

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 23 October 2012

(Extract from book 17)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

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

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

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

Participating member

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Cootie, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

CONTENTS

TUESDAY, 23 OCTOBER 2012

CONDOLENCES

Peter Ross-Edwards, AM 4663

ROYAL ASSENT 4670

QUESTIONS WITHOUT NOTICE

Victorian Comprehensive Cancer Centre:

private clinical services 4670, 4671

..... 4672, 4674, 4675, 4676

Health services: western suburbs 4671

Planning: community works program 4673

Exports: government initiatives 4675

Children: government initiatives 4676

Werribee Mercy Hospital: maternity and

neonatal services 4677, 4678

Higher education and skills: federal funding 4678

QUESTIONS ON NOTICE

Answers 4679

MEMBERS: PARLIAMENTARY SERVICE 4679

RULINGS BY THE CHAIR

Privileges Committee: right of reply 4679

DANIEL MORCOMBE FOUNDATION

Day for Daniel 4680

PETITIONS

Higher education: TAFE funding 4680

Swinburne University of Technology: Lilydale

campus 4681

SCRUTINY OF ACTS AND REGULATIONS

COMMITTEE

Alert Digest No. 15 4681

PAPERS 4681

BUDGET SECTOR

Financial report 2011–12 4681

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2009–10

and 2010–11 4681

BUSINESS OF THE HOUSE

General business 4682

MEMBERS STATEMENTS

Eastern Regions Mental Health Association:

30th anniversary 4682

Housing: student scholarships 4683

Alcohol: minimum pricing 4683

Rail: western suburbs 4684

Dorothy Hobson 4684

African-Australian community: Footscray

centre 4684

March for the Babies 4684

Health services: regional and rural Victoria 4685

Carers Week 4685

Department of Justice: ex gratia payments 4685

Stawell Airport: upgrade 4686

Jan Westin 4686

Ballarat: federal funding 4686

North East Support and Action for Youth: live

youth allowance challenge 4686

AME Systems: 20th anniversary 4686

Rail: North Shore station 4687

Keech Australia: Business Review Weekly

award 4687

LEGAL AND SOCIAL ISSUES LEGISLATION

COMMITTEE

Reference 4687

CIVIL PROCEDURE AMENDMENT BILL 2012

Second reading 4694

ADJOURNMENT

Respite care: West Sunshine accommodation 4702

Royal Botanic Gardens Melbourne: plant

selection 4703

Surf Coast planning scheme: amendment 4703

Country Fire Authority: Macedon Ranges 4704

Employment: regional and rural Victoria 4704

Planning: coastal management 4705

Albury Wodonga Health: maternity services 4705

Floods: category C recovery grants 4706

Responses 4708

Tuesday, 23 October 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Peter Ross-Edwards, AM

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

That this house expresses its sincere sorrow at the death, on 10 October 2012, of Mr Peter Ross-Edwards, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and to the people of Victoria as a member of the Legislative Assembly for the electoral district of Shepparton from 1967 to 1991 and as parliamentary Leader of the Country Party and the National Party from 1970 to 1988.

I have never met a man of greater integrity than Peter Ross-Edwards, and I feel that I was very privileged to have served with Peter in the 51st Parliament in Victoria and to have been a beneficiary of his advice and friendship during that time and ever since that time until his recent death.

The official record will show that Peter Ross-Edwards was elected as the member for Shepparton in the Legislative Assembly and served the electoral district of Shepparton from 1967 to 1991, a period of 24 years, and he served as parliamentary Leader of the Country Party and the National Party for 18 of those 24 years from 1970 to 1988. Regrettably, Peter never had the opportunity to serve in the ministry, and I note that in his obituary in the *Age* of 12 October Brian Costar made the comment that this was a pity because his intelligence and political acumen would have made him a good minister; I concur wholeheartedly with that sentiment.

Throughout his parliamentary career Peter served on a number of committees, including the Statute Law Revision Committee, the Public Accounts Committee, the Standing Orders Committee, the New Zealand Insurance Trustee Company Ltd Committee, the Ansett Transport Industries Committee, the Company Take-overs Committee, the Trustee Companies (Trustees Executors) Bill Committee, the Qualifications Committee and the Mortuary Industry Committee.

The record will also show that Peter was married to Joy Elizabeth Perry for a period of 59 years. He was very active in community, sport and business, particularly when he served this country during World War II as a member of the Royal Australian Air Force. He practised in law after returning from his war service and

ran a small business in Shepparton before becoming a member of Parliament representing that district.

That is the official record for Peter Ross-Edwards, but he was a remarkable man in many ways, and I want to share some of the personal contacts that I had with Peter Ross-Edwards and some of the important benefits I received from him throughout the friendship we enjoyed. Peter was Leader of the National Party when I was first elected to this place in 1988, but shortly after the election Peter resigned as Leader of the National Party to make way for Pat McNamara. Peter was a selfless person who understood the importance of succession planning and knew that after serving as leader and member for that period it was time for a change, and he graciously stepped down from that leader's position. Following that he spent the best part of three years on the backbench serving the people of Shepparton and assisting as a mentor, guide and friend to many of us who were new members of Parliament. Indeed the service, friendship and advice he gave was invaluable for me.

When you reflect on your life and the people who have had a significant influence on your life I suggest that, like me, most of us could only count a handful of people who have had a significant influence and shaped the way they are. I count Peter Ross-Edwards as one of a handful of people who have shaped my attitude to what I do. The sort of person I am is a result of the advice he gave me and the example he set. Let me give a couple of examples. I recall speaking in the coalition party room upstairs not long after being elected to Parliament. On reflection I made some fairly outrageous statements behind that closed door. Peter Ross-Edwards sat back quietly, but at the first opportunity he met me outside that room and said, 'Peter, your mother would not be proud of what you said today; that is all I want to say', and he left it at that. As I said, he was not a judgemental person, but he was willing to offer advice when he thought it would be of benefit.

I mused over those comments for some time, and I continue to muse over and learn from them today. The message he was imparting to me was that whatever you say and whatever you do, usually a good barometer to use to reflect on what you said or did is to ask yourself what your mother or father would think of your actions. It is usually a pretty good barometer. Since then, right up until his recent death, every time I saw Peter after an absence of some time he would always ask, 'How are your mother and father?'. I think it was partly from a genuine personal interest, but it was also a reminder of that very clear message he gave me when, on reflection, I said something that I perhaps should not have said.

Peter also was a man of generous spirit. I recall that in the first few weeks of being elected to this Parliament he grabbed Ron Best, a former member for North Western Province, and me, both new members who had a bit of a sporting background, and took us out to Footscray Football Club in the west. At that time the club was going through a stage where it looked like folding. He also made sure that we had our chequebooks before we left, so that when we got out there we each wrote out a cheque for \$100 — Peter Ross-Edwards, Ron Best and me. He made the point at the time that because of the positions we held we were expected to demonstrate generosity and concern for all and not only for those we had some affiliation with. That was the sort of person he was. He taught us to think broadly and not to expect to receive from this job all the time; giving and thinking of others was also very important.

Peter was a very sociable person who loved to laugh. He loved having a drink, and every night without exception he used to join us on the National Party table in the members dining room. He would enjoy a glass of red, but I never saw him drink excessively. One observation I made about his dining habits was that of an evening he would sit down at the dining table, open the menu presented to him, study it for about 30 seconds and then close it. When the waiter came to take his order he would always order steak — medium — with chips and raw tomatoes. After about 12 months of observing this I had the audacity to smile and ask him one night, ‘Peter, why do you look at the menu if you are ordering the same meal every night?’. He said, ‘I just like to know what others might be eating’. The next night we walked into that dining room and he went through the same procedure. He picked up the menu, he looked at it for about 30 seconds and then he closed it. When the waiter came around he said, ‘I’ll have sausages, chips and raw tomatoes’. He looked at me and smiled. That smile soon became laughter; it was his way of saying, ‘I can do things differently, Peter’. He made that joke, and the joke was on him because he always ordered the same meal. He was that sort of person.

Peter gave me one further piece of advice, and I want to share it with members today. He said to me once — and if you have read some of the speeches he made in Parliament, or if you knew him or have heard others talk about him, you will realise this is true — that if you cannot say what you want to say in 10 minutes, it is probably not worth saying. For that reason I am going to take the advice that Peter Ross-Edwards once gave me. If he were here today, being the humble person he was, he would probably say, ‘I do not need you to talk any further about me. You have spoken for 10 minutes

and the message has been well and truly put’, so I am not going to talk on and on about Peter.

However, I want to say that he was a great family man. In commemorating his life today in this Parliament I salute him for all that he did. I pay particular tribute to his wife of 59 years, Joy, who was a tower of strength to Peter and a remarkable woman in her own right. It would be wrong of us to not recognise Joy’s contribution to Peter’s life and Peter’s commitment to his family. He had five children, but unfortunately two are now deceased. He is survived by his wife, Joy, and his daughter, Sarah, his sons, David and Richard, and their extended families. Particularly to them we extend our sincere condolences, and we salute Peter Ross-Edwards as a remarkable man, honoured and respected by all sides of politics. He is somebody I will never forget. His legacy has been left with many of us around here as a great guiding light. He was a man of wisdom, a man of great respect and a man of the highest integrity.

Hon. D. M. DAVIS (Minister for Health) — I am pleased to rise and associate the Liberal Party and indeed the coalition with the motion. I am very pleased to see Mr Hall lead this motion, given his long history with The Nationals and in particular his knowledge of Peter Ross-Edwards, who was, as Mr Hall said, the leader of their party at the time Mr Hall came to this place.

As has been said, Peter Ross-Edwards was born on 11 July 1922 at Corowa in New South Wales. His parents were Rupert Ross-Edwards, a minister of religion, and Una Regan. Peter married Joy Elizabeth Perry on 27 April 1953, and they had four sons and one daughter. As Mr Hall pointed out, two of their sons are deceased, but Sarah, David and Richard are still alive, and the gratitude and sympathy of members of this chamber go to Peter Ross-Edwards’s wife, Joy, and their three surviving children.

Peter Ross-Edwards was educated at Corowa state and high schools, Geelong Grammar School and Trinity College at Melbourne University, where he received a bachelor of laws. He was a member of that significant generation who served in the armed forces in World War II — in the Royal Australian Air Force between 1942 and 1946. He had significant links to Shepparton, and my colleague Ms Lovell will no doubt say much about those links, because she knew him well in that town. There are also the important institutions in Shepparton in which Peter Ross-Edwards played a significant part, not the least of them being the National Party branches but also including the golf and tennis

clubs, to say nothing of his involvement with the legal firm P. V. Feltham.

At the funeral last week I was struck by the very large number of people who attended the service and by the warmth they felt for Peter Ross-Edwards. He led the National Party for a very long time and through difficult years. We have to pay tribute to the work of oppositions as much as governments and those who lead parties and make significant contributions in a whole range of ways. It was probably a matter of regret for him that he never became a minister, nonetheless his contribution is significant. I was also struck by the meaningful obituary written by Brian Costar that lays out the tone of Peter Ross-Edwards's life. I think it is a fair description to call him a gentle conservative.

As I said, at the funeral I was struck by the warmth people felt for Peter Ross-Edwards. Bill Baxter, a former member of this chamber well known to many of us, gave a very warm description of their long history together. The Deputy Premier, Peter Ryan, also spoke at some length about what he had learnt from Peter Ross-Edwards and, importantly, David Ross-Edwards also spoke at the funeral. The clear warmth of everyone in that church was something to behold. I join this motion and strongly support the condolences for Peter Ross-Edwards's family, particularly his children.

Mr LENDERS (Southern Metropolitan) — I rise to support the condolence motion moved by Mr Hall and to associate myself with his comments and those of Mr David Davis. If I could reflect, I thought Mr Hall's contribution was one of the best I have heard in this place on a condolence motion; it was a very impressive contribution. My contribution will associate the Labor Party with the condolence motion. My colleague Ms Darveniza will focus a bit more on Mr Ross-Edwards's personal side, but I would like to reflect briefly on his role as Leader of the National Party and on what a phenomenal 18 years that period of leadership was. My Labor colleagues, former Labor leaders, have reflected on the integrity of Peter Ross-Edwards, who was a man you could do business with.

