

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 2 March 2011

(Extract from Book 3)

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By authority of the Victorian Government Printer

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The Honourable Justice MARILYN WARREN, AC

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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, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

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

Joint committees

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

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

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

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

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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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
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Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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Wednesday, 2 March 2011

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

**POLICE REGULATION AMENDMENT
(PROTECTIVE SERVICES OFFICERS)
BILL 2010**

Introduction and first reading

Received from Assembly.

**Read first time on motion of
Hon. R. A. DALLA-RIVA (Minister for
Employment and Industrial Relations).**

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

That, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered that second reading be made order of the day for next day.

PAPERS

Laid on table by Clerk:

Auditor-General's reports on —

Environmental Management of Marine Protected Areas, March 2011.

Managing Drug and Alcohol Prevention and Treatment Services, March 2011.

Ombudsman — Report on the Investigation into 'The Brotherhood' and the risks associated with secretive organisations, March 2011.

Statutory Rule under the Severe Substance Dependence Treatment Act 2010 — No. 5/2011.

MEMBERS STATEMENTS

Loddon Mallee Housing Services

Ms BROAD (Northern Victoria) — I was recently very pleased to visit the new home of Loddon Mallee Housing Services Ltd in Bendigo. Loddon Mallee Housing is a very old and esteemed organisation that has been providing housing and housing support services to Victorians in Bendigo and the Loddon Mallee region in northern Victoria for a long time.

Loddon Mallee Housing is also Victoria's very first housing association, and since it became a housing association it has grown from strength to strength, providing affordable housing to Victorians far beyond the Bendigo and Loddon Mallee region. As a consequence Loddon Mallee Housing has certainly outgrown its old premises, and I understand it is about to adopt a new name befitting the organisation it has grown into.

I am very pleased that the Premier will be opening the new premises on Friday in Forest Street, Bendigo. I very much regret that I will not be able to attend the opening due to a commitment further north in my electorate which predated information about this event, but I am very pleased that the Premier — correction, the Minister for Housing — will be opening the new premises. The invitation says it will be the Premier, but I am sure the Minister for Housing will represent the Premier very well.

Mornington Peninsula: 150th celebrations

Mr O'DONOHUE (Eastern Victoria) — This year, 2011, is an important milestone for many Mornington Peninsula communities. The townships of Rye, Dromana, Mornington, Hastings and Tyabb celebrate 150 years of gazetted history. A number of celebrations are planned, including heritage days, and I wish those communities well in their festivities.

Desalination plant: costs

Mr O'DONOHUE — The revelations regarding the true costs of the desalination plant demonstrate once again that Labor cannot be trusted with the economic management of this state. As Treasurer, John Lenders promised to be a safe pair of hands, but the reality is that he was as reckless and incompetent with the purse strings as the Whitlam, Cairns, Cain and Kirner administrations.

However, worse than those administrations, Mr Lenders and the previous government tied an entire generation to higher water prices, which is a legacy that will hurt the less fortunate in our community the most — a group that Labor purports to represent. From desalination to myki, smart meters, the regional rail link and now the retirement superannuation savings of tens of thousands of Victorian public servants, the previous government has left a legacy of fiscal incompetence, project cost overruns and wasted opportunities. It is time the former Treasurer, now Leader of the Opposition in this place, apologised to the people of Victoria for this incompetence.

International Women's Day

Ms PENNICUIK (Southern Metropolitan) — As Ms Pulford noted in her members statement yesterday, 8 May 2011 will mark 101 years since the inaugural International Women's Day in 1910. In many nations the position of women in society has greatly improved over those 100 years. International Women's Day offers an opportunity for women and men in countries where there have been hard-won achievements to reflect on the situation for other women around the world.

Millennium Development Goals Report 2010 provides sobering reading. There is still a long way to go towards achieving millennium development goal 3, which is to promote gender equality and empower women, and the following points are noted, among others:

For girls in some regions, education remains elusive

Poverty is a major barrier to education, especially among older girls

I will read a number of other quotes from the report:

In developing regions overall, girls in the poorest 20 per cent of households are 3.5 times more likely to be out of school than girls in the richest households and four times more likely to be out of school than boys from the richest households.

Giving birth is especially risky in southern Asia and sub-Saharan Africa ...

Progress in expanding the use of contraceptives by women has slowed

Use of contraception is lowest among the poorest women and those with no education

Poverty and lack of education perpetuate high adolescent birth rates

While child mortality has fallen overall, it remains very high in some regions. We all need to work harder to improve the lives of women in all areas of the globe.

Bushfires: fuel reduction

Mrs PETROVICH (Northern Victoria) — I would like to inform the house of the work being done by the Department of Sustainability and Environment in relation to prescribed burning. The coalition government made a commitment to the Victorian people that, if elected, it would increase prescribed burning from 175 000 hectares to 385 000 hectares.

In 2003 1 million hectares across Victoria were burnt in devastating bushfires. In 2006 a further 1 million hectares were burnt. We are all well aware of the

devastating loss of life experienced during the Black Saturday catastrophe, when 175 Victorians lost their lives. We still mourn them.

Fuel reduction, if properly managed, protects communities, people, plants and animals. The biodiversity in those areas affected by hot-burning bushfires has been destroyed. Mountain ash and snow gums have been destroyed as well as other biodiversity and animal species which will not recover. Some water catchments will not recover in my lifetime.

The Baillieu coalition government has commenced prescribed burning this season and has achieved 30 000 hectares to date. We are committed to reducing the fuel load. This season I have seen the ability of controlled burning to stop a fire in its tracks — that is, in the Nowa Nowa fire in Gippsland.

A program of prescribed burning will be undertaken across Victoria, and communities will be alerted to these burns. We know that smoke makes people nervous and uncomfortable, but the results of a reduced fuel load will make Victoria a safer place to live in future summers.

Shire of Moira: learner driver program

Ms DARVENIZA (Northern Victoria) — I want to congratulate the Moira Shire Council's L2P learner driver mentor program on its first successful participant, Ms Bridget Wawrzycki, gaining her probationary licence. I was very pleased last August to launch this very important program in Cobram.

The L2P program is a partnership between the Moira shire, VicRoads and the Transport Accident Commission. It is a program that helps young drivers aged under 21 who might have difficulty accessing a suitable supervising driver or a vehicle. The program matches those two parties together so that the young person is able to complete their 120 hours of supervised driving. Congratulations to Bridget and to the Moira shire.

Seymour Alternative Farming Expo

Ms DARVENIZA — On another matter I also congratulate all those who were involved in the very successful Seymour Alternative Farming Expo that was held a couple of weekends ago. There were a lot of new exhibitors and a lot of very exciting exhibits. I understand from the organisers that the crowd numbers were up on last year and that the exhibits were very well presented.

The highlights of the weekend included Timberland and the rural art competition. Congratulations to all those involved. It was very well promoted leading up to the weekend, and it attracted a lot of people from the city and from across rural and regional Victoria. It was a great occasion.

International Women's Day

Mrs PEULICH (South Eastern Metropolitan) — I would also like to endorse the comments made by Ms Pulford and Ms Pennicuik today in relation to International Women's Day. I will not elaborate further except to say that for gentlemen — men, fathers, sons and brothers — it is a great opportunity to make sure you do not forget the important women in your life. I know that most of you need a reminder to redeem yourselves!

Clean Up Australia Day: participation

Mrs PEULICH — Another very important day is Clean Up Australia Day, which is this coming Sunday. I know many members of the community are regularly involved in the Clean Up Australia Day event. In 2011, 588 000 volunteers across Australia picked up 15 560 tons of rubbish at 7073 clean-up sites. Throughout Victoria those numbers will grow, especially in response to problems where dumping has been exposed as a result of the floods. Enormous amounts of dumping have occurred throughout the city of Kingston and the city of Casey. The City of Casey has identified 20 clean-up sites, and that may unfortunately be attributed to the dramatic increase in landfill levies, forcing people who need to dispose of rubbish to look at unacceptable alternatives with significant costs to be borne by the community.

I would encourage all members of Parliament not already involved in Clean Up Australia Day to become involved, especially those Labor members who instigated the increases in landfill levies, the result of which is that we now have very high levels of illegal dumping.

Floods: Essendon Football Club Newbridge visit

Mr EIDEH (Western Metropolitan) — I recently addressed the house on the terrible floods that hit so much of Victoria earlier this year. Properties were lost, sheep were killed and a lot of other damage occurred. According to *Wikipedia* 51 communities were affected. The Department of Primary Industries has calculated the damage bill to be up to \$2 billion.

This is why I am so proud of the young men and the staff of the Essendon Football Club, my bias towards this great club aside. On a related note I welcome the election of Frank McGuire to the other house. The ranks of Essendon supporters in the Parliament have now increased! Essendon Football Club visited Newbridge in rural Victoria after the floods pulverised the town. This small community near Bendigo suffered enormously, and the team members were keen to offer their personal encouragement and support to the residents, showing the compassion that everyone would agree is welcome regardless of your football team allegiances.

The Newbridge football club is the heart of the community, as is so common in rural Victoria. The football ground was damaged by the floods, and this had a strong effect on young AFL players like Dyson Heppell, who is himself a country boy. If the personal support of the players was not enough, the Essendon Football Club and the good people at the Bendigo Bank held a fundraising breakfast at which \$43 000 was raised. I am proud of the Essendon Football Club and of young men like Dyson Heppell. Time and again they prove that football is more than just a sport and is in reality very much a part of the community.

Eltham College: early years facility

Mrs KRONBERG (Eastern Metropolitan) — I rise to give an account of the opening of the early years extension to Eltham College that took place on Monday, 14 February. In doing so I commend the Eltham College board chairman, Mr Chris Heysen, descendant of the esteemed Australian artist Sir Hans Heysen, for his two decades of service to the college, and I also commend Dr David Warner in his capacity as principal and chief executive officer of Eltham College. Dr Warner's vision and stewardship have ensured that Eltham College is at the forefront of learning in this country. It is also fitting to acknowledge Ms Sonia van Hout, who is the director of the early and junior years.

I also have a message for the students in the early and junior years at Eltham College in recognition of the dazzling start they have had to the school year. I say to them that it is up to them to make the most of the opportunities that are placed before them. It is for them to take up with both hands the opportunities provided by this splendid facility and make sure they give thanks to their parents and teachers for the great and privileged start they have in life. I would like to mention the particular group of students who greeted me and assisted me in touring this new facility: Millie Craven, Eliza-Jane Thompson and Riley Timms.

Meadows Primary School: parent support project

Mr ELASMAR (Northern Metropolitan) — On 16 February, along with several state and federal parliamentary colleagues, I attended the launch of the Supporting Parents — Developing Children project at Meadows Primary School, Broadmeadows. The project seeks to build bridges that will link parents, their children and their extended families with the wider community and to the network services and programs available to support families in southern Hume. This is a joint initiative by the federal and state governments, Hume City Council and the Scanlon Foundation.

Northcote: Greek festival

Mr ELASMAR — I attended the Greek festival held in Northcote on Sunday, 20 February. As usual, the festival was well attended and the food stalls and folk dancing were hugely entertaining. I congratulate the organisers on their marvellous efforts in bringing together all sections of the Australian Greek community.

Earthquakes: New Zealand

Mr ELASMAR — On another matter, the terrible events in Christchurch in New Zealand have touched all Australians in a personal way. I offer my sincere condolences for all the people who have died and my best wishes for all those injured by the earthquake that struck at the heart of the central business district. Prime Minister Julia Gillard said it best: ‘We have many international friends and trading partners, but New Zealand is family’.

Kevin Balshaw

Mr P. DAVIS (Eastern Victoria) — I am pleased to have the opportunity to speak about somebody who has made a major contribution to Victoria in the field of media and communications. This person retired on 18 February, when he had his 65th birthday. He had 47 years contributing to media and communications. At 18 years of age he was appointed as a journalist at the Hamilton *Spectator* and by the time he was 21 he was the editor. He then became a feature writer for the *Australian* newspaper. In 1974 he went to ABC News Radio and was based in Gippsland.

In 1988 he commenced work with opposition MPs as a media adviser — with Peter McGauran, Peter Hall and Tom Wallace. He then moved to the coalition media unit at Parliament House. In 1992 he was appointed adviser to and speechwriter for Premier Kennett. In

1999, after the election, he moved into consultancy in media and communications. In 2006 he came back as the opposition leader’s adviser. In 2007 he was the acting chief of staff to the Leader of the Opposition. Then he became adviser to the Leader of the Opposition in the Legislative Council at the time. He stayed on my staff until he retired 10 days ago.

He was a great speechwriter, a loyal servant who was trusted and reliable, and he was a major contributor to the Parliament of Victoria, the government of Victoria and the people of Victoria. I thank Kevin Balshaw enormously for his contribution.

Neos Kosmos

Ms MIKAKOS (Northern Metropolitan) — I was very pleased on 23 February to attend the launch of the English edition of *Neos Kosmos* at the Arts Centre. Since its establishment in 1957 *Neos Kosmos* has made a significant contribution to multiculturalism in Victoria by keeping the Greek-Australian community linked to both Greece and Australia. The English edition of *Neos Kosmos* will ensure that second and subsequent generations of Greek-Australians retain a connection to their community. I would like to congratulate the managing director, Mr Christopher Gogos, the editor of the English edition, Mr Fotis Kapetopoulos, and the founder of *Neos Kosmos*, Mr Takis Gogos, on the launch of the English edition.

Old Colonists Association of Victoria

Ms MIKAKOS — On the same day I attended the official opening of the Ian Rollo Currie wing and refurbished Liscombe House by the Victorian Governor, Professor de Kretser. Since its establishment in 1869 the Old Colonists Association of Victoria has grown to encompass four estates across Melbourne that provide affordable, safe and dignified independent living facilities for aged Victorians within a village community environment. The completed Leith Park estate in St Helena is a clear example of the association’s commitment to the ongoing care of their residents.

The opening was of an 81-bed high and low-care facility, including a dementia wing and respite care, and it adds to the existing 118 self-contained independent living units. To its great credit, the Old Colonists Association fully funded this \$10 million project. Congratulations to President Kevin Neville and his council, management and staff.

Victorian election: Yuroke electorate

Mr FINN (Western Metropolitan) — I think it a well-established convention in this Parliament that in the rough and tumble of debate, which is sometimes heated and personal, attacks on our children are strictly off limits. It therefore came as somewhat of a shock to read comments by the member for Yuroke in another place during the last sitting week. Mrs Beattie complained of a number of children at the last state election giving out Liberal how-to-vote cards in the Yuroke electorate all day without food and drink. Mrs Beattie clearly has the same level of regard for the truth as her federal leader.

There was one 12-year-old giving out Liberal how-to-vote cards in Yuroke, and Mrs Beattie knows who that was. It was my daughter Madeleine, who was at a small booth around the corner from our home. For the information of the member for Yuroke, a team of rabid Clydesdales would not have kept my darling girl away from supporting her dad at that polling booth on 27 November last year. For the record, she had enough snacks and drinks to feed a medium-sized army and disappeared home for 2 hours for lunch. She did far better than me on that front! The only time she appeared to be in any distress was when she rang and told me that she had just seen a diminutive dancing bear which was too stupid to get out of the rain. Kids have such wonderful imaginations.

To complete the story, we won the Bulla booth quite nicely, and that might be why Mrs Beattie is so snaky. However, it would be nice in future if she spat her venom at me and did not direct it towards a civic-minded young lady who just wanted to help — a beautiful bright young lady I just happen to be extremely proud of.

Gillian Walker

Ms TIERNEY (Western Victoria) — This morning I am going to quote from a letter to the editor in the *Bellarine Times* of 11 January this year entitled 'Farewell to an activist' written by Chris Kelly of Portarlington about Gillian Walker. The letter says:

Gill was a regular contributor to 'Letters' in this paper, and from time to time was seen in photos chronicling events, campaigns and local group actions.

Gill had three major passions in public life — care for and conservation of all aspects of the environment, recognition and preservation of our history, and a vigorous determination to ensure that decision-makers in our lives are held accountable for their actions.

She brought energy and activism to all three, wherever she lived — Ballarat, Ararat, Bagotville in northern New South Wales, Stawell, and most recently, the Bellarine Peninsula.

It would be nigh impossible to list the organisations of which she was an active member, and Gill never allowed circumstance, age or disability to limit her, leaving her mark on every community to which she belonged, and on issues large and small.

As a professional librarian, she took responsibility for broadening COGG's library stock through her frequent requests; in Stawell she played a vital role in preventing the construction of an open cut goldmine which would have eliminated historic Big Hill; in Portarlington and beyond she joined others in a struggle against development, for conservation and for improvement in our lives.

It was an honour to attend the celebration of Gillian's life, a service large in number and dense with kindred spirits. I hope the service gave heart and comfort to Gillian's sons, Keith and Nicholas, as it did for the rest of us in our collective grief. Vale, Gillian Walker.

PRODUCTION OF DOCUMENTS

Mr TEE (Eastern Metropolitan) — I move:

That this house requires the Minister for Planning to table in the Council by 12 noon on Tuesday, 22 March 2011, a copy of all documents the government received seeking its support for height restrictions which he introduced as planning amendments.

The notice of motion as it appears on the notice paper contains a typographical error: it refers to 'Tuesday, 23 March', whereas the date should be Tuesday, 22 March. I make that minor amendment.

I wish to speak briefly on the motion. It concerns the granting of planning scheme amendment C86 to the Port Phillip planning scheme. This planning scheme amendment was the subject of an article in the *Age* newspaper. I do not want to politicise the issue, cast any aspersions or suggest that anything untoward has taken place, but I do think a tension emerges when you compare the public records to the defence that has been provided by the government in the *Age* newspaper. This motion seeks to clarify the situation by putting on record exactly what has occurred so that the Victorian public can make its assessment as to the motivations behind this decision by the government.

The *Age* article of 14 February has the heading 'Baillieu's planning debut a victory for top end of town', and in essence it reports that the beneficiaries of the Port Phillip planning scheme amendment were the residents of the so-called 'tower of power' at 1 Albert Road. According to the *Age* article their views were under threat by a development application from

35 Albert Road before the Victorian Civil and Administrative Tribunal. The planning scheme amendment literally cut down that development application by providing a height restriction and ended the application for the 35 Albert Road development in its current form.

In the article the government justified its imposition of the height restriction:

A spokesman for Mr Guy said the 60-metre height limit was ... to protect vistas of the shrine from development pressures along St Kilda Road.

All of us in this chamber share a great deal of respect for the iconic nature of the Shrine of Remembrance and we would support any actions to protect the dignity of the shrine. On the one hand we have the vista of the shrine as justification for this height restriction, but on the other hand there is a report from the City of Port Phillip that is on the public record. The statutory planning committee report of 15 December 2010 states on page 2 in relation to the 35 Albert Road development that:

The proposal would not impinge on the shrine vista and would not materially change any other vista along St Kilda Road, Albert Road or Kings Way, and would not be prominent within the skyline of multi-storey buildings as viewable from Albert Park Reserve or the Domain parklands.

On the one hand there is public justification by way of the *Age*, but on the other hand there is also what appears to be — —

Mr Finn interjected.

Mr TEE — It appears to be, Mr Finn — and I am not casting any aspersions — a statement from the statutory planning committee that is in direct contradiction of the public defence of the height restriction imposed by Mr Guy. There is a tension here.

This motion seeks in a non-political way to provide an opportunity for the government to put on the public record the material it had to justify its decision so that the public, once it is aware of what was influencing the government and the minister, will be able to come to its own conclusions as to what was the motivation behind the decision by the minister to impose the height restriction.

We all know this government was elected on a promise of openness, accountability and transparency. This motion calls on the government to honour that promise and commitment to the Victorian people. The motion provides the community with an opportunity to see who approached the government and what influenced the government in the decision-making process. At the end

of the day this is a new start for a new government. We need to get the right precedent up-front. If we do not, we will have a lack of confidence in the government planning process. It is important that we deliver confidence and that we deliver that confidence by opening up the files to allow the public to see what has occurred.

This motion will allow members of the public to see the documents so they can understand who or what influenced government decision making on this occasion. That is an important precedent for the record and reputation of the planning process in Victoria. I urge the government to deliver on its election promise and to support the motion.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to respond on behalf of the government to the motion moved by Mr Tee and to say at the outset that the government does not oppose the motion.

It is interesting that here we are in the second week of the parliamentary sittings for 2011 on opposition business, when opposition members have a chance to put forward their policies and proposals for the future of Victoria and to enunciate to the people of Victoria what they stand for and what they would deliver if they were in government, but in this second opportunity in 2011 for the opposition to put its case, in 7 minutes Mr Tee enunciated an argument around an article in the *Age*. How many times did we hear the previous government criticising us as an opposition for referring to articles in newspapers as a basis for a proposition? In 7 minutes, as the lead speaker on the no. 1 item of business for the opposition in the second sitting week of 2011, Mr Tee produced an argument based around an article in the *Age*. If that is the best the opposition has, it needs to go away and do a bit more homework in its preparation for opposition business.

Mr Tee wants to know the basis upon which the government made this decision. He called on the government to be open, accountable and transparent. I put it to you, President, and to Mr Tee as the lead speaker for the opposition that nothing is more transparent and more accountable than implementing a promise that was taken to the people of Victoria at the state election on 27 November last year. In introducing these height controls the Minister for Planning, Mr Guy, was doing exactly that. If Mr Tee had bothered to peruse the Liberal Party website and Liberal Party policy or had even bothered to have a cursory glance at the comments Mr Guy made throughout the last Parliament, he would not have had to move this motion in the house, because he would have known that it is not required.

I take Mr Tee to a press release from Mr Guy.

Mr Drum interjected.

Mr O'DONOHUE — It is dated 1 April 2009, Mr Drum, and is headed 'Madden must act to protect the shrine'. It is from Mr Guy, as shadow minister, and says:

Planning minister Justin Madden must hurry up and give certainty to Melburnians that the Shrine of Remembrance will not be shadowed by any skyscraper.

The planning minister called in the application for a 100-metre tower almost six months ago, requesting a panel consider the merits of the application ...

John Brumby has already stated that he doesn't want the shrine to be shadowed by a skyscraper, and that was a view held by the Kennett government and the Labor Party in opposition in the 1990s, so Justin Madden should stop mucking about and end the uncertainty.

Mr Guy said Melbourne City Council's July 2008 request for the state government to simply consider reinstating former height limits appeared the most sensible outcome.

The Victorian Liberal-Nationals coalition believes the Brumby government should act immediately to protect the shrine. Any panel recommendations that are presented to the government subsequently should be used to set in place future height or character requirements for St Kilda Road' ...

It was in April 2009 that Mr Guy said that.

Justin Madden, the member for Essendon in another place and former Minister for Planning, placed interim height controls on this precinct in March 2010, so I am not quite sure of the point Mr Tee is trying to make. Is he criticising the previous planning minister's decision to put interim height controls on this precinct? Is he saying the shrine does not deserve that protection? Is he questioning the policy the previous government implemented?

Statements made by Mr Guy in his press release of 1 April 2009 were reflected in *The Victorian Liberal-Nationals Coalition Plan for Veterans' Affairs*. That was a policy document taken to the people of Victoria in the state election of 27 November last year. Page 7 of that document, which Mr Tee has clearly failed to read or bother referencing, states under the heading 'Maintaining open lines of communication with Victoria's veterans':

A Liberal Nationals coalition government will —
amongst other things listed —

protect Victoria's war history by establishing planning guidelines to prevent high-rise buildings from overshadowing important landmarks.

I put this to Mr Tee: I cannot think of a more important landmark in Victoria than the Shrine of Remembrance. Implementing this policy was a clear action by Mr Guy; the policy was ratified by the people. Nothing is more open and accountable than putting the policy to the people of Victoria and implementing it soon thereafter. That is exactly what Mr Guy did. This was on the back of the decision by Mr Madden to place interim height controls in that precinct.

The City of Port Phillip, which Mr Tee referred to in his contribution, asked the minister to place these interim height controls in this precinct. I understand the council asked for more significant height controls. Mr Guy has implemented these height controls for a period of two years. They are mandatory but not permanent.

In his 7-minute contribution Mr Tee, the lead opposition speaker for this motion, managed to put forward the proposition of an *Age* article published several weeks ago, but he failed to enunciate any additional or new material. If he had bothered to peruse the coalition's policies, he would have understood that Mr Guy acted swiftly and appropriately to implement a policy that was taken to the people of Victoria at the election of 27 November 2010. I congratulate Mr Guy for doing that.

Mr BARBER (Northern Metropolitan) — It is gratifying that Mr Tee is turning his attention to a section of the Planning and Environment Act 1987, which in the opinion of the Greens creates a major hole in the planning process from the point of view of both transparency and integrity — that is, the almost unlimited ability of the Minister for Planning to make planning scheme amendments without further process. That is the reason that every time such power is exercised, someone — in this case Mr Tee — is going to raise questions about it. In our view the Planning and Environment Act 1987 should be amended so the minister does not have unlimited discretion to amend the planning scheme without further process.

I will explain briefly. The minister has the power to amend the planning scheme whenever a council-sponsored amendment or other amendment has been put on exhibition and concluded. However, the minister also has the ability to amend the planning scheme without a period of exhibition and without any kind of public process that would allow for submissions, scrutiny of those submissions and reasons to be given when the final measure is implemented. In principle nothing is wrong with interim controls being brought in. I believe the act should be used so that where it is necessary to introduce an interim control, there is a requirement that the minister then puts that

control on exhibition and goes through the normal process.

I am sure Mr Tee knows that his government over 11 years made liberal use of this loophole to create whatever planning outcomes it wanted on a particular site, not to mention in some cases across the entire state. It is not unreasonable to remove some of the discretion from the minister — that is, if the minister were to make a spot rezoning or an overnight rezoning, that that be an interim measure only and they then go through the normal process of a planning scheme amendment. Until we bring that change into the act there remains the potential for both political decision making and a lack of transparency around why a particular decision was made and at the behest of whom.

It could be seen as encouraging that in opposition the former government has homed in on this particular problem and is starting to recognise there is a problem both with transparency and integrity. As we know, the government is going to introduce an independent commission against corruption (ICAC), but that is merely a watchdog and it is not like having a cop on every corner. You are going to need to build into your system root-and-branch measures for integrity, otherwise an ICAC, or for that matter a Parliament, will never be able to keep on top of everything that is of concern.

Of course since the Greens have been in this Parliament many planning scheme amendments have been brought under scrutiny, but I think on only one occasion did the then opposition parties support us in trying to bring in another measure of oversight — that is, the Parliament's oversight of the Minister for Planning and the power to change the planning scheme. The opposition, then the government, did not accept this proposition at all and in fact both sides — opposition and government, then and now — argued that the upper house should not be doing the job of a planning authority. It seems that in opposition Mr Tee's crew has started to edge towards the Greens position.

We have no problem at all with this particular call for documents, but if the opposition wants to scrutinise the minister's action every single time the minister amends a planning scheme without exhibition, then we are going to be quite busy here. That will highlight the position of the Greens — that is, that the Planning and Environment Act 1987 needs to be amended, which is something that should be looked at and adopted by all parties.

Mr TEE (Eastern Metropolitan) — There is some considerable common ground. I think all sides of the house really share the view, as I said in my address, that it is important to protect the shrine and, as Mr O'Donohue has indicated, the previous government took a number of steps to ensure that it did protect the shrine when required. I think the flaw in Mr O'Donohue's argument is that the City of Port Phillip report says that 35 Albert Road is not a threat to the shrine. I will quote again from the council's report, which says:

The proposal would not impinge on the shrine vista ...

That is the gap.

On the one hand I understand and commend Mr O'Donohue for our shared desire to protect the shrine and its vista, but the planning scheme amendment flies in the face of the City of Port Phillip report. I am not relying on the *Age* here; I am relying on the council's report, which is a public document. It says that this planning scheme for 35 Albert Road has nothing to do with protecting the shrine. That is the gap that Mr O'Donohue failed to address in his submission, and that is the gap that my motion tries to address. Let us get that out into the public. Let us have a look at what motivated the government's decision, if it was not to protect the shrine. What was the motivation? What was the evidence? What was the material that the government had?

I share Mr Barber's observation about the lack of transparency. That is right, and it is the reason I have moved this motion. Let us get those documents out. If it was not to protect the shrine, which is what the City of Port Phillip report says, what was it that motivated Mr Guy and motivated the government in imposing this planning scheme amendment? For that reason I think there is a clear gap which this motion seeks to address.

Motion agreed to.

PRODUCTION OF DOCUMENTS

Ms PENNICUIK (Southern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Council by 12 noon Tuesday, 22 March 2011, a copy of:

- (1) the financial arrangement/current contract between the government of Victoria and the Australian Grand Prix Corporation (AGPC) regarding the staging of the 2010 Formula One grand prix event and, if not included in the above document, the rent paid by the AGPC to Parks Victoria for the use of Albert Park Reserve for the 2010

event, any subsidies in the form of sponsorships, advertising or corporate entertainment or for other services relating to the 2010 event paid by government departments or agencies to the AGPC and any services provided to the AGPC by other government departments (for example, Victoria Police) relating to the 2010 event;

- (2) the economic study performed as the basis of the five-year contract extension to 2015; and
- (3) the most recent cost-benefit analysis of the Australian grand prix.

We have now staged 15 Formula One grand prix events in Melbourne in the Albert Park Reserve since 1996. As members would be aware I have always opposed the staging of the grand prix in Albert Park, as have thousands of Melburnians, in particular those who live around Albert Park. I attended the first protest march along Canterbury Road, which was attended by thousands of people protesting against the staging of the event and the already enormous damage that had been done to Albert Park Reserve during preparation for the first staging of the grand prix in 1996, which included the removal of more than 1000 trees, including river red gums, and the construction of so-called temporary track works.

