

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 31 August 2011

(Extract from book 12)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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

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

Legislative Council standing committees

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

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

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

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

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

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

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

Participating member

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr 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 Elasmr 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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Mr J. LENDERS

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Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

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Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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Wednesday, 31 August 2011

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

PETITIONS

Following petitions presented to house:

Western Region Health Centre: dental service funding

To the Legislative Council of Victoria:

This petition of residents of Victoria draws to the attention of the Council that:

1. the Western Region Health Centre provides annual emergency and general dental care to over 10 000 children and adults from sites at Geelong Road and Paisley Street, Footscray;
2. these services are the major dental facility for some of the most disadvantaged residents of the west, who have poor oral health compared to the state average and are otherwise unable to access dental care;
3. we are disappointed with the lack of commitment in the Victorian state budget 2011–12 to redevelop these ageing facilities in line with the recommendations of several reports; and
4. we are concerned that these vital services now face a critical threat of closure.

The petitioners therefore request that the Legislative Council of Victoria:

1. take all necessary steps to ensure the safety, quality and future viability of the services, including a commitment to the provision of urgently needed capital upgrades for a new facility.

By Mr FINN (Western Metropolitan) (2000 signatures).

Laid on table.

Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment.

Full funding for the program was provided by the previous state Labor government but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

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

By Ms TIERNEY (Western Victoria) (7 signatures).

Laid on table.

PAPERS

Laid on table by Acting Clerk:

Auditor-General Report on Road Safety Camera Program, August 2011.

Ombudsman — Report, 2010–11 — Part 1.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 86.

Drugs, Poisons and Controlled Substances Act 1981 — No. 88.

Electricity Safety Act 1998 — No. 85.

Tobacco Act 1987 — No. 87.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 85 and 87.

Victorian Multicultural Commission — Report 2010–11.

**ENVIRONMENT AND PLANNING
LEGISLATION COMMITTEE**

Membership

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

That Ms Hartland be a participating member of the Environment and Planning Legislation Committee.

Motion agreed to.

MEMBERS STATEMENTS

Cranbourne Integrated Care Centre: day surgery unit

Mr TARLAMIS (South Eastern Metropolitan) — I rise to congratulate the Cranbourne Integrated Care

Centre day surgery unit on reaching its 10th anniversary. This essential service plays an important role in improving the quality of life and wellbeing of people in the Cranbourne and wider community while delivering affordable health care. Since opening its doors in 2001 the day surgery unit has treated over 25 000 patients. Amongst the services it provides is state-of-the-art eye surgery, which has had a major impact on waiting lists for cataract surgery in the local area and throughout Victoria.

I note that the Minister for Health visited the centre recently, praising its success in improving the health and wellbeing of the local community and acknowledging its impressive delivery of surgeries over the past 10 years. This is clearly an acknowledgement of the notable management of the facility and an endorsement of the previous government's investment in health care in Cranbourne and the surrounding area. I trust that after visiting the centre and witnessing the range of health-care services it provides and with a clear understanding of the essential role it provides for the health and wellbeing of its patients, the minister will endeavour to build upon the legacy left by the Labor government by continuing to invest in its staff and services.

The Shed Skatepark: award

Mr TARLAMIS — On another matter, I congratulate the City of Casey on receiving a prestigious award for its innovative skate park known as The Shed in Cranbourne East. The indoor skate park, which is the largest in the Southern Hemisphere, took out the Victoria and Tasmania regional excellence award for leisure facility development from Parks and Leisure Australia.

The Shed provides a wide range of facilities for skateboard riders of all skill levels as well as BMX riders, inline skaters and scooter riders. It also runs workshops and clinics. Young people in Casey have embraced the facility, with more than 12 700 members joining since its reopening in November last year. The facility is now in the running for the national award, and I wish it the best of luck. The winner will be announced in September.

Fire blight: New Zealand imports

Hon. W. A. LOVELL (Minister for Housing) — I wish to raise a matter of grave importance to the Goulburn Valley — that is, the importation of New Zealand apples into Australia. It is extremely disappointing to have found out this morning that of the first 12 consignments which have arrived in Australia

from New Zealand, 1 of them contained leaf matter and also some grubs. Leaf matter is the most likely way that fire blight will get into Australia.

Fire blight is a disease that is terminal to the apple and pear industries. It attacks — in fact it kills — the trees. We do not have fire blight in Australia, but it is found in New Zealand. This is the reason that the growers in the Goulburn Valley and Harcourt in my electorate have been so vocal in their opposition to the importation of New Zealand apples. We have never opposed the importation on trade grounds; we have only ever opposed it on biosecurity grounds, and now in the first few containers to arrive in Australia we find matter with the real possibility of bringing this shocking disease into Australia.

I congratulate the Minister for Agriculture, Peter Walsh, who is considering introducing quarantine areas in the apple and pear growing regions of Victoria, particularly the Goulburn and Yarra valleys. Fire blight disease — —

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

Shepparton: No Interest Loan Scheme

Ms DARVENIZA (Northern Victoria) — I was very pleased last Thursday to attend the official launch of the No Interest Loan Scheme in Shepparton, which has been operating since March this year. The No Interest Loan Scheme was developed by the Good Shepherd Youth and Family Service back in 1981 and receives funding through the federal government and the National Australia Bank. There are currently 95 No Interest Loan Scheme programs operating in Victoria and 300 throughout Australia.

The Shepparton scheme is being run by the Salvation Army. Loans of up to \$1500 are now available to low-income earners to purchase necessary household goods and services. The loans are not available for debt repayment or for cash; the scheme is run so that people are able to purchase necessary household goods and services. Low-income earners in Shepparton and greater Shepparton now have access to a program that will assist many with the purchase of essential whitegoods, medical aids such as wheelchairs and sleep apnoea machines, and other goods that can make a real difference to the quality of life of individuals and families. I would like to congratulate all of those who have been involved in establishing this very important program.

South Sudan: independence celebration

Mr O'DONOHUE (Eastern Victoria) — Members of the South Sudanese community all over the world celebrated their country's independence on 9 July 2011. In Victoria the largest celebration took place in the city of Kingston with more than 3500 people attending.

The celebration marked a historic day for the South Sudanese community here in Victoria after a referendum was conducted in January this year, with 99 per cent of people from South Sudan voting to separate from the north. The Sudanese people have experienced decades of war following independence in 1956. The most recent civil war, which started in 1983, lasted for more than 22 years, with more than 2 million people dying in the conflict and 3 million people displaced. Many Sudanese were forced to seek asylum in other countries, including Australia, where there are now more than 22 000 Sudanese migrants, at least 8000 of whom are believed to be in Victoria.

The independence celebration was a momentous occasion for the people of South Sudan. There are many issues still to be worked through for this new country, and I hope this process goes as smoothly as can be reasonably anticipated, particularly for those Victorians who still have family and friends in Sudan.

I have been lucky in my electorate to have had dealings with the Sudanese community from the Pakenham growth corridor, the Bass Coast and the Latrobe Valley. Many of those people have come to Australia after years in refugee camps in Egypt, Kenya and other parts of the world. I congratulate them for their contribution to our community and wish them and their community well.

Foodbank Victoria: funding

Ms TIERNEY (Western Victoria) — Members of the house may be aware of the charitable organisation Foodbank Victoria, which for the past two years has provided emergency relief resources for Victoria's most vulnerable. The food bank aims to deliver nutritious, healthy food to individuals and families experiencing hardship through a network of community organisations such as welfare agencies, support groups, schools and local resource centres.

As reported in the *Weekly Times* last Wednesday, the Baillieu government has cut funding for this important service, with no explanation or warning and seemingly no compassion whatsoever. The Brumby government set up this program to support rural communities in tackling poverty with \$425 000 a year worth of

funding, yet the new government cannot even fork out a quarter of that, offering a measly \$75 000 per year for one worker across the entire state. This issue has been raised with much concern amongst relief agencies such as the Salvation Army and St Vincent de Paul, which have called on the government to reinstate Foodbank Victoria's rural support workers.

I have no doubt that Mr Damian Drum, a man who chaired the Rural and Regional Committee's inquiry into rural disadvantage last year, is utterly embarrassed by the government's latest ad hoc funding slash. Our report clearly stated that such health and welfare programs are essential to the wellbeing of rural and regional Victoria. Along with every single member of the government who claims to have a shred of compassion for vulnerable Victorians, Mr Drum ought to be embarrassed. I urge all members of this place and members of the community to look at the *Weekly Times* online comments from the many varied rural and regional Victorians — —

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

Michael McLean

Mr ONDARCHIE (Northern Metropolitan) — A gentleman, a gentle man and a stalwart of the Greensborough Hockey Club — I pay tribute today, on the sad passing of Mick McLean, Sr, and honour his life and contribution to the Greensborough Hockey Club and to hockey in general.

Michael Daniel McLean, born on 13 July 1950, passed away on Saturday, 20 August, aged 61. I offer condolences and sympathy to Michael's wife, Nora, and his children, Michael and Kathleen. Mick's funeral was yesterday. He met his wife, Nora, 32 years ago on a trip to the Philippines. He had a great love for the Philippines, and he was planning to retire there next year.

Mick had four great loves in his life: family, friends, the Philippines and the Greensborough Hockey Club. Mick served his country in battle as Michael Daniel McLean, 3802168, 1st Battalion, Royal Australian Regiment. Mick became a member of the Greensborough Hockey Club from almost the time the club was founded. He played with many of the great names and characters of the club and would often share his stories of how smart a player he was. Being a smart player was often part of Mick's encouragement to the young players — players he so ably supported, particularly my son Steven.

Mick was the life and soul of the hockey club, spending countless hours doing maintenance and building work, organising teams, umpiring and acting as the secretary and a board member of the club and a friend to all. His contribution in moving the club to its new home in Plenty and building the club to its prominent position today is second to none, and he was awarded life membership in 2004. I often joked that Mick lived on site at the hockey club.

Mick's support for hockey went beyond the Greensborough Hockey Club; he had many friends from other clubs interstate and supported many players at state and international levels. He was a successful businessman and supported many club members by giving them jobs that allowed them to pursue their hockey dreams. He also kept a keen interest in and passion for grassroots hockey. Mick started at the Greensborough Hockey Club in its inaugural year, and he played in the first junior premierships in 1962. He played over 300 pennant games and retired in the early 1980s. He was awarded life membership in 2004.

Goodbye, Mick Mclean. The hockey club will miss you, the Ondarchie family will miss you, and I know that Steveo will always play at his best in honour of the time, support, advice and guidance you gave him. Goodbye, mate.

Deer Park library: refurbishment

Mr EIDEH (Western Metropolitan) — On 23 August I had the pleasure of attending the opening of the redeveloped Deer Park library, along with my colleague in the other place, Telmo Languiller, the member for Derrimut. This essential infrastructure will give members of the Brimbank community access to the great resources it houses, not only to expand their knowledge but also to enjoy a place which brings their community together.

I would like to acknowledge the Minister for Local Government, Jeanette Powell, who officially opened the refurbished venue. The new \$427 000 facility will provide study space for up to 80 students. Twenty-four new computers and four new touch screen computers will facilitate the community, from young children to senior citizens, wanting to learn about the state-of-the-art technology the library has now acquired.

Education and the continued furthering of knowledge is an issue of significance in my electorate, which is why I, along with my constituents, have welcomed the development and resources that the local council and the state government have provided in Deer Park. I

hope that the promised further funding from the Baillieu government for local libraries around the state, especially the ones in my electorate, is upheld so that they can continue to create higher standards in education, which is essential in Western Metropolitan Region.

Regional Toolbox for Environmental Change

Mrs PETROVICH (Northern Victoria) — On Friday, 19 August, I had the pleasure of launching the Regional Toolbox for Environmental Change forum, which is Victoria's premier regional conference for those involved in education for sustainability. Now in its third year, the forum was held at the Narmbool Lodge Environmental Discovery Camp near Elaine, south of Ballarat. It provides a key opportunity for teachers and administrators.

The Regional Toolbox for Environmental Change forum is a partnership between Greening Australia, Sovereign Hill and the Department of Education and Early Childhood Development (DEECD). Its major supporters are the *Courier*, the University of Ballarat, Sustainability Victoria and Bug Blitz. This year the focus was on the effective use of the Victorian Essential Learning Standards curriculum links, technology in education for sustainability, school case studies and ResourceSmart Australian Sustainable Schools Initiative Victoria.

The accredited framework for education was about waste, biodiversity and resource conservation. Since 2001, 662 schools around the state have been engaged in the framework, and around 354 of these schools have been regional schools. Fourteen environmental education provider organisations, many of which are funded by the DEECD's strategic partnerships program, provided workshops and displays for teachers at the forum. I look forward to applying to bring the display of the program to Parliament House to ensure that others learn about the practical and sustainable environmental solutions proposed by our children.

BlueScope Steel: job losses

Mr SCHEFFER (Eastern Victoria) — Last week BlueScope Steel announced that in an effort to turn around its Australian earnings it would close down its unprofitable steel export activities. This will involve shutting down a blast furnace and coke-making battery at Port Kembla and closing the hot strip mill at Western Port, resulting in a workforce reduction of 1000 people — 800 at Port Kembla and 200 at Hastings. The ALP opposition in Victoria immediately issued a statement of solidarity with the workers and

families who will be impacted by the closure of the plant, and I associate myself with that statement of solidarity.

We all understand that BlueScope's decision is not the fault of either the Victorian or federal governments, and BlueScope itself has indicated that the value of the Australian dollar, low international steel prices and high raw material costs are the cause. BlueScope may well deserve some criticism over its own business decisions. Its decision to pay its top executives millions in bonuses while it sacks 1000 workers has brought it no credit.

The federal Labor government immediately introduced a new advance facility under the \$300 million steel transformation plan to support jobs and meet short-term cash flow issues to help the industry become more efficient and sustainable. The Prime Minister is meeting with steel workers, unions and businesses. I understand that while the Premier has met with steelworkers, the Victorian government has no plan to keep and grow manufacturing jobs. The Baillieu government believes it has no role to play in job creation, and its inactivity is running down the state.

Geelong College: 150th anniversary

Mr KOCH (Western Victoria) — As a former student and a parent of students of Geelong College I was delighted recently to attend with my wife, Jan, Geelong College's sesquicentenary festival. The occasion celebrated the long association the college has had with the Geelong and Western District communities. Over the years, thousands of students have passed through the college, many of whom have become leaders in industry, commerce, sport and government. I fondly remember attending the college when it celebrated its 100th anniversary, which I must say does not seem that long ago — it just feels like it sometimes!

The festival was held over three days, and more than 5000 people participated in a wide range of activities. A highlight was the football and netball games played between the college's year 12 teams and members of the old collegiates association that is made up of past students aged from 20 to 30 years, which counted me out — only just! For the record, the alumni beat the current students in the netball by one point, while the footballers lost to the year 12 team by two points.

Other highlights included a historic archival display and a special guided tour of the college's iconic architecture, art and sculpture. The ever-popular personalities Billy Brownless and Ian Cover of the

Coodabeen Champions served as masters of ceremonies for the occasion. My congratulations to all those involved, especially students, staff and parents, on hosting a very successful festival, a key event of the college's sesquicentenary program celebrating 150 years of education at the Geelong College.

Gaming: poker machine monitoring licence

Hon. M. P. PAKULA (Western Metropolitan) — A little remarked-upon element of the move to a venue-based model for poker machine operation is the need to award a monitoring licence to ensure the overall integrity of the system. The date for the changeover to the venue-based model is now less than 50 weeks away. The industry has been expecting an announcement of the successful tenderer for the monitoring licence for months now. The changeover cannot occur without it, and in a proper and defensible tender process, a decision needs to be made in enough time for any bidder to be up and running in time for the changeover — not just a bidder who may already have some venues wired up.

In the last few weeks, clubs, pubs and peak organisations have all been saying the same thing to me, and I suspect they have been saying the same thing to government as well, which is that the monitoring licence has to be awarded pronto to give the industry certainty as to cost and to infrastructure requirements but also to ensure that the probity of this licence award is beyond question — that is, to avoid the possibility that the licence is awarded so late in the day that only one bidder ever really stands a genuine chance of success.

The government has to award the monitoring licence absolutely urgently, not just for the benefit of pubs and clubs but to ensure the integrity of the process.

Daffodil Day

Ms CROZIER (Southern Metropolitan) — Last Friday marked the 25th anniversary of Daffodil Day. Daffodil Day is well recognised across Australia as one of the most supported and best known fundraising events. A number of members in this chamber recognised it yesterday by wearing a yellow daffodil, a symbol of hope for all those who have been touched by cancer. Cancer is wide reaching and has no social or demographic boundaries. In Australia last year there were an estimated 114 000 new cases of cancer diagnosed. For women, breast cancer is still the most common form of cancer.

In 1991, five years after Daffodil Day was established in Australia, Jen Rusden founded the Daffodils Breast Cancer Support Group at the Women's Clinic on Richmond Hill. Jen was responsible for coordinating the support group for women living with breast cancer and did an enormous amount of work in educating, supporting and counselling women and their families. Jen herself was affected by breast cancer and sadly died in 1998. I know her family is incredibly proud of her achievements. Jen was a remarkable woman who in her professional life as a community nurse did much to assist people living with cancer. She assisted those with cancer in making decisions about their care and treatment and did much more as a volunteer. She was an inspiration to many she came in contact with and to the many colleagues who worked with her.

The Jen Rusden Memorial Award was established in Jen's honour and commemorates her achievements. It is awarded to a nurse who exhibits the same traits that Jen displayed in her professional practice. The nursing profession is an immensely rewarding and worthy career that can be promoted further amongst young Victorians.

Very Special Kids House: funding

Mrs COOTE (Southern Metropolitan) — Very Special Kids House is a very special place, so it was excellent to see that the Baillieu government this year signed off on recurrent annual funding of \$500 000 for the hospice. Eight hundred families per year use this free service, which is open 365 days of the year. It is important to understand that keeping one child at Very Special Kids House costs about \$900 per night. It really is an amazing service that gives an enormous amount of relief and support to families in very difficult circumstances. All of the local members of Parliament, including Michael O'Brien, the member for Malvern in the Assembly, and Kelly O'Dwyer, the federal member for Higgins, along with Council members Georgie Crozier, David Davis, John Lenders — who is in the chamber today — and Sue Pennicuik are all very supportive of this program.

I have to put on record my praise for the huge number of volunteers who help with Very Special Kids. I would like to single out one volunteer, Elizabeth Morshead, who has done an excellent job for over 12 years.

The CEO, David Agnew, said that the organisation recognised that respite care for families was a gap in the service and that Very Special Kids House was one of the few places in Victoria where families could receive respite for children with complex medical care needs. It is an excellent service. Very Special Kids has an

appeal, the Piggy Bank Appeal, which raises over \$1 million every year, and I ask everybody here to support it if they can.

Werribee Secondary College: International Baccalaureate

Mr ELSBURY (Western Metropolitan) — I am very happy to be able to stand here today and say that the Baillieu government has once again delivered in choice in education. On Monday this week I went to Werribee Secondary College, where I was happy to be able to announce on behalf of the Minister for Education that Werribee Secondary College will be the first government school to offer the International Baccalaureate. The IB — as it is known and because I cannot pronounce it numerous times in this place — is an internationally recognised certificate of education which will open doors for kids right across the western suburbs.

I am pleased that Werribee Secondary College has been chosen as the first government school to offer this outstanding program. I send my congratulations to principal Steve Butyn and his college council and staff for having the tenacity and vision to get this over the line. Unfortunately they did not have any luck with the previous government.

Seaworks: exhibition

Mr ELSBURY — I was also very happy to be able to represent the Minister for Tourism and Major Events, the Honourable Louise Asher, at the opening of a new Seaworks exhibition in Williamstown. Seaworks is reflective of the fantastic maritime heritage of Williamstown. It has a new model exhibition which includes items from the collections of both private owners and the National Trust.

Country Fire Authority: Mingay station

Mr RAMSAY (Western Victoria) — It was with great honour and pleasure that I represented the Deputy Premier and Minister for Police and Emergency Services, Peter Ryan, in opening the new \$200 000 Mingay fire station last Sunday week. It is a fine example of the ongoing commitment of the Baillieu government to invest in infrastructure and resources for one of the world's largest and best recognised volunteer-based emergency services, which is pivotal to the strength of regional communities across Victoria.

The Mingay fire brigade had its humble beginnings like many other fire brigades across Victoria, born out of the

ashes of the 1944 fires which swept across the western district and consumed my own generational property at Birregurra. While private tankers were used initially, the first being an old Dodge truck carrying 80 gallons of water, in the 1950s the brigade was formal and active with its first official Country Fire Authority (CFA) truck being an old borrowed Austin fire truck from the Colac brigade; hence the Mingay brigade was in business.

In 1978 a fire shed was built, and with increasing community support the 67-year-old brigade has built its volunteer base up to be 63 strong, and now 33 years later a new shed with new amenities stands proudly at Mingay. If nothing else, this building typifies the tireless work CFA volunteers do to protect lives and property in their communities and the invaluable community service they provide for the wellbeing of all Victorians. I congratulate Captain Steven Greig and his volunteers, the CFA and the government for this great outcome for the Mingay community.

The ACTING PRESIDENT (Mr Finn) — Order! The time for members statements has expired.

Mr Barber — On a point of order, Acting President, I believe you have inadvertently left me out of the members statements this morning. The Greens have a place in that cycle, and this morning it is mine.

The ACTING PRESIDENT (Mr Finn) — Order! I did not see anybody rise to their feet, and I do not have any sheet.

Mr Barber — I can be of assistance, Acting President. I gave the sheet to your predecessor this morning, but he has obviously buried it under the blotter somewhere.

The ACTING PRESIDENT (Mr Finn) — Order! I ask for the indulgence of the house to call Mr Barber.

Kurdish community centre: attacks

Mr BARBER (Northern Metropolitan) — At lunchtime tomorrow on the steps of Parliament House members of the Kurdish community will be present to raise awareness of a series of violent attacks against their community which appear to be escalating in frequency and severity. Back in April the Kurdish community centre was firebombed and comprehensively gutted. That event is quite shocking to me, having visited the community centre many times and knowing the range of activities carried out there involving families and children. The Kurdish community, a small community in Melbourne with

very little public profile, has worked very hard to raise money to build that centre.

I have approached the Chief Commissioner of Police and the Minister for Police and Emergency Services asking for information about the progress of the investigation into the incident. However, just in the last few days the centre has been attacked again with a series of shots fired into the building. The community is getting very concerned about those attacks, directed as they were against the physical symbol of the community here in Melbourne. I hope the police minister and other relevant authorities will take this matter very seriously and address it as quickly as possible to give the community confidence that it is being looked after in Australia as any other community would be looked after.

PARLIAMENTARY PRIVILEGE

Complaint: misleading the house

Mr VINEY (Eastern Victoria) — I move:

That there be referred to the Privileges Committee for inquiry and report whether the Minister for Planning has committed a contempt of the house by misleading the house in his answer to a question without notice given in this house on 16 August 2011 relating to logical inclusions and correspondence from Mr James Merlino, MP, regarding the Waverley Golf Club.

Sometimes you wake up on a parliamentary morning and you are excited about the day. Sometimes you wake up and you are not so excited about the day, and today that is my view. I do not move a motion like this lightly. In fact I have never used parliamentary privilege in an inappropriate way, in my view. I have never moved motions condemning other people, and I cannot recall previously moving something to refer a matter to the Privileges Committee, but I may have. I certainly know that I was supportive of a motion moved by Mr Lenders earlier in this Parliament in this regard.

I put this motion on the notice paper and have moved in this way because I believe giving true and accurate statements to this house is very important. I recognise also that on occasion, particularly in the heat of question time, members can inadvertently make comments that are perhaps not as accurate as they ought to be. That is why I am fully supportive of the notion — I have always respected it — that when members wish to give a personal explanation about an inadvertent misleading of the house they be afforded the appropriate opportunity to do that and be heard in silence.

On this occasion I believe the Minister for Planning has had several opportunities to correct a record in *Hansard* that was inaccurate. I believe that, he having been given numerous opportunities to correct that record since 16 August, the house is left with very little option but to ask the Privileges Committee to investigate this.

I opened with the comment that some days your task as a member of Parliament is not that pleasant and said that for me today is one of them. That is because I very much respect Mr Guy. I have put on the record my appreciation of some personal support he has given me recently in relation to a family health matter. But today unfortunately it is my task to hold Mr Guy to account for his role as a member of this place and as a minister.

When a minister answers a question in this place, the minister must, in my judgement, pay a reasonable degree of respect to the chamber and to the office they hold. It is important that a minister in answering a question pay respect to the fact that they have been entrusted with a very significant responsibility by the Parliament and through the Parliament by the people of Victoria. As much as all of us, including myself, are happy to come in here and play in and enjoy the theatre of politics and Parliament, we must do so with respect for what we do and the trust we have been given. I have to say that I am not convinced that Mr Guy in all his contributions, particularly in question time, has paid that respect, and I think in this instance on 16 August his theatrics got the better of him.

On 16 August, in answer to a question from Mr Tee, Mr Guy said:

Only one former or current member of Parliament has ever sought to influence me when it comes to logical inclusions —

which, as members would know, is a planning policy matter. He then went on to quote from a letter he had received, and he indicated that the person who had written that letter had sought to have the minister make a particular decision in relation to a consideration involving the Waverley Golf Club and its desire to relocate to another site and to fund that by the sale of its land.

In my view Mr Guy's words, 'Only one former or current member of Parliament has ever sought to influence me', whilst not a direct suggestion of improper behaviour certainly had the flavour of that. Of course this comes from someone — Mr Guy — who has, if you like, a track record of using words in that kind of style. I was immediately concerned about the way the minister had used correspondence he had received, and I will come to that a little later, but just by

way of history, this is a minister who in opposition on 13 April 2010 asked the former Minister for Planning, Justin Madden:

... what checks and balances exist to protect Victorians against possible corruption from ministerial or government interference?

And in February 2011 he said:

In conclusion, Labor's culture of contempt and corruption is over.

This is a minister who on 25 March 2010 talked about the corruption of the planning system. On 8 December 2009 he made the following comments talking about the growth areas infrastructure contribution:

It can be waived for one developer but not for a land-holder ...

He went on to talk about whether donations to Progressive Business might influence decisions. Mrs Kronberg is reported in *Hansard* as having interjected, 'It goes to the heart of the corruption in this state', to which Mr Guy responded, 'I could not have said it better myself, Mrs Kronberg'.

I remember well a hearing of the Standing Committee on Finance and Public Administration that was inquiring into the Windsor Hotel matter at which Ms Digby was giving evidence to the committee and Mr Guy, in response to something I had said, said, 'Mr Viney, this committee is about corruption'. Mr Tee interjected, 'Have you got any other questions?', and I replied, 'No, it's not. I thought it was about decision-making processes'. Mr Guy — at the top of his voice, I might say — went on to say, 'Corruption is the issue', to which I responded, 'Do you want to throw that around? That is absolute nonsense'. Mr Guy concluded, in responding to me, with the words, 'You are precious! I will get a box of tissues for you'.

This is a minister who was very willing in opposition to throw around accusations of corruption and improper practice and was prepared to refer to an inquiry about a planning process, a decision-making process, as being about corruption, knowing full well that the public perception of that word was quite different to what we were investigating. This is a minister who has come into this place and argued for there to be very high standards in relation to planning processes.

Mrs Peulich interjected.

Mr VINEY — If I were Mrs Peulich I would stay quiet, because a few of us have read the *Age* articles about her involvement in these matters.

What we have today is an opportunity for this house to think about the proper processes of the Parliament and to think about the proper consideration as to whether or not the minister may have gone a step too far in regard to his allegations that Mr Merlino, the member for Monbulk in the other place, was ‘the only current or former member of Parliament to attempt to influence’ him on a planning policy matter. I will come to the end of question time now, and we will deal with it in chronological order.

At the end of question time I was concerned about that allegation. The President’s ruling indicated that he did not regard the minister’s reference to Mr Merlino as an improper inference, and I accept that ruling. I also concede that that may not have been the minister’s intent. My concern is that the minister has a history of using those kinds of words to imply some kind of improper practice. I think he uses his words quite carefully, and in that instance Mr Guy saying someone had attempted to influence him on a planning decision could potentially be used to discredit that person — if not then, in the future. I therefore had some concerns, and I raised a point of order in that regard. The President did not see it in the same way that I did, and I think that is a perfectly reasonable perception of what happens in debate in this place at question time.

In response to my point of order, however, the President did give the house an assurance that he would check the minister’s words against the letter the minister had received from Mr Merlino. That prompted me to think I probably should have a look at that letter myself, so I went and found Mr Merlino and asked him if he would kindly furnish me with a copy of the letter he had written. He agreed to do so. What shocked me was that the third paragraph of the letter states:

I understand that Nick Wakeling, as the state member representing Rowville, has also advocated on behalf of WGC —

that is, the Waverley Golf Club.

I remember in question time Mr Guy waving around a piece of paper, which I took to be the letter he had received from Mr Merlino. I do not know it was the letter, as I did not see it closely, but I took it to be. In making his very theatrical point to his backbench Mr Guy waved this letter around, as I said. In making his assertion that the only current or former member of Parliament to attempt to influence him on this particular matter — this quite precise planning matter about the Waverley Golf Club — was Mr Merlino, how is it that even in waving the piece of paper he failed to look at paragraph 3? He did not look at paragraph 3, the third paragraph in the letter, but went on to make his point in

the theatrical manner we know Mr Guy uses in this place. Far be it from me to criticise theatre in this place, but if you are going to use theatre, you need to be accurate. In his answer to Mr Tee’s question Mr Guy made a point about Mr Merlino, waving around what was presumably the letter but failing to mention that paragraph 3 of the letter actually contradicted the very point he had just made.

We have subsequently learned that not only did Mr Wakeling represent to Mr Guy the interests of the Waverley Golf Club, which is in his electorate — in my view quite properly — but he actually arranged a meeting between Mr Guy, representatives of the golf club and himself.

Mr Leane interjected.

Mr VINEY — Presumably you are correct, Mr Leane — it was to influence the minister’s decision. I suspect that when you bring representatives of an organisation in to meet with a minister it is an attempt to influence the minister. I do not suppose you are bringing in the organisation’s representatives but suggesting that they do not influence the minister on the decision. You bring them in to put their case.

It beggars belief that at the same time that Mr Guy was asserting to this house that the only current or former member of Parliament who had attempted to influence him in relation to the logical inclusions planning policy was Mr Merlino, Mr Guy would not somewhere in the back of his mind — and he is a very bright man — have recalled, ‘Oh, Nick Wakeling came to that meeting with me and the Waverley Golf Club.’

Mr Leane interjected.

Mr VINEY — ‘Oh yeah, and Nick organised it’. In this consideration, in Mr Guy’s theatrical performance slugging a member of the Labor Party — which included talking about the fact that he was a member of the shadow cabinet — and this attempt to sledge and belittle a member of Parliament in the other place about his attempt to represent a community organisation, where did it occur to Mr Guy to think, ‘But hang on; he wasn’t the only one, was he? Mr Wakeling might have actually attempted to influence me as well’.

We are left with a circumstance in which we have to accept that on the day when he was making his comments in the house Mr Guy forgot that Mr Wakeling had also attempted to influence him on this matter. The house is expected to believe that Mr Guy forgot on that day — despite the fact that he waved around the letter that in paragraph 3 said Mr Wakeling was there and despite the fact that

Mr Wakeling had quite recently, in the previous few months, organised meetings between himself and the Waverley Golf Club on exactly the same matter — that Mr Wakeling had advocated in regard to this. We in this house are asked to believe that Mr Guy forgot.

I am happy to accept that at question time maybe Mr Guy forgot that Mr Wakeling had also attempted to influence him. However, when I raised a point of order about the use of the letter and the President in response to my point of order indicated to the house, with Mr Guy present, that he would check the accuracy of the letter against Mr Guy's comments, surely some little bell went off in Mr Guy's head. At the point when the President said he would check the accuracy of Mr Guy's comments against the letter, surely Mr Guy or someone in his office must have thought perhaps it would be a good idea if they checked the letter themselves. One of the minders may have thought they had better mind the minister and have a look at what he said and compare it to the letter.

Surely someone in the minister's office had a look in the diary at the date of the meeting that occurred with the Waverley Golf Club to see whether or not Mr Wakeling was there. Given the minister's strong position about the department taking notes at any meetings that are held, surely someone thought that perhaps they had better go back and check against the department's notes who attended that meeting, if those notes existed. After Mr Guy's comments on that day surely someone in his office or Mr Guy, who I think is a very intelligent man, must have thought that the words 'only one former or current member of Parliament' were not quite right. Someone must have thought that it was not quite a true and accurate representation of the facts because Mr Wakeling had made representations on the same matter.