To reflect on where Peter Ross-Edwards came from, he was elected to the Legislative Assembly seat of Shepparton in 1967, as has been outlined, but then in 1970 was elected leader of his party. It was a very difficult time for the then Country Party, and I want to pay tribute to his leadership. The Country Party had had an alliance with the Labor Party at the 1970 election. It was an agreement which had gone very badly for the Country Party, which lost a third of its seats. The party appointed a new leader and was seeking to develop its

identity and to move forward. At that particular time it would not have been easy. Sir Henry Bolte led a party called the Liberal Country Party, so the Country Party was in a very difficult position in terms of establishing an identity.

The Shepparton that Mr Ross-Edwards represented was changing. It was growing from a small country town to a larger urban centre. It was industrialising and getting a far more multicultural population. The Country Party, as it was known, was in dire straits, with its very survival threatened, but for the next 18 years Mr Ross-Edwards led that party through a number of iterations, a number of name changes and a number of changes to identify and position it as a party that could survive in the new Shepparton and the new Victoria. I would like to pay tribute to his leadership. Mr David Davis described Mr Ross-Edwards as a gentle conservative but he was also a person who was adaptable and who survived and moved forward.

Returning to how things were at that time, the Country Party was a party in great difficulty. With the demise of the Democratic Labor Party in 1974 the Country Party was asking, 'Where is our niche in this environment?'. We know the history. First a national alliance was briefly formed with the DLP, then there was the National Country Party, the National Party and finally The Nationals. It is little wonder the act refers to the 'third party' as a way of describing where it went! Through all of this Peter Ross-Edwards was trying to find an identity that said his party was a party of a changing regional Victoria. How would it keep abreast of the times? How would it move forward?

He was an amazing man. If we consider those 18 years, he led his party to elections in 1973 and 1976, and of course those elections were not as we know them now, with basically two sides of politics competing. There were not three-corner but four-corner contests for most of the seats, which involved the question of who would get the support of the DLP and what would happen then. This was a very difficult environment where everyone was coming for you from every direction. How would you go forward? How would you survive? Mr Ross-Edwards was a survivor. On election night in 1979 there were clearly 40 Liberal, 32 Labor and 7 National Country Party members elected and 2 seats in doubt. The Country Party went on to win Lowan with Bill McGrath but the election result hung in the balance for several weeks until Brian Dixon won St Kilda by 82 votes.

During all this time Peter Ross-Edwards was wondering whether he was going to eternally be the leader of the third party or whether he would be Deputy

Premier. Again the man survived through all this, not like others who would probably have chucked in the towel. He went on and contested again in 1982 and 1985. Again he led his party forward because he had a view of where the party stood and what was important to it. He went through all of those elections and, as Mr Hall said, ran again in 1988.

That aspiration was never to be realised, although he could look back on three Country Party Premiers of Victoria. But he was a man who cherished the institution he inherited, who led it through very difficult years and was incredibly adaptable in how he took it forward.

We have heard from Mr Hall today about another side of Mr Ross-Edwards and how in the middle of all of this he found time to be a mentor to his colleagues. Mr Hall has left us all guessing about what was said behind the closed doors of that Country Party room; I am sure that will remain a secret. Mr Ross-Edwards continued to mentor people. That is something that all of us appreciate. Clearly he saw his role as being to transition from the leadership, be a mentor for some years and then move out of the Parliament.

I would also like to mention briefly that he then left the Parliament and spent another 21 years giving back to his community in Shepparton. I would like to associate the Labor Party with the comments of the previous speakers. We offer our condolences to Peter Ross-Edwards's family. His was clearly a rich life well led. As a number of members of the Labor Party have said, he did not have the nickname 'Possum' for nothing. He was a very wily individual who knew how to survive. Clearly he was also a man who was very loyal to those he cared for and was loyal to the Shepparton community. We offer our deepest condolences.

Mr BARBER (Northern Metropolitan) — In offering our condolences and commemorating a former MP of this place, we have the opportunity to reflect not only on their own achievements but on the political times in which they lived and worked. Mr Ross-Edwards had had what was for that period a reasonably conventional career. He started off in commerce. That was interrupted by a stint in the air force — in service in World War II. He later went into the law. He had a continuing connection to his local community of Shepparton. In his first speech in Parliament he dealt with what were the pressing issues of the day. He talked about the need for local schools, the need for local hospitals and his desire for a connection to natural gas, and he also put forward the idea of a soldier settler scheme for returning Vietnam

veterans. He had a number of personal setbacks, but also in his political life he had to fight through a couple of knife-edge elections in order to stay in Parliament.

In his first speech in Parliament Mr Ross-Edwards declared that he believed he was living in one of the most exciting parts of that century and expressed a great optimism about the country of Australia and the natural advantages it and its people had. That kind of optimism, of course, was quite necessary, because as the leader of a small party that was going through a period in which many were ready to write off his party as soon to be extinct, he had to fight on and prevail, including in balance-of-power periods, which also put forward some challenges for his party — including those relating to its very existence.

It seems, however, from everything that everybody, including those who knew him well, has said about him that his strongest personal feature was that of personal integrity and that that was the key to how he managed to achieve what he did. Looking back on him and his day, therefore, I think that for all of us there is a very important lesson we can take away from this.

Hon. W. A. LOVELL (Minister for Housing) — For me Peter Ross-Edwards was more than just a member of Parliament or a colleague. Peter was my neighbour for around 20 years. When we shifted to Shepparton we bought a home on an estate called the Ross-Edwards estate, which consisted of Waters Road, Perry Court — named after the family of Peter's wife, Joy — and The Boulevard.

It was an idyllic lifestyle, growing up in Waters Road, with the river as our back fence, plenty of space to run around in and bushland to explore. In what was typical of 60s and 70s Australia, the children moved very freely between each other's households. The Ross-Edwards home had a special attraction. It was not only warm, loving and welcoming; it also had a tennis court, a swimming pool and a sauna. As most of the kids in the street already had swimming pools in their backyards, it was the triple attraction of the swimming pool, tennis court and sauna that drew us all on many occasions to the Ross-Edwards home. I remember some wonderful times there in the Ross-Edwards home: plenty of time spent with Joy and Sarah, who were often home on their own, plenty of time spent with the boys when they were home from school in Geelong and wonderful weekends spent there with Peter. My memories of this time are very happy ones.

The Ross-Edwards family gave me my first insight into the world of politics and into the life of a member of Parliament. Peter's driver arriving early in the week to

pick him up and bring him down to Melbourne and their coming back later in the week were regular sights in our street over Peter's 18 years as leader. Peter's work took him away from the family for much of the week. On weekends he would return, and he would always have plenty of time for not only his family but also his neighbours and our community. During my teen years, when my interest in politics was increasing, I would often talk with Peter about the politics of the day. I have very fond memories of those chats, which helped to shape my political views.

In 2002 I gained preselection. Peter was the first person I phoned to share the news, even though I had been preselected for the Liberal Party. He was very pleased for me, but I knew that in his heart he would have preferred that I had stood as a candidate for the National Party. I did not want Peter to hear on the grapevine or through the media that I had been preselected, so I chose to ring him personally.

Peter's daughter, Sarah, chastised me for standing for Parliament. She told me I was crazy. She was right in a way. She reminded me of the effect Peter's time in Parliament had had on their family. I was reminded of the many times Peter was not home for family birthdays or other occasions. She mentioned particularly the day Peter's son Tim passed away. At the time Sarah was at school in Melbourne. She came to Peter's office at Parliament, and she had to wait until Peter had finished his work for the day before they could return to Shepparton. Peter often put his work ahead of everything else, but his family was the centre of his universe.

Peter Ross-Edwards was a highly respected member of the Shepparton community. He earned that respect by being a hardworking and effective local member. He was a man who was dedicated to his community through politics, Rotary, Legacy, the golf club, the tennis club, the Shepparton United Football Club and the agricultural society. Shortly after Peter retired from politics, the causeway between Shepparton and Mooropna was renamed the Peter Ross-Edwards Causeway. This is testimony to the high regard in which Peter was held by our community.

I often say that I have been lucky to have had wonderful parents who set a great example for me and my siblings. We were also lucky that as children we were surrounded by our parents' friends, who also had a positive influence on our lives. Peter Ross-Edwards was one of those friends. I am proud to have known him. On a personal level, Peter was a friend, a neighbour and a truly great example of a dedicated and effective member of Parliament. I will miss him dearly,

and he will be sadly missed by the entire community of Shepparton.

Peter is now reunited with two of his and Joy's sons, John and Tim, who tragically predeceased him; John died from leukaemia at the age of 6, and Tim died later in life at the age of 28 in a tragic motor vehicle accident. I extend my deepest condolences and love to Peter's wife, Joy, his sons, David and Richard, his daughter, Sarah, his daughters-in-law, Amanda and Sharan, and his grandchildren, Amy, Emma, Samantha, Tim and Andrew. Rest in peace, Pete; we will miss you sadly.

Ms DARVENIZA (Northern Victoria) — My thoughts today go out to Joy Ross-Edwards and her family on the death of Peter Ross-Edwards. Peter's standing in the community was underlined by the huge number of tributes we saw upon the news of his death on 10 October. These tributes were made via not only the traditional media, such as the dailies here in Melbourne, but also the local papers, the *Shepparton News*, ABC Goulburn Murray, Twitter and Facebook.

My parents, Mijo and Pat, had close ties to and were members of the National Party, and before that the Country Party, in Shepparton. I was fortunate to have known Peter and Joy well. I shared many interesting conversations over meals with them on a huge range of subjects.

A couple of months ago I was going through and clearing out some old papers, and I found a reference that had been written for me in the 1970s by Peter Ross-Edwards, who was the leader of the National Party at the time. In his reference Peter said that I had been favourably known to him all my life and that my parents were held in the highest regard in the Shepparton district. He said:

Miss Darveniza is a person of good character and I am happy to recommend her for any position of responsibility and trust for which she might apply.

I am pretty sure he would have been very disappointed with Mum and Dad had he known at the time that I would end up as a Labor parliamentarian. But given I have this reference, one could say I actually have an endorsement from The Nationals as a member for Northern Victoria Region.

It has been noted by many people who were both politically and socially close to Peter that he was a gentleman and a statesman. In my encounters with him I always found him to be so. He always acted with great integrity and had a great deal of calm. He was genuinely interested in what made the community tick.

He had a willingness to listen and, more importantly, to get involved in the community, as Wendy Lovell has talked about, through organisations such as Legacy, the Rotary Foundation, a local agricultural society, the Shepparton Lawn Tennis Club, the Shepparton Golf Club, which he held very dear to his heart and was very passionate about, and the Shepparton United Football Netball Club. That involvement made him a tremendous local member for more than 20 years.

On leaving politics Peter continued to contribute as a chief commissioner for the City of Greater Bendigo and as chair of Goulburn-Murray Water. It is fitting that the stretch of road and bridge — that is, the Peter Ross-Edwards Causeway — that links Shepparton and Mooroopna was named in his honour. This causeway is, I think, a neat analogy for the way Peter was able to steer a steady and clear route politically and in his community despite the obstacles and hold-ups — and there were many — on both political and personal levels that came his way and which he dealt with during his journey.

This great talent in juggling the interests and diverse views of a range of groups and individuals as well as his negotiating skills stood him in great stead as the leader of the then Victorian Country Party for what I believe is a record 18 years. He was well known for his willingness to work constructively with other parties and the then members of the Assembly.

Growing up and living in Shepparton for many of the years that Peter was a local member meant that I saw firsthand how seriously he took his role as an advocate for his electorate and country people in general, particularly in regard to education and health services. There is no doubt that his passion to ensure that all Victorians, no matter where they lived, had access to vital services helped to shape my own political approach. The political colleagues who he mentored and advised were also shaped by these views.

