

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

10 February 2011

(Extract from Book 2)

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

By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Legislative Council standing committees

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

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

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

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

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

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

Joint committees

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy President: Mr M. VINEY

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Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

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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
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Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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Thursday, 10 February 2011

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

VICTORIAN FAMILIES STATEMENT

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

Laid on table.

Ordered to be considered next day on motion of **Hon. D. M. DAVIS (Minister for Health)**.

PAPERS

Laid on table by Clerk:

Ombudsman — Report on the Investigation into the probity of The Hotel Windsor redevelopment, February 2011.

Parliamentary Committees Act 2003 — Government Response to the Law Reform Committee's Report on Powers of Attorney.

OMBUDSMAN: INVESTIGATION INTO THE PROBITY OF THE HOTEL WINDSOR REDEVELOPMENT

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

That the report on the investigation of the probity of the Hotel Windsor redevelopment, February 2011, be taken into account forthwith.

Leave refused.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 1 March.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

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

Public Accounts and Estimates Committee

1. That Mr P. Davis, Mr O'Brien and Mr Pakula be members of the Public Accounts and Estimates Committee.

Scrutiny of Acts and Regulations Committee

2. That Mr O'Donohue and Mr O'Brien be members of the Scrutiny of Acts and Regulations Committee.

Motion agreed to.

MEMBERS STATEMENTS

World's Greatest Shave

Mr LEANE (Eastern Metropolitan) — There has been concern expressed by many members of this chamber about the state of my hair. I would like to say that next month the Leukaemia Foundation is running its major fundraiser called World's Greatest Shave to help raise money for patients and families living with leukaemia.

Every hour of every day one person in Australia is diagnosed with leukaemia and associated diseases, and every 2 hours someone loses their life to this disease. I intend to register today for the World's Greatest Shave — one, because I could not think of a better cause; two, because it gets me out of a stupid statement I made on YouTube during the election campaign and allows me to somehow still keep some sort of dignity.

I will be sending a link to all members outlining how they may sponsor me if they wish. I may speak to you, President, about using it to urge other people in the community to register and do the same in the week before the actual fundraiser date.

The PRESIDENT — Order! Thank you, Mr Leane. I am pleased to hear there is an explanation.

Victorian election: Liberal Party candidates

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I rise to express my appreciation to the people of the south-eastern metropolitan region for their support at the November 2010 election. I take this opportunity to congratulate my colleague Mrs Peulich on her re-election to the South Eastern Metropolitan Region and the new Liberal members elected to the

lower house throughout the south-east: Michael Gidley as the member for Mount Waverley, Geoff Shaw as the member for Frankston, Lorraine Wreford as the member for Mordialloc, and Donna Bauer as the member for Carrum. I would also like to congratulate my old friend Brad Battin on his election as the member for Gembrook in the Assembly.

I also take this opportunity to thank and congratulate the other Liberal candidates in the south-east who ran but were not successful in their endeavours in November 2010: Courtney Mann in Mulgrave, Geoff Ablett in Cranbourne, Michelle Frazer in Narre Warren North, Gary Rowe in Narre Warren South, Tony Holland in Lyndhurst, Justin Scott in Clayton and Dale Key in Dandenong. I also congratulate and thank the other members of the Liberal ticket in the upper house: Gladys Liu, Ashton Ashokkumar and Tim Cincotta.

This election was a great vindication of the many party supporters and members who have supported us over the last 11 years in opposition and have kept the faith with the Liberal Party. They now have a strong team in the south-eastern region representing them, in both the upper house and lower house, and I look forward to this team delivering good government to the people of Victoria.

Violet Town Tennis Club

Ms BROAD (Northern Victoria) — In August last year I was very pleased to visit Violet Town and meet with representatives of the tennis club at the recreation reserve and discuss the Shire of Strathbogie's application under the Brumby government's community facility funding program for a grant to assist the Violet Town Tennis Club with the resurfacing of tennis courts at the recreation reserve.

Following that visit I was very pleased to support the application in an adjournment debate matter directed to the responsible Labor minister at the time, James Merlino, in August last year. And in October last year, following advice from the minister, I was delighted to announce that Violet Town residents would have more opportunities to exercise and play the sports they love, thanks to \$34 666 from the Brumby Labor government to resurface their tennis courts with a safe new synthetic grass playing surface that does not require any water — a priority at the time!

I was therefore puzzled to see an announcement three months later, this week, from the lower house member for Benalla, Bill Sykes, that the Violet Town Tennis Club will receive \$34 666 from the Victorian Liberal-Nationals government for a new synthetic grass

playing surface — the exact amount I announced three months ago for the same club for the same purpose.

There are two possibilities here: either the dedicated supporters of the Violet Town Tennis Club and Strathbogie shire have doubled their money for this project in the space of three months, or Dr Sykes is being disingenuous in claiming that the Liberal-Nationals government is funding this project.

For a government claiming to be dedicated to setting new standards on integrity, accountability and transparency, claiming to be devoid of — —

Mrs Petrovich interjected.

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

Parliamentary committees: Greens membership

Ms PENNICUIK (Southern Metropolitan) — It is very pleasing that yesterday was the first meeting of the Legislative Council's new standing committees, the establishment of which I had quite a hand in late last year. It was very pleasing to see them set up. I mentioned at the meeting of the committee of which I am a member — the Standing Committee on Environment and Planning — that it would be a good idea if there was a meeting between everyone who is on these new committees and the federal Senate's Clerk of Committees and also perhaps the President of the Senate to get some idea as to how the committees work in the Senate, because that is the system on which ours is modelled. It would be a good idea to have that happen fairly quickly so that everybody gets an idea of how these committees should be working.

Just a moment ago the Leader of the Government announced the Legislative Council membership of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee (SARC). The government offered the Greens a place on those committees, and Mr Barber and I have both served on PAEC in the past. However, many times in this house I have made the point that that committee should be an independent one; it should not be chaired by the government. It is not appropriate for the government to be chairing the committee that scrutinises its own budget. For that reason and also because we are members of the upper house committees, the Greens have declined membership of PAEC and SARC.

Darryl Argall

Mr RAMSAY (Western Victoria) — I would like to congratulate Mr Darryl Argall on becoming a Member

of the Order of Australia. I have served with Mr Argall on many committees, and his passion, strength of advocacy and down-to-earth approach has earned him huge respect in the Wimmera community.

Frank Ruffo

Mr RAMSAY — I attended the Australia Day celebrations at Bacchus Marsh and would like to say a few words about Moorabool Shire Council's Citizen of the Year award recipient Frank Ruffo. Frank runs the family business, Tripod Farmers, with his wife, Angela, and his two sons, Joseph and Frankie. His brother Joe and Joe's wife are also partners in the business. He supplies salad greens to South Australia, the Northern Territory, Queensland, New South Wales and Victoria and overseas to Hong Kong, Singapore and Thailand. The business employs 100 people in Bacchus Marsh, with another 300 employed on a contract basis, including employees at the company's Maffra site.

About 10 years ago Frank led a team of people to clean up the Werribee River, which was suffering from the effects of the drought. The project included removing willow and boxthorn along the river banks in the Bacchus Marsh area — a major job. However, the fight goes on.

Frank is a long-term and active member of Rotary. His business is a long-term sponsor of both the football teams in Bacchus Marsh — the Darley football club and the Bacchus Marsh football club — which are both members of the Central Highlands Football League. He also sponsors cricket clubs in Bacchus Marsh.

Despite his children no longer attending the school, he continues to support the St Bernard's Parish Primary School annual fete. Every year he sets up a stall with his produce — —

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

Noble Park-Keysborough Community Drug Action Forum

Mr TARLAMIS (South Eastern Metropolitan) — I wish to firstly congratulate the former Noble Park-Keysborough Community Drug Action Forum for the work it has undertaken in the city of Greater Dandenong to promote awareness of drug-related issues over the nearly 10 years it has been operating. Through the production of an annual local service provider calendar as well as a safety-around-syringes information card, which was developed jointly with the City of Greater Dandenong and the South East Alcohol and Drug Service, this group has been able to assist

with the education of residents about where they can access help and what action to take in certain circumstances.

The group has established close links with local service providers and agencies, police, the council and community groups, which are represented regularly at the monthly meetings. This allows firsthand feedback directly from local residents that can be acted upon by the relevant body. On many occasions this direct exchange of information has led to additional police patrols in certain areas or visits by outreach teams to assess and improve the situation.

I would like to wish the group well as it tackles new challenges as the Noble Park community action forum. This group has evolved over time to be responsive to the needs of the local community, hence the reason for the name change and the shift in focus to also include community strengthening activities. I have no doubt that this group will continue with the good work it has been doing in the community as well as achieve great things in its future endeavours.

Humanitarian visas: Egyptian Coptic Christians

Mr FINN (Western Metropolitan) — On 6 January this year, along with my good friend and federal colleague Senator Julian McGauran, I attended a memorial service at St Paul's Cathedral in the city for the Coptic Christians who were murdered a week earlier in a terrorist attack in Egypt. This was followed by a rally in Federation Square, which I addressed and which was attended by over 2000 members of the Coptic community.

The cowardly attack I speak of, sadly, was only one in a series of such acts by extremist Islamist elements in Egypt, and this has been going on over a number of years. The tragedy is that the current turmoil in Egypt has been used in this last week as a cover for more bloodshed carried out against the Copts. Two whole families were slaughtered this week alone. There are 80 000 Copts in Australia. Almost all of them have family members still in Egypt, and they are very fearful for the safety of those family members.

The current federal government has let down the Coptic community very badly. In fact when foreign minister Kevin Rudd met with President Mubarak last year he did not even mention their plight, which is just appalling. I believe we must immediately suspend the limitations and allow these Coptic Christians into Australia to escape persecution and indeed to escape death.

Arda Duck

Ms TIERNEY (Western Victoria) — Many people in Geelong are still in shock over the sudden death of Arda Duck, a consummate educationalist and dedicated change agent who strove to improve the opportunities for all students, particularly those from disadvantaged backgrounds. Arda was a highly respected principal of the Corio Bay Senior College and a major driving force in creating the new Northern Bay P-12 College. Arda worked tirelessly on shifting the paradigm and knew that the Corio-Norlane education regeneration project was a long-term commitment to the northern Geelong community. Working closely with staff and students was always on Arda's agenda, but her ability to bring the wider community together and to coalesce and corral decision-makers to deliver the best possible outcomes for the local community was her forte.

A 90-second statement does not allow sufficient time to properly pay tribute to Arda Duck for all of her work. However, last Friday's service in size and in content did exemplify community sentiment and gave thanks to a truly remarkable woman who was much respected and very much loved. I also take this opportunity to record my thanks for Arda's support of the annual Fanny Brownbill function.

I convey my deepest sympathy to Arda's family, Paul, Clare, Martin and Tom. I know they are labouring in tremendous grief. Arda is sorely missed but will always be remembered by so many. Vale, Arda Duck.

Ambulance services: Horsham

Hon. D. M. DAVIS (Minister for Health) — Today I want to bring to the attention of the house a surprising development. Shortly after I was sworn in as the new health minister I was informed that there were problems with the Horsham ambulance station proposal. The previous health minister, now the Leader of the Opposition, Mr Andrews, the member for Mulgrave in the Legislative Assembly, had promised a new ambulance station at Horsham, but when the situation was closely examined it emerged that the department was unaware of this proposed ambulance station, Ambulance Victoria had unfortunately not allocated enough money and there was a black hole in funding for it. We were \$100 000-odd short of being able to build a new ambulance station at Horsham.

Through some internal re-prioritisation we have been able to fund that ambulance station. It would have been unfortunate if the ambulance station at Horsham could not have proceeded. I have seen the old ambulance station, and it clearly needs to be upgraded. That project

will be worked through by the department with Ambulance Victoria using the additional funds that have been made available. But it is clear that this is becoming a typical discovery. As we look through a number of programs or mooted programs we find there are black holes, there is a lack of funding by the former health minister — —

An honourable member — All deliberate.

Hon. D. M. DAVIS — Yes, all deliberate. He hoodwinked people — —

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

Natural disasters: Australia

Mr SOMYUREK (South Eastern Metropolitan) — I rise to express my condolences to the people of my electorate and the rest of Victoria who have suffered from the floods over the past month. It would be wrong to speak about the horrors of the floods in Victoria without pausing to reflect on the natural disasters that have rocked our country over this summer or on the tragedy of the Black Saturday bushfires, which claimed the lives of 173 people two years ago last Tuesday.

Over the last two years it seems that Australians, and Victorians in particular, have been given a powerful reminder of the devastation and human suffering that the forces of Mother Nature are able to inflict on humanity. I am proud to say that the stoicism and courage of the Australian people have once again come to the fore to enable devastated communities throughout the country to commence the rebuilding process immediately, almost in defiance of the havoc wreaked by Mother Nature.

A manifestation of this was a sign which appeared in the wreckage of a house that only a day earlier had been completely destroyed by Cyclone Yasi. The sign defiantly read: 'Is that all you've got?', no doubt meaning that it takes more than a category 5 cyclone to break the spirit of Australians and that particular community.

The tail end of the cyclone hit the south-eastern suburbs of Melbourne last Friday and Saturday. I happen to live at the epicentre of where the tail end of Cyclone Yasi hit the hardest in Victoria, Lynbrook, where — —

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

IVECO Trucks Australia: ministerial visit

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — Since taking on my role as the Minister for Manufacturing, Exports and Trade, I am pleased to have met representatives from a range of companies. In my first 60 days I have had 48 personal meetings with various company managers. In particular I want to express my gratitude to the management of IVECO Trucks Australia, who allowed me to work a full production shift.

Mrs Peulich — Did you get paid?

Hon. R. A. DALLA-RIVA — I did not get paid, but I was very pleased to work with the workers. I started at 7.00 a.m. and finished working at 3.00 p.m. with an announcement to the company.

There are now three IVECO trucks soon to be running around Melbourne or interstate that have been put together by the Minister for Manufacturing, Exports and Trade. I hope I put the bolts on the right way and connected all the wires up in the right way. It was a fantastic learning experience. Having previously been involved in manufacturing of various sorts and in business, it was wonderful to get back on the production line and to work with the company's staff. I worked on a day when it was 40 degrees, so with the boiler suit, the hat and everything else on it was a difficult shift, but it made me recognise the dedication with which Australian workers in these manufacturing plants are pushing out great vehicles and great products into export markets for Victoria.

Victorian election: Liberal Party candidates

Mrs PEULICH (South Eastern Metropolitan) — Yesterday I ran out of time before I had the opportunity to congratulate my upper house colleagues on being re-elected in the recent state election. I particularly congratulate Gordon Rich-Phillips on being appointed a minister in the Baillieu government. I also thank Gladys Liu, Ashton Ashokkumar and Tim Cincotta for working very hard as part of the upper house ticket in the South Eastern Metropolitan Region.

Chinese New Year

Mrs PEULICH — I also take this opportunity to congratulate the Springvale Asian Business Association on another fantastic Chinese festival, which I had the pleasure of attending recently. I wish all those who celebrate Chinese New Year a very happy Year of the Rabbit.

Vietnamese Lunar New Year celebrations

Mrs PEULICH — I also had the pleasure of representing the minister at the Tet festival at Sandown Park, which was organised by the Victorian chapter of the Vietnamese association. A wonderful job was done by Bon Nguyen. I take this opportunity to wish members of the Vietnamese community a very happy Year of the Cat.

Floods: South Eastern Metropolitan Region

Mrs PEULICH — I also congratulate and thank our local councils for doing outstanding work in response to the floods. In particular I single out the cities of Casey, Greater Dandenong and Kingston.

Schools: floods

Mrs PEULICH — Lastly, I extend my very best wishes to the 856 100 students who will attend Victorian schools in 2011, especially the 66 900 preppies who had a late and dramatic start and the 65 200 year 7 students for whom a new adventure in their educational lives is about to begin — albeit in some cases complicated by the flood impact on local schools. The school communities are doing a magnificent job, and I wish them all the very best.

Bendigo: project funding

Mr DRUM (Northern Victoria) — I bring to the attention of the house the fact that Bendigo electorates are being short-changed by local lower house members.

Jacinta Allan, the member for Bendigo East in the Assembly, has been vocal since the last election in claiming that the new coalition government should build the Labor-promised hospital, at a cost of \$473 million. We all know that the design and the funding for that hospital is totally inadequate, which must make Jacinta Allan the only lower house member in history to argue and actively campaign against an additional \$102 million coming into her electorate. She is actively campaigning against that additional money from the coalition, and I would like her to explain why.

Another instance is the member for Bendigo West in the Assembly, Maree Edwards, who is quoted in *Tarrangower Times*, the local newspaper for Maldon, as saying that she would be holding the coalition government to account in relation to the extension of the natural gas line to Maldon. Nowhere in the article did it explain why the Labor Party, the party she represents, totally ignored Maldon in the lead-up to the last election. At that time the Labor Party ignored not

only Maldon but also the larger town near Maldon, Castlemaine.

It is a bit rich that the member for Bendigo East is actively campaigning against additional funding coming into her electorate and the member for Bendigo West is pretending to hold the coalition government to account when it is moving ahead and proposing projects that will bring about prosperity in her region, in spite of the fact that the Labor Party totally ignored those projects.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 9 February; motion of Mr ELSBURY (Western Metropolitan) for adoption of address-in-reply.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the address-in-reply. I remember listening to the address last year, paying close attention to that particularly small part of the address that dealt with the government's planning agenda and hearing that the new government would consult with the community.

We all know what consultation meant for the former Liberal government and how it treated the community. It refused point blank to consult, and it bulldozed its way through while completely ignoring the views of the community. That government took a bulldozer to planning, consultation and the suburbs. Listening to the Governor's address I wondered how the new minister, Matthew Guy, would approach the planning portfolio and the words 'consult with the community'. Would it be any different to the approach of the Kennett government?

We did not have to wait long to find out, because one of the first acts of the new minister was to bulldoze consultation. One of his first decisions was to sack the advisory committee set up to put a brake on inappropriate development in Melbourne. One of Minister Guy's first acts was to take the axe to the central standing advisory committee. That committee was set up to give the community and Melbourne City Council a voice before the minister made a decision on developments in Melbourne. That committee had an important role, because development will change the skyline of Melbourne forever.

Without consulting with the committee or the community, Mr Guy got rid of the committee. He wielded the axe and did not bother to consult with

anyone. With the committee gone, what was the next thing he did? Ten days after Mr Guy got rid of the committee, and using his free hand, he granted two major planning permits. He did this on Christmas Eve, under the cover of Christmas. He pushed out a media release granting approval for a development comprising two buildings, one with 46 storeys and the other with 51 storeys, and approval for another building with 67 storeys. At a time when he was talking about consultation he got rid of the advisory committee and then, under the cover of Christmas, announced, without any explanation, approval for two major Melbourne developments. He got rid of the committee and used his free hand to forever change the Melbourne skyline.

The community should well be fearful of what is happening now behind closed doors. Obviously for this government consultation does not mean consultation with Melbourne City Council or with Melbourne city residents. It does not mean consultation about developments that are going to change the Melbourne skyline, because Mr Guy has gotten rid of that advisory committee. We are left wondering, 'What does that consultation mean?'

It was interesting to note that during his contribution yesterday Mr Guy again spoke about consultation. He talked about community. However, we are left wondering what that consultation means. Then this morning, in an article on page 3 of today's *Age*, it was all revealed. I was reading my paper and enjoying my breakfast, and there it was. We now know that consultation does not mean consultation with ordinary Victorians. It means consultation with the big end of town, with the Liberal Party hierarchy. To see that we only have to read the headline 'Baillieu's planning debut a victory for top end of town'. The article states:

Melbourne's most influential businessmen and active Liberal Party supporters are among the immediate beneficiaries of the Baillieu government's first planning intervention ...

Mr Finn interjected.

Mr TEE — It is back to the future, Mr Finn. The veil has been lifted. If you have got problems with a proposed development that might interfere with your penthouse views or your views of the bay, if you are at the top end of town and have a problem, you call Mr Guy. He will fly to the rescue. What a speedy response you get from the hero of the rich and the powerful. What does he do? We only have to read the paper to see. After he got the call from the tower of power, 10 days before the Victorian Civil and Administrative Tribunal hearing, the result of which might interfere with those penthouse views, he came to

the rescue. Here he comes! He hears the call and comes flying in to rescue the rich and famous.

Finally, we understand what this government means when it talks about consultation with the community. In this case the community is the business elite and the Liberal Party hierarchy.

We have these promises from the government of openness, accountability and consultation. We know what they mean. We know they are hollow promises. If Mr Guy genuinely wants to be open and accountable, he needs to tell the community about these backroom deals. He needs to tell the community about these deals the Liberal Party makes. In the meantime the community should feel well and truly ripped off. Members of the community know they do not have access and they are not part of the backroom deals. They have been shut out from the office of the Minister for Planning.

Mr FINN (Western Metropolitan) — It is a delight to speak in this debate. I thank Mr Tee for his contribution, which was very entertaining and highly amusing. In fact it was hysterical in many ways. We know the Labor Party has hit new levels of desperation when Labor members start quoting the *Age*. It is a very sad state of affairs that the opposition in this state feels it necessary to fall to those particular depths.

I wish to thank the Governor for his speech to this Parliament and to assure him and this house of my continued loyalty to Her Majesty the Queen and to our system of government, the constitutional monarchy, which is clearly a leading system of government in the world. You would have to say there is none better. I have always said I would be very happy to hear from republicans if they wished to come forward with a model or a system of government which is better than the one we have now. I am still waiting. I have been waiting for years, and I anticipate that I will be waiting for many more years, because there just is not one. I am therefore very happy to reassert my loyalty to Her Majesty.

On Australia Day it was very disappointing to see a group of individuals who had decided to use our national day to start up a very divisive debate on our national flag, which I think is one of the most beautiful sights in the world. It is very sad that those in the republican movement would use our national day in the way they did. It is a day when we should be celebrating everything that is great about Australia; instead we were having a very divisive debate and argument about the Australian flag and its future. I am hoping that in future those sorts of individuals will pull their heads in,

because it is not something that Australia needs on our great day.

Four years ago I commented that I supported the constitutional monarchy. I have an open mind on the subject; if somebody wants to bring forward something better, they can, but as I say, there is no such thing to this point that we can see.

It gives me particular pleasure to stand here as no longer the only Liberal from the Western Metropolitan Region. It gives me enormous pleasure to say that at the 27 November election the Liberals in the west doubled their representation; we went from one member to two!

Ms Crozier interjected.

Mr FINN — When you consider that four years ago we did not have any members at all, that is pretty sensational.

Mr O'Donohue — Next time it will be four.

Mr FINN — Mr O'Donohue makes the point that next time it will be four; I agree. I think it will not be just in this house. I think we will find that in the other place as well we will have Liberal representation from the west. You just have to have a look at the results in some of the western suburbs seats at the election to know the Liberals are coming in the west; there is nothing surer. In the seat of Williamstown, for example, a seat held by two former premiers — not real flash, but they were premiers nonetheless — we achieved a swing of close to 13 per cent, the biggest swing to the Liberal Party in Victoria. As I said, this was in the seat of Williamstown, which is right next door to the seat of Altona, where we achieved a similar swing around 12 months ago in the Altona by-election.

Going by those two results you can see we are doing very nicely in the west. We are communicating with the people, and I know that more and more people in the western suburbs are accepting that the Liberal Party is their party. We speak for the people of the west. We have their aspirations and welfare at heart, and they know that after 11 years the Labor Party does not really care about the west. They know that the Labor Party will neglect the west, and as I have pointed out in this place and in many other places, for decades — for generations — the Labor Party has used and abused the people of the western suburbs for its own purposes. Now the people of the west are finally saying, 'Enough is enough', and we saw tremendous swings in seats like Niddrie, Keilor and Kororoit.

There was a magnificent swing in Essendon, which was a particular pleasure. It was a great disappointment to

me that we did not quite get there, because in my view the candidate that the Labor Party put up in Essendon leaves a fair bit to be desired. It has to be said that the current member for Essendon, Justin Madden, is somebody I do not have a great deal of respect for. I am not just talking about his ability to make a complete dog's breakfast of the planning portfolio when he held it; I have to say that in the four years I represented the Western Metropolitan Region, as had the current member for Essendon, I got out a fair bit. If there were two men standing on a corner, I would go and talk to them. I went to every function I was invited to if I possibly could. I was out an enormous amount — members can check with my wife on that if they want to.

In that four years, how many times did I see Justin Madden at an electorate function? How many times might members imagine? The answer is zilch. Not once did I see Justin Madden out in his electorate — not even once. The only time I saw him in that four years in the electorate was one night when I was walking across the road to a meeting at a school; he drove past, stuck his head out the window and said, 'G'day'. He was on his way home. That was the only time I saw him, so I wish the people of Essendon well. I wish them a great deal of luck, and they are going to need it.

Let me tell the house: we are going to come back in 2014. The Liberal Party will take the seat of Essendon at the next election, and we will turf Mr Madden out onto his superannuation. Let us hope he will enjoy that as much as he has enjoyed making a mess of many aspects of Victoria over the past four years.

I mentioned Mr Elsbury earlier. I believe Andrew Elsbury will be an outstanding member of Parliament. He has already shown that he has the makings of a first-class MP, and I think the people of the western suburbs will be well served by him sitting in this house. The enthusiasm and levels of energy he has already displayed are something he can be particularly proud of and we can all be very excited about.

Mr Elsbury's maiden speech in this house was a particularly good one. Some on the other side of the house and even some in the media have commented on his views on abortion and on capital punishment. They seem to think there is some conflict there. I do not know why, because clearly in the case of abortion we are talking about the killing of somebody who is innocent and in the case of capital punishment we are talking about the killing of somebody who is guilty — that is, somebody who has actually done something to deserve that fate. I am not sure why people would think

those two views are somehow in conflict; it does not make any sense to me at all.