Everyone who is familiar with Albert Park knows that the park is never fully restored between one grand prix and the next. Fixtures are stored at various points around the park, and track works that impinge upon the reserve are never fully taken away or restored after the staging of the race in March for the rest of the year. There are signs of the race all year round, and the cumulative wear and tear on Albert Park is taking its toll.

The City of Port Phillip has consistently opposed the event, and many local residents have for years now simply gone away for the weekend to avoid the noise of the event, including the trials and warm-ups and the various events that take place before the staging of the actual race as well as the aviation fly-overs by the RAAF, which I understand are not going to proceed any more. The event is disruptive to the citizens of the city of Port Phillip and surrounds. I live several kilometres from the race location and am deafened by it when I happen to not leave the general area over that weekend, but I prefer to get away and luckily I will be doing that this year.

Contrary to the original claims by the Kennett government and the continuing hollow defence made by the previous Labor government, there is little or no benefit to local businesses except perhaps in terms of offering accommodation. Racegoers tend to stay at the

track during the event and purchase food and beverages et cetera at the track and not from local businesses.

There is no economic benefit or very little economic benefit to local businesses. That there would be economic benefits from the event was one of the claims that was originally made, but 15 years on we know, and the evidence is there, that that is not the case. For example, it is very clear that the race lost \$49 million last year — that is, what is called the operating loss of the 2010 Australian Formula One Grand Prix was \$49 million. That operating loss is actually the bill to the taxpayer, so the taxpayer forked out \$49 million last year. Save Albert Park, which has monitored the race very closely over the last 15 years, says that when all the subsidies are included that figure could be as high as \$86 million. To put this in perspective, last year's Crawford report into the federal funding of sport found that the commonwealth spent just \$90 million annually in support of all sports in Australia, so the grand prix in one year has cost more than half of what is spent by the commonwealth government to support all sports all around Australia in a year.

The race has lost money ever since it was staged, so we know that the cumulative cost to Victorian taxpayers is now around \$255 million: it has cost taxpayers around \$255 million in total since it first started. This is due to increasing costs and falling ticket sales and sponsorship revenue. Looking at the trends for the costs to the taxpayer over the next five years — assuming we are going to continue hosting the race to 2015, which is another five races and will at that stage mean we have held 20 grand prix events — it is estimated that the event could lose another \$365 million. This would bring the total operating loss or cost to taxpayers for the 20 years it will have run to over \$600 million — that is, 0.6 of a billion dollars — for a car race.

I have previously made a statement in Parliament on the Auditor-General's 2007 cost-benefit analysis of the 2005 event. That event was claimed to be the hallmark event in terms of attendance and sales revenue. However, it showed that the economic benefit of the spending of out-of-state visitors did not outweigh the operating loss of \$13.6 million and that on raw figures the event produced an economic loss to the state of \$6.7 million that year.

The Australian Grand Prix Corporation's accounts showed that ticket sales halved between 2005 and 2010. The issue of attendance and ticket sales has been a long-running saga that has gone on since the event was first staged. Save Albert Park, with its team of volunteers, including me, has in the past done its own count of the number of people who attend the event,

and it is always a lot fewer than the number of attendees claimed by the Australian Grand Prix Corporation and echoed by the governments who have supported this race. That is because the Australian Grand Prix Corporation does not actually do a count of people; it just does an estimation of the number of people who are attending by calculating how many might fit in the stalls, and even that is overestimated. It also includes as attendees all the employees and everybody else who is on the track. They do not count actual paying attendees.

The Major Sporting Events Act 2009, which the Greens opposed in the last Parliament, is legislation that means something deemed to be a major sporting event is exempt from several acts of Parliament — for example, the Environmental Effects Act 1978 and the Health Act 1958. We tried to move an amendment to the bill to require events such as the Australian Formula One Grand Prix to actually count the attendances so that the Victorian public could have an accurate figure. All we get now is a way overblown estimation of attendances. Even taking that into account, no-one can hide the fact that attendances have fallen every year and that the figure could be as low as 150 000 in total for the staging of the event over three days last year.

The Australian Grand Prix Corporation and the state government have always claimed that the TV broadcasts and the associated publicity bring tourists to Victoria. In 2007 the Auditor-General found that there was no evidence to support this claim, but despite that fact the grand prix corporation and the government still proclaim it loudly as a benefit of the race. It is a very dubious benefit; it is a non-existent benefit. The grand prix is not good for the economy, and, as I said, its cumulative effects on Albert Park are reason for it to be scrapped.

As members would be aware the Lord Mayor of Melbourne, Robert Doyle, has called for the event to be scrapped. Interestingly, Bernie Ecclestone, CEO of the Formula One Group, responded by saying he is willing to terminate the race and take it elsewhere. I wish he would. I wish he would do it right now so that it is not inflicted on the people of Melbourne and the taxpayers of Victoria for one more moment. Given that the so-called F1 superno is prepared to terminate the contract, the justification for inflicting it upon the people of Melbourne and the taxpayers of Victoria for another five years would have to be very high. With the escalating operating costs of the race, we would have to admit that if it is staged for another five years, it will cost at least half a billion dollars and probably more.

We need to have regard to the cumulative damage being done to Albert Park Reserve as well as the falling attendances, not to mention the changes in attitude regarding the use of fossil fuels, the attention that road safety authorities are trying to draw to the problems of speeding on our roads and the carnage that that causes in terms of death and injury, and the fact that promoting a car race which glorifies driving fast has an impact, particularly on young male drivers who are influenced by the glorification of the grand prix event. It is contrary to public road safety messages to be continuing to provide taxpayer dollars to subsidise a car race which glorifies speeding and which uses fossil fuels in this era of running towards peak oil.

The event is totally anachronistic. The cost to the taxpayer of continuing to subsidise it is not justifiable. In response to the continuing calls to scrap the event by the City of Port Phillip, by members of the community, by people like me and now by the Lord Mayor of Melbourne, the Premier has said the event will not be scrapped and that it will continue for another five years. If the event continues to accumulate the sorts of operating costs that it did last year — a round figure of \$50 million — over the next five years, another quarter of a billion dollars will be spent on this race. That just cannot be justified when we have the government saying it is going to pull money out of public schools and things like that.

We would be much better off if the government were to do what the City of Port Phillip and the Save Albert Park group have suggested — that is, spend some money in the municipality by supporting the St Kilda Festival, which I attended a couple of weeks ago and which is a great alcohol-free, family-friendly event. It offers lots of fun with music and family activities. It hardly compares to the grand prix.

As I have also suggested to the previous government many times, and I put it on the table again today, rather than spending a quarter of a billion dollars — \$250 million — over the next five years to subsidise this event, the government would do better to put some public money into the restoration fund for the Palais Theatre on the triangle site. I am sure members are familiar with that saga, but for clarification it was basically caused by the then state government not putting any funds towards the restoration of the Palais Theatre, which is a heritage building on Crown land that is managed by the state government on behalf of the people of Victoria and which needs state government funding. Restoring a venue where people go to enjoy music and other cultural events would be a better use of public funds that would be appreciated in perpetuity.

The reason I have called for these documents is that, given that Mr Ecclestone has publicly stated he is happy to scrap the contract, the justification to spend another \$50 million a year on this anachronistic event has to be very high, and it is not. There is no difficulty for the government to get out of the contract, because Mr Ecclestone says he is willing to terminate it. The event has fallen in popularity over the last 15 years; it has no credibility left. The government should divest itself of this contract and the race.

That is why I call for the provision of the economic study undertaken as the basis for continuing the five-year contract. What are the projected benefits to the people of Victoria in that study, and what are the details of the most recent cost-benefit analysis of the Australian grand prix? Members should bear in mind that in his 2007 cost-benefit analysis of this event the Auditor-General was quite disparaging of the methodology used by Major Projects Victoria, which basically used smoke and mirrors to try to prop up this event which costs the taxpayer so much money for no benefit and which I would say is causing damage to Albert Park Reserve, damage to the taxpayers of Victoria and damage to the general cultural life of Melbourne and Victoria.

Mr O'DONOHUE (Eastern Victoria) — The government does not oppose the motion moved by Ms Pennicuik. I will just respond to some of the remarks she made in her contribution.

The motion before the house requests documents. It is not a motion about the policy pros and cons of the grand prix. If Ms Pennicuik wanted to move such a motion at a subsequent opportunity, a full debate about the event, its future, its past and the competing demands for the allocation of taxpayer funds — whether that be for the Palais Theatre or other infrastructure or resources in lieu of any subsidy that is provided to the grand prix — I am sure such a debate could take place. But that is not the motion before the house. The motion requests documents.

I note that the documents Ms Pennicuik seeks are detailed in paragraphs (1), (2) and (3) of her motion, but she has also gone on in the motion to make a number of absolute statements about the cost of the event and its projected future costs and has asserted that there is no economic benefit for local traders.

Ms Pennicuik — Little or no benefit.

Mr O'DONOHUE — I take up Ms Pennicuik's interjection. She says there is little economic benefit, and I accept that correction, but the point is that on the

one hand Ms Pennicuik is making a request for documents to try to elicit information about this event and on the other hand in her contribution she has made a number of assertions of fact about the cost, the disruption and other things that she perceives to be the case. There is a contradiction in those positions of seeking information on the one hand and making factual assertions on the other.

With those comments, I inform the house that the government will review Ms Pennicuik's motion if it is the will of the house or the house's desire to call for the production of these documents. I might add that those documents were negotiated and in general signed and entered into by the previous government with the caveat that they would be reviewed against cabinet confidentiality, executive privilege and commercial confidentiality. The government does not oppose the motion.

Mr LEANE (Eastern Metropolitan) — In speaking on Ms Pennicuik's motion I would like to compliment her on her consistent approach from the last Parliament to this Parliament with regard to this particular motion and the similar motions she and her colleagues in the Greens may have moved in calling for documents.

Our position will be consistent. We understand that for a government to operate and to have the courage to throw around different ideas that may or may not be beneficial to the state it needs some cabinet privilege. We respect that. Anything that does come out of the government's cabinet deliberations may be only by accident or on purpose, which is similar to what happened when the government's federal colleagues in the shadow cabinet recently gave up Scott Morrison over his idea of going on a modern-day crusade. Our expectation is that that may happen anyway.

We also understand the importance of commercial confidentiality. Our position during the last term was that this chamber always had the right to call for documents, and we were always consistent on that. I will look with interest at the consistency of the new government in producing documents, such as those contained in Ms Pennicuik's request.

If the Greens, being the consistent party it is, call for the Leader of the Government to be censured for not delivering the documents that the Greens have asked for, I will look with interest to see where the government MPs, who sat on this side of the chamber in the previous Parliament, sit on that issue. That is where the inconsistency will no doubt lie. That is the inconsistency that we will look for: to see whether the 16 members of Parliament who sat on this side of the

chamber only last year will support or oppose a motion to censure the new Leader of the Government for not producing documents and whether, as part of that censure, they call for the removal of the Leader of the Government from this chamber. I am sure that Mr David Davis's colleagues, if they did not have to vote as a bloc, might think it was a pretty good idea to remove him from this chamber, or from any other place of power. But I am sure that they will show some discipline.

We will be looking for consistency from the government when the documents are not produced by the time Ms Pennicuik has asked for. If Ms Pennicuik then follows up with a motion seeking to censure the Leader of the Government, we will be looking to the government to show the same consistency shown by both the Greens and the ALP. We will look for it from the coalition.

As far as the comments around the Australian Formula One Grand Prix, the previous Premier flagged that the grand prix needs to hold its own, and I think that is fair enough. I will briefly add to Ms Pennicuik's comments. One thing that I hope gets taken into account is the fact that this particular major project enables hundreds of construction jobs in its set-up and decamping. I hope that does not get lost in the debate. I know Ms Pennicuik will argue that that could be invested elsewhere, and I appreciate that argument. However, it is important that it is taken into account in this debate, along with the injection of tourism and other benefits. I know many people who have worked on this project over the years, and we need to take into account that it is not a bad thing for a government to create jobs. It is good for jobs to be created through these major projects, other projects or in other industries and not just in construction. Our position is that we will be supporting this motion.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr O'Donohue and Mr Leane for supporting my motion. Mr O'Donohue went to some lengths to chastise me for outlining the reason I am calling for these documents, which is because the cost of the Australian Formula One Grand Prix has blown out and is costing taxpayers more and more money every year. I mentioned in my contribution that the Premier, in responding to Mr Doyle's call for the grand prix, said it would not be scrapped. He also said that it would have to pay its own way and he would expect it to. However, there is no indication that the grand prix is going to be able to pay its own way without taxpayers money. The Premier has said the grand prix has to pay its way and not use taxpayers money, but that revenue and the sponsorship are falling. They are contrary positions.

That is why it is important for the people of Victoria to have at their disposal the figures used by the Premier in deciding to allow the contract to run.

Mr O'Donohue also said the contracts may have been signed by the last government. However, my argument is that the Premier has said that the race would only continue if it holds its own. Whether or not the contracts were signed by the last government, the people of Victoria still need to know on what basis they are continuing to have to subsidise this event.

Mr Leane mentioned something that echoed Mr O'Donohue's call to me, that I could have the documents as long as they were not commercial in confidence. Advice by Bret Walker is that the use of commercial in confidence is a spurious reason for denying documents to the upper house. I have to say that the members of the public have no confidence in the continued use of commercial-in-confidence clauses to deny them information about the use of taxpayers money, be it for the grand prix, be it for channel deepening or be it for a large number of other things, such as the desalination plant or the business case for not using the recycled water from the eastern treatment plant. All these things have been quoted as being commercial in confidence, and the public is not allowed to know what is going on with their own money. I have to say that the public has no confidence in that anymore, and if the Premier is going to justify the continuation of this race, he should come clean with all the documents so the people of Victoria know what they are getting into.

Mr Leane pre-empted that I would be bringing in another motion to censure the Leader of the Government in this house for non-production of documents. I hope I am just going to get the documents in the first place! That is the reason I have moved the motion — so that the documents will be provided for the people of Victoria. Whether or not I bring in a further motion to censure the Leader of the Government may depend upon the tone of the letter from the Attorney-General. If the documents are not forthcoming, there will no doubt be a letter from the Attorney-General. It will depend on what that letter says; I might want to take notice of that.

Mr Leane also went on to say that it is important to protect jobs; I point out that the grand prix is a three-day event. There are many other ways the government can create jobs. Personally I do not think running this event is a beneficial way. Mr Leane also trotted out the old chestnut about tourism, but the Auditor-General said there was no evidence that this race promotes tourism generally any further than the

race itself. Some people come from interstate, and very few international visitors come to see the race. Most of the attendees come from Melbourne and Victoria; they do not come from interstate or around the world in great numbers to see the race. There is no evidence that anybody else comes to Melbourne as a result of seeing the race on television, just as most people from Victoria and Australia do not go to Bahrain because they have watched the Bahrain race. Unfortunately I think that race has been cancelled this year due to the unrest in Bahrain, so that was perhaps not the best example, but any other grand prix, such as Monaco, could be an example. Australians are not rushing over to Monaco just because they have seen the race on TV. Tourism benefits are a discredited claim, and both the major parties should stop using it. With those comments, I thank the house for its support of my motion.

Motion agreed to.

ALPINE NATIONAL PARK: CATTLE GRAZING

Mr JENNINGS (South Eastern Metropolitan) — It is my sorry responsibility to move this motion and urge the support of the house to express its dismay about the decision to restore cattle grazing to the Alpine National Park and to call upon the Minister for Environment and Climate Change to overturn that decision in light of — —

Mr P. Davis — So you do not support the government implementing its election policies?

Mr JENNINGS — I will have a comment to make about that, Mr Interjector. I will also comment on the duplicity of some political activity that may have taken place in the lead-up to the election campaign in the name of reaching agreement with people, in good faith, to accommodate legitimate concerns that Mr Davis may have had a role in identifying and bringing to the attention of the minister of the day, who used his best endeavours to demonstrate goodwill and good faith and who reached an agreement with people about accommodating their legitimate concerns — —

Mr P. Davis interjected.

The PRESIDENT — Order! I ask Mr Jennings to formally move the motion before he launches into debate, and I note that he does not need all the assistance that Mr Davis is giving him.

Mr JENNINGS — It is probably because not only is it a sorry issue that I raise and that I have a sorry heart in moving this motion, but also because I am not

well versed in moving such motions from this side of the chamber. I move:

That this house —

- (1) expresses its dismay at the government's decision to reintroduce cattle grazing to the Alpine National Park; and
- (2) calls on the Minister for Environment and Climate Change to overturn this decision in light of:
 - (a) overwhelming scientific evidence of the damage caused to ecosystems protected by the commonwealth Environment Protection and Biodiversity Conservation Act 1999 in the Victorian alpine region;
 - (b) lack of process in gaining approval from the commonwealth government for the reintroduction of cattle grazing into these protected areas;
 - (c) concerns regarding the lack of a tender process to determine which cattle owners should get access to these adjustment arrangements and at what cost; and
 - (d) concerns that despite individual mountain cattlemen gaining compensatory arrangements upon their stock leaving the national park and their stock having ongoing access to state forests that cattle grazing may be returning to the national park without any financial contribution paid by cattlemen to the maintenance of public and environmental values of the park.

I had already started discussion on the subject matter and in fact had an impromptu debate about the relative virtues of this decision. In fact when I outline the concern that members of this house and I share in relation to this development to restore cattle grazing to the high country, at no stage in my contribution will I ignore the fact that it was a commitment that the Liberal Party — not The Nationals — took to the people in the election last year. I do not deny that. Whether it was a legitimate and appropriate policy is something that may be debated. Whether or not the policy will be enacted in any way that will satisfy the probity and prudent nature of decision making and the implementation of decision making within government will be the subject of another series of questions that will be put on the record.

It might be suggested that the policy settings have a mandate given by an electorate whose members might have had a few blind spots in their consideration of the relative virtues of policies, but that is something I will not spend a lot of time discussing. Today a lot more people in the state of Victoria are aware of this policy commitment made by the Liberal and National parties than there were prior to the election. That is not necessarily the fault of the Liberal and National parties,

although there might have been a slightly different emphasis placed on this policy by the audience from rural and regional electorates, whose members were perhaps well versed in this policy, and the audience from suburban electorates and the commentary in the major media outlets.

Mr P. Davis — So the *Age* is not a major media outlet?

Mr JENNINGS — If Mr Davis is pointing out the blind spots of the *Age* or the duplicity or hypocrisy of the *Age*, that is something that he might draw attention to. I am not voluntarily going there.

What I am concerned about is a matter that I have already raised on the adjournment in this chamber. It is subject to consideration by federal Parliament, and it is a major concern to a large number of members of this chamber who are very concerned about the policy direction and, most importantly, the inappropriateness of cattle grazing in the high country in the name of protecting both environmental values and ecosystems. The biodiversity and quality of those ecosystems are extremely important to the Victorian natural environment because they not only impact on the quality of the water systems that have their headwaters in the high country but also on the integrity of catchments throughout eastern Victoria which are dependent on the quality of the high country.

These are important matters, and none of us should take them lightly. I am sure there will be at least an acknowledgement of that by government members. Whether they are taking any deliberative action to protect those values is a serious question which they cannot answer because through their actions they cannot demonstrate that that is the case. I am sure that at least at the level of rhetoric and political spin there will be justification for their actions in the context of providing some defence of environmental values and the quality of the environment in the high country. I do not think that stands up to any scrutiny, and I will outline why in a minute.

The important action this motion calls for is that the Minister for Environment and Climate Change take the appropriate action, even if he intends to implement the decision that was taken to the people and carry through on what I believe — and I am sure other members will join me — is not a desirable policy but one for which he believes he has a mandate. It is incumbent upon the minister to demonstrate how the implementation of any policy that the government says it has a mandate for meets the obligations of and is appropriate to the acts the minister is responsible for, the standards of decision

making and the probity considerations that will be brought into question because of how this policy has been enacted. Until this point I do not think there has been any attempt by the government to justify, explain or be accountable in any way on that basket of issues.

During the course of this debate government members will be called upon to answer many issues. I will be pleased if any of them are answered. I will be very pleased if any of them are responded to in a proactive way that demonstrates concern by the government in general and the minister in particular to protect the values of the high country and to acquit any decision making which has led to the reintroduction of cattle grazing in the high country of being prejudicial or inappropriate.

I am sure that government members will wax lyrical about the romantic history of cattle grazing in the high country. Over the generations many schoolchildren in Australia have been able to demonstrate their romantic notions of cattle grazing in the high country and the stockmen, inevitably — but I am sure there were women as well — who were part of that heritage. We can collectively recognise and be proud of many elements of that heritage. An element that we should perhaps not be proud of is the adverse impact this activity may have had over the generations. Whilst the romantic nature of the engagement in the high country rang true as part of the Victorian and Australian heritage, or our story, there is a very mixed story about the environmental values, the protection of the ecosystems and habitat and the appropriateness of allowing introduced species to dominate the terrain and damage the habitat, the ecosystems and the headwaters of many important catchments across Victoria.

For decades that issue was sorely contested in Victoria. From the Labor Party's point of view it culminated in a lot of scientific evidence, community concern and momentum. That led finally not only to the establishment in the early 1990s of the Alpine National Park but also, significantly, to an ongoing debate about whether cattle grazing should be allowed in and around the park or whether the Alpine National Park should be protected from grazing. That debate lasted for another 15 years.

In 2005, in trying to constructively deal with the removal of cattle grazing from the high country, the Labor government, after receiving many submissions from the community and following much consideration of scientific evidence, made a determination that that was no longer an acceptable practice as part of good governance and arrangements to protect the park. Action was taken by the Bracks government at the time

to remove cattle from the high country, but not exclusively. There was ongoing access for cattle grazing in the lower reaches but nonetheless high elevation areas of the high country in the state forest, which has a different designation from a national park. That arrangement continued until the incoming government made a very rapid decision at the end of 2010 to allow cattle grazing in the national park to recommence.

In 2005, when the decision was made, there was much celebration among those members of the community who recognised the importance of protecting those environmental values. There was some regret that it may have come at the expense of a lifestyle and that a romantic part of our collective heritage may have seemed to have come to an end. How the community responded to that issue was not all necessarily one-way traffic. Nonetheless, a balance was struck on the basis of recognition of a right or entitlement under licence or fee-paying conditions for cattle grazing around the park in the state forest.

The issue I launched into after receiving some baiting from Mr Davis at the beginning of my contribution relates to what he well knows were endeavours made during the course of 2010 by me, Parks Victoria and the Department of Sustainability and Environment and Parks Victoria to reach an accommodation of what had been described to me as the legitimate ongoing concerns of various mountain cattlemen about the logistics and reality of their grazing entitlements and their circumstances.

Mr P. Davis — Boundary issues.

Mr JENNINGS — Boundary issues. Agreements were reached during the course of 2010 which were instigated from the then government's perspective from no other quarter than the desire to demonstrate goodwill and to accommodate the aspirations of the mountain cattlemen. An accommodation was reached, an agreement was reached, during the course of 2010 about what their legitimate concerns might have been and to deal with boundary matters.

Mr P. Davis — But that is a separate issue from the policy.

Mr JENNINGS — Mr Davis conveniently chooses to believe that that is a separate issue, but from my vantage point they are the same issue. I believe that what Mr Davis and other members on the government benches will rely on today is an extreme flimsy defence of the reintroduction of cattle grazing in the name of scientific rigour. That fig leaf would not survive an

Australian summer. It would not survive one small gust of wind, let alone the winds that quite often prevail in Victoria. It would probably be the flimsiest of defences that has ever been perpetrated in the name of government decision making that I have heard. I do not give it any credence at all.

Mr P. Davis — I have not spoken yet.

Mr JENNINGS — If Mr Davis can provide any scientific evidence, scientific justification, scientific rigour or probity considerations or an appropriate decision-making framework that justifies and explains the way in which this policy has been enacted and that in any way, shape or form satisfies the rigour of appropriate decision making, then I will stand up later and acknowledge it. If he can do that, I will be sufficiently pleasantly surprised to come back and acknowledge that there is some degree of credibility that he can bring to this, because up until now not one skerrick of scientific evidence has been brought to bear that demonstrates that there is any justification for the reintroduction of cattle grazing.

No scientific program has commenced, so there is no benchmarking of the environmental and ecological standards that currently exist within the alpine park. There has not even been a preliminary assessment of fuel loads within the park to ascertain what the prevailing benchmark conditions were prior to the reintroduction of cattle. If a scientific research program is to commence in a year's time, what will it actually be assessing in relation to the impact of grazing that has occurred from December 2010 up until the time when that research commences? How on earth is this scientific rigour? Where is the scientific rigour? Where is the science of any renown by anybody — —

Mr Drum interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I ask Mr Jennings to speak through the Chair.

Mr JENNINGS — I think Mr Drum, not for the first time in his contributions in this chamber, wants to go through Groundhog Day and live in blissful denial of anything to do with science.

Mr Drum — Thank you, I appreciate your acknowledgement.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I do not see Mr Drum's name on the speakers list.

Mr Drum — No; that is because I am interjecting.

Mr JENNINGS — The great problem with any interjection is that it only gets on the record if it is acknowledged by the person who is speaking.

Mr Drum interjected.

Mr JENNINGS — A tree has fallen in the Amazon jungle, and no-one will notice it. I know this because I have spoken at great length in this chamber, and I know how much of my public record is understood, recognised and remembered by anybody outside of this place. I am under absolutely no illusions about that.

Mr P. Davis — And you are overwhelmed by the gallery you have attracted this morning.

Mr JENNINGS — Exactly. The whole world is listening! They just have not found the internet connection to know they are listening.

Mr P. Davis — Actually, it doesn't exist this morning, I am advised.

Mr JENNINGS — It is the story of my life.

Regardless of the unruly interjections that were probably designed to take me off message, I would like to reinforce the point that no scientific rigour has been established to justify the fig leaf defence for this policy announcement. The loophole that has been chosen to enable grazing to occur in a national park is the idea that somehow grazing may play a positive role in relation to fuel reduction and thus fire risk mitigation within the national park. That is something that I assert will not be able to be demonstrated by any science of merit or by any scientific program that the government may choose to rely on at some point in the future — it certainly cannot rely on one at the moment.

Beyond that issue there is also the nature of the decision making about which cattle, owned by which mountain cattlemen, will be grazing under what circumstances in terms of the licensing arrangements that should apply to these grazing conditions. I have not seen or heard the government explain any process of decision making that would satisfy any assessment of probity considerations about proper tendering arrangements and the fee structure that may be in place for these matters.

Mrs Petrovich — It is a bit more complicated than that, Mr Jennings.

Mr JENNINGS — I know government administration is complicated. I have an expectation that any new government will race to take policy decisions to the people, but it should make sure that the

implementation of any policy satisfies the scrutiny process brought to bear by the Parliament, the people, the Auditor-General and the Ombudsman, as well as any other scrutiny process it is subjected to. It would be wise of the government to try to make as many decisions as possible that will withstand that scrutiny and in the interim to be able to outline, at least in general terms, either to the Parliament or to the people, the way in which those standards may be met. Up until now the government has not seen that it is appropriate to explain any of those decision-making processes or to even explain how complicated they are. The people of Victoria should have a reasonable expectation that those requirements can be satisfied.

Beyond that, as any incoming state government knows, there is also the aspect of dealing with commonwealth laws. We are an independent sovereign jurisdiction and we have very important pieces of legislation in our own right — the National Parks Act 1975, the Flora and Fauna Guarantee Act 1988 and other state acts — that provide for protection of not only our landscapes but also environmental values within those habitats. We also have an interlocking responsibility to be mindful of commonwealth jurisdiction on those matters.

In terms of the commonwealth's concerns about the appropriateness of this grazing, the commonwealth Environment Protection Biodiversity Conversation Act 1999 is an extremely onerous act, so the Victorian government should be mindful of its obligations to act in a way which is consistent with not only Victorian law but also commonwealth law. The government should seek the appropriate alignment of responsibilities between the Minister for Environment and Climate Change and the responsibilities of the equivalent minister in the commonwealth jurisdiction to ensure that we do not fall foul of our obligations, not only under commonwealth law and the requirement of the commonwealth minister to act in accordance with acts but also within the approval and decision-making processes. I have not seen any proactive or pre-emptive evidence that any action was taken by Victoria prior to the reintroduction of cattle grazing in the high country which would satisfy any expectation of that requirement.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Jennings, through the Chair.

Mr JENNINGS — Through their interjections a number of members on the government benches might be indicating that for the first time they may today get to their feet and put on the public record some

explanation of or justification for matters that have not been discussed in the public domain. There has been no degree of accountability demonstrated by the Victorian government to allay the concerns I have expressed, which have been described as allegations. If I am put in my place because I am acting on false assumptions and government members are going to allay those assumptions today by offering an explanation, then I will be pleasantly surprised. I may even acknowledge that at some subsequent time.

The Parliament and the people of Victoria have an expectation that these matters have been decided by a process that has followed through the logic of establishing scientific protocols and a scientific program — if this policy is being done in the name of science — in advance of cattle being returned to the high country. A proposal may have been prepared, approval processes may have been sought and appropriate recognition, not only under Victorian law but also under commonwealth law, of this decision-making process may have occurred prior to cattle being returned to the high country.

The next matter is whether there is any process to determine the appropriateness of the cattle owner and grazing licensing arrangements which would satisfy probity expectations and the transparency of the decision-making process demonstrating an open tender, rather than a closed book, insider-trading arrangement that may have applied to members of the Liberal Party or The Nationals or mates of the Liberal Party or The Nationals. Can the government demonstrate in a transparent way that that has not occurred?

Honourable members interjecting.

Mr JENNINGS — It is very important for any government to demonstrate that it has gone through the proper sequence of implementation and decision making prior to it taking the very drastic action of reintroducing cattle to the high country. That action was taken prior to Christmas 2010. This government has been in place for almost 100 days. When you actually count — —

Honourable members interjecting.