I extend my deepest condolences to Joy and his family, including his children David, Richard and Sarah. Peter Ross-Edwards made a great contribution not only as a parliamentarian but also to the community and districts of Shepparton and the Goulburn Valley. He was held in very high regard; he was very well respected. He will be greatly missed.

Mr DRUM (Northern Victoria) — I take great pleasure in joining other speakers to contribute to Mr Hall's condolence motion for Mr Peter Ross-Edwards. Maybe Mr Ross-Edwards made a couple of blues in his life in relation to the previous speaker, Ms Darveniza, but who knows?

Ms Darveniza — No, Mr Drum. Shame on you!

Mr DRUM — It was a shameful thing to say. It was great to see Ms Darveniza at the funeral representing her side of politics. The number of ministers and former premiers who were there certainly meant that nobody was in any doubt about the esteem in which this man, who has passed, was held.

Quite often I am prone to view a former politician's true character in terms of what they do once they leave Parliament. Peter Ross-Edwards set himself apart with the work he did for his community after he left Parliament. The work I want to primarily talk about was done when he was the chief commissioner of Greater Bendigo City Council. If I had a dollar for every time somebody said 'Bring back the commissioners', I would be a very rich man, because the period during which the commissioners were in place was seen as a time when things were achieved and common-sense decisions were made. I am sure that so much of this praise for the commissioners was about the personnel who were involved, and Peter Ross-Edwards led that role.

The whole governance structure of the Bendigo Art Gallery, which everybody wants to own as being the father of all things successful in Bendigo, was put in place by Peter Ross-Edwards. Rosalind Park, which is an enormous asset of the city of Bendigo, was opened up by the commissioners. An old toilet block and an information centre previously blocked everything else out. The community had been trying to knock those buildings down but could not get approval. The park was, in effect, hidden from the city until the commissioners came along and Peter Ross-Edwards applied what someone once referred to as his PhD in common sense. The buildings were demolished, the park was opened up and everybody was ecstatic with the final result.

I shared a train trip from Melbourne to Shepparton with Peter Ross-Edwards, having bumped into him accidentally. I was very lucky to bump into someone I admired and for whom I had great respect, and I found myself with 2½ hours to pass and have a chat. By the time we got to Shepparton I felt ragged because Peter had been asking me so many questions. As someone who had been in Parliament only a couple of years, I felt as if I was going for an interview. As I departed and shook hands I was in no doubt that this man's passion for regional Victoria, and in particular the Shepparton region, was just as strong six or seven years ago as it would have been when he was Leader of the Country Party and then the National Party, as it was.

I want to express my condolences to his family for the way they spoke and the way Joy went around to all the

guests at the funeral. It was something to behold, given the fact that the family had already been through a double tragedy in their lives with the loss of Tim and John. Sarah was able to talk to everybody and make them feel welcome. I think the family was truly humbled by the number of people there to see their husband and father off.

I thank the Parliament for the opportunity to have my contribution heard. As a parliamentarian and someone who was in many community groups in Shepparton, a commissioner at Bendigo and a great person, Peter Ross-Edwards was certainly an example of the right man being in the right place at the right time. He was a man of integrity, and I think we should all remember the advice he gave to Mr Hall. All parliaments would be better places if there were a few more like Peter Ross-Edwards sitting in them.

Mr O'BRIEN (Western Victoria) — It is a great honour and privilege to rise as the most recently elected member of The Nationals, the former Country Party, in this chamber, a party that now in effect represents all the regional areas in this state in the upper house. It is a great testament to the battle that Peter Ross-Edwards has been part of, as Mr Lenders touched on in his contribution.

I met Peter Ross-Edwards only once, but it was a memorable meeting, and I certainly enjoyed having some advice given to me in the terms that have been described: it was sage, pointed and also very brief.

In concluding this condolence motion I wish to impart some of Peter Ross-Edwards's words, as well as words that have been said about him, to members so they may ponder them in relation to their future conduct, in light of what has been said by the Minister for Higher Education and Skills, Peter Hall.

It is known that Peter Ross-Edwards had the nickname 'The Possum', and that relates to what has been described by Damian Drum as his having a PhD in common sense and what the Leader of The Nationals, Peter Ryan, the member for South Gippsland in the Assembly, who benefited from his offering sage, pointed and brief advice on many matters, has conveyed in various contributions to debate.

It is the case also that he was regarded as a conservative. The article that Mr Davis referred to in his contribution is by Brian Costar, a noted political historian. It is headed "'The Possum' a mellow conservative" and says:

Yet his was a mellow conservatism; he was neither a populist nor a reactionary and successfully resisted attempts by the extremist League of Rights to infiltrate his party.

I was unable to attend his state funeral last Wednesday. As a former parliamentary leader of The Nationals he would have been happy that I was unable to do so because I was effectively discharging my committee duties. However, although I missed the funeral, I did have a moment as I was walking through the Treasury Gardens shortly after the funeral concluded. I did not see a ghost, but a number of little brown creatures bounded up to me and stopped and looked at me. I made the connection between the nickname applied to the great man of 'The Possum' and the little brown creatures that frequently inhabit those gardens. I ask many of my fellow country members and other members of Parliament who enjoy their gardens and who might see a little brown possum to ponder some of the words that Peter Ross-Edwards spoke under his pseudonym 'The Possum'.

As the Leader of The Nationals in the Assembly, Peter Ryan, said in his tribute, Peter Ross-Edwards was a statesman and a gentleman. He said also:

He has left a lasting and indelible legacy upon his state, his nation and the party he led so proudly.

As was touched on by the Minister for Housing, Ms Lovell, and Mr Barber, Peter Ross-Edwards was a passionate advocate for his electorate of Shepparton. He stated in his maiden speech that as a member of Parliament he wished to make a contribution as a parliamentarian. To pick up a point made by Mr Barber, he also expressed some vision about issues in his electorate at the time. Whilst I do not want to transgress into present-day debates, it will be clear to all members who are aware of current issues how much vision Mr Ross-Edwards had. In his maiden speech he said, in relation to the issue of natural gas:

To ensure that natural gas is available in other areas, it is not necessary to have a complex system of pipelines covering each corner of the state. It would not be practical to distribute natural gas by such a method, but it is possible to distribute it by other means. Natural gas can be transported by road or rail to the major centres of Victoria so that it will be available in those centres at the same time and at the same price as it is available in Melbourne.

In concluding that speech he said, and these words also have been quoted in the *Age*:

Whether my term of service in this house is long or short, I shall endeavour to make a constructive contribution to the legislation in this house.

In terms of the issues he raised favouring Shepparton and regional development, he made many contributions. In searching *Hansard* one can find Shepparton or northern Victoria mentioned in virtually every speech. It is worth quoting from one speech on that area and the regional development issues touched

on by Mr Lenders. In *Hansard* of 8 September 1971 he is reported as having said:

There is a number of prosperous towns and provincial cities in Victoria; generally speaking, they are growing, but unfortunately not fast enough. If they could be built up at a faster rate Victoria could offer more than any other state because it is not large in area and if it had decent centres with populations of 40 000 or 50 000 persons scattered throughout the state the residents in the smaller towns and on farms could enjoy reasonable standards of education and services for primary producers, job opportunities for the young — which is all-important — and social, cultural and sporting facilities which would make life in those centres and within a radius of 25 to 30 miles pleasant places in which to live.

His speeches are replete with the many issues on which he negotiated in the house.

The various eulogies and tributes that have been made, most poignantly by the leader of our party in this house and by other members, are a testament to that contribution over his 24 years in Parliament.

The concluding words on 20 August 1991 by the Speaker of the house on the retirement of Peter Ross-Edwards were:

He was universally regarded as a man of wisdom, integrity and principle, and that was reflected in the award of the Order of Australia for his services to politics and to the Victorian Parliament in 1989.

I will say no more than leave members with the words that he said on parting. I ask members again, when they see a little possum or are otherwise contemplating the life of Peter Ross-Edwards, to remember these words in their contributions as parliamentarians. They are:

The most important thing is enjoying life, making a contribution that is remembered as the best you can make.

I join other members in passing on my condolences to his family. I thank members for their contributions to the motion before the house.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

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

That, as a further mark of respect to the memory of the late Peter Ross-Edwards, AM, the house do now adjourn until 5.00 p.m. this day.

Motion agreed to.

House adjourned 2.52 p.m.

The PRESIDENT took the chair at 5.03 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

16 October

**Drugs, Poisons and Controlled Substances
Amendment Act 2012
Fire Services Property Levy Act 2012.**

23 October

**Community Based Sentences (Transfer) Act 2012
Primary Industries and Food Legislation
Amendment Act 2012
Working with Children Amendment Act 2012.**

QUESTIONS WITHOUT NOTICE

**Victorian Comprehensive Cancer Centre:
private clinical services**

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Can the minister tell the house when he or his office became aware of plans to locate private, for-profit clinical services at the Victorian Comprehensive Cancer Centre in Parkville?

Hon. D. M. DAVIS (Minister for Health) — The private hospital is being talked about by Peter MacCallum. I became aware in recent weeks of a proposal for such a private facility at the comprehensive cancer centre. An upscaling, an additional capacity, is what Peter MacCallum is talking about. It is yet to present a formal proposal to government. I would be very interested to see that and will make decisions on it, but the idea of having a private hospital at the Victorian Comprehensive Cancer Centre is not entirely new.

I note that the original tender document from the previous government under former health minister, Mr Andrews, the member for Mulgrave in the other place, actually contained, and I will read from page 37 under 'Discretionary', examples of commercial opportunities that may be acceptable to the state, and there is a long list including: retail mix, gift shop, newsagent, coffee shop, medical-related activities, complementary private medical facilities such as Frances Perry House at the Royal Women's Hospital, private consulting suites, pharmacies, pathology services, research-related activities and patient and family accommodation. The original request for tender document that went out actually incorporated the

prospect of some private facility in the Victorian Comprehensive Cancer Centre.

Hon. M. P. Pakula — That is a stretch.

Hon. D. M. DAVIS — No, it is not a stretch; it is on page 37. It is actually written there in black and white. Even a goose like you, Mr Pakula, could read it very easily.

The PRESIDENT — Order! I know the minister is being provoked, but that is unparliamentary language. I ask him to withdraw that term.

Hon. D. M. DAVIS — I withdraw that Mr Pakula is a goose.

The PRESIDENT — Order! I seek a straight withdrawal from the minister. I do not appreciate the term being repeated, because in my view that reflects on the Chair. I ask the minister to withdraw the term.

Hon. D. M. DAVIS — I withdraw.

In answer to the question from Mr Jennings, the idea of the very first time that somebody became interested or aware of the prospect of a private facility that would be complementary, such as Frances Perry House at the Royal Women's Hospital, was back in the early days of the request for tender.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Can the minister deny that in the original Victorian public service briefing he received on coming to office the previous Labor government, which was the proponent of the Victorian Comprehensive Cancer Centre, had specifically ruled out the private provision of clinical services in January 2009, and this was subsequently supported by the funding commitments of both state and federal Labor governments?

Hon. D. M. DAVIS (Minister for Health) — What I can say very clearly to the member is that it is true that the previous government did, subsequent to the original tender documents — —

An honourable member interjected.

Hon. D. M. DAVIS — No, there was actually a modification of tender documents that went out.

Mr Jennings — You cannot deny it; you were advised that it was ruled out.

Hon. D. M. DAVIS — No, I was advised that it was ruled in first and then ruled out, and the commonwealth

actually signed on. Prior to the original tender going out the commonwealth accepted the prospect that there may or may not be private facilities. In fact this original request for tender document was sent to the commonwealth by certified mail, and it was quite happy with it and it proceeded — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Page 37 is the key point. The fact is that Mr Andrews and his crew have an ideological obsession against any private upscaling which would add additional capacity to the Victorian Comprehensive Cancer Centre.

The PRESIDENT — Time!