I quite openly support what Mr Elsbury has said. I know this is not government policy. Let me make it clear to journalists from the *Age* and anybody else who is listening that I know this is not government policy. I would like to see it become government policy, but it is not government policy. I believe there should be capital punishment in this state for major drug dealers and drug lords. These people do not deserve to breathe the same air that we do. I am strongly of the view that Carl Williams, for example, should not have been bashed to death in jail; he should have been executed by the state as he was just a merchant of death and misery. I believe that if we were to send a very clear message to people who deal in death and misery via the drug trade in this state that we are not going to tolerate it, then we would have achieved a good deal.

I am talking about protecting our kids. Perhaps I am not speaking just as a legislator now but as a father as well, somebody whose daughter started secondary school just last week and whose twin daughters started primary school last week as well. Obviously I have their welfare at heart. That is uppermost in my mind. These drug dealers threaten their existence, their lives and their welfare, and we as legislators have a responsibility to those children to protect them. If we have to remove drug dealers in that way, let us do it.

Another area of concern raised by Mr Elsbury is the area of abortion. Over recent times we have seen a number of babies born as a result of failed abortions. This house unfortunately did not want to know about that and rejected a motion moved by Mr Peter Kavanagh, a former member for Western Victoria Region, to investigate that further. It is regrettable that the house rejected that motion. The reality remains that these babies were just left to die; that is the bottom line. They were born as a result of failed abortions, and they were just left to die. If it was happening last year or the year before, you can bet your bottom dollar that it is still happening today. We have a responsibility as legislators to do something about that.

Last month a front page of the *Herald Sun* was a horrifying reminder of what the Abortion Law Reform Act 2008 has inflicted upon this state — twin boys were aborted for no other reason than the fact that they were boys. Their mother wanted a girl but she had twin boys, so she killed them. That is something that we in a civilised society should not tolerate, but that has been brought upon us by the fact that in this state there are appalling abortion laws that allow abortion for any

reason, at any time right up until birth and, in the case of those babies who are born alive, even after birth.

I look forward at some stage, hopefully in the not-too-distant future, to seeing the Abortion Law Reform Act 2008 repealed. It is a law which should not be on the statute book, and I believe an increasing number of members of this Parliament are of the view that the law should be repealed, and repealed soon.

Over the last couple of months one of the joys we have seen in this state with the change of government is the end to the waste of Labor. Over 11 years the Labor Party turned waste into an art form. If waste were capable of being put in a gallery, it would be on display on St Kilda Road because Labor did a superb job. For example, we are still spending money on myki. It has been such a disaster with Labor losing somewhere in the vicinity of \$1.5 billion. What could we have done with \$1.5 billion? I have less than 2 minutes left, otherwise I would tell members what could be done. We could do a great deal, particularly to assist people who have been affected by the floods. There are a lot of people who could do with that money. The Labor Party spent \$1.5 billion on a tram ticket, and we still have not got the thing working. If I walked down the steps of Parliament House, I would still have trouble getting on a tram and using the myki system.

We remember the fast rail project. Labor said it was going to cost \$80 million; it came in at over \$1 billion. That is another example of the Labor way. We have seen what has happened to the desalination plant. The last time I saw it it was under water. It is extraordinary. If the government of the day had listened to the locals, it would have known the desal plant was being built on a flood plain. It should not have come as any surprise to Labor to know that when it rains a lot, it is going to flood, and that is what has happened over the last week. The Labor Party went out of its way to build that great monstrosity, and I suggest it could end up being one of the greatest white elephants that Victoria has ever witnessed.

I believe Victoria is a wonderful place to live. I love Victoria; it is a delight in so many ways. But it has fallen into disrepair over the last 11 years. Labor failed on so many levels to give us what we need and what we deserve as Victorians. I am very excited to be a part of the Baillieu government. I am very excited to see the Liberal Party and The Nationals back on this side of the house, because I know that together we will deliver what we said we would deliver, and we will make Victoria a great state again.

Ms MIKAKOS (Northern Metropolitan) — I would like to make some comments in reply to the Governor's speech, which was made in this house on 21 December last year. But first I would like to congratulate Mr Atkinson on his being elected as President of this chamber. I am confident he will perform his role with professionalism and integrity. I also congratulate the Deputy President, Mr Viney, on his election.

I would also like to congratulate all members of the 57th Parliament on their election or re-election and wish them well in undertaking their parliamentary duties. I take this opportunity also to pay tribute to the retired and defeated members of the 56th Parliament and wish them well in their future endeavours. I especially would like to acknowledge the contributions of former Legislative Assembly members Rob Hudson, Janice Munt, Tammy Lobato, Kirstie Marshall, Bob Stensholt, Maxine Morand, Tony Robinson, Tony Lupton, Michael Crutchfield, Ben Hardman, Alistair Harkness and Jenny Lindell and former Legislative Council members Jennifer Huppert, Bob Smith and Nathan Murphy for their contributions to their electorates and to the Labor Party over the years. I know they worked very hard to deliver real benefits to their communities, and they can be rightly proud of their achievements.

I would like to acknowledge the enormous contribution of the former Premier and member for Broadmeadows, John Brumby. He is a person of great intellect, stamina and passion for this state. I am proud to have been a member of his government, and I wish him and Rosemary and his family all the best in his retirement.

Someone else who will be sadly missed from this Parliament, in particular from this chamber, is former longstanding staff member of this house, the late Russel Bowman. I remember Russel as someone who was always helpful; a man who was always amicable and prepared to share a joke with members. He will be sadly missed by all of us.

Since the Governor's speech Victoria has been presented with fresh challenges that need to be addressed by the government. The flood tragedy that has befallen regional Victoria and some suburbs of Melbourne in the last few weeks will take a great deal of work and resources to recover from. Just two years ago I recall standing here expressing my condolences to the friends and families of those who had lost their lives in the Victorian Black Saturday bushfires. I understand that now up to 27 municipalities, 97 townships, 3000 properties and over 7000 people have been impacted in some way by these recent floods. My thoughts and prayers are with all those in the

flood-affected communities, and I wish them a speedy recovery.

In returning to the Governor's speech I thank the Governor, Professor David de Kretser, for outlining the Baillieu government's policy agenda and legislative intentions for this term of government. I was interested in what was included in that speech and what was left out. I was particularly looking for some insight into portfolios for which the coalition released no detailed policy documents and where all we have to go on is a scattering of media releases released during the election campaign, in areas such as children and early childhood development, aged care and juvenile justice. I will come back to these issues.

Members on this side of the house will be looking to see whether the undertakings given by the Baillieu government during the election campaign, and set out in the Governor's speech, will ultimately be delivered on and whether they will meet the needs of the Victorian community. The government promised a great deal, but already it is starting to break its promises, find excuses for delays and hide behind spin and obfuscation.

I will return to this, but I want to focus on what the Baillieu government plans for my electorate of Northern Metropolitan Region. In summary, it is nothing. We are seeing a return to the dark days of the Kennett government when Melbourne's northern and western suburbs were forgotten. The Premier says he will not be radical, but he has Jeff Kennett, Alan Stockdale, Robert Maclellan and others behind the scenes advising him on how to govern and how to implement \$1.6 billion worth of budget cuts. What we can expect is cuts in education, health and other key service areas.

I am very proud to have been a member of the Bracks and Brumby governments, which delivered significant improvements for all Victorians but most importantly for my constituents in the inner and northern suburbs of Melbourne. The disappointing aspect for me of the change in government is that most of my electorate of Northern Metropolitan Region cannot expect many improvements over the next four years.

The Baillieu government campaigned on a theme of fixing the so-called problems. It has outlined that it wants to address issues in the health system, for example. My electorate contains a plethora of hospitals, including the Royal Melbourne Hospital, the Royal Women's Hospital, the Royal Victorian Eye and Ear Hospital, St Vincent's Hospital, the Austin Hospital, the Mercy Hospital for Women and the Northern Hospital.

They each provide very important services to my local constituents and beyond.

When Labor was elected one of the first things it did was to stop the privatisation of the Austin Hospital. We then got on with renovating, rebuilding and extending more than 100 public hospitals across Victoria. Thanks to Labor, construction is under way for a new \$1 billion Royal Children's Hospital and the \$1 billion Parkville Comprehensive Cancer Centre. We also completed the Royal Women's Hospital and commenced the redevelopment of the Royal Dental Hospital and the redevelopment of the Royal Melbourne Hospital, we completed the new Austin Hospital and the relocation of the Mercy Women's Hospital and invested in the Heidelberg Repatriation Hospital.

In outlining its policy agenda for the next four years the Baillieu government has completely ignored the generalist hospitals in my electorate, particularly the Northern Hospital, which is situated in a growth corridor, and the Austin Hospital. The Labor Party made significant expansions to that hospital, most recently upgrading its mental health inpatient unit and also its maternity service beds.

In an adjournment debate earlier this week I raised the issues of the academic and research precinct proposed at the Northern Hospital and my concerns that that project is not going ahead. The minister is yet to commit funds to that important project. I understand also that the government has failed to commit to further funding for stage 3 of the construction of the Olivia Newton-John Cancer and Wellness Centre, situated at the Austin Hospital. I understand the minister has visited the hospital, but he did not make a commitment in relation to completing this important centre. I will be looking to see whether the two Liberal members of Parliament for the Northern Metropolitan Region, Matthew Guy and Craig Ondarchie, ensure that these important hospital projects get the funding they need to proceed. Mr Ondarchie in particular needs to focus on delivering for the north, as my colleagues and I have done for many years, if he wants to avoid being a oncer.

In the area of seniors and ageing I note that the Baillieu government has made very few commitments. The Office of Senior Victorians has been moved out of the Department of Planning and Community Development into the aged care branch of the Department of Health. I am concerned that the previous Labor government's efforts around encouraging seniors to live healthy, active and independent lives will be lost in such a big department that has a focus on acute care.

The government has made two commitments in aged care: one, for the acquisition of land for one aged-care home, and two, to extend the electricity concession to seniors, which is a commitment that was matched by the Labor Party. We all know that despite the Premier saying he was going to fast-track an electricity concession there has been no movement on that issue, and that would be very disappointing to seniors in Victoria.

We know the coalition had a history of privatising aged-care facilities during the term of the Kennett government, and I will be watching with a great deal of interest to see what it does in this area. We have an ageing population. In this year we have seen baby boomers beginning to turn 65, and this will create enormous demand for aged-care services over the next four years and into the future. In particular we also have the specific needs of an ageing and diverse community and the need also for services that are ethnic specific and which meet the needs of the whole community.

I am proud that in government Labor made significant expansions to the home and community care (HACC) program, increasing funding by 130 per cent to provide much-needed support to seniors for things like meals on wheels, physiotherapy and home nursing. There is no similar commitment by the Baillieu government to increase HACC services over the next four years, and that is in fact very disappointing.

Coming to education, on the Labor side we have a very proud record of investing in our education system, having had the biggest school rebuilding program in Victoria's history and having hired over 10 000 extra teachers and support staff. During the 2006 election campaign Labor committed to a \$1.9 billion Victorian schools plan to rebuild, renovate or extend over 500 schools; in fact 553 school building projects were funded. It is disappointing therefore to learn that this plan is now in jeopardy and in particular to learn of the cuts to the education sector that this government is seeking to make.

During the last election campaign the coalition made a commitment to complete Labor's pledge to modernise every public school in Victoria by 2016 and it made promises about pay for teachers, but both these promises have been broken or certainly not delivered on.

I looked at the list of schools for which the Baillieu government is proposing to provide capital funding over the next four years, and to my shock I saw that not one of the hundreds of schools in my electorate will receive funding for improved or new facilities. The

only funding it has promised in the next four years is \$100 000 towards a feasibility study for a secondary college at Laurimar. It has not even not committed to the construction of the school.

I am pleased that Mr Ondarchie is now in the chamber, because I think he has an important role to play in advocating on behalf of schools and services in his electorate. It is very disappointing to look at the lack of commitments for the northern suburbs that have been made to date by this government. It will mean that the community of Doreen, for example, will miss out.

A government secondary school in my electorate, Greensborough Secondary College, located in Watsonia, was to be rebuilt. The member for Bundoora in the Assembly, Colin Brooks, raised this issue in Parliament, but the Minister for Education responded by saying that it is not the government's intention to fulfil the Labor Party's election commitments. The reason we made these commitments was that we had identified needs in those communities. It is appalling to say to the community, 'We are going to ignore your needs because they happen to be Labor Party election commitments'. The Baillieu government needs to look at the needs of all schools across Victoria, including those in the northern suburbs, and deliver to those communities.

Other schools that will miss out include Thornbury Primary School, which was expecting an upgrade. Funding for the completion of William Ruthven Secondary College is in doubt, and the new school formed by the merger of Glenroy Primary School and Glenroy North Primary School will miss out on an early years centre.

Coming to the issue of children, I found it quite amazing that the word 'kindergarten' did not appear once in the Governor's speech. The Minister for Children and Early Childhood Development has told us that early childhood education is an integral part of the education portfolio, but it seems that her government has forgotten about it.

During the election campaign the Labor Party made a number of commitments in relation to children and early childhood development. We committed \$100 million in capital funding to extend or renovate kindergartens. We committed \$20 million to our children's centres network and \$8 million for learning, play and equipment grants. We also made a range of commitments for children with autism or developmental delays.

It is disappointing that none of those commitments has been matched by the Baillieu government. I hope it sees the light on this issue and provides additional capital funding for children's services, because we are seeing a baby boom in Victoria and \$15 million in capital funding during the term of this government will be completely inadequate. This level of funding will barely upgrade 50 — and that is being generous — of the 1755 kindergartens around Victoria. It is not enough to simply pork-barrel in the marginal Assembly seat of South Barwon; all Victoria's kindergartens deserve to have their fair share.

In conclusion, in its first three months this government has already shown itself to be hypocritical, evasive, lazy and incompetent. The Premier seems to hate speaking to the media, and it seems that the Deputy Premier is the de facto Premier when it comes to media events. The government has not fixed anything but has shown all the signs that things will get much worse in the future. The job of governing is a tough one; the Victorian people rightly expect a government that will deliver on its promises and deal with issues and problems as they arise. My constituents expect the government to address their particular issues and needs. Sadly, this government looks set to fail them.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to join the address-in-reply debate. I take this opportunity to congratulate Mr Atkinson and Mr Viney on their appointments as President and Deputy President respectively and to thank the constituents and voters of the Eastern Victoria Region for giving me the privilege and responsibility of being one of their five elected representatives in this place.

I congratulate my colleagues in the Assembly who represent electorates in the Eastern Victoria Region on their re-election, particularly my coalition colleagues. The continuing members all achieved significant swings to them, which is a reflection of their hard work as true local champions in their electorates. Mr Brad Battin, the new member for Gembrook, will make an outstanding contribution to the other place. He is a former policeman and small business owner and has been a local resident for virtually all his life. He understands the issues of the Gembrook electorate, and I am sure he will be an outstanding member of Parliament. I would also like to congratulate Mr Tim Bull. Like others in Gippsland East, I will be backing Bully because I think he will be an excellent member of Parliament. He is very well connected with his electorate.

The Governor's speech ran through a number of themes and priorities for the incoming government. There are

many challenges for the government. The first of the themes was a growing economy. Yesterday during debate on the budget update there were some exchanges between Mr Philip Davis and the former Treasurer, Mr Lenders, about their views on the Victorian economy. Mr Lenders said that there has been a continuum of strong economic management since the election of the Kennett government. I am glad that, at least by his omission, he is admitting the failures of the previous Cain and Kirner governments. However, Mr Lenders is trying to paint Labor as a party of responsible economic management. Labor members try desperately to pretend that they are responsible economic managers.

But it was not the Kennett government or a coalition government that commissioned the myki ticketing system or the desalination plant — originally costed at \$3.1 billion and now heading up towards the \$6 billion mark. It was not the Kennett government or a coalition government that commissioned smart meters, and it was not a coalition government that saw massive cost escalation and massive cost blow-outs in the delivery of major infrastructure projects. No, it was the previous Labor government. It is false for Mr Lenders and other members of the Labor Party to say that since 1992 there has been general good economic management in Victoria — it is incorrect; it is not true.

As all of us understand, before you can deliver services you need a strong, competitive, growing economy. You then need a government that delivers services with value for money. The previous Labor government failed miserably to deliver value for money in its delivery of key infrastructure projects. No matter what Mr Lenders or other Labor Party members may say, that demonstrates that Labor does not have the capacity or the skills to manage the economy and deliver proper financial management for the state of Victoria.

That in part reflects where our members are drawn from. During the first sitting day of this new Parliament in December I must say I was so impressed by the inaugural speeches of the new members of the government. Each member brings with them an abundance of skills, and they are from such a diversity of backgrounds. They range from people with business backgrounds, to farmers, lawyers and people with a background in politics and public affairs. Ms Crozier, a member for Southern Metropolitan Region, has a background as a nurse and in small business. We bring to this Parliament a great diversity of skills. That is a great reflection on the coalition parties, and it will stand us in good stead as we tackle the job of governing Victoria.

Yesterday we saw with the tabling of the Ombudsman's report entitled *Whistleblowers Protection Act 2001 — Investigation into the Failure of Agencies to Manage Registered Sex Offenders* yet another example of how the previous government failed to protect those most vulnerable in our society. It is an incredibly difficult and challenging task, but for a party that professes to care for the most vulnerable, clearly it failed. After listening yesterday to the press conference of the Deputy Premier, Mr Ryan, I am encouraged that he has formed a ministerial task force and will tackle the challenges head-on in implementing the recommendations of the Ombudsman.

I congratulate the Premier on the tabling of *2011 Victorian Families Statement — Starting the Discussion on What Matters to Families*. As members would be aware, last year Mr Baillieu, as the Leader of the Opposition, tabled a family statement in response to the statement of government intentions. Rather than making a statement of government intentions, which is an opportunity for the Premier to publicise himself and the government, Mr Baillieu has again delivered a responsible statement that highlights some of the concerns and issues faced by families in Victoria.

A quick flick through the document reinforces this. The level of state taxation is higher in Victoria than in most other jurisdictions in the country, the number of assaults per 100 000 people in Victoria has been steadily increasing, the average urban travel speed in Melbourne has been slowly declining and the cost of essentials has been increasing. The final page of the families statement flags an ongoing discussion with Victorian families. I welcome that statement and the opportunities that ongoing discussion will present.

In her contribution Ms Mikakos criticised, as have other government members, the lack of a policy agenda from the incoming government. I put it to the chamber that the incoming government presented a suite of practical, deliverable, common-sense policies, and many of the policies will pick up areas where the previous government manifestly failed.

Ms Mikakos spoke at length about education. What she failed to mention is that those children with special needs in the outer south-eastern suburbs through Pakenham, Nar Nar Goon, Officer and Berwick may have to spend up to 2 hours on a bus to access a specialist education setting. Despite the pleas and the representations from numerous families, the previous government failed to deliver for those suffering families. I am pleased that the incoming government has a commitment to build a new special school and a new secondary college in Officer to help take pressure

from neighbouring secondary colleges that are literally bursting at the seams with growing enrolments.

The coalition flagged a new regional growth fund which, to me as a member representing Gippsland and other parts of country Victoria, is a welcome policy initiative. We promised to deliver gas to Warburton. The previous government extended the natural gas pipeline, but it all got too hard to put it through to Warburton — an area that needs economic development and access to cheaper and cost-effective energy. The provision of natural gas will deliver that to that community.

The opposition talks about the government's failure to deliver. We have been in power for roughly 11 weeks. The former government had 11 years to deliver. All the problems the opposition is now identifying are as a result of members of the previous government — the same people who are now complaining — failing to address in their 11 years in power.

I welcome the Governor's speech. I am humbled and privileged to have the responsibility of being a member for Eastern Victoria Region in this the 57th Parliament of Victoria, and I look forward to working with all my colleagues in this place and the other place to deliver for the people of my electorate and the people of Victoria.

Mr LEANE (Eastern Metropolitan) — In speaking in reply to the Governor's speech, I want to start by sincerely congratulating all the new members of this chamber, particularly Lee Tarlamis on our side of the chamber but also all new members. They will find that it is an absolute privilege to be a member of Parliament. I think they will particularly enjoy meeting good people in their electorates who do amazing things for the community, and I am sure all new members will do their best to represent the electorates they have been elected to represent.

I would also like to take the opportunity during this address to pay tribute to the principal attendant of the Legislative Council in the previous Parliament, Russel Bowman, who passed away last year. It was a privilege to work alongside Russel. He was a great man to have around Parliament — a great help and just a great bloke. I want to send my condolences to his family.

In speaking in reply to the Governor's speech, I want to put into perspective that it was prepared by the new Premier and Deputy Premier and their allocated staff. I want to preface my remarks on the Governor's speech by saying that those remarks in no way reflect on the Governor; they reflect on the people who prepared this

particular speech. I plan to go through the headings of the Governor's speech from the start and see where we get to.

The first heading in the speech is 'A growing economy', and there is a paragraph within that section that begins:

The government will manage Victoria's finances with a strong plan to deliver improved services and reduce waste.

That statement is a bit ironic, because the first thing the new government executive did when it came to power was to extend the ministry by two extra ministers. As far as reducing waste goes, the new government has actually increased the budget in relation to the ministry by funding another two ministers to get the big bickies, which also involves another two ministerial drivers, another two fancy offices and a greater number of staff. Excuse us if we do not take that particular statement with too much confidence considering that the first act of the new executive was to increase the size of the ministry to appease the different groups or whatever within the Liberal Party. Perhaps in that same group of 22 there could have been a few other people inserted — not least you, Acting President!

I will move on to the next section in the Governor's speech, which concerns transport, but I would also like to touch on some things that were not incorporated into the Governor's speech. The government has a plan to build a rail link from the city to Melbourne Airport; I just do not believe that is going to happen. The government also plans to start building a new rail line to Avalon Airport, which I think is a strange priority to have picked up. I notice that there is no commitment to the Doncaster and Rowville rail lines in the east. As a representative of the Eastern Metropolitan Region, I remember there being a lot of fanfare and talk among the local coalition members that they were going to build rail lines to Doncaster and Rowville, but that has all gone very quiet. They are certainly not mentioned in the Governor's speech.

If a rail line to Rowville is proposed, there will be a real need for community consultation about what areas the line will go through. I have seen a feasibility study that was commissioned by the Knox City Council which shows the rail line up on stilts going along North Road and overlooking people's backyards, maybe a bit like Puffing Billy. The rail line would be a great facility, but I do not know if that idea would be particularly welcome along North Road and all the way down Wellington Road. We wait with bated breath, but I do not believe it is going to happen.

The transport section of the speech also talks about introducing protective services officers (PSOs) onto the train system, but I want to come back to that when I talk about the next subject, which is community safety. The Governor's speech says:

The government will deal with serious crime in this state, so that individuals and families can feel safe on the streets and in their own homes.

Members of the last Parliament will remember some very passionate speeches from the then opposition in this chamber about safety on the streets and in the home. Touching on the issue of PSOs, I remember that even the Acting President made a speech in which he said that he felt a bit uncomfortable going to an automatic teller machine just across the road from Parliament House, which I think is a little ironic considering that there are always two PSOs on the front steps when Parliament is sitting.

The ACTING PRESIDENT (Mr Finn) — Order! I caution Mr Leane at this point. He may be approaching a situation where he is reflecting upon the Chair, and I would hate to hear him do that. I ask him to return to his speech.

Mr LEANE — I will return to the speech, Acting President. I was reflecting on you more as Mr Finn than as the Acting President.

There is a statement in the Governor's speech that this government will deal with serious crimes so individuals and families can feel safe on the streets and in their homes. There was a lot of scaremongering in the last term of government from the coalition MPs about it not being safe out there, about it not being safe out on the streets. There is a declaration in this speech from the Governor that was prepared by the coalition leaders that it is not safe on the streets. I appreciate that the coalition will need time to implement its policies in terms of the legal system and the introduction of more police. I respect that, but what I would say is there is an onus on the new government if it is saying to people that they should not feel safe on the streets or in their homes, to come out and say at a certain point in time, 'It's okay to feel safe now. We are actually declaring it safe for you to be on the streets and in your homes'. There is an onus on the new government to do that.

As I said previously, I respect that the new government needs time to introduce its policies, but my question is: when is the new government going to come out and say to the Victorian public, 'We are the ones who declared the streets unsafe. The responsibility is on us'? When are Mr Baillieu and Mr Ryan going to call a press conference and sit there and say to people, 'It's actually

safe now. We declare it safe. We have implemented our policies, and it is safe'?

I know that will not happen. I know that is not going to happen. The coalition went to the election campaign saying that it was not safe, that there were young blokes going out there getting drunk and belting each other up. Members opposite may have lived sheltered lives, but I would have thought that in our younger days that sort of behaviour would not have been unique. In our younger days there would have been young guys going out, getting drunk and belting each other. I am not condoning it, but I am saying it is not a new phenomenon that has appeared in the last 11 years.

I know young people are scary; I know they are scary to the coalition. There is a quote from Socrates from thousands of years ago that says, 'Young people today, they gobble their food; they're no good'. This has been going on for thousands of years, with generation after generation saying, 'You should be scared of young people'. My experience, going out to the electorate, is that that is far from the truth. There is a bad element in all generations; I concede that. But young Victorian people as a whole are good people. You will find that if you go to the volunteer groups around the state.

My expectation of the government is that one day it is going to call a press conference and say it is safe. When I was a sparky working on a construction site the builders might say that I could not work on level 7 because they had found some lead paint that could make me crook, or they had identified some asbestos so I could not work on that particular level because it was not safe. Then the onus would be on them to come back to the workforce later and say it was all clear and it was safe to go back out there. They took that responsibility, and I expect nothing less from this government.