Let us assume that there was systemic failure in the minister's office and amnesia on the part of the minister for that day. What happened on the next day in this place? If you recall that you have said something inaccurate to this house, the normal process is that you come in here, make a personal explanation and correct the record. The minister chose to say in this place that a member in the other place had attempted to influence him on a planning matter, and the reason this is important is that that was not accurate. It is not just a simple little mistake and an unimportant issue. We have a minister sledging a member of the other place during question time and then not coming in and correcting the record. Not only did Mr Guy misrepresent the facts by saying that the only former or current member of Parliament to attempt to influence him was Mr Merlino; he failed to mention that one of his close colleagues,

Mr Wakeling, had also made representations on the same matter. That is fine; he can.

Mrs Peulich interjected.

Mr VINEY — Getting a bit hot, Mrs Peulich?

Mrs Peulich — On a point of order, President, the member is pursuing a privileges motion. I think a privileges motion needs to prove deliberation and intent, yet he claimed just now that indeed the minister was sledging Mr Merlino. We were all here. The minister did quote from his letter, but in no way should that be construed as sledging. The minister would reject the fact that it was sledging. That is misleading the house, and the member should withdraw.

Mr O'Brien — On the point of order, President, I do not need to remind you that you have ruled and Mr Viney has acknowledged that there was no imputation in Mr Guy's reference to the letter in the manner suggested. I think your words were along the lines of the 'tit-for-tat of politics'. In a sense the question has been raised, Who has influenced me?, and here I have someone from the other side. However, it was not an imputation to say that by doing that Mr Merlino was doing anything other than representing his constituents in the way he had thought best.

Mr VINEY — On the point of order, President, I certainly accept, and I think you might agree, that whilst a member may not be called up for improper imputation about another member, that does not diminish the capacity of that member to actually sledge someone.

The PRESIDENT — Order! I thank everybody for their help this morning. I probably need a great deal of help this morning. I indicate that I do not regard the remarks that Mrs Peulich made as a point of order. I have been listening very carefully to this debate, and I do not think the member has actually been sledging in the manner that Mrs Peulich suggested. I am not sure that in the cut and thrust of the debate that was necessarily a problem that would actually offend our standing orders to the extent that it required the point of order to be raised.

I also indicate, as I did on a previous occasion with one of these motions, that I regard these motions as very serious and I think they need to be taken in a very serious light. It is important that members are able to pursue debate with integrity and due care for all matters in respect of the privileges issue, and that certainly means people's reputations and intentions. In this forum I do not think it is proper to speculate on things. I think we need to keep pretty much to the facts.

From my perspective, to this point I think Mr Viney has put his contribution to the debate in a very rational way. In my view he has not sought to embellish the remarks he has made. What Mrs Peulich sees as sledging I find to be, perhaps to some extent, a reaction to interjections that have come mostly from Mrs Peulich to Mr Viney. I think that has perhaps encouraged Mr Viney to go a little further than he might otherwise have gone. I think members ought to be careful about interjections in these sorts of motions in particular. They are motions not to be taken lightly. Interjections of extraneous matter are not helpful in the context of this sort of a debate, and in ruling specifically on the point of order I do not believe Mr Viney has unduly offended any of the standing orders.

Mr VINEY — I will try to lower the temperature a degree. My point is this: it is an important principle in this place that when a member inadvertently misleads the house they are afforded the opportunity as early as possible to correct the record through a personal explanation. I respect that, and I said that at the outset. On 16 August Mr Guy made comments in relation to Mr Merlino. Those comments were clearly not accurate. Even if Mr Guy had inadvertently made the comments he did on that day, a couple of triggers ought to have alerted him to the possibility that he had inadvertently misled the house — one being that he was waving around what I took to be the letter which in paragraph 3 stated Mr Wakeling's representation, and the second being that the President, in response to my point of order, indicated that he would check the accuracy of Mr Guy's comments against the original letter.

I would have thought that as a minister who takes his role seriously and who has advocated powerfully in this place for integrity and accuracy on the part of ministers, he ought to have taken seriously the fact that, inadvertently or otherwise, he had misled the house in relation to Mr Merlino. Because Mr Guy had done so in relation to another member of Parliament on a serious matter that could be interpreted by others to have been improper, this was something that both he and his office ought to have taken seriously, and he should have corrected the record at the earliest opportunity.

We would not be having this debate if Mr Guy had done that. In fact if Mr Guy had done that as late as yesterday, I would not have proceeded with this motion. Let us go to 17 August, when in response to a question from Mr Ondarchie — and all of us in this place are used to questions from Mr Ondarchie to Mr Guy and the great respect and love they have for one another in this place — Mr Guy said the following:

We have established a housing affordability unit, reduced stamp duty and brought forward land releases across the metropolitan area. We have a process in place that is independent of logical inclusions, supported by, I might add, the member for Monbulk in the Assembly, a member of Labor's shadow cabinet.

After making his original assertion that the only former or current member of the Parliament to attempt to influence him on logical inclusions was Mr Merlino, he made reference to that matter again the very next day. We now have another opportunity for someone in Mr Guy's office to say something or for some little bell in Mr Guy's head to go off and for him to question whether what he said the day before was completely accurate. But on the second day he continued with the assertion about Mr Merlino and did not correct the record in relation to, in my view, perfectly appropriate actions by Mr Wakeling to represent a group in his electorate.

What the house is left with now is, firstly, having to accept that Mr Guy inadvertently made those comments. I am happy to do that. Secondly, that the point of order that I raised and the response of the President did not trigger any alert with Mr Guy that perhaps he had better check the complete accuracy of his response. Thirdly, that waving around the letter in which the third paragraph referred to Mr Wakeling did not trigger some sort of thought in his mind that maybe he ought to correct the record. Fourthly, that the next day when he again made the reference to Mr Merlino no-one in his office thought to say to him, 'You know, Minister, that is not quite correct. Perhaps we ought to correct the record there'.

As I said, if Mr Guy had corrected the record, we would not be having this debate. If he had used the proper processes of the Parliament to correct the record, this all would have been done and dusted. He knew full well that I was planning to move this motion. It has been on the notice paper since 18 August, and Mr Lenders indicated yesterday that we would be debating it today. Mr Guy could have solved this matter yesterday, but he chose not to do so. He has dug in, having gone a step too far in the rhetoric of question time by making an assertion that was not accurate in the face of the weight of evidence. He has dug in and has not corrected the record.

The next day — 17 August — provided the next opportunity for Mr Guy when in answer to a question from Mr Ondarchie he again referred to the matter. But there was a fourth opportunity for Mr Guy to think that perhaps he had better check the record, because overnight on 17 August I provided a letter to the President expressing my concerns about this matter and

asking for precedence to be given to this matter to enable the motion to be debated on the Thursday of the last sitting week. In a very comprehensive response the President indicated that there were not sufficient grounds for precedence to be given.

What I am saying is that there was another trigger for Mr Guy. There was another little clue that maybe he had better check the record, because even at that late point Mr Guy could have come into this place and given a personal explanation and this matter would have been over. The letter did not provide Mr Guy with a clue, despite the third paragraph clearly stating that Mr Wakeling had made representations to the minister on the same matter. We have subsequently learnt that that is in fact true: that there was a meeting between Mr Wakeling, the golf club representatives and Mr Guy. My point of order did not provide Mr Guy with a clue to correct the record.

The President's response to my point of order about checking the accuracy of the letter against Mr Guy's comments did not provide Mr Guy with a clue that he should correct the record. His answer to a question from Mr Ondarchie the next day failed to trigger any alarm in Mr Guy's mind that maybe there was a problem with the accuracy of what he had said on the Tuesday and on the Thursday.

When the President advised the house of my correspondence to him on the previous day about this very issue and my decision to place on the notice paper notice of the motion we are debating today, that did not provide Mr Guy with a clue that the accuracy of his comments might not be as they should be. I have not been a minister in this place — —

Mr Ondarchie — Why is that?

Mr VINEY — Why is that? Who made that little comment? That could fill an entire day in this place if you would like it to, but I do not plan to go there. That might be something that Mr Lenders and I talk about in the nursing home.

I will say this, I have never been a minister in this place, but I have been a parliamentary secretary for seven years and I have been manager of government business and Government Whip in this place for four years. In that time I have learnt a lot about the operations of a minister's office. Whilst I have not been a minister, I have been in ministers' offices a heck of a lot in my seven years as a parliamentary secretary, and I have dealt with ministers in every portfolio as manager of government business.

One thing I can say to the house is that ministers check what they say in *Hansard*. Ministers are very concerned; I have seen ministers slaving over pinks, or greens in the other place, after question time to make sure that what they said was correct. Why do they do that? In the Westminster system that is where you are held accountable — in this place. One of the great principles of that process is that what you say in this place has to be true. You might be able to mislead a community and you might be able to mislead a journalist, but you cannot mislead the Parliament, because if you do, you are out. That has been the principle.

But there is an out clause for every minister, because we are all human and we all get carried away in the heat of debate. There is an out clause not only for every minister but for every one of us. We have seen it used in this Parliament on a couple of occasions. When you realise that you have made a mistake and that you have inadvertently misled the house, even if in actual fact you have deliberately misled the house, you can come in and correct the record, and that is usually the end of the matter — unless someone can prove that you deliberately misled the house, but as they say, perjury is a hard thing to prove.

When a member comes into this place and makes a personal explanation, that is the out clause we all have for being human. We might have said something that is not completely accurate, but we have the out clause that allows us to come in and make a personal explanation, and the matter is ended. All of us accept it. But Mr Guy chose not to use that out clause, despite several clues that perhaps what he said — however Mrs Peulich may want to describe it, whether it is sledging or verballing or whatever — about Mr Merlino, that he was the only current or former member of Parliament to attempt to influence him on logical inclusions, was not correct. That statement was blatantly incorrect and there has been sufficient evidence to show that it was incorrect.

Mrs Peulich — On a point of order, President, in relation to the comments deliberately repeated by the member, I have just re-read your ruling in *Hansard*, and in that ruling you said that from your objective position you did not deem Mr Guy's reading of the letter to be sledging or to impute improper motive to Mr Merlino. Therefore Mr Viney is reflecting on a ruling by the Chair, and I ask that you pull him up on it.

The PRESIDENT — Order! I thank Mrs Peulich for the point of order, but I do not regard it as a reflection on the Chair at all. The view that I took on that day — and I still hold that view quite strongly, because I read the letter subsequently and am not

relying on just the words that Mr Guy used — is that he did not imply any undue or improper motive to the minister. I held that view that day, and I hold it today. I am not sure that those remarks necessarily of themselves constituted a ruling. They constituted the opinion of the Chair, upon which I made other decisions on that day.

In the context of Mr Viney's remarks today, as I said, I do not regard them as a reflection on my previous remarks, rulings or position. Even if they were a contradiction of what I put to the house as my interpretation of that letter and Mr Guy's use of that letter on that day, it is perfectly legitimate for Mr Viney to pursue this line of argument in this debate. Other speakers will have an opportunity to contradict his position. Those other speakers might leap to my defence and argue that I was absolutely correct on the day and remain correct to this day in having kept my opinion of Mr Guy's position, but nonetheless that does not constrain Mr Viney from pursuing this line of argument in the debate.

This is a new day and a particular motion. Mr Viney clearly believes this is material relevant to his motion, and I would not suggest that it is not. In fact Mr Viney has had some due regard to my comments on that day, and I think he has put those in a proper perspective. I understand what Mrs Peulich is suggesting, but in the context of this debate I do not think Mr Viney has reflected on a ruling. In fact, as I said, I would not say that my remarks constituted a ruling but rather observations that led to other decisions that I made on that day. To that extent, yes, perhaps they were part of a position I put to the house, but I do not believe that constrains Mr Viney today.

Mr VINEY — Thank you very much, President. I will not be much longer. My point is this: Mr Guy, in a very political and heated question time on this matter, chose to refer to only Mr Merlino as having made representations on a particular planning matter, and in his comments he made reference to the position of Mr Merlino as a shadow minister. I put to the house that whatever term you want to use — and this is the point I was making to which Mrs Peulich took offence — whether it is 'sledging' or 'political comments', the purpose of Mr Guy's comments referring to Mr Merlino was to make a political point on a government planning policy that a member of the opposition and a shadow minister had made representations that according to Mr Guy appeared to support the government's policy.

The purpose of Mr Guy making the comment in the first place was political. It was to make a political point.

It is perfectly reasonable — and that was the President's ruling — for a member and a minister to make such a point without it breaching the standing orders. That was the President's quite correct ruling. I made a point in my point of order, and the President ruled it out. That is fine. I do not believe the President would ever disagree with the fact that the minister was making a political point, that he was using Mr Merlino's letter to him to make a point in debate, to make a point in question time about the position of a shadow minister, to make a point about the position of the opposition on a government policy. That was the essence of Mr Guy's point.

What I am saying to the house is that Mr Guy having done that and his point then having been found in fact to be inaccurate in that Mr Merlino was not the only former or current member of this place to attempt to influence him on the Waverley Golf Club planning matter and that in fact Mr Wakeling had also done so and had organised meetings between Mr Guy and the club — Mr Guy having made that inadvertent error, to give Mr Guy the credit he is afforded as a minister — it was incumbent upon him to come into this place and correct the record in the manner that is prescribed in our standing orders. That procedure has been followed on a couple of occasions in this Parliament and has been respected by all members of the Parliament when it has occurred.

The fact that the minister has failed to correct the record leaves the house with no choice but to ask the Privileges Committee to meet and consider this matter. The house has no choice but to do that, because Mr Guy has chosen to dig in. That is his political prerogative. When we make a mistake, all of us in politics have the prerogative to either fess up and clear the air or dig in, and Mr Guy has chosen the latter. I do not know why; I am not in his office and not in his mind. I do not know why, because this matter could have been simply and easily fixed on any one of several occasions — for example, on the Wednesday or the Thursday of the last sitting week. As I said, we would not have proceeded with this motion if he had done so even yesterday, but now that the debate has started it is too late. The house must now send this matter to the Privileges Committee because Mr Guy chose to dig in and failed to correct the record. That is why we are asking the house to do what it has never done before, which is the reason the Privileges Committee of this place has never met in its history.

When a minister misleads the house, inadvertently or otherwise, and is given numerous clues and ample opportunity to correct the record, when members of this place have expressed their concern — I by point of

order, by this motion and by letter to the President and Mr Pakula by interjection, as members will see if they read *Hansard* — and when the minister is given all those clues to check the record and can simply come in and correct it and yet fails to do so, there is a problem. That is the problem here, not the minister's misleading of the house, inadvertent or otherwise. That is not the problem, because there were opportunities to correct it.

The problem we are now faced with is Mr Guy's digging in. The problem we are now faced with is his stubborn refusal to correct the record, and the dilemma we will face if he enters this debate and corrects the record is whether we can reward that kind of stubbornness or whether it should still proceed to the Privileges Committee. That is a matter that we might have to consider and that I will consider in my summing up.

I believe the minister had ample opportunity to correct the record but chose to make a political point in question time, to repeat that political point in question time the next day and to ignore all the clues, including the third paragraph of Mr Merlino's letter, my point of order, Mr Pakula's interjection, the President's indication that he would check the letter and Mr Guy's comments, my letter to the President and my notice of motion. He has chosen to ignore all those clues and has relinquished the opportunity to say, 'Perhaps we had better check the record. Perhaps we had better check the calendar. Perhaps we had better check the department's notes of the meeting and see whether Nick Wakeling was actually at that meeting'. Mr Guy should have thought, 'Perhaps we should check all those things, and if one of those things proves that maybe I, as the minister, may have misled the house, then I should use the forms and opportunities of the house to correct the record'. He has chosen not to do so. The house now has little choice but to ask the Privileges Committee to meet and consider it.

Mr BARBER (Northern Metropolitan) — We take the same approach to this motion as we did to the one in relation to Mr Davis, and in general terms we will take the same approach to the ones that were brought about ministers in the previous Parliament. First of all we are looking for a *prima facie* case that the alleged conduct has occurred. A *prima facie* case need only be a case that, if not rebutted, would lead to the conclusion that the offence — in this case the offence against the Parliament — had occurred. We have listened to Mr Viney's presentation of his case, and we will listen intently to the government's presentation of its side of the story, but I think it would be appropriate if the minister himself made a further statement in addition to those statements he has already made on this issue so

that we can hear it not from someone representing the minister but from the minister himself.

Mr Viney's claim in essence is that the minister claims that only one former or current member sought to influence him on a matter of logical inclusions, the specific matter being about the Waverley Golf Course. I do not know whether the minister or the government is going to concede that Nick Wakeling made an approach to the minister. That is the first important fact.

The minister or members of the government may seek to argue there was a distinction between what Mr Merlino did and what Mr Wakeling did. Clearly if the minister was trying to make a political point, then he has painted the two members in very different ways. I hope we are not going to get into a semantic argument about whether Mr Merlino sought to influence the minister whereas Mr Wakeling merely made representations — clearly they are the same thing or at least on the same continuum. It is only by being highly political that the minister in trying to draw a distinction between the approaches by those two MPs, if indeed that is what is being conceded, may have tripped himself up.

I have noticed that ministers do not speak very often in wide-ranging debates. They just incorporate the speeches on their bills and address matters through the committee stage of the bill and of course during question time. When ministers get up to speak in question time they may desire to make some big political point against the other side, but accuracy is most important in the function that they have because they are making themselves accountable to the Parliament through that statement. Speaking in general terms, if a minister says, 'I have only been lobbied by one person on this issue', and it turns out that they have been lobbied by a whole suite of people, that does not give an accurate representation of their actions or make them properly accountable to the Parliament.

What Mr Viney has said, or at least what I think he said, is that there is every opportunity for the minister to simply correct the record and say that he inadvertently made an incorrect statement, if that is indeed what occurred. The most important function here is not to trip up the minister; it is to ensure that the minister's accountability to Parliament is strict, accurate and maintained at all times. Mr Viney might be mollified if not completely satisfied if the minister were to come in here now and give a proper accounting of the events Mr Viney has raised in his motion. That accounting could be that the minister stands by his original statements or it could be that the minister would like to correct his original statement. He could then seek the

indulgence of the house for any correction that he needed to make. Both of those opportunities exist for the minister, but the Greens need to wait and hear what the minister has to say on the matter. The minister may find it burdensome to come in and explain this matter for what he believes is the third time, but it is an extraordinarily important function of the house to hold ministers accountable.

As I have said many times, the votes in this house are unlikely to be in any doubt over the next four years. The remaining function of the house, if it is not to influence legislation through debate and voting, is to hold ministers accountable and to ensure that they are providing to the house a true, accurate and complete record of their administrative activities as ministers — this is something they must communicate to the Victorian people through the house.

Mr O'BRIEN (Western Victoria) — I rise to advise the house that the government will be opposing this motion in the strongest possible terms.

The power to refer a member of Parliament to the Privileges Committee based on an allegation that any member of Parliament has 'committed a contempt ... by misleading the house', which is a quote from the terms of the motion, is a very serious power. If accepted and proved, contempt of the Parliament is one of the most, if not the most, significant of the Parliament's inherent prerogative powers. If admitted or proved to the satisfaction of the Parliament, such a contempt entitles the Parliament, should it so further resolve, to punish a member of Parliament in the widest possible manner. The Parliament may also resolve to impose no sanction at all for any proved contempt, including accepting a member's sincere apology for having committed any such a contempt or for having made any misleading statement.

Such a significant power should be exercised by the house only when it is satisfied to a very high degree that there has been a contempt by misleading the house. The power to refer an allegation of contempt to the Privileges Committee is consequently a very significant power. The member moving such a motion has to establish to the satisfaction of this Parliament on very clear grounds and to a very high degree that there is a prima facie case, in Mr Barber's words, of 'contempt by misleading', which means deliberate misleading.

Evidence of the reluctance of this house to refer allegations of contempt to the Privileges Committee is provided by the near absence of any successful motions to refer an allegation of breach of privilege in this house. Mr Viney acknowledged this point towards the

end of his contribution. I have made inquiries of the Clerk, and Mr Viney has made a similar contention, but we accept that there is common ground in what we have found — namely, that there has been only one instance of a referral of allegations of contempt of the house to the Privileges Committee since that committee was established on 5 September 1990. That is the one occasion on which this house has exercised that power. That is an indication of the severity of this matter. In all the debates that have occurred since 1990, in all the answers to questions, there has been the potential for allegations of deliberately misleading the house. Members on all sides of politics, depending on which parties have had the control of this house — and they may not always have been the government of the day — have had that opportunity to make such an allegation of a contempt of this Parliament by misleading the house.

I will mention in passing an occurrence on 12 August 1992. Through the assistance of the clerks and the parliamentary library I have obtained that referral. In that instance there was an allegation that was not subsequently considered by the Privileges Committee — I believe this matter was picked up by Mr Viney — because of the election of the Kennett government later that year. Notwithstanding the prima facie case for referral in that instance, it was a situation with very strong and clear grounds. It was in relation to three former Labor ministers. I do not wish to go into the circumstances beyond what is on the record of the debates. I refer to *Hansard* of 12 August 1992. The matter was not ever deliberated, so I certainly do not want to make imputations beyond the decision to refer the matter to the committee, but it involved the publication of the contents of a parliamentary committee report by quoting its contents in a press release that was given to the press the day before the committee was to table its report in the house.

Mr Viney — Is that the only time that has happened?

Mr O'BRIEN — Thank you for that interjection. It has happened quite frequently in the commonwealth Parliament, and that is an instance of a breach of privilege. It is not misleading the house, but rather it is a breach of the privileges related to committee work. In that instance the phrase used on page 26 of *Hansard* of 12 August 1992 was that it was clear that the minister was 'convicted out of his own mouth'. This is a big point — it was a very clear case of a potential breach of the privileges on the face of the record.

The present motion falls a long way short of the mark. In truth it is a ridiculous motion that should not be

seriously entertained by this Parliament. Just because an allegation of misleading the house has been made, it does not mean that there is a prima facie case or that there are grounds for making the allegation. Even accepting the opposition's assertions at their highest, they do not establish a prima facie case for contempt by misleading the house in the present instance.

As briefly as I can, I will refer to the chronology of events relating to this matter by reference to the actual statements, questions and answers given through the course of the week of 16 to 18 August, which is the basis for the motion on its terms. The motion only refers to 16 August, but I have regard to the contribution made by Mr Viney, which I take to be, in Mr Viney's view, a clear and accurate statement that could have been corrected but was not corrected.

To cut to the chase, we respectfully say the motion is misconceived and there is no inaccurate statement in what the minister has said. We need to look at what the minister said and quote it in full. I do not accuse Mr Viney of doing it intentionally, but inadvertently and in a self-convincing way because that is how he believes the minister said what he said. However, he has actually only partially quoted what the minister said. When one considers the context of the letter, which is now recorded in *Hansard*, one sees that everything the minister said about it on that day is accurate. There has been no need for a correction of the record because there was no inaccuracy. If there is no inaccuracy, there can be no misleading of the house, let alone a deliberate misleading, so there is no necessity to correct the record. That is our position.

I will now refer specifically to page 2402 of *Hansard*. On 16 August a question from Mr Tee was posed to the minister in the following terms:

My question is also for the Minister for Planning, and I refer to the policy of logical inclusions. I ask: what role did Mr Geoff Leigh and Mrs Peulich play in the development of that policy?

The minister was not playing politics in his answer as was put by Mr Barber in the main but also by Mr Viney. It was fundamentally an answer to a question. During question time a minister is obliged to answer questions, as the President has ruled on many occasions, within broad terms in the manner he or she sees fit. If one is going to accuse the minister of misleading the house in his answer, it is important not to quote selectively from that answer. I am not accusing the member of intentionally quoting selectively. However, the answer to the question was not quoted in a way that reflected the terms chosen by the minister. In full, the minister said:

Only one former or current member of Parliament has ever sought to influence me when it comes to logical inclusions ...

That is the phrase Mr Viney has twice put in this motion, but he did not continue the rest of the sentence, which says:

... and for the Parliament's interest I would like to outline how that occurred. I received a letter earlier this year and it begins with the following ...

The minister then quoted sections of the letter. There are previous rulings, and in fact it is a longstanding practice, that it is not appropriate for documents to be quoted in full. In general terms it is obviously not a situation of inaccuracy. There is no inaccuracy in the way the minister defines what he is saying. I will go to the quoted sections of the letter to put it in context:

I am writing in support of Waverley Golf Club and their planned relocation from Bergins Road, Rowville, to a new site in Lysterfield, within my electorate of Monbulk.

...

Waverley Golf Club are seeking to be included within the urban growth boundary as part of the state government's assessment of 'logical inclusions'.

Once that is achieved, Waverley Golf Club is proposing that the current site be used for a mixture of residential development (approximately 480 households) ...

In my view this would be an appropriate 'logical inclusion'.

I think the phrase 'theatrical' was used during Mr Viney's contribution. There is certainly no contempt by theatrics; contempt is about a deliberate misleading of the house. In any event, the minister continued:

The letter goes on to say:

I request you include the Bergins Road site as part of your assessment of 'logical inclusions' as a matter of priority.

The minister then said:

It was signed by James Merlino, the member for Monbulk in the Assembly.

If there was any doubt about his first statement, there is absolutely no doubt about what the minister is saying to the house about this representation. He says:

The only person, as a member of Parliament, to write to me ...

The minister did not say 'the only person to have represented'. He said:

The only person, as a member of Parliament, to write to me to seek to directly influence urban growth boundary matters is a

member of the shadow cabinet, and I wonder if he bothered to tell that to Mr Lenders or Mr Tee.

Honourable members then interjected. Mr Pakula interjected and said:

An MP writes to you as a minister and you use it as a political sledgehammer in Parliament. Remind me never to write to you.

Mr Guy then said:

Mr Hulls did it with John Vogels. Hulls set the agenda.

There is then a supplementary question, and given the seriousness of the allegations I will go to that. Mr Tee asked:

I note again that the minister did not answer the question in relation to the development of the policy. I ask, in relation to the implementation of the policy — and I note the minister has indicated that he has spoken to Mr Geoff Leigh — since becoming planning minister has the minister spoken to Mr Leigh about the implementation of his logical inclusions policy? I also note that Mr Leigh was in Parliament yesterday prior to the meeting of cabinet.

Honourable members again interjected, and then the minister said:

Mr Tee's question talks of Mr Leigh's logical inclusions policy. That is false, and therefore his question is wrong.

In his second answer Minister Guy effectively says, 'You mucked up your question', and he answered it very briefly in those terms.

That quote from *Hansard* is the foundation of any assertion that there is inaccuracy. It is absolutely clear when what the minister said is put in its full terms of expression that he was saying Mr Merlino was the only person who was a member of Parliament who wrote to him to seek to directly influence urban growth boundaries. There is nothing inaccurate about that; therefore there is no need to correct any record. I will seek to go through some of the further rulings that you, President, made in relation to the points of order that were subsequently taken. They are very important.

In answering the question, the minister made a wholly accurate statement, which he reiterated. The minister clearly puts his statement about direct influence in relation to urban growth boundaries in the context of a letter to him seeking to directly influence him. In this context the minister's statement is entirely clear, not inaccurate and, accordingly, incapable of being misleading, let alone deliberately misleading. It is not a statement that can found a contempt.

What the mover of the motion then relies on is a hearsay assertion in Mr Merlino's letter, which has

been put on the record. Further, that assertion, for what it is worth, has been put on the record in the subsequent rulings made by the President, which refer to correspondence from Mr Viney to the President on 18 August. The third paragraph of Mr Merlino's letter says:

I understand that Nick Wakeling, as the state member representing Rowville has also advocated on behalf of WGC.

That letter does not refer to any date or the name of any person to whom he has advocated. There is no result of those discussions or any other information about a suggested influence in relation to logical inclusions. Even putting it at its highest, there is no misleading by the minister on that, because it is clear, for the reasons I mentioned earlier, that his answer refers directly to lobbying or making representations in the form that he put to the house by reference to Mr Merlino's letter.

Accepting any claims to any other representations that have been made at their highest, the minister did not have any need to correct any record. This becomes important, because Mr Viney, in his contribution, was at pains to state a number of times that there ought to have been bells going off in relation to the accuracy of the letter. In response to the point of order that was made on 16 August, I remind the Chair of what he said. The point of order was considered to contain two aspects.

I refer to page 2405 of *Hansard* — and it is important because the suggestion is that there is somehow some inaccuracy here and that Minister Guy ought to have heard bells going off and responded to them. I would respectfully say to Mr Viney that the bells should have gone off for him when he failed in his lengthy contribution on this motion to refer to the guidance given by the President on this matter — and this has not necessarily been accepted as part of a ruling, but comments were made on that day on this very question which was contained in the point of order taken by Mr Viney two days earlier.

It was not only Mr Guy who reflected on the accuracy, it was also commented on by the President. I do not want to cast any aspersions on that ruling, because I agree with what the President said on that day in relation to both the imputations and anything misleading or any inaccuracy within the letter. That is a point that has not been gone to by Mr Viney. I take members to page 2406 of *Hansard* where the point of order is taken by Mr Viney. I will not read it entirely, but the President in part says:

... I indicate that I will take the second part of Mr Viney's point of order on notice.

And then two paragraphs down:

In that context, I as Chair obviously must have some concern as to whether or not Mr Guy's use of that letter was accurate, in terms of the way it was quoted, because it was not quoted in full; passages only were quoted and therefore from my point of view I might well have concerns.

I do not want to cast aspersions, but on analysis it may not have been directly part of Mr Viney's point of order at that point; he more clearly expressed himself in relation to the imputation. Nevertheless, the President identified the accuracy as something that he would consider, and that was a matter of importance. I return to the ruling, which says:

This is to the strength of Mr Viney's representations today, by way of a point of order, that in fact on occasions a communication might be quoted out of context and therefore convey a very different opinion to what the writer of that communication had conveyed. That would be a matter of concern to the house, and I will take that on board.

That is what the President said. Then, for completion, I refer to what the President said about the imputations motive, and this was the point that was discussed in today's motion about those earlier points of order — namely:

Can I say that in listening to Mr Guy's answers to the questions today, from my objective position I would very strongly say that under no circumstances would I regard Mr Guy's comments as implying improper motive to the member for Monbulk in the Assembly ...

There are other references to this sort of issue being raised, but I do not need to take the house to them. They do not necessarily go to the heart of what is alleged to be the misleading contempt. In the way that he has put his contribution, Mr Viney said that they related to opportunities for the minister to correct the record. I do not want to risk repeating myself, but it is important that the point be made on every occasion. If there were no inaccuracy, if there were no misleading, there would be no need to correct any record. The simple fact of the matter is that ultimately the letter from Mr Merlino speaks for itself, and that was always the case.

Turning to Thursday, 18 August, the President commenced proceedings at 9.33 a.m. after the prayer, with a ruling. I do not want to refer to the whole ruling as it is lengthy, but at page 2521 of *Hansard* that ruling in part says:

As I stated at the time, and now having read a copy of Mr Merlino's letter passed on to me by Mr Viney and having examined the *Hansard* extracts —

That was not referred to in Mr Viney's contribution, and this was where the bells should have been ringing for him. He should have had a look at the comments

made and the guidance given by the President in his ruling about not casting any aspersions, because that would have been a material matter going to the heart of this motion — namely, should Minister Guy consider that there is an inaccuracy that he needs to correct?

What the President said was in very clear terms. After he said he had read the letter and examined the *Hansard* extracts, he said, 'I do not believe Mr Guy deliberately misrepresented Mr Merlino in his remarks to this chamber'. That is telling in relation to this motion, and in our submission it completely takes out any basis for suggesting that Mr Guy should have been on a course of inquiry to correct a record. The President then said, 'or impute ... improper motive to Mr Merlino beyond the standard discourse of party politics'. We say that is what happened.

The letter, including the paragraph relating to Mr Wakeling, was then referred to in the President's next ruling, which was in relation to the correspondence and the determination under standing order 21.01 about whether it should take precedence. The ruling set out the part that is in the record to the extent that it relates to Mr Merlino's assertions, which are unspecified, undated and unable to found a case that what something the minister said is inaccurate on any view, but particularly in the context of how he had put his answer to the question in relation to the letter to him, which is a point I made earlier. That, in our submission, means that this is entirely on the record, even the point that Mr Viney says ought to have been corrected.

I do not wish to prolong this issue any further. It is clear, for the reasons I have outlined as succinctly as I can state them, that the minister was entirely accurate in his comments, having regard to that proper context in the manner that is outlined in the full extracts from *Hansard*.

I conclude my contribution by observing that under the Victorian Parliament's standing orders there is no clear impediment to the bringing of such a motion by either the making of an allegation or the drafting of a motion to refer a matter to the Privileges Committee. There is no threshold test for the motion Mr Viney has moved today. As I read the standing orders, subject to the rules about repetition and abuse of process — I am certainly not saying that; I am just saying that there is no threshold test — the standing orders provide only for the procedure in standing order 21.01, which you ruled upon, for precedence and the other privilege matters in standing order 21.09 relating to third party complaints about what has been said, which is not presently relevant.