Health services: western suburbs

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Health, and I ask: can the minister inform the house of recent challenges in responding to demand as a result of growth in Melbourne's western suburbs?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his long-term advocacy for health services in the western region of Melbourne. Some members in this chamber will be aware of the neglect and the failure of the previous government that was pointed to directly by the Auditor-General — the failure over 11 years of the previous government whose members are over there, the now opposition, to build the services that were required for the delivery of babies on the western side of the city. Let me be clear: it is true that the number of births has increased statewide. It is also true that there has been a shift in the number of births from private to public hospitals. That is because of the federal government's decision to wind back support for private health and private obstetric services, which means the demand is falling back on public services.

In recognition of that and in recognition of the points made by the Auditor-General the government this year put money into expanding intensive care unit services and maternity services at Sunshine Hospital. We also put money into additional neonatal intensive care unit capacity statewide. The key point here is that there has been 11 years of neglect, and we have needed to respond to that. We have established a perinatal committee to help services coordinate these matters. It is headed by Dale Fisher from the Royal Women's Hospital. The point here again is that this is a response to the Auditor-General's important report, which laid

out the failure of the previous government to undertake the expansion of services that is required.

There is no question that there will be further need for an expansion of maternity services, but I make the point that this is going to be made more difficult by decisions of the commonwealth government in recent days. I refer to the recent budget update by the commonwealth and its sneaky decision to strip money out of the health agreement — \$67 million this year and \$430 million over the four years ahead. It is not just Victoria that it is intending to strip money out of.

Mr Jennings interjected.

Hon. D. M. DAVIS — You are an apologist — Labor first, Victoria second. You need to tell the commonwealth — —

An honourable member interjected.

Hon. D. M. DAVIS — Of course I am being provoked here, President, but the key point is that the commonwealth government is making it more difficult by pulling money out of private health insurance and support for those who would make some private provision for themselves. It is also making it more difficult by pulling money out of the health-care agreement and doing that by a sneaky adjustment which does not accord with the shape of the deal. The shape of the deal is very much about growth and utilisation.

No-one in Victoria accepts what the federal Treasury is saying — that the population of Victoria fell by 11 000 last year. Nobody accepts that. You only need to go out to the western suburbs and see the growth in the demand for maternity services to know that the population is not falling in Melbourne. It is not falling in Victoria; it is growing. It is sophistry, it is slippery and it is all designed to prop up Julia Gillard's budget problems in Canberra — ripping money out of the state agreements, ripping money out of the territories, ripping money out of health, which will hurt people. It will make it harder to grow the services and respond to exactly the sort of maternity demand that people are talking about in the western suburbs today.

It is clear there is increased demand across the state. It is clear the commonwealth is not recognising that and is shirking its obligations. It is pulling back from the sensible decisions that were made about incremental and careful planning and the predictability that was meant to be at the heart of the health agreement. The unilateral decision of the commonwealth to fiddle the numbers and to pull back \$67 million this year will

make it more difficult to provide the services that are needed in the inner west, Mr Finn.

Victorian Comprehensive Cancer Centre: private clinical services

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. In the minister's answer to my earlier question he informed us that he became aware of the proposal to privatise clinical services at the Victorian Comprehensive Cancer Centre in Parkville in recent weeks. Can he inform the house where he received this advice from? Did it come from the project management group or the consortium or did it come from the Premier's office?

Hon. D. M. DAVIS (Minister for Health) — The premise of the member's question is wrong: there is no proposal to privatise clinical services at the Victorian Comprehensive Cancer Centre.

Mr Jennings — Of course there is.

Hon. D. M. DAVIS — There isn't. The comprehensive cancer centre is being built now; it is proceeding. There will be public clinical services at the comprehensive cancer centre, and those services will be provided in the way that has been intended by the government. There will be research spaces. There will be a collaboration across the various services. It is true that in the recent period Peter MacCallum has begun to talk about the idea of a private service being put in as an additional floor and upscaling, and I think most Victorians would think that additional capacity for cancer patients in Victoria is a good step.

Mr Jennings — An additional floor is not going to work.

Hon. D. M. DAVIS — Why not?

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister has indicated to me that there is an error in the premise of my question. Can he take the opportunity to indicate to the chamber that there is no intention to have privatised clinical services at the comprehensive cancer centre in Parkville? Is he ruling that out, because that was the error in my premise? Is he ruling it out, yes or no?

The PRESIDENT — Order! I do not really like to intrude into this situation, but in terms of the way Mr Jennings put the original question and again in his supplementary question he is talking in an absolute sense, whereas the minister has indicated that it is an

additional service. I am not getting into the floors and all that, but the minister is saying that there are public clinical services as well as the possibility, depending on the process, that there might be private services. I think the minister understood Mr Jennings's original question, and I certainly understood his original question, in terms of an absolute — that it was either/or. I invite Mr Jennings, if he wishes to, to clarify that part of the question to the minister now in his follow-up question. He does not have to; I think the minister understands. I have put a proposition, but I wonder if Mr Jennings has any further response to that.

Mr JENNINGS — President, can I take a point of order in the sense of clarifying for your benefit the line of logic? The project of the Victorian Comprehensive Cancer Centre — —

Hon. D. M. Davis — That is not a point of order.

Mr JENNINGS — How do you know yet? The issue is that this is a project that went to tender and was subject to a contract on certain design and scope specification. In fact that contract has been entered into on the basis of design specifications and scope that were in the tender and agreed to by contract. If there is a variation to that contract by an additional floor, which is the premise on which the minister is excluding my question, then in fact the minister is talking about hypothetical situations as distinct from my question, which is based upon the existing tender, contracts and scope and scale of the project entered into by the Victorian government, so I am very clear about my question.

The PRESIDENT — Order! I will allow the minister to deal with it as he sees fit. There is obviously no point of order, as Mr Jennings would be well aware — that was debating the issue. I allowed that because I had made some comment. As I said, I think I heard the question in the same way that the minister heard the question, that it was an either/or situation rather than the possibility of both elements being incorporated in the new plans going forward. But I accept that Mr Jennings has had the opportunity to clarify that, notwithstanding that it was not a point of order.

Hon. D. M. DAVIS (Minister for Health) — I stand by my initial understanding of the member's first question. He did seek to indicate that the Victorian Comprehensive Cancer Centre would be privatised, and I am quite clear that that is not the case. The project is proceeding as it is. The project was signed off as a public project, a project that has research capacity and clinical capacity and is a collaboration across a number

of health services. That is proceeding. I invite Mr Jennings to go to the website, have a look at the webcam and see the images that are refreshed every 15 minutes, and he will see the tractors, the men in hard hats and a deep, deep hole as they dig down. That is the first point.

The second point is that if Peter MacCallum comes forward with a proposal that meets the interests of cancer patients in Victoria, provides additional scope, is viable and can negotiate that through with the contract team to upscale the project, make it larger and it is viable, we will look at that in a fair-minded way in the interests of cancer patients in Victoria. Mr Jennings might come from the hard left like Daniel Andrews, the Leader of the Opposition in the Assembly — —

The PRESIDENT — Order! I thank the minister.

Planning: community works program

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Planning, Mr Guy, and I ask: can the minister inform the house of what action the Victorian coalition government has taken to bring forward much-needed small community infrastructure to create local jobs and increase our state's livability?

Hon. M. J. GUY (Minister for Planning) — I refer the house to some announcements the government has made in relation to the community works program which this government launched early this year and which brought forward many millions of dollars worth of investment for regional Victoria and metropolitan Melbourne. The community works program was an initiative of the Baillieu government to put forward millions of dollars to reinvest in communities. I can announce today that a number of those grants — some to the City of Hume, which Mr Finn and Mr Elsbury have dealt with, some in regional Victoria, which Mr O'Brien has dealt with, and some in my area in the northern suburbs, which Mr Ondarchie has brought forward — are for works that will provide a level of community building. The grants are for local parks and some bike trails, which will be great projects for our communities.

This is an example — worth around \$7 million — of government working with local councils, the local sector and the Municipal Association of Victoria to bring forward community works that are much needed, for things that have been neglected in many areas of Victoria for many years. This money is being directly invested into local jobs, and not just local jobs because of course local investment leads to confidence, particularly in the area Mr O'Brien represents in

regional Victoria. These are important local grants. They are local grants that have had a great impact upon some of the smaller country towns where they have been brought forward.

I commend to this house the municipal association and a number of country councils which have worked well with the state government to bring forward these small two-for-one grants in country Victoria and one-for-one grants in metropolitan Melbourne. A number of community projects that would previously never have achieved state funding have achieved state funding for the first time under the Baillieu government.

**Victorian Comprehensive Cancer Centre:
private clinical services**

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Can the minister advise the house, on the subject of the last question asked of him, if in fact he has received advice — and if so what that advice is — in relation to how, if there is an additional private floor added to the scope of the Victorian Comprehensive Cancer Centre building, he can demonstrate to the public that the tender process and contract price will not be contaminated by the change in project scope?

Hon. D. M. DAVIS (Minister for Health) — The member needed to listen more carefully to what I said in answer to his previous question. The government has not received a formal proposal from the Peter MacCallum Cancer Centre. We will have to see what formal proposal is actually put forward.

That proposal would have to be assessed for viability, which would include ensuring that the integrity of the Victorian Comprehensive Cancer Centre project was satisfactorily preserved. It would have to be an addition of scope and capacity. It would also have to be a project that was in the interests of Victorian cancer sufferers.

The point here is that this is about additional capacity, if the proposal stacks up in a viability sense and as an addition to the project. But the key point is that the opposition has got some ideological issue with an additional private sector capacity.

Honourable members interjecting.

Hon. D. M. DAVIS — I know Mr Andrews, the Leader of the Opposition in the Assembly, is from the very hard left of the Labor Party, but I do not think this is an ideological point. It is a practical point about whether an additional service could be viably added, providing additional capacity for cancer patients in Victoria. If there is additional capacity for cancer

patients and it is viable, I am prepared to look at it. Mr Andrews may have ruled it out on ideological grounds because he is from the hard left of the Labor Party. He might have some problem with the private sector complementing a public project, although it is true to say that in the original tender he did not and Labor did not have that ideological obsession when Frances Perry House was added as part of the project for the Royal Women's Hospital.

It is not clear what Mr Jennings's problem is. It is clear to me that this is a matter of the actual process. It would come as a proposal to my department, and it would be assessed by the government on its merits. It would be assessed in relation to the interests of cancer patients and in relation to its viability, and that would be a matter of looking carefully at the facts of the proposal.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister knows that the Victorian public has committed \$426 million to this public enterprise, and the Australian government has matched that funding. Nearly \$900 million has been committed by governments to this project for it to be a public hospital and cancer centre facility, and the design has been completed on that basis. I have asked the minister to clarify whether he has seen any advice that indicates that the nature of the contractual arrangements in the tender may be jeopardised by the scope of the tender being changed later, and he has refused to do so. Will he take this opportunity to clarify for the chamber whether he has received advice, and then outline that advice?

Hon. D. M. DAVIS (Minister for Health) — What I can indicate to the chamber and the community is that the funding for the project includes state government money, commonwealth government money and indeed philanthropic money, all of which brings the funding to a total value of \$1.042 billion. It is important to understand the scale and importance of this project. Equally I am not sure that — —

Mr Jennings interjected.

Hon. D. M. DAVIS — No, let me be quite clear. The commonwealth committed its money on the basis of the original agreements and the original tender arrangements, which actually included a private hospital as a discretionary choice, as a choice that, like Frances Perry House — —

Mr Jennings — It was ruled out in 2009.

Hon. D. M. DAVIS — It was not ruled out when the commonwealth committed its money. The commonwealth was actually receipted as having collected the original tender, and it had no difficulty with the original tender which had a private hospital flagged within it. It was Daniel Andrews who later, in an ideological fashion, brought out a private hospital component. This has to be assessed on its merits. I will assess any project that comes forward from the Peter MacCallum Cancer Centre, our premier cancer hospital, and give it due regard, as you would expect.

Exports: government initiatives

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva. Can the minister update the house of any emerging opportunities for exporters in Victoria?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question because this government has taken the export market very seriously. Obviously through our \$50 million international engagement strategy we have set forward a very significant plan to assist companies to expand into emerging markets, be it to expand into China or India, or to continue Victoria's focus on existing markets like Japan and South Korea.

