Mr Guy would describe as a Soviet-style, top-down, Big Brother-knows-best approach, which is an interesting segue to Mr Barber's contribution. Mr Barber says it is okay to have that top-down approach, but Mr Barber is blinded by the vision. He loves the model, so he says that because it is a good model it is okay to knock out the council and the local community. Mr Barber's view is to forget the community and forget the council because the means justify the ends, and he likes the end.

When it comes to the Greens, the difference is that Mr Barber puts his faith in the minister and in the Liberal Party, whereas we on this side of the house put our faith in the local community and the local council. We believe the ideal model would be an outcome which is worked on by the local council, the state government and the local community. That was the model in place. Mr Barber might have got the same outcome and it might have been that he got a better outcome, but we will never know because of the top-down, Soviet-style approach put forward by this government.

House divided on motion:

Ayes, 15

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

Noes, 22

Atkinson, Mr	Hall, Mr
Barber, Mr	Hartland, Ms
Coote, Mrs	Koch, Mr
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	Pennicuik, Ms
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (<i>Teller</i>)
Guy, Mr	Rich-Phillips, Mr

Pair

Jennings, Mr	Kronberg, Mrs
--------------	---------------

Motion negatived.

SOLAR ENERGY: FEED-IN TARIFFS

Mr BARBER (Northern Metropolitan) — I move:

That this house requests the Minister for Energy and Resources to immediately cause the independent review of the premium solar feed-in tariff scheme under section 40NB of the Electricity Industry Act 2000 to be brought forward for completion this year in light of the scheme almost reaching its 100-megawatt capacity.

In the last Parliament the legislation inserting section 40NB was brought in with all parties supporting it. In fact it was even better than that: after the government introduced its bill, the Greens, the Liberals, The Nationals and the Democratic Labor Party (DLP) proposed a number of amendments that actually improved the bill. While the government was pretty reluctant to have its bills amended, in this instance we were literally able to walk down the corridor to the office of former Minister for Energy and Resources, Mr Batchelor, and make him an offer he could not refuse. He adopted the amendments that were agreed to by the consensus of the Greens, the Liberals, The Nationals and the DLP to green up the ALP's solar feed-in tariff legislation.

Contained in the legislation was section 40NB, a built-in legislative review of the scheme. When the scheme was designed we thought it might last for eight or so years before the scheme reached its so-called scheme capacity of 100 megawatts. I will deal with that issue separately in a second. Built into the act was a review, referred to at section 40NB as follows:

- (1) The Minister must cause an independent review of the operation of the amendments made to this Division ...
- (2) The review must be undertaken by 30 June 2012.

But it is certainly within the power of the minister to have that review earlier if he wants to; he does not need legislation to do that. In order to conduct that review the minister also has the power to seek certain information from electricity companies. He can ask the distribution businesses — the pole and wire guys — to tell us how many solar panels are plugged into their system. He can also request the retailers to give him information about the number of customers who have been paid under the scheme and the amount of electricity that has been generated by those solar panels. In order to do the review, and do it well, you need that information first.

The reason we need that information is quite important. This is a net payment scheme. People get paid for the amount of electricity they export from their solar panels, net of the amount that they use in their own house. If it were a gross scheme, it would not be hard to

work out how much electricity they were getting paid for: it would be the number and the size of the panels, with a capacity factor to roughly estimate how much each panel would generate. But because it is a net scheme, it varies for every single house as to how much energy they export and whether they export any energy at all from their solar panels or whether their own household use is larger than the capacity of their panels, in which case they do not get paid anything.

The reason that information becomes quite important is that there was quite an argument about the design of this scheme. Some people wanted a gross scheme, but some people said that would be expensive; other people said a net scheme would limit the cost. Until we know from this review how much electricity is being generated and paid for, we do not actually know the cost of this scheme to the other electricity users, and it is incredibly important that we know that. By the way, as part of its policy the Liberal Party is going to send to VCEC, the Victorian Competition and Efficiency Commission, a review of whether a gross feed-in tariff could be implemented. At the time we voted for the bill the coalition saw some merit in the gross scheme but was worried it would cost too much. It is gratifying that the coalition is going to refer the issue of a possible design of a gross scheme to VCEC, but in order for that review to be conducted we need to know about this scheme we are in.

As I said, this built-in review was due to be done no later than 30 June 2012. We thought that perhaps that might have been the halfway point of this scheme. In fact the popularity of solar energy and the rebates from the federal level have led to a dramatic uptake in solar panels. You can obtain this information from the federal regulator. As of a month ago — which is the most recent update it has — there were 87 megawatts of solar panels in Victoria. We are not entirely sure that is all necessarily grid connected or qualifying for the purposes of this payment, but to some extent that is a good measure of how much solar power we might be currently generating. By the way, that information is always a month lagged. Secondly, I can tell you that it has been growing by about 10 megawatts every two months for the last year and a half. It is clear we are going to get to up to 100 megawatts by the end of this year, and possibly even sooner.

This scheme, as I said, was originally capped at 100 megawatts. The act says the minister may declare the scheme closed when it reaches 100 megawatts of qualifying electricity, but the minister does not have to do that. In fact, as a matter of law, the minister has the option to not do that. Once we get to 100 megawatts the minister may decide to shut down this scheme, and that

will be a shame because solar energy is clearly very popular. I argue that it is highly affordable, but without this information we do not know exactly what this scheme has cost us. There are other built-in protections in the act in terms of the cost, which I gather also have not been exceeded; it is still tracking the way we thought it would in terms of cost.

There will be unintended consequences if the minister closes down the scheme — for example, people who have been working very hard to put together bulk buys with a large number of customers to get the best price on their panels might find that the economics have changed somewhat. Secondly, anybody who has a solar panel, who is collecting the feed-in tariff and who adds a second panel after the system close date will not be able to get paid on that panel, and they will not be able to get paid on the old one either unless they create another separate meter to go with the five or six meters that we have all got now. The last thing we need in our homes is another electricity meter.

For that reason I urge the minister to, at the very least, commence this review and get some information out on the table. I urge him not to close off the scheme when it reaches 100 megawatts, but to release the information that he has the power to obtain and commence the review that was planned when we, in bipartisan fashion, voted for this bill. I urge him to do it quickly so that, before the issue becomes more pressing, we have the ability to talk about what we as a Parliament want to do with solar energy.

Mr ELSBURY (Western Metropolitan) — I thank Mr Barber for raising this issue for discussion today, as he seeks to provide certainty in policy. He seeks to ensure that when the government undertakes a course of action it will be followed through to its natural conclusion. I can understand the jitters Mr Barber has about governments that promise to fund schemes which are about helping the environment, because he would be all too aware of the shambles the federal Labor government has left so many of its initiatives in, and being a proud Victorian he wants to ensure that this state does not go down the same path. However, the government will not support this motion. A review at this time is unnecessary, given the status of this program and the measures the Department of Primary Industries has in place to support the scheme.

The premium solar feed-in tariff was introduced on 1 November 2009 by the previous government with the support of everyone in this chamber. As we have heard, support of all parties was provided. Everyone got to say whether or not they supported the tariff. A bill was put forward that everyone, by and large, was happy with.

The premium solar feed-in tariff that was introduced by the previous government will be available to consumers until 1 November 2024. If you sign on, you will receive the premium tariff until that date, which is a pretty good deal. To be eligible for the premium tariff you must, and I quote directly from the Department of Primary Industries website:

be a household, community organisation or small business

have a solar PV system (no greater than 5 kilowatts in size)

be claiming for your principal place of residence (if you are a household)

consume 100-megawatt hours or less of electricity per year (if you are a small business or community organisation)

claim only one solar PV system per site (if you are a small business or community organisation operating across multiple sites, you can claim for one unit per site); and

have the correct metering in place.

Contact your electricity retailer to check your eligibility for a premium solar feed-in tariff offer.

If you meet all the criteria, you generally are eligible for the premium tariff. It is a good deal. Sixty cents per kilowatt hour supplied is credited for excess electricity fed back into the grid from the solar array on your roof. Not surprisingly, the premium tariff has raised interest in the community, with 25 565 qualifying solar energy facilities or arrays on roofs existing on 1 November 2010.

The motion focuses on the 100 megawatts of system capacity cap placed on the number of consumers who have taken up this option, rather than the standard solar feed-in tariff which is also available. Mr Barber states in this motion that the 100-megawatt capacity has almost been reached by the scheme. That is an interesting statement considering that on 1 November last year the capacity was measured as 37.2 megawatts. I do not care for rounding figures; I am much more of a 'give me the facts' kind of guy. To round 37.2 to 100 is a stretch even the previous government's 2000-strong media and communications army would have had problems selling to the public. This figure of 37.2 megawatts was arrived at in November last year. The Department of Primary Industries keeps a monitor on the proximity of the cap to ensure that the scheme does not overreach its mandate. The next formal reporting on the premium rebate scheme is not due until 1 July this year.

The Department of Primary Industries keeps track of this. It does regular reviews of just how much electricity is being pumped into the system by this scheme. It collects the figures, and it will report on

1 July and then again on 1 November this year. Unless Mr Barber has a crystal ball feeding him the statistics from the Department of Primary Industries which it will report on in July, I feel he may be reaching into the dark and groping for some speckle of need to raise this matter in Parliament. However, should he have a crystal ball I would not mind next week's Powerball numbers!