I wish to make it very clear that I am not in this final point in any way wishing to tell the opposition how it should conduct its business. However, I do say that this house — and more importantly observers of these proceedings, including any members of the public and any media who may take an interest in this motion — ought to be mindful that the fact that it is asserted that there has been a contempt or a misleading of the house does not make it so. These assertions on those terms are not even close to providing a prima facie basis, let alone a substantial basis, for a contempt.

President, with the greatest of respect to the mover of the motion, who is an experienced member of Parliament, in the context of the seriousness of the contempt power, the terms of the motion can be described only as totally unfounded, and it should be rejected outright by this house.

The PRESIDENT — Order! While Mr O'Brien gathers his thoughts I want to make a comment, because he might want to make some remark on this as well. For some of Mr O'Brien's contribution I have felt like a judge and as though he has been putting a closing presentation to me. He does not have to convince me; he has to convince his colleagues.

Because Mr O'Brien has made significant references to the Chair and rulings and comments that I have made on this matter, the important thing for me to clarify for this debate — Mr O'Brien will have an opportunity to say something further on this if he wishes to do so — is that I have at no stage made any judgement or formed any opinion on whether Mr Wakeling was involved in any representations at all to the minister.

My position in all the matters I put to the house was purely and simply that Mr Guy's references to Mr Merlino and his letter did not impute improper motive. My view, formed on that day and held subsequently, is that in using that letter Mr Guy was not suggesting that Mr Merlino had acted improperly. All he was saying was that Mr Merlino had made representations to him, and I believed that that was a fair point to have made in his answer to a question.

I did not at any point form any opinion, and I have not passed any opinion — because I do not know; as Chair I have no idea — on whether Mr Wakeling also made representations. I do not know whether Mr Guy's answer was accurate. I have only Mr Guy's comments. I know that on day two he repeated some of those comments from day one, which to me suggested that he felt he was on firm ground, but from my point of view I am in no position to make a judgement on those, and I have not done so. I think that in some of the argument

Mr O'Brien put there was some implication that I had made such a judgement. That is the way I have taken it.

I just wanted to clarify that, because just how narrow my position in this matter was is important to the debate. In all other respects I have simply responded to the process issues, if you like, that were set in train in part by points of order and Mr Viney's letter. I have not formed other judgements. Mr O'Brien might wish to comment on that. I know that he was gathering his thoughts on any final points that he wishes to make. I am sorry for the intrusion at this point, but I thought it was important for him to have that opportunity.

Mr O'BRIEN — Thank you, President. Given the invitation, I will proceed to discuss what you have put to me. Certainly I am not casting any aspersions in any comment. I will start by saying that I come from a profession where you do get judgements, and I understand that this Parliament will make a judgement in its deliberation by its vote. I did contemplate but have not sought to raise as a point of order that you have already ruled on the question of deliberately misleading the house. I contemplated that very seriously, because the words that you said — I am not making any criticism; I am just reflecting the record of what you stated:

... now having read a copy of Mr Merlino's letter passed on to me by Mr Viney and having examined the *Hansard* extracts, I do not believe Mr Guy deliberately misrepresented Mr Merlino in his remarks to this chamber ...

It could be argued as a point of order that with that ruling you have already ruled on the whole basis of the contempt. I am not seeking to do that —

The PRESIDENT — Order! Given the importance and substance of this motion, it is very important that there is clarity in this position. The contention that Mr Viney brings to the house today in his motion is not about Mr Merlino's position; his contention is that another member also made representations. My remarks in regard to Mr Merlino were that I thought that the minister had acted properly, that it was part of the debate and that my view was that there was no intention of the minister to say that Mr Merlino had acted improperly.

We are all agreed on that, and I understand how Mr O'Brien has constructed those remarks in that respect, but what I am at pains to say is that the Chair has formed no other judgement beyond that, and it needs to be understood by the house, for the sake of clarity on this very important motion, that Mr Viney's contention is not that Mr Merlino has been wronged specifically in terms of motive or improper action. I

understand Mr Viney's proposition to the house in referring this matter to the Privileges Committee is that another member had also made representations, and as I said, the Chair has formed no opinion on that. The Chair is not in any position to form an opinion on that. The Chair is not even in a position to understand whether or not Mr Merlino's letter was accurate in referring to Mr Wakeling, so I am not in a position to form any judgement, but it is important to understand what the contention of this motion is today, and it is in that respect that I make those remarks.

Mr O'BRIEN — I do not believe I am seeking to say what I am saying in any other way than you have said. I have simply referred to that aspect of *Hansard* which was not referred to by Mr Viney — and I will finish this point and move on to other things. It was a statement made by you, and I am not saying it was made in any conclusive way or other, but the primary point is that there is no basis for contending that the letter was inaccurate in those terms, and there was nothing within the part I have quoted from the ruling to put Minister Guy on any notice that he had misled. I certainly do not want to debate the issue; that is what I have said.

I will say in relation to Mr Viney's motion that he has at times called upon matters that are not relevant to the ultimate motion — namely, Mr Guy's history in the opposition and questions to the former minister. What has happened in that regard gives some context and may be some of the background to the reasons why there are concerns about accuracy on these issues, but it does not go to anything substantive within the motion. It is a very short motion, and a motion that seeks to refer the matter to the Privileges Committee for a deliberate misleading of the house.

I conclude by saying I agree that there is nothing in Mr Merlino's letter that explains or suggests that there have or have not been representations, but that is not the question, and I am not seeking a ruling from you, President. This is my submission to the house, because whatever the house decides will be the house's determination on this motion. But in relation to responding to the allegations that have been made — and they are serious allegations — for all the reasons I have said, it is not a point about improper motives or anything; it is a point that the minister was very clear in his terms as to what he was referring to when he was referring to the question of logical inclusions. I have referred to it previously, and I do not necessarily want to repeat myself, but to make it absolutely clear, he said it was signed by Mr Merlino:

The only person, as a member of Parliament, to write to me to seek to directly influence urban growth boundary matters is a member of the shadow cabinet ...

That is an accurate statement. That would have to be a deliberately inaccurate statement — not arguably and not maybe inaccurate — and then a deliberate misleading and a contempt of the house. This is a long way from that standard, and the motion should be opposed in the strongest possible terms.

Mr VINEY (Eastern Victoria) — I deeply respect Mr O'Brien's previous occupation, but I have to say this is a different one. What we have to do today is not test beyond reasonable doubt the accuracy or otherwise of, as in a criminal matter, setting the bar at that level. This is, if you like, more a civil-type process — it is actually none of these things, but I put it into language that Mr O'Brien might understand — on the balance of probabilities.

I want to correct a few things. We are not determining in this motion — or today — whether or not Mr Guy committed a contempt. We are not currently considering whether or not Mr Guy committed a contempt of this house. What we are asking is for the Privileges Committee to meet and consider all the facts of the matter. That is what we are seeking. That might be the jurisdiction in which Mr O'Brien can pursue the technical arguments that he pursued here today.

Let us deal with a couple of the technical arguments that he presented in defence of the minister. The first is that Mr O'Brien suggested that I have not fully referred to the minister's original answer to a question. There are a few things I have not fully referred to in this debate, but Mr O'Brien talked about how the minister extensively quoted from Mr Merlino's letter, and that is true; he did. I actually put it on the record that he did. However, I say to Mr O'Brien that the third paragraph of Mr Merlino's letter says:

I understand that Nick Wakeling, as the state member representing Rowville —

this is the area in question, where the Waverley Golf Club is —

has also advocated on behalf of WGC.

That is the third paragraph. Mr Guy did not quote that in his contribution as reported in *Hansard*. Yes, he quoted extensively from the letter, but he did not quote that, and he had the letter in front of him. That is the first thing.

The second matter I did not use in my contribution is that on Thursday, 18 August, Mr Tee directly asked

Mr Guy whether Mr Nick Wakeling, the member for Ferntree Gully in the Assembly, had organised a meeting with the Waverley Golf Club and the minister. The minister chose not to give a direct answer to that question. Members opposite may not like it, but Mr Guy gave members of the opposition another sledge.

The PRESIDENT — Order! I accept that the remarks Mr Viney has been making can be construed as based on some remarks he made in his speech with respect to Mr Wakeling having allegedly convened a meeting for the golf club with the minister, but I caution that new material is not permissible in a right-of-reply contribution because no other member has an opportunity to rebut that material. As I said, I accept that to the extent Mr Viney has gone so far he has been consistent with some of the remarks he made earlier in the debate, but I caution against any introduction of new material at this point in a right-of-reply contribution.

Mr VINEY — I am conscious of that, and I think it is appropriate to pull me up on it. In my very feeble defence, President, given that Mr O'Brien accused me of failing to fully refer to matters in my contribution, I was trying to make the point that there were a few things I did not fully refer to, and that was another one.

The essence of the position I am asking the house to consider is that on a number of occasions Mr Guy had an opportunity to correct the record and failed to do so. Mr O'Brien said the position Mr Merlino put in his letter — which was, 'I understand that Nick Wakeling ... has also advocated on behalf of WGC' — is simply hearsay. I am not a lawyer, but my understanding is that when a person is directly told something by someone else, that is not hearsay but evidence.

In making that comment in his letter to Mr Guy, Mr Merlino relied not upon hearsay but upon the word of Mr Wakeling, who had told him directly that he had made representations to Mr Guy on behalf of the Waverley Golf Club. Mr Merlino was further relying on advice given to him by members of the Waverley Golf Club executive, whom Mr Merlino called after all this blew up, and who reconfirmed that Mr Wakeling had made representations on their behalf. They informed Mr Merlino that not only had Mr Wakeling told them he had made representations on their behalf to the minister but also that Mr Wakeling had organised a meeting for them to attend with the minister and Mr Wakeling. I say to Mr O'Brien that this is not hearsay. This is the evidence the Privileges Committee needs to consider.

This is not a motion asserting contempt on the part of the minister; it is a motion asking that the Privileges Committee fully consider and investigate this matter. The case has been put that the minister stated that the only current or former member of Parliament to attempt to influence him in relation to logical inclusions was Mr Merlino. The minister quoted accurately from Mr Merlino's letter but did not quote the third paragraph, which refers to Mr Wakeling. The minister did not choose to come in and correct the record. On the Wednesday the minister added to his comments and — without going there — I have recalled that on the Thursday he added further to his comments.

We say there is sufficient evidence for the minister to explain his position to the Privileges Committee and to try to clarify this matter. I have not at any point asserted that either Mr Merlino or Mr Wakeling acted in any way other than representing the interests of their communities. That is the role of a member of Parliament. That is the position I took on the day I raised the initial point of order and that is the position I hold now. That is what all of us should do: represent our constituencies and their interests where we can and where we think it is proper. I do not believe either Mr Merlino or Mr Wakeling did anything wrong.

The questions are: why did Mr Guy, the Minister for Planning, choose to refer only to Mr Merlino as attempting to influence him on that matter? Why did Mr Guy fail to come into this house and correct the record? They are the issues, and they are what the house needs to consider. This is a serious matter. This is not something we should deal with lightly. As I said, this is quite serious, and the house ought to ask the Privileges Committee to meet and to try to get an explanation from the minister. The Privileges Committee can report back to the house, and the house can consider its deliberations and findings.

That is the proper process, given that there is now a question over why the minister failed to fully explain to the house the situation in relation to the Waverley Golf Club proposition and the fact that the club's interests had been represented to him by both Mr Merlino and Mr Wakeling. That is not based on hearsay but on evidence that has been given to me and that is clearly before the house. These are the issues that Mr Guy can properly explain through the processes of the Privileges Committee. These are the issues that Mr Guy can clarify to the house and that can be resolved. However, Mr Guy has chosen to dig in, to stick by his original statement and to not come in and correct the record. I do not know why, but that is what he has done. Despite all the opportunities and all the clues, that is the position he has taken. He has continued that position

today by not even coming in and clarifying his situation in this debate. Unfortunately in my view the house is left in a position where its only recourse is to have this matter resolved through a proper process.

I said at the outset that I have great respect for Mr Guy and that some days in politics you have to do things that are somewhat unpleasant. I also said at the outset that I appreciated his personal support of me quite recently. Nevertheless, Mr Guy is someone who has held the torch of integrity very high in this place. Mr O'Brien was not here in the last Parliament, but Mr Guy held that torch very high in relation to the former Minister for Planning and the position he took on the investigations into the Windsor Hotel planning issue and in relation to the Standing Committee on Finance and Public Administration of the last Parliament. They are the positions he brought into this place and the positions he has nailed his political career to, if you like. I am simply asking, given that he has not corrected the record, that he now have an opportunity to clarify this situation through the processes of the Privileges Committee. I ask the house to support the motion.

House divided on motion:

Ayes, 17

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

Noes, 19

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

Pairs

Mikakos, Ms	Kronberg, Mrs
Pennicuik, Ms	Petrovich, Mrs

Motion negatived.

ROYAL ASSENT

Message read advising royal assent to Domestic Animals Amendment (Restricted Breeds) Act 2011.

STANDING COMMITTEES

Membership

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

That —

1. Mr Finn be a participating member of the Environment and Planning Legislation and References Committees;
2. Mr Ramsay and Mr Elsbury be participating members of the Legal and Social Issues Legislation and References Committees; and
3. Ms Crozier and Mr Ondarchie be participating members of the Economy and Infrastructure Legislation and References Committees.

Motion agreed to.

ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

Membership

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

That Mr Tarlamis be a participating member of the Environment and Planning Legislation Committee for the purpose of its inquiry into the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011.

Motion agreed to.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Ballarat base hospital: helipad

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I refer to the Ballarat helipad implementation process that the minister and the cabinet secretary have confirmed in writing is being carried out by Mr David Koch on the minister's behalf, and I ask: can the minister outline to the house what protocols and guidelines endorsed by the minister's department and the Department of Treasury and Finance are in place to ensure that this process, as undertaken by Mr Koch, does not contaminate the tender process for the construction of the helipad?

Hon. D. M. DAVIS (Minister for Health) — I can inform the member that the advisory committee is

exactly that. It is an advisory committee that will make recommendations to me on which the government and I will make decisions beyond that.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I take it from the minister's answer that there are no guidelines or protocols in place endorsed by the department to protect the probity of the tender process. Does the minister have any concerns, therefore, about correspondence from a prospective contractor to build the helipad — I assume Mr Koch has shown the minister the correspondence, given that the email was copied to the opposition — that indicates that in the absence of protocols there may have been a contamination of the tender process because of premature disclosures of information which is not available to the public and which could create a commercial advantage to bidders for the tender?

Hon. D. M. DAVIS (Minister for Health) — I can inform the member that information in the public domain, information that could be subject to FOI and information that is provided in answers to questions in this place will all form the basis of decisions by the committee.

Information and communications technology: skills

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Technology, the Honourable Gordon Rich-Phillips. Can the minister inform the house about how the Baillieu government is supporting Victoria's position as a leading state in the development of ICT skills?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr O'Brien for his question and for his interest in the area of ICT skills. Yesterday members of this house heard me talk about some new job announcements in the ICT field here in Victoria. These are some important new job announcements by major ICT companies that will add around 150 new jobs over the next two to three years in what are already significant players in the ICT industry.

Importantly, for companies to be able to add ICT professionals to their workforce we need to have a pathway for ICT professionals to be trained to go into that workforce. Victoria has around 145 000 people working in ICT across the state, both directly in ICT companies and more broadly. That workforce is growing at double the national rate. About one-third of

all ICT graduates graduate here in Victoria, so Victoria is performing very well in producing ICT graduates.

However, if you go back to the tech wreck of the early 2000s, you see there was a dramatic decline in the number of people taking ICT-related courses. While that has started to recover, we still need to do more work to ensure that we have a bigger number of people entering ICT-related courses so we have that pipeline of graduates to go into those sectors.

Last week I had the pleasure of opening the 2011 Young ICT Professionals Conference here in Melbourne, and earlier this week I had the pleasure of opening the Victorian Information Technology Teachers Association (VITTA) annual conference, which brought delegates from not only Victorian schools but also international and interstate jurisdictions. The VITTA conference was an opportunity to announce some new initiatives around attracting and developing ICT skills in Victoria, and I was pleased to announce a package of around \$2 million with three key elements, one of which is to change the attitudes of students to ICT careers, to highlight the opportunities in ICT, to dispel the myths about ICT, to build on the work that was undertaken by the previous government under Mr Lenders as the minister, with the 'ICT: Start here. Go anywhere' campaign, and to ensure that young people are aware of the opportunities in ICT.

A second stream is working with course providers and organisations like VITTA to ensure that we have the types of courses that both encourage young people to go into ICT careers and also work with the teachers who provide those courses to ensure that they have the training, knowledge and skills to deliver courses that are both up to date and of the best quality.

The third element is to expand the pool of people going into ICT. We recognise that some sections of the community are underrepresented — for example, the proportion of women going into ICT careers is low — and we look forward to boosting the numbers of women and other underrepresented groups in the ICT area to ensure that we have the biggest possible pool from which the growing ICT sector in Victoria can draw.

Ballarat base hospital: helipad

Mr JENNINGS (South Eastern Metropolitan) — My follow-up question is to the Minister for Health. Can the minister confirm the effect of his answer is that Mr Koch has his authority to enter into conversations with potential tenderers to construct the Ballarat helipad

in light of an email that has been sent to Mr Koch and has also been circulated to the opposition from a consultant who says:

This is a follow-up from our conversation on the 5th July this year regarding the construction of an EMS helipad at Ballarat base hospital.

During that conversation you advised that the final funding process was commencing.

Has the project been funded and has one of the three locations under consideration been chosen?

The consultant then continues to advocate the capacity of his organisation to undertake and complete the work. Does Mr Koch have the minister's authority to enter into conversations with bidders to construct the helipad?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. I have not seen the email to which he refers, and he may wish to give me a copy of it. Mr Koch is there as part of a group that is looking at options aimed at getting the best clinical outcomes for people in Ballarat and district. I make the point that 11 years of Labor government did not see the helipad built. In fact in this very chamber in 2004 a number of people voted against a motion of Mr Koch. Mr Koch called for a helipad in Ballarat in 2004 and, disgracefully, Labor members in this chamber voted that motion down. It was disgraceful that they voted in that way. For 11 years they did nothing. For 11 years they achieved nothing. For 11 years there was no helipad. What I have to say — —

Hon. M. P. Pakula interjected.

The PRESIDENT — Order! Mr Pakula! The minister, to continue without assistance.

Hon. D. M. DAVIS — I say that the Liberal Party stands by its commitment to build a helipad at Ballarat Health Services to serve the surrounding district. I make the point that we stand by the commitment that is listed in the budget this year to be fulfilled in forthcoming budgets, and I make the point that the task of community groups of this type is to find and recommend the best clinical outcomes. A proper tender process will be framed at a later point based on models that are appropriate. The Labor Party should hang its head in shame for its 11 years of failure, as should the people in this chamber who voted against a helipad in 2004.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Unsurprisingly, I am happy to provide the minister with

a copy of this email. Given that the man he has asked to run this process on his behalf has not provided him with it, I am very happy to furnish him with a copy. I can confirm for the minister that conversations with Mr Koch have taken place, according to this email. That has not been rejected by the minister. The minister has not told the house that is not the process or that the tender process has not already effectively commenced or been compromised by this conversation. We would like the minister's reassurances on that undertaking.

Hon. D. M. DAVIS (Minister for Health) — I am not going to allow Mr Koch or anyone else to be verballed by the opposition in this matter. Let me be very clear, I will seek the advice of the implementation committee as to what mechanisms are best for the community in Ballarat and district, and I will make decisions as part of that from there. I have to say that Labor has no credibility on this. For 11 years it failed to put a helipad in place. In 2004 people in this chamber voted against — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Pakula is far too loud, and his interjections are a barrage. Mr Jennings asked his supplementary question, and I thought he would have been interested in the answer to it. The minister has finished his answer.

Housing: Thomastown women's units

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Housing, the Honourable Wendy Lovell, and I ask: can the minister inform the house of any recent unique social housing enterprises in Northern Metropolitan Region particularly focused on supporting women in times of need?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and for his ongoing interest in social housing in Victoria. Members of this house will be familiar with the large number of Victorians who are continuing to struggle to make ends meet and to obtain affordable housing after 11 years of Labor mismanagement. Women in particular are being forced into difficult circumstances, often as a result of domestic violence or following family breakdown.

Recently I was invited to open a new development in Thomastown in Melbourne's north which is the result of a partnership between Yarra Community Housing Ltd, Bethlehem Community Inc. and the Australian and Victorian governments. This \$3.6 million facility, called Sophia's in reference to the goddess of wisdom

and mother of all, consists of 17 units supporting women over 35 years of age who have experienced homelessness. While unfortunately I was unable to open the facility due to the rescheduling of a cabinet meeting, I thank Mr Elsbury, who stood in for me at short notice, and acknowledge his commitment to social and public housing in Victoria.

I congratulate Dr Rob Leslie, CEO of Yarra Community Housing, and Carol Vale, executive director of Bethlehem Community, and their respective teams on their efforts in seeing this vital social housing development come to fruition. On Monday I spoke to Dr Leslie at a function, and he told me how impressed he was with Mr Elsbury's understanding of and interest in public housing.

Typically the Labor Party tried to politicise the event by suggesting that I had snubbed the local community by not turning up. The member for Richmond in the Assembly tried to suggest this to the *Whittlesea Leader*, which responded in an editorial as follows:

It's a bit rich for Mr Wynne to be criticising Ms Lovell for not turning up.

This newspaper invited Mr Wynne, who was the housing minister at the time, on several occasions to come to Thomastown in 2009 — at the height of Melbourne's rooming house saga — to see firsthand how strugglers were being exploited by rogue landlords.

He ignored each request.

Ms Lovell, on the other hand, had no hesitation in visiting a Thomastown rooming house in May 2009 after an invitation from the *Whittlesea Leader*.

I am informed that the local Labor MPs who attended the event, the member for Thomastown in the Assembly, Bronwyn Halfpenny, and the member for Mill Park in the Assembly, Lily D'Ambrosio, showed no respect to the organisers or to the tenants and instead chose to chat among themselves during the formal proceedings. Their behaviour speaks volumes about Labor's attitude to social and public housing. It is simply not interested.

Planning: green wedge logical inclusions

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning, and it relates to the proposed rezoning of Brompton Lodge, which is a chicken farm in Cranbourne South. The owner, Mr Peter Carpenter, wants the land rezoned out of the green wedge and into the urban growth boundary. On 19 August Mr Carpenter was reported as having told the *Age* that prior to the election he was given clear support by Liberal Party candidates for the rezoning of

his land. My question is: has the minister investigated Mr Carpenter's claims?

Hon. M. J. GUY (Minister for Planning) — I thank the shadow Minister for Planning for asking specific questions about logical inclusions. It is very important to note that the government and indeed this Parliament have had a long history of support and discussion around logical inclusions. I note in a recent *Hansard* that the former Minister for Planning is on the record as having said:

What we anticipate is that after we have progressed our current body of work, we would look at some mechanisms being developed for potential small-scale, logical inclusions where anomalies may occur.

Being up-front, he goes on:

At the moment we are looking at thousands of hectares. There are instances where you have land-holders who believe there are logical reasons for inclusions. In terms of members of the committee, I have met with some land-holders in some of their areas where they are interested in pursuing issues around an inclusion.

It goes on:

Some of these examples have been the likes of poultry farming and things like that.

That is from the planning minister. The question for Mr Tee is: which planning minister said that? Which planning minister had met with people and told a parliamentary committee that he had met with people seeking logical inclusions, some of whom might have been poultry farmers?

Earlier he said in relation to the same issue:

But there are logical inclusions that might need to be considered and they might come from local governments making submissions, and currently we have some local governments which have made submissions to us which are not included in these growth areas but are in areas that might be considered.

Was this the member for Niddrie in the Assembly? Was it the former member for Albert Park in the Assembly? Was it a current member for Northern Metropolitan Region? No, it was our old mate Justin Madden. And the funny thing in relation to the committee to which Mr Madden declared he had met poultry farmers or representatives of poultry farmers to discuss their land possibly coming in as logical inclusions, is that I sat on that committee, Mr Rich-Phillips chaired that committee and none other than Mr Tee sat on that committee and heard this answer. Mr Tee needs to have a good chat with the member for Essendon in the Assembly about what he has actually said about logical

inclusions and, more to the point, about the genesis of logical inclusions and who he has met with.

Supplementary question

Mr TEE (Eastern Metropolitan) — I thank the minister. I think the concern that has been raised is about the nature of the process that the minister has engaged in, and the question is whether or not it is a sham process. That question emerges because of what Mr Carpenter claims are assurances he was given that his land would be included, therefore making the process that is being gone through now a sham process. The question — and it is an important issue for the community out there — is: what assurance can Mr Guy give that current Liberal Party MPs have not given assurances that would pre-empt the outcome of his review?

Hon. M. J. GUY (Minister for Planning) — I again thank Mr Tee for the question, in which he talked about the nature of the process and asked for assurances. Let me give Mr Tee and the Parliament this assurance: any land that is being examined under a logical inclusion process is being examined by the Growth Areas Authority; it is managing the process. Mr Tee himself, on that same committee, said about that:

I am wondering what you think the advantages are of having a separate authority —

the Growth Areas Authority —

to manage planning along those growth areas.

Even Mr Tee thought the Growth Areas Authority was the right process, and he was recorded by Hansard as saying it. It has got to go through the Growth Areas Authority, the local council and an independent planning process, and there is a probity auditor sitting over the top of all that. The process that Madden considered was simply a meeting — who knows if there were departmental representatives present — at which it was decided by his office. This is probity, and that is a logical deception.

The PRESIDENT — Order! In that answer the former planning minister was referred to by just his surname. I would prefer that he be referred to in more formal terms as a member in another place.

Health: palliative care

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Health, who is also the Minister for Ageing, Mr David Davis. I ask the minister: can he inform the house of what he is doing to

support access to palliative care for Victorians suffering life-threatening illnesses?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her ongoing interest in palliative care. I can inform the house that on Friday last week I launched the *Strengthening Palliative Care — Policy and Strategic Directions 2011–15* document. This is a very important strategic document which will assist with the allocation of resources to palliative care providers across the state.

In the lead-up to the last election the then Baillieu opposition made a series of commitments to palliative care providers and the Victorian community about additional resources for palliative care: \$8.6 million for four years; \$34 million over the forthcoming electoral cycle, the four-year period of government. That money was provided in full in the state budget that was brought down this year, and the allocation of that to providers across the state will be guided by the document *Strengthening Palliative Care — Policy and Strategic Directions*. That document was put out as a draft. We sought community input on that draft and had enormous support for the approach that was adopted in it. That approach has been brought forward as a final document, which, as I said, I released on Friday.

The new investment in 2011–12 includes an additional \$100 000 to ensure that clients and carers receive the information they need at the right time in a format that meets their needs. It includes \$1.35 million to ensure that carers have advice and support at any hour of the day or night as well as greater access to respite equipment and practical assistance. There is also nearly \$1 million this year to strengthen links between palliative services and aged care and disability services. This will give people working in those services more confidence and the skills to care for people with life-threatening illnesses.

There is also \$4.5 million to enable community palliative care providers to care for an additional 1153 people at home and to help consultancy services respond to 1185 new referrals. There will be \$1.5 million of growth funding flowing to rural areas. This is very important, because that significant funding boost will mean additional palliative care resources in country Victoria and also in the outer edge of the city, which has not been as well provided with palliative care support in the past.

Additional money will be provided for Very Special Kids to enable palliative care and respite for those important children, who deserve our full support. New funding of \$200 000 will improve access to palliative

care for people from Aboriginal and culturally and linguistically diverse backgrounds. Again, these are important approaches, enabling groups who have not always had access to palliative care in a culturally sensitive way to have the care they should and ought have.

Additionally there is money for further training to support registrar rotations in paediatric palliative care. I understand the statewide palliative care medicine training program has received applications from young doctors wishing to participate in those training rotations. These are important steps. The community strongly supports the direction the government has struck in strengthening palliative care. This enables greater options for the community and greater options for people at a vulnerable time.

Wind farms: government policy

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I note the minister's refusal to answer my previous questions; perhaps he would be more willing to discuss his wind farm policy. I ask: in relation to the wind farm policy has the government received advice on the employment and investment implications of its wind farm policy?

Hon. M. J. GUY (Minister for Planning) — I take it that was not the original question I was going to be asked, but I give Mr Tee some credit for at least having the ability to think on his feet. What I know about employment in relation to wind farms is that the biggest hits the wind farm industry has taken have been the offshoring of Chinese-built wind farms and wind technology being imported to Australia, so what we have is dirty production of wind farms in China to get a clean conscience in Australia. The reality is that they are produced in a dirty factory in China, imported into Australia and transported by road traffic, and that occurred under the previous Labor government. The current situation where there are more than 1100 turbines still permitted and ready to be built is that most of that will be built overseas, thanks to the previous Labor government.

I note today's Warrnambool *Standard* in which one of the wind energy developers — an RES developer — is quoted as saying:

We believe that we still have a viable project in the area ...

This is after the government's changes. Of course the wind energy industry, like any other industry, adapts to government policy. We have had a lot of conversations with the industry on the implementation of this policy. I say again that what is astounding is the offshoring of so

many jobs. That occurred under the previous government, which allowed wind farm construction to go to China — to sail away to China. It blew away in a southerly wind. It blew all the way up to China — dirty construction to get a clean conscience.

Mr Lenders — On a point of order, President, Mr Tee asked the minister a question about a current government policy decision of last week, and the minister is talking — or is venting — about a previous government. He was asked specifically a question on government administration, and he is debating the question. I ask you to bring him back to the question.

The PRESIDENT — Order! In this case I think Mr Guy has taken some latitude and has introduced an element of debate into the answer. The question was quite specific. The minister has indicated he has finished his answer.

Supplementary question

Mr TEE (Eastern Metropolitan) — Again, the answer in terms of offshoring did not really address the situation that Keppel Prince Engineering finds itself in — an employer of more than 200 regional jobs which are under threat because of the government's policy. The question is really focusing on those jobs in regional Victoria that exist today. What advice has the minister received? Will he make that advice public? What assurance can he give regional Victorians that he is not closing down their source of jobs?

Hon. M. J. GUY (Minister for Planning) — I have been asked about an assurance, about advice and about a release. I can tell Mr Tee that this government is very concerned about the offshoring of jobs to create turbines, which have been brought in from China. Whether it is a small number of turbines or a large number of turbines — say, 57 turbines — —

Mr Lenders — On a point of order, President, I reiterate my previous point of order. Mr Guy was asked a question on government administration, and within about 8 seconds into his response to the supplementary question he launched into a tirade of debate. I ask that he be brought back to government administration.

Hon. D. M. Davis — On the point of order, President, Mr Tee did not ask one question, he asked a smorgasbord of questions. Nobody could have worked out which question he actually wanted answered. Mr Guy was responsive to the topic — that is, the broad smorgasbord of options that Mr Tee presented.

The PRESIDENT — Order! In the first instance I make the comment that even I had some difficulty in

trying to attract Mr Guy's attention on that point of order because he was facing the other way for an extended period of time. I am sure Mr Mills, one of our Council attendants, is very interested in what he has to say, but so too am I.

An honourable member interjected.

The PRESIDENT — Order! I do not think that clock is right. At any rate, coming back to the point of order, I understand what Mr Davis said and I agree that the issue in question time is that members should ask one question and not a multipart question or several questions. I understand Mr Tee's frustration in framing his supplementary question at this time, because clearly he asked a fairly succinct initial question and although Mr Guy provided a considerable amount of information that was perhaps of interest to many members, I daresay it was possibly not of interest to Mr Tee in respect of what he had asked.

Mr Tee sought some other information, and I accept what Mr Lenders said. I would hope that Mr Guy's response to the supplementary question is not a re-run of his earlier answer to the substantive question, because we have heard that. We have not heard what analysis has been done, which was the substance of Mr Tee's original question. In his supplementary question, he was trying to understand what advice the minister might have in regard to this matter.

Hon. M. J. GUY — Thank you, President, for your clarity on the 4 seconds that have passed. I was talking about an assurance of jobs growth. This government is very interested in maintaining jobs growth, including in the wind farm industry. As Mrs Peulich was asking before, whether it is a larger sized turbine facility of 57 turbines or a smaller sized wind energy facility of, say, 16 turbines, a lot of wind comes out of those turbines. A lot of wind can be generated from 16 turbines — you never know!

We are doing all we can to ensure that fairness and certainty reign in the wind farm industry and that all people are treated with respect in relation to planning permits.

Melbourne College of Divinity: university status

Mrs PETROVICH (Northern Victoria) — My question is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, Mr Hall. I ask: can the minister advise the house if it is true that there is a new university in Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mrs Petrovich for her interest in this matter and for her question. The answer to the question is: well, almost. I say 'almost', because there is a process that needs to be followed.