Last year we undertook a series of round table discussions in relation to industry engagement in the export industry. One of the things that came out of those industry round tables was the lack of appropriate online resources, such as an easy one-tool application that could be used by many of the small and medium enterprises that we have a very strong focus on. During that process we found that there was a lack of understanding about what processes people could follow, and indeed what companies could follow.

I am very pleased to announce that this year we have released what we call the eTicket. The eTicket is available on the Export Victoria website, export.business.vic.gov.au. The eTicket is an export-focused online resource with an easy-to-use tool that provides access to a range of information relating to market entry, training programs, government grants, trade missions, networks and much more export-related support information.

This was developed, as I said, in response to the experiences and opinions of those attending various industry round table discussions, and many members of this chamber attended those discussions with me. With our \$50 million international engagement strategy,

which involves collaboration, we now find the eTicket provides resources from the Victorian coalition government, the federal government, Austrade, industry associations such as the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry and the Australian Chamber of Commerce and Industry, the Australian Institute of Export and the City of Melbourne. This eTicket essentially involves a process that allows companies to undertake a journey to work out where they are at in the sense of understanding of getting into the export market.

We have found through the super trade missions in particular that companies which think they are export ready are often not. There is a whole range of issues. There is getting started, building key skills, planning for market entry, market visits, business matching and then market development and the recognition of achievements. The eTicket is also providing specific information about a country or region that is very crucial to interested exporters — that is, Asia, Europe, the Middle East, north Africa, Latin America or northern America. This has been very important.

Last week the Governor of Victoria Export Awards were presented at Government House. I was pleased to announce the Warrnambool Cheese and Butter Company as the Victorian exporter of the year. It understood the processes. It is interesting to see the enormous number of emerging companies which have now taken on the experience gained through the super trade missions and the eTicket process about how to get into that export market. I have always said that a company in Victoria that is progressive, productive and competitive not only has a diversity of sectors which it works across — and we have been working with those departments and agencies — but also has the capacity to be export ready. To be export ready means you are competitive on the world stage, and that is what keeps our economy growing in Victoria.

Victorian Comprehensive Cancer Centre: private clinical services

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. The minister informed us during question time that he recently became aware of the proposal to potentially, in part, have private clinical services at the Victorian Comprehensive Cancer Centre. Has the minister taken the opportunity to have a conversation with the commonwealth Minister for Health about the matching contribution of \$426 million from the state of Victoria to guarantee its ongoing funding and to seek the commonwealth's view about the potential change to the proposal that he is now contemplating?

Hon. D. M. DAVIS (Minister for Health) — I have many discussions with the commonwealth government, as the member would understand, some of which I would be prepared to share with members of the chamber, but in relation to others I would not. What I will say is the point I made to the member earlier. The commonwealth signed on to the VCCC (Victorian Comprehensive Cancer Centre) arrangements at a time when a private hospital was being contemplated by the former state government. The commonwealth signed on at a time when the then tender document actively contemplated — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Let me read this again for members of the chamber. I think it is important that they understand. It says:

Examples of commercial opportunities that may be acceptable to the state are:

retail mix ...

medical related — complementary private medical facility (such as Frances Perry House at the —

Royal Women's Hospital —

private consulting suites; pharmacies; pathology services.

There is a whole list of other things like TriGen, car parking and patient accommodation.

I can inform Mr Jennings that, for example, the tender documents and the scope of the VCCC were greater than what was put in the original arrangements. There are more radiation bunkers than had been originally scoped. It is true that I did not consult with the commonwealth at the time when we accepted a greater number of radiation bunkers than had been scoped. The idea that I or the government were going, through some proposal from a health service, to add additional research capacity and capacity of other kinds and that that would need to be ticked all around the countryside is not really the way this works. I would have thought the commonwealth would have welcomed any addition to the service that would provide additional capacity for patients in Victoria so long as it was viable, added to the project and was an addition, an expansion and an increase in scope and an increase in the future capacity that would position Victorians.

But there is no proposal at this point in time on which to consult, so I will await a proposal from the Peter MacCallum Cancer Centre and the clinicians there. If the proposal is viable, if it is in the interests of Victorian cancer patients, if it strengthens the project by adding

additional scope without cost to the government and without additional challenges to the VCCC as it is now, we would look at that in a fair way that would give due regard to the Peter MacCallum Cancer Centre and its proposals.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Given that the minister, from my perspective, patronised me in relation to my understanding of these issues and told me that that is not the way the government does business, I invite the minister to take the opportunity to confirm to the Victorian community, particularly those families of cancer sufferers in Victoria, that he can guarantee that the state's contribution of \$426 million will be provided and that there will be no adverse impact on commonwealth matching commitments to this project?

Hon. D. M. DAVIS (Minister for Health) — What I can guarantee to the member is the VCCC project is proceeding as it was scoped and as it came back. In fact the scope is greater than the original scoping documents. We have been able to get a very good outcome within the arrangements. If another proposal comes forward, we will assess the proposal on its viability on the one hand and we will assess it as to whether it is in the interests of Victorian cancer — —

Mr Jennings interjected.

Hon. D. M. DAVIS — I do not have a proposal in front of me to assess, and the point of the matter is that if a proposal does come forward, we will give it due consideration. It may be that the proposal is viable; it may be that the proposal is not viable. I do not want to prejudice it, but equally I am not going to say that I would not in a fair-minded way look at a proposal from the premier cancer hospital in Australia if it put a proposal forward.

Children: government initiatives

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is directed to the Honourable Wendy Lovell, Minister for Children and Early Childhood Development. Can the minister inform the house of any recent examples of how the Baillieu government is celebrating and raising awareness of children's issues and early childhood development?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — It is a timely question because this week is Children's Week, and in fact in the last few days I have had the opportunity to host two very special events in Children's Week. One

of those was the launch of Children's Week, which happened on Sunday at the Collingwood Children's Farm. This is the first time in the history of Children's Week that we have all 79 councils around Victoria participating in Children's Week.

The theme of Children's Week this year is 'A Caring World Shares', which means that we all have a responsibility to contribute towards the development of our children in our society. As I said, all 79 councils are participating this year, and across Victoria we have more than 350 activities happening for Children's Week. These include a mass playdough session in one municipality, lifesaving club activities, teddy bears picnics and lots of story times, amongst many other innovative activities that are happening.

It was wonderful to launch Children's Week at the Collingwood Children's Farm, which is really a little taste of the country in the middle of the city, and I would encourage everyone to visit the Collingwood Children's Farm. I would also encourage all parents to take part in some of the Children's Week activities this week.

The other event that I attended and hosted was the Victorian Early Years Awards presentation night. These awards recognise leadership, dedication and innovation in the early childhood education sector. There were a number of high-quality nominations this year. Of course there can be only one winner in each of the four categories.

This year I would like to congratulate the Central Goldfields Conversation Companions, from the Maryborough District Health Service, who took out the minister's award; the City of Greater Dandenong for its Reaching Out program, which took out the better access to early years services award; the Tarrengower Playgroup, which is run by Centacare in Bendigo and took out the improvement in parents' capacity award; and of course the Cook n Book program run by the Venus Bay Community Centre in South Gippsland shire which took out the communities that are more family and child friendly award.

It was wonderful to be able to mix with the educators at the awards night. You could see the passion they all have for their jobs and for educating our young children. I would like to congratulate all the nominees as well as the four winners on participating in this year's awards. I would also like to thank all those involved in these events which highlight the importance of early childhood development and also the professionals who are so dedicated to teaching our young children.

Werribee Mercy Hospital: maternity and neonatal services

Ms HARTLAND (Western Metropolitan) — My question today is to the Minister for Health. The minister has now been in charge of the health department for some two years. A year ago he was warned by the Auditor-General about the problems with maternity services. Beth Wilson, the health services commissioner, today has identified the dangerous lack of maternity services in the west, especially at Werribee Mercy Hospital. What will the minister and his government do to address this issue?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I note the importance of services out in the west. I note that she did not ask these questions over the last period of government, and I think that is indicative. We responded to the Auditor-General's report. One of the key things that we did in the recent state budget was to provide an intensive care unit and also additional maternity capacity at Sunshine, which will manage some of the demand in the west. I accept that it will not meet all the demand.

I was fortunate to be at Werribee Mercy Hospital to open some additional capacity just a couple of weeks ago, providing an additional eight obstetric beds and four special-care nursery cots to the area out through the western side of the city. It is true that there is significant population growth and also significant growth in birthing more generally. As I indicated earlier in response to the question from Mr Finn, there is also a shift from private to public services, which is putting an additional load on those services.

I would argue with Ms Hartland's proposition in that we have done quite a lot in the recent period, including allocating money for some key services that had not been provided in the 11 years of the Labor government. But what I would say to her about the western region of the city is that it is bizarre that the commonwealth government is arguing that population in Victoria is falling. Ms Hartland knows, Mr Finn knows and Mr Pakula, who represents the same area and occasionally crosses the river to go there, probably knows — we all know — that there is a significant increase in population.

It is interesting to note the plan that was in operation under the previous government. We happen to have on hand the directions for the health system provided by the previous government, a document going back to 2003, with population estimates as old as 2001 and 2002 in the metropolitan strategy that that government

released. Let me just give an example. It quotes the Women's and Children's Health Network, a network that has not existed for some years since the two health services were disaggregated. That was the planning of the previous government and that was pointed to by the Auditor-General. Our government has begun to respond — —

Mr Leane interjected.

Hon. D. M. DAVIS — I will tell you what we have done, Mr Leane. We have put real money into expanding services at Sunshine. We are putting more maternity services in there and we are putting an intensive care unit in there which Mr Leane's government would not put in. Over 13 years the former Labor government would not put it in there. That is what we are actually doing.

The member's question is a fair one, and I indicate that there are a number of points that influence maternity demand. I quote from the 2002 budget submission to the federal government from the National Association of Specialist Obstetricians and Gynaecologists. It states:

Since the cuts to the extended Medicare safety net for obstetrics came into effect on 1 January 2010, there has been a shift of births into the overburdened public system.

Further:

This has led to extra pressure on the public health budget.

The submission continues:

In less than a year after the EMSN cuts were implemented, 70 per cent of specialist obstetricians and gynaecologists reported, in a survey ... that they had patients who had left the private system for the public because of the rebate reduction.

Yesterday saw even further cuts to private health insurance — an absolute travesty — and \$67 million pulled out of Victoria this financial year.

Supplementary question

Ms HARTLAND (Western Metropolitan) — The question I asked was: what would the minister and his government do? I did not actually hear an answer to that. If I were to organise a public meeting in Werribee so that the Minister for Health could come along and explain this to women who cannot use Werribee Mercy Hospital, would he be prepared to attend?

Hon. D. M. DAVIS (Minister for Health) — I wonder why Ms Hartland did not organise that public meeting over the last four years of the previous government. She is an apologist for the previous government. She did not act at that time. We have

actually acted on this, and Ms Hartland has to stand up and admit that she did not act in time. It was Mr Finn who advocated; it was not Mr Pakula. It is this government that is delivering extra services. It is this government that is standing up to the commonwealth cuts. I wonder if Ms Hartland would come to a rally and actually oppose the commonwealth government's cuts to Victorian health care?

Higher education and skills: federal funding

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. Can the minister inform the house of what impact the federal government's statement entitled *Mid-year Economic and Fiscal Outlook* will have on higher education and training delivery in Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Ms Crozier for her question. For the last six months we have seen the federal Minister for Tertiary Education, Skills, Science and Research and a few of his federal colleagues — joined I might add by the Leader of the Opposition in Victoria, Daniel Andrews, and the Labor chorus of colleagues from the backbench — criticising Victoria and the Baillieu government for, using their terminology, not mine, so-called cuts to training here in Victoria. Hypocrisy went into overdrive last night when, while the Victorian government is investing more than an additional \$1 billion in training in Victoria over the next four years, Chris Evans and his mates in Canberra cut \$1 billion out of training and higher education.

Honourable members interjecting.