Mr JENNINGS — There is one issue in Victoria that the government has got on with, which is to put cattle in the high country.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Davis is not on the speaking list, and

Mr Drum should not try to enter the debate with his interjections.

Mr JENNINGS — The people of Victoria do not mind the government getting on with its mandated agenda. In fact the opposition has the expectation that the government will get on and deliver on its mandated objectives. Simultaneously we have the expectation that the implementation will be undertaken in a way which satisfies due process, has validity in the way in which decision making is undertaken and has the appropriate checks and balances in place to make sure it does not have any adverse impacts on Victorian households, Victorian businesses or, in this case, the Victorian environment.

The opposition is not satisfied that the implementation of this policy — which it does acknowledge was taken to the people — has been undertaken in any way that, up until this point in time, has demonstrated to its satisfaction any appropriate design and construction in the way the decision making has occurred. The policy has also not been subjected to the appropriate scrutiny and quality of decision making that you would expect of an incoming government, and it falls short of what you would expect of a mature state of Victoria relating to commonwealth jurisdiction and seeking appropriate approvals through commonwealth law for these actions to take place.

They are the tests that we think have not been satisfied, they are the tests that we note with concern in this motion and they are the reasons we call upon the Minister for Environment and Climate Change to overturn this decision. We express our dismay at the return of cattle to the high country. The intention of the motion before the house today is to express that dismay, and I urge members to support it.

Mrs PETROVICH (Northern Victoria) — I rise today as a representative of the government on this position with some pride. The Baillieu government made an election commitment and has had philosophical support for the traditions of cattle in the high country going back a long time. We took this issue to the election on 27 November, and the people of Victoria were very clear in their support of our position on this issue.

Unlike the current Labor Prime Minister, Julia Gillard, we will not backflip on our commitments, and we are sticking to our position with due process and due diligence. We will not turn on the Victorian people in the way the Labor Prime Minister has in relation to a carbon tax. I have listened to Mr Jennings — a man I actually had some respect for as a minister in the

government but for whom I have lost a significant amount of respect today — and I believe his portrayal of this issue has been one-sided and ill thought out. I probably expected a little more from him today. I ask Mr Jennings as the mover of this motion to perhaps reflect on the track record of his government and his term as the environment minister.

One of the things I have spoken on many times in this chamber is the lack of a sensible approach to fuel reduction. In the time that Mr Jennings was the minister for the environment 3 million hectares of Victoria's biodiversity was burned — that land was razed, under the watch of Gavin Jennings. We have seen that a variety of catchments will not return to their original state in my lifetime or my children's lifetime. We will not see the regeneration of the mountain ash and snow gum populations because of the heat and intensity of the fires that burned in 2003, 2006 and then on Black Saturday. Over half of our national parks have been burned — under the watch of Mr Jennings.

I think the penny should drop at some stage that the 'Lock it up and leave it' strategy is not working. It is not working for our biodiversity; it is not working for our catchments. History has shown us that the areas that have been managed by indigenous firestick methods and pioneering methods of fuel reduction have produced a much more open and high-quality level of vegetation. Historically our indigenous people would burn all year round.

As a result of mismanagement of public land under the watch of the former minister, Gavin Jennings, our forests have become weed-infested vermin traps and have changed significantly from being open, timbered forests to now being weed infested. In many cases, after the super-intense fires, the forests have changed completely. We now see scrubby saplings and different species altogether re-inhabiting burnt areas, because the intensity of the fires over that period of time burned so deeply into the soil that the seed stock was destroyed.

We need to be very clear. We are not confused; national parks are not farms. But the study also has nothing to do with Japanese whaling. Some outlandish statements have been made by members of the opposition and members of the Greens, and some ridiculous statements have been made in the press in terms of a scientific study of what impact 400 cattle will have on the biodiversity of these areas.

Mr Barber — Woodchipping is much worse, I agree.

Mrs PETROVICH — Some of the people you support have supported woodchipping too, Mr Barber.

We need to remember that the Labor and Greens philosophy of 'Lock it up and leave it' has failed. It has failed those communities who choose to live in rural Victoria and who have been put in harm's way through a risk-averse, smoke-averse Labor government and its city-based Greens supporters.

It is time to keep things in perspective. We are looking at 646 000 hectares, 400 cattle and 6 sites. This is a trial. Custodians of the bush have been rural people for generations. It is very interesting — —

Mr Barber — I want to hear more about the trial.

Mrs PETROVICH — I will get on to that, Mr Barber.

Mr Lenders interjected.

Mrs PETROVICH — I will get on to that. It is interesting that there is a great misconception that the people involved in this trial are actually — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Finn) — Order! It would be very helpful to the Chair if Mr Lenders could contain himself for just a little while.

Mrs PETROVICH — It is certainly cowards castle on this occasion for Mr Lenders.

It is a great misconception that the people involved in this scientific trial have in some way profited or gained some advantage from their participation. It is an incorrect premise. It has actually cost them to participate in this trial. They do it because of a whole range of things.

I would also like to highlight the misconception held by Mr Jennings about the process. There has been a process for the participation of those people involved. They were invited by the secretary of the department to participate.

One of the big problems with Labor philosophy and its great misconceptions and misunderstandings about this issue is that Labor just does not understand how things work, and this is where Labor falls foul in a number of areas. Let us face it: that is why there was a sustained campaign over a long period of time to remove cattle grazing in national parks and state parks. If this is about a traditional practice in a specific area, you cannot just go to the cattle yards, buy 400 cows and dump them in the park. People in those areas have an intrinsic

knowledge of their environment, and so do the livestock. In many respects we are quite lucky that there are still a few remaining lead cows in those herds that know the areas that are being trialled. If we did not have that, we would have an environmental problem. Those cattle stick to the areas and the tracks, and they teach the other cattle the appropriate way to move through that country.

It is not as easy as just saying, 'We are going to buy 400 cows and dump them in there', because that would not work. We are quite lucky that the people who were involved are still around and that they are still willing to participate. Mr Lenders and Mr Jennings are having a great laugh at the expense of those people — —

Mr Jennings — No, I did not laugh.

Mrs PETROVICH — Well I think it is rather rude, because without — —

Mr Lenders interjected.

Mrs PETROVICH — Is that right?

Mr Lenders interjected.

Mrs PETROVICH — The really sad part about all of this is that Mr Lenders's interjection only relates to himself and milking cows, which I do not think has anything to do with any of this. It is more of the same.

We have just had a high rainfall season. As part of our fuel mitigation program during that season, we had to consider a range of fuel mitigation techniques. It will be very important to get the results of this cattle grazing trial, because in years such as this it has been too wet to burn in some areas. This may very well prove to be an alternative means of fuel reduction.

There has also been a lot of talk about wildflowers, moss and catchments. I have to tell members that there was an enormous amount of damage done under the watch of Mr Jennings and, before that, Mr Thwaites, a former Minister for the Environment. High-intensity fires have damaged our catchments and biodiversity.

Post-Black Saturday we have a very different world; it is a very different place. For those people who lived through that devastating day we have nothing but sympathy. The Baillieu coalition government will deliver on its commitment to the Victorian people. There has been an appropriate process. For the record I would like to detail some of that process. The Department of Sustainability and Environment (DSE) has provided all the information that was initially requested by the commonwealth and continues to

provide such information. There is ongoing dialogue with commonwealth officers to address any further questions that may arise. Commonwealth officers have advised DSE that they would like further information on the application of the adaptive management framework that DSE is using to manage the risk of significant impacts on listed national values. A meeting has been arranged to provide that information.

In terms of a chronology, on 22 February 2011 departmental representatives met to work through the further information required. The commonwealth committed to providing written advice on its specific information requirements. Such specificity is necessary so that DSE is aware of what is required and is therefore able to provide the federal Minister for Sustainability, Environment, Water, Population and Communities with assurances that any significant impacts on nationally listed values will be avoided.

The request to provide clarity in relation to the commonwealth's requirements was followed up on 23 February, 25 February and 1 March. This information was provided by email at 1.12 p.m. on 1 March 2011, and this was after a letter was sent to the department and comments about the alleged failure of DSE to provide the required information appeared, funnily enough, in the media. The commonwealth also provided information to the department about the process of the referral assessment under the commonwealth Environment Protection and Biodiversity Conservation Act 1999 and about observations made at the treasure research site during a field inspection. DSE reiterated its commitment to provide a copy of the assessment report for the treasure research site.

The department has also recently received a report of significant damage to the research site, including the listed moss beds, by the four-wheel drive convoy of the federal environment minister and the Victorian National Parks Association. The department will determine how to address that report's assessment of the site, but I think there may be another detailed contribution made about that visit shortly.

I need to be clear: I have spoken about this issue many times in this house. My concern is about those rural communities who live with the danger of fire every summer. 'Lock it up and leave it' does not work. We have seen how hot those fires burn. The Victorian community has expressed concerns to me regarding fuel, bushfires and the management of public land. We know that intense bushfires pose significant risks to human life, assets and the environment. We went to the election with this as one of our major policies; we do

not shirk from that. Our commitment to this goes back as far as 2005. In 2006 Ted Baillieu, then the Leader of the Opposition, made a very clear commitment in relation to returning cattle to the high country, and it was reported in the *Herald Sun* that:

If we came into government, we would look at the situation and see what can be done ...

There is no wriggle room in this for us. It is about support for our traditional values and support for our heritage, and it is about looking at ways to improve our environment through natural means. The studies will be done, the process will be transparent and open, and the community will be engaged. That is part of our commitment; it is part of the way we do things — in contrast to the previous government.

This government is committed to making transparent, informed decisions based on credible scientific evidence. It is not just about 400 cows and 640 000 hectares, it is about credible scientific evidence, proper land management and proper bushfire management. Grazing has been used for generations as an effective fuel and bushfire risk management tool and has been the subject of debate for many years. We believe we need to pursue this to have a peer-reviewed science to support those differing opinions.

The DSE has commissioned scientific research to assess the effectiveness of managing fuel and bushfire risk using strategic cattle grazing, and the research will also assess the non-fuel impacts of grazing. This scientific research trial will focus on a range of ecosystems in the Alpine National Park, including forested areas, and will build upon the existing body of research by concentrating on areas where scientific evidence is lacking. It will not occur on the Bogong High Plains, which is a furphy that has been put out into the community by people who purport to be interested in the environment and who have expressed those concerns incorrectly, but that sort of furphy does not assist with this research.

As members will be aware, the department invited Professor Mark Adams, an internationally acclaimed forest ecologist and physiologist, to lead a program of research that will accompany the government's trial. Professor Adams holds the appropriate qualifications and has a long record of independent research in Australian forests and woodlands, with a focus on Victoria's indigenous forests. This research has been recognised through continuous funding from the Australian Research Council for the past 20 years and through over 150 peer-reviewed publications. Professor Adams has also been recognised by many peer-reviewed awards, and he was one of seven experts

called to give expert evidence on public land management and fuel management before the 2009 Victorian Bushfires Royal Commission.

Professor Adams has also been involved in and has led the HighFire project in the Snowy Mountains for the Bushfire Cooperative Research Centre. This research will be peer reviewed and the results will be publicly available. It will receive input from a scientific advisory committee which will be appointed following an international expression of interest process. The expression of interest tender was released on 1 March 2011, and it has been sent throughout Australia and internationally to America, Africa, Asia and Europe. There has already been interest from international experts. A science forum will be held on 24 March 2011, and I think this is a good opportunity for local scientists to contribute to the discussion on scientific design and raise matters of scientific concern to ensure that they are addressed.

DSE is protecting natural values during the conduct of this trial using an environmental management framework. It is very interesting that I am going through the details that Mr Jennings has asked for and he is sitting with his back to me. He is not listening to any of the details I would have thought he would be most interested in.

Mr Jennings — I am side on, and I have not lost touch with what you are saying.

Mrs PETROVICH — I think you have lost touch in a whole range of ways, Mr Jennings. DSE is protecting natural values during the conduct of the trial using an environmental management framework based on a rigorous site selection process, including assessment against the Australian government's significant impact guidelines, and an adaptive management approach.

Mr Jennings — When?

Mrs PETROVICH — I gave Mr Jennings all the dates, but he was not listening. I am sure he will be able to read them in *Hansard*, if he takes the time. It is interesting to note that alpine areas throughout the world are grazed for reasons of management and aesthetics. Grazing was stopped in some European countries but then was brought back by demand from the community. National parks in other countries and in Australia are grazed, and I know Mr Philip Davis will follow me with more details of some of the experiences he has had. However, in Victoria the precedent has been set in the Terrick National Park.

The assertions made by the federal Minister for Sustainability, Environment, Water, Population and Communities will be seen as a beat-up, and I think they come straight from the Greens propaganda sheets.

Mr Barber interjected.

Mrs PETROVICH — It will be very interesting to see whether he does intervene, Mr Barber. I think he intervened last week; we will have some details of that intervention later.

The concept that parks are for biodiversity purposes only is one promoted by one section of the community, and it is not a specific worldwide criterion for national parks or heritage areas. We need to look at how we use our national parks to ensure that they are protected, that our biodiversity is protected and that our catchments are protected, but we know that locking them up and leaving them does not work.

Labor and the Greens continue to mislead the community, but let us be clear about it: their philosophy has failed. It does not work. It is a metropolitan-based misunderstanding of how the environment is being impacted on by ignoring traditional methods such as year-round indigenous burning and pioneer methods of managed grazing. Our cattlemen were great custodians of the land. When they brought the cattle down from the high country in the autumn they would flick out their wax matches and there would be a nice steady trickle of fire, because funnily enough they had removed the fuel load. The fires burnt cool, which meant less devastation was caused to our biodiversity.

This is a very important step forward for the protection of our biodiversity and our traditional and heritage values. To give us a better understanding of how we can follow these traditions we have implemented this research project. The motion that is before us today should be defeated. It is pre-emptive and does not give due consideration to the process that has been put in place.

Mr BARBER (Northern Metropolitan) — I am going to speak reasonably briefly on this motion, and in no way should that be taken as a lack of enthusiasm for the protection of alpine areas. It is just that — and we should be able to agree on this much — the battlelines have been reasonably well drawn on this issue over decades. In fact I can remember some of my first ever political meetings were environmental policy forums at state election time. It must have been in the late 1980s — I cannot remember which particular state election it was — when this issue was raised. Of course there has been much more opportunity for debate,

study, science and refining of those positions over those decades. I will simply address the motion moved by the former Minister for Environment and Climate Change, Mr Jennings, and the parts that relate to this new battleline that the now government has chosen to open.

The motion refers specifically to a lack of process in gaining approval from the commonwealth government for the reintroduction of cattle grazing into these protected areas — that is, under the EPBC act (Environment Protection and Biodiversity Conservation Act 1999). That is something the former government would know about — that is, lack of process.

In relation to the Northern Victoria Irrigation Renewal Project the then government chose to start building and occasionally, when it ran into an individual protected matter — that is, a species or an ecosystem — then started preparing a referral. The order the then government did it in was to create a state-owned enterprise to build the irrigation project, which then started building. The government monitored as it went until, eventually, it thought it had reached some kind of threshold where it might reach, across the landscape, a significant impact. Then it did the referral, but it was all a bit redundant at that stage.

Mr Jennings — We might have already been punished for this.

Mr BARBER — Thank you for that assistance, Mr Jennings. You were, in fact, sanctioned by the then federal government for failure to refer matters as required.

These days it is completely routine to refer a project to the federal government for a year or so. On the website you can see all sorts of people with seemingly quite small projects that they have referred to the federal government, and on many occasions the federal government has written back saying, 'This is not a controlled action'. It is done just as a matter of course out of cautiousness. But neither that former government, when it had a political agenda to pursue, nor seemingly this one wants to go through the step that private developers regularly do.

If the question is one of lack of process, I agree that it is completely regrettable that the government as the proponent of this action did not routinely request from the federal government an assessment as to whether this was a controlled action. In fact, we are doing it in the reverse order. Someone has taken an action, and now the federal minister, somewhat reluctantly, has started a process.

In regard to points (c) and (d) about the tender process and compensation arrangements, I have not yet heard anything from the government in defence of those matters. I am still waiting to hear the particular point that is being made there. It is a separate issue, of course, to the environmental questions.

In the federal Parliament the Greens have introduced a private members bill to trigger the EPBC act immediately, because we do not yet know whether Mr Jennings's federal colleague is willing to take any real action. At the moment he is talking it up, but he has not taken any action that is within his power as a minister. The Greens bill in the federal Parliament, introduced by Adam Bandt, seeks firstly, to force, if you like, the referral — although the federal minister has the power to simply make it happen — and secondly, to deem that the particular proposal is clearly unacceptable under section 74 of the act. Section 74 is an existing provision of the EPBC act, which says that where a proposal is clearly unacceptable it does not need to go through the full set of steps that a normal referral — if this government had chosen to do a normal referral — has to go through. That provision has been used for other proposals that have come before the federal minister.

The other key point of Mr Jennings's motion is at (2)(a), which states that there is 'overwhelming scientific evidence of the damage caused to ecosystems' protected by the commonwealth EPBC act in the Victorian alpine region. I do not propose to go through a comprehensive literature review of all the scientific studies that have been done on the Victorian Alps on this matter. We all agree that there have been a lot. The findings are still disputed, and seemingly today the government wants to add another one to that list.

It is possible that speakers who come after me plan to go line by line through the scientific literature, but what I would say is this: if the state government persists in its course of action, if the federal minister decides to block that action and if there is a subsequent court challenge, then all of the scientific literature and the claims that have been made, including further claims that are being made here today, will be tested to a legal standard of proof in the judicial system. We can stand here and argue about these things all day and then vote on a conclusion, but it will be gratifying to me — and it will certainly be a good day for somebody — when all the scientific claims are tested to a legal standard of proof in the Federal Court.

There will also be questions of law — that is, what is the federal minister required to do? The most recent and important precedent on this issue is the case of *Brown*

v. Forestry Tasmania. That case found, after looking exhaustively at the evidence of the impact of logging on three particular species, that logging was having a significant impact on those species. It was having such a significant impact that it was contributing to the endangerment of the species. Then an important legal finding was made by the learned justice, and that was that 'protect' for the purposes of the EPBC act means to protect those species not just from becoming more endangered but to assist them in recovery and to become less endangered.

That is the legal test that will have to be applied here in relation to a number of species that are already triggers under the act: alpine sphagnum bogs, an ecosystem or an ecological community, if you like; the spotted tree frog; the dwarf sedge; the alpine tree frog; and a number of other mammal species.

Mrs Coote — No growling grass frog?

Mr BARBER — Not in this case, regrettably. There is no shortage of triggers that would lead to a question of significant impact, and I am completely confident — because of the scientific literature base — that we will find there is a significant impact to be had. If the federal minister is willing to take some action, and he appears to be muscling up in public, I believe it will set up a legal showdown and we will get some further test of the law in this area.

In the case of *Brown v. Forestry Tasmania*, after the appeal regrettably Senator Brown did not obtain leave to have it tested in the High Court, and only one of the learned justices made the point that the Environment Protection and Biodiversity Conservation Act 1999 has never been to the High Court, so its constitutional basis — which very much comes back to the responsibilities of the minister and the requirement to protect and recover endangered species — has not been tested in the highest court of the land. It is quite possible that this case could be the one to do so, but I believe it is a narrow enough field for this Parliament to conclude that the federal and state governments will soon resolve the matter. For our part, the Greens support the motion.

Mr SCHEFFER (Eastern Victoria) — I rise to speak in support of Mr Jennings's motion. I am pleased to make a contribution to this important debate. I have already made a couple of contributions on this issue during the adjournment in the last sitting week and also in my reply to the Governor's speech, but Mr Jennings's motion provides a further opportunity for members to put their views on the public record.

I accept that many of the voters of East Gippsland support the mountain cattlemen's campaign to overturn the ban on cattle grazing in the high country that has been in place since 2005. I spoke in support of the legislation that introduced the ban in June 2005, and I am disturbed that nearly six years later this government is seeking to overturn the provisions of the National Parks (Alpine National Park Grazing) Bill 2005.

The PRESIDENT — Order! I indicate for the information of the house that the gentleman to my left in the bright Liberal blue rinse is actually bringing attention to the issue of leukaemia and is about to have his rather shaggy and defiant locks pruned as part of the World's Greatest Shave in support of the Leukaemia Foundation. There will be a photographer taking pictures of the Liberal blue rinse.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Department of Business and Innovation: freedom of information

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. In response to an FOI application from the opposition, the Department of Business and Innovation — the minister's department — has refused to release parts of the incoming minister brief because it 'contains information on proposed projects which are still in the feasibility phase and may or may not proceed' and that it could 'potentially give the public the false expectation that these projects would be delivered by the incoming government'. Is the minister able to enlighten the house as to which projects his department is referring to?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — Here is the pot, a former government minister, calling the kettle black. We must remind ourselves of a government that held back on FOI requests at every step of the way on every point. The former government used to fight tooth and nail on every FOI issue, and what opposition members are doing now is sitting there saying, 'You should be open about everything'. The reality is that the previous government would not even answer questions on notice. We have the last Parliament's notice papers, which show literally hundreds and hundreds of questions not answered.

Hon. M. P. Pakula — On a point of order, President, the question was very narrowly defined. I

simply asked the minister to advise which projects the department is referring to. I ask you to bring him back to the question.

The PRESIDENT — Order! In respect of the point of order, there is some validity to the point of order in that ministers' answers need to be responsive, but I am sure Mr Dalla-Riva is headed in that direction having made some introductory remarks.

Hon. R. A. DALLA-RIVA — We have made a very clear policy commitment regarding the FOI process and how we are going to deal with it. There is a commitment and a policy initiative that we will deliver. We are going to be responsible about ensuring FOI requests are delivered in an appropriate manner, unlike the former government that made a mockery of the FOI process and made a mockery of questions on notice. It stands condemned for what it used to do when it was in government.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — It seems that the minister does not know which projects his department is referring to. I refer to the same FOI response by the minister's department that I mentioned in my substantive question, which says that the release of information would 'jeopardise the public's perception of the government's ability to administer public moneys in a fiscally responsible manner', and I ask: which projects that the minister is responsible for might cause the government to be perceived in such a way, and if the answer is none, will the minister ensure that the information being suppressed by his department is released — by him, if necessary?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — The former minister is asking about hypotheticals, about a project he has not named and about an event which — —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — If Mr Pakula knows the particular project, maybe he can name it for the house, but at this stage this is all hypothetical. It is a matter that will obviously come forward. It is interesting that we will be developing an independent process for future FOI requests, unlike the previous government, which made a mockery of the whole process.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I draw the attention of the house to the fact that a deputy from the Lebanon Parliament, Dr Khaled Zahraman, is in the gallery. I had the opportunity to meet him just prior to question time and extended the welcome and courtesy of the house to him on this visit. We had quite a constructive discussion on some of the matters in the Middle East and in Lebanon at this time. We certainly wish him well in the Parliament in Lebanon.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Housing: Altona

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Housing. Can the minister inform the house what actions the Baillieu government is taking to reassure residents that the social housing development at 2 McIntyre Drive, Altona, will be available to aged persons only?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and his ongoing interest in housing issues for people in the west, many of whom are very vulnerable residents of this state and who need the assistance of public and social housing.

I know Mr Finn was out there meeting with the residents in the area who are concerned about the development. The reason they are concerned is the former Labor government's legacy when it comes to development processes, which was one of centralisation and control. The concerns of the residents have been about the client profile of this particular development and also the lack of community consultation about the development. That is because the former Labor planning minister made himself the planning authority for all Nation Building projects and removed all powers and say from local councils and communities over those projects. Those projects included the development of social housing that was proposed for 2 McIntyre Drive, Altona. The former Labor government's control over planning and its lack of community consultation have led to the current concerns being raised by local residents about the projects.

Labor's centralist approach to planning for these projects meant that even the local member for Altona was unaware of the details of the proposal, and she has written to me desperate for the details of the application. In contrast, the coalition government has been active in seeking to reassure the people of Altona

about the true nature of this proposed development. Earlier this month the Office of Housing prepared a fact sheet outlining the true nature of the proposal. This information was emailed to all the residents who have expressed concern, as well as to media outlets and to the council for distribution. The Office of Housing has also been in direct personal contact with those people who have expressed concerns.

I have sought to ensure that my department will work closely with the Hobsons Bay City Council, and I have spoken personally with the CEO of Hobsons Bay, Mr Bill Jaboor, to reassure him that this development is a social housing proposal that will house older persons in Altona.

Anglesea power station: environmental impact statement

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning. I am led to believe that the minister's colleague the Minister for Energy and Resources will at some stage make a decision under the Mines (Aluminium Agreement) Act 1961 in relation to the smelter, coalmine and coal-fired power station down at Anglesea. I would like the planning minister, if possible, to inform me whether under section 8 of the Environment Effects Act 1978, for which he is the responsible minister, the Minister for Energy and Resources has requested his advice on whether an environmental impact statement is required, whether he has formed the view that one is required, whether the proponents have approached him and what his determination is.

Hon. M. J. GUY (Minister for Planning) — I thank Mr Barber for his daily question to me. A view has not been formed on that matter to date. When it has, we will inform him.

Mr Jennings — Informing him? What about the rest of us?

Hon. M. J. GUY — If you are so precious, I am happy to do it for you.

Supplementary question

Mr BARBER (Northern Metropolitan) — We are talking about mining 50 years of coal, burning it in a coal-fired power station and using it to power an aluminium smelter. Without giving anything away about his final decision, can the minister tell me which aspects of the ministerial guidelines on environmental impact assessments he believes this project or this decision may engage?

Hon. M. J. GUY (Minister for Planning) — Most of that is a hypothetical question, based on the fact that the decision is yet to be made. In making my decision I will outline the reasons for that after the event rather than subjectively commenting on them before they have been set aside.

Mr Barber — I am making a comment.

Hon. M. J. GUY — I know Mr Barber has made a comment on it. I am happy to provide him with a full and proper briefing on the issue.

Mr Barber — I have a copy of the guidelines.

Hon. M. J. GUY — I am happy to look at them with him. I am happy to go through them with him and talk with him and also other members about the decision that will be made.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I advise that in addition to Dr Khaled Zahraman, our visitor from Lebanon in the gallery, we also have the pleasure of having in the gallery today the new Consul General of Greece in Melbourne, Ms Eleni Lianidou. We welcome her to her new role and certainly welcome her to the Parliament on this occasion. I understand she will have the opportunity to meet with some members over lunch today, and I certainly look forward to a formal meeting with her tomorrow. We welcome her to her post and to the Parliament.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Victorian Funds Management Corporation: performance

Mrs COOTE (Southern Metropolitan) — My question is to the Assistant Treasurer, the Honourable Gordon Rich-Phillips. Can the Assistant Treasurer confirm the reports in the *Age* today about significant fund losses in the Victorian Funds Management Corporation?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mrs Coote for her question. Mrs Coote referred to an article that appeared in the *Age* this morning in relation to what became known as the ‘death fund’. This matter was canvassed in this

place on a number of occasions in both this chamber and the other chamber over a period of some two and a half years from 2008 to last year and concerns an investment undertaken by the Victorian Funds Management Corporation into the whole-of-life investment. According to reports in today’s *Age* the Victorian Funds Management Corporation has incurred substantial losses.

This is a matter that was raised in this chamber with the previous Treasurer, Mr Lenders, and indeed it was a matter raised in the other place with the previous Premier, Mr Brumby. On all occasions when the matter was raised with Mr Lenders and Mr Brumby they sought to put distance between themselves and the investment. Mr Lenders indicated that as Treasurer he was happy with the governance structure that was in place with the Victorian Funds Management Corporation and that he had no concerns about investments that had been undertaken by the VFMC with respect to this product and other products. The then Premier, Mr Brumby, made similar statements, suggesting they were entirely comfortable with what was being done by the VFMC with respect to this whole-of-life settlement investment. Reports in today’s newspaper suggest substantial losses have been incurred by the state through VFMC and on behalf of the major agencies for which it invests funds, such as the Transport Accident Commission, WorkCover and the superannuation schemes.

While I am not in a position to verify for Mrs Coote the reports in the *Age* today, I do put on record that the former Treasurer, Mr Lenders, must explain what he knew about these losses incurred by VFMC, when he knew about them and more importantly what he did about them.

Automotive industry: Fishermans Bend

Ms PULFORD (Western Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva. The Fishermans Bend precinct plays a vital role in this state’s automotive sector, given that it is the location of the GMH engine plant as well as being home to many companies in the supply chain, including Toyota. Did the minister have any dialogue with the automotive sector about the government’s plans for residential development at Fishermans Bend prior to the Premier’s announcement, and if so, what reassurance was the minister able to provide the sector about its future at that location?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — This is one of the great news stories that demonstrates what this

government is doing to advance manufacturing in Victoria. I am very pleased that Ms Pulford raised it, because what we are talking about here is the development of an area that will support companies like GMH, Boeing and others that are situated around the Fishermans Bend area. When you have significant advanced manufacturing — as there is and will continue to be at this location — it is a good news story. It is a great time for Ms Pulford to mention this matter with the Avalon Air Show coming up and the development of the defence and aerospace industries and the whole range of advanced manufacturing elements associated with that.

The reality is that the Fishermans Bend development, as announced by the Minister for Planning and the Premier, will add value to manufacturers in that area. It is a development that will support manufacturers in that area. It is a good news story. It is a great story. The automotive, aerospace and defence sectors are all very supportive of this particular development.

Supplementary question

Ms PULFORD (Western Victoria) — I am still keen to get an answer to the original question about whether there has been any dialogue with the automotive sector. By way of a supplementary question, to the south side of the West Gate Freeway, within the Fishermans Bend precinct, is the toyotagreen business park and automotive supply chain companies including Futuris Automotive and Air International. Is the minister able to give this house, those businesses and the automotive sector more generally an assurance that those vital components of the automotive supply chain will not be forced to relocate as a result of the government's plans for Fishermans Bend?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member again for her question, because it reaffirms a positive announcement of a positive policy that supports and creates jobs and opportunities for the manufacturing sector. It will not affect any company or manufacturer. The scaremongering that the opposition wants to put out about the industry is an absolute disgrace. We are here to support and grow jobs. We are here to generate and encourage investment in Victoria and not talk down the manufacturing sector and business in general.