Members who looked at the list of papers tabled yesterday would have noticed that item no. 2 on that list was a notice of a decision by the Victorian Registration and Qualifications Authority to approve the Melbourne College of Divinity to operate as a university. If anyone had bothered to pick up that paper from the papers office, they would have read that it is true that VRQA has approved Melbourne College of Divinity operating as a specialised university under the title of 'MCD University of Divinity'.

I say 'almost', because there is a process that needs to be gone through before the law will officially recognise Melbourne College of Divinity as a specialist university. That process involves the tabling of that notice under statute law and then a period of 18 days during which a member of the Victorian Parliament may choose to disallow that decision if that be their desire. That is certainly a member's prerogative.

Many of us who have been in this chamber for a while and have had some association with the legislation relating to Melbourne College of Divinity would appreciate the fine role it plays in terms of the programs it delivers in Victoria. It is of interest that Melbourne College of Divinity was established under its own act of Parliament and has operated as a self-accrediting organisation for a period of 100 years. That act is dated 1910. During that period the college has provided more than 8000 courses from diploma to postgraduate level, mainly covering the areas of ministry, theology and philosophy.

After due consideration and a process defined under the Education and Training Reform Act 2006, VRQA now considers it is appropriate that this college become Australia's first specialised university. I am particularly pleased with that decision, because it adds to the fine structure of universities we currently have in Victoria; we have eight universities that are constituted under a Victorian act of Parliament and a ninth one being Australian Catholic University, which has a very significant presence in both Melbourne and Ballarat.

I welcome this decision by VRQA. I hope that it will have the support of members of this chamber, and I offer the services of my department if members want further information about the process or the application by Melbourne College of Divinity to become a specialised university. It is a positive move in terms of

the delivery of higher education in Victoria. It enhances our reputation as a first-class deliverer of education services. I welcome it, and I am sure members in this chamber will join me in that regard.

Chelsea Heights community centre: future

Ms HARTLAND (Western Metropolitan) — My question is for Ms Lovell, the Minister for Children and Early Childhood Development, and it is in regard to Chelsea Heights community centre, representatives of which have written to staff and users of the centre to say:

Despite the committee of management's very best efforts, the withdrawal of government funding has left us with no alternative than to reluctantly close our child-care service on 16 December 2011, after 22 successful years.

I ask: what will the minister do to stop this occasional child-care centre being shut, which of course will result in the loss of child-care places and a number of jobs?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I remind the member and the opposition that the funding of child care is a federal government responsibility and that it was Kate Ellis, the federal Minister for Employment Participation and Childcare, who withdrew the funding for this program. She withdrew it in May 2010, with the funding to actually finish on 30 June 2010; that is just six weeks notice. Families did not have enough time to adjust. The then Labor government in Victoria pulled money forward from the 2011–12 financial year into 2010–11 and made it very clear that it was funding the program for one year only. I have extended that funding for six months until 31 December, but clearly the state cannot be expected to pick up a federal government responsibility.

I note that Ms Hartland's colleague, Mr Adam Bandt, the federal member for Melbourne, raised this issue of funding in the federal Parliament. He raised it in the federal Parliament because it is a federal responsibility. He joined with the coalition — and it is very unusual for the Greens and the coalition to join together in the federal Parliament — to lobby Prime Minister Julia Gillard and Kate Ellis to restore funding to this program. The state has always said it would be happy to make a contribution towards the program, provided that the federal government restores its funding. I invite Ms Hartland to sign a joint letter with me to Kate Ellis to ask her to restore funding to the Take a Break program.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Just as my colleagues Senator Richard Di Natale, Senator Sarah Hanson-Young and Adam Bandt have approached the minister, I would be more than happy to assist in this, but this program will close in December; these places will be closed. This government has been able to give \$2 million to jumps racing, but it cannot give \$1 million to child care. What active steps is the minister going to take to make sure that this centre does not close in December? Stop blaming each other and get on with it.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I once again remind the member that the funding of child care is a federal government responsibility. I will continue to lobby Kate Ellis to restore funding for this program. I am also lobbying her to extend the CCB (child-care benefit) and CCR (child-care rebate) to occasional care. It is discriminatory that families who use long day care, family day care and outside school hours care have access to CCB and CCR, but families that choose to use the Chelsea centre do not have access to that stream of commonwealth funding for child care.

Ordered that answer be considered next day on motion of Ms BROAD (Northern Victoria).

Hon. W. A. Lovell — On a point of order, President, Ms Pulford made a comment that I found offensive. I ask her to withdraw it.

The PRESIDENT — Order! My problem is that I did not hear it because there was so much noise, and I dare say it is not in *Hansard*. Will Ms Pulford withdraw?

Ms Pulford — I am not sure what comment Ms Lovell is referring to.

Honourable members interjecting.

The PRESIDENT — Order! Perhaps Ms Pulford could use a phrase like 'I withdraw the offending remark' or 'the remark that has offended the minister'.

Honourable members interjecting.

The PRESIDENT — Order! I do not know what it is. I did not hear it. The minister has taken offence. I think for the sake of moving on, perhaps Ms Pulford could, without mentioning the remark again, withdraw.

Ms Pulford — Okay, but for the record I am being asked to withdraw a comment when I am not sure what

it is. I certainly have no shortage of opinions on the minister's handling of this question, but — —

The PRESIDENT — Order! We do not debate this situation.

Ms Pulford — But it is a little hard for me to withdraw something when I do not know what it is that she has taken offence to.

Hon. W. A. Lovell interjected.

Honourable members interjecting.

The PRESIDENT — Order! I think some members must be talking in their sleep. I am still standing. The minister's interjection was also unhelpful. When we ask for a withdrawal we do not want a debate. I understand Ms Pulford's difficulty to some extent. A couple of members of the government are quite clear that there was a remark and they heard it with some clarity. I did not hear it, so I am at a disadvantage too. Nonetheless, in the spirit of trying to move forward constructively, I ask Ms Pulford to withdraw a remark that has offended the minister. It is not even in *Hansard*.

Ms Pulford — With your assistance, President, I am still perplexed about what was so offensive, but I withdraw. I do not know what it is I am withdrawing.

Hon. M. P. Pakula interjected.

The PRESIDENT — Order! Mr Pakula is also being most unhelpful. If some people want to leave the chamber and have a nap, then they are going the right way about it because my temper is obviously also a bit frayed after last night. I will move on it, if that is what members want.

Geelong: planning scheme amendment

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Planning, Matthew Guy. I ask: can the minister inform the house what action the Baillieu government has taken to secure jobs growth in Geelong through changes to the local planning scheme?

Hon. M. J. GUY (Minister for Planning) — Back to the business of government! It is a pleasure again to be associated with and part of a government that takes jobs growth in regional Victoria seriously — very seriously. After discussions with my colleague Mr Dalla-Riva, the industry minister, I recently brought forward a planning scheme amendment that will allow Cotton On in Geelong to expand its head office and to retain 300 office jobs on-site. The growth of that facility will

be brought forward and enable Geelong to see 60 new employees on that site, with 500 by the year 2012.

I pay tribute to Damian Drum for his work in western Victoria with Cotton On to get this jobs growth and to get this jobs issue before me and Mr Dalla-Riva. If it were not for Mr Drum, this matter would have languished — a typical response of the former Labor government to an issue. We have gotten on with the job of jobs growth. We are helping jobs in Geelong. I credit Mr Drum, the council and the people from Cotton On who invest in Australia, and in Geelong, to see regional jobs growth happen and happen strongly. That is the strength of the Baillieu government, that we have members like Mr Drum who are prepared to take up these issues to ensure that regional jobs growth — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I ask Mr Jennings to lower the volume and quantity of his interjections, and I suggest to the minister that the tone of his response to a government question is inviting interjection. Perhaps we could have a more orderly question time.

Hon. M. J. GUY — As I said, I am excited by jobs growth in regional Victoria, and I am excited by the work of our member Damian Drum in western Victoria. He has been working to see Cotton On establish itself as a global company in Geelong and to ensure that the industry minister and the planning minister knew about this issue and got on with it. It had languished for years. This issue has been solved. These jobs will come to Geelong, to the global headquarters of a company that is deeply important to Geelong's fabric and to the growth of Australia's 12th largest city and Victoria's second-largest city that has a great future ahead of it. Coalition members in lower house seats in western Victoria and in the upper house as well are all incredibly optimistic about its future.

I say to those members opposite that they can scoff about jobs growth in Geelong, but members for western Victoria, like Mr Koch, Mr O'Brien and Mr Ramsay, together with members for northern Victoria, like Mr Drum, have come together to make this happen. I pay tribute to them and say what a great result this is for Geelong and jobs growth in regional Victoria.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 600, 652,

656, 660, 682, 743, 746, 749, 756, 840, 841, 845, 855, 879, 898, 903, 917, 926, 965, 977, 1003, 1019–23, 1049, 1164, 2263, 2265, 2266, 2276, 2278, 2286, 2292, 2293, 2322–421.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Yesterday I took on notice a question without notice from Mr Pakula during question time. I gave a commitment to respond to him within 24 hours. I appreciate the opportunity to respond at this point in time.

Mr Pakula asked me whether my office contained a central document management system that would allow a search consistent with the Ombudsman's recommendations. It caused a fair bit of anxiety when he asked me this question, because I pride myself on at least trying to be on top of areas of interest in my portfolio, particularly if they pertain to recommendations made by the Ombudsman.

I was somewhat flummoxed for a while, but on further inquiry and with assistance from Mr Pakula I found that the recommendations to which he was referring were recommendations made by the Ombudsman to the office of the Premier and conveyed to Mr Pakula in a personal letter to him from the Ombudsman. As such, there is no reasonable expectation that a recommendation to the Premier's office might be applicable across other offices as well, and certainly there was no hint that this was a recommendation made to me or my office. Consequently, the reason I was unable to answer the question was that there was no such recommendation made by the Ombudsman with respect to document management in my office.

Nevertheless, I say in response to the latter part of Mr Pakula's question that I do keep a record of all correspondence and documentation flowing in and out of my office. The system is one that I inherited and is probably no different to what the previous education minister employed. I believe it is an efficient system which allows me to track documentation in a proper and efficient manner.

Hon. M. P. Pakula — On a point of order, Deputy President, I indicate that there were two ministers who took my questions on notice yesterday, the other being Ms Lovell, and I wonder whether Ms Lovell, like Mr Hall, has an answer to the question she took on notice.

The DEPUTY PRESIDENT — Order! I was about to call Ms Lovell, in accordance with the notes in front of me.

Hon. W. A. LOVELL (Minister for Housing) — I, too, have an answer that I am happy to provide to Mr Pakula, and I am confident that the document management system in place in my ministerial office is sound and allows staff to manage the large amount of correspondence that I receive and send out both efficiently and effectively.

Sitting suspended 12.53 p.m. until 2.02 p.m.

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, 14 September 2011, a copy of all reviews commissioned by the government of the myki ticketing system undertaken by Deloitte.

This is a request that the government table in the house a document or series of documents comprising the reviews of myki it has set up and that have been delivered, as I understand, by the company Deloitte.

When in opposition, government members had a lot to say about myki and what they were going to do about it. When they came into office they set up a process of review by Deloitte which they told us all about. Then all of a sudden the government made a number of announcements, including that with a few changes that it was making myki was fixed; everything was going to be all right and we were going to continue with myki. There were going to be a couple of small changes. For example, people will not be able to buy myki cards on a tram. The government will not be replacing the Metcard machines on trams with myki vending machines, so bad luck, people will have to go and get their myki cards somewhere else. It seems that the government will also abolish short-trip or single-use tickets and people will be forced to buy a full-blown myki card, set up an account or whatever before they can even set foot on a tram.

Who knows what other refinements the government is planning to make to myki to save itself some money? What we have seen so far is that the measures the government will introduce will actually make it harder for passengers and will make us work harder to get in effect the same service. If there is a rationale for this, it is provided in the reports prepared by Deloitte.

I am here to tell members that the government should not think that it can get away with using the words 'myki' and 'trust us' in the same sentence. They just do not go together. Now that it is Premier Ted Baillieu's myki, we are just as entitled to receive information

about how the system is working or how it is meant to work when it is fully rolled out. Hardly any information about the functioning of myki is now to be found anywhere. If you go to the Web and look for the Transport Ticketing Authority, you find it does not have a website but just a page on the Department of Transport website. Barely anything has been published there since about 2009. The Transport Ticketing Authority has an annual report, but that is from last year, so everything in it is now out of date and completely wrong. The myki website is no use. There is no information about it except how to use it; it is a marketing site for the card. The usual performance measures for other parts of the rail system, published through *Track Record* and so forth, are not there to be found for myki, even though there were some performance measures for the Metcard system.

Earlier this week we were told by the Minister for Public Transport that fare evasion on trams is rocketing. By the way, trams represent more than half the dollar loss from fare evasion. On trams it was down to about 14 per cent at one stage, it grew to 16 per cent last year, and currently it is about 20 per cent. The inner rules of the strategies of the transport operators and the Department of Transport are push and pull: enforcement, but making it very easy to obtain a ticket. When you read all the government's documents about its revenue protection plans and so forth, you see that it always emphasises that it must make it very easy to buy a ticket, and then introduce measures of enforcement to ensure that it makes it hard to evade paying fares.

It is easy to fare evade. The ticket inspectors check about 2.5 per cent of all riders. It is like a lottery scratch ticket in reverse: you do not pay \$6 and you might lose \$150. That is virtually the reverse of the deal you get at your local newsagency if you buy a lottery scratch ticket. The enforcement side of the equation is not working, because a 2.5 per cent chance of being caught is obviously low enough for a lot of people to fare evade opportunistically. Some people say they never fare evade and other people say they fare evade all the time, but for the bulk of the population it is an opportunistic activity. It has been normal, if you like, to fare evade sometimes in some circumstances, with certain excuses. No amount of TV ads suggesting that it is a bit socially unacceptable will change that attitude. When it is normal to pay, nearly everybody will pay, because that is how we are.

All the government's market research in this area indicates that it is about the broader social view, and at the moment the broader social view is that the system is pretty crappy. They say, 'If I were offered that level of service in any other area I would not pay for it'. They

say, 'If my meal was that late and of that poor quality, I wouldn't pay for it'. They feel that way about public transport. The system that has been in place over a very long time has failed. Now a major element of it is the myki system and how it is to work. The government's decision about the myki system was made after consultants Deloitte gave the government advice.

By the way, I think it is a brave move for the government to continue with myki. There have been other high-profile disasters in automated ticketing: in Sydney and in Brisbane — and I believe the one in San Francisco is another good example. In those examples, even after a very long period of trying to get a system to work, they scrapped the system and started all over again. Victoria would probably be one of the high-profile examples of where the government has decided to forge ahead and continue with the system.

We already know some more about what that is costing us because I believe we are giving the operators a revenue guarantee until 12 months after myki is fully implemented. The government has told us recently that it will be fully implemented around the end of next year. For a long time yet it is the taxpayer who will be wearing the risk of lower than expected revenues and not the operator. Not surprisingly, the operator is less than fussed about this at the moment.

Once upon a time we had a very efficient system of collecting fares; it involved stationmasters and tram conductors. A succession of governments — Labor and Liberal — worked to get rid of them and introduced and trialled various other disastrous ticketing systems. The purported benefits of each wave of change never arrived, and we can see here today that with 2.5 per cent of tickets being checked by 500 or so authorised officers, we are not making sustainable reductions in fare evasion. We are in fact seeing it on the rise again.

Some have said myki was not meant to address fare evasion, that myki is not related to fare evasion but is just the system by which we sell tickets. That is not true, and as I have said, the entire basis of the government's fare evasion strategy is to make it easy to buy a ticket. However, the government has just made a decision that will make it harder to buy a ticket. Presumably it has done that for financial reasons again, just like all those other failed experiments. That being the case, the government should come clean and tell us on what basis it did so.

The government seems to like Deloitte. It has Deloitte reports on live music, Deloitte reports on carbon tax job impacts and now a Deloitte report or two on myki. Some people have already requested this report under

FOI and had their requests refused on the basis it is not going to be released because it is a cabinet document that was prepared solely for the purpose of a decision which was a cabinet decision. Apparently it was even commissioned for the purposes of making a cabinet decision. I have no doubt that the government would argue successfully in court, if it were ever to come to that, that it is a cabinet document and that it does not have to release it. The government can give it to someone, and I am suggesting that the Parliament should request the document and that the government should provide the document. If there is any particularly commercially sensitive matter in the document, the government could look at redacting that part of the document.

The fundamental status of myki, the fundamental condition that the government found the myki system in and the rationale and justification for the decisions that the government has announced are all to be contained in this document. Who knows, the document may contain a whole bunch of other decisions the government intends to take but has not yet told us about, because I really cannot believe it is as simple as that to fix myki. The government seems to be suggesting now that it is all very simple; it just needs to make a couple of small changes.

There is a complete lack of performance information on myki — and I am talking from a customer point of view. By that I mean things like the time it takes for your card to register when you touch it on, which in itself is a critical key performance indicator (KPI), if you like, for the system. I imagine that the system would have been designed around such a critical KPI. Since it is a ticketing system and it is for the use of people, and people will be going through station barriers and getting on and off trams, I would have thought that the critical thing you would want to know is how long it will take for the card to be registered each time it is touched on. If that is a fraction of a second, good, but if it is persistently blowing out to more than half a second or a second or two, then that is a critical number for us to understand. There is no performance information out there on that.

Other critical information we need to know includes data on the number of machines that are working and when they are working, including both vending and validation machines. If you cannot buy a ticket, you are not going to get to square one and you are risking a fine.

None of that information is public. I do not believe this government is interested in myki. It has now inherited myki. Every problem of myki is now the government's

problem. I do not believe those problems are going to go away in the next 12 to 18 months as the program is rolled out. I do not believe the problems are going to go away over the long term. At the very least we deserve a little more information from the government than simply a press release stating, 'This is the deal; myki is fixed; trust us'. That is the reason I have moved this motion, and I hope the chamber supports it.

Mr O'DONOHUE (Eastern Victoria) — The government will not oppose Mr Barber's motion, with the usual caveats in relation to these matters. Mr Barber's motion requires the Leader of the Government to table in the Legislative Council by 12.00 noon on Tuesday, 14 September, a copy of all reviews of the myki ticketing system commissioned by the government and undertaken by Deloitte.

Mr Barber, by bringing this motion before the house, has highlighted again one of the challenges the incoming government has had to deal with in responding to and dealing with the problems it inherited from the previous government. Yesterday Mr Lenders, the Leader of the Opposition, was talking about the north-south pipeline, a white elephant of the previous government. If we replaced the word 'myki' in this notice of motion with 'desalination plant' or 'pokies licences and the auction of the pokies licences', we would be talking about the same troubles, the same issues that this new government has had to work through and resolve the best way forward in the interests of Victorians.

I agree with what Mr Barber implied in his commentary — that the easiest thing for this government to do would be to abolish the myki ticketing system and start again. Politically that would be the most expedient thing to do. Rather than do that, however, the government has taken the decision that we are so far down the road with myki that it is in the interests of Victorians to proceed.

In that context let me give a little bit of background in terms of the time line of the myki ticketing system. In June 2003 the Transport Ticketing Authority was established to procure a new ticketing solution. In July 2004 a request for tender was issued for the new ticketing solution. In June 2005 the contract to build and operate Victoria's new smartcard ticketing system was awarded to Kamco. At the time the government promised the new system would begin operation in 2007 at a capital cost of \$494 million. In May 2008 Lynne Kosky, the then Minister for Public Transport, announced myki would cost an additional \$352 million. Between late December 2008 and mid-2009 myki was rolled out on some country commuter routes.

As I said, when this new government came to power it inherited this problem. It has looked at this issue in the cold light of day. In his press release of 21 June the Premier refers to some of the changes that will be made to the myki project, including:

removing V/Line intercity trains and long-distance V/Line coach services from the initial scope until at least steady state operations are achieved in metropolitan Melbourne and major regional centres;

eliminating to the extent possible the introduction of disposable short-term cards, which are currently only in use on certain regional bus services; and

operating trams without smartcard ticket vending machines ...

which Mr Barber referred to. The press release goes on to say:

The government will negotiate for Metcard operations to continue until the end of 2012 to ensure that the smartcard system is working effectively and reliably for commuters before Metcard is phased out completely ...

...

Mr Baillieu said negotiating a revised contract for the ticketing system was the most cost-effective outcome for Victorian taxpayers and would allow a reliable ticketing system to be delivered in the shortest possible time frame.

Echoing those comments, an article in the *Age* of 23 June said:

In announcing the retention of myki, Mr Baillieu gave notice of three pragmatic changes to the project.

The article is entitled 'Baillieu makes the right call on myki'.

This government has inherited a number of significant challenges, which it has progressively worked through. Many of those challenges were inherited as a result of the failings and incompetence of the previous Labor government, but the federal Labor government has also thrown in significant obstacles and challenges. I refer in particular to funding for the regional rail link, which the federal government has delayed.

The government does not oppose Mr Barber's motion. The government has made a sober assessment of myki. It has identified improvements it can make to it so that its deliverability is better assured, and it has weighed up the costs and benefits of starting again against those of continuing the system it has inherited. As I said, the government will not oppose Mr Barber's motion.

Mr LEANE (Eastern Metropolitan) — The opposition supports Mr Barber's request for these documents regarding the myki system. It is worth

noting the three members who have contributed to this debate so far were members of a select committee inquiry in the last term which looked into train services and which was extended to look into the myki system. I believe there was no minority report, and I think the report found that this system was not as bad or evil a system as it may have been portrayed, before and after, by members of the now government.

It is no surprise that after this Deloitte review, commissioned by the government, the government has decided on very minimal changes to the system. All the chest beating about what was going to happen to the myki system became a fizzer.

Ms CROZIER (Southern Metropolitan) — I also rise to speak on Mr Barber's motion listed on the notice paper that:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 14 September 2011, a copy of all reviews commissioned by the government of the myki ticketing system undertaken by Deloitte.

I have to say that I welcome the debate. It is a reminder to Victorians of just what happened under the previous government; this is yet another financial disaster the state has had to endure. I remind the house that, as we all know, myki was not an initiative of the Baillieu government. It is yet another example of a failure of administration by the previous government in terms of part of what government is responsible for: public transport. The myki ticketing system is symbolic of many of the issues that plagued the previous government.

Having said that, I indicate I support Mr O'Donohue's move not to oppose this motion. I highlight, however, that the Baillieu government has inherited this problem and has had to pick up the pieces and fix the problem. It was a reminder of how broken this system was when the former Minister for Public Transport, Lynne Kosky, was participating in a filmed demonstration of the ticketing system when it unfortunately collapsed on her. I felt very sorry for her, because it was not her fault; it was just a symbolic reminder of how broken the system was. We have seen this played out time and again.

Having said that, I note again that it was not Ms Kosky's fault at all that the system collapsed. However, members of the previous government must take some responsibility and acknowledge that the whole administration of that particular project was plagued by delays and cost taxpayers more than \$1.3 billion.

There were persistent complaints from commuters about the ticketing machines, about the readers and about how slow and unreliable they were. There were tickets being recalled. There were numerous complaints about the whole process, and they were reported extensively at the time. As I said, many problems with the ticketing system were highlighted, as we are all aware. An inadequate contract was entered into by the previous Labor government. It did not include appropriate governance, project management or financial controls. We heard from Mr O'Donohue about how those costs blew out over the years, from the commencement of the Transport Ticketing Authority in 2003 right up until the proposed rollout.

In the lead-up to last year's election Victorians quite rightly questioned the project and the previous government's ability in relation to the financial aspects of the project. Mr O'Donohue pointed out the various challenges the Baillieu government has had to face in its first nine months, including various financial challenges in a number of areas. The myki ticketing system is just one of those, and the government is quite rightly reviewing the myki system. It has identified areas for improvement and the associated costs that will be involved. We said we would do that; it was one of our commitments when we went to last year's election. Victorians want and expect this government to deliver on its commitments in relation to that. To conclude my brief contribution, I will not be opposing Mr Barber's motion.

Mr BARBER (Northern Metropolitan) — Ms Crozier just told us that during the implementation of myki there were numerous complaints. I can tell Ms Crozier that there are still numerous complaints every day, and I am hearing about them. Those also hearing about them include station staff — on those stations that are staffed. In fact station staff are still very much bearing the brunt of complaints about myki right up to the present day. I would like to know how many complaints there are, what those complaints relate to and whether there are particular faults occurring in the myki system that are generating those complaints, but I cannot get that information unless government members can point me to some other incredible almanac of myki-related statistics that is being updated regularly so that I can assess the performance of myki. Failing that, I am relying on the rather recently prepared and completed Deloitte report into myki and the state of play of the system.

Mr O'Donohue drew analogies with the issue of poker machines, the north-south pipeline and the desalination plant, and Mr O'Donohue would know. He was on inquiries with me into almost all those things, or at least

some of them. I was on inquiries into all of them. He would know that those disasters unfolded over the life of the Bracks and Brumby governments, while diligent opposition MPs like me and Mr O'Donohue attempted to simply obtain information about, unpack and expose some of the key financial and operational details behind each of those things. Largely we failed, and those projects went on to be disasters, and that is the fault of the then government. If we as opposition MPs had had our way, we would have got more information out sooner and exposed those projects for what they were and still are to this day.

It is the same with myki. Mr O'Donohue said it would be the politically easy thing to scrap myki. I am not so sure about that, but it is certainly the politically hard thing to give a warts-and-all assessment of the state of myki and release that to the public. In the longer term it is better to be honest and open with the public. In the early stages the government may feel that it is exposing itself by releasing more information about what is wrong with myki and what decisions it has had to take in order to get, as Mr O'Donohue said, the best value for money out of what it has inherited. The government should engage with that process hand in hand with the public, and the way to do that is to release information.

In any case, members of the public who use myki every day understand a lot about how myki works. They may not have a scientific overview of it, but they know how it does and does not work for them. You are not telling them anything they do not know, but you are telling them why and how you have made certain decisions, and that is very important when you are a government, especially early on, making a big decision about a high-profile, expensive item like myki. Therefore I am pleased that the government is not opposing my motion to request this document, and I look forward to the document's release as soon as possible.

Motion agreed to.

PLANNING: GREEN WEDGE DEVELOPMENT

Mr TEE (Eastern Metropolitan) — I move:

That this house:

- (1) condemns the Baillieu government for, in less than nine months, walking away from 30 years of bipartisan support for the protection and enhancement of Melbourne's green wedges;
- (2) notes the resources of government being gathered to conduct an unprecedented three-pronged attack to destroy green wedges, including —

- (a) a secret audit being undertaken by the Premier's office, which the Minister for Planning admitted in this house could increase development on green wedges to anything short of high-density housing;
 - (b) the Growth Areas Authority being required to recommend green wedge land for development; and
 - (c) the cooption of local councils who have been asked, in writing, to turn over green wedge land for development; and
- (3) requires the Environment and Planning References Committee to review and report by no later than 1 July 2012 on the circumstances surrounding the development of the Liberal Party policy on the green wedges, including the involvement of former Liberal member of Parliament Mr Geoff Leigh, Business First, the Premier, the Minister for Planning and Liberal Party members of the Victorian Parliament, Mrs Inga Peulich, MLC (South Eastern Metropolitan Region), Ms Lorraine Wreford, MP (member for Mordialloc), and Mrs Donna Bauer, MP (member for Carrum).

This motion deals with what is a three-pronged attack on Melbourne's green wedges. There is a secret audit being undertaken in the Premier's office which the Minister for Planning in this place, in answer to a question, admitted would be considering development on green wedge land. He said that the development could increase to anything short of high-density housing, and that is for the green wedge land that remains after the two other inquiries. One is being conducted by the Growth Areas Authority. The Minister for Planning has asked the Growth Areas Authority to scour green wedge land to look for housing and commercial development opportunities. The third review the government has announced regards the cooption of local councils. The minister has written to local councils and asked them to turn over green wedge land for development. This motion seeks to understand what motivated the Liberal Party to do this and what its thinking was.

It is worth spending a moment on what is being proposed and what has been proposed over the nine months of this government — that is, the unravelling of some 30 years of history. This government is turning on its head 30 years of bipartisan support for the development of the green wedges. Up until the election of this government, both the Labor Party and the Liberal Party have stood firm and said, 'Let's enhance, protect and develop', and all of a sudden, very suspiciously and surprisingly, we have this dramatic turnaround, this betrayal of the environment, this betrayal of our heritage and this trashing of a 30-year legacy that was commenced by the Hamer government.

It is important to note the response from Lady April Hamer. She wrote to the *Age* on 5 August, and this is what she said about the actions of this government:

Could I add a few words to the current controversy over Melbourne's green wedges. My arguments are not about money, so perhaps they will have little weight today, and of course I am attached to the ideas of my late husband, Dick Hamer.

I believe that his ideas were firmly based on a system of city planning that emphasises restraint, for the purpose of allowing families a better choice for themselves and for the environment — which is now all the more important.

We should also bear in mind that any encroachment into our green spaces is irreversible.

Speculators, of course, will disagree, but remaining faithful to the original intention of the green wedges would give us all a more disciplined, sustainable and welcoming city for future generations.

I do not think I could have summarised the argument better myself. I do not think I could have encapsulated what is at stake — —

Mrs Peulich interjected.

Mr TEE — This, Mrs Peulich, is an attack on open space, but it is a lot more — —

Mrs Peulich interjected.

Mr TEE — It is an attack, Mrs Peulich, on our way of life. It is an attack on families. It is an attack on children — —

Mrs Peulich interjected.

Mr TEE — It is an attack on our capacity, on the capacity of Victorian families to go for a bike ride, to have a picnic, to have a barbecue — —

Mrs Peulich interjected.

The ACTING PRESIDENT (Mr Finn) — Order! The constant stream of interjections from Mrs Peulich is less than helpful. If Mrs Peulich could restrain herself, I would appreciate it.

Mr TEE — Just last month we had a report from the Victorian Environmental Assessment Council (VEAC) which did a very careful analysis of our open space and set off alarm bells, I would have thought, in terms of the fact that our open space was disappearing. The report, which was released on 1 August, said this:

... Melbourne's increasing urban density and expansion will negatively impact on the quantity and quality of Melbourne's public open space and its remaining biodiversity values.

Public open space, whether it is city squares, small neighbourhood parks, sports fields or large national and state parks, is an important contributor to Melbourne's livability.

I think the alarm bells should be ringing for all Victorians but for the government in particular in terms of what it is playing with and what is at risk not just for this generation but for generations to come, because as we all know, once the green wedges are gobbled up, once they are gone, they are gone forever.

The question is: why the process and why the secrecy? Again I will just briefly read from the letter that Mr Guy, the planning minister, sent to local councils — —

Mrs Peulich — A secret letter?

Mr TEE — It was not a secret letter — —

Mrs Peulich interjected.

Mr TEE — Mrs Peulich, thank you. What Mr Guy said in his letter was this, and I quote:

The process is designed to deal with possible changes to the boundary and will not be open to general public submissions.

This was a public letter but a secret process, a process that Mr Guy — —

Mrs Peulich interjected.

Mr TEE — This is a process that 'will not be open to general public submissions'.

Mrs Peulich interjected.

Mr TEE — That is the letter. You can ask Mr Guy and you can get a copy of the letter he wrote to councils saying, 'This process excludes the community. It excludes them from consideration' — —

Mrs Peulich interjected.

Mr TEE — That is the letter. Yes, it says it 'excludes the community'. It 'will not be open to general public submission' — —

Mrs Peulich interjected.

The ACTING PRESIDENT (Mr Finn) — Order! Mrs Peulich should restrain herself.

Mr TEE — That is a direct quote from the minister's letter. That is a direct quote — —

The ACTING PRESIDENT (Mr Finn) — Order! If Mr Tee would be kind enough to direct his comments

through the Chair, that might help Mrs Peulich restrain her comments.

Mr TEE — What we have, through you, Chair, is a direction to councils not to include the public in a process that would exclude them from their open space. We have a process shrouded in secrecy, a process that the minister has said in writing 'excludes the community', and the question that my motion seeks to explore is: why has the government come up with a secret process to exclude the community? What would motivate a government to comprehensively slash and burn the lungs of our city through three reviews?

The intent of the reviews is very clear. When you look at the reviews what you notice is clearly missing is any intention to protect the green wedge. There is no evaluation in any of the reviews of the need for open space. There is no mention of the importance of open space. There is no consideration of the importance of open space for the health of communities. There is no consideration to ensure that children can access open space or exercise, and we all know how important exercise is in today's society when we are grappling with an obesity epidemic.

The three comprehensive reviews are all about development. The riding instructions of the Growth Areas Authority are very clear: it is about identifying land for development; it is not about protecting our future. We on this side of the house think that that has gone too far. We on this side of the house abhor what we think is a lack of balance and what we see as the trashing of community space. What we dislike is the selling of the future of this community, and the future of our children, for a quick buck. As I said, the legacy that we will leave is a terrible legacy, because once these open spaces — these green wedges — are gone, they are gone forever.