The PRESIDENT — Order! I am not sure what members did in the 2 hours between the condolence motion and question time, but it was obviously not helpful for the proceedings of the house. The minister to continue, without assistance.

Hon. P. R. HALL — While the Victorian government in the May budget increased training subsidies for every apprenticeship and traineeship in Victoria, last night the federal government cut a total of \$441 million in incentives for apprenticeship training — \$441 million in incentives. That will impact on adult apprenticeships and on alternative pathways into apprenticeships. It will cut \$69 million from trade training centres here in Victoria. We have clusters of schools that are able to provide young people with the opportunity to train in trade training centres, but that is now being cut out of the Victorian budget.

Another \$43.5 million is owed to Victoria under a national partnership arrangement, but still the federal government refuses to pay up on this figure. If you look at higher education, you will see there are cuts of \$270 million from facilitation funding for universities, costing Victorian universities more than \$70 million in funding. In the area of the teaching profession — I could keep on going — \$44.5 million for improving teacher quality reward payments has been re-phased into the outer period of estimates, and there is an \$8.1 million cut from the Teach Next program.

We have heard commentary from federal tertiary education minister, Chris Evans, and from the Leader of the Opposition in the Assembly, Daniel Andrews, in recent times. On 14 September on 7.30 Senator Evans said:

... we —

meaning the federal government —

don't want to punish Victorians, and we want to provide more opportunities for Victorian students. I mean they're going to be denied access to a trade and vocational training ...

That is what he said about the Victorian government. As I have said, talk about the pot calling the kettle black! Last night — more hypocrisy — what did they do to trade training centres in Victoria? Ripped them out, got rid of them — \$69 million worth of cuts.

In the same 7.30 interview on 14 September Chris Evans said:

They —

meaning the Victorian government —

signed the COAG agreement in April that said they would continue to invest in vocational education ...

I say yes, Chris Evans, we did; we signed on to that agreement. The National Centre for Vocational Education Research in its report just two weeks ago indicated that Victoria proportionately was investing more than any other state in vocational training — more than any other state — and yet the federal government refused to come good with the Council of Australian Governments agreement that it signed with us. If you look at the Leader of the Opposition and his most —

The PRESIDENT — Time!

Ordered that answer be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 8203, 8517 and 8575.

MEMBERS: PARLIAMENTARY SERVICE

The PRESIDENT — Order! I take this opportunity to congratulate Mr Philip Davis on completing 20 years of service to the Parliament. Mr Davis was elected to the Parliament in 1992 and has just clocked over the 20-year mark. It is a milestone that I share with him. I also extend congratulations to members who within the next month will record 10 years of service to this house. Those members are Richard Dalla-Riva, Damian Drum, David Koch, Wendy Lovell, Johan Scheffer, Adem Somyurek, John Lenders and Matt Viney. I note that Mr Lenders and Mr Viney also served in the other place before joining the upper house after the 2002 election. Their anniversary, or milestone, will be celebrated next month.

RULINGS BY THE CHAIR

Privileges Committee: right of reply

The PRESIDENT — Order! In the last sitting week Mrs Peulich raised a point of order in part of the adjournment debate when Mr Finn was the Acting Chair. Mr Finn indicated that he would refer the matter raised by Mrs Peulich by way of point of order to me for consideration. In the first instance I do not believe it was a point of order. As I have explained to the house before — and I think members are really well aware of this, but they obviously tend to push the envelope in terms of debate opportunities at times — points of order are matters that deal with some problem in the proceedings of the house. They are not about subjects outside the house or subjects that might be the topic of debate, but rather they are about the process. That is what a point of order is about.

Notwithstanding that, Mrs Peulich raised some issues. Mr Finn suggested that they ought to be brought to my attention for consideration. If Mrs Peulich believes there are matters of concern in terms of a right of reply put to this house by an individual, then that is a matter which ought be referred properly to the Privileges Committee. In that sense Mrs Peulich has an opportunity to write to me and request precedence in moving a motion that would refer that right of reply to the Privileges Committee. If I were to form the view that the matter ought to have precedence, then we

would proceed to a debate on that proposal. If I were to take the view that it did not warrant precedence as a matter, then it is within Mrs Peulich's rights, or indeed in similar circumstances any other member's rights, to seek to put a motion on the notice paper to refer that matter to the Privileges Committee by way of debate in the house.

That is consistent with the processes outlined in standing order 21.01. These are important matters. Obviously as a house we grant members of the public an opportunity for a right of reply if they are aggrieved about matters that have been raised in this house under parliamentary privilege by members. We have a process for considering those requests for a right of reply, and we have developed a format in terms of trying to keep those matters fairly brief, with the President, in allowing those, after discussion with members, not actually determining the merit of the right of reply itself in terms of its content. Therefore if a member is concerned that erroneous information has been part of a right of reply, then as I have indicated that matter could be taken to the Privileges Committee in the context of my previous remarks.

DANIEL MORCOMBE FOUNDATION

Day for Daniel

The PRESIDENT — I also, as a third matter, refer the house to an interesting piece of correspondence that I have received from a certain federal member for Fisher called Mr Peter Slipper. He has written to seek the support of members of the Victorian Parliament for Day for Daniel, which is a campaign that aims to raise awareness of child safety issues and the good work of the Daniel Morecombe Foundation. The foundation is hopeful that members of Parliament will demonstrate some support for the issues for which it advocates and has suggested that on Friday, 26 October, this week, or, as Mr Slipper has suggested, Thursday, 25 October, the sitting day closest to the Friday, it might be appropriate to wear something red. I would be reasonably disposed to that, but I think red is a colour that is far from fetching if it is too full on, so members might take that into account. Apparently the foundation sells red ties and scarves through its website, and that is a fairly good guide for members if they wish to express their support.

PETITIONS

Following petitions presented to house:

Higher education: TAFE funding

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure; and
3. with tens of thousands of jobs lost in the last year, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

**By Mr SCHEFFER (Eastern Victoria)
(89 signatures).**

Laid on table.

Higher education: TAFE funding

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure; and
3. with 44 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

**By Mr TARLAMIS (South Eastern Metropolitan)
(131 signatures).**

Laid on table.

Swinburne University of Technology: Lilydale campus

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. since these cuts were announced, Swinburne has announced the closure of its TAFE and university campus at Lilydale;
2. 240 local jobs will be cut, and the future of 2500 students is uncertain as a result of this campus closure; and
3. with tens of thousands of jobs lost in the last year, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urge the Baillieu state government to abandon the planned funding cuts, guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

**By Mr SCHEFFER (Eastern Victoria)
(455 signatures).**

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 15

**Mr O'DONOHUE (Eastern Victoria) presented
*Alert Digest No. 15 of 2012, including appendices.***

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2012.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Alpine Planning Scheme — Amendment C29 Part 1.
- Greater Bendigo Planning Scheme — Amendment C194.
- Greater Dandenong Planning Scheme — Amendment C147.
- Melbourne Planning Scheme — Amendment C201.
- Murrindindi Planning Scheme — Amendment C35.
- South Gippsland Planning Scheme — Amendment C61.
- Victoria Planning Provisions — Amendment VC96.

Ombudsman — Report on the Investigation into allegations of improper conduct involving Victoria Police, October 2012.

Police Appeals Board — Report, 2011–12.

Rolling Stock Holdings (VL-1) Pty Ltd — Minister's report of receipt of 2011–12 report.

Rolling Stock Holdings (VL-2) Pty Ltd — Minister's report of receipt of 2011–12 report.

Rolling Stock Holdings (VL-3) Pty Ltd — Minister's report of receipt of 2011–12 report.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2011–12.

Rolling Stock (Victoria-VL) Pty Ltd — Report, 2011–12.

A Statutory Rule under the Freedom of Information Act 1982 — No. 112.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 101, 111 and 112.

Legislative Instrument and related documents under section 16B in respect of an Order of 5 October 2012 determining the time period for regular swab testing under sections 19(2)(a)(ii) and 20(2)(a)(ii) of the Sex Work Act 1994.

Victorian Rail Track — Report, 2011–12.

Water Act 1989 — Lower Campaspe Valley Water Supply Protection Area Groundwater Management Plan, June 2012.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette No. S345, 16 October 2012*).

BUDGET SECTOR

Financial report 2011–12

The Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 4.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2009–10 and 2010–11

The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act, laid on table the government's response.

Laid on table.

BUSINESS OF THE HOUSE**General business**

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 24 October 2012:

- (1) the notice of motion given this day by Mr Jennings relating to Victorian hospitals;
- (2) the notice of motion given this day by Mr Jennings relating to health care in Mildura;
- (3) the notice of motion given this day by Mr Barber relating to the production of documents in relation to an east–west road tunnel;
- (4) order of the day 33, consideration of a letter from the Minister for Public Transport relating to VicTrack’s lease premises in Castlemaine; and
- (5) notice of motion 449 standing in the name of Ms Pennicuik, taking note of a petition relating to duck shooting.

Mr BARBER (Northern Metropolitan) — With respect to this motion, the Greens are not exactly thrilled with the order of business put forward by the Leader of the Opposition. The effect of it will be to shunt the Greens motions to the end of the day after two opposition motions are put up-front. Apparently the opposition is concerned that the government has adopted a practice of talking out motions to limit the amount of material that is debated during general business, and that is as may be. If that is the case, the likely effect is that the Greens motions will not be able to be properly debated or brought to a conclusion.

Unlike the opposition’s motions, which are general matters of commentary by the opposition on what it thinks of the Baillieu government’s performance, my motion will call for an action, and that is for documents in relation to the east–west tunnel to be tabled in this house. It therefore has a concrete outcome. I can understand why the Labor Party does not want to spend time debating the east–west tunnel, the west–east tunnel or whatever it is proposing, because the Labor and Liberal parties are not keen on more transparency when it comes to this multibillion-dollar white elephant that is to be forced on Victorians. We do not have a say on this matter, but we will watch carefully how this plays out tomorrow, and if, as I believe it will be, it is the case that the Greens get shunted off the agenda, we will have more to say about that.

Hon. D. M. DAVIS (Minister for Health) — I must say that I did not hear all of Mr Barber’s contribution. I

believe the tradition in general business has been that leave has been given for a sensible ordering of business. Members will remember that on one occasion in the last Parliament leave was not given. I am not going into the legitimacy or otherwise of that, but we had to deal with the chaotic reordering. I believe therefore the general practice of ordering the business program is a good one. I suggest to Mr Barber that the government is relaxed about the order. We see this as non-government business time, but we would encourage the non-government parties to come to some agreed conclusion on that.

Mr Barber interjected.

Hon. D. M. DAVIS — It makes it a little difficult for us, when we are giving leave to something in good faith, if that is not fairly sorted out by the other parties. We will, however, give leave in this case — that is being given — and we seek that in future there be agreement between the non-government parties as to the order.

Mr Barber — You will have to stop the filibuster on your side too.

Hon. D. M. DAVIS — Mr Barber, to be fair, if one of the non-government parties leads with its chin on a longwinded motion that is attacking the government and condemning ministers, members of the government will naturally respond.

I take Mr Barber’s general point, however. We are happy to work through things with the other parties and would encourage the non-government parties to come to some agreed position on these matters.

Motion agreed to.

MEMBERS STATEMENTS**Eastern Regions Mental Health Association:
30th anniversary**

Mr TARLAMIS (South Eastern Metropolitan) — I rise to congratulate Ermha, the Eastern Regions Mental Health Association, on the occasion of its 30th anniversary. I congratulate the many people who have been involved in Ermha for the outstanding services they have delivered for people who experience severe mental illness and the inherent complex needs associated with a disability, substance abuse or housing instability.

The Services and Support Group, as Ermha was first known when formed in 1982, came about after David Leonard of the Dandenong Psychiatric Centre held a

public meeting to gauge support for a volunteer service to assist the mentally ill beyond hospital care. The group began with only 15 volunteers, and the following year this small group of volunteers adopted the name Ermha. With members raising funds through their opportunity shop and continually approving their training, the organisation transitioned under president Harry Karlake, a negotiator for the then Builders Labourers Federation, to address homelessness of the mentally ill and the underfunding in the region; the region was receiving less than a third of the state average. Harry served as president for 14 years and fought many of the early battles for funding. I would also like to acknowledge Maureen Goodman, a current board member, who continues to contribute to the mental health cause after three decades as an Ermha volunteer.