Portland District Health: review

Mr KOCH (Western Victoria) — My question is for the Minister for Health, and I ask: can the minister inform the house of recent developments concerning

Portland District Health service given its importance to the Portland and district communities?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and his long-term advocacy for Portland and for Portland District Health services. Yesterday I ordered Paxton Partners to conduct an independent review of Portland District Health. The investigation will focus on governance of the service and its sustainability. Local members have raised significant concerns along with others in the community.

We want to get to the facts and establish reliable benchmarks to enable the health service to go forward with security. The governance of the service has been spoken about in the community at some length. We need to get the facts and evidence on these matters. The building of Sea View House, the announcement of its closure and the seeming reversal of that decision are examples of where the governance structure, the presence of adequate business cases and so forth, are not clear to the community of Portland and district. From the outside it is not possible to determine which decisions have been made and the precise rationale behind those decisions. For these reasons, and to ensure the sustainability of services and the very best governance at Portland, I have ordered this review by Paxton Partners.

I know that local members and communities will be very concerned to see the best outcomes in terms of securing services into the future and that the financial and governance sustainability of Portland District Health services is maintained.

Aerospace industry: Fishermans Bend

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. I refer the minister to an article titled 'Australian aerospace targets international appeal' from *Flight International* of 21 February 2011, in which the minister is reported as saying, and I quote:

The 'softly, softly' approach to its aerospace manufacturing industry is a thing of the past and the new government will take 'a very aggressive approach'.

Given that aerospace companies are located in and around Fishermans Bend, what discussions has the minister had with companies around government plans to turn Fishermans Bend into a residential suburb?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — This is a good news story day. I thank Mr Somyurek very much for

supporting the manufacturing sector, the aerospace and defence industries in general at a time when we have the Avalon Air Show, at which we show the world some of the technological advantages that we have here in Victoria.

Having been to Boeing and a number of the other manufacturers down at Fishermans Bend, I have seen that the development there — opposition members need to get it through their thick heads — does not impact on the manufacturing sector at all. In fact, what it does — —

The PRESIDENT — Order! For the advice of the minister and other members I regard the comment about ‘thick heads’ as being unparliamentary and unnecessary in the context of answering a question that was fairly put by the opposition. I would hope not to hear that term from members in the future.

Hon. R. A. DALLA-RIVA — These are great questions, because all the opposition members are doing is demonstrating their lack of knowledge about having good development and planning that supports and encourages investment in Victoria. We are about supporting investment, supporting jobs and generating new jobs. What this will do is deliver outcomes for Victoria, and I think the notion put forward by the opposition that this could impact on a significant manufacturing area is an absolute lie.

Mr Somyurek — On a point of order, President, I think you will find that the clock has restarted.

The PRESIDENT — Order! Has Mr Dalla-Riva completed his answer? Certainly he had not exhausted his original time allocation, and I think the clock probably restarted on my call for order.

The Clerk — It has not restarted.

The PRESIDENT — Order! I am advised it has not restarted.

Mr Somyurek — On the point of order, President, when I looked up there was 5 minutes and 10 seconds on the clock, and the minister had been going for at least a minute or so prior to that.

The PRESIDENT — Order! I can only go by what I am advised by the keeper of the time. I think the minister had almost completed his answer. Did Mr Dalla-Riva wish to continue with that answer?

Hon. R. A. DALLA-RIVA — Yes. I am absolutely ecstatic to talk about Fishermans Bend and the development opportunities it will afford to the

aerospace sector, the defence sector and the automotive sector as well as the whole range of outcomes that will support and encourage that area.

We have the Avalon airshow, which we know has been advertised. I have seen it in the *Herald Sun* every day; it is a good news story. I really appreciate opposition members supporting our policy, and I say to them: well done and continue rolling in.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — I take this opportunity to congratulate Mr Dalla-Riva on his promotion. He has recently been promoted to having the Victorian Industry Participation Policy Act 2003 placed in his portfolio. Congratulations to Mr Dalla-Riva. We expect a great big thankyou from him. Can the minister give the house an unequivocal commitment that the operation of our vital aerospace industries will not be affected by the announcement by the Premier that the area will be turned into a residential suburb?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — Mr Somyurek can be absolutely assured that that will not happen. I can assure him that we are absolutely about supporting industry. I am very pleased that Mr Somyurek raises the issue about the Victorian Industry Participation Policy Act 2033, because I do now have that responsibility.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — They are ecstatic on process! Let us look at the previous administration of acts by members of the previous government. For example, we had Mr Lenders, who had responsibility for financial services, who had zip. The Minister for Nothing! We had the former Minister for Information and Communication Technology — zip, nil, nothing. What about the important previous Minister for Environment and Climate Change, Mr Jennings? What did he have? Zip, nil, nothing. There were seven ministers who had nothing. The opposition members are a bunch of hypocrites. It is a hypocritical opposition.

Mr Leane — On a point of order, President, I raise a similar point of order to one that was raised yesterday. The minister was pointing aggressively across the chamber and not directing his answer through the Chair.

The PRESIDENT — Order! I start by saying that anybody with a haircut like that ought to be very careful about what they raise in the house. I also indicate that I

regard the point of order as fairly frivolous, and in that sense I would caution the member that in the past the Chair has not shown a great deal of enthusiasm for frivolous points of order.

I understand that the line Mr Dalla-Riva has taken in his answer to this question is fairly provocative, and I accept it in that spirit. Nonetheless, Mr Dalla-Riva was on the receiving end of questions the other week that I think relate to what he is answering today. Each of his answers has been greeted with a fair degree of activity on the opposition benches, even extending to applause, which I was not all that happy with. From that point of view I suggest that opposition members tone down some of their interjections at this time, and Mr Dalla-Riva may well take that into consideration in his answer and be a little less provocative, avoiding the sorts of problems that Mr Leane is concerned about. One o'clock cannot come quickly enough, by the way — that is when Mr Leane gets his head shaved.

Planning: government initiatives

Mrs KRONBERG (Eastern Metropolitan) — I direct my question without notice to the Minister for Planning, and I ask: can the minister inform the house of the Baillieu government's plans to embrace urban renewal and plan for long-term growth in Melbourne in both existing suburbs and outer urban growth areas?

Honourable members interjecting.

Hon. M. J. GUY (Minister for Planning) — I thank Mrs Kronberg for an amazing question in relation to what will be 30 years of planning for Melbourne for residential growth — similar to what the Cain government envisaged in the Southbank precinct, turning existing factories into housing supply for the future, and what the Kennett government did in Docklands, turning defunct areas into new housing for the future — and what the Baillieu government sees as long-term planning in Melbourne to turn areas south of the West Gate Freeway into residential accommodation over a 30-year vision.

I was amazed to hear comments from the Yuri Andropov of Labor leaders, Daniel Andrews — a grey, visionless socialist who is there for the short term to run around and can ideas for affordable housing close to the city, to run around and can ideas for urban renewal that will provide real opportunities for housing growth in areas and precincts which were approved by the former Labor government minister, Minister Madden, who is now the member for Essendon in the Assembly. The members opposite, who can the idea of urban renewal now that they are in opposition, had their own member

approving some housing developments in areas which are right now being considered under a broader precinct for urban renewal. They are canning the idea one day, but they were in favour of urban renewal three months ago. What we see is a visionless opposition.

What I also see and note is a number of points that have been raised around the media about urban renewal in relation to the port of Melbourne when we are talking about urban renewal off towards Port Melbourne. Not long ago I received a letter which was addressed to me and it went, without reading it slavishly: 'Dear Minister Guy, I seek a briefing from the Port of Melbourne Corporation on the planning portfolio regarding the proposed development at Fishermans Bend on the port of Melbourne'.

That is interesting, because we have never talked about developing the port of Melbourne. Given that the Labor Party made such an issue about ministerial orders in the week prior to this sitting week, I would have thought that the shadow Minister for Planning might know that the ministerial orders for the planning minister do not include responsibility for the port of Melbourne. I have got responsibility for the Heritage Act 1995 and I have a responsibility even for the nudity act, but I do not see responsibility for the port of Melbourne in there. Maybe he sees a link between the nudity act and the port of Melbourne, but I do not see anything in there. What I do see is that if someone wanted a briefing from the Port of Melbourne Corporation, he might want to go to the responsible minister, given he has the ministerial orders in front of him, and see the Minister for Ports.

At the end of the day, what we have is a great plan for urban renewal in parts of Melbourne that can sustain residential growth. There will always be naysayers who have a 24-hour-media-cycle view of the world, there will always be naysayers who want to talk down propositions and there will always be people who want to talk down Melbourne, but thankfully they are now in opposition and will stay that way, with the grey, visionless apparatchik that leads their party.

Teachers: remuneration

Ms BROAD (Northern Victoria) — My question is to the Minister responsible for the Teaching Profession. I refer to the article about the minister and the Minister for Education, Mr Dixon, which appeared in the *Age* of 14 February, where Mr Hall is quoted as saying, in regard to the teachers enterprise bargaining agreement:

I would like to be able to reward teachers probably more than what Treasury is going to allow me to.

When the minister made that comment, was he referring to the Treasurer or to the Department of Treasury and Finance?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — In responding to this question I would just like to say that the member would know very well, as a previous minister in another government, that each year ministers go through a budget expenditure review committee process and argue for funding for the various programs for which they have responsibility. The exercise that I will undertake is probably an exercise that was followed by the member when she was a minister — that is, I will argue very hard for teachers in Victoria to ensure that they are adequately rewarded for the jobs they do.

Hon. M. P. Pakula — Highest paid in the country.

Hon. P. R. HALL — That was not the question.

Hon. M. P. Pakula — That was the commitment.

Hon. P. R. HALL — That was not the question. I am answering the question, Mr Pakula. The question was: was I referring to the Treasurer or was I referring to the Department of Treasury and Finance? My answer to the question is: I was referring to the process that I will go through as a minister in arguing for program funding through the budget expenditure review committee.

Supplementary question

Ms BROAD (Northern Victoria) — Is it now the government's position that it will only deliver on the minister's commitment to reward teachers to the extent that the public service allows him to uphold it, in the light of his answer about going through a process?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — It is a strange supplementary question, but I will answer it in this way. I respond to the question by saying that I will argue through that budget expenditure review committee process for the funds necessary to meet all commitments that have been given by the Baillieu government.

Honourable members interjecting.

Floods: manufacturing industry

Mrs PETROVICH (Northern Victoria) — I also have a question without notice for the Minister for Manufacturing, Exports and Trade. I ask the minister whether he can update the house on the impact of the recent floods on the Victorian manufacturing industry.

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank Mrs Petrovich for her question. The matter relating to the flooding that occurred in early February is an important issue for industry in particular. We know there has been widespread damage across 76 townships throughout the state, from Mildura to Echuca in the north-west to Warrnambool in the south. I think it is important for those on the other side to understand just how serious we have seen that to be and how we have been responsive to the floods. We have responded by announcing grants of \$100 000 for the 14 most flood-affected councils from the \$5 million Local Government Clean Up Fund.

Obviously the manufacturers worst hit are being assessed and provided with assistance and registering for that assistance. Clearly one of the major manufacturing groups that has been impacted on is the food manufacturers and their processing plants. These impacts relate predominantly to the disruption to crops and farm damage. This will be part of the ongoing rebuild of those companies.

Small Business Victoria and the Victorian Employers Chamber of Commerce and Industry have commenced a small business mentoring service, and the department has advised me that several meetings have been conducted.

Whilst we cannot fully assess the impacts on the manufacturing sector at this stage, we can rest assured that the people of Victoria and manufacturers in general will know that they have a government that is committed to assist and provide its support in their recovery into the future.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have an answer to question on notice 106.

ALPINE NATIONAL PARK: CATTLE GRAZING

Debate resumed.

Mr SCHEFFER (Eastern Victoria) — Prior to the break for question time I was referring to the debate on the National Parks (Alpine National Park Grazing) Bill 2005 that was passed by this house. I took the time to read some of that 2005 debate, and in particular I revisited the long and deeply felt contribution by

Graeme Stoney, a former member for Central Highlands Province in this house. Without exception, speakers on the Labor side all expressed concern for those who felt that the introduction of a bill to not renew grazing licences in the Alpine National Park was a betrayal and who lamented what they saw as the destruction of an Australian way of life.

In the 2005 debate those who opposed the bill pooh-poohed the science. For example, Bill Baxter, a former member of this house, said that scientists never agree with each other and you can get any answer you want if you hire the right scientist. I do not agree. I think we have to take science and scientists very seriously — not uncritically but very seriously — especially if the vast majority of them agree, as they do in relation to the adverse impacts of cattle grazing in the Alpine National Park.

The reintroduction of cattle into the park is a longstanding aspiration of the coalition and the cattlemen constituency in East Gippsland. The coalition made the reintroduction of cattle into the park an election commitment during the last term of this Parliament. The policy was much heralded in East Gippsland, much more so — notwithstanding the comments that have been made in the debate so far — than it was in metropolitan Melbourne. It is clear that the Liberals in coalition were prepared to concede the issue to The Nationals, for whom this issue is a fundamental concern. The fact was that returning cattle to the high country was a key policy that was used to mobilise voters against the former member for East Gippsland in the Assembly, Craig Ingram.

I think the Liberals never thought they would have to keep their promise, because in the end they did not really expect to win the last election and certainly did not expect to win a majority in both houses. Now they are hoping against hope that the federal environment minister, Tony Burke, will save them by refusing to give formal approval, which will solve the problem.

Cattle were always going to go back into the Alpine National Park if all those things played out, but it is the way it has been done that is so surprising. The coalition announced the six-year trial very soon after forming government, promoting it as a scientific study in an attempt to have it both ways — honouring its commitment to the supporters of the policy while also appealing to those concerned about the alpine environment. If the government had allowed the entire 8000 or so cattle that made up the original number to graze in this sensitive high country prior to 2005, it would have had a major credibility problem. Therefore the government has borrowed the scientific whaling

strategy from the Japanese and used it, as Mr Jennings said, as a fig leaf to satisfy its election commitment.

The so-called scientific trial involving 400 cattle grazing in the national park as a tool for bushfire mitigation is based on the slogan that ‘grazing reduces blazing’. The public debate on grazing in the national park is similar to the public debate on climate change: despite the fact that the overwhelming weight of expert scientific opinion comes down with a clear view, the issue continues to be constructed as a debate over equally valid contending views as though the jury is still out.

The Minister for Environment and Climate Change, Ryan Smith, said in January that the Department of Sustainability and Environment had agreed that there was not yet enough evidence to decide whether cattle could help limit bushfire risk in parts of the heritage-listed areas of the Alpine National Park. This has been used as the basis for continual and repeated examination and further so-called scientific studies, the purpose of which is not to develop a policy but to provide a cover for delivering a political outcome.

Even though the cattle went back into the park in mid-January, the government announced at the end of January, two weeks later, that scientists would not start monitoring the exercise until October — next spring. The lead scientist appointed by the government, to whom Mrs Petrovich referred, Professor Mark Adams from the University of Sydney, told the *Age* that he was not involved in the decision to release the 400 cattle into the park. He said he would not even have a scientific research design prepared until October.

By the end of January the scientific community, represented by some 125 scientists, including 11 professors and 9 associate professors, wrote to Minister Smith, calling for the trials to be postponed. These are not scientists whose expertise is not relevant or opposite to this area. They are experts in ecology, zoology, fire regimes, wetlands and threatened species. They said they had not seen the methodology of the proposed trials, and they suggested there was a case for saying that the whole exercise lacked scientific integrity.

The Australian Academy of Science, which comprises many of the nation’s leading scientists, indicated that it is following the issue with interest — I think that was the term used.

I did not follow the full contribution from Mrs Petrovich, but she mentioned that we needed to understand that the cattle owners whose cattle were

among the 400 chosen were selected on the basis that they had expertise and an understanding of the area because their cattle were directly grazing in the area before 2005. She also spoke about how some of those lead cows still existed and that they knew the country. The implication was that therefore the cows would not cause a great deal of damage. I have not lived on a cattle farm and I do not know the ins and outs of this proposition, but I find it dismaying that somehow cattle could make a distinction between what was or was not environmentally sensitive. The contribution from Mrs Petrovich was bizarre.

I appreciate that there is significant support in East Gippsland for the reintroduction of cattle into alpine areas, but there is also significant and informed concern expressed by East Gippsland community members about what the government is doing, and they should not be ignored in this place. Their concern focuses on the critical need for a credible scientific method on which decisions are based. They feel that in all likelihood it will adversely affect the environmental values of the national park, and it is those values that many East Gippslanders feel are at risk.

The report that followed the 2003 alpine bushfires clearly showed there was no difference in the impact of those bushfires on areas that had and had not been grazed. The 2005 task force also found that the science does not support grazing as a bushfire-reduction tool and that grazing did significant damage to the natural habitat. Much more recently members will remember that the 2009 Victorian Bushfire Royal Commission identified 10 priority research areas for bushfire-reduction systems and, significantly, cattle grazing was not one of them. When we put all this together the overwhelming weight of evidence is that the course the government is following carries significant dangers and it should pay heed to Mr Jennings's motion calling on the government to overturn its decision.

Concerns raised from the government's ill-considered actions are also being played out at the commonwealth level. The federal Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, has demanded the Victorian government provide all relevant information about its introduction of cattle into alpine areas. The federal minister noted that no reference was made to the commonwealth, which is a requirement of national environment law.

Minister Burke said he required information and needed to assess whether the Victorian government's actions were legal. He said this was both a legal issue and a matter of principle. As members know, he has

expressed deep concern over damage the cattle are already doing in the national park. The Victorian government now finds itself in a serious muddle, involving on the one hand the scientific integrity of its actions and, on the other hand, the legal and procedural obligations that it has under commonwealth law.

I want to reiterate and emphasise some of the points Mr Jennings made in his contribution about the process of the government's actions. Notwithstanding Mrs Petrovich's contribution about the process, she has not adequately cleared up issues such as whether a process was put in place to choose who got access to the free agistment for cattle and who they are. Is this about protecting people's privilege? Are these friends, connections or fellow travellers of the Liberal-Nationals coalition? Why was a tender not put out? I appreciate there was an attempt at an explanation, and there may well be a further contribution in the house, but I would have thought something would have been released on the website so that the public could understand exactly how grazing was rolled out. We are not clear on that point. It is not good enough for Mrs Petrovich to stand up and roll out this process in the house; it should have been done before.

One of the members opposite might answer another question I have: are the people who are allowed to run their cattle in the park the same people who were awarded \$100 000 compensation after the legislation was passed in 2005? If they are, do they have to pay back that money? There are a range of questions that are incumbent on the government to answer, because at the end of the day: are taxpayers paying for cattle to cause harm and damage to a fragile alpine habitat? I commend Mr Jennings's motion to the house. The government needs to undertake this process properly or to desist from this course of action.

Sitting suspended 12:54 p.m. until 2.02 p.m.

Mr P. Davis — On a point of order, President, it is disappointing to note that the mover of the motion is not present. The reason I would be pleased if he were is that I would like him to have an opportunity to respond to a point of order I raise with you, Deputy President, for a ruling.

On the point of order, Deputy President, it seems the motion before the house is incorrectly worded, and I seek guidance as to whether it ought to be ruled out of order. I refer to paragraph (2)(c), which states:

concerns regarding the lack of a tender process to determine which cattle owners should get access to these adjustment arrangements and at what cost ...

There is no such word in the English vocabulary as 'adjustment'. I would be pleased if you would advise the house, Mr Deputy President, whether or not this motion is now in order, given there is no such word in the English language. I seek your advice.

The DEPUTY PRESIDENT — Order! Clearly it is a typographical error and it does not invalidate the motion in any way. There is no point of order.

Mr P. Davis — If you are suggesting it is a typographical error, Deputy President, I do not want to debate your ruling.

Substantially, I make a further point of order, that in its nature 'agistment' is a legal term; it has legal implications for livestock owners and landowners or managers of land. Given that it is clear that the mover of the motion — —

The DEPUTY PRESIDENT — Order! The point Mr Davis is making is a debating point; it is not a point of order. I have already ruled on the fact that this is a typographical error. The source of the error is not known to the Clerks, and whether or not it was in the original presentation to the Clerks is not known. It does not in any way invalidate the motion before the house. I invite Mr Davis, if he wishes, to make those comments as part of a debating point — he is at liberty to do so — but it is not a point of order.

Mr P. DAVIS (Eastern Victoria) — Deputy President, I will certainly take note of your ruling, and I will offer a copy of *Rural Law Handbook* for the edification of members of the opposition, who obviously have no understanding of these issues whatsoever.

In speaking to the motion of Mr Jennings — and I note his great disinterest in this debate, given that he just came in momentarily to deal with the point of order and has left again — I would like to say that in my view the motion is poorly constructed. I will go through that in parts.

The motion before the house is that this house, firstly:

expresses its dismay at the government's decision to reintroduce cattle grazing to the Alpine National Park ...

In summary I would say that the government's position is entirely consistent with the position of the Leader of the Opposition in that it was the Leader of the Opposition in another place, the Honourable Daniel Andrews, who at his first press conference after his election as Leader of the Opposition issued a challenge to his own party to hold the government to account for

the implementation of all — that is, every one — of its election policies. On that basis it seems to me that that aspect of the motion is poorly worded, given that you cannot express dismay that a government is implementing a policy decision which it quite explicitly went to the election with if your position is to hold the government to account to implement all of its policies.

Secondly, in terms of its construction, the motion is that this house:

calls on the Minister for Environment and Climate Change to overturn this decision in light of:

- (a) overwhelming scientific evidence of the damage caused to ecosystems protected by the commonwealth Environment Protection and Biodiversity Conservation Act 1999 in the Victorian alpine region ...

In relation to that part of the motion it is clear that the overwhelming scientific evidence being referred to is presumed in the motion to relate to the threat of damage caused by action on the part of livestock cattle, and the evidence that seems to be relied upon around that view is in fact very limited. In the course of my contribution I will challenge the opposition and all other advocates of this view to produce any scientific research or any scientific literature that supports that view beyond a research endeavour in a paper presented after the 2003 alpine fires, which was a narrowly focused research project on the Bogongs. There is no other trial work at all, and even that work is not, in the way we would understand it, properly peer reviewed.

Further, paragraph (2)(b) of the motion refers to a:

lack of process in gaining approval from the commonwealth government for the reintroduction of cattle grazing into these protected areas ...

The point is that these areas the cattle have been reintroduced to are not in fact protected — they fall outside those areas listed under the commonwealth Environment Protection and Biodiversity Conservation Act 1999, and that is the very reason why the sites were selected for the alpine grazing trial.

Further, the motion says:

- (c) concerns regarding the lack of a tender process to determine which cattle owners should get access to these adjustment arrangements and at what cost ...

I pointed out that because of the opposition's lack of knowledge, it drafted a motion which is nonsensical. But if members accept that this is some form of a lack of literacy and that paragraph (c) has some validity for the sake of the debate, then I would say this: the cattlemen who have provided cattle at the invitation of the secretary of the department for this trial are doing so

at their own enhanced expense. There is no commercial benefit being incurred by the cattlemen. At least one of them has spent more than \$10 000 to just provide cattle and fencing and to re-establish control boundaries to ensure that the cattle are contained within the trial area. The cattlemen are keen for the government to proceed with the trial, and those cattlemen are doing so at an expense.

Paragraph (2)(d) of the motion says:

concerns that despite individual mountain cattlemen gaining compensatory arrangements upon their stock leaving the national park —

and so on. The cattlemen did not receive compensation as set out in this section of the motion. They were given in effect an ex gratia payment for the relocation of their grazing operations at the time, but it was hardly compensation. There was no calculation of the foregone financial benefit, if there was one, from the grazing operations in the alpine park. They were simply given an ex gratia payment to reflect the fact they were incurring substantial costs in having to remove their grazing operations from the park. That is a false claim from the opposition in this part of the motion.

In terms of the substance of the motion, I will respond in part to the contributions of the previous speakers. In the first place, I need to deal with what the government is doing specifically. On Saturday, 9 January 2010 — time flies when you are having fun, because it seems like yesterday to me — I was delighted that the coalition was able to announce at the annual get-together of the Mountain Cattlemen's Association of Victoria at Wombat Crossing, which is near Valencia Creek in Gippsland, that the Victorian coalition would reinstate high country cattle grazing to reduce fire risk. That was the announcement that was made; that was how the press release was headed; that was the policy the coalition committed to implement.

In 2005 we vehemently opposed the then government's policy position and its legislation to remove alpine grazing. In 2005 we committed to reintroduce alpine grazing. That has been a consistent policy position since the then government in 2005 passed legislation through both houses to remove alpine grazing.

The government has not acted entirely in accordance with its own policy, because it was given a clear mandate in expressing the policy in those terms to simply reintroduce cattle into the alpine park. There is no equivocation and there is no doubt — everybody understands that was the commitment we went to the election with.

The member for Gippsland East in the Assembly was an unenthusiastic supporter of the mountain cattlemen. I think Mr Hall would agree with me that that is an understatement.

Hon. P. R. Hall — Is Mr Davis talking about the former member for Gippsland East?

Mr P. DAVIS — Yes, the then member for Gippsland East who is now the former member for Gippsland East. He found to his horror that his lukewarm support and, in reality, his quite contrary positions on this subject led to his political demise.

I note that in terms of policy position, this policy was well understood before the 2010 election. For amplification, I refer to a number of stories about our policy position which were published by the *Age*, and which gave the opposition a lot of help, including opinion pieces by people such as Doug Humann.

I do not think it is reasonable for the opposition to argue the case that people did not understand the coalition's policy position. It is naive to argue that. My good friend and colleague Mrs Coote well understood our policy position. I had many discussions with her about that and her enthusiastic support for the government's policy position. She could hardly be described as a rural member of Parliament, coming from the inner suburbs of Melbourne.

Mr Viney interjected.

Mr P. DAVIS — I am just making the point that people who live in the city had every opportunity to understand what the policy was. This is part of the challenge for the opposition to be credible and consistent. This opposition is totally inconsistent. Labor members cannot have their leader, Daniel Andrews, the member for Mulgrave in the Assembly, saying, 'We are going to hold the government to account to implement every policy', and then turn around after 89 days in opposition and say, 'By the way, there are some exceptions; they are the policies we do not agree with and the policies that were not our policies'. You cannot have that inconsistency.

The challenge for those members on the other side of the house is to learn how to be an opposition with credibility. That means they have to have consistency. We had it in the 1980s when the then Premier John Cain tried to remove alpine grazing; we had it through the 1990s when we reissued licences; we had it again in 2005 when we opposed Labor's legislation. All we have done is hand down a policy position which has been entirely consistent for 30 years. There has been no clandestine or secretive approach to this issue.

Mr Scheffer — No-one said it was.

Mr P. DAVIS — Mr Scheffer says that nobody says there was a secretive approach to the issue. I suggest to you that the opposition has been trying to imply in this debate today that there has been some sleight of hand. No information about this has been revealed. Let me say this: on Wednesday, 12 January, the government's Minister for Environment and Climate Change put out a press release with the title 'Research begins on strategic cattle grazing to reduce bushfire risk'. That is the point at which there is a difference between what we committed to do before the election and what we have implemented, because it is absolutely clear that the government wants to ensure that there is a proper basis underlying the implementation of its election commitment.

It is going through a process of quietly implementing the policy without a lot of excitement. Instead of coming back with what somebody earlier suggested would be 8000 cattle, what we have done is commit to a long-term assessment of both the fuel management benefits of grazing in the alpine area and any environmental impact of that cattle grazing. Such an assessment involves some degree of objectivity, and therefore six sites have been selected over 25 600 hectares, which is 3.9 per cent of the Alpine National Park, with 400 cattle introduced in the week of 12 January for the purpose of validating the processes which we need to adopt to see this to — —

Mrs Coote interjected.

Mr P. DAVIS — I do not think I need to respond to interjections from my own side. The purpose of this part of the trial that has commenced in 2011 is for a limited program of summer grazing to be established in the first year using these six sites in the park as proof of concept and for validation of the experimental design. It is during this year that the longer term trial is to be designed.

It is important to note that the Department of Sustainability and Environment is of the opinion that the application of appropriate design principles, including site selection, will avoid and/or mitigate the impact of the scientific trial on any values that are of concern under the commonwealth's Environment Protection and Biodiversity Conservation Act 1999. It is also important to note that the service providers have been advised in their letters of offer to participate in this trial that they have certain obligations in relation to how they manage and control the livestock involved in the trial. Everyone is quite aware that this is an important process.

There is a question or two about how the trial is being conducted, and I think it is fair to make the point that there is a lack of research looking at the direct effects of strategic grazing on fuel load and structure in alpine and sub-alpine ecosystems. Some research has been done in the past, but it has mostly been undertaken on related topics with inferences drawn about the impact of strategic grazing on fire behaviour. There is a lack of evidence about the interaction between fuel load and structure and fire behaviour in these ecosystems. The measurement of fuel loads has also been inconsistent, with vegetation cover and composition being used as a measure of fuel load, which does not take into account other factors identified to be crucial to fuel load such as surface fuel and moisture content.

Before cattle are introduced into the park for fuel reduction purposes, the Secretary of the Department of Sustainability and Environment must be satisfied with the effectiveness of cattle grazing as a fuel reduction measure and of its non-fuel reduction impacts. The scientific study which is often cited and to which I referred earlier, and the one used by the alpine grazing task force, which was the Labor's Party task force in 2005 chaired by the former member for Narracan, Ian Maxfield — and that is one of the reasons he is the former member for Narracan — comprised only one case study. There was only one point of reference for the alpine grazing task force, and I challenge the VNPA (Victorian National Parks Association), all of the other environmental lobby groups and the opposition to name a case study other than the one that has been referred to and which I mentioned earlier, the study on the Bogongs.