This motion is important. It comes at a critical time, indeed at a turning point. We think it is important that all these factors be considered in some detail. The motion talks about identifying what it is that has brought us to where we are today, because there is a concern that all is not as it should be in terms of what is being proposed and what is being done. All is not as it should be when you end up with such an unbalanced process.

That sense of community concern has been heightened through recent reports in the *Age* newspaper. I will take a moment to lead members through some of those reports, which are important in giving some context and background to the need for a full review. They raise a number of startling issues that we seek to have dealt

with in a dispassionate, open and public manner through the committee process.

On 19 August the *Age* reported on its front page that:

A farmer, a developer and former MP — all with close links to the Victorian Liberal Party — are poised to share in a \$500 million bonanza from a controversial land rezoning on Melbourne's fringe by the state government.

I should note this was a proposal that the former government had considered on its merits and had rejected. I will continue with the quote:

The trio, at least two of whom have directed thousands of dollars into Liberal coffers, are set to be among the first beneficiaries of the Baillieu government's contentious policy to selectively open up 'green wedge' land to housing and commercial development.

The proposed rezoning of Brompton Lodge, an egg farm in Cranbourne South, is being pushed by the landowner and farmer, Peter Carpenter, along with former Liberal MP-turned lobbyist Geoff Leigh ...

...

Mr Carpenter also confirmed:

He had met Mr Guy, then shadow planning minister, on two occasions at Liberal fundraisers before the November election.

He was a close family friend of Liberal MP Donna Bauer, who won the nearby seat of Carrum from Labor in November.

He had contributed thousands of dollars to local Liberal candidates, including Ms Bauer, former Casey mayor and now Mordialloc Liberal MP Lorraine Wreford, and current Casey councillor and unsuccessful candidate for the seat of Cranbourne, Geoff Ablett.

...

Mr Carpenter said he been given clear support, if not cast-iron guarantees, for the rezoning of his property. 'When people are campaigning they will sort of indicate all sorts of things, all of it positive to your view. But until they actually do what they promised to do, without a sting in the tail, you really don't know'.

The Growth Areas Authority recommendations suggest we are starting to find out. But of course critical to the need for a dispassionate look at this matter through the upper house committee is, I think, Mr Guy's response. On a number of occasions he has simply refused to address these issues. Again I quote from the *Age* of 19 August:

Yesterday Mr Guy refused to answer a list of detailed written questions, including whether he had met Mr Carpenter, whether he was aware of his donations, and whether Mr Leigh had lobbied him about Brompton Lodge.

Again, what we have is a series of very concerning allegations and statements. What we see in the *Age* and indeed even in this Parliament is a reluctance — —

Mrs Peulich interjected.

Mr TEE — I am very happy to repeat to Mrs Peulich what the *Age* newspaper has reported about Mr Guy's refusal to answer these questions, and the record of Mr Guy in this chamber is a public document which stands for itself. I am not concerned about any of this. But the issue in relation to Mr Carpenter is a serious issue, because if Mr Carpenter is right when he says he was given clear support, what does that say about the process that Mr Guy wheeled out as being independent of government, as being wrapped around a probity auditor, when people like Mr Carpenter are telling the paper that they have already received clear support?

That really is a matter that we ought to debate, but we should debate it in a dispassionate way. We should debate it having heard the evidence and having had a look at the material so that the public can be confident that the process is as Mr Guy has said. We are continually hindered in being able to do so by Mr Guy's approach to this matter in this chamber and by his refusal to answer, and again I quote from the article, 'a list of detailed, written questions'.

Mrs Peulich — And have you stopped beating your wife?

The ACTING PRESIDENT (Mr Finn) — Order! I ask Mrs Peulich to withdraw that comment.

Mrs Peulich — In deference to the Chair, I withdraw. I was using it metaphorically, Acting President.

Mr TEE — To continue, other concerning allegations have been made that I think are all properly to be seen in the context of the need for the parliamentary committee to investigate them. Again, the *Age* of 26 July on page 1 reported an interview with Mr Geoff Leigh, Business First chairman, which states:

Mr Leigh, a former Liberal member for Mordialloc, said most of the money raised was distributed directly to candidates, including —

here we go —

Inga Peulich (south-eastern region), Lorraine Wreford (Mordialloc) and Donna Bauer (Carrum).

All three were elected — —

Mrs Peulich — That's the gospel, is it?

Mr TEE — That is according to Mr Geoff Leigh.

Mrs Peulich — Just because it was printed in the paper, it's gospel.

Mr TEE — Again Mrs Peulich might have a different view, but we ought to move this matter to the parliamentary committee so we can ask Mr Leigh, and he can have the opportunity to answer, whether his statements as reported in the *Age* are an accurate reflection of what occurred.

We can also ask him whether what the *Age* of 26 July reported on page 3 is true:

Mr Leigh is regarded in Liberal circles as an important behind-the-scenes player in the party's planning policy. He confirmed that among contributors to Business First were clients that would seek government planning approvals, including QOD Property Group ...

What we have is a very concerning allegation made in the *Age*, which I think warrants further investigation. The questions are: what is the relationship between Mr Leigh and the planning policy that this government has produced, and what is the involvement of donors in the development of that planning policy? These are important issues that should not be swept under the carpet. They should not be ignored; they should be brought out and put under public scrutiny so that the public can make up its own mind. That is all I am saying: let the public judge what occurred, not solely on newspaper articles but on evidence given to the parliamentary committee.

I want to briefly refer to an article in the *Age* of 15 August, on page 1. It talks about the work of Business First, which is identified in my notice of motion, and the role that it played in relation to policy development, including the policy of logical inclusions. On 15 August the *Age* reported that:

The group —

Business First —

founded by development industry lobbyist Geoff Leigh and upper house Liberal MP Inga Peulich, breached laws by failing to disclose its activities for financial years 2008–09 and 2009–10.

Controversy around Business First highlighted the confluence of money, political candidates, lobbyists and property developers in suburban Melbourne, especially in outer areas where rezoning of green wedge land can be controversial.

It beggars belief that this chamber and members of this Parliament would not want to investigate those very serious allegations. It beggars belief that you, Mrs Peulich, can roll your eyes at what are very serious

allegations which go to the heart of the process that this government has put in place and that will have long-term, irreversible consequences for our community.

Again, as if that were not enough, on 27 July the *Age* reported, I think again on page 1, that:

A Liberal Party support club at the centre of a campaign funding controversy held a Parliament House fundraiser in May, attended by planning minister Matthew Guy despite a government freeze on such events.

Liberal insiders have confirmed that Mr Guy was among those present at the ... function on May 24, also attended by development industry lobbyist Geoff Leigh. Mr Guy yesterday insisted the event was not a fundraiser.

The article goes on to talk about the fact that only long after it was required to do so by law did Business First make disclosures:

... for money raised in those years, including at functions attended by Mr Baillieu, Mr Guy and Treasurer Kim Wells —

Mrs Peulich — When he was in opposition.

Mr TEE —

— who were then in opposition.

Yes, that is right. The article continues:

Yesterday, the party also made a point of releasing details for financial year 2010–2011 ...

The article goes on to say:

The government has so far failed to deliver on its promise to require public records to be kept of all meetings between ministers, or their staff, with lobbyists.

Again we hear what is a bit of a common theme with this minister:

Mr Guy has refused to make public how many times he and his staff have met Mr Leigh since the election.

I think there is a picture emerging, and it is a very concerning one which deserves a proper, detailed, dispassionate consideration by way of the committee that you, Mrs Peulich, are on —

Mrs Peulich — As are you.

Mr TEE — As am I. Certainly those on this side of the house would be very happy to have a look at these issues objectively and allow the evidence to speak for itself. It is an important issue because of what is at stake. There are numerous communities whose way of life is at stake. I repeat that there have been a number of reports about the fear that this policy is creating in

communities because it looks like communities will be shut out of parks, open space and areas where they can have fun with their children on the weekend. On 6 August one example was reported in the *Herald Sun*.

Hon. M. J. Guy — This is the longest Dorothy Dixier in parliamentary history.

Mr TEE — I welcome Mr Guy's appearance for this important debate, and I look forward to his contribution.

On 6 August it was reported in the *Herald Sun* that:

A group of families is fighting plans to build an industrial park on green wedge land near their outer suburban homes.

The farmland near Melbourne Airport could make way for factories and warehouses under state government moves to expand the urban growth boundary to cope with the booming population.

Resident David Cleland, who lives opposite the 235-hectare site in Mickleham Road, Attwood, is unhappy with the proposal.

'That would ruin the whole landscape for me, having a factory next to me with B-double trucks coming out', he said.

When it comes to the importance of this issue, it is worth remembering that these are real people, these are real families and these are real communities. It is also worth nothing that, as important as that is, there are other victims of this proposal. An article in the *Age* of 15 August reported the views of Melbourne Airport with a photo caption that reads, 'Melbourne Airport opposes Baillieu rezoning'. The article begins by saying:

Melbourne Airport has attacked a state government planning review that could see businesses developed under its noisy flight path.

Melbourne Airport is open 24 hours a day. That is an important contributor to Melbourne's success. It is an important contributor to tourism and therefore an important contributor to jobs, yet that might be simply brushed aside and waved off because of this government's determination to concrete over and build on Melbourne's green wedge.

In closing, what is at stake is no less than Melbourne's way of life. What is at stake is no less than the opportunities that families in Melbourne have to enjoy time together on weekends. That is really what is at the heart of this debate today.

Mr Ramsay interjected.

Mr TEE — The squatter on the other side notes that not only is what we do on the weekends at risk under

this government but families in regional Victoria are also under the gun. Families in regional Victoria are being told that the skilled jobs they have come to expect and that are the glue of many of those communities are likely to be ripped out by this government.

Mr Ramsay — How so?

Mr TEE — How so? Because your policy, or your government's policy, is to close down — —

The ACTING PRESIDENT (Mr Finn) — Order! It would be appreciated if Mr Tee directed his comments through the Chair.

Mr TEE — I have been distracted by those opposite, but I will focus my attention on the subject at hand and not be distracted by the squattocracy. I want those opposite, when they think about how they vote on this matter, to think about Victorian families and think about how we are on the verge of making a decision in relation to green wedges that can never be undone. It is a decision that will have consequences for this generation and for generations to come.

I urge those opposite to consider that, and I urge them to consider that what is being asked in this motion is that we take up the opportunity to review how we got here. It is not pre-empting any outcomes. It is not an opportunity to have a wide-ranging debate on wide-ranging matters. It is about having a look objectively, letting the facts speak for themselves and letting the community make any judgements. It is about saying, 'How did we get here?', and being open and transparent to the community. That is what is being asked in this motion today, and I urge everyone in the house to support it.

Mr BARBER (Northern Metropolitan) — According to Mr Tee's analysis of the history of green wedge protection, we are at a critical point and alarm bells are ringing. Mr Tee needs to get off the grass. I agree that the high point for green wedge protection was in 2003, when Mr Thwaites, the then Minister for the Environment, introduced a new system of green wedge protection through legislation and planning scheme amendments, even though green wedges themselves had been under various other forms of protection for some time. Through that he created a requirement that when any amendments to an urban growth boundary are made or when changes to subdivision controls of green wedge and other similar zonings occur, the Parliament needs to ratify that. That was, if you like, the modern protection for green wedges, but it was in fact the high point.

Under Mr Tee's government things went downhill from there and reached their absolute low point last year, when the then government pushed through the Parliament — with the support of the Liberal Party, I have to say — a massive expansion of Melbourne's boundary into the green lungs of Melbourne, taking out with it some of our most important remnant ecosystems around the fringe, to which I will refer. In between we saw an abject neglect of green wedges. They were not protected in line with the vision. The green wedge management plans were slow; in fact we only got the first of those just this year.

The protection of the values within those green wedges, particularly biodiversity and so forth, is left in a large degree to local councils, which rely on the rates of their thinly dispersed ratepayers to protect the very values that Mr Tee says he is so committed to protecting. One of the worst public policies I have ever seen involved the massive release of more land for subdivision. As I say, it was backed by the coalition parties, but it just made me want to spit. When the ordinary citizens of Victoria heard about it, they thought it was madness. They realised that urban sprawl is unsustainable. It is unsustainable for the finances and livability of the city, but it is also unsustainable in terms of the highly productive biodiverse or farming land that it inevitably eats up.

The Nationals were completely missing in action when it came to the important food bowl down in the south-east. The Werribee food bowl lies within well-known and fully protected green wedge land, at least for now, but down in the south-east there is an even larger vegetable-growing region within Eastern Victoria Region. We heard next to nothing about what was happening in that urban fringe from The Nationals and Liberal country members from that region.

That is a very poor platform from which Mr Tee can launch his passionate defence of the green wedges. But it gets worse, because at the federal level the Environmental Protection and Biodiversity Conservation Act 1999 (the EPBC act), which is critical to the protection of many species and ecosystems around Melbourne's fringe, is being further watered down and handed back to — guess who? — the Minister for Planning, Matthew Guy.

There are many endangered ecosystems, plants and animals around Melbourne's fringe, for obvious reasons. Firstly, it has always been a highly biodiverse area, even going back before white settlement. Secondly, those species are endangered by us — by our sprawling city. Mr Tee's plan was to make the city sprawl out even faster, and now his federal colleague,

Tony Burke, the federal Minister for Sustainability, Environment, Water, Population and Communities, wants to rip out the provisions of the EPBC act that might actually protect those endangered species and ecosystems in those green wedges and to hand them to Matthew Guy. Mr Tee has come into this place and said, 'Oh, my God — Mr Matthew Guy, the green wedge destroyer!', but Tony Burke is outsourcing the assessment and environment effects process to Matthew Guy through his proposed amendments, and only the Greens are opposing that move at the federal level.

The Labor Party is going to get those amendments to the EPBC act through the federal Parliament by voting with the coalition, just as it voted with the coalition eight months ago to massively expand Melbourne's growth boundary, eating into the green lungs and in the process destroying one of our most endangered ecosystems, the temperate grassy woodland. Under the amendment that Mr Madden rushed through the Parliament, the Labor Party described destroying grasslands as protecting grasslands. To make it worse, that amendment was simply brought into the Parliament and voted on one day. It was never put to a planning panel. Mr Guy with his logical inclusions is actually going to a planning panel. There will be an opportunity to make submissions to the planning panel and there will be an expert report from the planning panel.

That is not the way the Labor Party added 40 000 hectares of land to Melbourne's growth area. The former Labor government simply brought its policy in here in two great big thick folders. My attempts to move the government's plan for expansion into the green wedges off to a parliamentary committee, just like the Labor Party is seeking to move this process to a parliamentary committee, were blocked. It never went there. The committee never had the opportunity to look at the process, the policy or any of the things that Mr Tee now says he wants to look at in this motion.

What is left? In his motion, Mr Tee looks at three particular issues. He has said a secret audit is being undertaken by the Premier's office, which the Minister for Planning admitted in this house could increase green wedge development to anything short of high-density housing. Presumably the matter Mr Tee is referring to concerns the Premier's office looking at the permissible uses under sections 1, 2 and 3 of the schedule to the green wedge zone. Section 1 uses are those that a person can do without a planning permit; section 2 uses are those that a person may be able to do, but they will need a planning permit; and section 3 uses are those that a person is not allowed to do — they are those that are strictly prohibited.

The whole problem with the green wedge zone and the way it was set up by John Thwaites, a former Minister for Planning, is that there is a vast number of uses under section 2 that may be permitted with a planning permit. They are often ill defined. For example, we might see an application in the green wedge for a winery to be built and that turns out to be a small number of acres of grapes with a giant 100-bed conference centre next to it, and we are told that under section 2 that development is defined by its agricultural production.

There is massive leakage through section 2 and a constant chipping away at the green wedge. If the image of the green wedges, as Mr Tee said, is of places where families can relax on the weekends, natural areas of mixed farmland and bushland, then the average citizen would be amazed to see the number of uses that are permitted in the green wedges, including landing light planes. Those from a farming background would be equally amazed to see that there is little protection for farming uses in a green wedge zone. There are real difficulties for farmers who continue to operate in areas where there are other encroaching activities.

I believe the Premier's office is undertaking some kind of audit or study of all of those different uses. I do not have any confidence that the Premier will come out with a greener outcome than did John Thwaites, but I believe John Thwaites's outcome was not particularly green. As a matter of principle, I think that, yes, absolutely, we should be auditing the provision of the green wedge zone and its other zones, because there are too many section 2 uses and either they need to be put into section 1 or section 3, or some other planning tool needs to be put in place to ensure that we do not just chip away at the nature or character of green wedges.

The Growth Areas Authority is required to recommend green wedge land for development — that is, the logical inclusions process. I do not know what is logical about them. I do not know which ones are logical and which ones are illogical, but I would not be releasing any more land right now. I think Melbourne needs a permanently fixed urban growth boundary. It needs much stronger tools to create appropriate high-density housing. Then we also need strong planning provisions out in regional centres, which is where the leapfrog growth is going to go. In any case, that is a process that I understand will go through a planning scheme amendment through a planning panel.

In relation to paragraph 2(c) of the motion, I believe it refers to the letter that recommends to non-growth area councils, such as Nillumbik, that if they wish to participate in the same process, they can. My understanding is that Nillumbik will not be taking that

up unless the councillors have a change of heart fairly soon, and I have not heard of other councils rushing to be part of the Growth Areas Authority process. Those are the issues that have led to Mr Tee's concern.

In his motion Mr Tee has called for an inquiry into how the Liberal Party developed its policy, which is unusual. As I said, I would have loved to have had an inquiry into the actual changes that were proposed by the former Labor government when it added 40 000 hectares of land to the size of Melbourne, but I was not given that opportunity. What appears to be proposed here is an inquiry into how the Liberal Party developed its policy, but I guess I will need to wait and listen to the debate to see exactly what else might fall under that umbrella. Beyond the material that Mr Tee provided, which I was already familiar with, I am not sure what the inquiry will be looking into. Maybe Mr Tee will clarify that when he sums up in a little while.

Mrs PEULICH (South Eastern Metropolitan) — I rise to also make some comments on Mr Tee's motion. I originally thought the motion was going to be subjected to a cognate debate which included debate on a number of motions I have moved calling on various members of the Labor Party to explain the access certain unions have to government and to what degree those unions influence decision making and policy in return for making very large donations — all documented chapter and verse on the AEC (Australian Electoral Commission) website. For those who are interested, it makes very interesting reading. I have had a volunteer spend a couple of weeks entering the data of donations made to the Labor Party by the various unions as well as individual donors over the last 10 years. It certainly makes for some very interesting reading.

This can be compared to the paltry amount raised by Business First, which is essentially a supporter group like any other, is constituted appropriately, made its lodgement with the AEC as required and is in receipt of the email to say that the AEC was satisfied. It makes for a huge contrast, because we are literally talking about hundreds of millions of dollars in the context of the strong symbiotic relationship between the union movement and Labor members elected to this Parliament with union support. Often the very first inkling of this, for those of us who do not come from the Labor tradition, is when the Labor members get up in here and in their inaugural speeches pledge their loyalty to their union. We can certainly see how their decision making is impacted by that relationship.

The suggestion that Business First, which has submitted its lodgements to the AEC, is somehow in breach of federal laws was corrected by the *Australian Financial Review*, a very reputable publication, on 27 July 2011. The journalist interviewed an AEC spokesman in relation to Business First. The article says:

... the spokesman declined to comment on whether a prosecution was likely in this case. He also pointed out that the laws covering donations focused on ensuring disclosure occurred and that had happened with Business First.

If prosecution were an object of the disclosure laws, we would have seen 19 prosecutions of Labor-associated entities that submitted late returns under the watch of the former Labor government. Those associated entities that submitted late returns include the Australian Rail, Tram and Bus Industry Union; the Victorian authorities and services branch of the Australian Services Union; the Communications Electrical and Plumbing Union; the Victorian plumbing division of the CEPU; the national office of the forestry and furnishing products division of the Construction, Forestry, Mining and Energy Union, which was late a number of years; the Victorian branch of the Electrical Trades Union; Emily's List, which was late on four occasions in the last 10 years; the Victorian branch of the Health Services Union, including the HSU Victoria no. 2 branch (Health and Community Services Union); the Victorian branch of the Health Services Union; the national office of the National Union of Workers; the Victorian branch of the National Union of Workers; the Victorian branch of the Shop, Distributive and Allied Employees Association; the Victorian branch of the Textile Clothing and Footwear Union of Australia; and the Victorian branch of the United Firefighters Union of Australia.

That is something like 19 late submissions to the AEC, so if prosecution were the object, we would have had 19 prosecutions during the life of the former government. Clearly disclosure laws are about disclosure. I put this issue to rest. Business First, which is essentially a supporters group, has certainly met all of the requirements of the AEC. Mr Tee made desperate attempts to work up a story and managed to do it for a little bit of time with the support of a journalist who was happy to ask related questions but not the critical question that would nullify the story. This has of course been supported by some activists in the green wedge areas.

In relation to a particular one of those activists, while doing a company search on the organisation Defenders of the South East Green Wedge I noted that the original public officer registered on 28 October 2002 was a Brian Edward Pullen, who is a card-carrying member

of the Labor Party. I know Brian and I think he is a very nice bloke, but the close relationship between a number of the people associated with the green wedge coalition and the Labor Party is certainly evident. A postal address given for the Defenders of the South East Green Wedge is the residence of a certain activist who recently wrote a letter expressing concern. Mr Tee has been trying to generate the story at the top level and the Labor activists and some of those associated people have been trying to get the story up at the bottom level in order to create an inaccurate story during the death throes of the Labor Party's own political life.

We saw the poll results yesterday: this political party has a primary vote that is plummeting, and support for the Leader of the Opposition in the other place, Daniel Andrews, is at its lowest level. It is lower than support for Julia Gillard. How that is possible I do not know, but it demonstrates the disconnection between the Labor Party at the various state levels, and certainly at the Victorian level, the national level and the community level, first and foremost.

This situation demonstrates policy failure, and carbon tax is one example. The way this debate on this issue is being managed shows that the Labor Party lacks a moral compass, morality and honesty. Shadow minister Tee should probably get an E for his performance in the management of his shadow portfolio. It is reprehensible that such a horrific record of planning mismanagement, dishonesty and trampling over community opinion in this state over the last 11 years could be so callously and easily glossed over as Mr Tee has tried to do. It does not wash.

There could not be a more stark contrast with that than what this government and the Minister for Planning, Matthew Guy, are trying to do to address the planning issue of logical inclusions. During question time today we heard that the policy originated under the former Labor government, yet Mr Tee has been happy to ask question after question to try to get stories up and get background about how Geoff Leigh, a former parliamentary colleague from an abutting seat, and I are responsible for drafting logical inclusions. We can put the lie to that.

There is no greater scrutiny, openness and transparency than having a debate in this chamber recorded in *Hansard* for posterity for everyone to read, rather than tucking it away in some committee file. Matthew Guy put the lie to that attempt to malign and slur political opponents who contributed to the defeat of the Labor Party and the Labor government on 27 November 2010, and Labor cannot accept it. Today there were further displays in the lower house by this desperate

opposition making attacks on any individuals related to or associated with me through the member for Narre Warren North, Luke Donnellan. He attacked my son, my staff members and local members of Parliament.

This Labor opposition ought to be going back to grassroots, reacquainting itself with the community, finding out what the community priorities and issues are and doing some heavy duty policy drafting. It may well be that through this motion Mr Tee seeks to use the Environment and Planning References Committee to draft his future policies. Clearly he wants to get this matter to a committee so he can analyse things in detail and see what ideas he can glean, but we saw that he was being less than honest and up-front about attributing the drafting and shaping of logical inclusions, firstly, to me, and secondly, to Geoff Leigh.

I am looking at a transcript of the Standing Committee on Finance and Public Administration hearing of 2 December 2009 when Mr Tee was a substitute member for Mr Viney. It was a committee on which Mr Barber also served. The transcript tells a very interesting story. It is here that the term 'logical inclusion' first emerges. I will quote briefly to set the record straight, because Mr Tee is more than happy to throw mud, contrive, tell little skerrick of truth, connect them in the most disingenuous way, which displays his lack of moral compass, decency and honesty. The fact is that he feigned not knowing about logical inclusions when indeed it was discussed at a committee meeting, captured in the transcript — —

Mr Tee — On a point of order, Acting President, I was offended at the suggestion of my having a lack of honesty and moral compass — I think that was the reference — and I ask the member to withdraw it.

Mrs PEULICH — I withdraw out of respect for parliamentary tradition. The shadow minister is more than happy to malign and slur everyone but be a princess when — —

The ACTING PRESIDENT (Mr Ramsay) — Order! I thank Mrs Peulich for withdrawing those comments. I apologise for hesitating since I was involved in a transition to the Chair when those comments were made and therefore did not hear it. I was in discussion with the Acting Clerk as to whether there was substance in that point of order. I appreciate that it has been withdrawn; we should get back to debate on the motion.

Mrs PEULICH — No, this absolutely goes to the crux of the motion, Acting President.

The ACTING PRESIDENT (Mr Ramsay) — Order! We have taken a point of order and Mrs Peulich has withdrawn. I ask Mrs Peulich to return to debate on the motion.

Mrs PEULICH — The motion is one that calls for an investigation into a range of inaccuracies. The question asked the other day was what role Geoff Leigh and I had in the development of a logical inclusions policy. It was required of Mr Guy to answer that. The question was predicated on an absolutely false assumption and premise — that is, neither Geoff Leigh nor I wrote the logical inclusions policy, which is documented to have emerged, first of all, at a hearing of the Standing Committee on Public Finance and Administration, and I am reading from a transcript of 2 December 2009 when Mr Guy asks:

... if you talk about land supply, is the government considering logical inclusions to the UGB as another option, apart from VC 55?

I think it is important to consider how this is answered. Mr Madden answers:

We are conscious in the future that there may well be some anomalies that exist within the nominated urban growth boundary, not because we expect there to be, but we suspect there might well be, because from time to time land-holders come to us and say, 'Why aren't we in the urban growth boundary?'

And he goes on.

Further on Mr Guy says:

Are you giving yourself a bit of a prediction here, Minister?

Mr Madden says:

No, I am not saying that at all, but there are anomalies that come up from time to time, and we have to deal with them.

He goes on over the page to say:

Well, I am not feeling that well today! But there are logical inclusions that might need to be considered and they might come from local governments making submissions.

Mr Madden said all that back in 2009 at a hearing of the all-party Standing Committee on Finance and Public Administration attended by Mr Tee, who is now the shadow minister and who is responsible for bringing this motion before the house and for asking a series of questions in which he has attempted — in a fairly mischievous way, in my view — to misrepresent the fact that the logical inclusions was a policy that clearly preceded this government and preceded Mr Guy becoming the Minister for Planning. Clearly it was a policy that had already been well on the mind of Mr Madden. Processes were established — I will

happily refer to them — but these were not quite the processes, to be considered by panels at arms length, that we have established in the open, transparent way that Mr Barber addressed very effectively and succinctly.

Mr Tee referred to the letter that Mr Guy sent to councils inviting them to come up with suggestions once a majority council decision had been formed about what land may or may not come into the logical inclusions process. Mr Tee suggested that this was a secret process. We know that ordinary council meetings are open public meetings. My council broached this with me, because it has had a longstanding issue on which I have expressed public sentiment here in this chamber on many occasions. That is my way of attempting to get better outcomes for a community that has suffered for many years from the mismanagement of tips and landfill that is a permitted use in the Kingston leg of the south-east green wedge.

Mr Tee's campaign against logical inclusions — a policy that originated under his government — basically means that not facilitating better outcomes even where it makes really good sense will result in the residents of Dingley Village, Clarinda and Clayton being consigned to a lifetime of negative impact on their health, including from the dust and smells. Even a former member for Mordialloc in the Assembly, Janice Munt, was attempting to facilitate better outcomes for the community.

Currently Mr Tee is involved in an all-party inquiry which has received evidence that underscores the importance of open spaces being usable and of good quality. It would be a travesty if we were to lock up open space and sabotage the logical inclusions process, which began under the former Labor government and was supported by the former member for Mordialloc and, I believe, many people in the local community — Labor and Liberal alike — who want to see better outcomes for the community. If the process is sabotaged, Mr Tee and his party, which is now plummeting in its levels of support, would be largely responsible for that. I encourage members to look at the transcripts of those hearings. They certainly dispel the myth Mr Tee has been largely responsible for perpetuating that suggests that somehow Geoff Leigh and I wrote the logical inclusions policy.

Further to that, a letter was written to Cr Steve Staikos, who was the then mayor of the City of Kingston, dated 28 October 2010, just before the last election. This is just illustrative: it was before the election loss and the change of government. Notwithstanding the political differences between Steve Staikos, Arthur

Athanasopoulos and me, they are pretty genuine fellows in terms of wanting to represent their communities well. They understand what it means to allow things to continue in the Kingston leg of the south-east green wedge that obviously Mr Tee wants to impose upon the electorates of Mordialloc and Clayton, amongst others.

In this letter, Justin Madden, who was then the Minister for Planning, said, 'Dear Cr Staikos' — and I move to the third paragraph:

I am aware that Kingston's portion of the south-east green wedge hosts a number of land uses including extractive industry, landfill and materials recycling operations that have resulted in a specific range of tensions and pressures which may not be well addressed by existing planning tools. Therefore, council seeks to prevent the approval of any more materials recycling operations in its portion of the south-east green wedge.

Accordingly, on 8 October 2009 I established —

we are talking about a process that can be construed as an implementation of logical inclusions —

a task force, convened by the Department of Planning and Community Development, to review issues in the Kingston portion of the south-east green wedge.

That was the Labor government. It is totally contrary to this motion. The letter continues:

The memorandum of understanding will provide a foundation for broader engagement with stakeholders on the content of the Kingston green wedge management plan.

I understand that council has resolved to prepare a Kingston green wedge management plan and recently engaged Planisphere consultants to undertake the strategic work required to complete the plan. I commend council for moving forward with this process which is expected to provide potential long-term solutions and tools to address the complex issues in council's portion of the south-east green wedge.

The letter is signed by Justin Madden, the then minister.

Clearly the green wedge has enjoyed bipartisan support. I am very proud that we are associated with the protection of and increase in open space. Let me say that the only person who has actually increased the open space available in this particular area, the Kingston leg of the south-east green wedge, is Geoff Leigh. He was responsible for and drove the establishment of Karkarook Park, a very important park that is now part of that green wedge. He drove that forward when he was the member for Mordialloc in the Assembly. There are many other uses that Janice Munt, in her capacity as the member who succeeded him, wanted to try to resolve. Mr Tee did not quote them.

I understand that Ms Munt currently works in a role of caucus support in the office of the Leader of the Opposition, Daniel Andrews. I also understand that Janice Munt had organised a number of meetings for particular stakeholders in the Kingston segment of the green wedge, including the stakeholder who was castigated recently in one of the articles that Mr Tee did not quote from. I think he was attempting to infer that somehow Din San was involved in some sort of corruption.

This dates back to 2006, when Ms Munt claimed that she had received a cheque and left it in her desk. I would have thought that if she felt there was anything inappropriate, that would have been passed on to the authorities or at least referred to someone appropriate, like the Premier of the day or the Minister for Planning, to deal with. But no, because on 5 February 2009 Ms Munt organised a meeting with Justin Madden and Paul and David Smith of Din San. I believe a departmental staff member was also present. I think at the time Justin Madden was sympathetic. He thought it was a really great plan but said, I am informed, that it needed more houses. I do not know whether or not that is set in concrete, and it may well be possible to retrieve those minutes from that meeting, but there were other meetings at which no departmental staff were present and no minutes were taken.

I understand Ms Munt had organised a meeting for Din San to see the Growth Areas Authority and that she gave the owners of Din San the contact details of Stephen Dunn from GAA. When the Smiths went to see GAA it said the matter was outside its parameters. The Smiths were told they should not really be there. However, Janice Munt set up a meeting — and I do not know whether she supported it or whether she just facilitated the meeting; I do not know whether it involved undue influence or proper influence; I am not making any comments on that — with Justin Jarvis and David and Paul Smith at the European to discuss the plan that they had presented to government.

It is my understanding that they presented their plan to a committee or a task force that was established by the former government and that work was undertaken by Planisphere, which was appointed under the former government to work on a future green wedge plan for the city of Kingston. There has been a scurrilous attempt to impugn the development of this green wedge plan, which has received very public submissions — not secret submissions; it has been very consultative. It is my understanding that the first stage of consultation is close to finishing and a draft report will be produced. I understand that is then going to be circularised for further comment, and only following that will there be

a council position taken. If that council position is a majority decision, it will then come to the minister who has established an independent panel to consider these matters. That is a far more open and transparent process than meetings held at the European with the chief of staff to the Minister for Planning where no minutes were taken. That was not a one-off. That was the modus operandi of the former Labor government.