The coalition has spent the last four years scaremongering about this particular state. I googled the 10 most dangerous cities in the world. I did not find Melbourne, but I suspect that some coalition members might have gone on holiday to some of those locations and confused what they saw there with what occurs in Melbourne, because they were saying how scary Melbourne was compared to the rest of the world, which is an absolute fallacy. If you are going to scaremonger, you are going to have to implement your policies and you are going to have to come out and say that it is safe now. The onus is on the coalition. I know it tries to shy away from it, but that is the reality it faces.

I move on to education. Obviously there have been some huge commitments made on education by the

coalition, but it is already backing off at a million miles an hour. A huge cut to the education department has been announced. Where is the money that sector needs going to come from? Is that going to come from all these commitments that have been made by the coalition? Is the coalition going to put the bus in reverse and say, 'Oh, no, we found a problem here and we found a problem there; we can't afford it now'?

There were so many things promised to the electorate — promises to footy clubs and schools; promises to communities everywhere that of course they could have a new rail line — that I had a feeling the coalition at the time of the election did not believe it was going to win the election. It thought it might as well go around and promise the world, and if it got close, then the next time it could have a crack. It felt it could not lose. Suddenly — surprise, surprise! — it actually won and was left with this huge list of commitments. Now it is going to have to back up the bus and find ways not to deliver them.

Mr Ondarchie — We'll deliver them.

Mr LEANE — I will take up the interjection, 'We'll deliver'. The community expects you to deliver. It expects the government to deliver, and it does not want it to come out and say, 'We've found these problems'. Mr Davis has already in question time come up with problems he has foreseen. 'Oh, we've found this problem. Back up the bus. Our commitment into health? We might have to put that on the backburner until term three or whatever'. We will be watching, and we will be holding the government to account.

I will move on. It is a good speech this one, because there are a lot of — —

Hon. D. M. Davis — Who wrote it for you?

Mr LEANE — Actually the Governor wrote this one, Mr Davis. You wrote this one for the Governor. Thank you very much.

I move on to the bushfire response and the commitment that all powerlines will be put underground. I have spoken to people in the power industry from Olex Cables, and they have had no contact with the government. I would hope the government would source their materials locally to support local manufacturing.

Mr Dalla-Riva got up to talk about local manufacturing. If you speak to the power companies, they will tell you there has been no contact from the government to say, 'You'd better ramp up, because this is a huge undertaking'. This is a huge undertaking to

underground these powerlines. It is not a matter of just dislodging the powerlines that are up there in the sky now and dropping them into a trench. They are completely different cables, it is a completely different program and it requires an absolutely new power grid for the state. You start it from scratch, so I am surprised that the coalition has not contacted the industry parties to tell them to ramp up. There is a skills shortage in the power industry anyway, so they need to start training, start buying the cable locally and start ordering it, or it will not get done. To my surprise there has been no contact with that particular industry, and I expect there will not be.

This is another commitment that this government will not meet. There will be a new breed of weasel words invented in this Parliament — I can see it coming. We will hear weasel words we have never heard before, and that is our only expectation from this government.

Mr KOCH (Western Victoria) — Congratulations to you, Acting President, and your colleagues who have joined us in this chamber to take up the important post of assisting the President in his role.

What an excellent result we had on 27 November. There is no doubt that the sun did shine a lot brighter for all Victorians from Sunday, 28 November. Firstly, I would like to congratulate our president, Mr Bruce Atkinson, and his deputy, Mr Viney. I know that they both have the leadership qualities that will take the Legislative Council of Victoria forward and that they will offer the opportunities that we all look forward to during Victoria's 57th Parliament.

Having said that, I would also like to acknowledge our principal attendant whom we lost very suddenly in December. It came as a great shock not only to Russel Bowman's colleagues but certainly to all those who were serving in the house until the 2010 election. As we all know, Russel made a fantastic contribution, was a great servant of the state and, more particularly, was of great assistance to all those in the Parliament, be they the members, the clerks or whoever required his service. Like everyone else I pass my condolences on to his family on his sad loss.

On 27 November the people of Western Victoria Region saw a result that those who worked so hard for change in that region always believed was possible. I extend my congratulations to our new members, Simon Ramsay and David O'Brien. As we all know, Simon is a grassroots Liberal who has made a great contribution over the years. He has a genuine knowledge and understanding of western Victoria and, as we will all appreciate, Simon has been the immediate past

president of the Victorian Farmers Federation and knows rural Victoria very well from that role.

Our other fortune at the election was to gain the services of coalition member David O'Brien. David has a legal background. His family comes from Peshurst, which, as many members will know, is between Geelong and Hamilton. David's family have lived down there for decades — for generations. David now owns the family property down there. He does not spend as much time as he would like at Peshurst, but he is looking forward to having the opportunity to spend more time with his family in his agricultural pursuits in that area.

Having welcomed our new colleagues who represent Western Victoria Region I would also like to put on record the service of our outgoing member, John Vogels. John is from Timboon. He is one of those people who rarely come past us. He was a genuine rural member who never stopped working for his own people. He is a former mayor of the Shire of Corangamite and a president of his local hospital board and has had a heavy involvement in all community interests relating to his own district. John made a great contribution and he was a great colleague. We shared our workload. Not only did I appreciate John's time in the Parliament from 1999 through to 2010 but I will miss John's cheer and humour around the house, as will other members and as will the people of Western Victoria Region, who he so ably represented.

The outcome of the last election shows there can be no doubt that the work undertaken by the Liberal-Nationals coalition picked up on the mood of all Victorians. Much work has been done in putting policies forward that met the expectations of so many who had given up on the Brumby government, a government that had lost its way and completely run out of ideas. In reality the Bracks and Brumby governments offered so much yet delivered so little. The 1999 mantra of being open, consultative, accountable and transparent was simply a hoax. Members of the Brumby government went to the 2010 election with no meaningful policies, and in many cases they plagiarised anything the coalition put forward. Their initiatives often looked plausible but always stumbled when it came to costing and the proposed timetables for delivery.

Business spotted this weakness early, and Victorians paid a dear price for large-scale development works undertaken by people, especially ministers, who did not have the required knowledge and expertise. Their planning capacity was a joke from start to finish. The grandiose schemes put forward had no upper financial

limits, and unfortunately all Victorians will bear the cost of that for generations. Taxes grew unfettered. State revenues increased from \$19 billion to \$43 billion in the short period of 10 years, and state debt continued to point skyward. We all know that those trends were unsustainable.

To see that, we only have to look at the financial burden forced onto all Victorians in the last 18 months, including the cost of housing, rental accommodation, water, gas, power and motor registration fees. There has been a lack of access to hospital care and reliable public transport, and lawlessness and violence went unchecked. Cost shifting in local government saw many rate bases eroded or destroyed, and public housing went backwards. These are but a few examples of what all Victorians have experienced.

On top of that we continue to see millions of dollars being wasted on smart meters, the myki ticketing system and the like, while at the same time household incomes battle to keep pace. As a result my own electorate of Western Victoria Region has not fared well; in fact it has gone backwards. In the area of law and order we were losing the battle, with police numbers having been in decline for years. Our smaller councils have been done over and their rate bases eroded to such a degree that the rate increases are all out of whack and out of proportion with services, many of which can no longer be offered.

Our road networks are no longer maintained in a safe condition, including those roads that are the direct responsibility of the state, such as the Glenelg, Hamilton, Hopkins and Henty highways. That is due to the lack of resources afforded to VicRoads, our principal road manager. Much of the maintenance of these highways has been done by signage alone, with many people continually damaging their vehicles as a result of potholes or having to avoid rough surfaces on too many occasions. The biggest shame about this lack of maintenance is that it gets worse the further you drive from metropolitan Melbourne.

However, as many people will be aware, these problems are not confined to Western Victoria Region. The shame of all this is the time it will take to restore, and restore the coalition government will. The statewide neglect of the last 11 years is unbelievable.

One of the main areas which has been left behind is the area of planning. What a shocking contribution from previous ministers! They had absolutely no idea of their responsibilities and they created disasters, with huge backlogs that have now landed on the desk of the current minister. At least the new Minister for Planning,

Mr Guy, has the knowledge and capacity to turn around the planning *Queen Mary* and get things moving again. As Mr Guy said yesterday, over the last 11 weeks he has attended to more than two-thirds of the backlog — 97 applications — that greeted him when he came to government. This backlog was created by the former minister, who turned everything he touched into a disaster. For confirmation of that, members should just ask his colleagues.

I wish we had the resources immediately at hand to get our roads back on track, to get our public transport corrected, to get our hospitals — especially those in Melbourne and in our provincial cities — servicing their communities to a greater extent, and to be able to make some immediate inroads into the law-and-order issues confronting so many of our communities, particularly smaller communities in western Victoria.

We all appreciate that this cannot happen overnight, but believe me, give it three years and Victoria will be a lot further down the track to recovery from where we find ourselves now. We have plenty of opportunities to trim expenditure, such as reducing exorbitant advertising and overruns on every large infrastructure investment of the last two or three years. Examples of this, such as the desalination plant, were given this morning. What a shocking legacy desalination is going to be for all Victorians, especially in relation to the outlays.

Honourable members interjecting.

Mr KOCH — The desalination plant's effectiveness in terrible years certainly may be of some assistance, but what a huge price — whether we do or do not use this facility — all Victorians are going to have to bear.

Mr Ondarchie — My grandkids will have to pay for it.

Mr KOCH — I take the comments of Mr Ondarchie on board. There is absolutely no doubt whatsoever that his grandchildren, like everyone else's grandchildren, will also bear the cost of this project over the next generations.

Hon. D. M. Davis — Working families will be hit.

Mr KOCH — Working families, more than anyone else, will be hit. That is only one of the shocking cost overruns that we have to contend with. We can look at myki, which had a \$1.35 billion price tag and rolls on. It is one of those things that the previous government had absolutely no idea how to manage or handle. The smart meters are taking their own toll with little known

benefit or dividend being offered to the households who are being dragged into the net.

What is important to this government, particularly from my own point of view, is regional Victoria, especially the provincial city in which I now find myself living, Geelong. Geelong has been kept as a backwater for over 10 years, much to the frustration of the Geelong community, which was always totally represented by previous government representatives. It is not dissimilar to the situation in Ballarat.

In Geelong the coalition certainly took hold of what we wanted to do there very early on. We launched our 2010 election campaign in Geelong at Deakin University during our state council meeting with the announcement of the policy to make Avalon the second international airport in Victoria and to make Geelong a centre of aviation excellence, and we have not walked away from that. There are many more initiatives for Avalon which will make its viability and future secure. There are some rail opportunities in the foreseeable future that will be investigated and planned in the current year, hopefully to be implemented shortly after the completion of this term. They will be great assets for Avalon and western Victoria.

The port of Geelong will gain new import and export opportunities. We intend to revitalise the CBD, and the Minister for Planning has already put his stake in the ground and indicated to the community there that enough is enough: more opportunities must be made available to get the CBD in Geelong right back on the map and create further opportunities in the city — opportunities that we have seen run away recently.

Roads improvements, particularly the duplication of the Princes Highway west as far as Colac, is another of our policies, and I know that the Minister for Roads, Terry Mulder, who is the member for Polwarth in the Assembly, will pursue that at every opportunity.

Education, especially in south Barwon with the building of Torquay's first secondary college, will certainly be a priority. Health will also get an injection of funds, with the proposed new public hospital planned at Deakin University, and law and order will gain the benefit of greater policing services.

One of the most important policies to be implemented in Geelong is that of the direct election of mayor. This is in response to the community's aspirations and will be put in place in the normal local government re-election cycle as of November 2012.

Members can see that we have many marvellous policies, and there is absolutely no doubt that the

coalition will deliver to correct the neglect that all Victorians have suffered over the last 11 years. As a member of the government I look forward as do my colleagues, to the challenges, of moving forward and getting these policies in place.

Mr EIDEH (Western Metropolitan) — In response to the Governor's address, I rise today in very different circumstances to those when I was first elected. Then, we had the good fortune of Labor being in government; today, we have an alternate government. I wish to congratulate the new ministers on their election as well as their predecessors for the great leadership they provided to the people of Victoria. Former ministers such as my colleagues John Lenders, Justin Madden — now in the other place — Gavin Jennings and Martin Pakula, amongst many others, were all good and dedicated ministers who gave so much to make our state strong. I also wish to congratulate all new members in this chamber.

Victoria, as so many economic and other experts have stated openly time and again, is a state that is economically sound, a state where there has been growth and a state that leads the rest of the nation in a number of areas. The new government is fortunate to have inherited a very sound economy and strong growth, as the new Premier himself stated on public radio after his elevation to the honoured position of Premier. But I declare that I am concerned when I read reports in the local newspapers in my electorate of the Western Metropolitan Region and when I speak to constituents who are deeply alarmed by reports that so much that was honestly promised by our government prior to the election may now not go ahead. My community rightly expects things such as urgently needed upgrades to at least one secondary school and at least one primary school, crossings that will benefit the elderly in particular, and more. While the new government will rightly have its own priorities, I respectfully remind its members that my electorate is the most socially and economically disadvantaged in the state and needs special attention.

Thankfully in my electorate we now have some world-class educational facilities, such as Victoria University, about which I have spoken on various occasions in the past. Young people, and indeed all people within my electorate, have as much right to seek a tertiary education as anyone else, and parents expect that their children will be given every possible opportunity.

I must express my sincere thanks to the many unsung heroes of our community — the volunteers who help run a host of community clubs for the aged and

disabled, those who volunteer to assist younger people, especially through sport, the church volunteers, opportunity shop volunteers and charity workers in every sector of the community. I sincerely wish that we could recognise more of these heroes in the Australia Day honours list; without them we would all be far worse off. I wish to acknowledge their ongoing commitment to helping others.

I acknowledge people and groups such as the many members of Parliament on both sides of the house who have made amazing commitments. There is the wonderful Sunshine Lions Club, which has, under the able stewardship of its president, Mrs Jean Priest, recently announced the successful recipients of its community grants program for 2010–11. Sunshine Lions Club has honourably served the local community for over 55 years, and it has taken the huge and welcome step of giving the interest gained on the sale of its property in Sunshine back to its needy community. The successful applicants were the Mercy Hospice, which will receive a little over \$30 000, and Stereo 974 FM, a local radio station that will use its grant to teach members of the community about the workings of community radio.

As a member of Parliament it is always a pleasure to meet such good people but more so to recognise their good deeds and to say thanks to them. However, at this time our state and our nation are facing new challenges brought on by nature. While we must not forget that our state is now in the middle of bushfire season and that many Victorians were so tragically lost two years ago, we are now also enduring damage caused by flooding. The only positive thing about any of this is that we are not suffering anywhere near as much as our fellow Australians in other states, most notably those in Queensland. The devastation caused first by the massive floods and then by the strongest cyclone ever to hit Australia is too terrible to talk about. Yet I must say a big thankyou to all those who have offered financial support and other help to the victims, to the charities who are doing their best, as they always do, to the Prime Minister, who has been a stalwart of support for the people of Queensland, and to the Premier of Queensland, whose leadership skills in times of severe crisis have now been well proven. Similarly former Premier John Brumby proved to be a strong leader two years ago when bushfires ravaged parts of our state.

In such times we should be supportive of whomever may be the leader, as their role and their duties will be so heavily buried under the enormous pressures placed upon them. I only pray, with great sincerity, that Premier Baillieu never has to experience what Premier Brumby did in Victoria or what Premier Bligh is

experiencing now in Queensland. That stated, I commend every municipal council, every charity and every Victorian who has supported the various appeals for our fellow Australians.

We must turn our attention primarily to our state and to the issues ahead of us. We need to focus on how we can continue to grow our state as we have seen it grow over the past 11 years. The government should be asked to recommit itself to the commitments the former Labor government made to the people of the west. Much time and considerable effort was given to a great number of projects that would benefit my electorate if the new government were to support them.

Western Metropolitan Region deserves the best, and I will continue to champion my electorate and the wonderful people who live within its boundaries. Over the next four years I will continue to stand up for their rights in the hope that the new government is as committed to them as I am.

I also wish to thank my valued staff and the many volunteers who have been so loyal and steadfast over the past four years. To my large family, my friends and many supporters, I send a very big thankyou.

In closing I wish to congratulate the Honourable Bruce Atkinson on his elevation to the presidency of this chamber. I am certain he will do a great job. I also thank the people of Western Metropolitan Region, who have re-elected me. I commit myself to working hard for them.

Ms TIERNEY (Western Victoria) — I would also like to contribute to the address-in-reply in this 57th Parliament. I start by thanking the good people of Western Victoria Region for again giving me the opportunity to represent them as their member in the Victorian Legislative Council.

Before going any further, I take this opportunity to pay tribute to the enormous effort our State Emergency Service workers and volunteers are currently putting in as we experience some of our worst storm and flood events, not just here in Victoria but also in Queensland and northern New South Wales. I also pay tribute to those fighting the bushfires in Western Australia and the communities who have been affected by these events. Their ability to stand strong and help each other is illustrative of what makes this country what it is. Our mateship, compassion and strength gets us through tough times such as these. The way we pull together in such times makes me incredibly proud to be a Victorian and, of course, an Australian.

In my contribution today I will address some of the specifics mentioned in the Governor's speech on the first day of this 57th Parliament. However, before I go to that I would also like to reflect on the previous government. It was a government that assisted us to go through the global financial crisis as the leading state in the best performing country in the world. It was a government that created hundreds of thousands of jobs for people in Victoria. It was a government that invested heavily in alternative forms of clean energy and led the way in the fight against climate change. It was a government that secured the availability of water for regional cities such as Ballarat, Bendigo and Hamilton; a government that rebuilt schools and hospitals and invested in teachers and nurses; a government that invested in our regions and provided much-needed infrastructure, stimulating the rural and regional economy and creating jobs; and a government that made tough decisions over 11 years, making Victoria the best state in this country.

Through funding programs such as the Small Towns Development Fund and the Regional Infrastructure Development Fund, regional Victoria has been able to flourish and become a significant generator of employment opportunities for Victorians. It has also become a strong contributor to the Victorian economy, and this is not to mention the extensive educational opportunities it has, through TAFEs and the establishment of the Deakin medical school. Rural and regional Victoria is now a gem in this state's — —

Hon. D. M. Davis — On a point of order, Acting President, it would seem that Ms Tierney is reading slavishly from her speech notes. I am hoping that is not the case, but if it is, I ask you, Acting President, if you would insist that she speak from notes rather than slavishly reading.

The ACTING PRESIDENT (Mr Elasmr) — Order! I was watching Ms Tierney speaking, and I think she is referring to notes.

Ms TIERNEY — That is right.

Rural and regional Victoria is the gem in this state's crown, though it was referred to and certainly treated as the toenails of the state by the last Liberal government. What the Small Towns Development Fund and the Regional Infrastructure Development Fund are responsible for — and I will read this list of what these funds have achieved in the electorate of Western Victoria Region — includes the redevelopment of the Hamilton showgrounds, home of the annual Sheepvention event, which my office staff and I attend every year; the redevelopment of the Lorne pool and

the Mountjoy Parade streetscape, the main shopping and tourist strip in Lorne; the redevelopment of Nunns Beach, which is a very iconic place for locals in the Portland area — and the Glenelg shire has started work on that; a contribution to the Kyneton heritage and justice precinct; the upgrading of numerous sport and recreational facilities, including a number I announced and opened around the Anglesea area; significant investment in Daylesford and Hepburn Springs, in particular the new spa centre; a number of announcements in Birregurra, rejuvenating that township; a significant investment — —

Mr Viney — On a point of order, President, it appears that the man who interrupted — oh, he has come back. There was no minister in the house. The man who wanted to so preciousely deal with the proceedings of this house — —

The ACTING PRESIDENT (Mr Elasmr) — Order! I advise Mr Viney that he cannot debate the point of order.

Mr Viney — Then he stepped out of the chamber, leaving no minister at the table.

The ACTING PRESIDENT (Mr Elasmr) — Order! The minister is in the chamber.

Ms TIERNEY — I have mentioned a number of projects coming out of those funds, but we also provided \$113 million for the redevelopment of the Warrnambool hospital; the return of passenger rail to Maryborough and Ararat; the Portland children's centre; the building of the first two stages of the new \$24 million Colac Secondary College; Horsham and Maryborough neighbourhood renewal projects; the Deakin medical school; the Ballarat and Bendigo goldfields super-pipe; and many more projects. Of course there were also some difficult times during that period, and there will be difficult times in the future. But what will not be there to assist regional and rural communities in the future is Regional Development Victoria, because this government has already trashed it and shifted it out of the economic department into planning, effectively killing off its role of attracting jobs and investment into the regions.

Just over two years ago Victoria and Victorians were fighting the worst natural disaster in this state's history, which took 173 people's lives, injured a further 414 people and destroyed 2030 houses and 3500 structures as well as damaging thousands more. Through that period farmers continued battling a 10-year drought; they now see themselves on what could be likened to a roller-coaster ride — one I

mentioned yesterday and in my previous contribution — on which they have been fighting not only fires but floods, locust outbreaks and now fruit fly.

In the last four years we have seen a number of prominent people and local community members in Western Victoria Region pass away. I want to take this opportunity to mention them.

Gillian Walker was a resident of a number of communities in western Victoria and was the chief librarian of the school at Ararat and heavily involved in different campaigns to protect the hill at Stawell. In more recent years she had also been a resident of Portarlington. She had been a real environmental activist who had made sure that every politician at every level of government was accountable for commitments to the local community about community efforts and environmental matters.

Roseanne McGuire passed away just before the state election. Roseanne had been a teacher at Horsham for many years and had helped so many young people, particularly disadvantaged rural students, through their difficult teen years. She had been a solid activist for many years.

Paul Turner from Geelong had also been very active in the social justice area as well as being involved with the Geelong Environment Council.

Josie Black from Glenormiston, who was a board member of the South West Institute of TAFE and who was involved in the South West Community Foundation and almost every other organisation you can think of in south-western Victoria, also passed away on the very day we signed the Glenormiston College lease over to the TAFE.

David Henshaw, a member of this Parliament in previous times, also passed away. Ted Kenna, our Victoria Cross medallist from Hamilton, also passed away, as unfortunately did Tim Neeson, the economic development officer who drove so many things for the Southern Grampians shire.

Des Brennan, a highly respected man from the Ararat district, passed away over the Christmas break; and of course there was Arda Duck, whom I mentioned this morning in my members statement. We were extremely lucky to have those people in western Victoria. We were very happy to have them in our lives, and all of those communities in which they worked and lived, sadly, are missing them deeply.

I want to thank my staff, who have worked tirelessly over the last four years, as well as all the volunteers

who have assisted me. A number of them are from the Geelong community, but there are also people who have driven considerable distances to come and assist as well. I also thank the various community organisations I have been involved in and whose members have requested help, as well as many individuals.

I thank all 23 local councils in the electorate of Western Victoria Region — the mayors, the councillors, the chief executive officers and the council workers — because they have obviously made my job so much easier. There is no better way of getting to know parts of the electorate than by relying on the local knowledge and information provided by members of each and every local community, and I certainly thank them.

I make a pledge to all constituents in Western Victoria Region to continue to work incredibly hard. I will make sure the issues that affect western Victoria are strongly put and effectively pursued. I will also make sure that the rights of western Victorians are protected and extended, and I look forward to continuing to enjoy working for a really wonderful electorate that is full of very active and committed community members.

Mrs PEULICH (South Eastern Metropolitan) — I also join my colleagues in responding to the Governor's speech, and I begin by congratulating the President, who is not in his chair at the moment, on his elevation to very high office. He is already leaving his stamp on the proceedings and the dynamics of this chamber. I know he will uphold the very proud traditions and dignity of the chamber. I am sure he will do an outstanding job, and I am sure he has the confidence of all members on both sides of the house.

I would also like to take the opportunity to congratulate the new government — the Baillieu coalition government. The media said we could not win, the business community did not necessarily come out and back us, and the main editorials did not back us, but the real people out there in the community in real constituencies with real issues which had been ignored for 11 years were prepared to give the coalition and our side an opportunity to rectify those 11 years of neglect. I congratulate the Premier, Ted Baillieu, on his success and wish him all the very best during his term as Premier. There are a lot of people who have every faith and confidence that notwithstanding the challenges in the early days of this government, most notably the recent floods, he has every intention to and will deliver on the promises and commitments that we as a team made.

I would also like to congratulate all members of this chamber on their election to the 57th Parliament. Obviously in the upper house they are very large jobs with significant responsibility, and I am delighted that that responsibility in the South Eastern Metropolitan Region is now shared, following the recent election of four new Liberal lower house members of Parliament in the seats of Mount Waverley, Frankston, Mordialloc and Carrum.

My colleagues in the South Eastern Metropolitan Region, Mr Jennings, Mr Somyurek and Mr Tarlamis, and my party colleague Mr Rich-Phillips, all deserve congratulations on their election. We were vying very vigorously for the third spot and came within 7500 votes of taking that out, so I am disappointed that Gladys Liu, our no. 3, who has done an enormous amount of work with multicultural communities across the south-east, particularly in the Springvale-Noble Park area, will continue to be involved and to engage with that community in the same way that I have had the great privilege of being involved with so many of our multicultural communities across the south-east.

I would also like to thank all of the people with whom I share this accomplishment. My mother, Nana, is my greatest barracker and supporter. Having been born and raised under a communist regime, she takes democracy very seriously. I would say that she would know every single nook and cranny across the south-east and in my previous lower house seat in Bentleigh, because she is a very vigorous and active letterboxer and campaigner. Unfortunately she has been slowed down a little with recent health complications, but she continues to make her contribution in whatever way she can, most notably by helping me keep my household and my family in good order. She keeps all of us in good order!

My husband, Savo, who is also a product of the communist regime, is a great believer in democracy and the opportunity of participating actively, as is my son, Paul, who at the age of 26 has now had two years experience — having been elected to the City of Kingston — as a councillor. He himself is a fledgling participant in the democratic process, although his experience in campaigning stems back to when he was only two and a half or three years of age and I was the state president of an organisation called Parents with Children in Daycare and we were campaigning for child-care fee relief, which subsequently we were able to achieve.