Calling for an independent review into the premium solar feed-in tariff scheme at this time is premature. The 100-megawatt capacity is not in itself a trigger for an independent review. As stated by Mr Barber in his speech, the review is set for 30 June 2012. Should we get much closer to the 100-megawatt capacity or cap, the minister would then look at making a decision on that.

As I have explained, the Department of Primary Industries has in place a set of processes for a formal report to be delivered in July. I understand the concern Mr Barber holds for the administration of programs as we have had to weather 11 years of Labor in Victoria, but Victoria is under new management. Rather than expecting the solar industry to find its own mystical way of discovering what the government's position is on the premium solar feed-in tariff, the minister will make the industry aware of any intention to wrap up the scheme.

This government has a plan for how we will inform the industry about the reaching of the cap. We are not the federal Labor government, which scrapped the troubled insulation scheme with 24 hours notice, leaving sheds full of fluff and dumped batts on the sides of roads; wound back its solar scheme with 48 hours notice; or scrapped ill-thought-out initiatives like the cash-for-clunkers scheme before it was even introduced and implemented for the people of Australia to be able to take advantage of.

I am sure the solar industry would appreciate clarity from the government. With the on-again, off-again nature of the federal Labor government's carbon tax — 'If there is an election on, we are not doing it; if an election is not on, we are going to go for it' — you can understand why there would be questions in the industry about how this would impact on it. The solar industry would appreciate the federal government making it aware of what costs will increase in its industry so that it can start planning to be able to keep its workforce and possibly also start preparing to pass on those additional costs to its customers. The plan is for the industry to have a few months notice about the future of the scheme — not days, not hours, but a few months. This government will give the industry the time it needs to adapt its practices and provide accurate

information to customers. The minister will be making an announcement about this in due course.

Photovoltaics remain a popular source of alternative energy, although they are highly expensive compared to the amount of energy you get from them. We should be exploring every option available for alternative energy production, not just concentrating on one scheme which may actually prove to be more of a drain on public funds than provide us with a solution for our reliance on more traditional means of providing baseload or mains power to our cities, public transport and even schools and hospitals.

In any case, the standard feed-in tariff will remain an option for those seeking to do their bit for the environment by purchasing a photovoltaic array for their home, place of business or community group infrastructure. However, considering the chasm of capacity between the last official figure of 37.2 megawatts and the 100-megawatt cap, I feel there may still be some life in this old dog yet.

Mr LEANE (Eastern Metropolitan) — The opposition sees no problems with the premise that Mr Barber has put that with this scheme we are getting closer to reaching the cap. It has been a successful program, which is a good thing. We see no problem in therefore calling on the review to happen earlier, which may allow more people into the scheme in the future.

In relation to Mr Elsbury touching on some of the federal schemes, I still stand by the view that insulation in roofs is not a bad thing. Even though people have managed to make it into some sort of evil dragon, I still believe that insulating a roof for energy and for heating and cooling efficiency is not a bad thing. People should not still be scaremongering over those programs.

As far as Mr Elsbury's substantive argument goes, I will leave it to Mr Barber, seeing as it is his motion, to respond to that as succinctly as possible.

Mr BARBER (Northern Metropolitan) — I have to say that Mr Elsbury made a very good point which really should have been my main point, and that is that industries of all types like certainty. The good thing about policy certainty is that it reduces costs to industry and allows for quality systems to be put in place. Boom-and-bust cycles in new industries and products create all sorts of challenges that then feed back to the policy-makers, who then have to respond to the problems that in some cases may have been generated by the original policy.

As a Greens member who for a long time has advocated for many of these policies nothing is more

distressing to me than to see some new government come in, try to implement those policies and then stuff them up. There is nothing worse than seeing, for example, as Mr Elsbury mentioned, a federal government trying to introduce a green program and just blowing it, like a learner driver bunny hopping their car through a Safeway car park, not knowing whether they are hitting the accelerator or the brake or both at the same time. It gives those programs a bad name.

It is for that exact reason that I have brought this motion — to give a heads-up to the new government that something in the way this scheme was originally designed has changed and that it may need to move a bit faster than expected under the time lines that were originally envisaged. The figure Mr Elsbury quoted from November was widely published in a number of forums. Depending on which report you look up, it was somewhere between 30 and 40 megawatts.

I do not need a crystal ball; I just act on my initiative. I rang up the federal government, which after all gives rebates on solar panel systems and keeps track of them. If Mr Elsbury were to do the same, he would get a spreadsheet going all the way back to the year 2000 containing about 33 000 individual records for every single solar system in Victoria, its postcode and the date it was installed. Because there is a lag after installation, that information is up to date only to April. My information is up to April, and the information Mr Elsbury read from his departmental briefing note was as at last November. I point out to Mr Elsbury that, yes, late last year it was only 30 megawatts, but it is growing at 10 megawatts a year based on the data I have been able to obtain. I cannot even tell what is happening in the month we are in; I am talking about just where we got to last month.

That is my argument as to why the government should initiate the review, which it has the power to do, by 30 June 2012. There is nothing to stop the minister from doing it earlier if he wants or from obtaining the information that Mr Elsbury and I had an argument about and then releasing it. He has the power to do that. He will have to do that for the Victorian Competition and Efficiency Commission. I applaud the government for sending to VCEC a review of a gross scheme, but we do not need another review. We do not need this scheme to conk out while the government sits around, has a bit of a think and then gets another review going when this scheme has closed. That is exactly what creates uncertainty for industry, with all the negative consequences that go along with that.

I will do Mr Elsbury a favour. I will split up the spreadsheet and give him the postcodes for the western

suburbs so that he can see how important this is to the people in his electorate.

Mr Elsbury — But are they eligible units?

Mr BARBER — I cannot tell Mr Elsbury whether they are all eligible for this scheme, but his figure and my figure matched as of last November and I can tell him how many have been installed since then. Mr Elsbury will see that this is incredibly popular across all parts of Victoria — 30 000-odd homes are now both users and generators of electricity. It is the way to go. It is cheaper than he thinks it is, and it could be a lot better if his government were to manage a smooth transition from this scheme to whatever it is that the government is going to come up with next.

House divided on motion:

Ayes, 18

Barber, Mr	Pakula, Mr (<i>Teller</i>)
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	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, 20

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

Pair

Elasmar, Mr	Kronberg, Mrs
-------------	---------------

Motion negatived.

PRODUCTION OF DOCUMENTS

Hon. M. P. PAKULA (Western Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 31 May 2011, a copy of the Vincent report, including any appendices or attachments, into the operations of the Office of Public Prosecutions and the conduct of its director, Mr Jeremy Rapke, QC, which was provided to the Baillieu government in March 2011.

I suggest that this is an important motion. It is a motion that is being moved against the background of a government that was elected on a promise to be open, transparent and accountable. It relates to the inquiry conducted by the Honourable Frank Vincent, QC, into the Office of Public Prosecutions. We should not forget that as a consequence of that inquiry the Director of Public Prosecutions has resigned. A DPP resigning is a big thing. A DPP has the same level of independence as a Supreme Court judge. A DPP cannot be sacked; a DPP can only be removed by a vote of both houses of this Parliament. On the basis of this report, he has resigned, and I believe the people of Victoria are entitled to know why that has happened.

The only clue we have so far is a statement from the DPP and a very brief extract from the report published in last Sunday's papers. That article reports Mr Rapke as having said, in part:

It was Mr Vincent's view that I had failed to appreciate that some people may have perceived that I had a conflict of interest in making some of the recommendations and that accordingly, I should have consulted more widely during the process.

In terms of this extract from the report, we know from the Sunday papers that Mr Vincent said Mr Rapke had not engaged in any 'conscious wrongdoing, illegality or impropriety'. Is that but one of the findings? Is it the only finding? We do not know because we have not seen the report. If it were the only substantial finding, then by itself it would hardly seem to warrant the resignation of the DPP. Did Mr Vincent, for instance, conclude that there had been an inappropriate relationship? From what we can tell he did not, but we do not know. Some members may say that given the resignation of the DPP that question is not relevant. I say it is absolutely relevant, because if there was no finding of an inappropriate relationship, then what was there?

What do we have? Was there a flawed process? Maybe; maybe not. Were there some disgruntled individuals within the Office of Public Prosecutions? Maybe they were justly disgruntled; maybe they were not justly disgruntled. Was the DPP simply a difficult person to get along with? Was he a DPP who had made some enemies in the legal community? Almost certainly — we know that from other reports we have seen. We know he was a strong advocate for the rights of victims and that that made him somewhat unpopular with some members of the judiciary.

What we know is that in the absence of any finding of an inappropriate relationship by former Justice Vincent it is very difficult to make the case that there has been

any hanging offence disclosed by this report. At the end of the day it goes to a question of process.

None of us should forget how this whole sorry saga began. A lot of innuendo found its way into the media last year about an inappropriate relationship, most of it expressed anonymously. Then the story gathered momentum as correspondence between the DPP and Mr Silbert found its way into the papers, particularly the *Sunday Herald Sun*. Both the DPP and Ms Karamicov denied quite explicitly that any inappropriate relationship existed. A whole range of things then occurred, and once the new government was elected the Vincent inquiry was established.