We also heard about Mr Peter Carpenter, who is a farmer and not a spin doctor. He received a phone call from a journalist at who knows what time of the day and was asked a series of questions — and I met Peter Carpenter at the function for Donna Bauer, the member for Carrum in the Assembly. Peter has known Donna's parents since before she was born, when he was a chicken farmer. There is a reference in *Hansard* records to a meeting attended by Mr Tee and former Minister for Planning, Mr Madden, suggesting that he has met with chicken farmers in the area, although I have been informed that Mr Madden had not met with Mr Peter Carpenter.

Of course he is just a humble chicken farmer, but he did meet with the minister's representatives, the Watsons, and I understand that was facilitated by Phil Staindl, who works with Geoff Leigh at InsideOut Strategic, a company closely associated with the Labor Party. Phil Staindl — and this is impugning neither his character nor what he does — has been the chairman of Progressive Business for many years. Progressive Business delivered hundreds of millions of dollars of benefit to the Labor Party. I am not impugning the man. I am just pointing out the other side of the story, which Mr Tee has not been so forthcoming about in this chamber. He needs to lay the facts on the table.

Mr Tee interjected.

Mrs PEULICH — We will come to the money in a moment, Mr Tee. It is my understanding that the Watsons had briefed Mr Madden on Brompton Lodge. I am also informed by the City of Casey that it had taken a position that Brompton Lodge ought to be included in the urban growth boundary and that that decision was taken back in 2002.

Before Mr Tee gets on to writing more fairy tales, neither Lorraine Wreford, who is the member for Mordialloc in the Assembly, nor Geoff Ablett, who served the Casey council subsequently, were members of the Casey council in 2002. That decision on Brompton Lodge was taken back in 2002, and it is my understanding that Mr Madden thought it was a worthwhile proposition. There were other meetings with Justin Jarvis. Guess where? The European. The

Watsons represented poor old humble chicken farmer Peter Carpenter — because he is not a spin doctor; he just answers questions as he is asked. And what was he told? I understand the chief of staff to then Minister for Planning, Justin Madden, told him to be patient. When Mr Tee was talking about promises and undertakings, he did not tell us who was making those promises and undertakings because — —

Mr Ondarchie interjected.

Mrs PEULICH — I did ask him, and he chose to ignore it. I am very proud of the fact that Mr Guy has put in an open and transparent process. I do not believe problems should be ignored to the detriment of communities. Where there is a sound, logical case which is well supported by the council and the community the state should not ignore it. That is a dereliction of the government's duty, so I am pleased to see that a very strong and rigorous process has been put in place in order to deal with this. Any suggestion that coalition government planning policies or decisions are based or formulated on individual or company financial benefit is absolutely false and without foundation. Mr Carpenter's contribution was small when one considers the pages and pages of donations of associated entities, unions and individual donors to the Labor Party over the last 10 years. What Business First did was basically an event coordination function.

We will come to see what sorts of influences the hundreds of millions of dollars derived from these Labor Party associated entities might actually buy, what sort of favour the money buys within the Labor ranks and within Labor governments.

As detailed on the Growth Areas Authority website, the logical inclusion process involves reviewing more than 200 land submissions. The journalist I referred to earlier, Royce Millar, had conveniently — and again this is part of an open and transparent process — gone to the website, phoned up the submitters and tried to establish any links that might exist between anyone, even between Mr Carpenter and the family of Donna Bauer, the member for Carrum in the Assembly, Mr Carpenter having known Donna Bauer's family since before Donna Bauer was born.

Mr Ondarchie — That's not that long ago.

Mrs PEULICH — Well, she does have four boys! The *Age* in that story, in the way that innocent people — —

Mr Tee interjected.

Mrs PEULICH — Mr Tee, you may not know the meaning of the word 'innocent'. Innocent people were advancing their case within a process laid out by government. This may be something that is very strange to Mr Tee and strange to the way the Labor Party operates. This is not the European cafe modus operandi; this is open and up-front. It is reprehensible that decent people trying to do the right thing within the rules established by the government of the day are crucified and vilified.

The urban growth boundary was expanded by the previous government — we heard that 43 000 hectares were involved — and Mr Tee voted for it. He would now, however, vote to abort or sabotage the process that the Kingston council has been following under its rules, facilitated by a task force. I will just tell members who sits on the task force of the Kingston council for the green wedge management plan. No. 1 is Cr Rosemary West. No. 2 is Cr Steve Staikos — a member of the Labor Party. No. 3 is Cr Arthur Athanasopoulos — a member of the Labor Party. I am not impugning their character; they have served their communities very well. No. 4 is Cr Ron Brownlees.

There was an attempt to impugn people and suggest people external to the process had somehow tried to exert undue influence. Of course 'undue' is the trigger word for filthy donations, secret donations, manipulation and corruption. I received a response from the council today following an investigation carried out at the insistence of councillors to see whether there had been any attempt by anyone to influence the process. Can I be up-front and on the record? The only councillor who came to see me trying to influence an outcome was Cr West. I understand she also met with Mr Tee. In my view if the matter involves comprehensive community consultation through an open, transparent process and a majority council resolution is required, I am happy to entertain that process if it is going to mean delivering better outcomes for an aggrieved community.

The email I received today at the instruction of the mayor, Ron Brownlees, which was directed to a number of local Liberal MPs who were elected at the last election and who have been impugned by a number of players close to Mr Tee, says:

The mayor, Cr Ron Brownlees, has requested that I circulate the attached concerning the independence of the consultants engaged by council to draft a Kingston green wedge plan. The mayor has requested this email be sent as it has come to his attention that questions have been raised in Parliament concerning the independence of the process to draft Kingston's green wedge plan.

The attachments include a response to the Defenders of the South East Green Wedge refuting suggestions that this independence has been compromised. Also included are two emails from Peter Soding, an independent consultant engaged to work with the company known as Planisphere on the drafting of the Kingston green wedge plan and the independence of this process from their perspectives.

It completely and utterly refutes a basic lie that people have been trying to get up — that someone is trying to hijack what is a legitimate process. I am very proud that the council to date seems to be progressing quite well. What outcome there will be I do not know, but I am glad the process is open and transparent, unlike the meetings at the European and the culture of that sort of decision making carried out among mates in return for very generous contributions that the AEC is aware of.

In case Mr Tee wants to question any of this, I refer him to a media release put out by the former Minister for Environment and Climate Change on 28 October 2010 headed 'Connecting people and parks in the Melbourne sand belt'.

Mr Ondarchie — You will have to read it slowly, if you want him to hear it!

Mrs PEULICH — I will read it slowly, Mr Ondarchie. Paragraph 3 says:

Environment and Climate Change Minister Gavin Jennings said the \$4 million investment builds on \$960 000 in funds for the Kingston green wedge to commence the first stage of the Chain of Parks Trail and secure the future of the Kingston green wedge.

The press release goes on to refer to Ms Munt, a former member for Mordialloc in the Assembly. It says:

The Minister for Planning Justin Madden has approved an interim local policy to discourage the establishment of additional materials recycling facilities in the green wedge.

...

Ms Munt said a Kingston green wedge task force would lead the effort to develop a long-term agreed vision that would, amongst other issues, address the challenge of large-scale land use change.

She was talking about logical inclusions. Indeed the Labor Party has been closely involved with that matter.

I wish I had another couple of hours, because the most interesting part of this is the influence the various unions have had. I note that Mr Viney moved for a cognate debate, but that did not materialise, because that is one story Labor Party members do not want to tell.

Mr Ondarchie — We're interested.

Mrs PEULICH — Yes, and I will start with a conclusion in case I should run out of time. No, actually, I will not cut short the enjoyment these sorts of revelations can provide, shared more broadly.

Every member of the chamber knows about the influence the union movement has in the Australian Labor Party. The reason we know about it is that it is outlined in the Australian Labor Party rule book, *Rules — May 2008 — Australian Labor Party Victoria Branch*. I have spoken about these rule books before. In relation to councillors, for example — and this is one thing that particularly disturbed me — section 12.5.1 on page 38, headed 'Obligations of non-endorsed supported candidates' sets out different categories. It says:

A non-endorsed supported candidate elected to office shall not be obliged to caucus with ALP-endorsed or other ALP-supported councillors except in regard to the election or appointment of councillors to official positions and delegations.

I would assume that the Kingston task force may well have been subjected to that process. Nonetheless, I am not attempting to impugn it; I would not do that. The rule book continues:

It is further expected that such elected candidates would act within ALP policy parameters as determined by state conference.

It goes on at point 12.5.2:

A non-endorsed supported candidate elected to office may join an ALP caucus within the municipality but in doing so shall be bound to remain in that caucus and abide by ALP caucus rules for the duration of their term of office.

Once you are in the door, you stay inside. I would like to draw to the attention of members notices of motion 139, 142, 144 and 146. I look forward to speaking about those at some future point in time. I would like to quote from WikiLeaks, which expressed some concerns about the influence of the union movement on the Australian Labor Party. In December 2010 the *Age* quoted WikiLeaks cables as saying:

Australian union bosses hold 'powerful sway' over Labor ministers and have 'disproportionate influence' over the government via backroom deals ...

...

Right-wing unions 'wield considerable influence among Australia's senior ministers' and cultivate 'a robust stable' of MPs 'they are able to turn to in private discussions'.

...

'Victorian right of centre unions maintain a powerful sway over federal and state ministers by engaging in backroom

diplomacy, funding political campaigns and grooming future MPs ...

'The influence of the unions over the ruling Australian Labor Party —

Mr Tee — On a point of order, Acting President, I am questioning the relevance of the material that Mrs Peulich is now bringing forward in relation to this motion.

The ACTING PRESIDENT (Mr Ramsay) — Order! I do not uphold the point of order. I think it is consistent with the last 40 minutes and 55 seconds of Mrs Peulich's contribution.

Mrs PEULICH — And I am only about a third of the way through! The *Age* report continues:

'The influence of the unions over the ruling Australian Labor Party shows no sign of diminishing. As was the case with Australia's carbon pollution reduction scheme, labour unions here continue to play a significant role in the formulation of national policies that can impact the United States'.

...

'Unionised workers represent almost 20 per cent of the Australian workforce yet hold disproportionate political influence.

In the article entitled 'Labor must stop letting unions run the show', which appeared in the *Australian* on 22 August 2011, Bruce Hawker, a senior adviser to the ALP, wrote:

... affiliated unions represent 50 per cent of the votes at ALP state conferences. This makes their bosses very powerful people within the Labor Party and some of them exercise that power to advance policy agendas.

The Liberal Party does not operate with that sort of culture and does not have those sorts of rules.

I will give some interesting facts about unions and the ALP. Union membership as a percentage of the workforce has dropped from 46 per cent in 1986 to 19 per cent in 2010. However, over the same period the number of Labor senators who are former trade union officials has grown from 11 out of 35 in 1987, which was less than one-third, to 23 out of 31, which is more than two-thirds, in 2011. In 1971, 24 per cent of federal MPs were former trade union officials or staffers; by 2005 they represented 67 per cent of federal Labor MPs. Of the 59 Victorian ALP MPs in both houses, 52 have been trade union officials or staffers.

Honourable members interjecting.

Mrs PEULICH — I am being wound up. The Progressive Business web page on the ALP Victoria

website outlines that Progressive Business was created 'with the express purpose of building dialogue and understanding between the business community and government'. I look forward to continuing. I condemn the motion and Mr Tee's misrepresentation and misinformation, and I look forward to better outcomes for the community through good, sensible planning policy, as has been stewarded by the government and by Matthew Guy, the Minister for Planning.

Debate adjourned on motion of Mr SCHEFFER (Eastern Victoria).

Debate adjourned until later this day.

ENVIRONMENT AND PLANNING REFERENCES COMMITTEE

Membership

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

That Ms Hartland be a participating member of the Environment and Planning References Committee.

Motion agreed to.

END-OF-LIFE MEDICAL TREATMENT

Ms HARTLAND (Western Metropolitan) — I move:

That this house calls on the Attorney-General to refer the matter of end-of-life medical treatment and patient choices in aid in dying to the Victorian Law Reform Commission for inquiry, consideration and report by September 2012.

I would like to start by acknowledging the people of Victoria who are living with a terminal illness or are in the advanced stages of an incurable illness.

I met Alan Rosendorff a few weeks ago at his home, which he shares with his family: his wife, children and two dogs. The thing that struck me straightaway about Alan was that, if I had met him under any other circumstances, we would have had time to become friends. Alan is about my age. He is a gentle, kind, smart and articulate man. Alan told me about his current situation. He has cancer. His stomach and part of his oesophagus have been removed. He is able to eat only small quantities of vitamised food, so he is losing weight and losing strength. At the moment he is awake for a few hours a day. He is on quite an impressive drug regime, but his doctors have told him that he is coming towards the end of his life.

Alan could not speak highly enough of the palliative care he has received. He has a terminal illness, but he is alive and enjoying life. Palliative care cannot give him the ability to eat with his family, cannot give him back his energy and cannot give him back his independence. It is valuable and useful, but in Alan's view there may come a time when he would prefer to let go. Alan wants to know that he has the option of asking for assistance to die if he gets to the stage that he can no longer cope. As he put it, he wants to get off the tram a few stops before the terminus. It would increase the quality of Alan's life to know that help would be available should he ask for it.

Alan has become more vocal than most on this issue. Most of us first heard about Alan when we saw his photo on the front page of the *Age* on 1 July this year. He showed enormous courage in being prepared to speak about his situation. Alan wrote to the Premier asking for a meeting to discuss referring this issue to the Victorian Law Reform Commission. The Premier declined to meet with him, but he did telephone. This motion is in support of Alan's plea. It is also something I went to the last election promising to do. In the last Parliament I introduced a bill for assisted dying. It was defeated, and I listened very carefully to the reasons. Members said they could not act upon such an important law reform without the benefit of thorough public consultation. That is why I am bringing this motion to the Parliament instead of confronting members with a freshly minted bill.

I know that even this modest motion will upset MPs who have very strong views against doctors assisting people to die, but the thing is that whether or not we discuss this issue in the Parliament it is going on under the carpet. According to the *Journal of Medical Ethics* 35 per cent of Victorian doctors who responded to a 2004 survey admitted to administering medication with the intention of hastening death. Twenty-seven per cent of respondents said they regarded actions they had taken to hasten death as euthanasia.

These extraordinary actions are happening. Should someone not be talking about it? The police do not want to know about it, so the courts are not deliberating on it. This Parliament has a decision to make: discussion or silence. The silence on this issue reminds me of the law as it stands. Doctors are prohibited by law even to discuss this issue with their patients, but the thing is that shutting down discussion does not stop it happening. It just stops us knowing about it, about how and why it is happening and about what we as a society might do about it. Talking about this issue does not necessarily mean advocating for it either. People who oppose law reform would be given as good a hearing as

those who support it. The report might very well recommend against law reform for assisted dying, but that does not stop me from moving this motion.

I am not afraid of letting the community and medical experts contribute to the law reform process, and neither should the government be. I went to the last election having sponsored a bill for physician-assisted dying. I was very public and open about my views, and I acted on them. I was in the most marginal seat in the state, but here I am again. I believe people are happy for their representatives to engage in difficult moral issues. They like to be asked for their opinion and to be listened to seriously. I do not think any MP, whether they support or oppose law reform, has anything to fear from referring this issue to the Law Reform Commission.

Before I leave the subject of courage, I will return to Alan Rosendorff. Alan did not ask the Premier for an immediate change to the law to benefit himself; he asked for an independent inquiry by the Law Reform Commission. He must be aware that he may not live to see the report or its recommendations, let alone any law reform. This reminds me of elderly people who plant trees. Alan is planting the seed of an idea that he may not see reach maturity, but he knows that he is alive. Here is Alan, alive now, participating in the discourse of our community. Even if members do not want to give Alan the option of assistance to die, they should not silence him while he lives. I ask that members not clamp down on the debate because they are discomforted by the subject and that they give all Victorians an opportunity to be heard on this issue.

This is an important issue, and from a personal point of view, having seen a number of members of my family and friends die in quite slow and agonising ways, I want my friends and family in the future to have the option to decide when they will end their time. I have often said that even though I am absolutely supportive of this choice I do not know that when it comes to my time I would actually choose to be assisted in my dying, but I want to know that I have the choice.

Mr JENNINGS (South Eastern Metropolitan) — Thank you, Acting President, for the opportunity to speak on behalf of the opposition on the motion Ms Hartland has brought to the chamber today. I indicate that it is the intention of the opposition to support the motion, because we understand the significance of the issues to which Ms Hartland has drawn attention through this motion, through her previous attempts to bring related legislation before the Parliament and through the arguments and evidence she

has brought to bear on the occasions where she has made a contribution to debate on this subject.

We believe that even though there is clearly a division within the Parliament and within the community about the appropriate legislative framework that should apply to end-of-life decisions, it is important to address the quality of care that is available to our citizens at the end of their lives, particularly when dealing with the rigours of terminal illness, which requires not only some quality legislative frameworks but also a well-informed community in terms of the status of the law and the medical treatment and options that may be available.

Some of those issues include treatment procedures, the degree of appropriate palliative care provided and the way in which relationships between family members and loved ones may be able to be maintained through the support of caring programs that enhance the capability of people to provide that support during the end of a life of a loved one or somebody with whom they may have a professional relationship. There may in fact be cases where a person is employed to support another person at the end of their life; many caring relationships are provided under those circumstances.

In question time today government members referred to the government's enhanced provision of palliative care services, and even though it was a very provocative question time during which there was a great contest between the opposition and government — as there usually is during question time — there was certainly no competition in relation to the palliative care issue today. I did my utmost not to interject or interrupt the minister in his outlining of the programs and commitments that he has made in this area. I congratulate his government on seeing this as an issue that warrants greater support, resources and provision of care throughout our community. I congratulate the government on that.

In that spirit, I take the opportunity to say: let us go further in terms of looking at how those programs currently fit within the legislative framework, the decision-making processes and the accountability frameworks that apply to health professionals in Victoria. Let us look at the opportunities for ongoing empowerment that patients and their loved ones may exercise at a time close to the end of their life, and let us consider how dignity can be maintained for all individuals concerned through the appropriate structure of laws, through medical practice, through community education and through the quality of relationships we can build and maintain in our community. That is the spirit in which the opposition supports this reference.

In terms of the request of the Attorney-General we do not see that this requires great exercise of conscience voting within the Parliament. We believe a referral to the Victorian Law Reform Commission is something that a wise, compassionate and engaged government should be prepared to do. That is the spirit in which we support the motion.

I do not for one second want to make assumptions about the personal, political or philosophical position that the Attorney-General may bring to this matter. Because of his contributions to previous debates on a whole range of social policy issues, my instincts tell me that he and I may not be of a like mind in relation to the outcomes we may seek in terms of the legislative framework. Nonetheless I do not doubt that he is a man who views his responsibilities through a prism of professional standards, through a prism of compassion and with regard to due process. I certainly call on those elements of his political and personal philosophy and his involvement with the decision-making process of the government to accept the notion that this is an appropriate area for further scrutiny by the Law Reform Commission and to make that referral in accordance with the request that this chamber would be making of him to make that referral.

Even though there may be divergent views about the appropriate legislative and decision-making framework that should apply to medical treatment at the end of life and the opportunities for citizens to maximise their degree of direction and determination about medical care or alternative treatment paths that may lead to an end of life, I hope that a person's end of life is not protracted through ongoing medical intervention in the name of preserving their life. I know this is an issue that the community has divergent views about. I assume there will be divergent views on this within the Parliament. I actually think that any appropriate consideration of such a referral to the Law Reform Commission, if it were acceded to by the Attorney-General, would mean that there would need to be a quality investigation of not only the appropriate legislative frameworks and the appropriate medical regimes across the globe but also the way in which those reforms may be considered by the community.

It would not necessarily be an easy path or a quick path, but I think it should be a fulsome path in terms of our preparedness to consider these issues as a mature community that sees itself as a sophisticated society, that sees itself as a society that is compassionate and that believes in self-determination and the exercise of individual freedoms. I think there are some natural consequences of those elements existing together within a community such as ours, and I think they need

due consideration and a due degree of thought. They deserve quality consideration by the appropriate law reform mechanisms within the state of Victoria.

It is for those cumulative reasons, and because the opposition does not see today as the day to identify potential pitfalls or conflicts in this motion but rather calls for the maximum degree of respect, regard and consideration to be brought to bear, that I will limit my contribution on behalf of the opposition in terms of speaking in favour of Ms Hartland's motion on these matters.

Hon. D. M. DAVIS (Minister for Health) — I rise to make a contribution to the debate on this motion no. 143 standing in the name of Ms Hartland. Through the house it seeks to call on the Attorney-General to refer the matter of end-of-life medical treatment and patient choices regarding assistance in dying to the Victorian Law Reform Commission for consideration.

I am very respectful of Ms Hartland for bringing this motion to the chamber. I remember well — as I think most members of the chamber will, with the exception of the newer members — the debate in this chamber that occurred in the last Parliament, not so long ago. It was a long debate, and it was a detailed debate. Ms Hartland, with the support of the Honourable Ken Smith, the member for Bass in the Assembly, and others, brought a bill to the Parliament. Whilst there were many difficulties with that bill, I was very aware of the importance of the issue, the respectfulness of the way the bill was brought to the Parliament and the difficulty of the issue as it was debated in the chamber. That was palpable on all sides.

People of great goodwill have very different views on these matters, and I think it is important in debating these issues to recognise first and foremost that diversity of views, that range of views and the legitimacy of those views, even when they are quite divergent from your own. My personal views, which are in a sense very sympathetic to where Ms Hartland might wish to go with this and to many of the deeper aspects of the bill she presented to the Parliament last time, are well known. I know there are other members in the chamber, like Mrs Coote and others, who have similar views, but equally there are people in the chamber who have views that are diametrically opposed to that and who might see the issue of euthanasia in quite a different light.

I am thankful to Mr Jennings for his generous support of government initiatives in palliative care. I know that palliative care is not the same issue as some of the points that Ms Hartland seeks to examine, but it is

intricately connected with the sets of choices and steps that people take at difficult and vulnerable points later in their lives or, in some cases, as Mrs Coote pointed out yesterday in relation to Very Special Kids, earlier in their lives. So whilst there is a clear distinction, there is also that intricate connection.

The government has sought, with very broad support, to widen the support for those who seek palliative care and palliative support and to widen the choices and options that are available to all Victorians at those times of difficulty, including the support that is available to their families and communities. The government has sought, through a palliation and support approach, to give people options when they are dying — when they are facing a set of end-of-life decisions — and to provide them with the greatest range of choices consistent with their own moral and ethical frameworks.

Ms Hartland's motion seeks to take it a step further and refer the issues to the Victorian Law Reform Commission. Members might have a range of views about the Law Reform Commission. My personal position — and I have expressed this on a number of occasions — is that it is probably not the ideal body. Nonetheless I understand the general points Ms Hartland is trying to make in wanting to set up a process, and I know that Mr Philip Davis will have something to say about that at a later stage.

It is not the intention of the coalition government to say an enormous amount about this today. We regard this essentially as a procedural motion — that is, a motion seeking to set up a process — as opposed to an immediate set of decisions about the exact framework that would be put in place. I will oppose this motion on this occasion, and I know Ms Hartland will be a little disappointed about that. Nonetheless I in no way wish to diminish the sincerity and genuineness with which she brings these points to the house. As I have said, there are a range of views within the coalition about the substantive issue of dying with dignity, or euthanasia, and those views, which accord with people's religious and ethical frameworks, run very deep. However, this motion is essentially a procedural motion.

I know the Premier has longstanding views in this area and that he has expressed those views recently on radio. Ms Hartland referred to some of those points in her contribution. The Premier has also — correctly, I think — made the point that there could well be options for a national approach here. He would have significant views on that. I think many members would understand the context of those options.

I think the main point in Victoria at the moment is that the Parliament has recently dealt with the issue in a substantive way. It dealt with it in this chamber, and most of us in this chamber remember that debate. We remember the challenging and charged nature of the debate and the diversity of the moral and ethical views. I think that essentially the Parliament at that point, in the context of Ms Hartland's bill, made a set of decisions, and I am not sure that the views across the Parliament have changed in any material way since that time. In that context it is my view that such an approach is unlikely to be successful in the near term.

Whilst respecting the range of views that exist here, my decision is to respectfully oppose this motion. That is because of its timing, following decisions in this chamber in recent times, and its circumstances — that is, the choice of body nominated to consider the matter and the fact that there are other options. I should also place on the record recent decisions made by health ministers around the country and their recognition of the role that advanced care directives can play as mechanisms to increase people's capacity to signal the choices they wish to exercise at vulnerable points in their lives. I think there is scope for people to exercise greater choice through the use of such directives by indicating their wishes to their families, to clinicians and to the community within an ethical and moral framework with adequate protections.

I do not want to say a lot more. I very much understand the points that drive Ms Hartland on this matter and the strong level of community support that is in evidence. It is an issue that genuinely divides the community, as it did this chamber, and I am deeply respectful of the diversity of views on it. I am not sure that this is the right time or the right proposed mechanism to resolve those divisions, as the Parliament has recently dealt comprehensively with these points.

Mr P. DAVIS (Eastern Victoria) — I was just pausing to reflect for a moment. In our culture we often make reference to a well-known film, *Groundhog Day*, to invoke how things come around and around and around. This is only the second time that the issue of dying with dignity has been before the Parliament while I have been here, although this is now the sixth Parliament I have served in.

What is interesting is that the previous Parliament, the 56th Parliament, will be remembered — by me at least — as the Parliament of social conscience, because in that Parliament we dealt with, amongst other things, a series of very significant social policy debates in which members, at least those on my side of the house, exercised their conscience on a number of matters,

including law reform on abortion, stem cells, the register of members' interests and dying with dignity. In a number of policy area deliberations we have had to invest a lot of ourselves as individuals rather than as collective members of our respective political parties. There is often what I describe as a defensive position in that sometimes it is a lot easier to go along with the group in collective decision making than to invest entirely in your own capacity to make a judgement.

Dying with dignity, which is the matter we are addressing in Ms Hartland's motion, is one of those matters that was given very weighty consideration in the last Parliament. I think it is fair to say that the motion before the house is, in its essence, a procedural matter that does not infer or require us to infer a view about the policy principle. I just want to address that.

It is very easy for people to misunderstand the nature of Parliament and the way that Parliament works. I would be very surprised if any member of Parliament involved in this debate in the chamber has not received a multitude of representations over the last few days on this matter. With great respect for those people who may subsequently read the transcript, for those people who may be watching the webcast as I speak or for those people who are really absorbed in this issue, I need to emphatically say that the motion before the house is not a determination about whether we individually support or oppose the principle of dying-with-dignity legislation. If it were, my comments would be very different to those which I intend to make this afternoon. If it were about that principle, I would emphatically repeat what I have said previously on the principle, which is that I ultimately support the need for a legislative outcome in relation to this area of law. That is my principal position.

I do not intend to again prosecute the in-principle debate. I do not intend to again prosecute the debate about the detail of the bill that many members of this place wanted to support but did not support because they thought the legislation was flawed. There were several different positions in that debate. There were those people who were in favour of the principle, those people who were against the principle, those people who were in favour of the bill and those people who were opposed to the bill as such even though they might have supported the principle.

There were a range of different views, and my essential understanding is that although a few members have come and gone with the effluxion of time and elections in that great democratic process, the general tone or mood of this house has not substantially changed. If the dying-with-dignity bill that was before the

56th Parliament was before this house, it is my view that materially we would simply prosecute the debate around that bill in pretty much the same way and end up with a similar outcome. Perhaps one or two votes might change, but the materiality would not be affected.

I am just trying to put in context what we are dealing with here for those who will look at this debate subsequently. We are dealing with a motion that is not about legislation. This is not to adopt or reject a legislative prescription in relation to dying with dignity; it is purely a procedural motion, which I will come to in a moment. It does not deal with the principle of dying with dignity, and I say again that were we having that debate, my comments would be substantially and materially different to those I am now making. What this motion seeks to do, having been introduced by Ms Hartland, is establish a process — that is the way I would describe it — for Ms Hartland to advance a position where there could be some engagement on the issue and principle and to advance a legislative prescription for an outcome on the matter of dying with dignity.

I have to say that there is an inevitability that before the law is changed with respect to dying with dignity there will have to be a significant process of community engagement, because as with many other social policy questions, the community is never ready for major change without having been engaged. It seems to me that we can spend a lot of time talking about whether or not that is in itself a good idea. I want to focus narrowly on this motion, and I want to talk about the process which has been proposed in the motion.

Mr Koch — You are a couple of minutes over.

Mr P. DAVIS — Thank you for your help.

I want to talk specifically about the process as flagged in the motion, and what the motion calls for is for the house to call on the Attorney-General, who is not a member of this house but a member of another chamber, to refer the matter of end-of-life medical treatment and patient choices in relation to aid with dying to the Victorian Law Reform Commission. In effect there are two parts to this. One is about seeking a member of Parliament in another house to do something because we have expressed a view about it. I will deal with that in a moment.

The Victorian Law Reform Commission would be the body that would be instructed to manage this process. It is certainly true that other matters of major social policy debate have been referred by previous governments to the Victorian Law Reform Commission, and after

significant community engagement, detailed discussion papers, expressions of view and recommendations those matters have become significant enough for the government of the day to propose legislation to adopt the recommendations. Probably the obvious example of that is abortion law reform. However, I do not think that we as a community or we in this chamber are at a point in the continuum of public policy debate where we are ready for that formality of process. It is my view that the Parliament itself needs to have the will that it wants a matter considered.

If Ms Hartland had a motion before us referring this matter to a parliamentary committee for some engagement amongst parliamentarians — in other words, a parliamentary committee that engaged the community and came up with a view that there might be a general sense that this might be an area of law reform that needed to be addressed — I can imagine that that might be something that the house may or may not consider sensible. However, that could be the starting point of a process. A committee of the Parliament may look at these issues and then say that it would recommend to the government of the day that there should be a more detailed examination and that legislation should be presented in Parliament in due course after community consultation.

If that were the case, I might have a slightly different view about the motion. That is not the motion before the house. The motion before the house is to ask a member of Parliament in another place to refer something to a committee —

Hon. D. M. Davis — Or a body.

Mr P. DAVIS — Or a body — another body. At the end of the day I think we all understand that the Attorney-General would only refer such a matter as a reference to the Victorian Law Reform Commission with the support of the cabinet, and raising this matter would involve engaging with the government in terms of beginning that process. There are many barriers in giving effect to Ms Hartland's intent. As I see it, Ms Hartland is genuinely committed to this policy issue, as are many other parliamentarians, but Ms Hartland is the one who has actually consistently driven this policy issue in this place. However, I think the proposal before the chamber would not achieve what she is seeking to achieve.

It is important for us to distinguish the policy principle and legislative action, which I hope I have done. I believe my own view is very clear. If this were a debate about the policy principle, I would support that policy principle. However, I cannot support Ms Hartland's

proposition because I think it is in itself flawed. I think the way to approach this matter is with a longer view. When it determines to take legislative action on a contentious social policy question the Parliament needs to reflect the wider community view. I do not believe the Parliament's view has materially altered since the legislation that was considered in the 56th Parliament was defeated. I do not believe the re-engagement of a government process — that is a reference from the government to a body to examine the detail of this — is warranted, because there is insufficient connection between community opinion and the opinions of members of the Parliament.

It could be argued, and I think statistically this is clear, that the data that is regularly presented by advocates of dying with dignity indicates an overwhelming view in the community that there should be some legislative remedy to this matter and that the community would largely support that. However, I think there is a big difference between a sentiment and the fact of whether or not people have understood the detail. One of the reasons that the Medical Treatment (Physician Assisted Dying) Bill 2008 failed in the last Parliament was that as members drilled into the detail they had some discomfort with what they found. There is a long way to travel on this road, and my view is that we are some distance from it. For my own sake I would like to think I will live long enough to be able to exercise free will and choice in relation to my own dying with dignity, but that is a personal view and a personal choice that I express. I do not believe the Parliament has reached that point yet.

On the issue of whether or not in a policy sense we should pursue this agenda, I say to Ms Hartland, 'More strength to your arm'. But in relation to the motion that is before this house I cannot support it and I will be voting against it. I say that not quite apologetically, but I say it with some regret because I think that in the long run there needs to be a proper process of community engagement before any legislative proposals are considered and put before the Parliament.

I turn to my concluding remarks. Having been through the process in the last Parliament, not just with the Medical Treatment (Physician Assisted Dying) Bill 2008 but also with other matters, I understand as well as anybody how much emotional, intellectual and personal commitment these matters absorb; they distract us from the business of government. I say that not because I am now a member of a government party, whereas in the last Parliament I was a member of an opposition party, but I actually have to say that the business of government is the Parliament as a whole. That is what the Parliament is. It is part of the process

of government. We have had that debate. We have invested a lot of resources in it, we could do it all again and we would not have actually made much progress.