I would also like to thank my right-hand man, Gary Anderton. He is not just a staff member but is like a member of the family, like a second son. He is a fantastic young man and incredibly hardworking. He is

the product of a single-parent family. His half-brothers and sisters are drawn from an Aboriginal culture. He is an amazing person of integrity, enormous capacity and intelligence. He bought his first home in Hampton Park at the age of 21 whilst at the same time completing his university education. He is a fine young man who has a bright future. He gave generously of his time. I think he worked 27 days straight, often sleeping for 2 or 3 hours a night in order to fulfil his obligations during the campaign and in the lead-up to it.

Andrew Dosen is also a dedicated staff member. He is an enormously reliable part of the team. I am grateful for his contribution and extra effort. I thank Judy King, also a staff member; Susan Serey, who lives in the Narre Warren electorate, often contributes voluntarily and is active in the non-profit sector in terms of volunteering but has also helped us enormously in our efforts for re-election; and Laura Bolst, who is also a part-time employee and a wonderful young woman. All these people are hardworking members of our team, supplementing the unpaid campaign managers who have given endlessly — hundreds of hours of their time — especially noting Geoff and Angie Gledhill in Mordialloc; Geoff Leigh, a former member for Mordialloc; David Normington; Colin and Dawn Fisher in Frankston; Ben Clissold in the Narre Warren North electorate; and obviously the team in Cranbourne. All of the team gave enormously. They all gave generously of their time and achieved some phenomenal results.

The hardworking local Liberal candidates and their families and campaign teams sacrificed much over many months. They include new members in the Assembly: Donna Bauer, who has a wonderful husband, Richard, and four boys of whom she is enormously proud, and we are proud of her having achieved the phenomenal feat of defeating the sitting member, the former Speaker of the Assembly; Lorraine Wreford, the member for Mordialloc, who had an amazing team of dedicated local workers and various groups that placed their faith in us, including the No Bus Lanes group in Dingley Village, which was an important player in achieving significant swings in Dingley to help deliver the seat of Mordialloc; Geoff Shaw, the member for Frankston, who did a fantastic job in an active community; and Michael Gidley, the member for Mount Waverley.

Our candidates who were unsuccessful also sacrificed much. Cr Geoff Ablett, our candidate for Cranbourne, did an amazing job — and what a lovely man! He has a genuine commitment to the community, the disadvantaged and disaffected; he would have made an outstanding local member of Parliament. A lot of people placed their faith in him. He took down the

margin from 12 per cent to 1.87 per cent on a shoestring budget. Others include Gary Rowe in Narre Warren South; Michelle Frazer in Narre Warren North; Tony Holland in Lyndhurst, who formed the Casey Liberal team and did an amazing job; Dale Key in Dandenong; Courtney Mann in Mulgrave; and Justin Scott in Clayton.

Lastly, I wish to thank all of the electors of the South Eastern Metropolitan Region. To the 162 517 people who voted for the Liberal Party in the upper house and to those who did not, I say I will work hard to represent them faithfully on issues that they care about and I care about. I have often worked with card-carrying members of the Labor Party, sharing commitments to causes and issues. This is a part of the responsibility of elected members of Parliament.

I turn to the overall themes of why people voted for change. Most people expect four things from an effective state government. They expect a government to have programs and investment in the development of social capital; to deliver the necessary physical capital — our roads, public transport, buildings, hospitals and so forth; to be open and transparent as a government; and to strengthen our democratic institutions. You could unpack those themes one by one and quite clearly — putting aside the spin — form the conclusion that whilst the former government may have made some contribution to the first, the development of social capital, it was patchy and mixed, and there had been a neglect of investment in physical capital, with mismanagement in planning in particular.

No doubt we will debate the matters that have contributed to the issues associated with the floods. Those themes will emerge as we have an opportunity to debate these matters in this house in the future. Overdevelopment and inadequate infrastructure such as drainage, roads and so forth are issues which we in the south-east certainly know a lot about, especially the traffic congestion on our inadequate roads, which was probably the major reason why the former government got hammered.

We saw a chipping away at our democratic institutions day in and day out. That is in the context of record state tax and an increase in GST revenue flowing into Treasury coffers; notwithstanding all the advantages of being in government, there was a struggle to deliver better services. There was certainly not enough being done to grow industry and manufacturing, which should have been more significant in the south-east. Certainly there was a total failure to repair worn-out infrastructure and invest more in what was needed.

The 11 years under the former government was a decade of lost opportunity, administrative bumbles and waste and mismanagement. All the time people thought they were missing out on the improved services they deserved and the infrastructure the community needed. There was an increase in crime, especially crimes against the person, which was of enormous community concern. Yes, the government was winning the battle against stolen bicycles, but it was losing the battle against serious crime against the person.

Obviously any health budget is always going to be under pressure to grow, so any Minister for Health needs to contain it, but waiting lists were something that the former government did not get on top of. It also failed to address the issues facing ambulance services and our emergency departments.

In terms of roads, there were some iconic reasons why a lot of people voted for us. There is the need to invest in and improve our public transport system and to complete the Dingley bypass, which is the fourth largest regional project, according to the Royal Automobile Club of Victoria, and which the local ALP in the city of Kingston had failed to back over a decade, despite promising it in 1999. We are also pleased that the Minister for Public Transport has given a commitment to undertake a feasibility study into the Mornington Peninsula Freeway extension, for which a road reservation has existed for many years. I look forward to being a part of that.

There were lots of undertakings, but the worst example was the mismanagement of our waterways. I am an environmentalist at heart. The mismanagement of the Kananook Creek, the Mordialloc Creek, the Patterson River and the Patterson Lakes Quiet Lakes has seen those important natural assets become neglected and deteriorate in quality. We lost the opportunity to improve our amenity to the environment. They are significant issues that need to be resolved. They are exacerbated at a time of flood because of the increased run-off, the failure of pumps and the failure of drainage due to blockage. Sometimes new roads were being constructed without drainage — sometimes you shake your head at the failure of the former government to provide modern engineering. I look forward to an overall investment in infrastructure in the South Eastern Metropolitan Region, a region in which there has been phenomenal growth but which has suffered 11 years of neglect.

I thank those members who served the region but who were defeated. I think the community wanted a change and believed there was a greater opportunity to achieve more with new, dedicated, invigorated, hardworking

members of Parliament. I look forward to supporting them in their bid to fix the problems and build a better future, because the bottom line is that that is exactly where the former government failed. No amount of public relations (PR) spin could convince people that it was all right. Essentially an overreliance on PR was what shortened the political lifespan of the previous government. It was unable to admit fault and error and indeed to cut back on the waste and mismanagement which saw the daily costs of life put more and more pressure on families across the south-east of Victoria. I wish the new government well, and I am honoured to have been elected as part of it.

Mr SCHEFFER (Eastern Victoria) — I rise to make a contribution to the address-in-reply. I begin by congratulating the coalition on its election to government. I also congratulate the new ministers on their appointments.

The Labor Party accepts the outcome of the November election. We recognise that voters wanted a change of government. We will be a strong opposition, and we will work to hold the government to account, renew our policies and aim once more to earn the confidence of Victorian voters to govern. We also acknowledge the fact that throughout its 11 years in government Labor initiated many excellent programs and initiatives. These initiatives will be of lasting benefit to Victorians.

The coalition performed strongly in Eastern Victoria Region. I take this opportunity to congratulate James Merlino, who is the member for Monbulk in the other house, and Matt Viney on retaining their seats. Labor lost the Legislative Assembly seat of Gembrook. I commend the work of former Legislative Assembly member for Gembrook Tammy Lobato, who, from our point of view, was very regrettably defeated. She was a tireless advocate for her constituents, and she knows every inch of the electorate of Gembrook. In conjunction with her community she oversaw massive improvements to community services and infrastructure.

Business interrupted pursuant to standing orders.

The PRESIDENT — Order! Before we embark on question time I advise the house that Mr Barber is unlikely to be with us today, because he and his wife, Deborah, have had a young baby girl. Actually all babies are young. I am expert in this, because I had grandchildren arrive on 11 January. As Ms Pennicuik has observed, there was a remarkable symmetry about them because my grandchildren, Ethan and Sienna, are twins, and they were born on 11 January 2011. I am sure Mr Barber and Deborah will be proud of their

young daughter, Georgette Ingrid, and we extend our best wishes to mum, dad and new baby daughter. I think there is also a sister.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I take this opportunity to acknowledge that John Vogels, who was a member of this house in the previous Parliament, is with us in the gallery. It is good to see him.

QUESTIONS WITHOUT NOTICE

Minister for Manufacturing, Exports and Trade: responsibilities

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. I refer to the general order dated 8 December 2010 and signed by the Premier. It provides that the Minister for Innovation, Services and Small Business has responsibility for the Victorian Industry Participation Policy Act 2003 rather than the Minister for Manufacturing, Exports and Trade, and I ask: why does the minister not have responsibility for the Victorian industry participation policy (VIPP)?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question, which is obviously his first question as shadow minister for manufacturing. It is important to understand that we had a very clear policy position in relation to VIPP. We had a very clear policy position in terms of procurement. In the manufacturing space it was the former government that brought in trains that had been manufactured overseas. That was an abject failure of VIPP, and we identified that in our policy position. We will be working forward in a whole-of-government way, not as individuals, to deliver a strong procurement policy that will be responsible for the manufacturing sector and for industry more generally.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — Notwithstanding the fact that the minister did not answer my question, I have a supplementary question. I refer to the minister's comments on 10 March 2009, when he said that 'VIPP was supposed to maintain and buoy ... manufacturing in Victoria ...'. I happen to agree with Mr Dalla-Riva. Given the sentiments expressed by the minister, how can it be appropriate for responsibility for VIPP not to reside with the Minister for Manufacturing, Exports and Trade?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — Again this demonstrates the lack of understanding of the former government in relation to procurement. It is a shame, because if members read our policy on stronger industry and more jobs, they will see that it is about a whole-of-government approach. The policy covers a variety of ministerial portfolios, and I am pleased that we will be addressing the matter with a whole-of-government approach and not with the irresponsibility with which the former government dealt with some of its procurement policies.

We had three train manufacturers based in Melbourne, and the former government went overseas and brought in trains! What a disgrace it was when you consider the workers who were looking for work. All the former government did was ignore them. If opposition members read our policy, they will see it is very clear that we have made a strong commitment to manufacturing and a strong commitment to ensuring that the manufacturing sector is looked after within the new procurement policy framework.

Department of Planning and Community Development: record keeping

Mrs KRONBERG (Eastern Metropolitan) — I direct my question to the Minister for Planning. I ask: can the minister inform the house of what the Baillieu government is doing to address serious concerns raised by the Ombudsman about departmental record keeping?

Hon. M. J. GUY (Minister for Planning) — I thank the member for her question. It is a very serious question in relation to the Ombudsman's report issued this morning in relation to the redevelopment of the Windsor Hotel and the probity aspects around the planning process. A number of those recommendations are about record keeping, and a number of those recommendations are about probity. This report is one of the most serious indictments of the previous Labor regime, its contempt for Victorians and its contempt for parliamentary and public processes in relation to probity.

The Ombudsman's report into the Windsor Hotel reveals, without doubt, one of the most serious breaches of government trust in Victorian history. The people who sit opposite ignore the fact that the Ombudsman's report shows that the former Minister for Planning was in the room when the plot for the Windsor Hotel was hatched. They have their heads in the sand if they believe their record on probity is anything other than abysmal.

What we see very clearly from this report and from the Ombudsman's recommendations, which is what the member asked about, is that the previous government had an appalling history of treating these processes with contempt. It treated the department with contempt, it treated planning processes with contempt, and it treated multimillion-dollar applications with contempt.

This report, and the recommendations Mrs Kronberg refers to, vindicates everything the Liberal Party and The Nationals said about why there was a need for an inquiry into the Windsor Hotel planning process. The report entirely vindicates the Liberal Party and The Nationals when they said that Labor's staff should appear to give evidence to the inquiry, because it clearly shows that the previous government covered up the truth about the Windsor Hotel planning application. Shame on them, and shame on the former Attorney-General for seeking to do over this inquiry and scuttle its ability to inquire into this process. Shame on the current Labor Party members, former ministers and shadow ministers, and the clapped-out old frontbenchers who sit opposite who sat in this Parliament not 12 months ago and said there was no need for this inquiry.

Clearly the Ombudsman has said, as Mrs Kronberg asked in her question, that there is evidence today that the Labor Party has a culture of corrupting processes, a culture within it of manipulating processes, a culture which the Leader of the Opposition in the Assembly, Daniel Andrews, has yet to address. It is a culture for which every man and woman in the Labor Party stands condemned because they have not stood up for the truth. They stood up in Parliament and tried to usurp, hinder and stop an inquiry that simply looked for the truth.

Mr Leane — On a point of order, President, I fail to see how the minister's answer has anything to do with his responsibilities in the Victorian government.

The PRESIDENT — Order! There is no point of order. The fact is the recommendations that were made do affect Mr Guy's current position in terms of the implementation of some of the record-keeping protocols that were referred to in that report. No doubt other ministers might have the opportunity under this report to consider their record keeping. It is certainly within the province of the minister. Whilst Mr Leane might not be satisfied with the minister's answer, Mrs Kronberg has not expressed any dismay.

Hon. M. J. GUY — In conclusion, Labor's culture of contempt and corruption is over. There is a new broom of government in this state, one that believes in

proper probity and one that will stand up for good practices in planning, as opposed to the previous regime, which sought to usurp practices and treat Victorians with contempt.

Minister for Employment and Industrial Relations: responsibilities

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Employment and Industrial Relations. I refer to the general order dated 8 December 2010, and I ask: why does the minister, as Minister for Employment and Industrial Relations, not have responsibility for the Public Sector Employment (Award Entitlements) Act 2006?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for this question. It is interesting that rather than going to the substance of policy the opposition is trying to pick out who has what. The reality is that through the machinery of government those particular responsibilities fall within the portfolio of the appropriate minister, and perhaps the member should ask that minister why they have that responsibility.

Supplementary question

Mr TEE (Eastern Metropolitan) — Does the removal of that act from the minister's responsibility and the handing of it over to the Minister for Finance mean that he, as Minister for Employment and Industrial Relations, will have no role in public sector enterprise bargaining?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again I thank the member. The reality is that of course the Minister for Employment and Industrial Relations has a responsibility to advise and guide other ministers in relation to any industrial relations issues — —

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — That shows the stupidity of the former government. It thinks its processes were the best. I will let members into a secret: the former government's processes were corrupt. What we are doing as a new government is ensuring that we have a process of industrial relations, employment and a range of portfolios to give advice and guidance as necessary. That then allows for a whole-of-government approach. The problem the former government had was that it had ministers individually responsible without a whole-of-government approach, and what that ended up doing was allowing corrupt activity.

Hospitals: HealthSMART

Ms CROZIER (Southern Metropolitan) — My question is for the Minister for Health, and I ask: can the minister inform the house of flaws in hospital ICT systems?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her interest in better quality and safety in hospitals and the role that ICT can play in that. I am aware that the previous government had some sort of plan, and it was no more than a half-baked plan, to introduce iPads for doctors and nurses. It is a perfectly legitimate idea to have more ICT for doctors and nurses, but I have to say the record of the previous government is not good. There was HealthSMART and Electronic Conveyancing Victoria, which fell within the shadow Minister for Health's former portfolio responsibility in the last Parliament.

I have to say when I became Minister for Health I was shocked to discover that a program of the previous minister, now the Leader of the Opposition, had been announced for iPads for doctors and nurses, but it had not been submitted to Treasury, it had no budget bottom line, there was no plan to roll out any wireless technology to support it and there was no funding behind it. It was a hoax. When I went to look for the money the cupboard was bare; no money had been set aside in the Treasury coffers for this program. The former minister had promised the world, but he had not made the allocations or done the backup work. The cupboard was bare. I do not know what he intended to do with the iPads.

We were elected on 27 November. The former minister had promised this program would start on 1 January. What was he going to do? Was he going to rock down to the Apple shop, line up at the counter and order hundreds of iPads? There was no budget allocation for that. Perhaps when he went without money to the Apple shop to buy a heap of iPads he was going to put them on his credit card. What a hoax! He may not have realised that there was quite a bit of demand for iPads around Christmas time. People were on waiting lists for iPads. I am not sure how he would have got hundreds of unordered iPads in position — —

An honourable member interjected.

Hon. D. M. DAVIS — Did you get one at Christmas? You were lucky; many did not.

The then Minister for Health tried to tell the hospital communities that he was going to get these iPads on 1 January. He made no provision, there was no plan,

there were no iPads in position and there was no plan to roll out supporting wireless technology. I am very disappointed that he has played this cruel trick on doctors and nurses across the health system.

The fact is that we have to do much better on ICT in Victoria than we have done under the previous government. HealthSMART has been a costly myki-like system, and we have to get that system running right. I have to say that I have no confidence in what the alternative minister, the shadow Minister for Health, Mr Jennings, can do after his performance with Electronic Conveyancing Victoria.

Minister for Employment and Industrial Relations: responsibilities

Mr JENNINGS (South Eastern Metropolitan) — My question is for Mr Dalla-Riva in his capacity as Minister for Employment and Industrial Relations. I am fascinated to know — in fact I am sure all workers in Victoria would be fascinated to know — whether, in his role as the employment and industrial relations minister, he is responsible for the Long Service Leave Act 1992.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. It is published on the website, and I suggest he look it up.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — When the minister gets a better information system he will look on the website and he will know that under the general order of 8 December 2010 he does not have responsibility for that act, as indeed he does not have any responsibility for a number of acts relating to the employment and industrial relations portfolio. My supplementary question is: when all the nation's industrial relations ministers come together to negotiate harmonisation of long service leave, will Mr Dalla-Riva represent Victoria or will it be the person in Victoria — whom he does not know — who is responsible for that relevant act?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I agree with all the things the member has said. But the realities are that we have a whole-of-government approach to a whole range of things, and I have said that time and again. The realities are that we have areas of responsibility that cross all areas. The department I have responsibility for is there to provide advice, and that advice will be given to the relevant ministers in

relation to industrial relations, long service leave and other things. I take the point, but the realities are that it is an area I have an interest in, but we are there to provide advice in the future.

Honourable members interjecting.

The PRESIDENT — Order! The level of noise is too high in relation to the questions that are being put and the answers that are being given. Whilst we have television cameras today — and indeed every day, given the parliamentary system — members would do well to remember that this is a Parliament and not a reality TV show. Therefore I ask members to desist from having yelling matches or discussions across the chamber which have absolutely nothing to do with the questions or the answers being provided.

Information and communications technology: industry

Mr P. DAVIS (Eastern Victoria) — I direct a question to the Minister for Technology. I ask: can the minister highlight any recent developments which cement Victoria's position as a leading state for the technology sector?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Davis for his question. This government is committed to the development of the technology sector in Victoria. It was, of course, a previous coalition government that introduced, in the mid-1990s, the first minister for multimedia in Australia and one of the first ministers for multimedia anywhere in the world, and it was the previous coalition government which introduced Multimedia Victoria with a view to developing the IT sector here in the state and driving development of that sector.

That commitment in the mid-1990s has paid off. Victoria is now a leading state for the IT sector in Australia. In Victoria the ICT sector turns over more than \$27 billion a year, it contributes more than \$3 billion a year to exports from Victoria and it employs around 87 000 Victorians. ICT is an important industry sector in its own right, and it is also important as an enabler for other industry sectors and for government in driving the productivity agenda that the Victorian economy needs in both the public and private sectors as we move into the next decade.

In 2010 Victoria was chosen as the base for the network operations centre for the national broadband network — something that was achieved under the previous minister and something that this minister and this government, through the Department of Business

and Innovation, are committed to seeing delivered expeditiously. The centre is now being developed down at Docklands, and the government is working closely with NBN Co. Ltd, through DBI, to ensure that that investment is up and running as quickly as possible.

The government is committed, as per its election policy, to ensuring that Victorian companies benefit from the massive expenditure that is being undertaken by NBN Co. in terms of leveraging off that investment and exploiting business opportunities. I am therefore delighted to report that two Victorian companies will share in up to \$1.3 billion worth of NBN expenditure over the next five years. Warren and Brown has been announced as the supplier of optical fibre distribution frames, subtracks and ducting in an investment by NBN worth up to \$110 million. Corning Cable Systems will provide optical cable and hardware in a contract worth up to \$1.2 billion. This is the type of investment that this government is committed to seeing Victorian companies achieve, leveraging off the NBN project.

These contracts will create up to 400 new jobs in the technology sector in Victoria. I congratulate Warren and Brown and Corning Cable Systems on their success, and look forward to other Victorian technology companies leveraging off the opportunities from the NBN spend.

Minister for Manufacturing, Exports and Trade: responsibilities

Hon. M. P. PAKULA (Western Metropolitan) — My question is directed to the Minister for Manufacturing, Exports and Trade. I refer to the general order and to the minister's specific responsibilities for export and trade, and I ask: does the minister have responsibility for the Agent-General and Commissioners for Victoria Act 2007 — and if not, why not?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — As Mr Pakula knows, there was a machinery-of-government change, and the Department of Business and Innovation went through that process. The orders have been made, as the member has rightly pointed out, and they are as they are.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister for his answer, but I refer the minister to the primary role of our Agent-General in London and our commissioners in Frankfurt, Dubai, San Francisco, Tokyo, Shanghai, Kuala Lumpur and

Bangalore in promoting Victorian trade and export, and I ask: when those representatives are formally reporting on their achievements and the challenges confronting our trade and investment, do they report to him or to the Minister for Innovation, Services and Small Business, Minister Asher?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — Again, the former minister for manufacturing, Mr Holding, had no legislation requirements or responsibilities, so I put that on the record for a start. The realities are that unlike the Labor Party we work as a team and we actually talk to each other. We do not go behind each other's back trying to undermine each other by making secret little grubby deals.

Hon. M. J. Guy — Factional deals.

Hon. R. A. DALLA-RIVA — Factional deals, in fact; Mr Guy is correct. We work as a team, and there are responsibilities, as the member well knows, in my area of exports. If you hold your breath for a couple of weeks, or maybe a couple of months, you will see that there are a lot of things we are doing in the export area. The realities are that we are going to do the business a bit differently from what those opposite used to do. The way they did it in the former government was about being corrupt. What we are about is being open and responsible, and sharing and working together as we should as a government.

Automotive industry: government support

Mr KOCH (Western Victoria) — My question is directed to the Minister for Manufacturing, Exports and Trade, and I ask: can the minister inform the house of the importance of the motor vehicle manufacturing industry to Victoria?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question and for his ongoing interest in this area. As members would be aware, Mr Koch resides in the area where Ford Australia is located, and I think it is important to put on the record that we have been on a shared visit to that area.

As we know, Victoria is the home of the automotive manufacturing industry in Australia, with the three local car companies and their key suppliers based in Melbourne. In fact it is one of only 15 places in the world that has the capacity to create a new car from concept to full production. This government is committed to working collaboratively with industry to

drive competitiveness and effectiveness and revitalise Victoria's manufacturing sector.

I have had meetings with the CEOs of Ford and Holden, Mr Bob Graziano and Mr Mike Devereux respectively, and have toured their operations. I am looking forward to touring Toyota and meeting its CEO, Max Yasuda, very soon. I have also met lots of people in lots of industries during my first 60 days as minister, and I outlined that this morning.

Ms Tierney interjected.

Hon. R. A. DALLA-RIVA — Listening to those on the other side, their disdain for the automotive manufacturing industry is clear. Rather than talking it up, they are talking it down. But that is just the way they are. They are very bitter and twisted, as we know.

The local automotive industry is demonstrating its resilience, but there are issues facing it. There is the global financial crisis, changing consumer preferences in cars, rising petrol prices and a strong Australian dollar — and that has had quite a significant impact. What is more concerning to me as the responsible minister, however, is to see some of the cutbacks that the federal government has made in terms of the industry's development. It demonstrates that Labor governments around Australia do deals and then they backtrack.

I will give one example which we know about because it was reported in the *Saturday Age*: the Rudd-Gillard government's decision to abolish the \$234 million green car innovation fund. Members will recall that in October 2008 former Prime Minister Rudd wrote to Toyota, General Motors Holden and Ford seeking letters of commitment on their investment plans for Australia on the basis of being offered a new stream of financial assistance through the green car innovation fund. What was the state of those mutual undertakings? There was a commitment by industry to work towards the future. However, an article by Shaun Carney in the *Saturday Age* of 5 February 2011 reports, and I quote, that:

By abolishing the fund summarily, the government —

that is the federal government —

is saying it does not respect its own agreements. ... The message to foreign companies that have choices about where to make major investments is to deal with the Gillard government at your own risk.

This sends a bad message to the manufacturing sector and to the automotive sector, which is under enormous pressure. What we see is a federal Labor government

more interested in itself than in supporting the automotive industry.

Minister for Manufacturing, Exports and Trade: responsibilities

Mr SOMYUREK (South Eastern Metropolitan) — Unfortunately today we are more interested in Mr Dalla-Riva. In his capacity as Minister for Manufacturing, Exports and Trade, could the minister inform the house of exactly what acts of Parliament he is responsible for?

The PRESIDENT — Order! The start of Mr Somyurek's question was unacceptable, and I hope those sorts of prefaces to questions will not continue.

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — The opposition is asking for the list of acts, and I will provide that list in due course. However, I make the point that it is more about having a person out there advocating for the industry rather than the acts they are responsible for. I am very strongly focused on the manufacturing sector and on exports and trade. The former government had no interest in any of these matters.

Honourable members interjecting.

The PRESIDENT — Order! Two members have been brandishing papers for theatrical effect in terms of the points they want to make. That is not permissible in the chamber. I am not going to name the members who did that, but I ask them to desist. Mr Leane's move from where he was in the previous Parliament to where he is now is rather unfortunate, because it has brought him closer to the President's ear. I suggest that he consider the journey.