That study did not adequately cover the relevant variables, particularly the impacts of weather, topography and grazing intensity on fire behaviour, following appropriate experimental design. The study was also based on the grasslands, the heath and the wetlands of the Bogong High Plains region of the Victorian Alps, so it was not able to adequately address the impact of grazing on fuel load and fire management in forested areas. In recognition of these knowledge gaps, the department has set up a targeted scientific research program which will allow the secretary to form an opinion on the use of strategic cattle grazing to effectively manage fuel and the risk of fire as a component of the responsible management of the Alpine National Park — in other words, the study will follow due process.

Some issues have been raised during the course of this debate about what our process is. I am just setting out for the opposition, given that they do not have access to

briefing notes like they used to and as I am sure they would like to again — —

Hon. M. P. Pakula — We can FOI them.

Mr P. DAVIS — Why don't you do that?

Hon. M. P. Pakula — Because you wouldn't release them.

Mr P. DAVIS — Why don't you actually do some work? Do the work of opposition. Do your research. Do not expect us to do it for you. We did it for 11 years. You have to learn how, Mr Pakula. I know you have never been in Parliament without the support of a huge safety net, but now you are going to have to walk the tightrope on your own, with no safety net at all.

Members of the opposition, my little friends — the little green men and women who have fled the chamber because talking about alpine grazing gives them indigestion — and some of the environmental lobby groups have raised the issue of whether or not grazing reduces blazing. The use of grazing as an effective fuel management tool has been an issue for many years, as we know. The first time I tuned into that debate was probably when the Cain government first moved to exclude alpine grazing in around 1985. If you undertake a literature review, you find that there is a general lack of peer-reviewed science to support the differing opinions. In its 2005 report of the investigation into the future of cattle grazing in the Alpine National Park, the alpine grazing task force — that is, the government task force — said:

There has been only one broadscale, systematic and statistically based investigation of patterns of burning across treeless areas of the Bogong High Plains following the 2003 fires.

The importance of this must not be underestimated. The backbench committee of the then government, now opposition, in advising the government on a major policy decision, acknowledged a lack of scientific rigour in terms of the process that it had adopted. While a study found that there was no statistically significant lowering of fire incidents or severity at a landscape level because of grazing, it focused on only a small part of the Alpine National Park — grasslands, heath and wetlands in the Bogong High Plains region — due to practical limitations. There are other important gaps in the study, including the following key variables that are known to influence fire behaviour: fuel load and structure, topography and weather.

This scientific research trial will focus on a range of ecosystems in the Alpine National Park, including forested areas, and it will build upon the existing body

of research by concentrating on areas where scientific evidence is lacking. I want to say a little more in relation to the trial itself, because there have been reports in the media, which I will elaborate on further, that Professor Adams, who will lead this work, will not be working on the trial until October. They are incorrect. Professor Adams is currently undertaking work in relation to the cattle grazing research trial. The first year is about refining the methodology and ensuring that the process is effective and scientifically robust.

Mr Jennings, in introducing this debate, made accusations which I found offensive. He suggested that there was an improper relationship involving insider trading between the government — I am not quite sure who he was charging with that improper behaviour — and the government's mates. I do not really know what that means, because it is clear to me that the process that has been adopted is being implemented with proper vigour and rigour by the department with the engagement of external consultants to oversee the process.

The only issue that is not being directly managed by the external consultants who will be doing the trial work — the detailed research and the peer review process — is that of the offers made by the department to certain cattlemen. Offers needed to be made to people who were competent and had cattle that could be utilised in the trial. There had to be a match between trial locations — that is, sites needed to be selected for what I would describe as their low risk in terms of environmental values.

The department had to be pragmatic about accessibility and how it related to individual people with previous alpine grazing experience and the gear — that is, the set-up: the horses, floats, trucks and all the other bits and pieces required to visit the sites and maintain the stock on them. The department went through a process of looking at former licensees and, having identified sites, identifying appropriate people and making offers to them. I am not aware of any member of Parliament or minister of the Crown being directly involved in that in any way at all.

The former Minister for Environment and Climate Change needs to be acknowledged. In his contribution today he raised his endeavour to settle some outstanding issues with licensees. I am the first to acknowledge that in the previous year he received a deputation which I led — and I am grateful to him for that — the purpose of which was to resolve what we call the boundary issues. The interface between the national park and the state forest, where there were

contiguous grazing licences, was creating some difficulty for licensees. As a consequence it is fair to say that Mr Jennings in his capacity as a minister did seek to resolve some of the anomalies.

However, in his contribution he seemed to imply that there was a lack of validity in the processes to implement this policy and that he was not clear about the mandated objectives. If he were to listen to this contribution, he would be better informed about mountain cattlemen. In his contribution he seemed to imply that women do not have much of a role to play. That prompted me to inform members of the opposition, who probably do not know any cattlemen and women, that there are a lot of women who as stockmen — not necessarily as spouses or partners — are very significantly involved in grazing livestock in their own right.

I can think readily of Christa Treasure, a former president of the Mountain Cattlemen's Association of Victoria, and her daughter Lyric, who was on the steps of the Parliament in 2005 speaking at a protest rally. The other day I happened to be in the Dargo area and I saw Kate Treasure, who is a former school friend of one of my daughters, towing a horse float down from the Dargo high plains. We think that perhaps mountain cattlemen have come of age, but this is not a new story. If you drive down the Dargo High Plains Road between the high plains and the township of Dargo, you will find a memorial reserve which has been established in memory of Freda Ryder, or Freda Treasure as she was. Freda was a renowned horsewoman, stockman and cattleman in her own right. That is just one family — the Treasure family — which has a great history; the Treasure women are well known and renowned and have made a big contribution.

Another issue Mr Jennings raised was about the logic of the decision-making process. I do not know what that actually means. If he were to come into the house, he could interject and clarify it for me. I think there is a good deal of logic, in that the government is implementing its policy. I cannot see how it could be more logical than that.

He also referred to commonwealth legislation and suggested that as a state we are somehow subordinate to the commonwealth. My memory of constitutional law and the history of the development of the commonwealth is that the states as colonies created the commonwealth and have specified responsibilities, excepting those they have delegated to the commonwealth. I am not sure how it is that Mr Jennings would think that he as a minister of the Crown in Victoria was somehow subservient to the

environment minister in the commonwealth Parliament. Perhaps he could explain that in his summing up.

The fact of the matter is that we have obligations in relation to public land management. We have obligations in implementing the protocols required under the National Parks Act 1975. In particular we have obligations to observe the security, I suppose — I use the word loosely — of environmental values within our natural landscape. When sites are designated under the commonwealth Environment Protection and Biodiversity Conservation Act 1999, those sites are excluded from this trial of alpine grazing.

I pick up Mr Barber's comments at this point.

Mr Barber made a brief contribution, which is contrary to his usual practice, and I am delighted with and thank Mr Barber for that brief contribution. It was, as usual, well developed, but it turned on one question, which is that he wants there to be an argument in the High Court between the state and the commonwealth. I thought that for a parliamentarian and legislator in Victoria that does not seem to be a high aspiration. It seems to me that a higher aspiration would be to get a good policy that was of benefit to the people of Victoria and to the environment in this state.

Further, Mr Johan Scheffer, who is a contemporary of mine as a representative of Eastern Victoria Region and who should have an intimate understanding of this issue and its significance, basically said that he was not quite sure what to say, so he just fleshed it out by filling up a lot of space. Essentially all I could get out of his contribution today was that he does not understand the selection process and he wanted to again raise the issue that Mr Jennings raised about compensation. My view about that, as I have explained, is that there was none. There was an ex gratia payment to cattlemen, for the cost of relocating out of the park basically, and that was not compensation in the way that we understand compensation — that is, to acquit a loss of a benefit. There was no loss of benefit payment in this case.

The collection process is, as I have explained, fairly straightforward and simple. Moving back to the substance of what it is that we are actually doing here, it is useful to elaborate now on the question about the process of the trial because there are a number of things that will be done over the course of this year, which is fairly limited in duration, because the season will finish in the autumn, as it always does, and the cattle will be removed from the park. That means in effect that we have only January, February, March and into April, and then it is all over. There is a limited time to establish the methods and techniques for tracking cattle and for establishing the use of cattle. That includes having a

look at the general habitat, the grazing patterns and the grazing impacts on different vegetation types.

There is some work being done to establish methods and techniques for measuring the effects of cattle on fuel load. There is a need to complete the analysis of scientific literature regarding grazing, fuel reduction burning, fuel load and structure and ecological parameters — for example, plant diversity, soil conditions and processes, hydrological processes, and carbon and greenhouse gas processes.

Professor Adams and his team will start observations on the trial through the next period, and this process requires that there be cattle in the trial areas and that those cattle settle into what is obviously required, which is what I would describe as normal behaviour. Cattle are not machines. Cattle are sentient beings, and they have to be comfortable in the environment they are in so that the researchers can understand their patterns of behaviour and work a research program around that.

There is a challenge for transparency from the opposition, and I am quite happy to say here that there will be complete transparency. The results of the trial will be released to the public with progress reports being made available throughout the duration of the research. There have been further questions about whether this is a legitimate research project, in effect an inference that somehow the government would cook the books in terms of the trial results. This trial work and research is being undertaken by independent experts and will be peer reviewed, and a committee will be established to undertake the supervision of the design of the trial.

The Department of Sustainability and Environment will establish an independent scientific advisory committee to oversee the longer term research program. The committee will be appointed following an international expression of interest process for appropriately qualified scientists. The committee will undertake peer review at the design, data collection, analysis, interpretation and reporting stages, ensuring that the program meets current international standards for quality assurance. The department will also convene a scientific forum so science can have input into the experimental design.

That is pretty relevant because it was only yesterday or the day before — Monday, 28 February, which is two or three days ago, it depends how you count — that a press release was issued by the Department of Sustainability and Environment which was headed 'Independent committee to oversee bushfire risk management by grazing research'. Mr Viney may be

interested that this is actually happening, that there is transparency, that there is a process and that we are implementing the process we said we would. The department is going through that machinery at the moment. The release says:

Applications are being called for members of an independent scientific advisory committee to oversee the Victorian government's investigation into fuel and bushfire risk management in Victoria's high country using strategic cattle grazing.

The bushfire risk and strategic cattle grazing scientific advisory committee will ensure research to assess effectiveness of managing fuel and bushfire risk using strategic cattle grazing is scientifically rigorous.

It further says:

The members will be scientists who are internationally recognised for their high level of professional experience and expertise relevant to the program.

...

They should have expertise in fields including alpine ecosystems, grazing systems, fire behaviour, vegetation community ecology, the design of scientific studies and the implementation of ecological experiments.

The committee will consist of up to five members and an independent chair will be appointed for a term of up to six years.

They will play an important role in assisting the government to make transparent and informed decisions based on high-quality scientific evidence.

The scientific trial is being undertaken by DSE. DSE has engaged the services of Professor Mark Adams of the University of Sydney to provide scientific services including advice on research design and research delivery.

The committee will undertake peer review at the design, data collection, analysis, interpretation and reporting stages ensuring the program meets current international standards for quality assurance.

DSE is currently investigating the effectiveness of managing fuel and bushfire risk using strategic cattle grazing in Victoria's high country, including the Alpine National Park.

The research will also assess the non-fuel impacts of grazing.

The six-year scientific research program will help DSE to meet its responsibilities under Victoria's National Parks Act to 'ensure that appropriate and sufficient measures are taken to protect each national park and state park from injury'.

In other words, a lot of transparency and an enormous amount of intellectual rigour will be applied. Of course that does not suit the opposition.

The point is that this trial is being undertaken because of concerns expressed regarding fuel and bushfire management on public land. Intense bushfire can pose

significant risks to human life, assets and the environment, and we have seen that happen over recent years. Over the last decade the former government was able to burn by bushfire a good deal of land; indeed I think the majority of public land in Victoria as well as a fair bit of private land was covered. And why was that? It was because of negligent public land management.

I have said countless times in this house in various debates on the subject that the Labor Party is not entirely culpable, but given that it has been in office for three-quarters of the last three decades, then I guess you could say it bears much of the responsibility. It is fair to say that subsequent to the 2002 and 2003 summer fires the then opposition, now the government, made a case to significantly ramp up fuel reduction management by way of burning and obviously also using grazing as a fuel mitigation tool.

Mr Viney — You didn't do it when you were last in government.

Mr P. DAVIS — It sounds like Mr Viney just woke up.

Mr Viney — You've been going for 41 minutes.

Mr P. DAVIS — I have only just begun. Mr Viney had better get used to it.

It seems to me that the former government needs to take responsibility for the fact that virtually all of the Alpine National Park was burnt to a crisp. It became so crisp that at the higher elevations where snow gums exist, many areas of snow gums have been so damaged that there is no living specimen left. In many other areas of the park, stands of alpine ash have been so severely damaged that it will be decades before they show any signs of recovery. This is all due to one dominant issue: the failure to control fuel loads. The government has an obligation to deal with that.

Furthermore, the obligation exists to protect people and assets. I do not want to dwell on this, as I know it is very sensitive. It is very sensitive to former ministers of the previous government, particularly the former Minister for Environment and Climate Change, but frankly we had a disaster in 2009 in which more than 2000 homes were destroyed and 173 lives were lost. There is absolutely no question — and the bushfires royal commission found the evidence for this — that it was largely the result of the mismanagement of fuel loads and the interface between dwellings, communities and bush environments.

We cannot hide from the facts. Those are the facts, and we have an obligation to deal with them. It is

unfortunate for the opposition to come into this place and tell us we should not be implementing a policy which is designed to ensure that we better manage our landscape. It is just trying to pander to the Greens for preferences. There is now a coalition between the Greens and the Labor Party in Victoria, and both parties pander to the cafe latte-sipping and Chardonnay-sipping set in Brunswick who really have no understanding about these issues at all and who make their token protests by donating to the VNPA (Victorian National Parks Association) or the Environment Defenders Office.

It is important that we make transparent decisions. I cannot feel at all uncomfortable about this debate taking place today because it creates the opportunity for the Parliament to consider some of the issues. I am sure that in further contributions to the debate we will get more opinion, but we will also have substantially more information about how this trial will proceed.

The government has announced that there will be a science forum held on 24 March. It will be an opportunity for local groups to contribute to the discussion on the scientific design of the study and to raise matters of scientific concern to ensure that they are addressed. That will be an opportunity for journalists, both those who have so far bothered to take an interest in this debate, which is predominantly those from the *Age* newspaper both online and in hard copy — there has been very little interest apart from a few grabs on TV — and others, to pick up some of the facts.

I want to deal briefly with the media campaign that was initiated by what was published in the *Saturday Age* of 5 February, both in the hard copy and in an online video. I want to pick that up and talk about where it has led to. This story about the threat to the alpine park from 400 cattle has been very overcooked. By the way, television journalists who have gone to the alpine park looking for cattle to film for this story have not been able to find them. One television journalist spent a whole day driving around the alpine park in the Cobungra area looking for cattle for his story for the nightly news, and after a full day he was unable to find any. He had to go down to a farm near Mansfield and film cattle in a paddock so that he had footage of cattle to show with the news story that night. That is how densely these man-eating cattle are populating the park!

This whole story has been so over-elaborated that we have got to the ludicrous state where I have copies of emails from people like Graham Perrett, the federal member for Moreton in Queensland, who has been spewing out emails all over the countryside to his

captured email database list saying things like, 'I have just heard the Victorian government is planning to turn some of their national parks into farming land'. Graham Perrett is alleging that the Victorian government is turning national parks into farming land! Apart from being ridiculous, it indicates two things. The first is that some members of Parliament will stop at nothing, which is a pretty sad reflection on them. I am assuming that this fellow, whom I do not know, is a man of reasonable honour and intelligence — who knows; we cannot make any assumption — but that he has actually read this rubbish that the *Age* is publishing. I could talk for an hour about the *Age*, but I will not do that although I am tempted.

What I will do in relation to the *Age* is pick up on part of what it has published. In a video clip that is on its website there is a piece, which was also replicated in printed form in the *Saturday Age* of 5 February, that talks about cattle grazing in the alps. The article was inspired by Dr Henrik Wahren. The video clip shows Dr Wahren looking at one particular trial site and making allegations which simply are fallacious. The allegations made by Dr Wahren include that cattle do not eat woody species, bark and trees, that they only eat snow grass, that there is a threat to frogs from cattle, that there is concern about habitats for frogs, and that because the site is heavily used by cattle there is a lot of disturbance, the disturbance is extensive and it is a very serious threat. That is all really interesting.

Honourable members interjecting.

Mr P. DAVIS — The more I hear from the opposition, the more I am inspired to go on. In a moment I want to talk about Dr Wahren's comments reported in the *Age* and the *Age*'s attitude to picking up Dr Wahren's comments, because that is why we are having this debate today.

Before 5 February people were happy just to know the government was going about its business and introducing its policy. Then the *Age* decided that it would make it its mission to be an advocate, a trumper, for green lobby groups. The articles that have been published in that paper have been, in my view, deliberately damaging to the professional reputation of Professor Mark Adams. For example, I cite an article by Melissa Fyfe in the *Sunday Age* of 20 February, titled 'Doubt on cattle trial's impartiality' which goes to this very issue of challenging the professional reputation and integrity of Professor Mark Adams.

I know that before the *Age* published this article the *Age* editor and Melissa Fyfe, the journalist who wrote this article, were both advised that the facts that she recited

in her article were incorrect. I have copies of emails to show that Melissa Fyfe was clearly advised that the facts she was retailing were incorrect. That article then caused the vice-chancellor of Sydney University, Dr Michael Spence, to respond with a letter which was published a week later in the *Age*. Those of us who have been defamed by newspapers — I put my hand up, and I think there are a few ministers and former ministers who could do that too — know that the damage is never able to be undone.

I will read this letter into *Hansard* because I think it is important for Professor Adams's reputation. I will quote the response of Dr Michael Spence, which was published as a letter in the *Age* of 27 February — although unless you were really looking for it you would not have found it, because the heading was simply 'For the record'. The letter stated, and I quote:

Readers of the article 'Doubt on cattle trial's impartiality' of (20/2) would have gained a misleading view about the grazing trial in the Alpine National Park and the involvement of Professor Mark Adams of the University of Sydney.

The Victorian government has made a decision to implement a trial of strategic cattle grazing as a tool to mitigate bushfire risk in the Alpine National Park.

Professor Adams, an internationally respected forest ecologist and physiologist, has been asked to lead a program of independent research that will accompany the trial.

Professor Adams was asked to be involved because of his long record of independent research in Australian forests and woodlands.

...

His work has been recognised through ongoing funding from the Australian Research Council for the past 20 years and more than 150 peer-reviewed publications. He is the only researcher in the past decade to have established ongoing, long-term experiments on the interactive effects of grazing and fire in the Snowy Mountains.

Professor Adams is a full-time employee of the University of Sydney. He has no vested interest in the outcome of the research and has not, and will not, receive any separate payment from anyone, including the Victorian government or the Mountain Cattlemen's Association, to conduct this research.

I quote that because I feel for Professor Adams. I have met him on two separate occasions. I last spoke to him more than two years ago in the context of hosting a forum. He came to Melbourne to speak to the media about the bushfire risks and the threat to our water catchments as a result of mismanagement of fuel loads. Professor Adams made that commitment to the forum held only about 10 days before Black Saturday. The very same journalist who caused damage to Professor

Adams's reputation attended that forum and took very little interest in it, so in my view she has a bit of form.

We know that the predominant members of the Victorian National Parks Association (VNPA) live in those suburbs where the *Age* has the highest circulation. These suburbs are also called the 'leafy suburbs' of Melbourne. The VNPA was very quick to send out to its membership base on 18 February a letter which stated, and I quote:

Cattle are damaging our heritage-listed Alpine National Park ...

And then, wouldn't you know it:

Would you make an urgent gift now of \$35 or even \$55 to help get cattle out of the park again ...

It is just so pathetically predictable. The VNPA is not even interested in supporting an impartial, independent process funded by the government so that it can communicate to the wider community that its view of the world might actually have some basis. Clearly then VNPA is terrified of the outcome of this research project, because it will inevitably undermine the credibility of the work the VNPA relies on to sustain its argument — the research project on the Bogongs led by Dick Williams and Henrik Wahren back in 2005. That is the only scientific report, and it has very little standing in my view. It has no relevance to this trial in the sense that this trial is about those other areas of the park that are not the Bogongs. In case people do not understand the geography of the Alpine National Park, there is a whole range of different ecotypes and ecosystems, of which the Bogongs are just one.

The Environment Defenders Office followed suit and followed the VNPA with a public appeal, but it was a bit slower off the blocks; it waited until 25 February before it put its appeal out. These are the things that come out of newspaper reports, and if you get a media organisation which is determined to run an agenda, it will provide misinformation with a lack of objectivity. They will be subjective and motivate people to do things they would not otherwise do.

I now very briefly turn back to the issue of Henrik Wahren's blog and the article in the *Age* of 5 February, because I was concerned about the claims being made by him about the damage the cattle had caused. I arranged a visit to the trial site he had visited so I could see it firsthand and inspect the site for myself. That visit was scheduled for Friday, 25 February.

On the day that I went to what is known as Shepherds Plain, which is where the trial site is and where the frog pond that Dr Henrik —

An honourable member interjected.

Mr P. DAVIS — Frog pond? I will explain.

Mr Finn — Frog something.

Mr P. DAVIS — Yes. I heard an interjection, so I had better explain; I just mentioned a frog pond. The whole basis of Dr Henrik Wahren's dissertation on video for the *Age* was that the alpine tree frog was being terribly threatened and that the presence of these man-eating cattle might somehow be threatening to the alpine tree frog. As my colleague Mr Finn said, it is 'Frog something', and I think that is probably right. I went to find evidence of this threat for myself, because I thought, 'I need the evidence'. I needed to see it. I am one of those people who needs to see some things to believe them.

I was told by some local people in that area — which was formerly a grazing-licensed area held by the Treasure family and which in simple terms is to the north of Dargo and to the south of Mount Hotham — that, interestingly, Dr Wahren's claims about this site so excited everybody that the federal minister thought he must come and intervene. The federal Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, jumped into an aeroplane and flew to the Dinner Plain airport on Mount Hotham. He picked up a convoy of vehicles for his entourage, including advisers, bureaucrats and media representatives — a great circus. He picked up five of the biggest and shiniest four-wheel drives. Is the federal government not concerned about greenhouse gas? They flew to Mount Hotham, and then they got into five of the biggest four-wheel drives you could find, and they drove from Mount Hotham to Shepherds Plain. That was fine; they were going for a look.

The only problem with that — apart from being what I view as an incredible waste of resources and the fact that the minister was on site at the frog pond for less than an hour — was that it cramped my style. There is probably no-one in this house who does not know that I spend a lot of time up in the rarefied air of the alpine region because I happen to have a certain passion for high country, and it happened to be that I had scheduled a visit to that site and was there when the minister arrived.

I thought I was going to cramp his style, so I went and found a comfortable rock on the hill and observed the minister and his entourage going through their paces. I had the best free show in town; you had to have seen it to believe it. Let me describe it to you: five bloody great big four-wheel drives steaming through wetlands

and ploughing them up. It was like the ads promoting four-wheel drives on TV that show them mudrunning; they try to spray as much mud as possible around the place. The minister and his convoy would have outdone a four-wheel drive television advertisement. There was mud going every which way.

Mr Finn — What did that do to the frogs?

Mr P. DAVIS — What it did was make the track into the trial site unpassable. If Mr Finn wants to go there, I suggest he take a Caterpillar D9 tractor, because he will not get in with a reasonable four-wheel drive. Worse than that was the fact that as the minister's entourage was leaving, they were going so hard in one of the boggy wetland spots that they hit a rock in the bog and ripped the rubber off the wheel rim. The minister then had to sit on the side of the track for an hour while the tyre was changed.

An honourable member — Like *Burke's Backyard!*

Mr P. DAVIS — As the interjector said, it was like *Burke's Backyard*. They did not even know how to drive a four-wheel drive in the bush. They did not need five four-wheel drives to inspect the frog pond, yet they took five. The worst thing about this whole saga was that if they had been bushmen, and if they had had any clue about what they were doing, they would have driven quietly, they would have had the vehicles engaged in the proper gear, they would have made their way through the wet spots without causing disturbances to the wetland and, most importantly, they would have observed that there was a bypass around this boggy section of track. As I did in the vehicle that I went in with, they could have bypassed the wetland. They did not need to create the disturbance. Minister Burke and his party did more damage in a visit to the frog pond than the cattle could do in six summers. That is a disgrace.

The second thing is that I was fascinated that on the way out, while they were changing the tyre, they decided the call of nature was inspiring. As I left that afternoon what did I find on the side of the track? There was toilet tissue just left there. Anybody who has any empathy for the bush knows what you do about the necessities of life. I do not think I need to give a picture of that here in the Parliament of Victoria. It was disgusting and it was a disgrace.

Mr Elsbury — Is he the minister for the environment?

Mr P. DAVIS — He is apparently the minister for the environment.

The next thing I thought was that I really needed to know about what actually happened on the site on the day. Sitting and observing what was going on, I felt that I could not intervene, push all the pack aside and say, 'Minister, what the hell are you doing?', so I just sat back and let it go and observed. Afterwards I had a debrief from some journalists who were in the group. I thought that would be an education — and, boy, was it an education! As I said, they were on the site, having travelled all the way down from Canberra, flown down to Hotham, got into four-wheel drives, driven down the track and cut up the countryside.

The minister was there for less than an hour, and what did he see? He basically stood in one spot for the whole duration of the visit of less than an hour and pontificated about the damage the cattle were doing. By the way, they could not find the cattle except for one cow and one calf, which they met on the track going in. They had no stock sense. They chased them for 2 kilometres, so the cattle were galloping for 2 kilometres ahead of the vehicles, because those people had no idea what to do and how to get the cattle off the track. That is another issue.

They got to the frog pond and the minister, having pontificated — and we saw this on *Lateline* on Monday night — said, 'Terrible, all the damage they're doing'. On the ground I found a cigarette lighter from one of the vehicles — they had left their cigarette lighter behind. I found that most of the so-called damage that had been done that day was in fact from about 18 people trampling all around the frog pond. You could see all the marks where people had been.

If they had known what they were actually looking at, they would have known that the frog pond was in fact nothing more than a deer wallow. Certainly it was a natural phenomenon in a natural high country wetland, but it was a deer wallow — and you could see the footprints of deer around the deer wallow. Not only that, but because the minister was not adventurous, he did not go for a walk. If he had done what I did, which was think that there must be more sign of things happening here — —

Mr Ondarchie — Frogs.

Mr P. DAVIS — Deer, frogs, whatever. I thought there might be more signs of cattle. If he had thought that, he would have walked up the creek just a little way. What would he have found? He would have found three man-made dams that were constructed by Jack Treasure in the late 60s or early 70s, where there is an abundance of alpine tree frogs — because they love that artificial habitat. That so-called pristine site consisted of

eight deer wallows within 200 to 300 metres of the site the minister visited. There are three dams and signs of the early heritage development of the site. That area was well known as a goldmining site. There are wagon wheel tracks, and you can see where the original mine workings were. Lots of people actually lived up there.

The question I have for the federal minister is: given that he acknowledged that there are alpine tree frogs at the site that he inspected — he did not bother to inspect the other sites — and given that there were cattle grazing in that area for 150 years, what is the incompatibility of cattle grazing now in a trial in an area which is not listed under the commonwealth legislation anyway? It is just a complete farce.

The minister's visit was referred to in the stories in the *Age*, which also referred to Dr Henrik Wahren's claims. Just to test the validity of his claims, I thought I might do a little more research. I got hold of some research from the Department of Sustainability and Environment, and I found that an independent review of that site shows that the predominant activity on the site is in fact deer activity. I had a look for myself and I found rubs on trees — and anybody who knows anything about deer will know that they rub — and I found fresh signs of deer activity, both tracks around the deer wallows and activity in relation to the rub. This is just an indication to me that the minister does not have advising him anybody who has any knowledge or understanding.

Mrs Petrovich — The former minister.

Mr P. DAVIS — I am talking about the federal minister, the Honourable Tony Burke. My take is that there is a bit of fraud going on here. I thought that there was some evidence being fabricated about damage that cattle are doing because claims were made. One of the features in the *Age* story was that cattle were moving along a track in front of a vehicle, which was part of the video. Clearly those cattle had been mustered together for that vision, so somebody had disturbed the cattle that otherwise would have been dispersed and grazing. There were wheel tracks on Shepherds Plain, where clearly the mustering activity had been going on. So we know that there has been some fabrication.

The real tell about this was that on the way out of the site I found the spot where a photo which is on the *Age* website was taken. It shows Dr Wahren crouching down and taking a photograph — in other words, a set-up — of the golden everlasting daisy, which is a very common high country plant that cattle do not eat because it is a coarse plant. There were claims in that article, repeated by Dr Wahren, that cattle are eating

these plants. I found the exact site, which was easy. If you do a bit of map reading, as I do, you can actually work out reference points. I found the reference points and coordinated all of them and found exactly the clump that was used for the purposes of the *Age* article. In fact I now have a photograph of me kneeling down and taking a photo of the daisies in exactly the spot where Dr Wahren knelt. So I did my research.

An honourable member interjected.

Mr P. DAVIS — Absolutely. But when I measured it what I found was that those everlastings were not on the trial site. They were 3 kilometres from the trial site and there was a fence between them and the trial site. So Dr Wahren has fabricated evidence for the purpose of getting a political campaign going — lining up and being associated with the Victorian National Parks Association and other campaigners — on an issue which has absolutely no credibility at all.