The position that I would propound to Ms Hartland is as follows. We will not see a change in regard to this matter until such time as there is a significant alignment between the community's purported published polling view in regard to a desire for legislative reform and the views of the members of Parliament who actually have to vote on the detailed legislation. At the end of day it is the detailed legislation, not the principle, that members vote on and would vote on individually, according to their conscience, I assume. You would need to be confident that you had the stars and planets in alignment to achieve any change. Certainly that will be the case as far as the coalition parties are concerned. Mr Leane has suggested that that would be the case for the opposition as well.

To have a significant investment of government resources, parliamentary resources, community resources and emotional resources in a proposition that is not going to proceed would to some degree unfairly raise false expectations. I do not believe it would be responsible of the Parliament to give that signal.

In conclusion I thank Ms Hartland for being persistent and raising the proposition again. I might have to depend on her to keep this proposition alive over the long term so that I can exercise my free will and choice at a later date, but for the time being I am opposed to the motion she has brought before the house.

Ms HARTLAND (Western Metropolitan) — To say I am disappointed would be quite obvious, but I think what is really interesting about all the comments we have had this afternoon, especially those from Philip Davis, is that they prosecuted why we need to do this. It was very clear during the debate on the original bill that there were a number of flaws with that bill. One of the major flaws was the lack of community consultation and the lack of being able to have that conversation out in the community. With this motion today I wanted to be able to take the issue to an authoritative body that would be able to have a submission process and have people come from both sides of the argument. I think that is really important.

As Philip Davis has pointed out, we have all had numbers of emails in the last few days from both sides, and there is a lack of understanding on both sides about what this motion is about. Unless we begin the conversation, how can we ever proceed to a stage where we will be in a position to have legislation?

I am well aware of how fraught the debate on the bill was last time and how divided the Parliament was over that bill, but I am also very aware of the numbers of members of this Parliament who were basically supportive, as I know Philip Davis is. I know other people in this chamber were quite supportive of dealing with this issue, but we got stuck on the flaws in the bill. We needed to be able to look at how we could have made it better. We needed to look at what would actually assist people. The really important thing is that people were afraid that if we actually allowed this to happen, somehow we were going to allow abuse against older people and it would be used against people. That is why the Victorian Law Reform Commission is the appropriate place for such a debate to happen.

Of course I am going to persist with this. I am an extraordinarily stubborn person. As I have said in my contribution, I may never need to use this measure, but I want to know that I can. I am an extraordinarily stubborn person, so if I did have terminal cancer I might choose not to do it. I might choose to fight it out until the absolute last breath, but I want to know I have the choice, that the community has engaged with the issue and that we have debated it out.

I agree with Philip Davis that this Parliament is not ready for another bill, and that is why I have deliberately not brought in another bill. I listened very carefully during the last debate, and I am well aware of the fact that this Parliament is not ready for such a bill. I would agree with Mr Davis that this is no short-term process. I can see this taking a decade, but we need to start it at some stage. A number of people said the time is not right, but the question is: when will the time be right?

Obviously this issue is not going to be referred to the Victorian Law Reform Commission. I am extremely disappointed, because it is something I feel quite passionate about. I am very disappointed for people like Alan Rosendorff. I know he is listening today and wants a choice about how he ends his life. I am also disappointed that we are not going to engage the community. We are not going to have an adult conversation in the light of day about issues that are obviously current. Doctors are assisting people to die. Doctors are doing this work, but we do not know about it. We choose to let it be in the background. We are choosing to allow this to happen in the dark. These kinds of issues must be brought into the light.

I will take up Mr Davis's suggestion and bring another motion for referral of the matter to a parliamentary committee. I hope when I do that that members who

spoke against going to the Victorian Law Reform Commission will not block the motion but will allow us to have in the Parliament and the community the debate that is absolutely necessary.

House divided on motion:

Ayes, 16

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

Noes, 19

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

Pairs

Mikakos, Ms	Kronberg, Mrs
Pennicuik, Ms	Drum, Mr

Motion negatived.

PLANNING: GREEN WEDGE DEVELOPMENT

Debate resumed from earlier this day; motion of Mr TEE (Eastern Metropolitan):

That this house:

- (1) condemns the Baillieu government for, in less than nine months, walking away from 30 years of bipartisan support for the protection and enhancement of Melbourne's green wedges;
- (2) notes the resources of government being gathered to conduct an unprecedented three-pronged attack to destroy green wedges, including —
 - (a) a secret audit being undertaken by the Premier's office, which the Minister for Planning admitted in this house could increase development on green wedges to anything short of high-density housing;
 - (b) the Growth Areas Authority being required to recommend green wedge land for development; and
 - (c) the cooption of local councils who have been asked, in writing, to turn over green wedge land for development; and

- (3) requires the Environment and Planning References Committee to review and report by no later than 1 July 2012 on the circumstances surrounding the development of the Liberal Party policy on the green wedges, including the involvement of former Liberal member of Parliament Mr Geoff Leigh, Business First, the Premier, the Minister for Planning and Liberal Party members of the Victorian Parliament, Mrs Inga Peulich, MLC (South Eastern Metropolitan Region), Ms Lorraine Wreford, MP (member for Mordialloc), and Mrs Donna Bauer, MP (member for Carrum).

Mr SCHEFFER (Eastern Victoria) — I also rise to speak in support of Mr Tee's motion, which expresses concern over the Baillieu government walking away from 30 years of bipartisan support for green wedges. The motion also requires the Environment and Planning References Committee to review and report on the circumstances surrounding the development of Liberal Party policy in relation to the whole raft of issues that have been raised in the media over the last few months.

At the 2010 election the coalition made a number of policy commitments to Victorian voters that are now, after some nine months in government, being seen for what they were — that is, empty and desperate bids for votes. The coalition agreed to provide a planning system that it said would be based on genuine consultation, honesty, openness and certainty. The coalition promised that local communities, through their councils, would maintain their roles as decision-makers over planning decisions within their municipalities. Interestingly, the coalition also promised that a new independent, broadbased anticorruption commission would have the power to investigate planning decisions.

In relation to land supply and the urban growth boundary (UGB), the coalition promised to establish a new structured process for the biennial review of the urban growth boundary in growth areas that would have clear time frames and transparent processes. The coalition agreed to work with local councils to assess parcels of land that might comprise a logical inclusion in the urban growth boundary so as to facilitate the building of billions of dollars worth of development-ready housing.

Finally, the coalition agreed to allow local residents in growth area boundary inclusion areas to be part of the UGB review where they can choose to opt out of boundary expansion. The coalition also promised to remove what it called the backdoor bargaining for urban growth boundary expansion and put in place a defined system that would ensure an adequate land supply for Melbourne, Geelong and major regional cities. The coalition also promised to conduct an audit of green wedge land use with input from local councils

and communities to determine whether the current land use schedules in each of the municipalities was most appropriate for green wedge land. That is the policy frame against which the coalition should be assessed as it moves towards the end of its first year in office.

Mr Tee's motion refers to the 30 years of bipartisan support for the green wedges, which was an initiative of the Hamer Liberal government supported throughout a very long time by the Thompson, Cain, Kirner, Kennett, Bracks and Brumby governments, and we have heard how it was expanded in 2003 as part of the Melbourne 2030 policy of the previous Labor government.

We need to remember in a debate such as this that the purpose of these rural and scenic landscapes is to safeguard natural environments and farmland that is irreplaceable once it has been developed and built on for urban purposes, including housing and industrial developments. Mr Tee read a compelling and moving letter from Lady April Hamer attesting after all these years to her commitment to and passion for the green wedges.

The green wedges and the urban growth boundary are always of course integrally related, and the difficult issue is always associated with land value. If a property is within the urban growth boundary, it is much more highly valued than it is if it is outside the boundary, and whenever there is uncertainty over changes to the boundary there is always intense lobbying by developers to have certain parcels of land rezoned. While adjustments have been made in response to the growing demand for housing, they are rarely made without vigorous public debate, and so it was, as Mr Barber pointed out very graphically, when the Labor government expanded the boundary last year during its term in office.

Now, with the coalition government, we find ourselves engulfed in controversy over moves by the government to adjust the urban growth boundary and there is very understandable public community concern over the green wedges and the need to protect those spaces. What has happened over the past few months that has caused widespread concern over the government's management of the green wedges and the urban growth boundary? What has happened that has led Mr Tee, on behalf of the opposition, to move this motion to have the Environment and Planning References Committee review the circumstances that have now embroiled the Liberal Party in a controversy about the green wedges?

Members have seen a number of serious stories retold in the media regarding the activities of Liberal Party

candidates in the last state election and current MPs, as well as party supporters, landowners and lobbyists. I know as well as anybody in this place that the media is never to be taken at face value. All too often journalists and media businesses become political players rather than reporters, so I would be the last to say that a story is true simply because it is run out in the papers or on the television.

I note also that the Baillieu government has rejected as false any suggestion that the campaigns of Ms Donna Bauer, now the member for Carrum in the other place, Ms Lorraine Wreford, now the member for Mordialloc in the other place, and Mrs Peulich were well resourced by property interests in the expectation that they would benefit from future zoning decisions. The government has clearly rejected that proposition, which has been run in the papers. I agree with the Liberal government that these media reports may well turn out to be inaccurate accounts of what are in reality simple, transparent and accountable planning processes currently under way.

Mrs Peulich — On a point of order, Acting President, I apologise, but Mr Scheffer is absolutely fantastic because he has the courage to be honest.

The ACTING PRESIDENT (Mr Ramsay) — Order! I am sorry, Mrs Peulich; I cannot see that as in any way being a point of order. It was a nice interruption.

Mr SCHEFFER — I will not accuse where I do not have tested facts before me. This is why I urge the government to support Mr Tee's motion, because a review of the circumstances surrounding the development of Liberal Party activities or policy on the green wedges will assist the government to demonstrate that its administration of planning matters is beyond reproach.

The fact is that there is now widespread concern about the media reports of a link between Liberal Party fundraising and favourable outcomes for property developers. The fact is that there is confusion over whether the coalition government's green wedge zone planning audit, the logical inclusions process and the call for submissions on changes in the urban growth boundary are devices designed to open up what has been a relatively settled planning matter. The confusion derives from the fact that, for example, on the one hand the government, and the Premier in particular, says that it respects the integrity of the 12 green wedges, but on the other hand, it says that as Melbourne has grown so much since the establishment of the green wedges, it is

time to conduct an audit and to re-examine the kinds of development that occur outside the green wedges.

Is an audit simply code for the beginning of the undermining of the integrity of the urban growth boundary? There is growing anxiety that opening up these questions and inviting this contest and debate on land values will create new uncertainties that will result in the loss of green wedge land and windfall profits for landowners who have close associations with the Baillieu government and the Liberal Party. I emphasise that I am not saying that any of these accusations, concerns or anxieties are founded in fact. I appreciate that so far they all derive from media stories and that to some extent they have been responded to by the Liberal government, even if they have not been entirely and adequately answered.

The other point that is worth mentioning is that this is not a matter of the opposition making mileage out of news reports that are unfavourable to the government. There is also concern within the Liberal Party itself. Senior Liberal Michael Kroger is very unhappy about the media story that the proposed rezoning of Brompton Lodge in Cranbourne South could benefit Liberal Party donors to the tune of \$500 million. He has called for public funding of elections so that we can avoid the perception that people can pay money for favours. That was said by Michael Kroger, not a member of the Labor Party.

The simplest way to resolve this growing tide of doubt that is hanging over the Baillieu government's planning initiatives is for the government to support Mr Tee's motion that the Environment and Planning References Committee, which includes Mrs Peulich amongst its members, review and report on these circumstances. Mr Tee's motion is broad ranging and would involve the committee reporting on how the organisation known as Business First, Mr Geoff Leigh, and current members of the Victorian Parliament and government are involved in the shaping of Liberal Party planning policy.

I know that in all likelihood the government will not support Mr Tee's motion. The consequence of that will be that these many issues concerning the government's policy on the green wedges and the urban growth boundary will continue to grow and the tide of speculation in the media will continue. In the end that will be more harmful to the government than if the government now, this afternoon, bit the bullet, so to speak, and supported the motion and allowed the committee to deal with the many important issues that Mr Tee has raised. It would put to rest those false accusations, if indeed they are false accusations, and

maybe, as was said recently in the federal Parliament, lance the boil before it gets any worse. I commend Mr Tee's motion to the house.

Mr O'BRIEN (Western Victoria) — At the outset I indicate that it was with some regret that I could not continue to listen to the excellent, passionate and detailed contribution of Mrs Peulich on a motion that is an extraordinary example of pure spin and hypocrisy. With this motion members opposite are attempting to condemn the Baillieu government for a range of matters that they advocated for when they were in government. The Baillieu government has only improved the integrity and decision-making processes, and it has depoliticised the important questions of logical inclusions to the urban growth boundary and planning and development within Melbourne's green wedges.

It is another case of members on the other side of the house being the masters of spin that they were in government and that they are now in opposition. They will say and do anything to get a headline, no matter what they have previously done in their own term in government. That is why Mrs Peulich's contribution, which was passionately delivered, was a great contribution to listen to. The passion was there because of the opposition's hypocrisy. Hypocrisy inspires passion because there is nothing worse than being criticised for something when the person who is pointing the finger has fingers pointing back at them.

Mr Barber interjected.

Mr O'BRIEN — It is, Mr Barber. It is like looking in the mirror for Mr Tee, and I say that mirror has cracked. He tried to put similar questions to the Minister for Planning in question time and they resulted in a devastating response, an own goal and a complete blowing up of the point. To pick up the interjection, it was in relation to the former government because the questions were hypocritical in that they suggest that we are embarking on a process that is somehow something that is outrageously different to what the former government was doing.

Minister Guy comprehensively dealt with this in his answers, but there are some matters that I wish to put on the record because Mr Tee in his contribution continued to repeat these unsubstantiated, spurious allegations of spin and again referred to the *Age* articles. I refer to the media release that was put out by Minister Guy on 19 August, which was in response to those articles, where importantly it sets out what the coalition is doing in relation to its policies, which are open and transparent and designed to let the process of logical inclusions operate in the appropriate manner,

with the Growth Area Authorities, as the independent authority, receiving and taking submissions from independent people and referring it to the independent advisory committee at an appropriate stage.

I will refer to the press release of the government in response to these *Age* articles. It states:

The coalition government has established an open, transparent process to consider future UGB changes. The process removes the planning minister and any member of Parliament from making or influencing a decision about what land is included or excluded from the growth boundary.

The independent statutory authority, the Growth Areas Authority, will review the merits of land submissions previously submitted to the 2009 urban growth boundary review.

I ask members to note the year: 2009. That is two years prior to the election, in rough terms, of the present Baillieu-Ryan coalition government. The press release goes on to say:

That authority will then refer submissions to a new independent logical inclusions advisory committee for final determination.

All steps within the logical inclusions process are public and transparent, and information on recommendations by the GAA are posted on its website.

I refer to this response in relation to any suggestions of secrecy. I have just pulled some documents from the website, which is very accessible through the equipment in the corner of this chamber, which I will take the house to shortly, in response to some of Mr Barber's questions.

Mr Barber interjected.

Mr O'BRIEN — I will endeavour to make it helpful to Mr Barber. Mr Barber asked in his contribution what 'logical inclusion' means, and that is a good question.

Mr Barber — I asked what 'logical' means.

Mr O'BRIEN — Mr Barber might not know what 'logical' means. 'Logical' means following a coherent process.

Hon. M. P. Pakula interjected.

Mr O'BRIEN — That may be the case for many who come to this place, but the press release continues by saying:

Furthermore the government has appointed a probity auditor to oversee the new process.

That is a probity auditor. There was no such oversight in place when former Minister Madden brought to Parliament the largest growth boundary expansion in Melbourne's history. I remind the house that that increased the urban growth boundary by approximately a third the size of Adelaide in one hit. The press release continues:

The coalition's process ensures that the minister and indeed all parliamentarians are removed and cannot influence the decision-making process.

The previous Labor government had no probity auditor, no independent advisory committee and no transparent public process.

I put that document to one side. The next document I wish to go to briefly, because Minister Guy touched upon this, is the transcript of the Standing Committee on Finance and Public Administration hearing of 2 December 2009 where questions were put by Mr Guy and Mr Barber to Mr Madden, the then minister. I refer to a question from Mr Guy to Mr Madden.

Mr Barber interjected.

Mr O'BRIEN — We will see what it is about. Mr Guy said:

All right. In that case, if you talk about land supply, is the government considering logical inclusions to the UGB as another option, apart from VC55?

Mr Barber then said:

Good question.

Mr Madden said:

We are conscious in the future that there may well be some anomalies that exist within the nominated urban growth boundary ...

That is essentially what the logical inclusions process is endeavouring to resolve, because there may be some anomalies, as had been identified on 2 December 2009 by former Minister Madden. Over the page I will quote a little bit more, because there were questions about what 'logical' or 'logical inclusions' mean. Mr Madden said:

Well, I am not feeling that well today! But there are logical inclusions that might need to be considered and they might come from local governments making submissions, and currently we have some local governments which have made submissions to us which are not included in these growth areas but are in areas that might be considered.

Mr Madden continued:

My comments around, 'Not in my lifetime' were about the outer urban growth boundary.

Shortly afterwards, after a question from Mr Guy, Mr Madden said:

What we anticipate is that after we have progressed our current body of work we would look at some mechanisms being developed for potential small-scale logical inclusions where anomalies may occur.

Mr Guy asked, 'What is small-scale?', to which Mr Madden replied:

At the moment we are looking at thousands of hectares. There are instances where you have land-holders who believe that there are logical reasons for inclusions. In terms of members of the committee, I have met with some land-holders —

I pause there and repeat: 'I have met with some land-holders' —

in some of their areas where they are interested in pursuing issues around an inclusion ...

I do not need to again canvass what Mrs Peulich said in relation to those meetings and all the other discussions, because she has absolutely demolished the relevant suggestion in the motion and exposed the hypocrisy in the motion. Mr Madden continued, saying it was:

... not necessarily that it is going to make any money or change the footprint of a particular community in a big way but it might have an impact on what can occur on the land nearby, around amenity issues. Some of these examples have been the likes of poultry farming and things like that.

There is a quote further on from Mr Tee, the mover of this motion we are debating, who said:

Thank you, Minister. I just want to return to the Growth Areas Authority, which is innovative in the sense that we have a separate authority managing planning.

Note that he did not say a probity auditor; rather he referred to a separate authority. Mr Tee continued:

I am wondering what you think the advantages are of having a separate authority to manage planning in those growth areas.

I now wish to move to a document that has been referred to at various times today in the substantive motion seeking to refer Mr Guy to the Privileges Committee — that is, the letter from James Merlino, the member for Monbulk in the Assembly.

Hon. M. P. Pakula — Don't you compound the mistake! Don't you mislead the house!

Mr O'BRIEN — I won't mislead the house, Mr Pakula, because I am going to read what is in the letter.

Hon. M. P. Pakula — Make sure you tell the whole story.

Mr O'BRIEN — I could read the whole letter, if that is what you would like.

Mr Tee — Just tell the whole truth.

Mr O'BRIEN — I will read the whole letter. It will not take long. It reads:

I am writing in support of Waverley Golf Club ... and their planned relocation from Bergins Road, Rowville, to a new site in Lysterfield, within my electorate of Monbulk.

I have been involved in this matter for a number of years —

I emphasise, a number of years —

and supported WGC, particularly in relation to planning issues, concerning both the Lysterfield and Rowville sites.

I understand that Nick Wakeling, as the state member representing Rowville, has also advocated on behalf of WGC.

Essentially, WGC has outgrown its existing site. The land is now enclosed by housing development and WGC will be unable to ensure long-term golfing safety standards are met. No further layout changes are possible due to the powerline easement and the abutting housing. WGC has come to the conclusion that their long-term viability is not sustainable on the current site.

WGC has reached an agreement with the Salesians of Don Bosco to secure land for the new course and Yarra Ranges council has supported the various planning processes and applications to make this new site a reality. Whilst an agreement has been reached, it is not indefinite. A successful outcome must be achieved in Rowville.

The issue WGC has faced is the current planning restrictions placed on the Rowville site that inhibit WGC's ability to make their relocation viable.

The Rowville site is currently located just outside the urban growth boundary (UGB) and is zoned 'special use zone 1' ... While SUZ1 does not prohibit residential development, the provisions of clause 57 of the Knox planning scheme must also be met. Clause 57 prohibits more than one dwelling on a lot on metropolitan green wedge land and also includes a number of prohibitions in relation to the subdivision of land.

WGC are seeking to be included within the UGB as part of the state government's assessment of 'logical inclusions'.

Once that is achieved, WGC is proposing that the current site be used for a mixture of residential development (approximately 480 households) and community use.

I am conscious that I need to finish my contribution. I understand, although I stand to be corrected, that the remaining three paragraphs have already been put on the record in Mr Guy's contribution, so I will spare the house those three paragraphs.

I wish to deal briefly with the other aspects of the motion and Mr Barber's question about definitions in relation to logical inclusions. I urge him to go to the website and look at the standards and criteria to be

applied in the assessment of proposals. There will not be a specific outcome that covers every piece of land, because that is the task of the Growth Areas Authority as advised by the advisory committee. But to return to the decision criteria, if I can just briefly refer to the standards — —

Honourable members interjecting.

Mr O'BRIEN — I thought I had 15 minutes — —

The ACTING PRESIDENT (Mr Ramsay) — Order! I ask what Mr O'Brien is doing.

Mr O'BRIEN — I will just finish on this point, which is a quote about the standards:

To be considered as a 'logical inclusion', the land proposed for inclusion must at minimum meet these standards:

... be located within a growth area municipality.

... be adjacent to or on the existing urban growth boundary — land located away from the urban growth boundary cannot be incorporated unless intervening land is also included.

There are a whole lot of decision criteria that are listed alphabetically, starting with agricultural activities and going through biodiversity, drainage corridors, extractive industry and so on. I urge members to read these criteria. They will be the things that are taken into account on a case-by-case basis. Importantly and significantly the cases will be based on submissions. I refer to the preliminary assessment report of the growth areas logical inclusions review process for the west region, which states, under the heading 'Land to be considered in the logical inclusions review', that:

... land identified in submissions in 2009 made to either Melbourne @ 5 Million or ... land subsequently identified by growth area councils since 2009, will be considered.

The role is set out in that document. I am unable to continue my contribution any further, but I absolutely oppose the motion before the house.

House divided on motion:

Ayes, 16

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

Noes, 19

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

Pairs

Mikakos, Ms	Kronberg, Mrs
Pennicuik, Ms	Atkinson, Mr

Motion negatived.**STATEMENTS ON REPORTS AND PAPERS****Auditor-General: *Facilitating Renewable Energy Development***

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak this evening on the Victorian Auditor-General's report entitled *Facilitating Renewable Energy Development*, which is a very comprehensive and important report. One of the main findings is:

Renewable energy research and development projects, and state-funded projects aimed at developing new technologies have been generally well managed by the responsible agencies.

The report finds that we have a good track record. However, while things have been well managed, the report also deals with the massive task that the community, the Parliament and the government face in trying to build on and maintain the momentum of delivering increased levels of renewable energy. The report says:

Around 96 per cent of the electricity consumed by Victoria is generated from fossil fuels, with brown coal accounting for around 90 per cent and gas around 6 per cent. Brown coal produces around 55 per cent of the state's greenhouse gas emissions.

That is quite a startling finding in terms of our reliance on brown coal and the importance from a number of aspects, not least of which is the environment, of trying to diversify our sources of power generation. Clearly part of that needs to be renewable energy. I think everyone in this house recognises that the world has moved on, that this comprehensive and fulsome reliance on brown coal is not sustainable and that we as legislators will be short-changing our future if we do not diversify our sources of power.

We know that brown coal will continue to play a major role, but we do need to diversify. The Auditor-General's report looks at the alternatives of

renewable energy. At page 2 of the report the Auditor-General finds that wind energy is a proven technology, saying:

... Victoria has abundant potential wind resources. Wind energy is one of the cheapest forms of renewable energy.

If we are looking for alternatives, if we are looking for diversification, then wind energy, according to the Auditor-General, really is an important part of that picture.

The report goes on at page 4 to have a look at renewable energy and finds that wind energy since 2009 has provided half of all Victoria's renewable energy generation. That means that the Auditor-General has found that renewable energy is an abundant, cheap source. The report also goes on to state that since 2000 wind energy has boomed. By 2009 it represented half of Victoria's renewable energy sources. That is a staggering finding. It really goes to the importance of renewable energy.

It is therefore confounding that that record has been completely turned around by this government's response to the Auditor-General's report. The government's response was summed up in its policy released this week, which will shut down wind generation. The Auditor-General says wind energy is a cheap, abundant source. The record shows it has been a massive success story. Yet this has now been — —

The ACTING PRESIDENT (Mr Viney) — Order! Mr Tee's time has expired.

Auditor-General: *Biotechnology in Victoria — The Public Sector's Investment*

Ms CROZIER (Southern Metropolitan) — I rise with pleasure to speak in relation to the Victorian Auditor-General's report *Biotechnology in Victoria — the Public Sector's Investment*. I do so partly because I have a great interest in this sector. I have a high regard for many of the people who have applied both their scientific and business skills to what I believe is a very exciting industry sector.

The biotech industry in this state has been involved with some significant developments and very worthy life science initiatives. We only have to look at Parkville here in Melbourne as well as other sites to know that CSL, a biopharmaceutical company, is Australia's largest biotechnology company. Biota has been responsible for the development of the anti-influenza drug Relenza — —

Mrs Coote — A very good company.

Ms CROZIER — Indeed, Mrs Coote. There is also Mesoblast, which is the world's largest stem cell company. We can certainly be proud of those three companies alone. They have been closely linked with many of the university teaching facilities, medical research institutions and hospitals where significant research has been undertaken over many years.

This house has heard from me on a number of occasions in relation to my involvement with medical research. I am very proud to have been involved in that and to have worked on health outcomes that will improve all sorts of things for not only our community but those further afield.

As I have said before in this place, Australia has contributed a great deal to improving the lives of many through health and innovation. I have no problem with government supporting this industry sector. In fact the Baillieu government is very supportive of the biotech sector, having fulfilled a commitment to establish the Victorian Biotechnology Advisory Council. The Baillieu government recognised that it is indeed a very important sector within the technology sector, and Victoria's performance in this area remains strong. The work undertaken through the various institutions is very much supported by this government.

I would like to make a couple of points stemming from this report, and these are points which the Auditor-General has addressed. I am very supportive of encouraging innovation and the entrepreneurship it brings as well as encouraging people to challenge their ideas and take risks. However, biotech innovation can have very long lead times. It can be very expensive and a high risk for investors. I want to bring members' attention to page 3 of the report under the heading 'Value of the life sciences industry sector', where it says:

The Victorian Life Sciences 2009 Sector Report commissioned by the former Department of Innovation, Industry and Regional Development, now known as the Department of Business and Innovation (DBI), shows that at 30 September 2009 there were 44 publicly listed companies and about 90 private companies in the Victorian biotechnology sector.

Of the 44 publicly listed companies, only 13 were profitable.

It goes on to say in relation to encouraging innovation:

Since 1999, DBI has funded \$3.422 billion on programs and investments in science, technology and innovation ...

...

DBI estimates that, since 1999, of the \$3.442 billion spent on STI initiatives, \$722 million ... has been directly spent on biotechnology, and another \$610 million ... has been

indirectly spent in areas that have some relationship to biotechnology ...

As a government we have a responsibility to spend public money prudently and wisely. Whilst I support government giving support to this industry, I also note in the summary to the Auditor-General's report a number of recommendations, which include:

... it is now timely for DBI to address these issues so that progressive assurance can be provided that its portfolio of investments in biotechnology is both targeted to where it is needed and is achieving its intended purpose.

The report contains a number of findings that relate to monitoring and evaluation of benefits, sustainability of realised benefits and achievement of benefits. I do not have time to go into these in the time remaining. In conclusion, I thank the Auditor-General for undertaking this report and providing this information.

Auditor-General: *Facilitating Renewable Energy Development*

Ms TIERNEY (Western Victoria) — I rise to make a statement on the Auditor-General's report entitled *Facilitating Renewable Energy Development*, released in April 2011. In looking at the report it is clear that in the first couple of pages it makes some important points, the first of which provided me with some optimism:

In most cases, the renewable energy projects examined in this audit were well managed and the funding well administered by the responsible agencies. The projects funded under the energy technology innovation strategy, the Renewable Energy Support Fund and Department of Business and Innovation (formerly the Department of Innovation, Industry and Regional Development) grants were soundly based, with clear objectives and targets, and clear alignment with government policy.

We do have departmental and organisational infrastructure here in Victoria that can seriously assist us in facilitating renewable energy development.

The other salient point made on the first page of the report is:

The volume of renewable energy presently generated falls well short of expectations and growth in the state's capacity to generate renewable energy is not on track to meet future targets.

Clearly we need to have drivers to facilitate renewable energy development so that our energy needs and our economy can make the necessary transitions. This is where I have significant concerns. What drives these concerns is that I really do not believe that this government has the commitment to tackle the issues that confront us in respect of climate change. Leading

up to last year's election, the former Labor government passed the Climate Change Act 2010, which set a target to reduce Victoria's carbon emissions by 20 per cent by 2020. In passing this legislation, Victoria was recognised as the leader in the fight against the effects of climate change in Australia. There were a number of quotable quotes from authorities at that time.

At the time the then opposition, now government, supported that legislation, and in the lead-up to the state election last year it gave all indications to the Victorian community that if it was elected to government, essentially it would work along the lines that the Labor government had put in place to tackle climate change. Unfortunately what we have seen since the election is a Premier who talks about targets being aspirational. In terms of trying to pin him down to any real commitment to climate change, there is simply nothing.

Unfortunately I think the Victorian public has been hoodwinked into believing that the coalition government was going to do something about climate change. My other concern is the approval by the Minister for Planning of amendment VC82, which creates significant hurdles for the wind energy industry. In my electorate of Western Victoria Region the wind energy industry is a significant industry. In fact my electorate is home to the wind energy industry, and in the last 48 hours all the key stakeholders in that industry have confirmed that they will not be involved in any new investment. That investment will now go interstate. This is devastating news for workers and land-holders who would have received remuneration from the industry.

In the last six months there has already been a severe dislocation of workers, particularly construction workers and labourers. They have been forced to leave their homes in search of work as construction and infrastructure projects have dried up, particularly in south-western Victoria. They have been forced to seek work around Melbourne. This government's whole approach to climate change and renewable energy is one of denial — it denies reality, it denies the science and it fails to provide a rationale for the approach it has taken. Surely on issues as important as these that are staring us in the face we should be able to have a reasoned debate and a bipartisan strategy. There is no doubt that there are opponents of wind farms and that they are vocal. But to allow one group in the community to override the rest of the community is simply bad, reactive decision making.

I wholeheartedly agree with the editorial in the *Age* today, which concludes:

Wind energy is one of the ways of the future, as it already is in many other — —

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

Ombudsman: prisoner access to health care

Mrs COOTE (Southern Metropolitan) — I rise to speak on the report of the Victorian Ombudsman on its investigation into prisoner access to health care, released in August 2011. There is some extremely interesting material in this report, and I expect I will speak about it more than once in this chamber. The Ombudsman's first report on this matter was released in 2006, and he found when he reinvestigated it in 2011 that a number of the issues he had raised in 2006 had not been dealt with. This is of major concern. One of the issues that he found had not been implemented since the 2006 report, which covers the entire time that the Labor Party was in government during which it did nothing about this issue, was the recommendation that condoms be made available in the prisons. I am pleased to remind members in this chamber that the Baillieu government is now supplying condoms and dental dams to prisoners in this state.

However, the health of prisoners is not just an issue for the prisoners themselves. Whilst they are incarcerated they are in the care of the state, which has a duty of care to them. The issue of health care for prisoners is an issue for the wider community, because there is a high incidence of recidivism. Prisoners are incarcerated, they do their time, they are released and then they reoffend and go back inside. In the time that they are out of prison they reconnect in every sense with their families and friends, and communicable blood-borne diseases are spread far and wide within the community. So it is not just a health issue for the prisoners who are in the prisons; it is also a health issue for their families and other people they come into contact with when they are released.

There are some rather startling statistics in this report, and some of these relate to the incidence of hepatitis C. The Ombudsman found that hepatitis C treatment is being provided in only 3 of the state's 14 prisons. Hepatitis C is a quite difficult disease to treat. The fact that treatment is available in only 3 of the 14 prisons is of major concern, because it can be treated and needs to be treated.