Hon. R. A. DALLA-RIVA — I have answered the question.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — Is it not a fact that by the general order the Premier has stripped the Minister for Manufacturing, Exports and Trade of all his responsibilities? I hate to be uncharitable about this, but is the minister now in fact the minister without a portfolio?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — No.

Teachers: national standards

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Minister responsible for the Teaching Profession. Can the minister advise the house on how the national professional standards for teachers released yesterday will benefit Victoria's teachers?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank Mrs Peulich for her question and her great interest in this subject. As she said, the national professional standards for teachers were released yesterday. They are a set of standards that will provide useful benchmarks to define the skill levels of teachers in Victorian schools.

I might add that teaching is a very multiskilled profession. Those of us who have been teachers or who know teachers I am sure would respect the many skills they need to possess. They need to know students and to understand how students learn. They need an extensive curriculum content knowledge and knowledge of how to impart that curriculum content to students. They need to be well-organised people, they need to know how to engage students, they need to be good communicators, both in written and oral form, and of course they need to be continually upgrading their various skills, particularly given technological advancements today.

The professional standards that were released yesterday have been in the making since 2009. While those standards have been directed by the Ministerial Council for Education, much of the on-ground work in their development has been undertaken by the Australian Institute for Teaching and School Leadership. I want to give credit today to the work that has been undertaken by the institute, particularly its chair, Tony Mackay, and its CEO, Margery Evans, who have led a lot of the on-ground work in developing these standards.

One of the important outcomes of these standards is that they will go a long way towards enhancing the professional status of teachers right across Australia. They will also provide some very useful markers for teachers themselves in terms of identifying their skill levels and their future professional development needs. I expect the standards will in time assist with such matters as teacher registration and potentially promotion and pay levels. Pay levels in the teaching profession are currently linked to various classifications of teachers, but again this is a matter on which the Victorian government is prepared to sit down and work with teacher organisations, principal organisations and school communities. We will look at how these new

professional standards may relate to matters like promotion and pay.

The great significance of the announcement yesterday was the fact that now for the first time we have a uniform set of standards Australia wide and agreement by every state to implement those standards. I am pleased to be a member of the ministerial council — as is my colleague the Minister for Education, Martin Dixon — which yesterday signed on, endorsing those standards. I would also like to give credit to the former Minister for Education, Bronwyn Pike, who I know was a member of the ministerial council and worked diligently towards the development of these professional standards as well. I expect the standards released yesterday will have the bipartisan support of this house, and I am sure, as I said, they will do much to enhance the professional standing of teachers in our community.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I acknowledge Ms Elaine Carbines, a former member of this house, who is in the gallery. Welcome.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed.

Mr SCHEFFER (Eastern Victoria) — Prior to question time I was paying tribute to Tammy Lobato, the former member for Gembrook in the Assembly. I advised the house that Tammy was passionate about the environment and as a local MP was a very fierce advocate for the protection of the forests in the Yarra Ranges. Tammy is a conviction politician, and I do not think anyone in her electorate will ever forget the tireless work she put in during the 2009 fires.

I also take this opportunity to acknowledge the great work of the Labor candidates for Legislative Assembly electorates in Eastern Victoria Region: James Dooley for Mornington, John Lannan for Nepean, Steve Hosking for Hastings, Gerry Lonergan for Bass, Peter Harris for Evelyn, Tony Flynn for Narracan, Graeme Middlemiss for Morwell, Steve Boyce for South Gippsland and Gregg Cook for East Gippsland. I also acknowledge the work of the members of their campaign teams, who worked tirelessly for many months with discipline, focus and unflagging optimism.

The Governor's speech is surprising and in my view underwhelming, committing, as it does, this new administration to long-accepted, uncontroversial and established government practice. The speech commits the government to 'fixing the problems', and this is the benchmark against which this government will be measured. As the Leader of the Opposition has noted, it is easier to campaign on fixing the problems than it is to fix them. While many of the government's commitments are uncontroversial, some take a new direction, and we will have to see the detail to work out how far they can be supported.

The establishment of the anticorruption commission obviously needs careful thought and debate. Fundamentally, there is no disagreement that Victoria needs appropriate mechanisms to deal with public corruption. The debate has been about how corruption should be investigated and exposed, while at the same time protecting hard-won rights.

Two other commitments referred to in the Governor's speech are the establishment of the proposed independent government advertising review panel and the appointment of an independent freedom of information commissioner. Undoubtedly, the legislation relating to those commitments will be closely scrutinised and debated in the Parliament and in the community.

The government also recommits to implementing all 67 recommendations made by the bushfires royal commission, so it was disappointing that the Minister for Energy and Resources, the Honourable Michael O'Brien, blocked the powerline bushfire safety task force interim report that was due to be released late last month. The *Weekly Times* described the report as crucial. The minister says that the terms of reference provided by the previous government were too narrow and that they would be broadened for the task force to report in September. The community ought to be able to read for themselves what the task force members have said, and community views must be taken into account. The government's action is an early warning that the coalition will fail to live up to the high-minded rhetoric of the Governor's speech.

The government commits to providing the best possible education standards and facilities for all students. While the quality of teaching is fundamental to educational outcomes, poor school facilities hamper quality teaching. That is why Labor's \$1.9 billion Victorian schools plan to rebuild or refurbish every government school in the state by 2016 is so important. The education minister's announcement that the

commitment would be reconsidered renders the initial commitment hollow.

The education budget will be cut by around \$340 million over this term to help find the overall \$1.6 billion expenditure reduction the government wants. The president of the Victorian Association of State Secondary Principals says that the cuts are particularly galling, given that the coalition would increase funding to non-government schools by \$240 million. This is another example of a significant broken promise that will affect many communities over the next four years.

The return of cattle grazing to the high country is another matter of deep concern. Mr Jennings and I have both brought this matter to the attention of the Minister for Environment and Climate Change, Mr Ryan Smith, and we know there is widespread community concern. The ill-considered action of the minister approving access by 400 cattle to designated parts of the Alpine National Park prior to the preparation of a clear, peer-reviewed research design threatens protected flora and fauna and unravels the rehabilitation of the park that was well under way after the 2005 ban imposed by the former government.

Sydney University's dean of agriculture, Professor Mark Adams, who the government appointed to undertake the research, has said that he was not involved in moving the cattle into the park and that the study would not even commence until October, which of course is the next grazing season. He has not even completed the research design, so why are the cattle there already? Last week 125 scientists wrote to the environment minister calling for a halt to this scientifically indefensible and pre-emptory move. Gunai Kurnai elder, Uncle Albert Mullet, said that the government has stepped over the line by not consulting with the Gunai Kurnai as it is required to do under the Traditional Owner Settlement Act 2010 that was passed in this Parliament last year. Even at this early point in the life of this government concerns are growing.

This ostensibly laid-back Baillieu government is being mentored by none other than Jeff Kennett, Petro Georgiou and Tony Nutt, and their hands can already be seen in this early positioning of the government.

However, the Governor's speech is more interesting for what it does not say. It is disappointing that what comes through is a belief that by generally improving services the whole community will naturally prosper. There is no direct recognition of the needs of those whose wellbeing relies on the capacity of the state to reform our institutions. How does the coalition aim to reform

the law and the working of the courts, health services, public schools or housing so that the lives of people who are disadvantaged by our social structures are improved today and into the future?

This document is blind to human rights generally. It makes no mention of the pressing issues facing Aboriginal Victorians and how the government will advance their causes. The eerie and sinister thing about the Governor's address is that there is not a single mention of climate change or carbon emissions reduction. For a new government elected at the end of the first decade of the 21st century such studious avoidance of this profound policy challenge is chilling.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until later this day.

Sitting suspended 12.44 p.m. until 2.03 p.m.

STATUTE LAW REVISION BILL 2011

Statement of compatibility

Hon. D. M. DAVIS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In my opinion, the Statute Law Revision Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill also repeals principal acts which have no ongoing operation and amending acts which are spent in effect and have no further purpose.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

This bill does not engage any of the rights under the charter.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not engage any of the rights under the charter, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not engage any human rights issues.

The Hon. David Davis, MLC
Leader of the Government in the Legislative Council

Second reading

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

That the bill be now read a second time.

The bill before the house, the Statute Law Revision Bill 2011, is a regular mechanism for reviewing statute law in Victoria. The bill is important to the orderly management of the state's statutes so that the laws remain clear, relevant and accurate.

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill corrects spelling and grammatical errors and makes any amendments that should have been made as consequential amendments when legislation was first passed.

The bill repeals redundant transitional provisions of acts which are no longer required because of the passage of time and subsequent legislative enactments. The bill also repeals substantive provisions of acts which have fulfilled their purpose of amending or repealing other acts. These provisions are no longer required because they have amended or repealed the relevant provisions in other acts.

The bill also repeals wholly redundant acts identified by chief parliamentary counsel. The acts to be repealed are listed in a schedule to the bill.

The bill repeals both principal acts which have no ongoing operation and amending acts which are spent in effect and have no further purpose. The amending acts contain transitional and substantive provisions. The transitional provisions are no longer required because of the passage of time or subsequent legislative enactments. The substantive provisions are no longer required because they have amended or repealed the provisions of the principal acts which they were enacted to amend or repeal.

Any residual effect of the transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill should be seen as part of the Victorian Parliament's regular housekeeping arrangements.

The bill will make technical improvements to the state's statutes, rather than substantive amendments. The technical corrections effected by this bill will make it easier for the state's statutes to be administered, interpreted and applied.

By repealing redundant acts and provisions of acts, the bill will ensure that Victorian statutes are updated and maintained in a regular and orderly manner so that they remain relevant to the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 24 February.

LEGISLATIVE COUNCIL STANDING COMMITTEES

Departmental allocations

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

That departments (including agencies and public entities within those departments) be allocated to Council standing committees as follows:

- (1) Standing Committee on the Economy and Infrastructure —
 - Department of Business and Innovation
 - Department of Primary Industries
 - Department of Transport
 - Department of Treasury and Finance
- (2) Standing Committee on the Environment and Planning —
 - Department of Premier and Cabinet
 - Department of Planning and Community Development
 - Department of Sustainability and Environment
- (3) Standing Committee on Legal and Social Issues —
 - Department of Education and Early Childhood Development
 - Department of Health
 - Department of Human Services
 - Department of Justice

In effect this is a machinery provision to give full effect to the new parliamentary committee arrangements that were recommended by the Standing Orders Committee in the last Parliament. Those changes were agreed upon by all parties after a long and exhaustive process where we examined different models for committee structures for the future for this chamber. Options were investigated and similar jurisdictions were looked at. I commend new members to examine that report, which includes some tables and outlines some of the alternative arrangements in place around the country. Members may be interested to know what happens in Western Australia, the federal Senate or the New South Wales Legislative Council, or they may wish to see how other jurisdictions, legislative councils or upper houses order their committee arrangements.

The Standing Orders Committee worked very hard on this report, which was accepted by all parties. I put on record that the original reference was from Ms Pennicuik. The standing orders changes made at the end of the last Parliament put effect to those changes, and I note that yesterday in this chamber we put in place the committee memberships, which means that the committees are now in operation. They have met for the first time.

The allocation of these particular departments to each of the committees will enable both the references and legislation committees to have an overview of those areas. It will enable a sensible shadowing, if you will, of those departments, allowing members to develop expertise and knowledge in particular areas and thereby enable them to make a more detailed and substantive contribution.

References of course come from the chamber. I note that the recommendations of the Standing Orders Committee were essentially modelled on the Senate arrangement, so we have a joint references and legislation committee with equal numbers of government and non-government members, where the chair of the legislation committee would be a government member and the chair of the references committee would be a non-government member. This will mean that the committees can develop their own areas of expertise both on legislation and relevant non-legislative issues that relate to those portfolios. The committees will be able to make more substantive contributions across government. I note the legislation committees have the ability to look at legislation and to make points as they require. The relevance of this is that it essentially fulfils part of the machinery of those changes by linking each committee to one of the various departments.

These allocations have been arrived at after advice from the clerks. I have not invented them out of thin air. They essentially follow the arrangements of the earlier committees. I do not want to say a lot more other than I think there is great capacity for the committees in this chamber to make a good and substantive contribution.

Briefly, notice of motion 17 on today's notice paper under 'Government business' — which can be debated when the house is prepared to do so — relates to organ donation and is the type of reference the Standing Committee on Legal and Social Issues could well take on in the longer term.

In a sense this motion is not especially controversial in and of itself, and I commend it to the chamber.

Mr VINEY (Eastern Victoria) — The opposition proposes an amendment to this motion, which I will move immediately so that the house understands the context of my contribution. I move:

After 'Department of Justice' insert —

'and that, notwithstanding standing order 23.02(4)(b) the reference committee of each standing committee may inquire into any proposal, matter or thing that is relevant to the respective departments allocated to the standing committee which is —

- (a) referred to it by resolution of the Council; or
- (b) determined by the reference committees.

I have chosen those words for my amendment because they are identical to the words that this house in the last Parliament — —

Hon. G. K. Rich-Phillips — On a point of order, President, before Mr Viney commences his debate, I seek your guidance on whether the amendment that he is seeking to make to Mr Davis's motion is in fact in order. The reason I raise this point of order is that the subject of Mr Davis's motion is to allocate to the various Council committees the departments that exist under the government structure, so it is clearly a motion with very limited scope. It gives effect to a provision in the standing orders relating to the parliamentary standing committees. Mr Viney's amendment seeks to change the scope of Mr Davis's motion by enlarging it with a provision that would in fact change the powers of the standing committees as they exist under the standing orders. I submit that the scope of Mr Viney's proposed amendment is well outside the scope of the nature of the motion that Mr Davis is putting before the house this afternoon and that under standing order 7.08 the amendment should be out of order in terms of Mr Davis's motion.

Ms Mikakos — On the point of order, President, the substantive motion moved by Mr Davis relates to the jurisdiction of the standing committees of the Legislative Council. It seeks to refer a range of departments to each of those committees and it in effect empowers those committees to be able to examine the operations of those departments. In a similar vein Mr Viney's amendment relates to jurisdictional matters and the conduct and operation of those committees. It is very much related to the substantive motion, as both it and the motion relate to jurisdictional issues.

Mr VINEY — I do not believe that any of the four elements of standing order 7.08, which was referred to in Mr Rich-Phillips's point of order, invalidate my proposed amendment in any way. It complies with 7.08(1), which states:

A question which has been proposed may be amended by —

- (a) omitting certain words; or
- (b) omitting certain words in order to insert or add other words ...

It complies with 7.08(2), which says:

An amendment must be relevant to the question it is proposed to amend and must not be a direct negative of the question.

It is not a direct negative, and it is perfectly relevant to the motion. Standing order 7.08(3) states:

An amendment to a question must be delivered in writing to the Clerk.

That was complied with. In fact the clerks made some suggestions in relation to the wording I had proposed. The fourth element of standing order 7.08 is:

The mover of a motion or a member who has already spoken in the debate may not move an amendment.

I had not previously spoken in the debate, and I am trying to move an amendment.

Hon. D. M. Davis — On the point of order, President — I am picking up Mr Rich-Phillips's point — there is a clear distinction between the three points in my motion, which seek to give effect to the standing orders, and Mr Viney's amendment, which seeks to amend standing orders. The parts of my motion do not seek to amend standing orders in any way; they seek to give effect to the existing standing order provisions. Although Mr Viney's amendment is perfectly debatable and worthy in its own right — and he may bring it at any point — it seeks to change standing orders as opposed to give effect to them, and for that reason I argue it is clearly of a totally different nature.

The PRESIDENT — Order! This is an important point of order. I accept the context in which the opposition has put its amendment. I propose to postpone discussion on this motion while I consider it. The final point Mr Davis made has some weight with me. However, I will seek some advice from the clerks in respect of the matter, because I think there is some validity on both sides of the issue. Rather than making a decision as a knee-jerk reaction, I intend to consider this for a few moments. With the leave of the Council I propose that we postpone further consideration of this matter at this time until later today. I will deal with it today; I just want some time to think about this. I ask Mr Viney to be so kind as to facilitate what I am proposing and move that this matter be postponed until later this day.

Mr VINEY — I am happy to assist in that regard.

Hon. D. M. DAVIS (Minister for Health) — I take on board the points made earlier, and I accept Mr Viney's assistance in facilitating the President's decision making.

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

Debate adjourned until later this day.

OMBUDSMAN: REPORTS

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

That this house take note of the reports tabled by the Ombudsman in 2011.

Three very important Ombudsman's reports have been tabled in this Parliament this week. One of these relates to the behaviour of councillors in the City of Hume. This is clearly a very serious matter, and one the Ombudsman has correctly pointed to. I pay tribute to some of the work the Ombudsman has done over recent years in improving the standards of probity and the standards at local councils in general. He has clearly targeted that area as one that needed improvement, and I would agree that it needs improvement. This latest revelation on the City of Hume has been important.

I note also his report on the allowing of sex offenders to have close arrangements with children. That report also is very important for the significant reason that the safety of children is paramount. The Brumby government set low standards there. It did not protect children. Children's services were in crisis, and this report points to a very serious set of breaches — a set of

failures by that government. I note the statements made by the Minister for Police and Emergency Services, Mr Ryan, about how our government will respond to the Ombudsman's important recommendations.

Equally important is the report I want to talk about today, titled *Ombudsman Investigation into the Probity of the Hotel Windsor Redevelopment* of February 2011. This is a very significant report, one that patently pings Justin Madden, the former Minister for Planning, and a number of his staff on matters of process and on arrangements in his office. As Mr Guy said in question time today, it vindicates the arrangements this house put in order through its committee structure to investigate the poor performance of the minister and the leaked email from his staffer Peta Duke.

That leaked email pointed directly to a process that sought to massage and manipulate the planning process. Planning processes need to be beyond reproach. They need to be managed with fairness, with sense and with reasonableness. This was not the case, as we saw in this chamber when Mr Madden sat in that position as the Minister for Planning. He sat there whilst he was embroiled in the Brimbank City Council scandal that saw Labor Party operatives undertake a series of steps that were correctly pointed to by the Ombudsman. Mr Madden did not cover himself with glory; in fact this chamber twice during the last Parliament passed motions of no confidence in the then Minister for Planning. Those motions were difficult. Both were led by me, but both were supported by the chamber because of the weight of argument, the Ombudsman's important reports and the evidence that showed the breaches that had occurred in the standards and behaviour of Mr Madden.

This report, which goes to the heart of the scandal around the Windsor Hotel and the sham consultation that was associated with it, is a timely one. It is a report that puts the pressure directly on Mr Madden. I have to say that I do not believe Mr Madden is a person worthy of great credit. I do not believe he is a person who has upheld standards, and in the last Parliament this chamber made that exact point in passing two motions of no confidence in Mr Madden. If he were still in this chamber today as the Minister for Planning — a minister of the Crown — we would be moving a similar motion in relation to his performance. We would be moving a motion to say that he was not a fit and proper person to hold that position.

There is a series of things in this report, and I am not going to go through every point in it because I know that others who wish to speak will do so. But it is clear,

and I draw the house's attention to point 17 at page 9 of the Ombudsman's report, which says:

My investigation revealed:

two senior departmental officers gave evidence that at a meeting on 17 February 2010 with Mr Madden, Mr Justin Jarvis, Mr Madden's then chief of staff, raised the idea of using a public consultation process and the resulting negative feedback to refuse the Hotel Windsor project.

The comment purportedly made by Mr Jarvis at the meeting on 17 February 2010 occurred one week prior to Mr Madden's media plan dated 24 February 2010.

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

Quorum formed.

Hon. D. M. DAVIS — I continue quoting from page 9 of the Ombudsman's report:

the comment purportedly made by Mr Jarvis at the meeting on 17 February 2010 occurred one week prior to Mr Madden's media plan dated 24 February 2010. The wording used by Ms Duke in the media plan is consistent with Mr Jarvis's comments.

at a meeting on 17 December 2009 with the Victorian government architect and departmental officers, the Victorian government architect said that one senior departmental officer raised the possibility of deferring the Hotel Windsor planning application until after the state election in November 2010. The two senior departmental officers present at the meeting denied that this was discussed.

What is clear is that this was a crooked meeting. It was a dodgy meeting, a meeting that cooked up the sham consultation, a meeting at which Mr Madden was present, a meeting at which his chief of staff was present and a meeting at which others were present. The sham consultation was cooked up at that meeting and implemented later. This is quite different from the evidence that was provided to parliamentary committees, and, frankly, Mr Madden's position is terrible. Mr Madden claims to have had no knowledge of the existence of media plans before the Hotel Windsor became an issue — —

Mr Viney interjected.

Hon. D. M. DAVIS — And his public utterances, Mr Viney.

I quote from another paragraph at point 17 of the Ombudsman's report:

computer records confirm that Mrs Taylor —

who was Mr Madden's executive assistant —

responded to Ms Duke's email dated 24 February 2010 asking for comment on the media plan.

This was not Peta Duke acting alone, as was portrayed in the media. This was not Peta Duke acting on her own as a lone cowboy or as a lone officer without authorisation; this was a plan concocted in the office to defeat and manipulate the planning process in this state. It is disgraceful, and I think Mr Madden should hang his head in shame.

At point 18 in his report the Ombudsman goes on to say:

Ms Duke maintains that she alone was responsible for the wording which appears in the media plan regarding the Hotel Windsor redevelopment. However, in light of the influences on decision making identified in my report, particularly Mr Jarvis's reported comments ... on 17 February 2010, I consider there is an element of doubt regarding her evidence.

It is not my point here to target Ms Duke, who is a staffer just doing her work. This is all about Mr Madden as a minister and what he was doing at the time. He was clearly part of this; he clearly knew what was going on and he clearly sought to manipulate the planning process for motives that should not have been his focus. He should have been focused on delivering the right planning outcomes for the Victorian community, not indulging in sham consultation.

This report is damning. I am not going to go through it, but I know others will want to say something about some of the emails that are attached to the Ombudsman's report. I note that there was some belated cooperation with the Ombudsman by some former government ministers and others. I pay tribute to the work of the Ombudsman. He has done an extremely good job in working his way through this, because the then government clearly obstructed the upper house committee that had responsibility for following this matter through. That obstruction was wrong, but the Ombudsman has done some important work for the Parliament and for Victorians as a whole.

Mr VINEY (Eastern Victoria) — The government is struggling a little in its new role. In bringing on this debate the government is behaving like it is still in opposition. Here we are on the fourth sitting day since the election and we have virtually no business other than political exercises from the Leader of the Opposition — —

An honourable member interjected.

Mr VINEY — The Leader of the Government — some of us struggle with the changes in terminology! In the debate we just adjourned I proposed an amendment

that is about the accountability processes of the Parliament holding the government to account. The first thing the government did in relation to that was to take a point of order to try to have the proposition ruled out of order. The lip-service the other side has paid to the question of accountability is being demonstrated here on just the fourth sitting day since the election. I remind the house that the Ombudsman was made an officer of the Parliament by the Labor government, as was the Auditor-General.

There are a number of Ombudsman's reports that have already come into the house this week. One of them has been discussed by Mr David Davis, who has moved a motion to consider them all but has only actually talked about one. One of them relates to the Windsor Hotel redevelopment. Mr Davis has suggested that this report finds differently to Mr Madden's evidence. I have read the report but have not gone back and read the transcript of Mr Madden's evidence to the committee, but in making an allegation such as this Mr Davis should have substantiated it by indicating the difference. I certainly did not hear him substantiate that allegation.

The Ombudsman's process that was set up by the Labor government making the Ombudsman an officer of the Parliament is a good and healthy process for the accountability of government. We stand by our belief in that process. Sometimes these reports find things that might make governments feel a little uncomfortable. It will be interesting to see how the new government handles these sorts of reports on its activities — on whether the new Minister for Planning, for example, has media plans — —

Hon. M. J. Guy interjected.

Mr VINEY — He is saying he does not, but he must have some process for planning what he is going to do and when he is going to do it, whether it is in his diary or not. He certainly likes the media, so one would think he might think about it a little bit in advance, and if you think about something in advance, it becomes a plan. I am sure Mr Guy thinks about things in advance. I think he is competent enough to think about things in advance; I will give him at least some credit for that.

The new government needs to give a commitment that it will enable this house and this Parliament to hold it to account in exactly the same way it demanded of us when we were in government. The first way it can do that is to agree to the amendment I moved to the motion that has now been postponed. That is the first way the government could do it. It could do it by allowing those committees to have exactly the same power — —

Mr Drum — You all agreed to it before the election; you lose it, and you change your minds.

Mr VINEY — I say to Mr Drum that when, as John Maynard Keynes said, I am faced with the weight of evidence, I change my mind. What does Mr Drum do?

Mr Drum — You struck a deal, and then you changed your mind.

Mr VINEY — Does Mr Drum stay in his solid position, no matter what? The new government can do more than pay lip-service to the question of accountability and give these committees some real teeth and a commitment that it will deal in future with the Ombudsman's reports into its activities with the same respect that the Labor Party did when it was in government.

Mr BARBER (Northern Metropolitan) — I will be addressing two of the Ombudsman's reports tabled today. My colleague Ms Hartland will address a third one. I thank the government for creating the opportunity to discuss this matter right at the end of the parliamentary week. It would not have been good to leave Parliament for some weeks without the opportunity to address this matter, because it is a matter of the utmost seriousness.

Ever since the particular document which set off this controversy in relation to the Windsor Hotel came to light I have been of the view that major damage has been done to confidence in the planning system. The previous government failed to take actions that could have helped restore that confidence. It was for that reason that I immediately called for an inquiry into this matter to be set up. It is for that reason that the Greens supported a motion of no confidence in the former minister in this chamber and throughout the exercise pursued the matter as diligently as we possibly could.

To get the truth out in the open is essential to restoring confidence in the planning system in Victoria — confidence from the point of view of the community, which has an interest in the outcome, and confidence from the point of view of investors, which ironically enough was the former government's aim in all the interventions it made. It wanted to kick-start development, but with this particular process it must have considerably weakened investor confidence in the state of Victoria. I will address that quite specifically from the material that is in the report.