Because of people like Harry and Maureen, Ermha has continued to expand and currently employs 150 professionals at 14 service locations. Ermha continues to offer support services that assist people to build better lives. It has 1200 clients who are variously supported by 15 innovative programs. Future initiatives include strengthening youth support services, increasing training for staff and building improved ways to measure client outcomes. What better statement than to declare that an organisation exists to build better lives? I commend Ermha's work and wish it well for the future.

Housing: student scholarships

Hon. W. A. LOVELL (Minister for Housing) — Last Friday I met some very motivated young public housing tenants at the Victorian government's student scholarships awards. I was joined by Treasurer Kim Wells, himself a former public housing tenant, to present the framed certificates acknowledging the scholarships, which will no doubt take pride of place in homes across Victoria. The 116 students were nominated by their teachers, and each received a \$1000 scholarship.

It was inspiring to hear our Treasurer speak of his experience growing up in public housing in regional Victoria. As he said, there were always enough kids around for a cricket or football team. He was focused from a young age, however, on moving out of public housing and into a political career.

The event was also a fitting place to launch the 75th anniversary of public housing. Young people from the inner city towers were joined by students from the industrial towns and suburbs that have driven our economy over the years. The one thing they all had in

common was a desire to be the best they could be by continuing their education. Some of their stories of overcoming adversity and being part of a close-knit community are remarkable, and I encouraged them to share those on our new 75th anniversary website.

Public housing has evolved over the years from comprising worker housing to becoming a safety net for those less fortunate. The stories over the past 75 years are as diverse as the public housing community, and we hope anyone with memories to share will head to the website, at www.dhs.vic.gov.au/publichousing75years.

Alcohol: minimum pricing

Mr SCHEFFER (Eastern Victoria) — I welcome an article in yesterday's *Age* reporting that the Preventative Health Taskforce is expected to release a report on its investigation into the use of minimum alcohol pricing. It would be very surprising if the further evidence the Preventative Health Taskforce releases does not confirm many years of research that demonstrates that increasing the price of alcohol lowers alcohol consumption.

In March 2006 the Drugs and Crime Prevention Committee tabled the final report of its inquiry into strategies to reduce harmful alcohol consumption. The report noted there was general agreement in the national and international literature on what works and what does not work to reduce harmful alcohol consumption. The evidence tells us that the price of alcohol makes a difference, but we also know that evidence does not necessarily coincide with what is politically viable. I would guess that most people's behaviour is more influenced by what gives them pleasure than by what research evidence tells them is better for their health.

The fact is, however, that alcohol consumption costs the Australian economy just under \$8 billion per year, according to figures gathered in 1999, and alcohol is the second biggest cause of preventable deaths; it comes after tobacco. Something needs to be done, and this is why I believe a serious plan to set a minimum price for alcohol would be a step forward. In 2006 the Drugs and Crime Prevention Committee recommended that the Victorian government request the commonwealth to consider the feasibility of a minimum floor price for alcohol, and that was done. I welcome another health authority endorsing the evidence, and I hope the commonwealth acts on this issue sooner rather than later.

Rail: western suburbs

Ms HARTLAND (Western Metropolitan) — On Saturday, 20 October, the Fix the Links residents group held a successful community rally attracting more than 100 people. Members of the Sunshine Residents and Ratepayers Association, the Ardeer and Albion Community Club and Friends of H. V. McKay Memorial Gardens were in attendance. The rally served to highlight key concerns of noise, diesel pollution and access, and called on the government to provide solutions.

A brand-new railway line is proposed through the west, but on it will run yesterday's diesel V/Line-type engines, which are noisy and polluting. As the residents groups have stated, a train will run every 3 minutes during peak periods through Sunshine, Ardeer and Deer Park railway stations, but those trains will provide no extra services at those stations. Noise levels will be well above the accepted levels for residential areas and sensitive sites, such as places of worship and kindergartens. Diesel pollution, a form of pollution already declared a carcinogen by the World Health Organisation, will increase.

In addition, a report from the Council of Australian Governments links exhaust pollution with poor respiratory health in children. I have been pushing for a health impact assessment of diesel pollution on hot-spot communities in the west regarding regional rail link corridor communities, but unfortunately the minister has not seen fit to carry it out. Boom gates at locations will be down for at least 45 minutes an hour during peak times, which will cause major traffic problems. These are serious and significant community concerns that need to be addressed.

Dorothy Hobson

Hon. P. R. HALL (Minister for Higher Education and Skills) — Last Friday I attended the funeral of Mrs Dorothy Hobson, BEM, who passed away on 15 October aged 87 years. Dorothy was a remarkable woman who made a big commitment to many parts of the Victorian community, not the least of which was her commitment to The Nationals; she was a life member after serving with the party as a member since 1946 and serving at various times as both state president and federal president of the women's section of the party.

Dorothy also served Travellers Aid, an organisation based at Melbourne's major railway stations providing services for people from the country, including people with disabilities, who travel and therefore need rest and

assistance. Dorothy served that organisation for a period of 44 years, again with distinction and again being acknowledged by a life membership of that organisation.

Dorothy was a remarkable woman in every sense, and her passing is mourned by all who knew her. She is survived by her daughter, Julie, her son-in-law, Jim, and grandchildren Melanie, Jon and Sebastien. I offer my sincere condolences to Julie and her family. Again I remark on the remarkable life of Dorothy Hobson, BEM, a life member of The Nationals.

African-Australian community: Footscray centre

Mr EIDEH (Western Metropolitan) — On Friday, 19 October, I attended the launch of the African-Australian community centre in Footscray, a joint partnership between the Brotherhood of St Laurence and the Anglican parish of Footscray. The aim of the centre is to obtain positive outcomes for the African community in Melbourne's west. The centre will be run by and for the African community, and its operations will be based on community views and needs as well as on becoming a focus group for young people from the African community. The centre will employ a community justice worker and run programs such as Mama's Plus, Refugee Child Outreach and Youth 2 Youth activities.

The federal Department of Immigration and Citizenship, the Office of Multicultural Affairs and Citizenship, Maribyrnong City Council, the Neighbourhood Justice Centre, the Wyndham Community and Education Centre and the Department of Planning and Community Development, together with the Scanlon Foundation, have all contributed to this project and should be congratulated. The Minister for Multicultural Affairs and Citizenship, the Honourable Nicholas Kotsiras, officially opened the centre and paid tribute to the member for Footscray in the Assembly, Marsha Thomson, for the work she has done with the African community in the west. Overall it was a very special event, and I wish the African-Australian community centre every success.

March for the Babies

Mr ELSBURY (Western Metropolitan) — I was proud to participate in the March for the Babies on 13 October. It was fantastic to see so many others seeking to protect the unborn in this state. Those who march hold deep concerns about the extent to which abortion laws in this state devalue human life and allow for the termination of life right up to the moment of

birth. As a society we are judged upon the way we treat the most vulnerable, and there are none so vulnerable as those in the womb.

While those who were involved in the march conducted themselves with poise, the same cannot be said for the significantly smaller counter-protest group. Revolting slogans were shouted to the point of religious persecution, yet members of the counter-protest group had the audacity to call us bigots. One placard in particular said 'God raped Mary. She should have had an abortion'. Christians are not the only ones who oppose Victoria's abortion laws, as I know people of other faiths and cultures who feel the same.

I also witnessed a member of the pro-abortion protest pass through police lines and assault an elderly woman by snatching from her a sign saying 'Protect the Unborn'. I congratulate all those who marched for the babies and look forward to a larger gathering in 2013, or alternatively a change to these laws.

Health services: regional and rural Victoria

Ms PULFORD (Western Victoria) — I express my concern about rural health issues affecting communities across Victoria. There are some very disturbing trends in mental health statistics. In the Loddon Mallee region performance data shows the government is failing to provide mental health services, with only 71 per cent of people being transferred within 8 hours in that region from emergency departments to a mental health bed in cases of acute need.

Discharge follow-up is also showing a concerning trend of poorer performance, with post-discharge follow-up in that region for mental health patients falling from 71 to 37 per cent in the most recent reporting data. Of course the government cutting a million dollars in funding to the National Centre for Farmer Health is a matter that Ms Tierney and I have raised in this place before, and it is part of the government's very disturbing trend of abandoning rural communities and the health needs of those communities.

I note a recent media report of a Monash University study of 500 000 anonymous WorkHealth checks undertaken by WorkSafe Victoria between April 2009 and 2012. I was alarmed to see the report shows that compared to metropolitan workers rural workers are more likely to have type 2 diabetes, higher blood pressure, high-risk waist circumference and are more likely to consume alcohol at high-risk levels. The government needs to lift its game on rural health issues, and do so urgently.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Carers Week

Mrs COOTE (Southern Metropolitan) — My 90-second statement for this evening is about something I did with Mrs Kronberg in Ringwood very recently to celebrate Carers Week. Carers Week was the most wonderful celebration. This event was organised by Mr Scott Sheppard, the chief executive officer of UnitingCare Community Options, and it was an afternoon tea, a high tea, for the carers in that region who work with UnitingCare.

UnitingCare Community Options provides a range of community-based services for older people, people with disabilities, those with mental illness, their families and carers as well as other vulnerable and disadvantaged people living in Melbourne's east and south-east. Its first service for older people with dementia was launched in 1987, and the organisation now supports over 3000 people.

The afternoon tea was held at a wonderful reception venue called Rosebank in Warrandyte Road, Ringwood North. Mrs Kronberg and I had an opportunity to speak to the carers, who for the first time in months, and in some instances years, were being pampered. They had the most wonderful afternoon tea and were able to walk around the very beautiful garden. Many of them took the opportunity to have a massage as well. It was a thankyou to carers who do so much work in the community, and it was a wonderful way to recognise the carers in this area. I congratulate Scott Sheppard and UnitingCare.

Department of Justice: ex gratia payments

Hon. M. P. PAKULA (Western Metropolitan) — Nine days ago the *Sunday Age* reported that former Director of Public Prosecutions Jeremy Rapke received a payout of some \$8 million after his forced resignation from the position of DPP. The story ran after the Department of Justice's latest annual report detailed that in the last financial year the department made \$12.953 million worth of ex gratia payments, compared to \$194 000 the previous year. Apparently included in the \$12.95 million figure was a payout of some \$2 million to former Chief Commissioner of Police Simon Overland, who was also forced from office by the conduct of members of this government.

Incredibly neither the Premier nor anybody else in the government has denied the figures quoted in the report. It is now well known that the chief commissioner's position was fatally undermined by the person in the

Deputy Premier's office whose job it was to liaise between Mr Ryan and Victoria Police, and the Deputy Premier continues to claim that Tristan Weston was Victoria's Lee Harvey Oswald — a lone gunman. The Deputy Premier has also confirmed that he had to recuse himself from cabinet discussions about Mr Rapke because of the involvement of his close friend Stephen Payne in the plot to oust the DPP. Now it is suggested that a combined figure of \$10 million of taxpayers money may have been paid to Mr Rapke and Mr Overland, and there is no confirmation, no denial and no justification. It begs the question: what is this government afraid of, what is it hiding and how much taxpayer money will it spend to protect the Deputy Premier?

Stawell Airport: upgrade

Mr RAMSAY (Western Victoria) — It was with great pleasure that I accompanied the Minister responsible for the Aviation Industry, the Honourable Gordon Rich-Phillips, to Stawell to announce the funding of \$565 000 for the final stage of the master plan to upgrade the Stawell Airport and to view the completed stage 2 of the upgrade, which includes a new hangar and widening of the runway. Stage 3 will allow the airport to operate in inclement weather and at night by providing pilot-activated access direct to the automatic weather station. It will improve the community's access to air ambulance services and allow construction of internal access roads and the upgrading of runways and terminals. The good news is that business at the airport has picked up with stages 1 and 2, and it is now providing a fly-in fly-out service for workers, which keeps families in Stawell. Stage 3 will increase and improve business at the airport.