Another issue is that of drug taking in prisons, and I bring to the attention of this chamber an incident in the Dame Phyllis Frost Centre a couple of years ago involving someone who was on remand. That person had been trying to leave the country and had swallowed

20 condoms full of heroin. When she was put into remand they took her to hospital, where 14 of those condoms were removed. They did not realise she had swallowed 20. She was then put in remand with a woman who was scheduled to go back to Dame Phyllis Frost Centre the next day. The woman who had swallowed the condoms passed the extra six condoms, and the other woman in remand ingested them and returned to the prison.

Internal searches are conducted at the prisons, but there are no searches to show what has been ingested. Syringes are also taken into women's prisons internally. When the woman who had been in remand and swallowed the six condoms full of heroin returned to the prison, there was a major drug incident in the Dame Phyllis Frost Centre over the ensuing days. This is of major concern. It is a health issue and it is something that has to be looked at. There is a real need here to investigate the use of X-ray machines to make quite certain that people who are in these prisons can be X-rayed to see what is being taken in. Again that is for the health of the women prisoners who are there. It is not one of the health issues dealt with in this particular report, but I think it is salutary to remember that we are dealing with some very complex issues here.

One of the things this report discusses at length is mental health, and again that involves a very vexed and complicated range of issues which require a significant treatment regime. It is very important that that be addressed. One of the recommendations of the report is that opiate substitution therapy programs, which are underresourced and are affecting prisoner transfers, need to be looked at as well.

Auditor-General: Facilitating Renewable Energy Development

Mr SCHEFFER (Eastern Victoria) — The current controversy surrounding the government's decision to wind down the wind energy sector in Victoria prompts another look at what the Auditor-General had to say about the renewable energy industry in his April report entitled *Facilitating Renewable Energy Development*.

The Auditor-General says up-front that research projects on renewable energy and state-funded new technology initiatives have been, over the life of the previous government, well managed and have made a positive contribution to enhancing Victoria's ability to generate renewable energy. The report does caution, however, that while the amount of renewable energy produced has increased, the sector has not been able to increase the proportion of its contribution to overall energy production; in other words, the increase in our

demand for power has largely been met by the fossil fuel industry, and renewable sources, despite a clear increase in capacity, have not been able to increase their share of output.

The report says that the renewable energy projects put in place by the previous government, such as the energy technology innovation strategy, the Renewable Energy Support Fund and the various grant programs put in place by the then Department of Innovation, Industry and Regional Development, were soundly based, with clear objectives and targets and were in clear alignment with government policy. Having given all those accolades, to be fair the report does single out two large-scale solar projects for criticism. My interest here, though, is the wind farm industry, which is the largest and cheapest source of renewable energy in Victoria.

The Auditor-General points out that by the end of 2009 Victoria had not met its 2006 wind energy target or its 10 per cent overall renewable target. By any measure this government should be redoubling efforts to promote the renewable energy industry rather than undermining it, as it is now clearly doing. The government has now rescinded its own decision-making powers regarding wind farms and given planning control to local governments; it has prohibited wind turbines being constructed within 2 kilometres of existing dwellings unless there is written consent from the property owners. The minister has also said that all national and state parks, as well as the Yarra Valley, Dandenong Ranges, Mornington Peninsula, Bellarine Peninsula, Great Ocean Road region, Macedon and McHarg Ranges and the Bass Coast will be no-go zones for wind farms.

In my view the government has abrogated its responsibility to foster the renewable energy industry and the wind energy industry in particular. This policy reversal will not help to broaden the range of available energy sources, it will not help the environment and it will undermine the development of the wind farm industry. That means the state will not achieve its potential in terms of job creation and its technological skill sets. It is no exaggeration to say that these measures will trash the wind farm industry in Victoria, and that means regional jobs will go to South Australia, for example, and investment will dry up.

Yesterday's *Australian* and today's *Australian Financial Review* report that Victoria stands to lose billions of dollars from the economy, that investment will be redirected to other states and that wind farm companies have already started to make the move because their investments have been undermined. The obstruction the government has created with respect to

the development of wind energy in Victoria runs counter to strong national and global momentum in the opposite direction.

The Australian Trade Commission's website, just to take one example, which encourages international investors in Australian renewable energy initiatives, will from now on need to insert a caveat for Victoria, which as far as wind energy is concerned is closed. Investment in a technology of the future is no longer needed in this particular niche because the Landscape Guardians have a problem with it.

Across the world developing countries are now the biggest investors in large-scale renewable energy. We all know China is the leader in wind energy investment while Victoria — little Victoria — turns its back. The government's decision to destroy investment in wind energy is absolutely inexplicable. It is as inexplicable as it is tragic.

Auditor-General: *Developing Cycling as a Safe and Appealing Mode of Transport*

Mrs PEULICH (South Eastern Metropolitan) — I rise to make some remarks on the Victorian Auditor-General's report entitled *Developing Cycling as a Safe and Appealing Mode of Transport*, which was tabled in August 2011. The audit focused on assessing the Victorian Cycling Strategy, which the former government released in March 2009. It assessed the development of cycling as a safe and appealing mode of transport by examining whether the relevant agencies had a sound understanding of the barriers to cycling and of how best to overcome these, whether satisfactory progress had been made in implementing the strategy and the strategy's goals. The agencies covered by the audit included the Department of Transport, VicRoads, Parks Victoria and local government, including the cities of Melbourne, Yarra, Darebin and Maribyrnong.

I do not agree with all the report's commentary or its interpretation of the audit and the audit summary. I believe it is certainly timely that the strategy be reviewed when it expires. Some of the key findings of the audit report in relation to the strategy are as follows: firstly, I do not accept the proposition that the strategy form a reasonable starting point for growing cycling. The current strategy does not adequately recognise diverse categories of cyclists. Obviously commuting is a significant focus of the strategy here, and that is particularly relevant to those who live in inner Melbourne, for whom it is a viable proposition. Obviously there is an economic driver, because it is expensive to drive a vehicle and park it in the CBD. That is an area where we can do some good things. We

can make sure that we have bike lanes built, especially adjacent to major connecting roads. That makes sense for young people and also for not-so-young-people who may work long hours. Those people can combine riding to work and working very long hours as a way of maintaining health and fitness, and that achieves a good synergy.

Recreational cyclists — or as Mrs Coote would call them, lycra terrorists — who belong to clubs represent an area where we need to do a substantial amount of work, in particular in terms of resolving the conflicts that occur between those users and pedestrians, motorists and other classes of cyclists. Of course we must not forget a very important category: the mums, dads and kids who cycle. They are part of a different level of recreational user, and we must form an assessment as to the extent to which various goals are being progressed and whether any actions are suited to the strategy. That is where a fair bit of work needs to be done. Nonetheless, some of the recommendations that come out of this report are useful, although I urge the ministers responsible to make sure that the entire strategy is comprehensively reviewed and that it involves a substantial degree of discussion and consultation with those stakeholders.

The idea of growing cycling may apply to particular categories but not all of them. It is never likely to achieve the growth needed to transform cycling into a major form of personal transport, especially at times when people move to different destinations during the course of a single day, combining child rearing, dropping children off at school and so forth. For example, for me — and I am sure many MPs, in particular those who have children or who move to different destinations during a day — cycling is clearly not going to be an option as a major personal form of transport on the job. However, for those who might simply move from point A to point B during the course of a day, it may be a viable option that is well supported by the appropriate infrastructure as well as education.

The strategy created a logical framework for action. That is the area where we need to do the work and make sure that investment is consistent with all the different categories of users, and I would urge the ministers responsible for that — —

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

Auditor-General: *Facilitating Renewable Energy Development*

Ms PULFORD (Western Victoria) — There must be something in the wind, because I also would like to speak about the Victorian Auditor-General's Office report *Facilitating Renewable Energy Development*. The report has some numbers right at the front. It says:

Around 96 per cent of the electricity consumed by Victoria is generated from fossil fuels ...

People will be familiar with this. Brown coal accounts for around 90 per cent of electricity consumed in the state. In Victoria we have had access to a ready supply of cheap brown coal for many years, and it has served to underpin the development of our wonderful and diverse manufacturing industry and served to provide relatively low-cost fuel to Victorians.

Renewable energy of course accounts for a much smaller share of the consumption — around 3.9 per cent, according to this report. It is important that we focus on renewable energy because the climate is changing. In the Labor Party we believe human activity has impacted on the climate. We also believe it is our generation's responsibility to do something about it. Labor introduced in the last Parliament the Victorian renewable energy target, setting a target to replace 20 per cent of Victoria's energy supply with renewable energy, and part of that is about driving investment in renewable energy technology.

This policy had bipartisan support in the last Parliament, but of course that was back when the government was the opposition and would say just about anything for a few votes. The election came and went. The government changed, and the renewable energy target was no longer important. It had enjoyed bipartisan support, but suddenly it was 'aspirational' and maybe even the legislation needed to be reviewed. What we have now is the Baillieu government taking its signals on renewable energy policy from none other than the federal Leader of the Opposition, Tony Abbott, and Mr Abbott is perhaps also having this policy position dictated by a noisy minority, the climate change deniers in the federal opposition — and indeed perhaps now in the Victorian state government.

Labor, through its support of renewable energy, supported the creation of 2000 new jobs and \$2 billion worth of investment. It developed wind farm planning guidelines, introduced landscape assessments and planning guidelines, approved the biggest wind farm in the Southern Hemisphere — Macarthur wind farm in my electorate of Western Victoria Region — and from

2007 approved 14 new wind farms with a combined output of 2491 kilowatts.

The new government's recently announced approach to wind farm planning is a serious risk to the industry and may indeed kill the industry stone cold dead. What this policy will do is prohibit a wind turbine being constructed within 2 kilometres of an existing dwelling unless there is written consent from the owner, and create a 5-kilometre zone around a number of other locations that previous speakers have identified. Cynically the Baillieu government will award sustainability awards and recognition to organisations like Hepburn Wind, a community wind farm in my electorate, which is a fabulous and innovative project. The actions of the government this week will probably kill off the opportunity for future community-based wind farm proposals as well.

Today in question time the Minister for Planning, Mr Guy, seemed unable to identify exactly how many jobs will be lost and how many millions or perhaps billions of dollars of investment will be lost from Victoria. I assume that if he was unable to answer those questions he will probably also be unable to put a number on the lost income to those who have wind turbines on properties — —

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

Auditor-General: report 2010–11

Mr P. DAVIS (Eastern Victoria) — I am delighted to have the opportunity to make some remarks on the *Victorian Auditor-General's Office — Annual Report 2010–11*. In so doing I acknowledge the wonderful work that the Auditor-General undertakes on behalf of the Parliament as part of the oversight mechanisms we have in this great state to ensure that we have a transparent and accountable financial framework. One purpose of my comments this evening is to acknowledge the cooperative working relationship between the Auditor-General and the Public Accounts and Estimates Committee (PAEC). I am pleased to note that the Auditor-General in his annual report has acknowledged that relationship and has referred to the significant cooperative arrangements that are in place.

I do not wish to labour this point more than to say that there is an approach by the Auditor-General to keep parliamentarians individually informed. I remind members that at the same time that the Auditor-General's performance audits are tabled in this place the Auditor-General and his staff make themselves available for briefings. Those briefings

occur on a regular basis. Traditionally they occur on the Wednesday of a sitting week, on the day the reports are tabled. A good deal of additional information can be gained by participating in that process. I recommend that members take an interest. We seem to have a bit of a cohort that attends. Mrs Peulich regularly attends, as does Mr Barber. I am not quite sure whether it is the sandwiches at lunchtime or the quality of the briefing, but certainly it is a useful exercise and we usually get around a dozen members attending those briefings. I urge other members to participate.

In relation to other matters, there is an interesting connection between the Auditor-General and the role of the Public Accounts and Estimates Committee in terms of the oversight and various statutory roles that we have as a committee in connection with the Auditor-General, but I will not dwell on that. I believe the cooperative arrangements between PAEC and the Auditor-General's office have progressed over the last six months or so. Last Thursday the Public Accounts and Estimates Committee had a hearing to follow up audit reviews relating to measures to do with the organisation of accountability in managing terrorism risk and reviews relating to performance measures in relation to public hospitals. At this hearing the Auditor-General and his staff appeared as witnesses and then sat conjointly with the committee to examine the representatives of government departments. The departments that were represented at the hearing included the Department of Justice, the Department of Premier and Cabinet and Victoria Police with regard to the terrorism issues, and also the Department of Health with regard to the public hospitals.

The reason I speak of this hearing is that it represented an initiative that had evolved over time. There is always an incremental sense about the way we manage things, but in some other jurisdictions there is a very close relationship between parliamentary committees and the Auditor-General. Indeed in the commonwealth government, as I understand it, the Auditor-General sits at the table for all audit review follow-ups undertaken by the federal equivalent of PAEC. We made a step forward and what we found was that there was a good deal of benefit to be gained from the Auditor-General participating in this examination process of government departments and agencies because it was possible to acquit, if you like, the divergent views by having all of the players at the table. In this case the departments, particularly the Department of Premier and Cabinet, which perhaps had a slightly qualified view about the audit that was subject to interrogation —

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

Victorian Multicultural Commission: Victorian government reporting on multicultural affairs

Mr TARLAMIS (South Eastern Metropolitan) — I rise to speak on the *Victorian Government Reporting on Multicultural Affairs 2009–2010* report. As the son of a migrant, multiculturalism is an issue close to my heart. Furthermore I proudly represent one of the most culturally diverse electorates in the country. This report represents an endorsement of the previous Labor government's investment in multiculturalism. It is confirmation that the policies and initiatives of the previous government were highly successful in supporting culturally, religiously and linguistically diverse communities. Victoria can proudly claim the mantle as Australia's multicultural capital and I believe our cultural diversity and our multiculturalism are examples for many communities across Australia.

The make-up of Victoria's population confirms this position. With a population of over 5 million people, Victoria is comprised of people from over 200 countries who speak more than 230 languages and dialects and practise over 120 different faiths. The Minister for Multicultural Affairs and Citizenship states in the foreword of the report:

Migration has brought new skills, business and investment into Victoria, aiding in the creation of an innovative and dynamic workforce, and enabling Victoria to develop strong relationships with our regional neighbours.

This report provides a picture of Victoria's diversity, which is relevant to our multicultural success story. The information contained on page 4 of the report and sourced through the 2006 Australian Bureau of Statistics census provides the following snapshot of Victorians:

43.6 per cent of Victorians were born overseas or have at least one parent born overseas;

23.8 per cent of Victorians were born overseas;

72.8 per cent of Victorians born overseas come from non-English-speaking countries;

20.4 per cent of Victorians spoke a language other than English at home;

68.7 per cent of Victorians followed over 120 religions.

Our large refugee and migrant population also contributes to the Victorian tourism industry. Some 5.2 million domestic travellers and 362 000 international travellers visited our state in 2009–10 for many reasons, including to spend time with friends and family who have made Victoria their home.

Today I wish to focus primarily on part A of the report, 'Major improvements and initiatives', and in particular the section headed 'Advancing equality and human rights'. The Justice for Refugees program, which is administered through the Department of Justice, aims to reduce negative contact between fledgling refugee communities and the justice system. I would like to make special mention of the Justice for Refugees program youth projects undertaken in Dandenong and also in Heidelberg West and Braybrook. The program provided assistance and support to disengaged youth from refugee backgrounds and has resulted in 70 per cent of the participants attaining education, training or employment outcomes within six months of completing the project. This is a great success considering the many obstacles facing these young people settling into their new communities.

Another program I would like to highlight is one which sets out to increase maternal and child health participation rates amongst culturally and linguistically diverse communities. The program is a joint project between the Department of Education and Early Childhood Development and the City of Greater Dandenong. Sadly the City of Greater Dandenong was ranked first out of 78 local government areas in Victoria on the index of relative socioeconomic disadvantage, making it the most disadvantaged local government area in Victoria. Fifty-six per cent or over half of the population was born overseas, with 51 per cent of overseas-born residents originating from a non-English-speaking country.

Even though there was a large increase in births in the area, participation rates amongst culturally and linguistically diverse families were lower. A variety of reasons can be attributed to this, such as the barriers of language, age, unemployment, cultural beliefs, poor access to services, lack of transport, lack of trust and a poor understanding of the aims of particular services. Page 11 of the report shows that by working with key stakeholders and community leaders the Department of Education and Early Childhood Development has been developing specific strategies to engage culturally and linguistically diverse communities by enhancing the engagement processes within existing services. The department is also identifying new strategies to increase participation in maternal and child health services through the development of new works, processes and practices. I understand the project has seen some positive results, and this is quantified by the increase in participation rates amongst the culturally and linguistically diverse communities.

I also welcome the All About Voting resource kit, which aims to educate refugees and migrants — many

of whom have never participated in genuine elections or democracy — about electoral participation, citizenship and democracy. This program, when integrated into an English as a second language curriculum, is an excellent initiative and reinforces the freedoms and choices new migrants possess to shape and create their community around platforms and ideas that are meaningful to their futures. Migrants have contributed and will continue to contribute greatly to our economic prosperity and to our reputation as a diverse and culturally rich state. I commend the report to the house.

Auditor-General: *Facilitating Renewable Energy Development*

Mr LEANE (Eastern Metropolitan) — I wish to make a statement on the Victorian Auditor-General's report entitled *Facilitating Renewable Energy Development*. The summary page outlines the fairly basic tenets that at one time we all would have agreed to. It says that there is growing community and scientific concern about the impact that fossil fuels are having on the environment and the climate. This has led to an increased focus on using sources of renewable energy to produce electricity sustainably.

I know that many of the members who have already made statements on this particular report have discussed the issue of the implications for wind power generation of the proposed changes that the new government has brought forward. That is a major concern. Those previous contributions outlined the concern not only about the impact on the load share of renewable energy but also about the impact on employment in this very important area, which has been continually growing until now. It is a great concern that the government seems to have a real anti-wind farm attitude, which is a bit surprising and hard for us to fathom.

Mr Lenders — Only within 5 kilometres of the Great Ocean Road, 2 kilometres of settlement or near the grid — other than that they don't mind it.

Mr LEANE — As Mr Lenders outlined, it is a bit hard to understand whether there will be any new generation as far as wind power goes. I took into account that there was some interjecting in the speeches of previous speakers on this report. One of those interjections was that the load share needs to go towards power generation from solar energy. There is also a concern around ongoing support for the generation of solar power in Victoria. An article published recently in the *Age* newspaper by the

environment editor, Adam Morton, stated that up to 1800 jobs could disappear — —

Mr Lenders — How many?

Mr LEANE — Eighteen hundred jobs could disappear from Victorian solar power businesses if the Baillieu government allows a household subsidy scheme to lapse when it reaches its proposed limit in the coming months. The previous government brought in a premium feed-in tariff of 60 cents per kilowatt hour for energy generated from individuals' rooftops. This scheme was capped, to be reviewed once it hit 100 megawatts of capacity. This was quite a sizeable goal that the previous government reached. The problem is that this review has probably been triggered a lot earlier than expected, meaning that this scheme could be a victim of its own success.

When this 100-megawatt capacity was adopted as a policy by the previous government it was envisaged that it would be a level of load capacity that could not be reached unless the scheme was fantastically successful. But it is getting there, which is a good thing. It is a great thing that this scheme has been successful, but the concern of Adam Morton and members on this side of the chamber is that this will trigger a review. There has been discussion that as part of the review the 60-cent-per-kilowatt-hour rate may be reduced by the government; I have seen figures going down to 45 cents or less. That is not going to continue to encourage people to invest in solar technology in their households. Along with wind power, this is a very important issue.

In closing, with this report we hope — —

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

Sitting suspended 6.30 p.m. until 9.59 p.m.

ADJOURNMENT

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the house do now adjourn.

Firewood: collection permits

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Minister for Roads, Mr Mulder. I have previously reported on two occasions in adjournment debates in this house that a press release from Ms Lovell, now the Minister for Housing, was distributed through East Gippsland saying that a

coalition government would remove firewood collection fees. I have raised a matter on the adjournment for the attention of the Minister for Environment and Climate Change, and I thank him for acting. I have raised a matter on the effects on small business for the attention of the Minister for Innovation, Services and Small Business, seeking action from her.

The Minister for Environment and Climate Change has carried out coalition policy and announced that there will be no fees for firewood collection. However, in his press release he has said that there will be no fees for collecting firewood generally. What we are seeing now is confusion, because he has jurisdiction over Department of Sustainability and Environment (DSE) land but not over road reserves.

Today the Municipal Association of Victoria was particularly concerned because of the safety aspects of collecting firewood from roadsides without permits, the lack of public liability insurance and the risk to motorists in doing so.

What I seek from the Minister for Roads is for him to put in place through VicRoads some fairly clear guidelines for the community to explain to people like those in Mr Philip Davis's electorate whether the Minister for Environment and Climate Change's press release is accurate. Is firewood now freely available everywhere, or whether it is confined to firewood on DSE land, given the risk factors identified by the Municipal Association of Victoria for people collecting firewood from beside roads? I ask the minister to act to set out clear guidelines for citizens so that they understand what government policy is.

At the moment we have confusion. Is firewood free on DSE land or on all land? We have confusion about whether there is compensation for small businesses reliant on the sale of collection permits, and we have confusion among people with plantations and who make money from selling firewood and who now see themselves as having unfair competition. Now out in regional Victoria we have a conflicting policy. I seek assistance from a third minister to assist citizens by giving clarity to what is actually the Baillieu government's response to the policy announced in November 2010 by Ms Lovell.

Schools: Kyneton

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Education, Martin Dixon. I was truly amazed to read yesterday the comments made by the shadow Minister for Education and member for Niddrie in the other place, Rob Hulls,

and the member for Ballarat East in the other place, Geoff Howard, about a visit to Kyneton to speak with Kyneton Secondary College and Kyneton Primary School principals. After 11 years of Labor mismanagement, they are now calling for support for the Kyneton kindergarten to year 12 education precinct. I found it really quite strange that they have only just thought to discuss this issue following my visits in July and August.

Typically, Mr Hulls and Mr Howard are now attempting to rewrite history. Labor's type of spin is not helpful in resolving the issues being faced by these school communities. The parties involved understood that they had an arrangement for funding with the previous government, but alas, it was never budgeted for by that government, so I do understand the perplexed look on the faces of the members. Geoff Howard has now been the member for Ballarat East for almost 12 years. It would be a good idea to find out how many times he has actually involved himself in education in Kyneton. Clearly he has let this community down. No wonder the photo in the *Midland Express* of 30 August shows a rather perplexed looking pair of members of Parliament. Mr Howard is quoted as saying:

The Kyneton community deserve answers from the Baillieu government ...

This community now knows the reason: that the previous government left this project and others unfunded and high and dry. Has Mr Howard shown so little interest that he does not even know that the project was neglected by him in previous terms even though his government created an expectation with the parties involved that the project would proceed?

Unlike the former Labor government, we are planning ahead and considering the future needs of the region. Unlike the former Labor government, we will be considering and acting in respect of the facilities required in the region. I invite the Minister for Education, Mr Dixon, to return to the Kyneton area and meet with the principals and boards of both schools and the kindergarten to consider what action can now be taken to fix Labor's mess, which was caused by its unbudgeted commitments.

Drink driver education: accreditation standards

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for Ms Wooldridge in her capacity as the Minister for Community Services. The matter I want to bring to her attention was brought to my attention by a constituent, Steve Kroyerr, who runs

a small business which provides drink driver education and assessments for persons who have lost their licences for drink driving. His concern is in regard to Department of Human Services standards of accreditation for drink-driving agencies in Victoria. He believes the DHS standards are potentially in breach of the federal Trade Practices Act 1974, particularly in regard to small businesses that operate in this area.

One example of Mr Kroyerr's concerns is that, under the standards of accreditation an agency must provide a business case to justify the need to deliver services at a nominated location. Mr Kroyerr's concern here is that that particular standard unreasonably limits the scope of how a business such as his can operate. Rather than go through all the concerns Mr Kroyerr has brought to me, I intend to forward to the minister the relevant correspondence from Mr Kroyerr to help her in addressing my request.

The action that I seek from the minister on behalf of this constituent is that she request that her department check that the legalities of all standards of accreditation currently required to be met by all existing agencies and potential future agencies working in this area are compliant with the Trade Practices Act 1974 and other relevant acts, particularly those pertaining to the regulation and protection of small business.

City of Ballarat: civic hall

Mr RAMSAY (Western Victoria) — I wish to raise a matter with the Minister for Local Government, Jeanette Powell. As all ratepayers are brutally aware, local councils reap enormous amounts of money from their ratepayers. The millions raised are used to fund services and facilities and to provide infrastructure for their communities, which continually put financial pressure on councils as the costs of both service delivery and maintenance and upgrade of assets grow. But I am becoming increasingly concerned about the other ways that some councils are using, or intend to use, tens of millions of dollars of ratepayers money.

The example most readily brought to mind is the Ballarat City Council. It is currently planning a \$40 million project — the civic hall project. Ballarat City Council intends to divest assets which hopefully will return \$8 million to \$10 million and borrow a further \$30 million for a car park and a new building to house council officers.

The civic hall project has stirred a great deal of unease in the Ballarat community, and not just over the design or the so-called community consultation, or the advisory committee, the tender process or the divisions

within council. Many ratepayers are now questioning why it is that a local council should be spending so much of its money on a building for the council itself. It is seen by many as being a self-effacing monument.

In this matter I am not questioning the council's desire to revitalise the Ballarat CBD or promote job creation — be they short or long-term positions. I am not suggesting that politicians should interfere in the management of local governments representing their communities at all, but I am questioning the role of councils generally as developers. I am questioning their capacity to put their ratepayers at the mercy of long-term debt for office accommodation in order to in effect create monuments to themselves.

There are arguments, of course, about the need for councils to lead the development charge and create much needed office space. They see it as a job of theirs to be the best example or to typify or represent the image of prosperity, wealth and development that is required to drive a community and trigger other revitalisation and development projects. I am questioning why it is that a council needs to take on that role. Surely if the prosperity is there, the private sector would be readily jumping into the development ring and realising the potential available. I am questioning whether the Ballarat City Council and other councils become blinkered to the bigger picture.

My role is to listen to community views and represent those views. Ballarat is one of many towns that sees the need to stimulate a cautious private development sector by becoming the developer themselves. I simply put to the house that we need to question on behalf of voters and ratepayers how their local councils should spend their money.

South-west cancer centre: implementation study

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Health, David Davis, and it is in relation to the south-west cancer centre implementation study. Mr Davis would recall that in May last year the then Minister for Health, who is now the Leader of the Opposition in the Assembly, Daniel Andrews, announced that a study was to be conducted by Victoria's chief cancer adviser, Bob Thomas, into the feasibility study of a south-west cancer centre. Members of the south-west community have become well accustomed to the member for South-West Coast in the Assembly, Denis Napthine, predictably and constantly from May all the way through to November demanding transparency and time lines and the

expected release date on this study. However, more than 12 months on, and with Dr Napthine now finding himself in government, the feasibility study which was to be made public in February this year has been gathering dust for the last six months, and this government has thus far refused to disclose when the report will be made public.

The information Dr Napthine requested whilst in opposition is the exact information he and this government are keeping from the south-west community. Given that whilst he was an opposition member the member for South-West Coast was so adamant that a time line be made public, it would seem rather peculiar that when asked for the same information Dr Napthine's response is that he could not disclose when the report would be made public, simply stating, according to the Warrnambool *Standard* of 20 July this year, that progress was being made.

I ask the minister to inform the house and the people of the south-west of Victoria, firstly, on the time line and the expected release date of the south-west cancer centre implementation study; and, secondly, a clear time line for the delivery of this new service.

Western Hospital: upgrade

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Health. It follows a visit I made on Monday of this week to the Western Hospital at Footscray.

I am somebody who is used to Labor neglect in the western suburbs, but even I was stunned by what I saw at this particular hospital on Monday. I was quite shocked. Firstly, there is very little car parking there. I had to park some three blocks from the hospital. I am able-bodied, or reasonably able-bodied. How would somebody who was either ill or perhaps had a broken leg or some other disability cope with walking for 20 minutes or 25 minutes to get to the boundaries of the hospital?

I walked into the hospital and I was overcome by the smell. It was horrendous. There was a stench being emitted from the pipes underneath the floor that I cannot really describe, but it was extraordinarily unpleasant and certainly made me think that it was not the sort of smell that you would particularly welcome in a hospital.

I then walked to the lifts and went up to the fourth floor with some patients who were coming straight from surgery because there are no lifts specifically for patients; they have to share the lifts with visitors and

cleaners and everybody else. Everybody is in together. It is just extraordinary and I have to say quite intolerable. I then went on a tour of the hospital and witnessed doors, walls, floors literally crumbling before my very eyes. It was just staggering. You have to remember that this hospital was built before Sir Henry Bolte became Premier — that was in 1953 — and it has barely been touched since. It is absolutely extraordinary. The lack of space meant that it was cramped. I noticed that there were very few offices for doctors. In one part of the hospital specialists and GPs were consulting in corridors because that was the only place they could find to talk to each other.

Clearly we need a new hospital building for Footscray and for the Western Hospital in Footscray. In the meantime there is a very large, grey building — with quite extraordinary views of Melbourne, I might say — at the hospital which has been empty for quite some time. If we were able to refurbish it and use it for any manner of purposes, this building would have a huge impact on the services provided by the hospital. I ask the minister to examine it and see if we could get that up and running very quickly.

Overdose Awareness Day

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for Mary Wooldridge, the Minister for Mental Health and Minister for Community Services, in her capacity as the minister in charge of drugs, alcohol and mental health. Today is Overdose Awareness Day, and this afternoon it was launched upstairs in this very building. I have to commend a number of the people who were involved with the organisation of the day, including staff from the Salvation Army crisis service, Anex, and from the Burnet Institute, along with Sally Finn, who did an extraordinary job.

It is salutary to remember that a decade ago there was a list of heroin overdoses published in the *Herald Sun* every day. Quite frankly that list was absolutely horrendous. Although the numbers have come down significantly, sadly there are still people dying at a very tragic rate in our suburbs, on our streets and in my own electorate. The problem is that it is not only tragic for the people who have taken the overdose but also for family, friends and a whole range of other people who are affected as well.

Overdose is a major issue. Around one Australian citizen dies every day as a result of opioid overdoses, let alone the deaths due to overdoses from other drugs. A number of measures can prevent some of these deaths — for example, methadone programs and other

long-term treatments, fast and efficient ambulances and overdose response training for friends and family of people who use drugs. The Baillieu government has taken a very strong anti-drugs stance, which we have seen in legislation that has passed the lower house and is to be debated in this chamber tomorrow. We have a very good track record on this issue, and I know the minister is particularly concerned about the overdose issue and the grief it can cause all of the people concerned.

One of the people who spoke today said that one of the major problems is with people who are leaving prison. The problem with the people who are leaving prison is that they have been through treatment programs whilst they are in prison, but when they come out of prison there is an enormous overdose problem: people exiting prisons get much stronger drugs, they are not used to them, and sadly a lot of tragedies occur as a result.

The request I therefore make of the minister this evening is that she approach her colleague the Minister for Corrections to see if a program can be put in place for prisoners both while they are in the prisons and after they exit the prisons to give friends, family members and the drug users themselves the tools with which to deal with what are going to be problems once they leave the custody of correctional services.

I commend Overdose Awareness Day to everyone here. I ask that we take a moment to remember those people who have died or who are living with a permanent injury after suffering from an overdose of either illegal or legal substances.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — Tonight we had seven adjournment items. The first was raised by Mr Lenders and directed to the Minister for Roads, seeking clarification on the situation regarding firewood collection on roadsides. I will refer that request to the Minister for Roads.

Mrs Petrovich raised a matter for the Minister for Education and particularly requested that he visit Kyneton to inspect some education facilities there. I will pass that invitation on.

Mr Leane raised a matter for the Minister for Community Services. I must admit I struggled to understand exactly the nature of that matter; it seemed to be quite complex. However, I was aided by Mr Leane in that he indicated that some correspondence fully outlining the matter would be forwarded to the

minister, so I will advise the minister to expect some correspondence on that matter from the member.

Mr Ramsay raised a matter for the attention of the Minister for Local Government concerning the City of Ballarat, and I will ensure that the minister is made aware of the views and matters expressed in that adjournment matter.

Ms Tierney raised a matter for the Minister for Health concerning the south-west cancer centre, which is obviously a very important matter as this week is Cancer Awareness Week. I will ensure that the Minister for Health is aware of the request made of him by Ms Tierney.

Mr Finn raise a matter for the Minister for Health concerning the Western Health hospital at Footscray. He expressed some concern about the conditions at that hospital and suggested that an opportunity may exist to open up a better class facility or building there. I will pass that request on to the Minister for Health.

Mrs Coote raised a matter for Minister Wooldridge in her capacity as the minister in charge of drug, alcohol and mental health issues. In particular Mrs Coote made some comments about programs for those involved in substance abuse in prisons. Again, that is a very worthwhile cause and an important matter, and I will pass that request on.

Finally, I have one written response to an adjournment debate matter, being that raised by Mrs Petrovich for me on 18 August.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.18 p.m.