I am aware the government has not had much time to digest this report. It may have supported the recommendations in the report, but there is still the overarching question of confidence that it now has to

address. I am going to refer to the matters in the report, but in such a way that I pose a number of challenges or suggestions to the new government for what it could do to restore that confidence.

The problem was not simply that one minister was sloppy or overly political in the way he ran his portfolio. At the root of the problem is a planning system where under the act, the minister has almost unlimited discretion to intervene in the process at any stage regardless of who else may have been the responsible authority. That is the first point.

The second point is that the rules in our planning scheme — the actual law that people are trying to comply with — is wide open in most cases. It is an objectives-based planning scheme, to be polite. I describe it as an almost-everything-goes planning scheme. Often the rules as they appear in the planning scheme cannot be made to stick when it comes to local councils, the Victorian Civil and Administrative Tribunal (VCAT) or the minister making a decision. Until we address that fundamental problem, it will come up again and again. It is not as simple as bringing in a white knight, a planning minister who is beyond reproach, who says, 'There you go. We have fixed the problem'. This points to a great — —

Mr Ondarchie interjected.

Mr BARBER — I am not yet in a position to judge Mr Guy's performance, but in any case he will not be the planning minister forever. I am sure he has bigger ambitions.

In my view this area of law shines a light on other areas of law which often attract unwanted attention in that broad question of integrity of government. We see quite an ironic example of that in the section of the report that refers to pre-application meetings and an interview with the relevant applicant where he is asked about the pre-application meetings and what they are all about. He responds by saying you go along to the meeting to get a sense of whether your development is going to be supported. Hang on a second! I would have thought that the way to work out whether your development receives support would be to open the planning scheme to see if it complies. Apparently the way it works is that you go along and take the temperature of an individual planning officer, or in this case the minister, to see if it is the kind of thing that is going to get support.

There you see the basic problem. The planning scheme does not say what it means and mean what it says. It is not enforceable. A minister or even a relatively junior officer has so much discretion that you have to find out

from that person what their view is. The Ombudsman, and perhaps Mr Guy, are now going to recommend that we tighten up the paperwork — the paper trail — around these pre-application meetings. That is jolly good, but the problem is that the planning scheme itself is not written in a way that shows developers what they need to comply with. I put it to the government that there needs to be some major reform in this area. The ability or the discretion of the minister to intervene needs to be limited.

The minister has just intervened in relation to another significant and what will no doubt be controversial planning matter — that is, the Chepstowe wind farm. Let us compare the two applications. Firstly, in the case of the Windsor Hotel, the former Minister for Planning, Mr Madden, was already the responsible authority; no intervention was required. In the Chepstowe case the minister has decided to go in and have a bit of a go.

Secondly, a vast number of people were potentially interested in the Windsor Hotel application. Certainly it had many sensitive interfaces, plus it was a state heritage-listed development, which means it has protection for the benefit of every Victorian, and no doubt it was going to attract a lot of interest. In the Chepstowe case we know there are three land-holders within 2 kilometres.

Thirdly, the rules for the Windsor Hotel development were completely discretionary. People thought they meant a height of 25 metres, but in the end what we got was 23 storeys. Clearly they did not mean that much but there has been no successful legal challenge to that. However, in the case of the wind farms, the rules for noise and so forth are quite objective — not everybody likes them, but they are able to be measured scientifically. The one that Mr Guy now has on his desk is a run-of-the-mill wind farm application with three turbines. There have been many others like it.

I refer back to Mr Davis's claim that the planning system in Victoria must be beyond reproach and, using his words, no-one should be able to manipulate the system. To use my words, no-one should be able to play politics with any particular application that someone thought had a highly politically charged nature to it. We can see that the act is written to allow the minister to manipulate at least one aspect of the process — that is, to pull in matters that went from one responsible authority to VCAT to himself, and I have not heard anybody suggest that VCAT is under political influence.

The other comparison between the Windsor Hotel matter and the Chepstowe wind farm case — and I will

keep referring to it because no doubt it is going to be our next politically charged planning discussion in Victoria — is that Mr Madden appointed an advisory committee up-front to look at the planning issues, and inevitably that report was going to be published with at least some interest. I was going to say interest from a disinterested party, but the Ombudsman's report points out that at least one of the so-called panel members had at least a not incomplete lack of interest in the matter. Three individuals at arm's length to government were selected. No-one is suggesting that Justin Jarvis, who was the chief of staff to a former Minister for Planning, was giving them their riding orders. They looked at the planning matters and at the proposed development and said, 'Here is our suggestion'. Ultimately that report became public and went alongside the departmental advice, and the minister made his decision.

When I asked Mr Guy yesterday what process we were going to go through with the Chepstowe case and whether there would be opportunities for input or otherwise, he was not able to answer or he was unwilling to give me that clear path to a decision. I am guessing that it will end up in the same basket as Mr Madden's decision on the Windsor Hotel and everything else. It is just a guy sitting in his office late at night signing off on a ministerial briefing note which says, 'Yes, I approve that'. Again, the provisions in the Planning and Environment Act 1987, as they are, do not provide many opportunities to appeal that decision, which in any case was not appealed. Except under the most extreme example of a complete miscarriage of law, you cannot appeal a merits-based decision to approve or otherwise a planning permit.

Inevitably that opens up the opportunity not only to charge but also a politically based decision. There is no question that these are strong political matters, whether it comes to heritage buildings, wind farms, coastal developments or the application of floodways. What seatbelts and airbags can we put into the Planning and Environment Act 1987 to keep the politics out of it as much as possible? What I am saying is that on any reading of the act, as it now stands, there are virtually none. So much for that.

A number of other matters fall into the government's in-tray as a result of this report. I will discuss them in no particular order. I have said many words in this place on the issue of the responsibility of advisers to ministers. We learnt through this report that there is a code of conduct for ministerial advisers, but it is not an official code of conduct created through the Public Sector Management and Employment Act 1998. In fact that act says that ministerial advisers are employed under the act but that none of the act applies to them.

We read in the Ombudsman's report that a code of conduct was created for ministerial advisers which simply told them to refer to the code of conduct created for public servants, yet the act says that code of conduct does not apply to them in an enforceable sense. This is apart from the fact that the minister working above them does not have a code of conduct. If there is no code of conduct for the minister, how can there be one for the adviser? I would have thought it was the job of the adviser to make sure the minister considered that as well.

The reason a code of conduct becomes more than just a good idea is that the government is proposing — and government members will no doubt respond to some of the things I have said — an independent commission against corruption (ICAC). What will the powers of the ICAC be? We do not know yet because we have not seen the legislation proposed for Victoria, but the New South Wales ICAC can investigate any matter where it is believed that there has been a breach of the law or an applicable code of conduct — and some legal questions have been raised about what is an applicable code of conduct in the New South Wales jurisdiction. Without those codes of conduct, the ICAC would not have a yardstick against which to measure someone's conduct, and in some instances it would not have the power to look. A legally enforceable code of conduct for advisers is essential for ICAC to be able to do its job. We need one for ministers as well, and I would like to hear from the government as soon as possible whether it intends to do that.

In this case the investigations were carried out by the Ombudsman, who has a different set of powers from those ICAC would have. The Ombudsman's powers were disputed by the previous Attorney-General, Rob Hulls, who said the Ombudsman did not have the power to investigate ministers — —

Hon. D. M. Davis interjected.

Mr BARBER — It is in much more detail in the report and members should certainly read the arguments going each way, but the former Attorney-General argued that the Ombudsman did not have the power to investigate ministers, their decisions and their conduct. If that is the case, I ask the government: will it amend the Ombudsman Act? Or will it bring in this essential new mechanism through an independent commission against corruption?

This was not the first time that the then Attorney-General had attempted to obstruct a parliamentary committee in the carrying out of its proper functions; he did it on a number of occasions.

He continually obstructed the process of this house when it sought documents that were essential for its work, and now we see that he argued that the Ombudsman's office did not have the power to carry out the investigation given to it by the parliamentary committee.

Members would know my view on that. My argument is that the Ombudsman cannot have more powers than the Parliament — the stream cannot rise above its source — and for that reason I would always maintain that it was the parliamentary committee that should have been running the investigation and that we were not going to get any more cooperation from the government as a result of sending the inquiry to the Ombudsman. However, in this case committee members were forced to. Whether that was a political decision or their own interpretation of what the law stood for, we will never know.

When you are talking about an independent officer of the Parliament, it is an incredibly serious matter that the former Attorney-General attempted to do this in that way. The only precedent I can think of is the famous but long-ago instance — this would have been under the Cain and Kirner governments — of a former Speaker attempting to stop the tabling of an Auditor-General's report in Parliament, arguing that the report was outside the scope of the then Auditor-General's powers. For those members not in the know, that is the reason why the Audit Act 1994 now says that the Auditor-General can conduct investigations into the efficiency and effectiveness of government programs. The phrase 'efficiency and effectiveness' was brought in to remove all legal doubt that a report that was more than merely a financial audit or a where-did-the-money-go audit — that is, where the inquiry did not look at a policy but at the efficiency and effectiveness of the government's delivery of that policy — would be within the scope of the Auditor-General.

Regardless of the fact that the former Attorney-General is no longer in that position, I think we need more clarity around the Ombudsman's powers. Alternatively the government could bring in its legislation for an ICAC posthaste. We cannot have these sorts of matters falling between stools just because the new government is fresh and shiny and nobody believes that its members would get up to any of these shenanigans. My job is to ensure that independent officers of the Parliament are able to do their jobs.

As I said, this chamber agreed to a no-confidence motion regarding the former Minister for Planning,

and the Greens supported that motion. The motion was carried on the basis of the minister's apparent inability to articulate the basic elements of ministerial responsibility. If the previous Attorney-General, Rob Hulls, was attempting to slow the Ombudsman in his tracks, that is up to him to explain.

I note that in the Ombudsman's report the then Minister for Planning, Mr Madden is reported as having wanted some advance warning of what the Ombudsman was going to ask him. If he had been given that, he would have been the only person in history to get it. Think of the phrase, 'No-one expects the Spanish Inquisition'. In this case the minister was asking for a memo as to what the Spanish Inquisition was going to ask him about while arguing about whether the Spanish Inquisition even had the powers to ask him those questions. In my view that indicates a lack of respect for the independent officers of the Parliament from both former ministers Madden and Hulls.

This maps rather neatly across to the other Ombudsman's report, in relation to the Hume council. It is also about someone with a more than dispassionate interest in a particular planning matter who may have given or attempted to give the impression that he was able to influence the outcome of a planning permit. It is not too different in that way. The point is he was not able to. The Ombudsman found that, whatever he might have tried to do, the councillor was not able to influence that planning permit because 90 per cent of all planning permits at the local government level are ticked off by officers, and the Ombudsman certainly grilled the officer about whether he had been influenced in any way. In a way that shows both the weakness and the strength of the current rules around how planning permits are operating, and highlights the need for strong rules in that area.

In relation to that report the only reason we are reading about that particular matter is that it was reported under the Whistleblowers Protection Act 2001 and therefore became a matter for the Ombudsman, whereas if it had been a complaint to the municipal inspector, who has similar powers to enforce some sections of the Local Government Act 1989, we would never have known about it. I have talked about this many times in the chamber. The government, the then opposition, was not averse to sending matters off to the municipal inspector — for example, in the case of the Colac Otway shire. We never got to close the loop on the Colac Otway report because the government was not going to release it, and it was only because it was released to one of the protagonists, the shire itself,

which then released some parts of it, that we got to find out that that council had been completely exonerated. Not only had it been exonerated, but the only wrongdoing that was found was that the person must have leaked to the Liberal member about what they reckoned was going on. It was that leak of confidential information that was a breach of the law, if there was any.

We cannot have confidence in the way local government is administering the planning permit system if the vast majority of complaints about that, whether they be resolved in the negative or positive, go through the municipal inspector and we never see those reports. It will be only the odd one that goes under the whistleblower act that comes out via the Ombudsman and gets tabled in Parliament. That is my extra challenge to the government: how will it deal with the powers of the municipal inspector and how will it make public the work of the municipal inspector?

I remind the government that in opposition it frequently tried to make the Minister for Planning accountable for local government administration of the planning system, including in the case of Brimbank. The then coalition opposition would come in here and say to the Minister for Planning, 'Hey, something bad has happened out in this council in the way it issued a planning permit, and we want to ask you questions about it in this chamber'. It comes back to the Minister for Planning, following that logic — that the integrity of the Planning and Environment Act 1987 as administered by local government is something that the Minister for Planning needs to make some reforms to.

The way to do that, as a bare minimum, is to ensure that those municipal inspector reports come out through some kind of public process. How many complaints to the municipal inspector have there been in recent years? How many of them were resolved in the negative? What were the suggested breaches? We know there have been very few prosecutions of local councillors over the years, and that is a good thing; that says local government is generally clean. But we also know that they are hard to prosecute. I do not want to have to come in here and ask the Minister for Planning about a matter to do with a local council's conduct under the Planning and Environment Act 1987. The Minister for Planning has a stake in ensuring that the current Minister for Local Government fixes up the municipal inspectorate and its powers and transparency and does not just run it as her personal Stasi, the way her predecessor, the member for Richmond in the other place, Dick Wynne, could have potentially done.

Finally, in decisions like this there is the unresolved question that has been brought to bear on councillors on many occasions — that is, the apprehension of bias in decision making. In the famous so-called Winky Pop decision a councillor who had taken a strong view on a particular planning scheme amendment prior to being a councillor was later found to be too biased to make a decision on it. That case has been waved around at councillors all over the place. There may come a time when a minister for planning or someone else who has made strong statements on a particular matter finds the same argument pushed at them. In any case, more transparency, less discretion and less looseness in planning rules would remove that charge in addition to all the other ones.

I know government members are feeling pretty pleased with themselves for getting elected, and they are slapping themselves on the back. I have not seen any antics along the lines of that footy club in Hong Kong yet, but with the amount of self-congratulation that has been going on this week they are acting a bit like people who have won the grand final and are going on a three-month party. I do not know how that helps them govern. That is why — and I hope they do not take any offence at this — I will be coming in here quite regularly and providing them with a bit of advice on how they should be running the government. I would not want them to think I am letting Justin Madden off the hook — no-one would accuse me of that — but I am saying that this report puts up some huge challenges to this government, and the necessary reforms are a lot greater than just the administrative-level suggestions the Ombudsman has been able to make under his powers. Government members should be thinking about what this means for them.

Hon. M. J. GUY (Minister for Planning) — I wish to make a couple of remarks about some of the Ombudsman's reports today. It is no surprise that I wish to make some brief remarks about the Hotel Windsor report that has been delivered today. I have to say that that was an interesting contribution by Mr Barber; I listened to it with intent. However, I must say that the only people I remember seeing slapping each other on the back were the Greens before the last state election. Maybe they should wait for an outcome before they go around slapping themselves on the back.

The Windsor report as presented by the Ombudsman today is, as has previously been stated, a damning indictment of the operation of the previous government. More importantly — and I cannot emphasise this enough — it is my view that the inquiry, the report and the material contained in it are an absolute vindication of what particularly the Liberal Party and The Nationals

were saying around this time last year, about the necessity for this issue to be properly investigated and that if there was nothing to fear, there was nothing to hide. More importantly, what we had said and believed all along was that there were staff members who were being used as scapegoats. One in particular, Ms Duke — who was roundly blamed for this entire issue by her previous ministerial boss, Justin Madden — should have been able to give evidence freely and frankly to a parliamentary inquiry about what had occurred in the lead-up to the preparation of a media plan, which included material outlining a fake period of consultation, a sham period of consultation, which had a predetermined outcome for a very large investment in central Melbourne.

The parliamentary inquiry simply sought to ascertain the truth behind the media plan which had been inadvertently sent to the ABC. As I said, the committee simply sought to have a conversation with the people who were on the receiving end of the email and the people who drafted and sent the email. I did not believe at all — and I still do not believe today — that it was improper, as was suggested by the then Attorney-General, Rob Hulls, to ask those people to come before the committee and give evidence as to the preparation of that media plan, because this whole report is centred around that media plan and the material contained in it.

What I remember, and I am sure other members of this chamber remember this from the time, is the constant interference we faced from the then Attorney-General, Mr Hulls, who is now Labor's deputy leader — should there be a change of government in 2014, he will be the Deputy Premier again. What we faced back then was a constant series of blockages and attempts to bully, intimidate and stymie the operation of the committee.

Ms Tierney — Acting President, I wish to draw your attention to the state of the house.

Quorum formed.

Hon. M. J. GUY — As I was saying, the most important aspect of what the Liberal and National parties sought last year was a simple answer, a simple explanation in answer to those questions about the drafting of that media plan, and the opportunity to put those questions to the people who had had a part in drafting it. I simply say that to me the Ombudsman's report clearly vindicates the coalition's view on the necessity and ability for that to have taken place.

I would also note, as has been mentioned by Mr Davis, that at point 17 of the Ombudsman's report it says very clearly:

two senior departmental officers gave evidence that at a meeting on 17 February 2010 with Mr Madden, Mr Justin Jarvis, Mr Madden's then chief of staff, raised the idea of using a public consultation process and the resulting negative feedback to refuse the Hotel Windsor project.

According to the report presented to the Ombudsman the evidence says very clearly that the minister was in the room when the plot was hatched to sham the consultation phase — and indeed to sham the outcome. Hence the discussion and the debate and then the committee inquiry that this chamber launched last year which the then Labor government sought to block by every means possible. We simply sought to ascertain that key point: whether the minister had any knowledge at a ministerial level in relation to the manipulation of a process that had yet to eventuate. Clearly that was a fact that should and could have been investigated had the then government decided to participate in the inquiry; it chose not to.

As Mr Barber said, at the end of the day this report raises serious issues of probity. There are issues in relation to the planning system around how probity is best managed, and this report has come up with a number of recommendations. The government has stated that it believes what is contained in this report — although members of the government have only had it for a few hours — is exceedingly serious and a lot of those recommendations require an all-of-government reply, not just a reply from the planning portfolio. The Premier will have more to say about that in the coming weeks.

As Mr Barber said, today the planning minister legally has a broad-ranging power in the way that the planning system is administered. That is the case. A good process should be able to ensure that that probity can be adhered to.

One of the other points that will assist with the planning scheme operating in a more transparent manner and with greater strength will be the establishment of the independent, broadbased anticorruption commission. That is what the Liberal and National parties have argued for and will implement in government. It is not a policy that is taken lightly. We even have a minister who is responsible for the implementation of that pledge.

In conclusion, I simply say that this report is a damning indictment of the operation of the previous government. It has outlined a culture within the previous government

that was contemptuous of many processes and sought to find a political outcome first and a public policy outcome second. When you run a government that is absolutely and utterly addicted to spin and absolutely and utterly addicted to a political outcome on every decision, as opposed to one based solely on good governance, then you will end up having scandals such as the Windsor fiasco, which is why we saw that occur in the manner it did. I conclude my remarks with that observation.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I rise this afternoon to make a few remarks on the report entitled *Ombudsman's Investigation into the Probity of The Hotel Windsor Redevelopment*. I do so not in order to go for a wander through the portfolio of my colleague the Minister for Planning — because I have every confidence, as does the government, that he will address the matters that have been brought to light by this report with respect to the planning portfolio — but as the former chairman of the Standing Committee on Finance and Public Administration, which ultimately referred this matter to the Ombudsman last year. I wish to make a few remarks in that context.

As members of the house are aware, in February of last year the standing committee resolved to undertake an inquiry into what became known as 'the Windsor Hotel affair' following various revelations in the media as to the government's approach to that planning matter. Throughout the course of the inquiry, which took place largely in the first half of last year, that committee, as was reported to the house on a number of occasions, was stymied at every turn, generally by the then Attorney-General seeking to intervene in, interfere with and obstruct the operations of the committee.

Notwithstanding the fact that the powers of the committee under the standing orders of this place were very clearly established in respect of the capacity to call for people and papers and take evidence at public hearings, time and again throughout that process the Attorney-General intervened to direct witnesses not to appear to give evidence and to restrict the committee's access to documents that were relevant to the inquiry. It was only after an extended period of interruption and interference by the then Attorney-General, the member for Niddrie, that the committee resolved to refer this matter to the Ombudsman. The report the house has received today is the product of the Ombudsman's work on that matter.

As I indicated, I am not seeking to wander through the planning portfolio this afternoon in considering this report. What is of interest to me in the work that the

Ombudsman has produced is the window it has opened on the culture that existed within the previous government. It was very evident to those of us who served on that committee last year, and indeed to members of the Legislative Council, that there was a corrosive culture within that government. As Mr Guy said in his concluding remarks, the former government had descended to a point where it was contemptuous of process, where its sole objective was to remain in government and it was happy to do anything to ensure that that outcome was achieved. We saw that most notably with the original issue that gave rise to the inquiry and with the then Attorney-General's subsequent attempts to interfere with and obstruct the committee's consideration of the matter so as to avoid public scrutiny. What we did not know until today was the extent to which the former government continued that obstruction when it came to dealing with the Ombudsman's inquiry.

In his report the Ombudsman has recounted at considerable length and included in a number of appendices correspondence between the Office of the Ombudsman and the then Attorney-General on behalf of the government which shows that the then Attorney-General, the member for Niddrie, was as arrogant in his dealings with the Ombudsman as he was with the then committee of the Legislative Council. The attempts to obstruct the operation of the Ombudsman's inquiry were just extraordinary. We are talking about an independent officer of the Parliament with very clear powers under the Ombudsman Act to undertake the type of investigation the committee referred to the Ombudsman under section 16 of the act, yet the government, through the then Attorney-General, was quite happy to put roadblocks in the path of the Ombudsman, to dispute the Ombudsman's jurisdiction to even look at the matter and to make unreasonable demands of the Ombudsman — even proposing that the Ombudsman attend meetings with the solicitor-general at a time and place dictated by the Attorney-General. It was extraordinary behaviour on the part of the then Attorney-General and really highlighted the culture that then existed within the government.

The Ombudsman's report recounts a number of emails that were exchanged between predominantly ministerial staff in either the then Minister for Planning's office or the then Premier's office and the Premier's media unit. The excerpts from those emails highlight the type of culture that existed in the previous government in terms of the attitude to public scrutiny and the attitude to the functions of those offices within government. I do not intend to go through those this afternoon other than to say to the house that they highlight the type of culture that existed in the previous government that became

evident to the standing committee and indeed is further highlighted by the Ombudsman's report this afternoon.

This report, as Mr Barber says, raises issues for the new government in terms of how it will conduct its affairs going forward. As the Minister for Planning has highlighted, the Premier will no doubt have more to say on this matter. The government has previously undertaken to establish an independent, broadbased commission against corruption, which we expect will address a number of the issues that are highlighted by this report. The report serves as a warning as to the type of culture that Labor allowed to permeate its government in the last years and highlights why the decision of the Victorian electorate last November was a sound one. It is very clear from this report that Victoria is better off without the former Labor government.

Mr ONDARCHIE (Northern Metropolitan) — I rise to comment on the Ombudsman's investigation into the probity of the Hotel Windsor redevelopment. What interesting reading it makes for brand-new members in this chamber, and what an interesting window it is into the previous government!

I looked at the report and the executive summary from the Ombudsman, particularly pages 10 and 11. As I read the report I thought I was reading a report card on the previous government. I saw words like 'confusion', 'failure', 'inadequate accountability and transparency' and 'poor management' and the line that says:

Mr Madden claims to have had no knowledge of the existence of media plans ...

I wonder if this is symptomatic of the previous government in general. I wonder if poor management, inadequate accountability, lack of transparency and a lack of knowledge sums up its track record. Like a ruckman, the former planning minister sought to tap the ball to a staffer to take responsibility for his actions. Frankly, as a new member of this chamber it seems like an indictment of the previous government.

Is it not a good thing that the house of straw fell down on 27 November 2010? The Baillieu government was elected to power, and with that came a very competent, very experienced, very intelligent planning minister — a planning minister who will oversee the planning system in Victoria and restore some sense to it. New members in this chamber are looking forward to fixing up 11 years of waste and mismanagement in this state. We are looking forward to delivering on our promises, and we condemn the previous government for the situation described in this damning report.

Debate adjourned on motion of Mrs PEULICH (South Eastern Metropolitan).

Debate adjourned until later this day.

LEGISLATIVE COUNCIL STANDING COMMITTEES

Departmental allocations

Debate resumed from earlier this day; motion of Hon. D. M. DAVIS (Minister for Health):

That departments (including agencies and public entities within those departments) be allocated to Council standing committees as follows:

- (1) Standing Committee on the Economy and Infrastructure —
 - Department of Business and Innovation
 - Department of Primary Industries
 - Department of Transport
 - Department of Treasury and Finance
- (2) Standing Committee on the Environment and Planning —
 - Department of Premier and Cabinet
 - Department of Planning and Community Development
 - Department of Sustainability and Environment
- (3) Standing Committee on Legal and Social Issues —
 - Department of Education and Early Childhood Development
 - Department of Health
 - Department of Human Services
 - Department of Justice

And Mr VINEY's amendment:

That after 'Department of Justice' insert —

'and that, notwithstanding standing order 23.02(4)(b) the reference committee of each standing committee may inquire into any proposal, matter or thing that is relevant to the respective departments allocated to the standing committee which is —

- (a) referred to it by resolution of the Council; or
- (b) determined by the reference committees.

The PRESIDENT — We are returning to the motion moved by Mr David Davis in respect of the allocation of the various departments to the committees.

As members will know, Mr Viney sought to move an amendment to that proposal which was subject to a point of order raised by Mr Rich-Phillips. Subsequent comments were made in respect of that point of order, including a point made by Mr Davis. I have given this matter some consideration, as I said I would do, and upon reflection I find that Mr Davis's point is the most persuasive to me in the context of the matter raised.