Firstly, this was an election policy which we were obliged to implement. Secondly, we are taking a precautionary approach in that we are using a scientific panel method of introducing the policy and ensuring that no harm is done and ensuring that the validity of our assertion, which is that it will be a benefit for public land management, is upheld simply by getting an independent review of the process.

For Dr Wahren to make claims in the public domain that have caused great unhappiness to the people who have provided the cattle for the trial at the request of the department and have done a great public service is a disgrace. The allegations that have damaged the reputation of Dr Adams are an absolute disgrace. The *Age* and Dr Wahren owe Dr Adams a personal apology. What is more, for anybody who wants to see the photographs, I will hand around to a few of my colleagues black and white photographs of the damage that the four-wheel drivers from Canberra were able to do in the space of one day.

As I said, it is more damage than would be done by having cattle at that site for an extended period. To give the geographic reference point, the everlastings were on what is called the Omeo Plain, the trial site is on what is called Shepherds Plain, and I just want to confirm that there is a fence between the two.

That is probably enough of that. When you have scientists fabricating evidence it calls into question all the work that they have done previously. In regard to Dr Henrik Wahren, I challenge him to demonstrate the value of the work he did with Dr Williams in his 2005 report on the Bogong High Plains. If he is prepared to

fabricate a media blitz for the sake of a political campaign to forward his agenda, it calls into question his capacity to act independently as a scientist. Therefore I can have no confidence — and I believe the Parliament and the government can have no confidence — in any work he has been previously associated with. He needs to demonstrate his bona fides. In my view this man — and I have never met him and I do not choose to meet him now — is a disgrace to the scientific world. If I seem a little bit excited, please excuse me, because I am bloody angry.

My view is that we can rely on science and we must rely on science. We must rely on objective validated peer-reviewed science. I decided to inform myself further on this issue. Last week I picked up a report from the Department of Sustainability and Environment entitled *An Assessment of Mossbeds across the Victorian Alps 2004–09*. It is a report to Parks Victoria by Arn Tolsma. By pure coincidence last weekend in the *Saturday Age* Good Weekend magazine there was an article about Arn Tolsma, who is aged 54 and who is described in this piece as a ‘bogologist’. It was highly amusing. I think the *Saturday Age* was trying to give it a light spin. The piece was a fairly light-hearted introductory profile to what he does. It is headed ‘Arn Tolsma, bogologist, squelch factor — high’. He describes what he does, which is to paddle around in the high country of the Victorian Alps and elsewhere doing research.

Arn Tolsma did an assessment of moss beds in the alpine park. I acknowledge that his work is quite good, valid and interesting. I was most particularly interested in his comments about grazing, because moss beds are significant assets which we need to be conscious of, and they comprise a relatively large part of the Alpine National Park. There are many of them. From memory, he had identified more than 2500, and there would be many more that he has not identified. Of course the so-called frog pond that I referred to earlier is, I think, outside his purview.

Mr Ondarchie — A deer wallow, isn't it?

Mr P. DAVIS — It is a deer wallow, but it is a moss bed. There is no doubt that it has been a moss bed, but the deer have become endemic in that area and have changed the complexity of that site entirely.

In his report Arn Tolsma says that domestic livestock grazing commenced in the high country in the 1820s, as we know, and continued until 2006. He gives a good description of the history of livestock grazing, which I think is valid.

The report then looks at what the threats are to moss bed condition. He lists deer as the biggest threat to moss bed condition. He talks about the fact that there are two species of deer in the high country, the fallow deer and the sambar. The sambar grow to 240 kilograms, and those people who know livestock know that is the size of a beast — that is, cattle. I had better not say ‘beast’, as people will not know what I am talking about. Sambar are very large animals and can cause quite a lot of damage. They are involved in a number of damaging activities. They like shallow, wet muddy areas to wallow in and they also like to thrash trees. You see marks on trees, where they have got their antlers in and given it a good go. Arn Tolsma cites in this report how significant the damage is. There is a lot of evidence of deer activity, and there is certainly a lot of evidence in this particular area of Shepherds Plain.

Arn Tolsma also cites the damage done by brumbies — or feral horses, as he would describe them. His report indicates that in the alpine areas there are estimated to be in excess of 7000 feral horses. I think the last count that we had of brumbies estimated that they are multiplying at a rate in excess of 20 per cent per annum. Over the last five years the assessment is that their population has grossly multiplied and, as a result, they are doing a lot of damage. However, there are tens of thousands of deer which are doing even more damage.

Yet it is interesting that I have not heard one single utterance from the federal environment minister or indeed from the former minister for the environment in Victoria about the damage that brumbies and sambar deer are doing in the Alpine National Park. Not one word! All we have heard about is a few hundred cattle dispersed over a very wide area that are virtually leaving no trace. In fact, journalists cannot even find them, and then when the cattle are found the lame federal minister chases them down a track. Frankly, it is an animal welfare issue, but that is a story for another day.

In relation to the allegations made on 5 February in the *Saturday Age*, the department initiated an inquiry about their validity, and in a draft report it stated that it had found they did not stand up. The department undertook validation of the report by various means. It had a scientific expert undertake a site inspection to also map the location of the study against habitat mapping of the area, and it also sought expert local knowledge.

The draft report by the department talks about observation of a deer wallow, just as I have observed one. Around the wallow were sambar deer prints and some cattle prints. Adjacent to the wallow was a sambar deer antler and a rub tree with a deer hair

embedded in the bark. Sambar deer pellet groups were common in and around the site. There was a network of well-established trails in and around the sphagnum to a depth of 40 centimetres with evidence of sambar deer in the area along with some evidence of cattle and the common wombat. There was a sambar deer preaching tree adjacent to the sambar deer wallow, and a deer antler had been cast off at the site. The department sent someone out to have a look, and without going into the detail of the report their finding was that there are ongoing effects from seasonal deer grazing and other deer behaviour.

In relation to cattle activity the same report found that there is an ephemeral effect from cattle grazing and other cattle behaviour — in other words, a minor effect only. The report also notes that less than 10 per cent of the moss beds inspected since 2004 within the fire boundaries that have occurred in the high country were unburned — in other words, more than 90 per cent of all moss beds were burned. In relation to fire, where moss beds contain a high cover of tall shrubs, such as on the Dargo High Plains or the Snowy Range, they were often severely burned, even when the fire appeared to have merely trickled through the surrounding grasslands or woodland. That point brings us to the issue we are talking about today — that is, fuel load management. How do you protect your ecosystems? You protect your ecosystems by ensuring that over a period of time there is a robust process of fuel reduction.

There is concern about the large sambar deer adversely impacting on our high country wetlands and the trampling effect they have not only on the regeneration of vegetation but also in relation to general biodiversity. The conclusion of this report was that, in reference to introducing cattle into the area, based on the evidence available there is a low likelihood of a significant impact of that action on the listed value.

While I have a good deal more I could refer to, I am sure many members would be delighted if I cut my contribution short. However, I want to read out one quote in particular. Much has been made by Dr Henrik Wahren and Dr Dick Williams about the notion that cattle cannot possibly contribute to fuel reduction in the high country simply because of what they eat. Harm van Rees was at one point a masters student involved with the University of Melbourne. He was part of the then School of Agriculture and Forestry and supervised a significant research trial in the 1980s in relation to cattle on the high plains. I will read a significant extract from a report he authored which was published in 1983 in the journal of the Mountain District Cattlemen's Association of Victoria, *Voice of the Mountains*:

To determine the diet of cattle on a quantitative basis, I used five oesophageal fistulated steers on the high plains. An oesophageal fistula is a small surgically prepared hole (named the fistula) in an animal's oesophagus about halfway between the jaw and the brisket. When the animals are grazing normally, a plastic plug is used to close the fistula, so that the ingested material bypasses the opening and ends up in the rumen. When samples of the diet were required the plastic plug was removed, a collection bag was placed around the animal's neck, and as the animal grazed the material passed through the fistula into the bag.

The grazed material was analysed for its botanical and chemical composition. Luckily cattle do not chew their feed well when they are grazing and with the aid of a microscope it was relatively straightforward to determine which plant species had been grazed.

The diet analyses showed that the diet was largely comprised of snowgrass during December and early January, then the diet changed to a shrub (alpine star-bush and alpine grevillea) dominated diet, which was followed towards the end of the season by a diet which contained a high proportion of forbs (mainly the leaves of the silver snow daisy).

The large component of shrubs in the diet of cattle was an interesting result as it indicates that cattle may be playing a regulatory role in controlling the rate of shrub growth on the high plains.

I have seen further reports about the work of that trial, and it would seem to me that contrary to the claims of the opposition it is important to recognise that subsequent research by Williams et al was flawed on the basis that it totally ignored the work by Harm van Rees. There is some research on the Bogongs which in my view is questionable. Dr Henrik Wahren is prepared to fabricate evidence for the purposes of media publicity, and in my opinion one has to call into question his integrity in regard to scientific research.

Therefore it is clear that the Bogongs work is suspect. It is further suspect because of the claims made and the use of that work in relation to a series of inquiries, including the Esplin inquiry resulting from the 2003 fires, which relied heavily on the Williams et al work. Why did they exclude the earlier scientific research that had been conducted by Melbourne University? Harm van Rees is renowned for that work. He went on to work for the Soil Conservation Authority in Victoria and still works in government to this day.

My request is for the opposition to lead some evidence which shows that the initiative taken by the government to implement, in a cautious way, its election policy, can do harm. There is no lack of compliance with any federal law, there is no lack of recognition of the prospect of there being some threat to the environment — therefore sites have been carefully chosen by the department to minimise any adverse impact — and, further, there is no obligation on the part

of the government to move as slowly as it is moving. It is moving in a cautious way to ensure that there is a peer-reviewed scientific process to measure the implementation of the policy step by step and to report publicly on the outcomes.

In summary, I argue that the motion before the house has no substantive merit. To the opposition's claim that the house should express its dismay, I suggest it should state that the house should applaud the government's initiative to do something the Labor Party has been terrified of doing — which is to look at alternative land management regimes to improve the management of our public land and reduce the impact of high-temperature bushfires on our landscape.

There are many more things I would like to contribute today, but I suspect that, as I have now been speaking for 1 hour and 32 minutes, I should probably sit down.

Mr VINEY (Eastern Victoria) — It has been a long wait.

Mr Finn — It had better be worth it, then.

Mr VINEY — Just hold your horses, Mr Finn — hold your cattle might be more to the point.

I guess after the contribution lasting 1 hour and 32 minutes from Mr Philip Davis the conclusion one would draw is that no scientific research is required, because he has already told us that the cattle will do no damage, that the trial will be successful and that — almost to quote his words — the cattle are thinly dispersed and will cause no damage. That is quoting from his contribution.

Putting aside the decision by Mr Davis to give some gratuitous advice to the opposition about how it should conduct its business, let me say that I am pleased to support the motion before the house. I do so representing part of the area that is the subject of this trial, the Eastern Victoria Region.

I will be quite brief and will put it in these terms: firstly, the argument that has been put for placing cattle back into the high country had very little intellectual rigour whatsoever. To be suggesting that this is part of a fire mitigation program is clearly, in my view, a fraud. There may well be some fire mitigation benefits from the cattle going into the high country — I am happy to leave that argument to the scientists — but the science generally says that the damage being done to the high country is quite significant.

Mr P. Davis — Which scientists? Lead the report. Cite the reports. How many reports can you cite?

Mr VINEY — Mr Davis put in his argument here today — and I did not interrupt him — that both types of deer cause damage to the high country, being hard-hoofed animals, and brumbies cause damage to the high country, being hard-hoofed animals, but cattle will not. This argument put by Mr Davis lacks any intellectual logic or rigour. It is absolutely absurd to suggest that on the one hand deer and brumbies will cause damage to the high country but cattle will not.

This is a nonsense, and he knows full well it is a nonsense. Mr Davis and Mrs Petrovich have lectured people on this side about cattle and have suggested we do not know anything about them. Let me tell you that, having milked 110 cows in a walk-through dairy morning and night for all of my youth, I know a little bit about the behaviour of cattle. To postulate, as Mrs Petrovich did, that the lead cattle, as she described them, being placed into the high country know where to go and where not to go, is absolutely ridiculous.

Cattle will go from point A to point B by the most logical route. That is what they will do. If you wonder whether or not that is true, go to any farm and look at the cattle tracks. Not only will cattle go from point A to point B by a logical route, often they will do it in single file and they will travel the same track every single day. I can tell you that we had tracks where the cattle went up to the dairy every day. They took the same track every day. Cattle do that everywhere. They follow logical routes to the waterhole or to where they are going to graze — and they will, as hard-hoofed animals, cause damage to the high country. People now want to have an argument about the extent of that damage, but bringing cattle into the high country as a fire mitigation program — while certainly it might have some fire mitigation benefits — is like using a sledgehammer to crack a walnut. There is not much of the walnut left.

Running the argument that we need cattle for fire mitigation defies logic. There are many ways that fire mitigation needs to be considered, including thinning, burning and a whole range of other techniques that are well and truly scientifically proven. Mrs Petrovich knows, because we are both on the Environment and Natural Resources Committee, that I have argued strongly in favour of significant increases in burning. I have also acknowledged in this house that I am a person who, faced with the evidence out of that process, changed my mind. I made the comment here in this chamber, in relation to the report that came out, that I changed my mind about that.

But one thing I will not change my mind about is something that clearly defies logic. It just defies logic to

suggest that cattle are the best mechanism to prevent fire. There may be some fire prevention benefit, but that does not make it the best methodology for preventing fire in the high country.

It does not follow; it is not a logical flow. This is an intellectually flawed argument that has been put by the government. What has been revealed by Mr Philip Davis in his contribution is that the government has already determined that the cattle in the high country will not cause damage. We know the real reasons why the cattle are being put back into the high country are all of the other factors associated with this issue. The fire mitigation argument is a complete ruse. It is, as I said, suggesting that the best way to break a walnut is to use a sledgehammer. It may work, and it will break the walnut, but it will not be very edible. The same applies to cattle. Yes, there may be some fire mitigation benefit, but there will also be considerable damage to the high country as well.

Mrs Petrovich interjected.

Mr VINEY — Mrs Petrovich cannot be in this chamber arguing — as Mr Davis did — that deer are damaging the high country and that brumbies can damage the high country but cattle will not damage the high country. That is absolute and utter nonsense. Mrs Petrovich knows it is nonsense. This is a policy decision that the government made when in opposition for its compatriots and colleagues; it is a commitment it made to its support base in the cattle industry. Why not be honest about what it is about? It is about making a commitment to allow those people who are the government's supporters to get access back into the high country. That is the truth of this. It is not about fire mitigation, because if it were, the government would put in place other strategies that are much more effective and do not cause damage. It is an absolute ruse — —

Mr P. Davis — There is none so blind as those who will not see.

Mr VINEY — It is, Mr Davis, quite dishonest of the government to be suggesting it is about preventing fires; it is not.

I have been in this chamber and argued strongly for significant increases in prescribed burning and fire prevention burning. As Mrs Petrovich well knows, I was a strong advocate for those things in the Environment and Natural Resources Committee.

Mrs Petrovich interjected.

Mr VINEY — Mrs Petrovich well knows that was my position. In this chamber I had the integrity to say, 'I have changed my mind'. Years ago I might not have had that view. But when faced with the weight of evidence I changed my mind. As John Maynard Keynes famously said, 'When the facts change, I change my mind'; then he posed the question, 'What do you do?'. That is the argument I put regarding cattle in the high country.

I say to Mr Davis and the government that instead of already determining — and this was said by Mr Davis in his contribution — that the outcome of this scientific research will be positive and that cattle will be allowed to stay in the high country, which is what Mr Davis clearly indicated, they should have the intellectual integrity to say, 'I will examine the research, and if it causes damage to the high country and there are alternative methods of preventing fire in the high country, I will change my mind'. That is what I would like to hear Mr Davis say, but he has made it absolutely clear that he holds one position and that that position will not change.

This is a policy about putting cattle back into the high country because of the relationships between The Nationals, the Liberal Party and the cattlemen in the cattle industry, and it is about looking after people who are the coalition's support base or who the coalition thinks are its supporters. That is what this is about; it is not about fire prevention. If it were, the coalition would be doing other things and not using a sledgehammer to crack a walnut.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Firstly, in response to the comments made, particularly by Mr Viney, I reject totally that this matter is not based on scientific research. It is, absolutely; it is genuine; it is well founded; it is totally necessary. I want to elaborate on some of those claims and respond to some of the points Mr Viney put during his contribution.

This is a debate about some scientific research. Firstly, I need to acknowledge that I am not a scientist by profession, and nor do I think anyone in this chamber could claim to be. Our views need to be taken into account in relation to the views of those who have some expertise in those areas. There needs to be an acceptance that we should keep an open mind and learn from others who have skills other than the skills we personally possess.

While I am not a scientist, I have been involved in many debates on matters relating to bushfires and bushfire risk mitigation over the years. This Parliament

has spent many hours debating that subject many times throughout the course of recent years. So it is that we all offer a view and have some experience of the matters associated with bushfires and the things that need to be done to mitigate the risk of bushfires.

An issue members from either side of the chamber have never disagreed on during the course of those debates has been the need for the government of the day to better manage public land in this state. Part of that management is for the purpose of reducing bushfire risk. Members need to go back and think, 'Why do we do that? Why do we manage public land, and what is the intention of reducing bushfire risk?'. The intention of it is manifold, but we need to manage bushfire risk to protect life and property and protect environmental values. That is the importance of guarding our public land against bushfires and reducing that risk, because it is important to protect assets, human life and the environment.

The methods we employ to prepare for bushfires — particularly prescribed burning — have been a focus of much of the activity around bushfire prevention. However, timber harvesting and grazing could also be employed, and there are probably other manual operations, such as clearing, that could be used to mitigate bushfire risk as well. All of these are plausible tools we can use to address the risk of bushfire.

These tools differ in terms of their suitability and application; it depends on the type of vegetation, public land composition and ecosystems that we are looking to protect. While controlled burning might be a good mitigation risk tool in some environments, it is not in others, so other methods of reducing bushfire risk need to be employed in lands where controlled burning is not appropriate. That goes to the point that Mr Viney was making in his speech. He said that if we were fair dinkum about this being scientific research, then we would be looking at using other methods to reduce bushfire risk as well.

The areas and the very ecosystems in the high country that the opposition claims cattle are damaging are the exact environments where controlled burning is not an appropriate tool to reduce bushfire risk. I think it was my colleague Mr Davis who said very clearly that above a certain altitude the use of controlled burning is simply not a recommended measure. It is ineffective and can do more damage than some of the other tools. In those areas probably the only tool that is available to reduce the fuel loads is cattle grazing.

I have always claimed — and I do not think there is any argument on this point — that the intensity of bushfires

is dependent upon a number of factors, but one of the key factors is the fuel load itself. Bushfire mitigation is all about reducing that fuel load, and it can be done by prescribed burning but it can also be done by using manual tools or by grazing, which has been a well accepted method for reducing fuel loads. I say well accepted because it is used on other public land around the state. Management plans for both national parks and other Crown land recommend the use of grazing to reduce fuel loads. It is a plausible method of reducing fuel loads and is probably the most suitable tool to be used in the high country of Victoria.

We currently have a trial going on in the Alpine National Park, and the size of this trial relative to the area of the park needs to be put in perspective. The Alpine National Park is Victoria's biggest national park. It comprises an area of 646 000 hectares, which is a pretty big chunk of land. It is actually 3 per cent of Victoria's total land mass. The trial provides for 400 head of cattle to be grazed on six sites within those 646 000 hectares. If we look at this from a mathematical perspective and divide 646 000 by 400, it comes out at one head of cattle to 1600 hectares of land.

I am sure the Acting President as a grazier of some renown would understand that if you have one head of cattle to 1600 hectares, you will have pretty well looked after cattle and the impact of those cattle will be so insignificant that, as Mr Davis recounted, a TV crew would find it hard to locate one head of cattle in 1600 hectares. But it is not 1600 hectares, because there are restricted areas where this grazing is being applied. Nevertheless, the application of 400 head of cattle over those six sites means they are pretty hard to find; there are not a lot of them.

This must be put in perspective. It is a very limited trial of cattle grazing in this high country area. It will help us to achieve an appropriate balance between cattle grazing as an effective bushfire mitigation tool and the protection of the environmental assets of the park. It is a very modest trial, and for people to make the claim that it is not scientific and that it is just a measure to appease our political supporters is absolutely absurd, because our political supporters in this would laugh at us if we were to say that 400 head of cattle represented the return of cattle to the high country. It is ludicrous. This is a modest research trial on a very big piece of land with a very small number of cattle. In every sense it is a piece of scientific research, and it should be recognised as such.

The last point I want to make is that while some would claim that cattle, no matter how small in number, have the potential to do significant damage to the

environment, I say: so too do bushfires. Bushfires that are uncontrolled and burn with intensity will do far more environmental damage than limited numbers of cattle grazing in these park areas. It is a matter of balance. A modest scientific trial, as this is, will help us better judge what is the appropriate balance. This absolutely is scientific research, and it is research that needs to be done.

As my colleagues Mrs Petrovich and Mr Davis have said, there has been virtually no research of this nature undertaken before, apart from some work on the Bogong High Plains but not in other areas of the national park. This research trial is appropriate; it is proper. We forecast that it would be the subject of policy debate if we were to successfully win the election, and it has to be done. I think the vast majority of people applaud the way in which the Baillieu government has implemented this policy position and the fact that we are doing a bit of scientific research and trying to look after the environment in which we live and which we enjoy.

I join with my colleagues Mrs Petrovich and Mr Davis in rejecting this motion on the notice paper today, because the research under way represents a genuine effort to find better ways of managing public land in this state. That is why the Baillieu government should be applauded for this measure, not condemned as the motion suggests.

Mr JENNINGS (South Eastern Metropolitan) — As a former Minister for Environment and Climate Change and now a member of the opposition, I realise that when you move motions such as this you must be prepared to receive about 4 or 5 hours of lectures. As I am an ongoing student and have always been open to advice, I say to those members who have taken the opportunity to lecture me about my performance in the past and what I should understand about environmental protection, fire risk mitigation and government: thank you for that advice.

In my own defence I draw the attention of the house to the outcomes of the fuel reduction burning program during the Bracks-Brumby government and during the Kennett era, and I compare my track record of fuel reduction burning with that of any other environment minister. On that basis I do not think I come from behind in having achieved a significant program and a significant increase in the program during my tenure as minister. I also remind the chamber that no other environment minister when in office secured an additional \$380 million to support the fuel reduction burning program into the future. If nothing else, depending upon the timing of that outcome that

achievement may be a very positive legacy for the people of Victoria and the Victorian environment in terms of risk mitigation.

In terms of my understanding and appreciation of those issues, I did not visit them much during my presentation because I believed that I had a track record of recognising their significance, but I thank members for continually reminding me of them.

Other contributions in relation to the scientific rigour that is purportedly associated with this so-called trial of the reintroduction of cattle grazing in the high country missed a significant point about whether that scientific rigour — the process and the benchmarking — was in place prior to the introduction of the cattle or whether it has been a catch-up action subsequently. There has been no evidence to my satisfaction that it was in place — that it had been designed and constructed — or that it will be undertaken in a way that will enable proper benchmarking, scrutiny and data collection. There was a lot of haste in getting the cattle into the high country; there was not such haste in the scientific rigour and the quality assurance before the program commenced.

Mr P. Davis interjected.

Mr JENNINGS — Regardless of whether Mr Davis were on his feet for another 6 or 7 hours to continue his hairsplitting on this issue, unless he were to bring new evidence to bear he would not satisfy me in relation to that. As it turned out, the most compelling issue Mr Davis raised was his understanding of the spelling of the word ‘agistment’ and his calling upon the clerks and me to split from one another on who should be responsible for the spelling of that word in the motion. I thank the clerks for holding tight to the solidarity between the drafter of a resolution and the clerks at the table in relation to determining the motion.

That was not the most significant issue that Mr Davis raised. The significant issue that he raised — and I encourage him to take some action, if he has evidence that stands up to scrutiny beyond what is reported to the house — was the purported environmental damage that may have been associated with recent visits to the high country. Why does he not encourage his minister to take action on this matter? If we are concerned about the environment — —

Mr O’Donohue — Maybe he has.

Mr JENNINGS — I am encouraging protection of the high country to fall where it falls without fear or favour. We should also be mindful of the logic of our

position. If we say that sambar deer and brumbies are problems, then that logic, which I accept —

An honourable member interjected.

Mr JENNINGS — I may not have mentioned sambar deer in my contribution today, but I have mentioned them before. Even if I have not taken sufficient action to eradicate them from the high country, it has been acknowledged and acted upon previously. The logic of the argument that was put today was fairly compelling, and there are fairly compelling reasons to not have cattle in the high country. It is the same logic.

Given the government's determination to implement its program of scientific rigour in the name of fire-risk mitigation, it would do well to look at the recommendations of the royal commission, which outlined approximately 10 methods of fire-risk mitigation worthy of merit for adoption in the state of Victoria. However, this was not one of them. This was not in the top 10 strategies recommended by the royal commission in its report, which the government says it wants to introduce at the earliest opportunity. This was not one of them.

Following the challenge laid out by the opposition this morning, which I outlined to government benches, to justify the process and probity associated with this program, I for one am not satisfied with the original proposition, as drafted in the motion, that fundamental maladministration has been associated with the introduction of this program. I acknowledge the mandate. Even though I disagree with the policy intention and the outcome, my issue today — and I hope it will be supported by other members of this chamber — is to oppose the government's actions of maladministration of this program. It has been a very sorry measure of the way in which the government enacts its mandate within its first 89 days in office. Just as it is incumbent upon me to continue to learn lessons, I hope the government learns its lessons.

House divided on motion:

Ayes, 18

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

Noes, 20

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

Pair

Darveniza, Ms	Atkinson, Mr
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Motion negatived.

PRODUCTION OF DOCUMENTS

Mr BARBER (Northern Metropolitan) — I move:

That the Council take note of the letter from the Attorney-General dated 1 March 2011 and the letter from HRL Ltd dated 25 February 2011 in relation to the Council's resolution of 9 February 2011 requiring the production of documents in relation to the funding agreement between the state of Victoria and HRL Ltd provided under the Energy Technology Innovation Strategy.

This matter is listed as item no. 2 under orders of the day. I would like to say that I appreciate the respectful and legally considered nature of the Attorney-General's letter and, having spent some time considering the argument he has put forward, I would like to respectfully disagree with the case that he makes out.

The Attorney-General correctly notes the Legislative Council does have the power to call for these documents and that no exemption related to the matters argued here — that is, commercial in confidence — would prevent the Council from asking for these documents. The Attorney-General therefore has said that he requests on behalf of the government that the Council not insist on the government producing the documents referred to. The argument that these documents contain commercial-in-confidence matters comes from the company that is signatory to the funding agreement, HRL, and its letter has been provided to the chamber with the Attorney-General's request. The company simply asserts that the funding agreement that we are seeking to have tabled here contains:

sensitive financial and commercial information and proprietary intellectual property of the company, which was provided on the basis that it would be kept confidential.

The Attorney-General and I at least agree on something — that is, that the house does have the power to call for these documents — but the house

should consider whether we want to have tabled material that contains information that may be commercially sensitive. At a later date I will be moving a motion in which I will request that the house does insist on obtaining this material. I will now put forward the argument as to why we should do that.

The documents may certainly contain commercial information. In fact the documents are all about the funding of a coal-fired power station where the company will attempt to demonstrate the commercial viability of a particular type of technology. There is no doubt they will contain commercial information. But they may not contain information which is commercially sensitive, in the sense that it would cause real damage to the company if it was released — for example, it could contain information that relates to the operation of a power plant.

That information may not be commercially sensitive because it may be known widely across the community. However, even if the information is seen as being commercially sensitive, you would still have to make the case that there would be damage to the company's interests as a result of that information being released. The information might be sensitive, but there may be no particular damage in having it released, because the competitive nature of what this company is doing is that it will sell power, ultimately, into the spot market or possibly under an agreement. That is the point where competition starts, not at the point where the company is seeking funding from the state and federal governments.

To take a further step, even if the company could argue that it would be commercially disadvantaged, I point out that the company is also being commercially advantaged by receiving \$150 million of state and federal funding. There would be plenty of people, including members in this place, who would argue that once you are receiving public funds for your activities you have a higher burden of probity and transparency. Even if the company wanted to make an argument that the disadvantage was significant relative to the advantage of all this taxpayer subsidy, the question we would still have to consider is whether the public interest overrides that interest.

Those are the basic tests that are applied even in a FOI act setting. The government would know this because of the recent case of Clay Manners against the Northern Victorian Irrigation Renewal Project, where the staffer for The Nationals sought access to the business case of NVIRP, and The Nationals actually received it; in VCAT The Nationals actually received support for their application. The then government or the then NVIRP

agency appealed to the Supreme Court, but apparently events overtook it and a new government is now in place, so it remains to be seen what material is released by the government now that it is in fact the government and has in its hands the information that it was previously seeking via FOI.

But in a statutory setting that case is already being made out, and proof is required. It is not simply enough for someone to assert that that would occur. Here we have the company asserting it and the government quite clearly backing the assertion. By the way, the assertion is that the way this company could be commercially disadvantaged is in its negotiations with the commonwealth government for more taxpayer subsidy, not to mention other matters that may be going on in relation to a carbon pollution price.

We have a situation where the company knows what it has signed up to with the Victorian government, but nobody else does; the company knows what it is negotiating with the commonwealth government, but nobody else does; the company knows what the two governments are offering, but the two governments do not know what each other is offering — all of this to achieve supposedly the one public objective.