It has been put to me that one of the reasons the report cannot be made public is that witnesses who spoke to Mr Vincent gave their evidence on the understanding that their names and evidence would remain confidential. I find the fact that a DPP can, in the first instance, be the subject of a media campaign a staggering and a very worrying proposition. Some people would say it was a justified campaign; others would say it was an unjustified campaign. I suggest to this house that that is not the point. The point is that there was a media campaign and some people involved put their name to it and some did not. I am sure everyone would agree it included some salacious innuendo, some direct allegations and the leaking of correspondence by whom we do not know.

What happened next, though, was that the government set up an inquiry and, as far we can tell, had all the prospective witnesses — some of whom may have had an axe to grind against the DPP — told that they could make their assertions or allegations against the DPP in the full knowledge that neither their name nor what they alleged would ever be made public. I suggest that any public official — particularly any person who operates as a change agent within an organisation and, I would say, every member of this place — should shudder at that precedent.

I ask members to imagine themselves in the following situation. They are the subject of an allegation made against them in the media, perhaps anonymously. An inquiry into them is then set up and the accusers are invited to repeat whatever assertions they might have made to whoever heads up that inquiry in an environment where they are guaranteed anonymity and assured that the report of the inquiry will not be released and where the allegations are ultimately not substantiated. What is worse, they might be put in a position where they do not have the opportunity to rebut or answer the allegations.

The situation I have just described is the situation that I believe was the process that led to the resignation of the DPP. I suggest to any member of this place that if they were forced to resign their seat in Parliament as a direct consequence of the process I have just described, they would not know whether they should describe it as a kangaroo court or a Star Chamber. They would not know which epithet to get out first.

To be fair, I might be mistaken about one or more elements of the process I described. I do not believe I am, but it is possible that I am. Frankly the only way we will know is if the report is released, and it has to be released so we can get to the bottom of the resignation of the DPP. It also has to be released so we can determine whether this government truly values the principles of natural justice or whether it is prepared to discard them in pursuit of an outcome.

I say this being mindful of the fact that perhaps some time later this year we in this place will be voting on the creation of an independent, broadbased anticorruption commission that all of us and all public officials will be subject to. It is important for us all to understand how much stock the government places in the concept of natural justice and of people being able to face their accusers, respond to allegations that are made against them and be the subject of a fair and reasonable process before their reputations are tarnished and their careers potentially ended. For all those reasons I think it is vital that this report be released. We need to understand the reasons behind the DPP's resignation, but we also need to satisfy ourselves that the process that was engaged in by the government and the inquiry was appropriate in all the circumstances.

Mr O'DONOHUE (Eastern Victoria) — The government will oppose the motion moved by Mr Pakula. As Mr Pakula said in his remarks, the basis of this motion would appear to be twofold: primarily that the people of Victoria are entitled to know why the Director of Public Prosecutions (DPP) has resigned; and secondly, to be comfortable that there has been procedural fairness, natural justice and proper process. The press release the Attorney-General issued on Sunday, 15 May says in the first line:

On Friday Mr Jeremy Rapke, QC, tendered his resignation as Director of Public Prosecutions.

I attach a copy of his letter of resignation and my subsequent reply.

I do not propose to read into *Hansard* the details of or the full letter from Mr Rapke, but in his letter to the Attorney-General he does go into the reasons for his resignation. To quote part of the letter:

To enable the government to have a completely free hand in carrying out that task —

which is the reform of the DPP —

I have decided to step down as DPP so that my views about reform or the reform process will not be an impediment to the government's work in this area.

He goes on to address the Vincent inquiry, saying:

He —

as in Mr Vincent —

concluded, at least as far as the associate Crown prosecutors were concerned, that I had made an error of judgement in the process I employed to make my recommendations for appointment to the then Attorney-General. It was Mr Vincent's view that I had failed to appreciate that some people may have perceived that I had a conflict of interest in making some of the recommendations and that accordingly I should have consulted more widely during the process.

He goes on to say:

During the inquiry I acknowledged that misjudgement.

To take up Mr Pakula's second point of procedural fairness, that statement by Mr Rapke 'During the inquiry I acknowledged that misjudgement' leads to the conclusion that there was dialogue. Mr Pakula made the point in his contribution about the ability to respond to allegations. That sentence implies very clearly that there was that capacity. The letter goes on:

It is, however, important to note that Mr Vincent did not find that I had, at any time, engaged in any conscious wrongdoing, illegality or impropriety ...

...

I believe that after the government completes its restructuring of Victoria's prosecution agencies, those agencies will be well positioned to meet the enormous challenges that crime poses in a modern society and to play their parts in securing the safety of the community.

Mr Rapke's letter of resignation details quite clearly, in his own words, his reasons for his resignation and it also addresses the issue of the ability to respond to allegations.

The Attorney-General, Mr Clark, concludes in his media release of 15 May:

The government does not propose to release Mr Vincent's report. It contains sensitive information and other material that was provided to Mr Vincent in confidence.

I note that other stakeholders are reported in the *Australian* of 20 May as saying:

The Law Institute of Victoria and the Victorian Bar Council back the Baillieu government's decision to keep the report

secret, arguing the information given to Mr Vincent was provided in confidence.

‘The most important thing now is to get on with the review of the DPP itself and put in place a strong structure that has a strong leader that restores the confidence of both the profession and the public,’ said LIV chief executive Michael Brett Young.

‘If you’re going to focus on the review itself, you’re going to fail to focus on what is important.

The reasons why the government will not release this report are clear and Mr Rapke’s letter itself addresses the main contention of this motion. For those reasons the government will oppose the motion moved by Mr Pakula.

Ms PENNICUIK (Southern Metropolitan) — It is a very important issue that we have before us in debating Mr Pakula’s motion, which calls for the release of the Vincent report. As Mr Pakula outlined, we have had the state’s Director of Public Prosecutions (DPP) resign as a consequence of that report, and obviously Mr Rapke knows what is in it. I agree with Mr O’Donohue that Mr Vincent has said that Mr Rapke had not engaged in any conscious wrongdoing, illegality or impropriety.

We do not know much about what is in the report or anything more than what has actually been said in the press. I am taking my quotes — and they are similar to the quotes that Mr Pakula has used — from an article in the *Age* of 14 May by Farrah Tomazin and Peter Munro. Interestingly it is headed ‘Rapke quits over damning report’. I not sure they could call it a ‘damning’ report because I am sure they, as well as everyone else, have not seen the report.

Given that Mr Vincent said Mr Rapke has not engaged in any conscious wrongdoing, illegality or impropriety, it is a bit hard to see how the word ‘damning’ could be used in regard to the report. All that has been said is that Mr Rapke may have made a misjudgement, which he has actually acknowledged in his own letter, and that there has been at least a perceived conflict of interest in a decision he made over the appointment of one particular junior solicitor and two other junior solicitors to senior roles within the Office of Public Prosecutions. That seems to be the crux of the issue that has caused quite a lot of furore over at least the last 10 months and which has led to the Vincent report.

The government put a lot of stock in the Vincent report, indicating this would be the report that would clear up all the innuendo, as Mr Pakula said, and the mystique around what had gone on. If a report is made and it leads to the resignation of someone who is as independent and senior in the state of Victoria as the

DPP, it is important that we should know on what basis that is done. We do not really know on what basis that is being done. Mr Pakula went on to ask whether there was a flawed process. I think we can infer that there was a flawed process because Mr Vincent has pretty well said that, and Mr Rapke has pretty well acknowledged it.

It may be the case that there are disgruntled persons, enemies et cetera, but I do not know if it is a cause for resignation unless the DPP felt there was no confidence in the office with him continuing in the role. We do not know any of these things. I think it is crucial that the state’s leading prosecutor does not have a perceived conflict of interest or real conflict of interest. Perhaps that is it: Mr Rapke has taken the view he does not want to be in that position so he is going to resign and, as his letter says, let the government get on with restructuring the office. We need to focus on, firstly, what is in the Vincent report, and secondly, what findings are in the report that might find their way into a restructure of the Office of Public Prosecutions, which I think we should be interested in.

We are supporting Mr Pakula’s motion for those reasons. We need transparency in regard to the office of the Director of Public Prosecutions, what has led to the resignation of the DPP and what would be behind some restructures or changes to the Office of Public Prosecutions. Victorian people need to know these things. The Attorney-General has said in interviews that there may be sensitive information in the report. I acknowledge that. The documents which were tabled, and which I referred to in the debate on an earlier motion today, had people’s names redacted from it. Some people who were not really material to the issues at hand had their names taken out of the documents. There is room for that to happen so that anybody who is innocent or not key to the findings of the report do not have to have their names dragged through any discussions of the report.

I agree with Mr Pakula that anybody can throw allegations around and hurt somebody’s working life. We need to make sure if people are going to be forced to resign or feel that they have to resign that we know the reasons for that.

Hon. M. P. PAKULA (Western Metropolitan) — I will speak very briefly. I thank Ms Pennicuik for her support and for indicating a point I was going to make about the ability for a report to be redacted if there are sensitive issues that need to be not in the public domain. I obviously would not speculate about what they might be because I have not seen the report, but obviously that capacity exists.