This motion is fairly clear and narrow; it deals simply with the allocation of departments to the various committees. In my view Mr Viney's amendment seeks to expand the motion in a way that I think would be better prosecuted by a separate motion that would seek to amend the standing orders. In my view Mr Davis's point about the fact that this amendment in effect addresses standing orders issues is relevant. Notwithstanding that the amendment might well have met some other criteria under the standing orders, I believe it is expanding this motion further than it ought to do.

I have given some consideration to previous rulings and to other matters, and certainly the most relevant of those was probably by former President Bruce Chamberlain. He ruled on 8 March 1995 that:

It is fundamental to the conduct of any debate that any amendment which is proposed must be relevant to the subject matter of that debate.

The amendment passes that test in part; however, the ruling that Mr Chamberlain gave on that occasion also states that:

... no amendment should be used for importing arguments which would be irrelevant to the main question.

In my view the main question is the allocation of the departments to the committees. The other matters are more about the conduct of the committee itself and how it is to go about its business, therefore I rule that the amendment is out of order. I do not need to make the suggestion, but it might well be that the proposal contained in Mr Viney's amendment might be proceeded with in another form by means of a motion moved in the house.

Mr Viney had the call at the time of the debate being adjourned, after he had moved his amendment, but I accept that he may have some other remarks to make about the motion itself.

Mr VINEY (Eastern Victoria) — I respect and understand your ruling, President, but I am disappointed that the government chose to take a point of order to have the proposed amendment thrown out. I merely say this: the establishment of these committees

is part of the proper process of scrutiny and accountability of a government in this place. It is a principle that the Labor Party has always honoured and adhered to. I interpret the standing orders a little differently, but if it were the case that these committees — particularly the reference committee — can only inquire into matters referred to it by this house when the government of the day has 21 out of 40 members in this place, I fail to see how the proper process of accountability and scrutiny will be adhered to.

The PRESIDENT — Order! I have been listening to Mr Viney's contribution to the debate. I would have to say that he is questioning my ruling, and the ruling has been made. I have invited Mr Viney to complete his contribution not by continuing with debate on that amendment but rather by speaking about the substantive motion. The amendment has foundered because I have ruled that it is outside the scope of the motion before the house, and I do not need a commentary on that. I would suggest that that commentary borders on objection to my ruling.

Mr VINEY — I want to clarify absolutely that I in no way question your ruling, and I completely accept it. In fact I made that comment as soon as I started speaking. I am trying to make some points in relation to the role of these committees in reviewing the operation of government. The motion before the chair, which the opposition will not oppose, puts in place the machinery through which that process of accountability can be conducted by these committees.

My comment is in relation to questioning how these committees can properly conduct an inquiry if they are to rely on a government of the day with 21 out of 40 members making a reference to them. I indicate to you, President, and the house that I will pursue this matter in a different form. I completely accept your ruling, but nevertheless the point that I am making relates to how this house through these committees can undertake proper scrutiny of government when it requires a reference from a majority of members in this house. The government of the day has 21 members in this house, and therefore the house is dependent on the government making a decision to refer something to a committee.

The PRESIDENT — Order! I bring Mr Viney back to what is relevant to this motion. Mr Viney and I are perhaps at odds on what is relevant to this motion, but as I have indicated in my ruling, this motion is a very narrow motion. Mr Viney is continuing to canvass material that was part of his amendment. His contribution might very well have been relevant to the

amendment were that to have been proceeded with, but it has not been. Therefore, having made that point to the extent that it has any contingency as to how the house might vote on Mr Davis's motion, and since that has already been put on the record, I do not think we need to labour it. I regard that as covering ground I have already ruled on, and therefore it is irrelevant to the motion before the Chair. I ask Mr Viney to come back to the motion, since the points he has made in the last few moments have already been made earlier in his contribution and they are on the record, and he ought to be satisfied with that.

Mr VINEY — I have nothing further.

Ms PENNICUIK (Southern Metropolitan) — I am happy to support the motion by Mr Davis to allocate departments to the three standing committees of the Legislative Council established late last year and incorporated into the standing orders. They are the Standing Committee on the Economy and Infrastructure, the Standing Committee on the Environment and Planning and the Standing Committee on Legal and Social Issues.

In *Final Report on the Establishment of New Standing Committees for the Legislative Council* of May 2010, appendix B contained the recommended changes to the standing orders that were subsequently incorporated into the standing orders to establish those committees. Appendix B states at paragraph 6:

References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

That is exactly what we are doing now.

Appendix A of the report outlined the departments that the Standing Orders Committee, in its deliberations on the establishment of these committees, recommended as being appropriate for allocation to the committees. Those exactly mirror the departments that are outlined in the motion moved by Mr Davis.

In that respect what we are actually doing now is following the process outlined by the Standing Orders Committee to allocate those departments. In terms of the reference function of the committees, which is to look into matters of public interest, there needs to be some guidance as to what matters of public interest the particular committees are going to look into. That was the matter the Standing Orders Committee turned its mind to, and it came up with the idea of allocating departments so that it would be clear which committees should be looking at particular issues.

In that respect I have no issue at all with the departments allocated to the committees as proposed in the motion. An amendment, which effectively was to provide the committees with reference powers, was proposed by Mr Viney, and the President has ruled that the amendment is out of order because it seeks to expand the motion before the house.

I refer members to the report by the Standing Orders Committee, particularly paragraphs 27 and 28 under the heading, 'Source and scope of standing committee inquiries'. In part, paragraph 27 states:

As noted earlier in this report, the standing committee system established in the Australian Senate permits each legislation committee to scrutinise bills, draft bills, estimates, annual reports and the performance of departments and agencies. These committees have the additional capacity to self-reference inquiries in relation to any matter relevant to their subject areas that emanates from annual reports or departmental/agency performance.

The report goes on in paragraph 28 to say in part:

The committee recommends that the Council's proposed three legislation committees function similarly to their Senate equivalents, and that they be provided with the same type of self-referencing powers (for annual reports and departmental/agency performance only).

Members may wish to consider what I say, but I understand from looking elsewhere in the report and listening to what members of the committee said when presenting the report to Parliament last year that the intention is that the committees will operate — certainly in the first instance, although they may evolve as time goes on — in the way the Senate committees operate. To that extent, that was the intention of the Standing Orders Committee and that was the intention of the debate. To that effect, the Senate committees have that referencing power; they have the power to make a reference — to be self-referencing — in relation to government departments and agencies allocated to them.

I would understand that to mean that once those departments and agencies are allocated to the committees they actually do have that self-referencing power, because that was the intention of the Standing Orders Committee report on the establishment of those committees. That was the agreement of all parties in the Standing Orders Committee and that is a recommendation of the report.

During the presentation of that report to Parliament it was very clearly stated to the Council that these committees in their initial stages would operate according to the procedures followed by the Senate committees. I would understand that to mean that, once

they have those departments and agencies allocated to them, the committees should be able to self-reference with respect to the annual reports and activities of those departments and agencies. I suggest that the amendment Mr Viney attempted to move is not needed and that the ability of the committees to self-reference is inherent, basically, in the way they were set up by the Council and established under the standing orders in the last Parliament. I would suggest that is how they should operate.

The whole idea behind my initial reference to the Standing Orders Committee in September 2008 to investigate the establishment of Legislative Council standing committees was that we should actually bring the Legislative Council of the Victorian Parliament into the 21st century by making it comparable to the Australian Senate and the upper house committee systems that exist in New South Wales and Western Australia, which have longstanding upper house committee systems. Members may recall that, as I said during that debate, when we visited the Australian Senate and the New South Wales upper house all parties that participated in those committees were very supportive of them — the opposition, the Greens, the Independents and the government. All parties were supportive of the legislative and reference functions of their upper house committees and all were supportive of the fact that in all cases there was an upper house committee structure and a lower house committee structure for the House of Representatives or Legislative Assembly, as the case may be, and that there were very few joint committees.

It looks as if the joint committee structure that exists at the moment in the Victorian Parliament is going to be continued. That is an issue that the government should reconsider, particularly in the medium to long term, because if we are going to be similar to the other parliaments of Australia and have separate committee structures, as they do in every other Parliament, that is what we should be looking to. We should not be mirroring joint committee structures when we already have established standing committees in the Legislative Council. We should be moving towards the system they have in the other states and in the Australian Senate, where there are separate upper and lower house committee structures. If members would like to look again at the report, they will notice that joint committees exist in the other houses of Parliament around Australia mainly to oversee the operations of independent officers of the Parliament, such as the Ombudsman, the Auditor-General, the Electoral Commissioner or any of the other independent officers.

Around the country those are the functions of joint committees, and in other respects and other parliaments they have basically been done away with. I would urge the government to look at strengthening and supporting the upper house committee structure that we have here; it is based on the committee structure of the Australian Senate, which has a long history that we can emulate. As I mentioned earlier today in my statement on committees, perhaps it would be a good idea to invite the Clerk of the Senate down to the Victorian Legislative Council to host a day of education here for new members of the established upper house committees to help them understand how committees operate in the Australian Senate. This could help members of our new committees get off to a good start in terms of their understanding of the legislative and reference functions — how they work in the Senate and how we can emulate that for the good of the people of Victoria. It was for the good of the people of Victoria that committees were established in the first place.

I have perhaps ranged a little too far beyond the narrowness of Mr David Davis's motion, but I think all of the things I have mentioned are interconnected and relevant to what the motion seeks to do, which is to allocate particular departments to the Council standing committees as well as cover the range of government departments and agencies that exist and make sure that all of those are somehow attached to one of these committees, so that the breadth of government agencies and departments is covered by the committees.

I would urge the government to think about the future of the committee structure of the Victorian Parliament and head us in the direction of the Australian Senate and the other major parliaments of Australia that no longer have joint committees and have separate upper and lower house structures.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I rise to make a few brief remarks on Mr David Davis's motion regarding the allocation of departments to the Legislative Council standing committees. In his motion Mr Davis proposed that the Department of Business and Innovation, the Department of Primary Industries, the Department of Transport and the Department of Treasury and Finance be allocated to the Standing Committee on the Economy and Infrastructure; that the Department of Premier and Cabinet, the Department of Planning and Community Development and the Department of Sustainability and Environment be allocated to the Standing Committee on Environment and Planning; and that the Department of Education and Early Childhood Development, the Department of Health, the Department of Human Services and the Department of

Justice be allocated to the Standing Committee on Legal and Social Issues.

On the face of it that seems to be a logical allocation of departments across the three portfolio or theme areas that the Legislative Council has elected to establish its committee structure around. That, of course, was a matter of compromise that the Legislative Council had to determine last year — the nature of the reference and the legislation committees it would establish. The decision was taken to have three broad themes as the basis of the committee structure, and I believe the allocations Mr Davis is proposing to make by way of his motion this afternoon are appropriate, given the interests in the particular areas.

I would like to touch upon one of the matters raised by Ms Pennicuik in her comments earlier. I do this from the position not of somebody who was a member of the Standing Orders Committee in the previous Parliament but of someone who voted for the standing orders put in place at the end of the previous Parliament. What is notable about the standing orders the council now operates under is that all parties represented in this chamber in this 57th Parliament were represented in those discussions of the Standing Orders Committee and indeed supported the adoption of the current standing orders at the end of the last Parliament.

It is important to put on the record the point that these standing orders were ultimately the consensus standing orders across all parties. Various parties would have liked to have seen some matters done differently in the standing orders adopted at the end of the last Parliament, but what we have is what all parties in this place agreed to in October. Ms Pennicuik made reference —

Mrs Kronberg — On a point of order, President, I would like to bring to your attention the fact that the house is devoid of any presence or representation on the part of the Labor Party.

The ACTING PRESIDENT (Mr Finn) — Order! I accept the point, but I am afraid there is no point of order.

Hon. G. K. RICH-PHILLIPS — I thank Mrs Kronberg for bringing the house's attention to the fact that there is no member of the opposition in the Legislative Council at 3.50 on a Thursday afternoon. I think it reflects on the commitment of the opposition to this place.

Ms Pennicuik interjected.

Hon. G. K. RICH-PHILLIPS — Ms Pennicuik is here representing the Greens; I do not know if she classes herself as a member of the official opposition, but it is a very good point Mrs Kronberg makes — that there is no-one from the opposition in the chamber this afternoon.

The point I was about to make before Mrs Kronberg brought the house's attention to the absence of the opposition is about Ms Pennicuik's view that once the committees receive their allocation of departments the committees are in effect self-referencing. I have to say, as a person who was not party to the discussions of the Standing Orders Committee but who obviously followed the debate in the Legislative Council proper, I believe that is probably a broader interpretation of the standing orders than I would make. Interestingly it would seem that the opposition's view is also different to Ms Pennicuik's; otherwise the opposition would not have sought to bring forward Mr Viney's amendment this afternoon. While I hear, therefore, the view Ms Pennicuik has expressed, I do not know that it is necessarily reflected in the views of other members of this place. No doubt we will have the opportunity to consider that debate if and when the opposition brings forward its proposed amendment to standing orders, which would require opposition members to come back to the chamber at some point.

In conclusion, the motion before the house this afternoon — which is, narrowly, the allocation of departments within the standing committees structure put in place by the previous Parliament — is appropriate, given the three-party, three-area division. I commend Mr Davis's motion to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to contribute to the debate on the motion before the house, and I would like to make a couple of brief points on it. Principally I pick up on a point made by Mr Rich-Phillips — that these standing orders came about as a result of agreement among the parties of the Legislative Council. It would appear that one of those parties is not happy with the arrangements reached before the previous election. I put it to the house that at the time those arrangements were agreed upon the outcome of the election was unknown, and what was arrived at was the best and fairest situation, given that that was before the election. It is revealing that the opposition wishes to change the goalposts after the event.

What is also revealing is that for a large part of this debate no member of the opposition has bothered to be in the chamber. Opposition members have made a big song and dance about the issue, but they are all too busy

to be here while the debate is taking place. They are too busy, or do not care or are not interested, but this is an important debate about how this chamber will operate over the next four years. It is an important consideration, but the opposition does not care, as demonstrated by the fact that no opposition member has been in this chamber for a significant part of this debate.

That is regrettable. If this chamber is to operate in an effective fashion, we need the input of all the political parties and all the members within the chamber.

Hon. M. P. Pakula — We tried to have a debate, and we got shut down.

Mr O'DONOHUE — Mr Pakula now wishes to contribute to the debate and to have a say, but like all his colleagues he was not here for a large part of the debate. Perhaps members of the opposition do not like it when they do not get their own way, and that is why they all spat the dummy, threw a tantrum and left! The reality is that this is an important debate. It is most regrettable that members of the opposition have taken this attitude today. I hope this is not symbolic of their attitude to debates in this place as we move forward.

In her contribution to the debate Ms Pennicuik made some valid points for consideration, but again I go back to the point made by Mr Rich-Phillips, that what is before the house was agreed to prior to the election and it is important that we all act in good faith in these deliberations.

I endorse the comments of Mr David Davis, the Leader of the Government, Mr Rich-Phillips and other speakers on this government motion.

Hon. D. M. DAVIS (Minister for Health) — This has been a very instructive debate. At the first hurdle Mr Viney sought to trash the agreement from the last Parliament. The Standing Orders Committee in general worked collaboratively and, as I said in the earlier discussion on Ms Pennicuik's motion, it looked at standing orders. We looked at standing orders across the country, we looked at alternatives, we looked at best practice and we settled on a model. Our model was largely the Senate model, and that was the guide for the general framework — the joint references, the joint legislation arrangement, the ability of the committees to do the work required and the specialisation of the committees.

It is true to say that we did not all get exactly what we wanted. There was compromise on each side, and an arrangement was come to between the government, the Greens and the then opposition. At that time none of us

knew what the electoral result would be. We did not know whether we would be in government or in opposition; we did not know what the numbers in the chamber would be. We came to this arrangement where the community's interests could be represented strongly on these committees, where the community's ability to have its messages come through would occur and where the committees would be able to do their work in a fair and reasonable way. That was agreed to by all parties.

In fact it is my strong recollection that Mr Lenders did not want self-referencing committees; he wanted committees that were referenced by the chamber. The argument for self-referencing committees has been a longstanding debate in this chamber. It could have seen a number of different outcomes, but that was the outcome that was achieved through negotiation and through fair arrangements.

I have listened to some of the points made by other speakers who argued that committees might be self-referencing, and I think that is self-evidently not true, given Mr Viney's decision to move an amendment that sought those powers. He has every right to seek to do that, and I note the President's ruling. He has every right to seek to make those changes at a different point in the process in this chamber, and that debate is fair; but what I do not think he should be able to do is to try to rewrite history. The fact is that the deal was done, the arrangement was struck, the agreement was in and all parties agreed to live by the consequences, come what may, at election time.

The government has been very fair and honest in this process. We have implemented the recommendations; we have started the process of putting these committees in place and giving them references. The matter of organ donations is the first reference to one of those committees, and there will no doubt be other references in due course. Obviously the committees will have a role that is parallel in some ways but different in other ways to the joint committees, and this chamber has that special review role. However, at the same time I cannot pretend that I am other than disappointed that Mr Viney has chosen to repudiate those arrangements at the very first opportunity. He is entitled as an elected member to put whatever arrangements he likes in the context of the committees to the chamber, but he cannot at the same time pretend —

Mr Viney — How come you can discuss my amendment when I could not?

Hon. D. M. DAVIS — That may be legitimate, and if the President chooses to pull me up, so be it. I was

discussing Mr Viney's behaviour in the context of the arrangements.

I am disappointed. We will no doubt hear more of this, but the government will, in good faith, seek to stick by the arrangements and ensure that those three committees are able to do their very important work. I have to say that it is disappointing that the opposition has chosen at the very first opportunity to tear up the deal.

Motion agreed to.

LEGAL AND SOCIAL ISSUES REFERENCES COMMITTEE

Reference

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

That this house requires the Legal and Social Issues References Committee to inquire, consider and report on options and mechanisms to increase organ donation in Victoria including:

- (1) the operation of existing legislative, procedural and governance frameworks and policies, including in other jurisdictions;
- (2) assessment of available national and international evidence on the effectiveness and efficacy of policies to increase donation rates, including the operation of various disclosure and consent arrangements such as presumed consent;
- (3) identification and assessment of various possible mechanisms to increase organ donation in Victoria;
- (4) an appropriate ethical framework for decision making, procedures and safeguards regarding organ donation, including the rights of prospective donors and family members; and
- (5) any other matters that should be considered in relation to mechanisms to increase organ donation in Victoria;

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

This is an important motion. Talking to both sides of the chamber there seems to be broad agreement that this reference deals with an important social issue. Victoria's rates of organ donation are not satisfactory. There are a number of ways that we can encourage community members to consider organ donation, which will lead to more life-saving procedures.

Sometimes our institutional arrangements are critical, and this reference will enable the Legal and Social

Issues References Committee to look at the legal and institutional arrangements with regard to organ donation, particularly any restrictions on organ donation. It is sometimes about social issues, and it is sometimes about people's attitudes and education. I see both of those matters as significant, and there will be the opportunity to look at all of those matters.

One point that is debatable is whether a presumed consent arrangement — a reverse onus — is one measure that could increase organ donation. I would be interested to see what the committee's view on that is and whether or not that could have the capacity to increase organ donation ethically. I do not prejudge that in any way, but I do say that it is a matter that should be looked at. There are also arrangements in our hospitals and health institutions that could lead to more organ donation, and they should form part of the reference for the committee to look at closely.

The work of a number of support groups is critical in this matter. Kidney Health Australia and a number of other similar organisations play a critical role in advocating for these sorts of arrangements. It is a fair point that these bodies should be consulted, and these community support groups should have an opportunity to have their say on this matter. Various religious groups will no doubt have views too, and the committee is a way for these matters to be aired publicly.

The Legal and Social Issues References Committee has significant capacity, and this reference is exactly the sort of work that these Legislative Council committees ought to be doing. I note the references committee includes Ms Crozier, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mr Pakula, Mrs Petrovich and Mr Viney. The challenge for those committee members will be to come back with recommendations that will work for the community's benefit by ethically increasing the rates of organ donation. The life-saving work of many of our medical professionals in this area is something that will also be successfully highlighted.

Mr VINEY (Eastern Victoria) — The opposition is happy to support this reference. I just want to make a few general comments in relation to it. Firstly, I want to acknowledge that in the last Parliament the joint parliamentary Law Reform Committee undertook some work in this field, and Mr Scheffer has advised me that it produced an interim report. I have to confess I have not read that report. My understanding is that it was intended for that committee to continue and complete its work during this Parliament. Whilst we are happy to support this reference to the upper house committee, it would have been useful for the Leader of the Government to explain why he would like this

committee to do it rather than the joint parliamentary Law Reform Committee completing its work, having already done a considerable amount of research and other work. An explanation from the Leader of the Government would have been useful.

Nevertheless, as chair of the references committee I think what we will seek to do, with the cooperation of the parliamentary staff, is get some support, perhaps in the initial period, from the executive officer, the research officers and other staff who have already done that work in the Law Reform Committee in order to give us a starting point for this investigation.

Obviously it is an issue of great importance for Victoria. I think we all acknowledge that perhaps there has been too little done in terms of organ donation. I would imagine that out of this process I will need to put my name on the organ donation register. I certainly have no objection to such use of my body if anything could be made of it, but I am not sure too many people would want it!

Hon. M. P. Pakula — You've got a big heart!

Mr VINEY — I am not sure about that. It is important work, and, with the assistance of the parliamentary staff and the clerks, we might in the first instance seek to get support from the executive officers and staff of the Law Reform Committee, who have already done a considerable amount of work in this field. Perhaps in summing up Mr Davis could explain why the government preferred to send this referral to the upper house committee rather than having the joint committee complete its work.

Ms CROZIER (Southern Metropolitan) — I rise to speak in support of the motion moved by the Minister for Health. As Mr Viney has pointed out, there are many important issues in relation to this reference. This important committee will be inquiring into the options and mechanisms available to increase organ donation. I congratulate Mr Viney on putting his name on the organ donation register, and I urge other members of the house to do the same. From my experience in the health industry I know the need to improve organ donation is great.

As the Australian Medical Association and other health bodies have pointed out in the past and more recently, we need to look at getting as many people in the community as possible on the register and donating. As the minister has pointed out, there are many ethical considerations, particularly for various religious groups. The committee will be able use its powers to look into those issues and the possible mechanisms to improve

organ donation rates and to report its findings to Parliament. I am sure the work done by the committee will be worthy. We need to look at the numbers of organ donations and to increase those numbers. This reference is very worthwhile. A lot of work will need to be done; there are many processes that we will need to go through, including safeguarding the community.

There are many issues in relation to the organ donation program that the committee can look at, particularly in relation to families and donors, and all Victorians. Those are the sorts of issues the committee will need to consider.

Ms HARTLAND (Western Metropolitan) — The Greens support the reference, but I think some of the points made by Mr Viney are relevant. As I understand it, a senate committee has also recently looked at this matter. I am being waved at and told it is was possibly a state committee.

Mr Viney — Correct.

Ms HARTLAND — As a beginning it would be really good to search in other states to find what other reports have been done. We need to look at other jurisdictions to make sure we are not repeating their work.

I think this is a really important piece of work; I am on the organ donor register. We need to confront some of the issues that people talk about, including having to opt out of the organ donation system if you do not wish to be in it. I do not think that is good enough. People need to make a clear and informed decision about being an organ donor. They must tell their families what they want. Those are the kinds of issues I hope the committee will look at. I have a friend who is waiting for a kidney, and so I know the terrible dilemmas that occur.

I think the other issues the committee should look at with this reference is people being able to purchase organs in Third World countries and people going to China or India to have a kidney transplant. Those are the kinds of bigger ethical issues we need to look at. The Greens will be supporting the motion, but we would like to start with a peer review of all the work that has been done in other states and federally.

Ms PULFORD (Western Victoria) — I am pleased to speak on the motion in Mr Davis's name. The motion states:

That this house requires the Legal and Social Issues References Committee to inquire, consider and report on

options and mechanisms to increase organ donation in Victoria ...

This is the first reference to our new committee structure, which makes it a pretty big occasion in the history of the Legislative Council. Indeed members of the new committees had their very first meetings yesterday. As a member, not of this committee but of one of the others, I look forward to being thrown into a whole lot of work, interesting discussion and important consideration of legislation and other issues through the committees. As an opposition member I am encouraged and welcome what would appear from this motion to be the government's desire to use the committees to work on some of these issues, and that is a fabulous thing.

The motion is about organ donation, and what an incredible reference for the committee to commence its work by considering. There are a great many aspects to the issue that the committee will need to consider. I imagine the desire to increase organ donation rates is something we can all agree on, although I know some people may not feel comfortable with the idea. I have registered as an organ donor, but I do not have any firsthand experience of the types of discussions that family members need to have when they are making decisions at the point of the cessation of the life of a loved one. I can only imagine that it is an incredibly difficult thing for those people.

Initiatives that will increase donation rates, and policies that seek to achieve that end, are worthy of the committee's consideration. I note that Mr Davis's motion states that the committee should:

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

I expect that will enable time for the committee to meet with experts in this area. Of course it is a matter for the committee, but I speculate that the committee might like to hear from people who have lived the reality of making decisions about organ donation, both from the perspective of donor families and of course from the person who receives the benefit of such an incredibly generous decision by those family members.

I am sure members of the Legal and Social Issues References Committee will thoroughly equip themselves in their consideration of this issue, and I wish them well in those deliberations.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I rise to make a few brief remarks on Mr Davis's proposed reference to the Legal and Social Issues References Committee. I think this matter that the house is referring to the committee this afternoon is

very important. Over the last 25 years we have seen enormous change and development in medical technology and in what is possible in organ donation, and things that were unimaginable even five years ago in the spectrum of organ donation are now coming into the realms of regular surgery.