The Department of Primary Industries section of the government's website states that the reason this funding is being made available is to assist with the commercialisation of the technology which will allow brown coal to be burned with 30 per cent less emissions than the typical Latrobe Valley power station. If any rationale has been given as to why the company is receiving \$450 million in public funds, that is it. We know no more about it than that because we have not seen the funding agreement. I am not intending to argue whether that is or is not a good investment; I am simply saying we do not know what we are getting for our money. We seem to be getting a technology which will reduce emissions by 30 per cent when comparing burning brown coal to the current level of operation in the Latrobe Valley.

However, the HRL company is also seeking a licence from the Environment Protection Authority, and as we read the documentation that was provided to the EPA what we find is that in fact the way the company is achieving a 30 per cent reduction in emissions is by actually burning a significant amount of natural gas in the same plant as it is burning coal. From my reading of the publicly available information, it is not that it has found a way to burn coal with 30 per cent less emissions, but it is actually just mixing in significant amounts of natural gas alongside it — shandying, if you

like, the two technologies — to achieve that target. So there is now a very real question to be asked.

By the way, the company provides for the possibility that its technology may fail on the commercial stage and it will end up just burning gas, and then it says it will produce about 0.4 tonnes of CO₂ equivalent for every megawatt hour of power. In the light of this project and this funding agreement it seems as if what the company originally promised at least to the public and what it is now able to deliver are two different things. That is why it is important that we see the funding agreement, so that we can see what was provided for. It is also important because as a state and federal taxpayer I want money to be spent well; I do not want to see a company trading off one government against another.

Finally, it is my understanding that the commonwealth funding agreement is itself subject to an FOI request by Greenpeace and that we may see that material soon. In any case it would be open to others to pursue that matter in the same way. I will certainly be pursuing this document through the FOI stream as well. But FOI is a statutory scheme for the release of information, whereas the Parliament's power to do this is virtually unlimited. At a later date I will be moving a motion requesting or suggesting that the Legislative Council insist on receiving this material. I would say, though, to the Attorney-General that if he wants to investigate this matter a bit further and finds there is one specific part of the document that is genuinely sensitive or that contains the secret formula for clean coal, he may want to have further communication with the chamber about a redacted document.

I am not saying that I would necessarily accept that, but it is only the Attorney-General who can make the suggestion to the chamber that another version of the document with certain material removed could be more acceptable to him and to the company and meet the needs of the chamber.

Mr O'DONOHUE (Eastern Victoria) — The government does not oppose this take-note motion. Many of the propositions Mr Barber has advanced are in effect foreshadowing a subsequent motion which he said he will move at a later time. The letter from the Attorney-General that was tabled yesterday is quite self-explanatory. The fact that it has been tabled with an accompanying document from HRL Ltd is useful in providing that additional information.

The HRL letter, dated 25 February 2011 and addressed to the Honourable Michael O'Brien, Minister for Energy and Resources, says in paragraph 4:

These documents contain sensitive financial and commercial information and proprietary intellectual property of the company, which was provided on the basis that it would be kept confidential.

Those documents were provided when there was a different government in Victoria. We accept HRL at its word as we were not part of those discussions. Given that that material was provided on the basis that it was to be kept confidential, it would not be appropriate for the Attorney-General to be releasing it to the Parliament at this time.

The Attorney-General, as Mr Barber says, 'acknowledges and respects the right of the Legislative Council to require the government to provide documents to the Council, subject only to limited exceptions'. The letter goes on to 'request on behalf of the government that the Council not insist on the government producing documents referred to in the Council's resolution'. The government is happy to take note of the correspondence and, as Mr Barber has said, the matters he has raised today will no doubt be the subject of a subsequent debate at another time.

Mr LEANE (Eastern Metropolitan) — Hansard delivered a copy of the speech I made in regard to Ms Pennicuik's motion this morning. I am tempted to just read that and substitute Mr Barber's name for Ms Pennicuik's.

Mr Barber — You do not get two pays for that.

Mr LEANE — I wish I did. I want to compliment Mr Barber on his and his party's consistency in regard to these particular motions as well as the consistent position taken by them, along with those who were sitting on this side of the chamber, when the paperwork was not delivered. Mr Barber foreshadowed that he will be moving a motion insisting on this paperwork. That would therefore be consistent with the position that Mr Barber and his party took in the previous term.

ALP members understand that there are some documents under commercial-in-confidence and cabinet privilege which may not be appropriate to hand over as far as their benefit to the state of Victoria is concerned. I take into account Mr Barber's argument when he said that maybe some of this paperwork does not fall into that particular realm.

We remain consistent in our position that this Parliament has a right to ask for documents. We look forward to seeing the same consistency from those on the government benches when faced with Mr Barber's foreshadowed motion that maybe the Leader of the Government should face a censure motion if the

documents are not handed over. We will be looking for those members who were once on this side of the chamber and who are now in government to vote for the Leader of the Government to be censured and maybe even expelled from the house for a period of time. We look forward to that consistency but we know it will not be a reality. I know some individuals who sit on that side of the chamber would like to see David Davis removed from this chamber and from the many different positions that he holds, but I am sure they will work as a collective and thus show themselves to be very inconsistent.

Motion agreed to.

STATEMENTS ON REPORTS AND PAPERS

Ombudsman: investigation into the failure of agencies to manage registered sex offenders

Mrs COOTE (Southern Metropolitan) — I cannot say it gives me pleasure to speak on this particular report, which is the Ombudsman Victoria's report entitled *Whistleblowers Protection Act 2001 — Investigation into the Failure of Agencies to Manage Registered Sex Offenders*, published in February 2011. It is a very disturbing report. The information that the Ombudsman has found in preparing this report is something that rests on the heads of everyone in this chamber, both those in government and those in opposition. The reality is that the former government should have done something about this. They had 11 years to do something about this — 11 years in which to make a difference to the children of Victoria. However, they sat on their hands and did nothing, and vulnerable children — probably the most vulnerable in our community — were put in positions of peril. It is an absolute disgrace.

The Ombudsman is very succinct in this report. On page 9 he sums up what the essence of the problem is. Item 27 of the executive summary states:

The practice of seeking the permission of the registered sex offender before the release of information on cases where children may have been at risk demonstrates that Corrections Victoria has opted to place the rights of registered sex offenders over the rights of vulnerable children that may be at risk of harm.

What a shocking indictment of the former government. This is an absolute disgrace.

I would like to remind this chamber of exactly how this investigation came about. There is an element here of sex offenders doing the right thing. I think we should all give them some leeway, but not when there are

vulnerable children at risk. The process is that sex offenders are supposed to register if they have come into contact with children at any stage, and that is then acted upon. This shows a complete and utter lack of communication between two departments: the Department of Human Services and Victoria Police.

It is very important to understand that this government will look at this issue and address it but that the former government sat on its hands for 11 years and allowed this to happen. I could just read out the entire executive summary of this report, because every one of the points the Ombudsman raises is a point of major concern and a point that needs to be recorded in this chamber and impressed upon all of us so that these crimes do not happen again.

The Sex Offenders Registration Act 2004 came into effect in Victoria on 1 October 2004, and it required the Chief Commissioner of Police to establish and maintain a database to record all persons convicted of sexual offences against children. There are over 2400 registered sex offenders currently in the Victorian community, and there are others who are in custody both interstate and overseas.

Victoria Police was instructed to notify the Department of Human Services whenever a registered sex offender reported unsupervised contact with a child. The purpose of notifying the Department of Human Services is to allow it to carry out its obligations under the Children, Youth and Families Act 2005. I recall that when that bill came into this chamber in 2005 the current deputy leader of this house, the honourable Wendy Lovell, spoke eloquently on the bill and raised a number of issues that should have sent reverberations throughout the former government. What has transpired is an indictment of the former minister.

I suggest that we look at some of the headings that the Ombudsman has identified. 'Failure to act' is one. The failure of Victoria Police to report these matters to the Department of Human Services left children exposed to unacceptable risk. There is the heading 'Lack of coordination', under which there is the finding that the '...practice of seeking the permission of the registered sex offender ... demonstrates that Corrections Victoria has opted to place the rights of registered sex offenders over the rights of vulnerable children', which is what I said at the outset.

This is not going to be the first time I speak on this report; I have only just touched the surface. There will be many occasions on which I speak on the report. It is a shocking indictment of the former government.

Auditor-General: Acquittal Report — Results of the 2009–10 Audits

Mr LENDERS (Southern Metropolitan) — I rise to speak on the Auditor-General's *Acquittal Report — Results of the 2009–10 Audits*, including *Annex D — Water Entities*.

I can see that I have everyone's undivided attention. I want to talk about what the acquittal report says and note a few observations made by the Auditor-General on water. The first thing I would say — —

Hon. W. A. Lovell interjected.

Mr LENDERS — If Ms Lovell wishes to mouth off about various numbers, I suggest she actually read the Auditor-General's report and refer to the issues at hand. If she wishes to have a debate on water supply in Victoria, I would welcome a head-to-head debate at any time for as long as it takes about our record in government versus their shameful neglect. We could have a long debate on water.

Regarding the Auditor-General's report, what I would say is that those opposite will forever complain about the timeliness of the previous government; however, the Auditor-General notes that the reports were timely. On average they were reported approximately three weeks earlier than before, and he gives a big tick to the water authorities for that. He also gives them clean bills of health, like all the reports. They all had clear opinions, so they were all cleared off.

Mr Drum — What year are you talking about?

Mr LENDERS — Mr Drum asks what I am talking about. I suggest Mr Drum read the Auditor-General's report. I am making comparisons between 2008–09 and 2009–10, and if he read the report, he would know that.

Mr Drum — I am asking what year.

Mr LENDERS — Mr Drum is not listening. I said 2008–09 compared to 2009–10. The Auditor-General has done a comparison on timeliness from one year to the other.

It is interesting to note that one of the issues the Auditor-General refers to in his report is the financial viability of some of those water authorities. It is interesting that the Essential Services Commission was doing five-year funding determinations for the authorities at a time of water shortage and drought. It has done determinations for what the authorities can charge. All the authorities can only charge for water they can actually sell, so some of these authorities have

had the challenge of having less water to sell, and they have had to consider how they can move forward. All of the authorities moving forward have the advantage of having more water to sell than was forecast at the time of the Essential Services Commission determinations, so all of those authorities will presumably be in a far more robust financial position than they would have been if the drought had continued.

It is interesting that with all the water authorities there are issues as to whether they run at a profit or loss. A lot of this goes back to decisions made by the former government at the time of the implementation of the international financial reporting standards as to how you treat depreciation in rural water authorities — whether it is in or out. The Auditor-General notes that that is the main determination of how those authorities work. There is also the issue of whether they run cash surpluses. That depends very much upon the volume of water an authority can sell. These are important parts of the water authorities.

All the water authority boards are of course independent; under their act they are required to operate without fear or favour. It is interesting that with the current minister having sacked the Goulburn-Murray Water board in a cloud of secrecy — —

Mr Drum interjected.

Mr LENDERS — Yes. When a bully comes to you and says, 'I want you to resign by Friday' and it is your shareholder, it is not surprising that the directors actually do resign.

Hon. W. A. Lovell interjected.

Mr LENDERS — What I would say to Ms Lovell and Mr Drum, who want water authority boards to act independently, is that having a minister point the finger and say, 'Behave, or I will get you to go' is very Kennettesque.

Mr Drum interjected.

Mr LENDERS — Much like what happened when the Kennett government sacked 211 municipal councils, the threat of boards being sacked does not engender great confidence in boards acting independently from the government. I suggest to Mr Drum, in his robust defence of his Nationals colleague — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! We will have some decorum in the house.

Mr LENDERS — If Mr Drum expects boards to act independently, then a bit more transparency about what happened at Goulburn-Murray Water would probably give some confidence to the members of the other boards that they are not being told ‘It is my way or the highway’, which is effectively what the boards are being told.

Mrs Coote — Time!

Mr LENDERS — It is interesting that Mrs Coote cannot read the clock very well, as I still have 1 minute and 31 seconds to speak on this Auditor-General’s report. I have said what I need to say. It is a good report about the water authorities, it acknowledges the history and it should be an early alert to independent bodies that this Baillieu government is starting to sound remarkably similar to the Kennett government, which said, ‘My way or the highway’.

Australian Health Practitioner Regulation Agency: report 2009–10

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to make a contribution to the statements on reports and papers, in particular the Australian Health Practitioner Regulation Agency (AHPRA) report on a national registration scheme. It is a scheme I am quite familiar with, having worked with a number of practitioners and health professionals last year when this scheme first came online. They experienced firsthand the failures of the scheme in July last year and more recently, as has been widely reported.

On page 6 the report, referring to the Council of Australian Governments, states:

At its meeting of 26 March 2008 COAG agreed to establish, by 1 July 2010, a world-first national registration and accreditation scheme ... initially regulating 10 health professions through one national law.

It incorporated the boards of the following professions: chiropractors, dental practitioners, medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists.

On page 42 the report states:

The primary role of the boards is to protect the public. The boards are developing health profession standards and from 1 July 2010 are responsible for registering practitioners and students, as well as other functions, for their professions.

The rollout of this scheme has caused unnecessary anxiety and confusion for tens of thousands of practitioners right across the country, including here in Victoria. It is well reported that there has been a litany of complaints to the agency.

Our hardworking health practitioners do not need the added stress of having to find out whether they are actually registered, they have professional indemnity insurance or their patients can receive Medicare rebates.

An article in the *Australian* of 4 February states:

Federal health minister Nicola Roxon has been forced to intervene to ensure the patients of up to 10 000 physiotherapists, health workers and doctors can claim Medicare rebates after bureaucratic bungling ...

Just two days before, on 2 February, the *Age* reported:

AHPRA chief executive Martin Fletcher said the registration process had gone smoothly and ‘the numbers speak for themselves’.

It has gone anything but smoothly. Doctors are suddenly finding themselves unable to be registered and forced to not work. I am aware of numerous examples of health practitioners having their emails and telephone calls going unanswered. That has been going on not for days but for weeks. In one particular instance a health professional rang to find out the status of her staff, only to find that she was not registered. When she finally got onto somebody to ask why that was the case, she was told that because she had a registration as a general nurse and as a midwife, they cancelled one another out. This is simply unacceptable.

I have had a general nurse registration in this state for more than 25 years and a midwife registration for 20 years. It was a simple process that identified my qualifications and eligibility to practice. It should not be up to health practitioners to deem whether their registration status will be sent to the right address or to have to follow it up with the agency.

On 4 February it was also reported by the *Australian* that:

Australian Medical Association president Andrew Pesce said letters asking doctors to update their registration were sent to the wrong address; in some cases a single letter addressed to ‘The Medical Practitioner’ was sent to practices with 12 doctors.

Those administering the scheme should understand how general practice and primary care is to be delivered in this country before it is even rolled out. It is simply unacceptable, and as I said, this scheme has been bungled from the start. In one particular case 11 doctors and 30 nurses in a major network in Melbourne had to

be stood down while hospital administrators worked out their registration status. That is unacceptable. It was unacceptable to those patients they were looking after, to their health co-workers and indeed to the hospital administrators. It caused considerable upheaval and had a considerable impact on that particular network. The hospital administrators were unaware that it was to occur.

It is completely unacceptable. The Victorian government will not accept any more excuses from the federal health minister about her reluctance to intervene in the first instance. She should take full responsibility for this bureaucratic bungle and the inconvenience it has caused to the Victorian health industry, Victorian health workers and indeed the many patients who have inadvertently been caught up in this bungled scheme.

Murray-Darling Basin Authority: report 2009–10

Ms BROAD (Northern Victoria) — I wish to make a statement on the annual report for 2009–10 of the Murray-Darling Basin Authority, which was presented to the Australian government on 7 October 2010. This report covers the first full year of operation of the authority as the agency responsible for planning the integrated management of all water resources across the Murray-Darling Basin. During the period covered by this report severe drought conditions eased, reducing pressures on communities and the environment. This was of course before communities and the environment were subjected to very different pressures as a result of several flooding events.

During the reporting period for this report the authority's activities were focused on developing the proposed basin plan to manage the ground and surface water resources of the basin and to develop sustainable diversion limits. At about the time of the presentation of the annual report the authority released a *Guide to the Proposed Basin Plan*. The concern expressed by communities across northern Victoria in response to that guide are well known and a matter of public record.

As a state member for northern Victoria, I welcome the statement by the authority that it is reviewing all feedback received in response to that guide. I welcome the soundings being taken by the new chair of the authority, Mr Craig Knowles, and his commitment to listening to affected communities and to finding a balanced solution. I welcome the work being undertaken by the Independent member for New England in the Australian Parliament, Tony Windsor, as chair of the inquiry into the impact of the Murray-Darling Basin plan in regional Australia. I also

acknowledge the work of the Basin Community Committee and the activities of the members listed in the annual report in seeking to keep stakeholders informed about the proposed basin plan. They have certainly had a very challenging job.

I wish to commend the work of municipalities across northern Victoria in facing up to the issue of water sustainability through the regional strategic plans that they have developed for the Loddon Mallee and Hume regions, both of which are entirely within the region I represent in the upper house, and through the Regional Development Australia committees for the Loddon Mallee and Hume regions. The municipalities have recognised that sustainable diversion limits are the biggest issue facing communities in northern Victoria and that, as a result, action on water sustainability is their highest priority for action.

The Hume, Loddon Mallee and Grampians regions — the Grampians only comes into my region of northern Victoria in a minor way, but I will acknowledge it as well — are the heartland of Victoria's food production. Without doubt, these regions' economic, social and environmental sustainability is dependent on the viability of the food industry and their capacity to secure a supply of water now and into the future.

In conclusion, I would like to urge the Murray-Darling Basin Authority to have close regard for the work contained in the regional plans prepared by the municipalities, by industries and by communities. They have all participated in the development of these plans and agreed on priorities for their communities — on a regional basis directly and also through the Regional Development Australia committees — before making their determinations and recommendations back to government about future water allocations. It is terrific work that the former Labor government was very pleased to support. I am hopeful that the current government will also pay close regard to the priorities of communities outlined in these regional plans.

Ombudsman: investigation into the probity of the Hotel Windsor redevelopment

Mrs PETROVICH (Northern Victoria) — The report I am speaking on today is titled *Ombudsman Investigation into the Probity of the Hotel Windsor Redevelopment*. It is certainly an interesting read. The report of the Ombudsman's investigation is less about a redevelopment and more about an appalling culture and lack of process on the part of the previous government, which had developed a culture of disrespect, abuse of power and unashamed sense of entitlement.

I would particularly like to speak about the involvement of the former Attorney-General, Rob Hulls, in this sordid business, and I start by expressing great pleasure and delight at the fact that we now have a person in that role who gives it the respect and capacity that is its due. The current Attorney-General, Robert Clark, is in all respects a cut above his predecessor, Rob Hulls. Rob Hulls brought no glory to the position in his handling of the Hotel Windsor redevelopment and a range of other issues.

This report details a culture of bullying, hiding the truth, impeding the process of the Ombudsman and thwarting a parliamentary inquiry. Today in the other house there was a notice of a censure motion against the member for Essendon. The motion speaks about his gross misconduct in public office as Minister for Planning and condemns him for engaging in a sham consultation to subvert proper planning processes for the Hotel Windsor redevelopment. It talks about making false statements to the Parliament and making false and misleading statements to the Standing Committee on Finance and Public Administration. It asks for the member for Essendon to resign, and this is not the first time that this Parliament has done that. It notes that the member for Essendon refuses to resign, as was understood in the previous parliamentary term.

One of the issues that upsets me when I read this report is the culture of total disrespect and sense of entitlement, which is expressed in a number of ways. Page 8 of the report notes that the Ombudsman received legal advice from the solicitor-general, which was provided by the Secretary of the Department of Premier and Cabinet, that he was not able to investigate this matter. The Ombudsman, I suppose, was being coerced, despite the plain words of section 16 of the Ombudsman Act which provide that a house of Parliament or parliamentary committee may refer to the Ombudsman for investigation any matter other than matters concerning judicial processes. This was also not good enough for the then Attorney-General who argued that this inquiry was beyond the scope of the Ombudsman. It was to the credit of the Ombudsman that he pursued his investigation in spite of these discouragements.

It was also interesting to look at what occurred at the parliamentary committee hearings. Those witnesses who did appear were unable to recall discussions and meetings that took place regarding the Hotel Windsor. This report is like a Mickey Spillane novel as you see when you read about the lack of recollection by these witnesses.

The report talks about the failure of witnesses to make a record of these meetings and discussions, compounding the situation. One of the things I would like to highlight is the lack of probity demonstrated in letters between the former Attorney-General, Rob Hulls, and the Ombudsman. In a letter of 2 July 2010 Rob Hulls stated:

Having considered the solicitor-general's opinions, I consider that I have jurisdiction to conduct the investigation and the investigation will continue forthwith ...

The DEPUTY PRESIDENT — Time!

Auditor-General: *Motorcycle and Scooter Safety Programs*

Ms PULFORD (Western Victoria) — This is the first time the Deputy President has been in the chair when I have been on my feet, so I extend my congratulations to him in his new role.

On this occasion I want to make a few remarks about the report published by the Victorian Auditor-General's Office entitled *Motorcycle and Scooter Safety Programs*. The report caught my eye because I had been on an early-morning drive and heard Jon Faine and Red Symons banging on about the demographics of people who are injured in motorcycle accidents. They were talking from the perspective of blokes who have grown out of their teens and twenties and got into motorbike riding with greater enthusiasm when they were a little older.

This report evaluates the road safety agency's work in reducing the incidence of injuries and fatalities among riders and passengers on motorcycles and scooters in Victoria. It finds that there have been some mixed successes in Victoria and also in South Australia and that some strategies have been reasonably effective in reducing deaths and serious injuries. The report notes that it is a little hard to quantify these figures, because there is a far greater number of people using motorcycles than in previous reporting years.

Victoria Police crash records for 2008 show that up to 2790 injured motorcycle riders and passengers attended a hospital. There were over 2000 TAC (Transport Accident Commission) claims of which the overwhelming majority were successful, giving rise to some compensation. But the report also says that these records capture less than half of the almost 7000 emergency presentations, so we are talking about quite a large number of people.

The report evaluates some of the strategies used to reduce accidents, including the Victorian motorcycle

road safety strategy of 2007 and the Victorian Arrive Alive road safety strategy for 2008–17, with which members will be familiar. It discusses the work they do to target motorcycle riders, because a motorcycle rider in a crash is substantially more exposed to the elements and to bitumen than those of us who might have a bingle in our cars. The report also provides a great deal of information about the vulnerability of motorcycle and scooter users. Motorcycles and scooters comprise 4 per cent of all registered vehicles and their riders account for 7 per cent of motor vehicle licence-holders, but since 2005 motorcycle and scooter riders have comprised 14 per cent of all fatalities and serious injuries. Those figures confirm what I think we would all know, but it remains an increasingly popular mode of transport.

I take this opportunity to refer to an interview published in the *Herald Sun* with the deputy commissioner for road policing, Kieran Walshe, about the road toll. January's road toll was very low, with only 17 deaths recorded in January, and the 2010 road toll was declared the lowest on record. The deputy commissioner also talked about speed as being one of our greatest challenges, with motorcycle deaths and heavy vehicle collisions a significant concern in relation to speed. The article refers to TAC data which shows that a quarter of Victorians believe that driving 10 kilometres over the speed limit is socially acceptable. Almost 70 per cent of the 48 collisions affecting motorcycle and scooter riders in 2009 were the result of rider error. According to Kieran Walshe the three top factors contributing to collisions in that reporting period were speed, reckless and careless riding and inexperience.

I am concerned about some of the comments made by government members about speed cameras, particularly when compared to their rhetoric when they were in opposition. I hope that the government's decision to make speed camera information available does not lead to driver habits changing — for example, people speeding up and then slowing down when they know the location of cameras.

Ombudsman: investigation into the failure of agencies to manage registered sex offenders

Mrs KRONBERG (Eastern Metropolitan) — I rise to give an account of the Victorian Ombudsman's report of February 2011 entitled *Whistleblowers Protection Act 2001 — Investigation into the Failure of Agencies to Manage Registered Sex Offenders*. I would like the house to note that this is a very important report.

I commend the Victorian Ombudsman on responding to the individual or individuals who instigated it and on his approach and methodology in revealing a real horror story. In commending the Ombudsman I also want to encourage parliamentary colleagues to read this report, but I do so with a rider and a warning: this is not late-night reading. I am still recovering from absorbing the contents to the extent that, so severe is the problem and so horrific is the Ombudsman's account of it, it is not the sort of document you would want to have as a companion when you are dining.

A number of the themes that emanate from the report — and they are so emblematic of the former Labor government in this state — can be summed up with a repetition of the term 'failure' and a repetition of the term 'lack of'. There was a complete and substantial failure and a systemic collapse.

The Department of Human Services, Victoria Police and how it was resourced, and Corrections Victoria are under the microscope. They were also castigated for the fact that they have been operating separate silos and not communicating important information. In fact any funding that went to the establishment, maintenance and administration of the sex offenders register in this state, established after the appropriate act was proclaimed on 1 October 2004, is not only an indictment of the former government in its systemic failure to provide oversight of any information technology project at all or any deliverables surrounding the implementation of an information technology project but also a complete indictment and a systemic failure of three important agencies in this state to communicate. This occurred under the watch of the former intensively beleaguered Minister for Community Services, none other than the member for Bellarine in the other place, Ms Lisa Neville.

The Victorian Ombudsman has found that a number of sex offenders basically slipped through the cracks under this system. Out of 2400 registered sex offenders there were basically 376 that Victoria Police did not inform the Department of Human Services about. That translated to about 700 children being put in harm's way through the system's odyssey of allowing unfettered access to children by these registered sex offenders in this state.

I am extremely proud of the fact that the Deputy Premier, who is also the Minister for Police and Emergency Services, Peter Ryan, has been described as having provided an exemplary response to the contents of the Ombudsman's report. With great pride I quote from an article that appeared on page 16 of the *Age* of 11 February. It states:

'The buck stops with us', Mr Ryan said, signalling he accepts personal responsibility for fixing the system. All Victorians — —

The DEPUTY PRESIDENT — Time!

Auditor-General: *Motorcycle and Scooter Safety Programs*

Mr LEANE (Eastern Metropolitan) — I rise to make a statement on the Victorian Auditor-General's report on motorcycle and scooter safety programs. The audit examined how successful the road safety agency programs have been in improving safety for motorcycle and scooter riders. The agencies that have the programs include VicRoads, Victoria Police and the Transport Accident Commission (TAC). In addition to those agencies that we would expect to have those sorts of programs, the Auditor-General looked into the Department of Sustainability and Environment programs, even though the relevant program DSE currently has is for a trail bike initiative which aims to bring about behavioural change in motorbike and trail bike users on public land to limit the damage they may do to the environment, which is not necessarily aimed at safety for the riders.

In 2010 there were 162 091 motorcycle and scooter registrations — an increase of 58 per cent since 2002. The report found that the percentage of registrations of these types of vehicles compared to the percentage of registrations of motor cars was out of whack with the percentage of fatalities and serious accidents that involved them.

Back in 2002 the Bracks Labor government added a safety level to the TAC fees paid by owners of motorcycles and scooters. The levy was used to fund the projects these agencies implement. The programs are advised to and ticked off by the Victorian Motorcycle Advisory Council, which includes those agencies I mentioned previously plus the Royal Automobile Club of Victoria, industry representatives, motorcycle user representatives and the Monash University Accident Research Centre, which is a fantastic research centre. I was a member of the parliamentary Road Safety Committee in the last term, and we had a lot of dealings with that research centre; it does great work.

The interesting part of the report are the findings on what have been classified as off-road accidents. This is an area where none of the safety programs are being implemented, and the Auditor-General diligently looked into the area.

DSE maintains 40 000 kilometres of road through forests, national parks et cetera, and some of them are dedicated trail tracks for motorbike riders. It is interesting that the findings were that the reporting of off-road accidents by motorcycle riders is a bit vague. A comparison of the statistics found that there is a big variation between the number of people who present at hospitals with injuries from motorcycle accidents and the number of motorcycle accidents which are recorded and reported by VicRoads and the TAC.

The best part of the report is its finding that off-road accidents seriously need to be looked at and that some safety programs need to be implemented to acknowledge that this is an area where motorcycle riders are having accidents. We need to acknowledge that and find ways to improve their safety in that area.

The DEPUTY PRESIDENT — Order! I thank Mr Leane. He looks a lot better than he did at question time. Members of the house should join with me in congratulating Mr Leane on raising \$2000 for the Leukaemia Foundation.

Auditor-General: *Motorcycle and Scooter Safety Programs*

Mr KOCH (Western Victoria) — I would like to join Mr Leane in speaking on the Auditor-General's report on motorcycle and scooter safety programs here in Victoria. Like Mr Leane, between 2006 and 2010 I was fortunate to be part of the very active Victorian parliamentary Road Safety Committee. Motorcycle and scooter safety programs were always a matter of concern to members of the Road Safety Committee, particularly given the rising numbers of fatalities and injuries we were seeing on an annual basis.

As Mr Leane said, registrations of motorcycles and scooters increased 58 per cent over an eight-year period, from 102 400 to 162 091. There was also an increase of some 36 per cent of licensed holders of motorcycles and scooters statewide, which took the figure up to 325 977. The interesting part is — or should I say, the disappointing part is — that motorcycle and scooter users make up less than 4 per cent of all registered vehicles, and their riders only account for some 7 per cent of motor vehicle, scooter and bike licences statewide. In saying that, unfortunately 14 per cent of all road fatalities and serious injuries since 2005 have been attributed to motorcyclists in one way or another.

The other thing that is terribly important is that only fatal and serious-injury crashes that occur or originate on public roads are included in the Victorian road toll.

The other fatal injuries and crashes which take place off the roads are not included in the statistics. Regrettably those incidents are happening on too many occasions on Crown land, privately owned land, tracks or other venues in state forests and parks that are designated to be off public roads.