Mr O'Donohue seemed to suggest that merely because there was evidence that Mr Vincent and Mr Rapke had spoken that that somehow satisfied the concern I raised that we would be assured there was procedural fairness. It does no such thing. The fact that Mr Vincent and Mr Rapke spoke, if that is a fact, does not of and by itself suggest that specific assertions or allegations were put to Mr Rapke, or that he was given a chance to rebut them, or deny them or provide his version of events. All we know — and there is very little we know — is that at some point during the process the Director of Public Prosecutions (DPP) and Mr Vincent spoke. It is of great concern that there be an inquiry set up on the basis that people are invited to make allegations or accusations on the understanding they will not be tested, will not be made public and that their names will not be revealed. It is a very dangerous precedent for the potential removal of a public official. It flies in the face of what all of us understand to be the norms of natural justice.

The only way the government can provide this house and the community with reassurance that there was nothing untoward in the process that led to the resignation of the DPP and that it has a true commitment to the principles of natural justice is for the report to be released. I have been asking for that since this inquiry was created in January. To set up an inquiry with such parameters that you create a dynamic which then later provides you with a justification for not releasing the report is an act of political sleight of hand.

It would have been just as easy for this government to set up the inquiry with parameters that allowed everybody who was participating to understand that ultimately the report would be released and the assertions would be tested. But to set up an inquiry from the get-go where the only possible outcome is that the government would refuse to release the report is a totally unsatisfactory process. With those few words, I commend the motion to the house.

House divided on motion:

Ayes, 18

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

Noes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms

Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr

O'Brien, Mr (*Teller*)
O'Donohue, Mr
Ondarchie, Mr
Petrovich, Mrs
Peulich, Mrs (*Teller*)
Ramsay, Mr
Rich-Phillips, Mr

Pair

Tee, Mr

Kronberg, Mrs

Motion negatived.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Managing Student Safety*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's report entitled *Managing Student Safety*, which I read with particular interest as a parent of a school-aged child. In my day school safety related to the odd sporting injury, accidents on playground equipment or even the occasional scrap in the schoolyard after school. Today there are three main categories of student safety, although they are not exclusive: discrimination or a threat or act of violence; the physical environment, including playgrounds and buildings, traffic and extreme weather; and the curriculum, related to sports, science and technical activities.

In my opinion there are other immediate threats to school attendees, including physical bullying and cyberbullying. Parents and the community in general are more aware of bullying because social media highlights incidents via Facebook and Twitter and many schoolchildren today carry mobile phones with video and camera capabilities.

Recently I attended the opening of Ilim College of Australia, a school in Broadmeadows, and during my address I made a statement in which I absolutely believe: 'no-one works harder than the school principal'. They have absolute responsibility for the lives and safety of their staff and their students. Teachers have a duty of care to protect students from known risks, and they must also protect them from risks that they could have reasonably foreseen and prevented, but at the end of the day school principals are responsible for the day-to-day management of student safety risks.

This report notes that the Department of Education and Early Childhood Development is responsible for providing a safe, secure and stimulating learning environment for about 530 000 students attending

1559 government schools. The Department of Education and Early Childhood Development has up-to-date, detailed guidance on best practice in behaviour management and requires every school to have a student engagement policy in line with it. At the time of the audit the department had assessed the quality and appropriateness of student engagement policies for over 60 per cent of its schools. It found that 81 per cent fully complied, 18 per cent partially complied and 1 per cent did not comply. The department is working with schools to address the noncompliance. Schools are well aware of their responsibilities and risk-management frameworks, and methodologies are in place to record incidents as they occur.

The community and parents in particular have a right to be safe in the knowledge that their kids will be returning home safely from school. In his report the Auditor-General has provided a list of seven recommendations. They are all worthy of consideration and support. I will not list them because the time available to me is very short.

The world is a much more dangerous place than it used to be, and we need to ensure as far as possible that our children are safe and have an education that will give them a good start in life. I fully support these recommendations as they are both logical and, importantly, achievable.

**Drugs and Crime Prevention Committee:
impact of drug-related offending on female
prisoner numbers**

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on the government's response to the report entitled *Impact of Drug-related Offending on Female Prisoner Numbers*. This report was prepared following an inquiry by the Drugs and Crime Prevention Committee of which the former member for Essendon in the Assembly, Judy Maddigan, was the chair. The now Opposition Whip was also a member of that committee which did some exemplary work, including preparing this very good report following an inquiry into drug-related offending among female prisoners.

The committee came up with 11 recommendations which dealt with a range of issues. I will speak on some of the recommendations that the government has decided to support, because they go to the essence of systemic issues in our female prisons today. It is interesting to note that since the Baillieu government was elected, the Minister for Corrections has invited me to be the chair of the Women's Correctional Services

Advisory Committee — and it is a great honour. That committee is looking into the very issues that have been highlighted in this particular report. I was pleased that the government supported a number of the recommendations.

Recommendation 1 is that there should be a range of housing options available to women if they require it whilst on bail or post-release. Housing becomes one of the major issues for women in prison and women exiting prison. There is a step-down program at the Tarrengower facility, which is out of Maldon and has a farm-like atmosphere. Women can go there and have their children visit them there for some weekends. They have a lot more contact with the community and with programs that help them step back into the community. However, often those leaving and exiting the Dame Phyllis Frost Centre at Deer Park do not have that same sort of opportunity.

The housing issue is really a make-or-break situation in many cases. When they enter the prison system, many women lose contact with their children. When they go to Tarrengower it is particularly hard for them to maintain those relationships from that distance. Although the program at Tarrengower is very good, it puts an additional pressure on women trying to access their children and to re-establish their relationships with their children.

If when she leaves prison a woman does not have anywhere to live, she cannot have her children with her, so her children stay in foster care or kinship care or wherever else they may have been whilst she has been incarcerated. If she does not have a home, it is also very difficult to make appointments. There is a whole range of other ramifications when a woman has no certain address. Inevitably those women fall back into the bad habits they had left. They reassociate and become reacquainted with a number of the people who in many instances have led them into the prison system in the first place or into the gambling problems and drug-related issues they have. Because they do not have a house, many of them reoffend, and the whole cycle starts all over again.

The women want to form those relationships with their children. As members can well appreciate, these are very difficult relationships to re-establish. They need a significant level of stability and support to do that. An Australian Institute of Criminology study of housing and homelessness outcomes for ex-prisoners found that stable accommodation was likely to contribute to a decrease in reoffending and drug use. That is just one study that proves this point, so it was particularly

pleasing to see the Baillieu government supporting this recommendation.

Sadly, I had only 5 minutes to discuss this report, and I have 40 seconds left. There are several other recommendations that I will address at another time. I want to emphasise the issue of housing and a number of options that should be put up and investigated for women who are exiting prison or are on bail or post-release, as I said.

The Corrections Victoria Housing Project coordinates a number of programs. These are working very well, but we need to enhance this work and look into working with the not-for-profit organisations that are doing some excellent work in this direction. In our next sitting week I would like to speak on this report as well.

Auditor-General: *Facilitating Renewable Energy Development*

Ms PULFORD (Western Victoria) — I would like to say a few words about the Auditor-General's report entitled *Facilitating Renewable Energy Development*. This report talks about actions taken and the need to continually improve the way our energy use is met by renewable energy sources. About 96 per cent of the electricity consumed in Victoria is generated from fossil fuels; brown coal is 90 per cent; gas, 6 per cent; and the combined effort of the renewable energy sector is 3.9 per cent. The report states that that includes wind, biomass, hydro and solar.

In the last Parliament we had a bipartisan approach to a mandatory renewable energy target, and members spoke about that with some enthusiasm in this Parliament when we had legislation dealing with that matter. Subsequently the Baillieu government has indicated that those targets are aspirational. The Minister for Energy and Resources has now announced that the proposed staged closure of Hazelwood power station is not a priority for the government. If I recall correctly, his language around this was that it would be an irresponsible thing to do, to proceed with negotiations around the partial closure of Hazelwood.

In other environmental initiatives the Baillieu government has, of course, employed the fuel reduction service providers in the Alpine National Park — that is the kind of language that would make Sir Humphrey Appleby blush. Last week, through the Environment Protection Authority, the government announced that it would partly approve the HRL Ltd proposal for a 300-megawatt brown coal and gas-fired power station at Morwell. The federal agencies indicate that around 400 megawatts are required for a power station to be

viable. Again there has been a very confusing message from the government on how we will meet our future energy needs. Certainly there has been nothing whatsoever to indicate any enthusiasm for increasing the proportion of our energy that comes from renewable sources.

Hon. M. J. Guy — We've just approved a wind farm!

Ms PULFORD — I take up Mr Guy's interjection and note that he has recently approved a small wind farm at Chepstowe.

Hon. M. J. Guy interjected.

Ms PULFORD — I think size does matter when we are talking about the proportion of energy that comes from renewable sources. In fact the opponents of renewable energy through wind and the wind energy industry are in furious agreement at the Senate hearings that the 2-kilometre offset is completely illogical. It is the one thing that the two sides of the wind energy debate seem to agree on. But I note there is no 2-kilometre setback for the people in the 250 or so homes around Morwell who will be living near this HRL plant.

Further on the Liberal Party's enthusiasm for renewable energy and all things environmental, as members would know the Australian Climate Commission released its report on Monday. It found that evidence of the impact of human greenhouse gas emissions on climate change is stronger than ever. But the Liberal Party sends out the deniers, and none other than Senator Nick Minchin said — —

Mr Lenders — Is he still alive?