What we have not seen, though, with the growth in medical technology, is a growth in the pool of people who are both eligible and willing to be organ donors. It is interesting to reflect on Mr Viney's comments on the motion when he spoke about his support for organ donation but also the fact that he is not on the organ donation register, and I have to say that I am in the same situation. I support the concept, but I am not on the register.

One of the challenges we have with organ donation is to identify candidates who are eligible to make an organ donation, because the reality is that of the people who die in Victoria and Australia each year, and are therefore notionally donors, only a very small proportion are eligible, because of the condition of their organs at the time they die, the location in which they die or the time frame between their death and the ability to harvest those organs. The pool of people available for donation is very small, and the pool of people who have registered as donors is smaller still, so there is a very small cohort of people among whom there is both eligibility and willingness — either on the part of their family or in terms of their own decision — to be an organ donor.

Given the huge developments in technology and the capacity to undertake organ donations — originally heart and lung transplants were the main types of organ donation, but in recent years we have seen enormous growth in the scope of donation — this motion by Mr Davis to make a referral to the Legal and Social Issues References Committee is particularly important. We need to ensure that the pool of organ donors keeps up with demand, because as the scope of operations for which organ donation is required has expanded, so has the pool of people requiring organs. We simply have not seen the pool of people eligible and willing to provide organs increase at the same rate.

This is an incredibly important reference. In the past, work has been done to increase the donation and registration rate, with some success. A lot of proposals which would be appropriate for this committee to consider have been put on the table, such as having an opt-out rather than an opt-in system for donation. Ms Hartland made a point about the need for this committee to be cognisant of work done in this area in other jurisdictions, which is an important point.

Overall it is a worthwhile reference that the Leader of the Government, importantly in his role as Minister for Health, is proposing for this committee. I commend the reference to the house and commend the committee in its work to ensure that we have a robust framework that leads to an increased rate of organ donation in Victoria.

Hon. D. M. DAVIS (Minister for Health) — I thank all members for their contributions to this debate. This is an interesting example of how committees that cross the Parliament can work collaboratively. The motion has clearly struck a chord with a wide range of members. We have seen broad recognition of the importance of lifting the rate of organ donation and of the importance of the Parliament in achieving that.

On certain issues the Parliament has a clear role to engage with the community and to provide the leadership that will lead to suitable outcomes. I note that the committee will be asked to look at international and national examples of organ donation mechanisms, and after doing so I am sure it will come to a conclusion that will guide the Parliament and the people of Victoria.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

Hon. D. M. DAVIS (Minister for Health) — By leave, I move the following motions in relation to the appointment of joint investigatory committees:

Drugs and Crime Prevention Committee

That Mr Leane, Mr Scheffer and Mr Ramsay be members of the Drugs and Crime Prevention Committee.

Education and Training Committee

That Mr Elasmr and Ms Tierney be members of the Education and Training Committee.

Electoral Matters Committee

That Mr Finn and Mr Tarlamis be members of the Electoral Matters Committee.

Outer Suburban/Interface Services and Development Committee

That Mrs Kronberg and Mr Ondarchie be members of the Outer Suburban/Interface Services and Development Committee.

Motion agreed to.

STATUTE LAW REVISION BILL 2011

Referral to committee

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

That the Statute Law Revision Bill 2011 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Council of Australian Governments: meeting

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment today is for the attention of the Premier. Monday's Council of Australian Governments (COAG) meeting will be the first for the Premier and the Prime Minister. It will be a historic meeting for both of them, and I wish them both well in their new roles. It is truly an honour to be a leader in this country, and attending this COAG meeting will be important for both of them. For the sake of the state of Victoria, I wish Mr Baillieu well.

The matter I raise for the Premier is, firstly, to wish him well on Victoria's behalf as he goes into COAG and, secondly, to urge him to go to COAG with an open mind. I have read in media reports that the Premier has said he has spoken to Colin Barnett, the Premier of Western Australia, about COAG and is concerned that it may be a waste of time. I am pleased to say that the Premier has said he is keeping his mind open on this matter until he has been to a COAG meeting.

In the strongest possible terms I urge the Premier to keep his mind open and not to be tempted to score political points but perhaps to take a leaf out of the book of Mr Barnett, who has been quite a contributor to COAG. I certainly urge the Premier not to see COAG as a waste of time but as an unbelievable opportunity to spend time with the Prime Minister of the country. We all know what has happened to federal-state relations since the states temporarily loaned income tax to the commonwealth during World War II and never got it back. That is where the money rests.

Hon. G. K. Rich-Phillips — Were you Treasurer then?

Mr LENDERS — It seems like a long time ago that I was Treasurer, but let me assure Mr Rich-Phillips it was not 1942. For the government's benefit, World War II ended in 1945 and the commonwealth was going to hand the money back within a year.

I urge the Premier to adopt a cooperative approach with the Prime Minister and not to see COAG, a waste of time but as an opportunity to share with fellow Premiers what has worked and what has not worked in their jurisdictions and to discuss with the Prime Minister how people can work together. Many of the great things that have happened in Australia have been done through cooperation, and many of them have come through the COAG process. I wish the Premier well for Monday and urge him to treat it as an opportunity to work for Victoria. If he approaches it in a bipartisan manner and seeks the support of the opposition, we will use all our endeavours to persuade our federal Labor colleagues that Victoria is a great place to work in and with.

Ambulance services: Horsham

Mr RAMSAY (Western Victoria) — Sadly I again bring the attention of this chamber to more broken promises and more incompetence by the former Brumby government. Sadly I again refer to Horsham and the Horsham ambulance station.

I have already indicated — on Tuesday — in this chamber the impacts the floods have had on Horsham. Over the 10 years of rule of the Brumby government we have suffered drought, floods, locusts, fires, lack of government funding, more taxes, the fire services levy, stamp duty — I could go on and on — but the real issue here is a promise made to the Horsham community that the Brumby government would build a new ambulance centre. Former health minister Daniel Andrews flew into Horsham with great fanfare to say, 'I'm going to build a new ambulance centre for this community'. They waited and they waited and they waited — for a year. Then the former Premier flew into Horsham, presumably with the Country Fire Authority coat still hanging on, saying, 'I promise I will deliver on the Horsham ambulance centre'. Again the community waited and waited and waited — sadly, no ambulance centre.

I am happy to report that the Minister for Health, David Davis, has agreed to fill a significant gap in funding. The Brumby government was not able to, firstly, provide the proper estimates, and secondly, to deliver the project. It was interesting to note that yesterday in this chamber shadow health minister, Gavin Jennings, criticised the government. He was the very person who

buck-passed this particular funding project to Ambulance Victoria, with no effect. The ambulance service employees said that with a total lack of leadership the Brumby government could not deliver on this important project.

I want to emphasise that the gap between what was promised and what is needed to be delivered — \$100 875 — has been committed by the Minister for Health, David Davis.

Ballarat base hospital: helipad

Ms PULFORD (Western Victoria) — I would like to raise a matter this afternoon for the attention of the Minister for Health, Mr Davis. It refers to the government's commitment to build a helipad at the Ballarat base hospital.

Just for the benefit of members in the chamber — and I suppose for the record; it might be a refresher for the minister — the then state opposition committed to fund a helipad at the Ballarat base hospital in June 2002. The then opposition health spokesman, Robert Doyle, indicated it was a worthy project and called on the then government to launch a feasibility study into building a helipad, which would cost up to \$2.5 million. A couple of years later my Western Victoria Region colleague Mr Koch, in a debate in this place, referred to the need for a helipad in Ballarat. In his contribution he said that if the Liberals were returned to government in 2006, his government would build and make provision for a helipad in Ballarat, and he concluded by saying that he would not build a hospital half the size of Ballarat without building a helipad. Of course the hospital in Ballarat has been there for a while and the population has grown considerably since the hospital site was first determined many years ago.

Then in November 2004 the then opposition leader, Robert Doyle, said a Liberal government would commit \$1 million to construct a helipad. This was getting cheaper with every visit by the Liberal Party to Ballarat. In June 2002 it was a \$2.5 million helipad, and in 2004 it was a \$1 million helipad.

Then I noted an article in the *Courier* of March 2006 with the headline 'Libs slammed over helipad plan backflip'. In that article the then health spokeswoman, Helen Shardey, was cited as having retracted from Mr Doyle's comments — so the history goes.

With the recent elections the Liberal Party interest in a helipad in Ballarat re-emerged. There was quite a strong community campaign supported by a great many people. The Labor government pledged \$10 million for

a helipad and an integrated parking strategy at the hospital. My concern is that Mr Davis address the questions of: what is the actual cost and how and when will this be constructed?

Floods: Wickliffe

Mr O'BRIEN (Western Victoria) — I raise an adjournment matter for the attention of the Minister for Water, Peter Walsh, who is also the Minister for Agriculture and Food Security, about flooding issues in Wickliffe in Western Victoria Region. Regrettably almost all of the houses and the Wickliffe Hotel on the Glenelg Highway were flooded in the January flood event, with approximately 2 feet of water going through the main street. I also note that two houses in the small community to the north of Rossbridge were inundated with water from the Hopkins headwaters, and I personally was present at the well-managed VicRoads and State Emergency Service crossing during the rain events of 14 January. The Minister for Sport and Recreation and I recently visited the township, at the behest of Peter McIntyre, and I spent some hours last Friday meeting with residents and inspecting the flooded area.

I note that there has been little media coverage of the issues facing the town of Wickliffe, but one passing reference was contained in an *Age* article entitled 'Labor ignored flood advice', where the article notes:

Residents in Wickliffe, in the state's west, called for a better warning system after they were forced to make hasty evacuations from floodwaters in the early hours of 15 January. They said there had been no warnings that the town was at risk of flood.

Earlier the article refers to the FloodZoom system, which was considered but rejected by the previous government, and states:

... Labor was told by its public service that it could 'vastly improve' flood management by investing in an \$11 million system called FloodZoom...

That would allow the public emergency services and the media to predict and analyse floodwaters more accurately. The article continues:

The system was backed at the time by the State Emergency Service, Melbourne Water, the Bureau of Meteorology, the State Flood Policy Committee...

but ignored by the former government.

I contrast this with the decisive action taken by the coalition government in promptly announcing a comprehensive review of flood warnings and emergency services response efforts in the wake of the

recent flooding and the decisive action taken by Minister Walsh in visiting Creswick on the weekend at the behest of the local community, the Hepburn Shire Council, Mr Ramsay and me, and in promptly announcing new funding of \$250 000 to reduce flooding in Creswick Creek. This announcement follows on from the work of Hepburn Shire Council and the catchment management authority last Friday to commence clearance work.

I invite the community of Wickliffe to contribute to the comprehensive Comrie review and ask that Minister Walsh come to Wickliffe as soon as possible to hear directly from Wickliffe residents in relation to their important local concerns. I urge all residents all around Victoria to promptly contribute to this important flood review.

West Gate punt: service

Ms HARTLAND (Western Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport. The West Gate commuter punt is a bicycle and pedestrian ferry that crosses the Yarra River under the West Gate Bridge between Scienceworks at Spotswood and Port Melbourne. I consider it to be an essential part of the west's public transport system, while being efficient and cost effective. However, it is only running a weekend service, as the previous Labor government failed to fund its operation.

Every year the number of bicycle commuters in Victoria grows. This is despite the poor standard of bicycle infrastructure and safety measures. In addition to those cycling already, many more want to ride and would do so if infrastructure, such as the West Gate punt, were in place.

The bike punt takes up to 13 kilometres off this route from the west to Port Melbourne. What is more, the punt allows cyclists to avoid major trucking routes such as Whitehall Street, Francis Street, Somerville Road and the port of Melbourne.

The punt allows commuters in the west to leave their cars at home and cycle to the city and beyond via Port Melbourne — and I do say 'leave their cars at home', because for most people in the west public transport is so appalling that it is not a viable travel option, and it appears public transport will get even worse if Mr Mulder, the Minister for Public Transport, goes ahead with the proposed train timetable changes on the Werribee and Williamstown lines.

It is not just cyclists who would benefit; so too would pedestrians and tourism in the area, because it links

Scienceworks with Westgate Park. The bike punt is a missing link in the bicycle network. It needs adequate funding to run efficiently and reliably — characteristics required of all public transport. The West Gate punt would see more people cycling safely every day.

The action I ask of the minister is that he immediately deliver upon his election commitment of \$1.4 million over four years to upgrade the West Gate punt to half-hour frequency, seven days a week.

Rail: regional link

Ms BROAD (Northern Victoria) — I wish to raise an adjournment matter for the attention of the Minister for Public Transport, Mr Mulder.

The action I seek from the minister on behalf of public transport users in my electorate of Northern Victoria Region is that he not proceed to scrap the \$4.3 billion regional rail link. It is the largest public transport infrastructure project in Australia, a project expected to support up to 2800 direct jobs in construction, a project that will provide regional rail users on the Bendigo, Ballarat and Geelong lines with rail services direct to Southern Cross station, improved reliability and up to 12 extra services per hour.

The regional rail project is the biggest improvement to Victoria's rail network since the city loop, with major benefits to metropolitan as well as regional rail users. I will refer to just some of the communities that will benefit from country and regional public transport improvements through this project in my electorate of Northern Victoria Region alone. They include public transport users from Mildura, Robinvale, Swan Hill, Echuca, Kerang, Rochester, Cohuna, Elmore, St Arnaud, Bendigo, Castlemaine, Kyneton, Woodend, Macedon, Gisborne, Lancefield, Heathcote and Sunbury on the V/Line network. These are users in Northern Victoria Region alone, but of course there are many more users in Western Victoria Region.

More than three-quarters of the funding for the regional rail link has been committed to Victoria by the federal government, a sum of the order of \$3.2 billion. I am sure that the pressures on the federal budget as a result of natural disasters have not escaped the Minister for Public Transport. There is no doubt that if the Baillieu government moves to scrap the regional rail link project, that \$3.2 billion could be put to good use elsewhere by the federal government, as I am sure it would be.

Therefore, in the best interests of current and future regional rail and metropolitan public transport users, it

is vital that the Minister for Public Transport and the Premier publicly express their support for the regional rail link in the strongest possible terms at the earliest possible opportunity.

Health: election commitments

Mr ELSBURY (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Health in relation to commitments made during the election to the palliative care sector.

When the treatment for my father's cancer changed from recovery to pain management, the services of Mercy Palliative Care were offered to ensure my father's comfort. With the limited resources at its disposal, Mercy's home services provided my father with an exceptional level of care at all hours of the day and night. It also provided my mother with the support and comfort she needed during those difficult months. When dad's condition declined further, the services provided by Mercy at the Werribee hospital again afforded my father with the best of care and provided all members of my family with the guidance and support we needed in dealing with this distressing time.

I know my family is not alone in this experience, and unfortunately today many families across our state are coping with the strain of seeing their loved one's health slide until the inevitable happens. In some of these cases, palliative services in their area are strained to find resources necessary to provide a suitable level of care.

Given the understanding I have of this subject, having experienced firsthand the fantastic work of doctors, nurses and volunteers involved in providing palliative care, I was thrilled to see during the election the coalition policy to strengthen palliative care services. The policy put forward committed \$34.4 million to the palliative care sector, with \$8.6 million being provided each year for four years.

The policy also sought to focus \$4.2 million of these funds to remedy service delivery issues in rural areas, and importantly also in Western Metropolitan Region. In the growth corridors that intergenerational families are calling home, they are increasingly finding the need to call on these services. Funding was also to be committed to recruit and train volunteers, who currently make up 60 per cent of palliative care workers.

With this election promise in mind, I would like to request that the Minister for Health reaffirm this commitment from the government to the palliative care

sector and outline any action the government plans to take in implementing this promise.

Port Phillip planning scheme: amendment

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning, and it relates to his decision to issue Port Phillip planning scheme amendment C86, which will protect the bayside views of residents at 1 Albert Road, Melbourne. By way of background, the views of these wealthy residents were under threat from a development application at 35 Albert Road — I note Mrs Coote's interest in this matter — that was due to be considered by the Victorian Civil and Administrative Tribunal on 30 January. On 20 January this year — just in time — Mr Guy came to the rescue of those residents and put in place the planning scheme amendment which provides a height restriction that in effect killed off the development application at 35 Albert Road and protected the views of those in the 'tower of power'.

There is a concern that was identified in today's *Age* newspaper that the minister in delivering that planning scheme amendment was responding to an agenda set by a business elite — by Liberal Party mates living at 1 Albert Road. There are concerns about the propriety of the decision-making process, and it is clear that there are questions about who made representations to the minister and indeed the Premier. My request to the minister is that he come clean, as it were, and ensure that we have a proper record of what occurred.

Hon. G. K. Rich-Phillips — On a point of order, President, Mr Tee in his remarks is attempting to reflect on the actions and character of the Minister for Planning. He referred to the probity of processes and to 'coming clean', which reflects on the Minister for Planning's actions and character, and I ask that you rule his matter out of order.

Mr Tee — On the point of order, President, I am simply summarising issues that were identified in the newspaper today by way of background and context to my request to the minister.

Hon. G. K. Rich-Phillips — Further on the point of order, President, there has been a previous ruling that members cannot reflect on other members by repeating allegations and statements that are made in newspapers.

The PRESIDENT — Order! I first take up the point that Mr Tee raised this matter as a 90-second statement this morning, and I think to some extent sought to have the house alerted to the matter. In the context of the adjournment debate I can accept that he is now perhaps

seeking additional information; however, I note that in his 90-second statement this morning he requested details of documents and records of contacts that might have been relevant to that decision. To that extent I am not quite sure what the response to Mr Tee's adjournment item will be, given that he has already sought information in earlier proceedings today.

In relation to the manner in which Mr Tee has put his questions today, I would be the first to counsel members that it is a very dangerous proposition to rely on media reports and to quote media reports verbatim as a source of substance when seeking further information. As Chair I had concerns about some of the speculative language being used by Mr Tee in his matter, which included an offhand reference to Mrs Coote, who happened to be in the chamber. That Mrs Coote was in the chamber was the context in which Mr Tee made the reference, but I am concerned that the reference could possibly be misconstrued.

I was also concerned about the expression 'coming clean'. Using that expression amounts to speculation about what the minister may or may not have done. I think Mr Tee has been fairly adventurous in applying motive to the Minister for Planning in this matter. That is improper in the circumstances, unless that motive can be substantiated. I do not believe it has been substantiated either by media reports or by the matter he has put before the chamber tonight.

I will not rule the matter out, because I think it is fair enough that Mr Tee explore it. I am interested to know, however, how his adjournment matter will proceed in terms of what information he might seek that is further to his requests of earlier today. In proceeding with this item now I would certainly suggest that it might be prudent to be less adventurous and not actually apply motive to the minister when we are not in a position to establish that motive. I am sure the minister will indicate why he has made those decisions in due course. I think the rest is hyperbole.

Mr TEE — Thank you, President, for your guidance. In terms of Mrs Coote, I certainly had no intention of impugning her in any way. Coming to your point on how I progress the matter — which I raised in a notice of motion this morning rather than a 90-second statement — in view of the circumstances that have been identified, my request to the Minister for Planning is that he hand over the documentation of the circumstances of the decision making surrounding that planning scheme amendment to an independent third party who can provide us with a full and frank review. That party will be able to examine the circumstances and tell us exactly what happened so that we do not

speculate, as the President has indicated quite rightly we should not do. My request then is for a full, frank and independent investigation to consider the circumstances surrounding the making of the planning scheme amendment decision.

Floods: government assistance

Ms DARVENIZA (Northern Victoria) — President, I take this opportunity to congratulate you on your elevation to the office of President. I have not had an opportunity to do that so far, even though you have been in the chair during 90-second statements and some of the other times that I have been on my feet; it would have eaten into the time. With the adjournment, though, I have got a little bit of time, so I do congratulate you. I think you will make a very good Chair. You bring a lot of experience with you, not only as a member of Parliament but also as the Deputy President, so I offer my congratulations to you.

I raise a matter for the attention of the Minister for Agriculture and Food Security. It concerns small land-holders and hobby farmers in flood-affected communities, particularly in northern Victoria, who fall between the cracks in terms of eligibility for government grants. They are not small businesses, primary producers or not-for-profit organisations. During my recent visit to Rochester, a town which suffered significant flood damage, I became aware of these small land-holders who are unable to receive funding to repair damage to infrastructure, such as fences, on their properties because their farms were not necessarily operating as businesses. The land-holders lost cattle, sheep, poultry and other livestock, and livestock were injured as a result of the flooding. Fences were destroyed and crops have been lost, including hay.

The small town of Rochester has been hit by four floods since September, and in the most recent flood event 80 per cent of the town was inundated, which led to the entire population being evacuated to Echuca. Outlying hobby farms in that region and across northern Victoria need assistance to get back on their feet. They face the task of cleaning up following the floods, and these are the worst floods to hit north and north-western Victoria. The scale of the disaster is huge.

The action I seek from the minister is a commitment to provide funding for those land-holders affected by the flood so they can repair their properties, replace damaged infrastructure and begin to get their lives back on track. These people are determined to recover and rebuild, but they need help, not only with cleaning up

but in an ongoing way into the future as well. These people fall through the cracks and do not meet the eligibility criteria for funding. They are on the land and they have immediate problems with cleaning up. They deserve the support of the government, and the government should find a way to ensure that they get the financial support they need as a result of these devastating floods.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Mr Lenders raised a matter for the attention of the Premier relating to the upcoming Council of Australian Governments meeting, and he called on the Premier to maintain an open mind in relation to the COAG negotiations. I can only wonder what the approach of the previous government was if Mr Lenders thinks it is necessary to call on the Premier to keep an open mind. I can assure Mr Lenders that the Premier will approach the COAG discussions with the best interests of Victorians in mind, as he does with all his actions as Premier. He will approach COAG from a collaborative point of view in terms of getting the best outcomes for Victoria. However, I will pass Mr Lenders's comments on to the Premier.

Mr Ramsay raised a matter for the attention of the Minister for Health relating to Horsham ambulance station and the black hole the incoming government found with respect to funding that ambulance station. Mr Ramsay noted that the current Minister for Health has moved to address that matter.

Ms Pulford raised a matter for the attention of the Minister for Health in relation to a proposed helipad for Ballarat base hospital. Ms Pulford raised concerns about availability of funding for such a proposal. I say to Ms Pulford: if she and her government were so concerned about a helipad for Ballarat base hospital, why did they not build it in the 11 years they were in government? I will pass Ms Pulford's matter on to the Minister for Health.

Mr O'Brien raised a matter for the attention of the Minister for Water regarding floods in Wickliffe, and asked that the — —

Mr Lenders — On a point of order, President, regarding the nature of Mr Rich-Phillips's responses. When I was on that side of the house I remember that you, President — as Deputy President — sat me down or ruled me out when I editorialised, as you put it, on requests from members opposite about funding in the budget. I was put in my place. I ask you, President, to counsel Mr Rich-Phillips in the same way you

counselled me when I was on that side of the house — that is, for passing editorial comment — as the minister responds to each adjournment matter.

The PRESIDENT — Order! On the point of order, I am not in a position to direct a minister specifically how to answer, as Mr Lenders is well aware. Nevertheless, Mr Lenders may well be right that on occasions I might have indicated that the substance of a reply might have been more of a political nature and that the member was perhaps editorialising and not being relevant to the actual question that had been posed. We all have our L plates on in all of our respective positions in this house at this time. What I would say to all ministers is that it is important to maintain relevance in response to answering questions at all times. My own view is that I do not think Mr Rich-Phillips had gone so far as to warrant the point of order at this point in time, but I accept that Mr Lenders might have some concern about it.

However, I point out that the standing orders say that any reply by a minister to a matter raised on the question for the adjournment should be as brief as possible. In that context I understand that the ministers are attempting to try to address matters as promptly as they can in this Parliament and to try to give members a pertinent response on the night. I suppose that conflicts to some extent with brevity, but I welcome ministers contributing to the house's knowledge on these matters.

Mr Lenders may not like what I am saying, because he may also feel that I am editorialising, but I appreciate the advice by the ministers to the house. It contrasts with the situation where ministers in the previous Parliament would stand up and say, 'I will send all matters off to the relevant ministers'. I thought that was impertinent, and I do not think it did justice to members who had earnestly raised issues in the house. I must say I much prefer ministers to address questions. Nonetheless, in the spirit of what Mr Lenders has raised, I think ministers will bear that in mind as we go forward.

I apologise for my editorialising, because I know that Mr Lenders is not happy with it.

Hon. G. K. RICH-PHILLIPS — Mr O'Brien raised a matter for the Minister for Water regarding the Wickliffe floods and expressed his desire for the minister to visit Wickliffe to see the impacts of the floods. I know that Mr O'Brien has spent a great deal of time in his seven weeks in Parliament attending to the needs of his flood-affected communities in Western Victoria Region, and he continues to do a great deal of work in that regard.

Ms Hartland raised a matter for the attention of the Minister for Public Transport regarding the West Gate punt. I will pass that matter on to the Minister for Public Transport.

Ms Broad also raised a matter for the attention of the Minister for Public Transport relating to the regional rail link. In highlighting the attributes of that project Ms Broad failed to mention the cost blow-out which appears to have been incurred under the previous government and which puts further pressure on the delivery of the regional rail link. However, I will pass that matter on to the Minister for Public Transport.

Mr Elsbury raised a matter for the attention of the Minister for Health in relation to palliative care. Mr Elsbury outlined his very personal experiences with palliative care services and highlighted the government's support and commitments towards palliative care. I will pass his comments on to the Minister for Health.

Mr Tee raised a matter for the Minister for Planning in relation to amendment C86. I will pass that matter on to the Minister for Planning for him to do with as he wishes.

Ms Darveniza raised a matter for the Minister for Agriculture and Food Security relating to the availability of government grants for small land-holders who are not operating farms as primary producers, and particularly in relation to the Rochester area. I will pass that matter on to the minister.

The PRESIDENT — Order! That concludes today's business. The house stands adjourned.

House adjourned 5.04 p.m. until Tuesday, 1 March.