The Arrive Alive campaign that was instigated by the former government was designed to reduce deaths and serious injuries by some 30 per cent. That was achieved to a great degree. It also aimed to improve motorcycle safety and to improve the statistics relating to motorcycles and scooters. The five-year plan to reduce the number of fatalities and serious injuries was something that was looked at. During that five-year period we saw that the number of injuries was successfully reduced. Unfortunately that was plateaued out until last year. We are now seeing that the number of those injuries has increased.

The roles and responsibilities of the three lead authorities, VicRoads, Victoria Police and the Transport Accident Commission (TAC), are not only to increase safety on our roads but also to reduce death and injury in off-road situations, although the reporting process certainly does not reflect this.

I have to say to members that there needs to be a better understanding of what accidents are taking place and what injuries are being suffered. These three lead authorities recognise it. The Department of Sustainability and Environment also has a responsibility. The TAC records understate what is taking place statewide by at least 50 per cent. Off-road injuries are not captured, and that is an extreme concern. When any of us travel along our roads we see motorbikes in the backs of utilities or on trailers. Many people obviously take up those off-road motorcycle opportunities. The TAC has found itself in a position of paying compensation, particularly to those who ride registered bikes.

In conclusion, motorcycle safety has not kept pace with increased sales and licensing. Ignoring rider usage patterns has to be corrected.

ADJOURNMENT

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the house do now adjourn.

Black arion: control

Mr LENDERS (Southern Metropolitan) — The matter I raise in the adjournment debate is for the attention of the Minister for Agriculture and Food Security. I am pleased Mr Hall is representing the minister in the house today. The issue is in relation to the spread of the black arion, which is sometimes known as the north European black slug.

It must seem a strange thing to talk about this issue in an adjournment debate in the house. I have never before quoted the North European and Baltic Network on Invasive Alien Species. This arion ater, or black slug, is a fairly repulsive creature that is at the moment roaming around Apollo Bay. I met with a community activist in Apollo Bay who told me she and a group of friends had picked 2200 of the slimy black slugs out of the local environment and destroyed them. Probably the best way to describe the slug is this: it covers itself in a thick, foul-smelling mucus which is somewhat difficult to wash off. The slugs are found in northern Europe and on the north-western coast of the United States. They basically go around and eat things, whether it be lettuce, compost or a range of other things.

There is now — and locals definitely think there is — an epidemic around Apollo Bay. These black arions, or north European black slugs, are now out and about in vast numbers. The action I seek from the minister is not that he go to Apollo Bay and collect 2200 of these slugs, which I am sure the locals would find highly admirable — —

Hon. P. R. Hall interjected.

Mr LENDERS — Perhaps Mr Hall could join him. The action I seek is for the minister to inform himself about the slugs and get his department to inspect them. Often species come into Australia. It is just the way it is. We have many species like cane toads and the like that have been brought into the country; sometimes when you get them early, you can remove them. I assure the minister these are not delightful creatures. One of the locals pulled one out of somewhere and showed it to me when I was at Apollo Bay. A very admirable local, Carole Wilmink, who is the editor of the *Apollo Bay News*, organised a working bee that got rid of 2200 of these disgusting creatures.

I urge the minister to look into the issue and get his department to investigate it to see if there is anything we can do to stamp them out while they are still early inhabitants of Australia.

The PRESIDENT — Order! A sluggish response!

Stawell Gift: funding

Mr O'BRIEN (Western Victoria) — I wish to raise a matter for the attention of the Minister for Sport and Recreation. My matter relates to the continued future of the famous Stawell Gift. The gift is one of the most celebrated races in the nation, and it remains Australia's oldest and richest short-distance running race. It is called the Stawell Gift for a very good reason — that is, because it is a race which has been held in that wonderful town, located in the middle of western Victoria, since it was first started in 1878. The race was first won by a farmer from Condah named Bill Millard, who trained by chasing kangaroos — no doubt including some from nearby Branxholme or Myamyn. Bill's great-grandson, Daniel Millard, won the gift in 1997.

This year's race will be the 130th running of Australia's most famous footrace, and it will be held on Easter Tuesday due to Anzac Day being on Easter Monday. This year offers a rare chance for the Stawell Gift carnival, including Anzac Day commemorations, to be completed over five days instead of its normal four. This will allow athletes to compete in more events and will provide an even greater spectacle for visitors to the event.

The coalition government went to the November election with a clear policy to provide \$600 000 over four years to promote and run the event, which organisers had revealed was struggling to break even in recent years, and ensure its future viability in the town of Stawell. This led to another sporting town in my electorate — namely, Ballarat — making a bid to host the Stawell Gift. However, the then opposition and now government was committed to keeping this race in Stawell.

The Stawell Gift is the main tourist attraction to the community, but it is not the only attraction. The town has a deep love for the race. The region has had its share of setbacks in recent years, in particular from bushfires and floods, and tourism in the area has been set back somewhat by the recent impact of the Grampians landslips. In particular, the nearby towns of Glenorchy, Dadswells Bridge, Halls Gap, Pomonal and Great Western have been recently and repeatedly impacted by floods. This is why I would encourage all Victorians to visit this area for events such as the Easter Stawell Gift, and when there they should feel free to drop into the Gift Hotel, superbly run by Tony and Joy Molan, which is aptly named after the gift.

They could also pay a visit to Halls Gap, Pomonal, Lake Pyans, Lake Lonsdale and Great Western and

chase some kangaroos at Halls Gap Zoo, which is Victoria's largest regional zoo. The best way to help those communities recover from the recent flood events is to go and visit them and spend some of your hard-earned back in the west.

In concluding, I ask the Minister for Sport and Recreation to advise the house when the coalition government will deliver on its election pledge for \$600 000 to be made available to secure the future of the fabulous Stawell Gift in Stawell and whether the funding will be in place in time for the 130th running of the Stawell Gift at Easter, 2011.

Environment: television recycling

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Environment and Climate Change. On 13 August last year I asked the then Minister for Environment and Climate Change, Gavin Jennings, what was being done about the burgeoning number of cathode ray tube (CRT) TVs which were being dumped on nature strips all over Melbourne. His answer was that people should get a set-top box and wait for the national scheme.

Since then the situation has continued, and I have been photographing abandoned TVs all over my electorate. The situation will only get worse as we get closer to the shutdown of the analogue signal in regional Victoria in May this year and in Melbourne in 2013. Each CRT TV contains between 2 and 4 kilograms of lead, which is contained within the glass of the picture tube and which readily leaches into soils and potentially groundwater. Consequently, a number of US states have banned the disposal of CRT TVs in landfill, and a similar ban applies across the European Union. In Victoria we are still dumping most of them in landfill, and in doing so we are creating a toxic legacy of significant magnitude.

There is no comprehensive recycling of cathode ray TVs, and it varies greatly between council areas. The state-managed Byteback scheme, which offers a safe disposal path for computer-based e-waste, specifically excludes TVs. At the national level the national product stewardship program has not yet started because of delays in drafting legislation and the federal election, and it will not commence until September at the earliest. This will be a good scheme, putting the recycling burden where it belongs, but it is not dealing with the issue we have before us right now.

I acknowledge the efforts of local government in my region, which, in the absence of other options, has provided residents with varying methods of responsible

disposal. The City of Boroondara runs its own e-waste recycling program that accepts TVs for a small fee and ensures that TVs collected in the annual hard rubbish collection are recycled. It has not sent TVs to landfill since 2005. The City of Stonnington conducted a trial collection of TVs 12 months ago, and a second collection is now being contemplated because of delays to the national scheme. The City of Glen Eira had a three-day trial of TV, monitor and other e-waste collections at the town hall recycling centre. The last one was on Sunday. I went and had a look; they had filled up to 10 containers with e-waste, including TVs.

The councils are doing what they can, but they need support. I request that as a matter of urgency the minister consider a ban on the disposal of CRT TVs to landfill and establish in conjunction with local councils interim arrangements to ensure that all CRT TVs are recycled until such time as the national product stewardship scheme is fully viable.

Floods: northern Victoria

Ms BROAD (Northern Victoria) — The adjournment matter I wish to raise is for the attention of the Premier, and the action I seek is that the Premier provide the resources needed to support the community of Benjeroop and like communities in northern Victoria affected by the floods in January so they can get back on their feet as soon as possible. Benjeroop is a remarkably resilient and self-reliant community in my electorate of Northern Victoria Region. The community, led by Mr Lindsay Schultz, president of the Benjeroop Hall Committee, and members of the committee, has done a fantastic job in saving its local hall from inundation from floodwaters. This is very important to the community, because it is in the process of transforming the hall into a regional irrigation museum.

About a year ago, under very different circumstances, I was pleased to visit the hall and inspect an enormous Hornsby gas engine that is being restored for the museum and to provide a grant of over \$290 000 from the Victorian Labor government to help with the restoration. Fortunately the historic engine is in a location that was not affected by floodwaters. Unfortunately many families in this tiny community were not able to prevent inundation of their homes and, although gravity is slowly draining floodwaters away, large pumps are required to remove floodwaters from areas and homes that will not drain.

In addition, families have been forced to watch their homes and their livelihoods disintegrate before their eyes over several weeks. As a result they are under

tremendous pressure and in need of both material and emotional support. For those reasons I urge the Premier to ensure that this community receives the support and the material aid it requires. I am aware that the Premier is taking a particular interest in this community, and I commend him for that. I hope he is able to ensure that it gets the assistance it very much needs as quickly as is humanly possible.

Wind farms: guidelines

Mr RAMSAY (Western Victoria) — I raise a matter with the Minister for Planning about the current status of wind farms and wind farm proposals in Victoria. The matter has particular currency, given last week's announcement by the Gillard federal Labor government that it intends to introduce a carbon price or, as that government has acknowledged it to be, a carbon tax. The implications of this are expected to be enormous for the renewable energy industry, and in particular for Victoria's wind energy sector.

So far renewable energy certificates have acted as the financial incentive for wind farm developers and clean energy providers generally. It is most likely that a carbon tax will provide significant funding incentives and reimbursements that will go well beyond the energy certificates, enabling a flurried growth in renewable energy production capacity. This growth is aimed at creating enough renewable energy to support the federal government's target of 20 per cent renewable energy use by 2020. We need to be ready for this. It will potentially mean more wind farms, bigger wind farms and bigger wind turbines.

Let me make this point very clearly: the Baillieu government is supportive of clean energy and wind energy. However, it is acutely alert to the impacts of wind farms on local communities. To date, wind projects have divided many communities between those in support and those against. Those divisions are often down the line of who has wind turbines on their farms and who does not, and who gets compensated and who does not. In broad terms, the Victorian coalition government's policy on wind farms will enable a greater local say on projects, with local councils more involved in the approval process.

The introduction of a minimum 2-kilometre buffer between turbines and the nearest dwelling is another significant component. At this point I draw attention to the federal arena and the works currently being undertaken by the Senate community affairs committee. It is conducting an inquiry into the social and economic impact of rural wind farms and will report by 30 April.

In Western Victoria Region, which I am proud to represent, wind farms are already well established. There are many more in the planning stage, and others are approved and awaiting the right environment for construction — by this I mean the right financial environment. The Gillard backflip on a carbon tax is no doubt the harbinger of that change, should it proceed. I have spoken with developers. They argue passionately that the science on this is accurate and appropriate. These turbines already produce power in Europe and in South Australia and Tasmania.

Today I am alerting the house to the potential for the industry to be rushed into top gear without the science and testing keeping up with developments. This may be going too far. If nothing else, we should at least wait until the results of the federal senate inquiry are released, deciphered and debated and also look at the guidelines that were first introduced in 2003.

Floods: Cranbourne Carlisle Primary School

Mr TARLAMIS (South Eastern Metropolitan) — I raise a matter for the Minister for Education. I ask that the minister take action to secure the health and wellbeing of the students and staff at Cranbourne Carlisle Primary School.

Following the unfortunate flooding of the school, and when the clean-up after the flash flooding raised health concerns, a number of angry parents kept their children at home. About 80 per cent of the school was inundated during the unprecedented storms of 4 and 5 February. It is my understanding that a number of teachers became ill and went home, and there were claims that the antibacterial spray used to prevent mould on the carpets was the cause.

The flooding was extensive, and the school subsequently closed on 7 and 8 February. The closure came after an initial assessment by the Department of Education and Early Childhood Development that found that a full week was needed to dry out the sodden carpets in the school buildings. During this time the contractors who had been engaged by the department to maintain the school's infrastructure carried out remedial works to dry out the carpets and floors. The department subsequently declared the school safe for students and teachers to return for their usual classes on 9 February, but when they returned they discovered that the contractors were still aerating the sodden floors using humidifiers and 50 blowers to disperse the water, which had by this stage been mixed with chemicals to mitigate the growth of mould on the carpets.

Subsequently a number of teachers reported falling ill with headaches and nausea. The remaining students and teachers had their classes relocated; they were conducted outside in the school grounds in the interests of the health and welfare of the students and staff members. This caused concern for parents, whose fears were exacerbated by advice received by the school council that the clean-up had concentrated only on the surface of the carpets and had not addressed the potential for mould and mildew to form underneath the carpets between the rubber underlay and concrete slab, where stagnant water and dampness remained. Parents were also concerned that their children would be required to sit on the floor for many classroom activities, including eating lunch, in circumstances where mould could potentially exacerbate asthma and allergic conditions.

I therefore request that the minister investigate the following: the action to be taken to address mould forming underneath the carpets between the rubber underlay and the concrete slab; when an independent health officer will inspect the works and when their findings will be made available to the school community; and whether a list of chemicals used in treating and cleaning the school carpets can be provided. I urge the minister to investigate these concerns and the claims raised by parents, as the health and wellbeing of children and schoolteachers should never be compromised.

Rail: Altona loop service

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport. Tomorrow the Altona and Seaholme communities will hold a public meeting to discuss the proposed Altona loop train service cuts. The Altona and Seaholme communities greatly need improved public transport services. However, the proposed new train timetable will cut services to the area in four ways: it will lose direct access to the city loop; it will lose all of its express trains; services will be reduced from 20 to 22-minute intervals during peak periods; and outside peak periods the service will be reduced to a shuttle, so passengers will have to change trains.

Since the announcement of these cuts to the Altona loop there has been, as expected, community outcry. The government's response has been to deny any responsibility and pass the buck. It says the proposed timetable and consequential train cuts are contractual. It says its hands are tied and that it is not its decision. A local Liberal member went so far as to jointly blame the former minister and Metro Trains Melbourne, saying

they are the ones responsible for the current proposed train cuts.

Such claims are inaccurate and irresponsible. The franchise agreement — the contractual arrangement between the government and Metro — makes it clear that the government has the power to accept or reject a proposed timetable change. Section 7.4 at point (d) says:

- (d) The director may approve or reject the proposed master timetable change in his or her discretion.

The fact is that the government makes the final decision on the train timetable. This government has the power to say it is not good enough to cut the Altona loop service in four ways, and that is what I suggest it do. It has the power to haul Metro over the coals for failing to do a passenger impact statement, not to mention passenger consultation, as required in the franchise agreement.

If the new timetable goes ahead and the Altona loop suffers those four cuts, it will be only because this government signed off on it. It sounds like another job for the proposed independent transport authority. The authority's workload is building up, so let us hope it is set up and running soon.

The Altona and Seaholme communities will be particularly negatively impacted by the proposed cuts. If the minister were to attend the community meeting tomorrow, which he has been invited to do, he would hear of the impact on the community for himself. The action I ask of the minister is that he use the powers the government has under its contract with Metro to deliver public transport improvements and not cuts. I ask the minister to reject the proposed Altona loop service cuts and to tell Metro to come up with a better timetable.

Environment: illegal dumping

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise for the attention of the Minister for Environment and Climate Change an increasing problem facing our community, and that is the illegal dumping of rubbish. In part it relates to the matter that was raised by Ms Pennicuik earlier this evening in relation to the illegal dumping of televisions and the failure to establish a proper scheme for the disposal of that technology, which is becoming obsolete, but it is much bigger than that. I do not know about the rest of the state of Victoria, but throughout the South Eastern Metropolitan Region it is beginning to look like a tip site.

Our waterways, freeways — or the Crown land abutting freeways — and local roads are littered with furniture, tyres, whitegoods, mattresses, garbage, TVs and computer screens, and it is an absolute disgrace. Part of it may be attributed to increased tipping fees and perhaps the lack of proactive behaviour on behalf of local government in some areas to inform people about where they can tip. Some councils have been quite proactive. They have introduced free vouchers with rates notices for a single visit to a tip or landfill, and others have hard rubbish collections. But the increase in the amount of illegal tipping is just deplorable. It is adding significantly to the cost of removing that material, and the laws against it need to be enforced. Local government needs to be helped to respond to it and manage it, and we need to look at some proactive measures to clean up our environment.

What became evident through the recent flooding is the amount of illegal rubbish that ends up in our waterways. That is a travesty. A lot of it has therefore ended up on our beaches; literally tonnes and tonnes of garbage has ended up on our beaches in the cities of Frankston and Kingston as a result of this illegal dumping.

I call on the Minister for Environment and Climate Change to work with local government and with local communities to put in place better measures for enforcement and a better ability to respond to this problem of illegal dumping. They need to look at creative ways of resolving what is obviously a growing problem for our community, so that places like our waterways, roads such as Westall Road, Frankston Freeway, Tootal Road, Old Dandenong Road and numerous Casey roads, to name a few, are cleaned up rather than looking more like tip sites with each passing day.

Planning: community consultation

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Planning, and it concerns the issue of community involvement in the planning process. By way of background, we have seen the minister make a number of announcements for developments at Fishermans Bend and Richmond station, and the minister has indicated that he will be making further announcements for other sites in the future. The developments he has proposed, if they proceed, will have a major impact on local communities and on the look and feel of those communities in which they will be located. There will be an impact on local road congestion and on parking. There will be a need for more parking; there will be a

need for more public transport, schools and other community infrastructure.

Concerns have been raised that thus far the minister has failed to consult with the local community before making these announcements — for example, Helen Kuchel from the Port People group told the *Melbourne Weekly* she heard about the plan to locate 10 000 residents in her Fishermans Bend community via a ministerial tweet from the planning minister. The Yarra City Council mayor told the *Melbourne Leader* that she was disappointed that the Yarra council had been left out of the ministerial loop in relation to the 20-storey redevelopment proposed for Richmond station. The mayor, Cr Alison Clarke, also went on to say the tower did not suit the area's character.

I have been advised that the minister has indicated he will be making further announcements in relation to sites at Kew, Maribyrnong and Highett. My request to the minister is that prior to releasing to the media plans for major developments he meet with local communities and talk to them about their ideas and concerns before announcing plans that might change the nature and character of these communities. The minister has promised — indeed the government promised — to consult with the community, and I am asking him to honour that commitment. Consultation will ensure better development outcomes. It will ensure that we get outcomes that are consistent with the feel of the community, and this will ensure that schools, public transport and other infrastructure are required. I ask that the minister consult with communities and that he deliver an open and transparent process.

La Trobe University: achievements

Mr ONDARCHIE (Northern Metropolitan) — My matter on the adjournment is for the Minister for Higher Education and Skills. I wish to bring to the attention of the minister the wonderful work of La Trobe University, primarily located in my electorate of Northern Metropolitan Region. Since my recent election to this Parliament I have met with the executive team of La Trobe University on a number of occasions. La Trobe University is now over 44 years old, having commenced in 1967 with 552 students and being the third university to open in Victoria. It has now grown to accommodate more than 30 000 students, including over 7000 international students from more than 90 countries. There is now a network of campuses with 21 000 students at the Bundoora campus and another 5900 students at their other campuses. Over 110 000 students have graduated from La Trobe University so far and gone on to achieve

great things in all walks of life, thereby enhancing La Trobe University's reputation.

The Baillieu government has in its short term in office already demonstrated considerable support for the development of skills and education amongst Victorians, and I congratulate the minister for his leadership. On 26 February this year Australian scientist and businesswoman Adrienne Clarke took up her new appointment as chancellor of La Trobe University. A former chairman of CSIRO and Lieutenant-Governor of Victoria, Professor Clarke has been a director of many public companies and is laureate professor at the University of Melbourne. She is also on the boards of many research centres.

Recently the Excellence in Research for Australia initiative, known as ERA, named La Trobe University the leading university in Australia in biochemistry and cell biology. The ERA initiative assesses research quality within Australia's higher education institutions using a combination of indicators and expert review by committees comprising experienced, internationally recognised experts. ERA uses leading researchers to evaluate research in eight discipline clusters. La Trobe was the only university where the government-rated research in this specific field was well above the world standard. Biological sciences were similarly rated, attaining the maximum possible score of five. The university is now building the \$94 million La Trobe Institute for Molecular Science and the \$288 million Centre for AgriBiosciences.

I humbly call on the Minister for Higher Education and Skills to undertake a visit to La Trobe University in Bundoora with me in the near future to further appreciate the significant contribution this tertiary institution makes to enhancing Victoria's skills base.

Latrobe Valley: Moe call centre

Mr VINEY (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Minister for Employment and Industrial Relations. The matter is quite serious, being the imminent closure of the Telstra call centre in Moe, which is in my electorate, and the loss of 114 jobs. I attended a public meeting last Saturday at the Newborough public hall. The hall was filled with Telstra workers and their families, many of whom were obviously quite emotional and very stressed. This is a loss of money that the town really cannot afford to lose. It is estimated that of the order of \$6 million worth of wages that has been going into Moe annually will be lost with the closure of this centre and the loss of these jobs.

It is clear to me that there appear to be no plans from the government for regional jobs, particularly in the Latrobe Valley. I am very disappointed that no members of the coalition attended the public meeting, despite all the local members being invited. In fact, if you think about it, you realise the coalition holds five of the seven state seats that cover that region: the two lower house seats, Morwell and Narracan, and three of the five seats in this house. It was a great disappointment that not one of those members was able to find the time to attend this meeting.

I did attend the meeting. I listened to the addresses to the meeting of a number of the Telstra workers who have demonstrated significant loyalty to the company. They expressed great concern that in the letter advising them they were to lose their jobs Telstra also included advice that the call centre had achieved all its targets but Telstra had made a decision essentially to move these jobs offshore. These are not jobs that are being lost just to Moe; they are being lost to Victoria and Australia. The minister needs to meet with those workers and also to put in place a regional plan for jobs in the Latrobe Valley.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I wish to respond to the 11 matters that have been raised on the adjournment tonight, but firstly, so that I do not forget, I have three written responses to adjournment matters that were raised previously, those being by Ms Hartland on 8 February and 10 February and by Mr Pakula on 9 February.

Ms Pennicuik — How did that happen?

Hon. P. R. HALL — Ms Pennicuik asks how that happened. If Ms Hartland had two in the same week, I gather one of her colleagues donated the Greens adjournment priority for that week to her.

I will go through the matters that have been raised tonight. The Leader of the Opposition in this house, Mr Lenders, told us all about the north European black slug and its presence in Apollo Bay. It was a most interesting narrative heard by those who were here to listen. I join him in commending the local constituents who have collected some 2200 of these black slugs and put them to rest, in a very kind way I am sure. I commend them for their community spirit in doing that.

Mr Lenders has raised a matter for the attention of the Minister for Agriculture and Food Security and asked that the minister acquaint himself with the problem and act to prevent the further spread of the north European

black slug. I will convey that suggested course to the minister. I am sure he will do as Mr Lenders would like him to do: acquaint himself with the problem and take measures to address it.

Mr O'Brien raised a matter concerning the 130th anniversary of the Stawell Gift this year. I know all of us would appreciate the significance of that sporting event for western Victoria but also Victoria. I am sure many of us are familiar with the Stawell Gift and the great iconic event it is for country Victoria. As Mr O'Brien mentioned, this is a significant year for the Stawell Gift, being its 130th anniversary. He made mention of the fact that the coalition government had committed to provide funding of \$600 000 over four years for the assistance of the Stawell Athletic Club in staging the gift.

I am pleased to report that that coalition commitment is being delivered, but it is also pleasing to note from my discussions with the Minister for Sport and Recreation that he has brought forward \$80 000 from that commitment to add to the \$70 000 from the Regional Growth Fund, taking the total of funding promised to \$150 000 this year.

That particular commitment and generosity of the coalition government will ensure that the 130th staging of the Stawell Gift this year will be a most memorable event. As Mr O'Brien said, it would be great if many of us could take some time at Easter to visit Stawell and witness this magnificent event and in so doing help those within the region who have suffered as a result of floods in recent times. That is a positive response from Mr O'Brien.

Ms Pennicuik raised an issue for the Minister for Environment and Climate Change, as did Mrs Peulich, so I am responding to both of those collectively. Both of them went to the matter of the illegal disposal of rubbish. Ms Pennicuik was particularly concerned about the dumping of TVs on nature strips. I must say that on the occasions I spend in Melbourne I am amazed that there is still illegal dumping of rubbish when Melburnians seem to have so much opportunity for the legal disposal of rubbish. They probably have far more opportunities than those who live outside of Melbourne. I know most, if not all, local government areas in Melbourne provide for the separate collection of green rubbish, recyclable rubbish and normal landfill rubbish, and most councils provide for an annual hard rubbish collection as well, which few country municipalities have the benefit of, and yet there still seems to be much illegal dumping of rubbish.

The issues that were raised by Ms Pennicuik in terms of putting in place an appropriate recycling scheme for TVs and the like is a very responsible request. The suggestion made by Mrs Peulich to work with local government to develop more opportunities for people to legally dispose of their rubbish is also a reasonable request. I shall convey those matters to the Minister for Environment and Climate Change.

Ms Broad raised an issue for the Premier regarding Benjeroop and towns of that nature that have suffered flood damage in the past and the need for the government to assist with resources to aid them with the flood recovery. That is a very genuine and serious request, and I know it is taken as such by the Premier and the government. Ms Broad acknowledged that, and I think it is an acknowledgement that that assistance is being provided, but I will convey that to the Premier and ensure that those communities receive the ongoing assistance necessary for their full and complete recovery from flood.

Mr Ramsay raised a matter for the Minister for Planning regarding wind farms in his electorate. He took the opportunity to put some information on the record in his contribution to the adjournment tonight. I will pass on the concerns and views he has expressed to the Minister for Planning, who I am sure will respond to him appropriately.

Mr Tarlamis raised an issue for the Minister for Education concerning flooding at Cranbourne Primary School. He was particularly concerned about the health and safety of staff and students there, as the flooding has damaged carpets and underlay and there is the potential for mould. Among other things he asked that an independent health officer conduct an inspection to ensure that the health and safety of those at the school are attended to in the manner they should be. I will pass that genuine request on to the Minister for Education.

Ms Hartland raised a matter for the Minister for Public Transport asking that he exercise the powers available to him to amend the proposed new timetable for the Altona loop train. Ms Hartland has provided a lot of information and given some compelling advice that the minister has the powers available to him under the act to do so. I will definitely pass on that request to the Minister for Public Transport.

Mr Tee raised a matter for the Minister for Planning. He sought an assurance from the minister that various planning decisions would be undertaken with information being provided to and consultation being held with local communities before making planning announcements. Deputy President, I draw your

attention to the fact that Mr Tee also raised this matter on 21 December, and the Minister for Planning replied on 8 February. I am not sure how different those two issues are; at a glance the issues raised seem to be very similar in nature. The member would be aware that standing orders prevent any member raising identical matters within the space of six months. The President or Deputy President may wish to consider whether those two matters are indeed different in their nature. Nevertheless I will pass on that request to Mr Guy, and he will respond, if required, in an appropriate way.

Mr Ondarchie spoke very proudly of La Trobe University, raising a matter for my attention. I concur with him about the value of that institution and the fine work and programs that La Trobe University delivers for all Victorians, not just those who attend the Bundoora campus. As Mr Ondarchie mentioned, La Trobe University is a much wider organisation than just purely the campus at Bundoora. It delivers some excellent services at Bendigo and other places in northern Victoria. La Trobe University has fared very well in recent assessments of its research ratings. Victoria is blessed to have a fine institution like La Trobe University as one of its nine universities.

Mr Ondarchie's specific request was that in the near future I visit the university's Bundoora campus. I visited Bundoora campus late last year, just before the election. Since the election I have also met with representatives from La Trobe University, including vice-chancellor Paul Johnson, to discuss matters of interest. However, I would be delighted to join Mr Ondarchie to again visit the Bundoora campus of La Trobe University; it would be my absolute pleasure. If Mr Ondarchie would like to coordinate the arrangement between the university and my office, then I would be pleased to accommodate that very reasonable request.

Finally, Mr Viney raised an important issue for the attention of the Minister for Employment and Industrial Relations concerning the imminent closure of the Telstra call centre in Moe and the subsequent likely loss of in excess of 100 jobs. It is a serious issue, Deputy President, and I share your concern. We will all do what we can to assist those people who have been displaced from their employment.

While there may not have been members of the government present at the meeting — and I congratulate the Deputy President for attending on a Saturday afternoon — I have spoken to a number of people who directly face job losses because of this closure and to a number who represent local organisations. You can be assured that people like the

member for Narracan in the Assembly, Mr Blackwood; the member for Morwell in the Assembly, Mr North; and I and my colleagues in the upper house who represent that electorate — Mr O'Donohue, Mr Davis and Mr Scheffer — will join with you to do what we can to address this issue. It is a serious issue but one on which I hope we can work in a bipartisan manner in order to assist those who have lost jobs at the Telstra call centre in Moe.

That concludes the wrap-up of the adjournment debate.

The DEPUTY PRESIDENT — Order! I advise the house that the various committees will be meeting immediately upon the ringing of the bells for the adjournment of the house.

Mr Hall raised the issue of Mr Tee's adjournment matter, and the Clerk has advised that we will have a look at it. But I remind the house — and those of us with some memory will remember — that Mr Ron Bowden, a former member for South Eastern Province, raised matters on roads continuously in the adjournment with slight changes of words. I am sure Mr Tee has paid attention to the requirement for things to be at least a little different. We will see.

The house now stands adjourned.

House adjourned 6.03 p.m.