Ms PULFORD — He is still around, yes. He is still leading the charge on this issue. Senator Minchin said the report was entirely predictable because it came from a select group of known alarmists who seek to exaggerate the dangers of global warming. Federal opposition leader Mr Abbott continues on his crusade to wreck any initiative that would seek to deal in some part with Australia's share of the global responsibility around dealing with global warming and climate change. I note that the recent Baillieu budget slashes funding to Environment Victoria, and as far as I can tell funding for the wonderful Climate Communities program seems to have gone missing in action as well. Environmental causes are going backwards at a great rate under this government.

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

Brimbank planning scheme: amendment C117

Mr FINN (Western Metropolitan) — I wish to speak this afternoon on the notice of approval of amendment C117 to the Brimbank planning scheme. I see that the Minister for Planning is in the chamber, and I want to express my admiration for the job he is doing as minister. I think it is safe to say he is one of the stars of the Baillieu government. He is leading the way in terms of growth and development in this state, and I commend him for the job he is doing.

This amendment pertains to the introduction and application of a comprehensive development zone, schedule 2, to the Watergardens town centre on Melton Highway in Taylors Lakes. This is quite a substantial development. It is a development that is growing and one we should all be very proud of. The aspect of this planning amendment that concerns me the most is that it was prepared by the Brimbank City Council. This should not worry me, but the amendment then goes on to say that the Brimbank City Council will be responsible for administering the scheme.

An honourable member interjected.

Mr FINN — We got commissioners in Brimbank, as we know, after the council was unceremoniously turfed out by the previous government when it was trying to close down discussion before the last election.

An honourable member interjected.

Mr FINN — It is not forever, but we do have commissioners in Brimbank at the moment. It is worth reminding the house that Brimbank council has brought nothing but shame on local government in this state. It has brought a black mark to the name of local government in the state of Victoria. Brimbank council to most people means corruption, it means payback and it means political shysterism. All things unsavoury we find in Brimbank. The one thing that all those administering this planning scheme in Brimbank have in common is that they are all members of the Australian Labor Party.

We all remember the Ombudsman's report last year — it might even have been the year before when I think about it now — which exposed some of the appalling activities that were going on in Brimbank. It exposed the Suleyman empire, which was controlled by Hakki Suleyman through his daughter, the mayor, Natalie Suleyman; and it exposed the fact that the electorate office of the former Minister for Planning, Justin Madden, was being used as the base for the Suleyman empire. Of course Mr Madden would not have known

because he was never there; I do not think he ever visited the place. It has to be said that the office that used to be occupied by Justin Madden has never seen as much sunlight as it has over the last six or seven months since Mr Elsbury moved in. It has constituents walking through the door, and it has a member of Parliament who is concerned about the people who elected him — and those who did not, I might say, as well.

An honourable member — A cultural shock.

Mr FINN — It is a cultural shock; my very word it is! As I said, the Ombudsman's report uncovered a number of most unsavoury activities, but it only scraped the surface. It did not mention the role of federal members Bill Shorten, Stephen Conroy or Brendan O'Connor, or the Theophani or any of the councillors who were beyond the pale in so many ways. In fact there is a widely known story in Brimbank of one previous councillor who refers quite openly to one major development in the Sunshine area as his superannuation. So you can understand why a shiver has gone down the collective backs of people right throughout the Brimbank area at the prospect of an elected council returning next year. It is because this will be 'Brimbank II — the horror continues' if we continue down this path.

All of the old protagonists are lining up. Hakki is there, and we have George Seitz lining up. This time they have really outdone themselves — George Seitz is going to be mayor of Brimbank. That is what they tell us. God help the people of Brimbank! Can you imagine the shenanigans that will go on with that crew in charge? It is deeply concerning to me as an elected representative of the people of Brimbank. They deserve better. I am hoping that in the lead-up to the council election next year they will get it.

Auditor-General: *Revitalising Central Dandenong*

Mr LENDERS (Southern Metropolitan) — I rise to speak on the Auditor-General's report entitled *Revitalising Central Dandenong*, and I am sure that, as the responsible minister, Mr Guy, who is in the chamber, will take into account some of the report's suggested governance issues. I want to talk primarily about this area's great program of urban renewal — a great Labor legacy — but most importantly the boost this report gives to the city of greater Dandenong and Dandenong as a particular urban area that was originally a market town but which has been swallowed up by the growth of the Dandenong central business district. A lot of its infrastructure got tired, growth

happened and there were some issues in central Dandenong, but a strong collaborative process between the state government and the local council has revitalised the community in an extraordinary fashion.

The Auditor-General's report talks about improving some of the governance areas and the revitalising central Dandenong project. I am sure Mr Guy, as the minister responsible for VicUrban, will take heed of that matter, and I note that Yehudi Blacher, the Secretary of the Department of Planning and Community Development, responds to that matter in the report.

I want to focus on the Revitalising Central Dandenong project and the significant contribution it has made to the Dandenong community. I grew up in Gippsland, and when we would go to Melbourne the gateway was Dandenong. It was a market town and it was where Melbourne started — a place where people used to go for their shopping, recreational and commercial activities. It was a hub. Then for a number of years central Dandenong started to decline to the point where if people were looking for any of those services they needed, they would quite often bypass it and go elsewhere.

With a big capital investment and a big investment in a shared community plan and view, this project has seen the transformation of central Dandenong. For those who closely follow what happens in Dandenong, it is the ideal place for urban renewal. It is at the juncture of CityLink and EastLink, which was a great infrastructure project that was in the *Melway* for decades before it was finally built under a Labor government. There is EastLink, CityLink and the Monash Freeway link, and it is also on the Dandenong railway line.

The south-eastern suburbs, which is an area with a population greater than that of Adelaide, is also the centre of one of the largest job creation areas in Melbourne. As I said, Dandenong used to be a place that was not a logical focal point to think of in relation to commercial activities, but this program has seen a phenomenal change happen. The city of Greater Dandenong has always called itself Melbourne's second city, and we are seeing the results of strong investment by the former state government in the local community for urban renewal.

In his report the Auditor-General kindly outlined some of the highlights of the rebuilding of central Dandenong, and they are in the report for people to read about. There are some great outcomes in central Dandenong which are a result of the urban renewal

policy and also a whole-of-Melbourne policy, and, without provoking Mr Guy, dare I say it is one of the great benefits of the Melbourne 2030 plan at work.

From the perspective of the State Trustees alone, under the previous government one of its offices was relocated to Dandenong from the centre of Melbourne. Previously almost 100 people had to drive or catch the train into the city for their jobs, and their clients would follow them from the Dandenong region into the city to receive the State Trustees' services. By moving one of its offices into the old Arcana building on the corner of Lonsdale and Foster streets in central Dandenong, we suddenly saw those 90 people working close to home with their clients going out to that workplace. Cars were off the road, and there were fewer commuters on the trains. It was a logical part of urban policy which was made possible not only by the previous government's decision to relocate the State Trustees but also by the revitalising central Dandenong project.

I commend this report to the house. I am sure the Minister for Planning will look closely at the governance scheme issues. Fundamentally it was a strong Labor infrastructure investment in partnership with local communities building on the Melbourne 2030 plan that has made central Dandenong a better place to live, work and raise a family.

Auditor-General: *Revitalising Central Dandenong*

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make some remarks on the Auditor-General's report entitled *Revitalising Central Dandenong* of May 2011, which was tabled in Parliament on 4 May. The project was a 16-year initiative, and its objective was to rejuvenate the city centre. The cost of the project was some \$290 million. Whilst there have been some commendable achievements, the delays, especially in attracting private investment, have been a frustration, and the cost of these delays have been needlessly borne by some elements of the small business sector in the city of Greater Dandenong.

As a satellite city the city of Greater Dandenong has some particular challenges and also, as Mr Lenders pointed out, some significant opportunities. The aim of the renewal program was to establish Dandenong as a thriving service and economic hub, to rejuvenate the centre at a cost of \$290 million, to attract over \$1.17 billion of private sector investment, to grow the number of residents and businesses in the area, and to improve the city's central amenities, safety and infrastructure. The one area where quite a lot has been

achieved is an increase in the number of residences through subdivisions and rezoning. Clearly that has opened up enormous opportunities, brought a population increase and so forth.

Nonetheless, the Auditor-General has made a significant series of recommendations to improve performance, in particular the oversight of the project control group. I understand there have been some government improvements following two previous reports, but there are still significant issues in relation to oversight and the lack of performance indicators. The report found this was somewhat symptomatic of the culture of the Labor government. It made lots of promises and claims, but in many instances failed to deliver or to account for itself. It failed to consult with stakeholders, often failed to engage or support local government and wasted millions upon millions of dollars by not implementing appropriate performance standards across a range of activity areas.

Revitalising Central Dandenong (RCD) has suffered enormously as a result of not having appropriate performance standards. One of the reasons has been — which I am absolutely flabbergasted to see — how business has been conducted. At page 11, headed ‘Oversight by the project control group’, the report states:

A key role of the ... group is to monitor and address high-level risks to delivery, and to hold accountable all agencies with direct delivery responsibility. However, the group does not do this systematically.

The group’s meeting agenda includes the project status report, but there is little evidence it uses the reports to hold VicUrban and other delivery agencies to account.

Meeting minutes indicate that the report is noted, and that the project control group considers matters raised by VicUrban. However, the group’s discussions are not adequately documented and its actions are not evident when completion dates for addressing risks are missed. The department advised that key issues from the report are discussed at meetings and that this is reflected in the agenda. However, an agenda is not equivalent to the minutes of a meeting and thus does not provide sufficient assurance that important matters are sufficiently discussed and appropriate actions are taken.

Now that is a lot of money and a lot of decisions to be making without proper business practices and keeping minutes of meetings and action notes. The report goes on to say:

This, along with weaknesses in the project status report, means there is little assurance the group effectively oversees RCD and holds VicUrban and other delivery agencies to account.

At page 12 the report states:

Cross-government collaboration occurs on RCD, but it is not guided by documented procedures and there is little evidence it is consistently effective.

There are enormous opportunities, but clearly failings, in the governance of this organisation. I urge the Minister for Planning to ensure the adoption by the department of the recommendations to develop indicator targets and baseline methods of systematically monitoring and reporting on the RCD achievements, that VicUrban develop a draft framework for evaluating the RCD achievements against the business case and that the department develop a draft monitoring framework for the central activity district program to make sure that all the work is working to a similar plan and agenda.

ADJOURNMENT

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

That the house do now adjourn.

Princes Freeway, Morwell: closure

Mr VINEY (Eastern Victoria) — The matter I raise is for the attention of the Minister for Roads, Mr Mulder, and concerns the dramatic increase in the risk to road users in Morwell as a result of the freeway closure. I will draw to his attention a number of local newspaper articles.

The PRESIDENT — Order! Can I be assured that the matter Mr Viney is going to raise with the minister is different to other representations he has made in respect of this bypass and a problem with the road in Morwell?

Mr VINEY — Yes, it is, President. It is on the basis that today in the other place I was accused of increasing the risk to driver safety by my calls for the freeway to be opened. I wish to draw the attention of the minister to the current risk to drivers as a result of the freeway closure. This is different to other matters that I have raised, which have been issues about the engineering and other matters of concern to the local community. This is directly addressing the matters raised in the Legislative Assembly today about driver safety.

The PRESIDENT — Order! I am not certain that the adjournment debate is the place to address matters or a criticism that might have arisen in the other house. I am mindful that some of Mr Viney’s previous comments in respect of this matter have actually gone to safety issues, not simply engineering issues, so I am not sure that a reiteration of the safety issues necessarily constitutes a new matter in this regard. I will allow him

to proceed, but I will be listening carefully to ensure that he is raising a matter that is materially different to that raised on previous occasions.

Mr VINEY — Thank you, President. I draw attention to a media release issued today by the Minister for Energy and Resources, Mr O'Brien. The matter I raise is for the attention of the Minister for Roads and concerns the matters raised today in the Legislative Assembly and by press release which accuse me of increasing the risk to drivers. These issues relate to driver safety.

I also draw to the attention of the Minister for Roads a report in the *Latrobe Valley Voice* of 6 April, which refers to the number of road accidents in and around Morwell for the first three months of the year being up by more than 65 per cent on the whole of last year. I refer to an article in the *Latrobe Valley Express*, which states:

A female Morwell resident is in a serious condition in Latrobe Regional Hospital after a two-car collision on Monday morning.

This was one in a series of accidents to occur in and around Morwell on the Labour Day long weekend.

With the freeway closure set to continue indefinitely, Latrobe highway patrol officer-in-charge Clint Wilson urged road users to keep calm and use common sense while driving around Morwell.

I can continue. There is a series of articles — —

The PRESIDENT — Order! This is sounding increasingly like a rebuttal of the minister rather than a new matter under the guidelines for the adjournment. The articles Mr Viney has just read, as I understand from my recall, are references he has previously referred to in this place in regard to this matter.

Mr VINEY — President, I have only referred to one of those articles previously. I cannot find it on my Blackberry at the moment, but there is a comprehensive media release from the Minister for Energy and Resources criticising me on issues of road safety, and I wish to raise the same matters that Mr O'Brien has raised in his media release for the attention of the roads minister. I believe that is absolutely proper in the context of further information that has come to the Parliament today, in terms of suggestions about what I might or might not have done. I cannot see how it cannot be relevant for me to raise those matters raised by Mr O'Brien, both in the house and in a media release this afternoon, for the attention of the Minister for Roads.

The PRESIDENT — Order! As I said, the concern I have is that to this point it seems to be more of a rebuttal and a re-run of information that Mr Viney has provided to the house previously. I will accept the fact that he is looking to alert the roads minister. I ask Mr Viney to advise me of who, on the previous occasion, he brought this matter to the attention of? Was that also the Minister for Roads?

Mr VINEY — Yes, I have raised it once with the Minister for Roads and once with Mr O'Brien in relation to a second element to this matter regarding a legal dispute.

The PRESIDENT — Order! Mr Viney, more than most, understands the rules and procedures of the house, so I will defer to that knowledge in allowing him to continue on this occasion, but as I said, I am concerned about the direction of this adjournment, given the rules of our standing orders. I trust that this matter, when it is finalised in Mr Viney's contribution, will be materially different in terms of what it seeks to do.

Mr VINEY — Thank you, President. The government is suggesting that my call for government action on the freeway — that is, for it to be reopened for the benefit of the people of the Latrobe Valley and Gippsland and visitors to the region — is somehow putting at risk the lives of Victorians. I find that to be an offensive suggestion. Whilst the government is doing that, let me say that lives, as evidenced by the articles I have referred to, are at risk today because of the freeway closure. I have been raising issues with the government through adjournments, members statements, questions and other means because I am driven by a concern for the safety and security of the people of the Latrobe Valley and Gippsland.

The PRESIDENT — Order! Thank you. We did sail close to the wind.

Agriculture: young farmers

Mrs PETROVICH (Northern Victoria) — My matter on the adjournment is for Peter Walsh, Minister for Agriculture and Food Security, and it relates to young people in agriculture and food production. I congratulate the minister on the initiatives announced in the recent budget aimed at promoting the all-important support of young people in the Victorian agricultural sector — namely, the government's commitment to provide \$1 million over four years to support Victorian young farmers, up to \$12 million to give young farmers buying their first property a head start, the \$1 billion Regional Growth Fund available from 1 July 2011,

\$1.2 million to continue the First Farm Grant program which was going to lapse under the former Labor government and the Farmers Market support program of \$2 million over four years.

Food production and processing is a core business in Victoria, and we must nurture, encourage and promote young people in this vital industry. The shire of Murrindindi in my electorate is renowned for its beef production. Recently over \$5 million worth of stock moved through the Yea saleyards in one week. In March approximately \$2.5 million worth of bulls were sold to Russia, the Falkland Islands and all states of Australia.

The beef production industry is vitally important to the Victorian economy. The initiatives announced by Minister Walsh will greatly assist the industry's effort to attract and retain young people and improve the perception of young people in agriculture. Victoria's young farmers are multiskilled and highly intelligent, and this needs to be promoted.

New Zealand has a well-established young farmers competition attracting \$2.4 million in sponsorship and offering almost \$350 000 in prizes, with a televised grand final. The Kiwis are keen to establish a trans-Tasman competition. I commend this program. The action I seek is that this program be commended to the minister, and I ask that he write to the federal government and recommend this as a national competition and a further initiative to encourage retention of young Victorian farmers and to raise their profiles.

Water: charges

Mr LENDERS (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the Minister for Water, Peter Walsh. The matter arises out of answers he gave to the Public Accounts and Estimates Committee about the turning on — or not — of the north–south pipe. When he was asked by Mr Pakula in the first instance about whether water could be pumped to Melbourne, the original answer was that there was not room in the Sugarloaf Reservoir. When it was pointed out by Mr Pakula that water could be pumped through Maroondah to Cardinia — in fact there is capacity of more than 75 gegalitres in Cardinia — Mr Walsh changed his tune and said it was policy not to pump it through.

While our dams in Melbourne are 46 per cent empty and northern Victoria is awash with water, now is the appropriate time to be moving the water — when there are floods in the north and dam space in the south. It

was suggested to the minister that this inaction on the part of the government and this policy position will mean that 4 million Victorians in the south of the state around Melbourne will pay higher water bills because the water they have already paid for will soon be spilling through the Goulburn River and running down to South Australia.

The minister's response to this was to say that the system should be augmented by more expensive recycling and stormwater projects for Melbourne and Ballarat. The issue that I ask the minister to turn his attention to is to protect the 4 million Victorians living south of the Great Dividing Range from cost of living increases. I ask him to advise when he will prepare and present with Melbourne Water the protocols that he indicated he was working on so that Melburnians and other Victorians in Geelong, Ballarat, Bendigo and south and west Gippsland, who rely on water out of the Goulburn system, will know the cost of that water and the cost to their families of higher utility bills due to the inaction of the minister. What I seek from him is information about when the protocols will be brought forward.

Mr Drum interjected.

Mr LENDERS — Mr Drum may laugh about the fact that in the southern part of his electorate around Macedon and in Bendigo people will pay higher water bills. He may think it funny that urban users might have higher water bills.

Mr Drum interjected.

The PRESIDENT — Order! Mr Drum!

Mr LENDERS — The action that I seek from the minister is the provision of the protocols so those electors of Mr Drum will know when their higher water bills are coming, courtesy of an uncaring Nationals minister.

Native vegetation: legislation

Mr RAMSAY (Western Victoria) — The matter I would like to raise on the adjournment is for the Minister for Environment and Climate Change, Ryan Smith. In doing so I congratulate Mr Smith for the good work he is doing in a difficult climate, if you will excuse the pun, in providing common-sense solutions to environmental issues and in particular in reviewing the interpretations of the native vegetation legislation.

The Brumby legacy of having native vegetation legislation that has progressively choked regional Victoria in environmental regulation — which the

Victorian Competition and Efficiency Commission admits costs small business up to \$395 million per year to comply with — and removed any common sense when it comes to finding a balance between preserving native vegetation and ensuring community sustainability, livability and safety is a disgrace and must be challenged and changed.

Even the policy-makers and regulators at DSE (Department of Sustainability and Environment) and the Department of Primary Industries are confused by this irrational and confusing legislation. While the Labor Party has been proactive in calling for the socioeconomic impacts of the water buybacks in the Murray Goulburn to be addressed, it has shown no interest in and been mute on the impacts of the native vegetation legislation on communities.

The current legislation is creating confusion in a number of agencies and is seriously impacting on the communities of Victoria, particularly communities in Western Victoria Region. The Country Fire Authority says it cannot burn roadside reserves for fire mitigation because of the legislation. The catchment management authorities say they are restricted in removing debris from rivers, streams and channels. Local councils say they cannot provide road safety because of hazardous roadside vegetation, and there is no clarity in permit applications for planning under the definition of the legislation. Water authorities that install infrastructure have to commandeer private land rather than using regulated road reserves. Farmers say they cannot build fence lines or move hazardous limbs away from their assets. They are required to make offsets of 300 trees to 1 removal, and the DSE policy of net gain-net loss calculations is confusing. Furthermore, communities cannot collect firewood on reserves. It is all sheer madness, and it is tearing country communities apart.

The previous culture and interpretation of the legislation by former Premier Brumby's bureaucrats has caused an unholy mess in Victoria. No-one is immune from this draconian policy, which is another legacy of failure of the Brumby government and which was partly responsible for the ferocity of the natural disasters of fire and flood here in Victoria.

I ask and encourage the minister to review the interpretations of the legislation as policed by the regulators and to introduce some common sense to the policy, which did have good intent for preserving native vegetation but which falls down in its application.

Planning: Footscray development

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the planning minister, Mr Guy. It would seem that we have gone from bad to worse in consulting and listening to people in the western suburbs on planning issues. The implementation of the regional rail link project and the approval of a 25-storey tower in Footscray demonstrate an appalling lack of community consultation and connection.

The previous government began the process of forming a community consultative committee for the regional rail link, and it had actually interviewed applicants. The problem is that this does not seem to have gone anywhere. The Baillieu government has taken no steps to form the committee and has not communicated with committee applicants or the residents in Barkly Street. Again they found out that work would start in July by reading the newspapers rather than from the Regional Rail Link Authority or the government. Also, approving a 25-storey residential tower in Footscray without even talking to the local council, let alone the community, just further demonstrates how far off track things are.

My request of the minister is that he start real consultation with both the local council and the local community, especially on issues in relation to C90 and the regional rail link. I would also suggest that he speak to people who have made submissions in relation to C90 and that this government start doing what it promised to do in opposition, which is to have a transparent planning process and to engage with the community.

Reach Out for Kids Foundation: funding

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Attorney-General, Robert Clark, and it concerns the continuity of funding from the Department of Justice following the merger with Anglicare of a particularly fantastic organisation that I know you, President, have had a longer association with than I have had, and that is the Reach Out for Kids Foundation. It is a community-based foundation that provides services for financially, socially and emotionally disadvantaged children, young people and their families, mainly in the Whitehorse area but also extending to surrounding areas.

The Reach Out for Kids Foundation has decided that the merger with Anglicare is an appropriate way of continuing and expanding its services, but it is important that the funding that is supplied by the

Department of Justice continue. The department has not got back to the foundation in recent times, and it is critical that it get back to the foundation soon to give it an assurance that the funding will flow over when it is amalgamated with Anglicare. There are only six weeks left before that merger is going to be completed.

I also ask the minister if he could liaise with the appropriate minister at the Department of Human Services to ensure that funding for early intervention and prevention programs, which are unique to this foundation, as the President would know, also comes over after the merger so that those unique programs are not lost to this part of the eastern suburbs. I ask if he could also liaise with Minister Wooldridge — I think she might cover that area, but it might be Minister Lovell — and make sure that both of those bodies of money get transferred over after the merger of these two great foundations so that they can continue their good work.

Higher education: multicultural communities

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Higher Education and Skills. President, you would have heard a little earlier both Mr Lenders and me talking about central Dandenong in the city of Greater Dandenong. It is the heart of our multicultural communities. It has a very significant number of people from multicultural backgrounds, including both existing and emerging communities, and they have specific needs.

Unfortunately, as a result of the Brumby government dramatically increasing TAFE fees, there has been a drop-off in enrolments at Chisholm Institute of TAFE in Dandenong of 13 per cent. That is not unexpected, given that economic factors impact significantly on that particular demographic as they are trying to establish themselves economically and financially. Clearly the increased TAFE fees are going to be a barrier to their participation.

The minister has admirably sought out a clear policy direction. He wants to increase Victoria's participation in higher education, especially in regional areas. Typically people would think of rural and regional areas as being outside of Melbourne, but clearly we also have regions in metropolitan Melbourne, and Dandenong is a significant region. It is important to have people with the skills for an emerging and flexible labour force in order to drive economic growth and meet the needs of industry, and that area is the heart of significant industry. The area from Hallam through to Moorabbin and Braeside used to be home to something

like 20 per cent of all manufacturing in Australia. I am not sure exactly where that figure is at this stage; it is very high.

Recently I received a delegation including Hayat Doughan, Martins Olusegun and Sakina Ali. They are from different multicultural communities and wanted to emphasise to me the importance of having affordable TAFE fees so that they could take advantage of the employment that is available and the need to respond flexibly to job opportunities. All they want to do is have the opportunity to take part in the economy and in other aspects of life here in Australia, their new homeland. They want to get into the workforce but also have the ability to upskill. Some immigrants have come here with very little education, so affordable tertiary and further education is critical if they are to integrate effectively here.

I call on the minister to keep in mind, during his review of TAFE fees, the specific needs of our emerging and multicultural communities, especially those who have missed out on essential forms of education, and to make sure that fees are not a barrier to their participation in further education.

Manufacturing: job losses

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Manufacturing, Exports and Trade concerning job losses in the Victorian manufacturing sector since March this year. Victoria has historically been — and, I might add, continues to be — the heartland of the Australian manufacturing sector due to its competitive advantage in modern cutting-edge capabilities.

The 1990s was a difficult period of time for the manufacturing industry, with the adverse impact of globalisation on our manufacturing industries, but the Bracks and Brumby governments facilitated the transformation of Victoria's manufacturing sector from the traditional low-skill, labour-intensive sector to a high-skill high-tech sector. As a result Victoria continues to produce 30 per cent of the nation's manufacturing output and provide 10 per cent of the nation's employment. The manufacturing sector's share of output and employment within the state compared to other sectors of the economy, however, has slipped considerably. Notwithstanding this, Victoria's manufacturing sector still produces around 10 per cent of the state's gross state product and provides 11.4 per cent of the state's employment.

Given that manufacturing is a vital part of our economy in terms of employment, production and technology

transfer, I would hope that the Baillieu government intends to provide assistance to industry to cushion the deleterious effects of the rapidly appreciating Australian dollar on Victorian manufacturers. It is unfortunate that the government missed the opportunity, through the budget a couple of weeks ago, to initiate an urgent policy response to the high Australian dollar. In the meantime, Victorians employed in the manufacturing industry and Victorian manufacturers are waiting nervously for leadership from the government.

I can only hope that the Victorian Competition and Efficiency Commission process will end sooner rather than later so that we get a plan and a policy for Victorian manufacturing. Since March, 733 manufacturing jobs have been lost from places like Bosch, National Foods and Ford Australia. The action I seek is for the minister to inform me as to whether he has met with representatives of these vital Victorian companies to offer assistance from the Victorian government. If so, what assistance has been offered and what is his policy and strategy to prevent more job losses in the manufacturing industry?

Ambulance services: subscriptions

Mr ELSBURY (Western Metropolitan) — My adjournment matter is directed to the Minister for Health, David Davis, and relates to the critical need for ambulance services to gain attention they desperately need after 11 years of Labor. I feel compelled to rise this evening following comments in the *Herald Sun* of 12 May this year attributed to Martin Pakula, a member for Western Metropolitan Region and occasional visitor to the western suburbs. On the reduction of the ambulance subscription fee the article states:

The cheaper fees are expected to lead to a significant increase in ambulance members.

That is a good thing, I would think. It goes on to say:

Opposition MP Martin Pakula suggests this would spark more call-outs ...

Correct me if I am wrong, but this sounds like a very *Yes, Minister* argument. Mr Pakula's logic in this instance is flawed. However, given the history of the previous government, in which Mr Pakula was a minister, and this interesting insight into his mind, I would not be surprised to learn that increasing the ambulance subscription fee had been explored as a measure to reduce waiting times in hospital waiting rooms or to stop the ramping of ambulances in hospital car parks. It is the sort of thing you would expect from those who proposed to build hospitals with no beds or a

state-of-the-art children's hospital with no computer network infrastructure.

I support the reduction in the ambulance subscription fee, which will enable some of the families in my electorate who are doing it tough to afford the protection the subscription provides. As with any insurance, you hope you will never need to call upon it, but it is better to pay the fee at the new reduced rate than to be slugged thousands of dollars should an emergency arise. While those opposite choose to cloud the issue with suggestions that Victorians will misuse the ambulance service as a result of these reduced fees, all I can say is: how pathetic! They sat on their hands for 11 years in typical Labor fashion, and as soon as there is a suggestion that a fee, charge or levy should be reduced, they go on the attack. Perhaps a fee reduction is so much against the grain of Labor because it is so used to ratcheting up expenses — which, by the way, happens to hurt low-income earners and families.

This is a responsible move by the coalition, a move that has been tested in the heat of an election and proved to be popular. It is financially responsible, as it has been costed. It will now be implemented to benefit Victorians. I urge the minister to stick to the path we planned and took to the people at the last election. I urge him to ignore the ridiculous rantings from those opposite and deliver an improved ambulance system that provides a greater number of Victorians with an incentive to subscribe and provide their families with additional protection, should they need to use an ambulance.

SPC Ardmona: future

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of Peter Ryan in his capacity as the Minister for Regional and Rural Development. The matter I raise concerns the decision by Coca-Cola Amatil to review SPC Ardmona's food operations in the Goulburn Valley. SPC Ardmona is Australia's premier fruit and vegetable processing company, with a current turnover of approximately \$500 million. It sources the majority of its produce from Victoria's Goulburn Valley and is a vital part of our local economy.

SPC Ardmona employs 600 people at its Shepparton, Mooropna and Kyabram bases, with the numbers temporarily increasing to about 1250 employees during the season. SPC has a strong history in Shepparton. In 1918 local fruit growers founded the Shepparton Preserving Company as a cooperative. It has grown over the years, merging with Ardmona in 2002 before Coca-Cola Amatil acquired the company in 2005.

The recent determination to cut some entitlements for SPC Ardmona supervisors and clerical and administrative staff is a worrying trend. A great deal of anxiety exists as employees await their fate as the company undertakes a review of its operations. I call on the minister to meet with the company heads as a matter of urgency in order to save the very important regional jobs in the Goulburn Valley that need to be secured. Job retention and job creation in regional Victoria should be a top priority for the Baillieu and Ryan government, just as it was for the previous Labor government. Job creation and economic growth in regional Victoria do not happen by accident; they require determination and action by government. I strongly urge Peter Ryan to make every effort to ensure that the regional jobs at SPC Ardmona are supported and remain in the Goulburn Valley.

Public transport: Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — I wish to raise a matter for the Minister for Public Transport. It is extremely disappointing that the new government is already showing a considerable bias against the culturally diverse community that is my electorate — Western Metropolitan Region, which is the most economically disadvantaged region in the state and where people are lucky if they can afford to use public transport. This is the region where the critical infrastructure of public transport is being killed off by the new government, where cutbacks by the Baillieu government mean that for many people journey times have doubled if not almost tripled for many people and where the Minister for Public Transport has announced that the fully funded and costed upgrade of the busy Moonee Ponds railway station will not proceed.

My constituents who are sick and need to travel to hospital for much-needed care or are students who travel to and from school to receive an education, as well as many others in my region, have again been disadvantaged. Travel by express trains is no longer available to the residents of my electorate. This will result in longer travel times, less comfortable travel and fewer rights as citizens than people who live in South Yarra or Kew have. Therefore I ask the Minister for Public Transport and the coalition government to review these hurtful and short-sighted decisions.

Kindergarten Inclusion Support Services: eligibility criteria

Ms PULFORD (Western Victoria) — The adjournment matter I wish to raise this evening is for the attention of the Minister for Children and Early Childhood Development, Wendy Lovell. I have

recently been contacted by a mother in my electorate who is in desperate need of support for her chronically ill child, who I shall refer to as 'Miss W'. I do this to protect the privacy of the family concerned, but in correspondence to the minister I will provide further details to identify the child and her locality.

This child was born with a severe form of Hirschsprung disease, which causes slow transit constipation. This means she was born without certain cells in the intestine, which prevents the muscles in her bowels from working. Miss W has no sensation to indicate she needs to pass a motion. She has extreme difficulty in doing so and has to be medicated for it to happen. When this child has a bowel movement the subsequent chronic flow necessitates changing all her clothing.

This child's kindergarten applied to the Kindergarten Inclusion Support Services for assistance but the kindergarten's application was declined on the grounds that Miss W's condition did not meet the eligibility criteria. In a press release of 7 May 2008 the then shadow Minister for Children and Early Childhood Development, Ms Lovell, called on the former government to broaden the eligibility criteria for the KISS program, saying:

The failure to provide KISS funding not only impacts on students with a disability, but also other children in their class whose kindergarten experience can be disrupted.

Without access to KISS funding, students with a disability are missing out on a proper kindergarten experience, which is an important stage in early education.

It seems to me that this is exactly the type of case that Ms Lovell might have had in mind when she talked about the need to broaden the eligibility criteria for the KISS program. Now that Ms Lovell is the responsible minister I hope that it is within her new powers to resolve this impasse. I urge the minister to work with the local kindergarten, and through her department seek to address this problem to ensure that Miss W receives the assistance that she so desperately needs to enable her to have as full a participation in her early childhood education as can be arranged.

Responses

Hon. M. J. GUY (Minister for Planning) — I will refer Mr Viney's inquiry to the Minister for Roads, Mr Mulder. It is in relation to the Princes Highway closure at Morwell.

Mrs Petrovich raised an issue for the Minister for Agriculture and Food Security, Peter Walsh, in regard to agricultural food production and the young people involved in that area.

Mr Lenders raised an issue for Mr Walsh as well in his capacity as Minister for Water. The matter is in relation to the north–south pipeline.

Mr Ramsay raised an issue for the Minister for Environment and Climate Change, Ryan Smith, in relation to native vegetation and a review of the act.

Ms Hartland raised an issue for me broadly in relation to consultation for communities on two issues — that is, the regional rail link and the approval of an apartment building in central Footscray. I will dispatch that matter now by saying that in the last two question times I have been asked questions in relation to the building in the Joseph Road precinct in Footscray. On both occasions I have made it clear that my department formed a working group and met with the council as far back as 28 October 2010. In fact yesterday I outlined all six dates, I believe it was, on which my department has met with the council, even meeting it on the site.

Under the previous government the department was working with the council around the intention to build a 25-storey apartment block on that site. It is of some concern to me that Ms Hartland, a relatively intelligent person, would walk in again tonight and repeat a claim that we have never talked to the council about this. She has heard me twice say that those allegations are not only false but they are utterly misleading. I have stated twice that we have, and I have provided factual evidence to the contrary of her claim. It is quite bizarre. It demeans the issue she has raised, which is of quite obvious concern, in relation to community consultation. To repeat lines which have been put forward in a politicised manner by some elements of that council is just silly.

As I said, we have had a large amount of consultation with the council on this proposal. My department advised me some time ago that the only issue the council raised was that of height, and that the issue in relation to height was one which it was not particularly concerned about. The council was quite comfortable in the knowledge of what both the previous and the current governments had been pursuing for that site and that the approval we gave to the precinct would be one that would remove the pressure for the approval of apartment blocks in small residential streets outside the activities area. It is the government's intention to contain developments and residential change to within an activities area close to a railway station in an industrial area, which this currently is and which will obviously change, and in a manner which was consistent with the zoning. The zoning is one that the previous Labor government and the Maribyrnong City Council asked for.

We have responded to the concerns which were put forward. We have acted in a manner consistent with the zoning and we have done all that in a very full and frank manner. I consider that matter discharged.

Mr Leane raised an issue for the Attorney-General, Robert Clark, in relation to funding issues in the Attorney-General's department.

Mrs Peulich raised an issue for the Minister for Higher Education and Skills, Mr Hall, in relation to the cost of TAFE fees under Labor and the increasing issue of educational participation that is needed.

Mr Somyurek gave an interesting performance in relation to an issue he has raised for the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. He accused him in effect of being responsible for the higher Australian dollar, which is unique, and then stated that Mr Dalla-Riva was responsible for manufacturing figures, which are a flow-over from the previous government. I have noted that the issue of the Australian dollar being above 90 cents has been around since September 2009. It beggars belief that he has not raised this issue before. However, I will pass that issue on to Mr Dalla-Riva to deal with and formally respond to Mr Somyurek.

Mr Elsbury raised an issue for the Minister for Health, Mr Davis, about ambulance services, which is very important.

Ms Darveniza raised an issue for the Minister for Regional and Rural Development, Peter Ryan, in relation to SPC Ardmona, which is obviously important to the Shepparton and Goulburn Valley region.

Mr Eideh raised an issue for the Minister for Public Transport, Mr Mulder.

Ms Pulford raised an issue for the Minister for Children and Early Childhood Development, Ms Lovell.

I have written responses to adjournment debate matters raised by Mrs Coote on 23 March, Mr O'Donohue on 7 April and Mr Lenders and Ms Hartland on 3 May.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6.45 p.m.