Jan Westin

Mr RAMSAY — On the way back it was a real pleasure to present a certificate of appreciation to Jan Westin, who has given 55 years of loyal service to the Ararat community through her continuous work with the Ararat Rural City Council. Now a spritely 72 years young, she is looking for another direction in life. She has a great work ethic and is dedicated to the Ararat community.

Ballarat: federal funding

Mr RAMSAY — I would like to respond to the mischievous and false comments made by the member for Ballarat West in the other place, Sharon Knight, which, not surprisingly, were reported in the Ballarat *Courier*, in relation to Ballarat not receiving funding from the Regional Growth Fund. Every application

from Ballarat to the Baillieu government's Regional Growth Fund has been supported. In contrast, Ballarat has received no funding in rounds 1 or 2 of the Gillard federal government's \$78.4 million Regional Development Australia Fund, so I suggest the member for Ballarat West speak to her colleague the federal Labor member for Ballarat, Catherine King, to find out why the Gillard government has ignored Ballarat in the federal regional funding rounds.

North East Support and Action for Youth: live youth allowance challenge

Ms DARVENIZA (Northern Victoria) — Last week the North East Support and Action for Youth group challenged its local community to walk in the shoes of homeless young people aged between 14 and 18. NESAY asked members of its community to try to survive for seven days on just \$201.35. Forty-five people from Wangaratta took part in the challenge, including a local FM radio announcer, business owners, students, solicitors, teachers, accountants, youth workers, business managers and administrative staff. The challenge was focused on raising awareness of youth allowance recipients under the age of 18. The independent living-away-from-home allowance is \$201.35 per week.

NESAY provides a vital service: it assists young people in crisis. The program assists its clients in achieving secure accommodation and a sustainable level of independence. Doug Sharp, CEO of the Rural City of Wangaratta, recently informed me that \$200 000 had been cut from the council's intensive case management program, which resulted in the withdrawal of this program. Speaking on radio last month, Ms Ruth Tai, director of community wellbeing at the Rural City of Wangaratta, said that the cuts to NESAY funding for the intensive case management program were dangerous because the program is the only one of its type that helps people with complex needs. I congratulate all who participated in the challenge —

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

AME Systems: 20th anniversary

Mr KOCH (Western Victoria) — Recently I was delighted to join regional manufacturer AME Systems in celebrating the company's 20th year of operations. AME Systems, an Ararat-based company, is a leading Australian-owned manufacturer of components for industries involved in transport, agriculture, military equipment, special-purpose vehicles, motorcycles, marine craft, aircraft and fixed electrical plants. The

company services the electrical harness, power and distribution requirements of small to large companies, both locally and internationally, stocking a vast range of components from a single circuit to a full vehicle set. AME Systems also has a finishing, distribution and service centre operating out of Kilsyth. Its extensive inventory and stock holdings means the company can service its customers reliably and on time across the state.

AME Systems is a key contributor to the Ararat region's economy, and it has a modern facility of 13 000 square metres, with a team of more than 300 highly skilled staff. Most of the company's staff live locally in Ararat and the surrounding districts, although some travel from Ballarat, Stawell, Avoca and even as far as Warrnambool every day. On an annual basis the workforce of AME Systems alone injects approximately \$15 million into the local economy. Importantly the company supports other local manufacturers like Gason, and deals wherever possible with local suppliers, traders, and accommodation and hospitality businesses. I congratulate the staff and management of AME Systems on this significant milestone, including its management team, board and particularly Peter Carthew, the company's managing director and owner, for his foresight and commitment to the company and the Ararat community.

Rail: North Shore station

Ms TIERNEY (Western Victoria) — In February this year the Baillieu government made the decision to abandon the previous Labor government's plan to upgrade the North Shore railway station in Geelong. This decision was met with criticism from the Geelong community, because as each and every person who uses or has family who uses this station knows, it is in desperate need of an upgrade. It is clear that the Minister for Public Transport is not aware of the condition of the station. He has stated on record that the station is not a priority because it only services three trains per week. Actually 108 trains stop at North Shore station each week.

Recently a member of the Geelong police weighed in on this issue, detailing a number of security measures that are needed at the station to keep passengers safe. Leading Senior Constable Adrian Goodwin was quoted in the *Geelong Advertiser* as saying that the station needs communication facilities and information on taxi services, a shelter, lighting at the *Overland* disembarking ramp and a designated taxi stand. I have attended the North Shore station on dozens of occasions, including one afternoon when I met with the current meet-and-greet team, which welcomes interstate

travellers disembarking from the *Overland* train. The facilities are far from acceptable, and the station's isolation and lack of services must be addressed immediately. On 31 October supporters of the North Shore station will hold a rally at the station to highlight its lack of facilities. It is shameful that the minister has continued to state that the safety of those using North Shore station is not a priority.

Keech Australia: Business Review Weekly award

Mr DRUM (Northern Victoria) — I wish to direct the attention of the public to an award that has recently been granted to Bendigo company Keech Australia. The company won the 2012 Business Review Weekly award for most successful private business in regional Australia. This is a major award, and it is great that this company, which is an engineering, castings and foundry business, has defied the manufacturing downturn by growing at around 60 per cent over the last three years. It is a company that is committed to Bendigo and central Victoria, and it has an opportunity where it believes it can grow into a global company that is located in regional Victoria.

Keech has just opened a new sales office in Chile. It has put \$7 million into redeveloping the existing foundry. It spent \$3 million on a second foundry. Keech is pouring a lot of its funding back into research and development. It is a regional company that is committed to becoming carbon neutral, and it is working as hard as it possibly can. The company sees this as a major award. The 200 staff are absolutely ecstatic. The company has received acknowledgement and congratulations from around the world. The award, which is for all industries and all business sectors, is an absolute gem for Keech Australia.

LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE

Reference

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

That, with reference to the 2009–10 and 2010–11 reports of the Australian Health Practitioner Regulation Agency, tabled in this house on 8 February 2011 and 7 December 2011 respectively, and any subsequent reports of the agency tabled in this house, this house requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the performance of the Australian Health Practitioner Regulation Agency, including the cost effectiveness, the regulatory efficacy of and the ability of the national scheme to protect the Victorian public, and the committee is required to present its final report no later than 29 November 2013.

This is an important reference. As the house will remember, Victoria had registration practice legislation for health practitioner groups. There are now 14 groups that are nationally registered. Four more began on 1 July this year. The key thing here is that the primary task of registration authorities, beyond all else, is to protect the public. This is a key focus, and in conducting this inquiry members of the Legal and Social Issues Legislation Committee need to keep it at the forefront of their minds. The national arrangements are subject to review under the original agreements and arrangements that were put in place at the time.

It is important and entirely appropriate for the Legal and Social Issues Legislation Committee to undertake this inquiry. The committee needs to look at the success of the scheme in terms of the costs it has generated for the community via the practitioner registration fees, which have significantly increased compared to earlier Victorian models. Medical registration and nursing registration fees have increased, as have most other registration types under this arrangement.

One claim made at the time the national system was put in place was that it would be more cost efficient and effective to regulate those professional groups at a national level. That has not been the case with most of those groups; registration under the new system has proven to be more costly. I do not speak about other states but about the costs to Victorian registrants and, ultimately, the patients they serve. Cost is an important feature, because the cost and delivery of health services affect accessibility. Costs are ultimately passed through to consumers. Higher fees and higher charges result in reduced access.

Equally, it would be entirely appropriate to consider the advantages and disadvantages of the national arrangements and any improvements that could be made. The role of students and others under the registration arrangements, the role of standards and guidelines put in place by the registration authorities and the role of professional recognition of more advanced skills in certain health practitioner groups should be key aspects of this examination. There should also be a focus on the role of consumers and whether their views have been represented adequately and strongly enough in the registration arrangements that have been put in place.

Those members who have been in this place for a long time will remember the reviews of professional registration that were put in place in the 1990s. Competition policy reviews resulted in a streamlining and smoothing of a number of key aspects of health

practitioner and professional registration. It would be appropriate to consider the competition policy aspects.

I always understood that the advantages of national registration might include the cross-border movements of locums and other professional support. A health service at Albury-Wodonga, for example, takes in services on both sides of the border. Obviously health professionals who are registered once face lesser cost and fewer difficulties than those who are registered in two jurisdictions. One anomaly was certainly improved by the registration arrangements that have been put in place. The cost issues are significant and need to be looked at closely.

The scope and size of the bureaucracy that supports the Australian Health Practitioner Regulation Agency (AHPRA) is an important feature that the committee should also look at as part of its inquiry. A number of key features were delivered by Victorian registration arrangements prior to the change and they have not been replicated in the national arrangements. They face a wind back or may be lost unless there is an alternative source of funding found. In the past I have strongly supported the doctors and the nurses health programs, which have been the subject of questions in this chamber. We must support health practitioners and also protect a workforce whose numbers are scarce. Those programs have delivered significantly for the community. The national arrangements do not have in place support for similar programs as the doctors and nurses health programs. That would also be relevant for this inquiry to consider.

After the introduction of the national arrangements, it will be time for a stocktake and examination to see, from a Victorian perspective, the advantages and disadvantages and the costs and benefits of the arrangements that have been put in place. This is neither a state nor a commonwealth body; it is a national body, and the national registration arrangements relate to matters that cross jurisdictions but rely on template legislation in different states.

AHPRA, the body that supports the registration boards, is based in Melbourne. In part at my instigation and that of other health ministers, AHPRA has begun to regularly report to the Standing Council on Health. That is a welcomed innovation because we need to have close links with AHPRA and to understand precisely how that body is implementing its tasks and its mission.

Another area relates to the consistency of registration, particularly the difficulties encountered by a number of students. We saw, for example, a number of potential registrants from countries in our region who found

difficulty obtaining registration after the change. There are clearly transition issues and a difficulty in merging the different standards that existed in different states.

Language requirements were applied in a way that had, in my view, insufficient evidence behind them. They applied differently from how they had been applied in Victoria prior to the change. This caused great difficulty for a number of potential registrants in a number of different professional groups. It also reflected poorly on Victoria's major tertiary institutions, some of which had trained these people and passed them so they could obtain their degrees but then they found they were unable to be registered.

There are a whole host of matters that the Legal and Social Issues Legislation Committee could and should consider with this reference, and I indicate that the department and I are very prepared to support the inquiry with information and ensure that it has the support it needs in terms of background and access to key national figures.

I know a number of the other health ministers around Australian jurisdictions have a range of concerns with the current registration arrangements, and I think there is scope to talk to health departments in other states to gain some cross-jurisdictional understanding of how the arrangements can be improved, so I would welcome the work of the committee on this particular inquiry.

Mr VINEY (Eastern Victoria) — What a difference a *Sunday Age* article makes. Suddenly we have a raft of motions referring things to legislation committees that really ought to go to references committees, and suddenly there is some government action. We thought that tonight we would be debating three motions, only to find as we were getting on our feet that it is only one, so after tonight four of the six upper house committees will still have no work.

It was easy. The government indicated in the last sitting week that it opposes the motion I proposed to this house to require these legislation committees to inquire into annual reports. The government is going to use its numbers to knock that motion off, which is actually its job. It is now putting up a proposition for one of the legislation committees to do an investigation that ought to be more properly done by a references committee, and now it has dropped the other two motions it had proposed and which we thought we were debating tonight. We thought we were going to be having a cognate debate. We were more than happy to have a cognate debate, to debate all of those things, and to get the references off to the committees.

Hon. D. M. Davis interjected.

Mr VINEY — I have listened to Mr Davis; I do not need to hear him again. I have already heard what he said to justify making a reference to a committee that the government controls, that it has a majority on, because that is the way he wants to manage this place. He is not prepared to face any degree of accountability at all.

In the debate last sitting week we had Mr O'Donohue criticising me and the Labor Party for not doing anything when we had a majority in this chamber. He showed his absolute ignorance. In fact we set up the first Legislation Committee that this Parliament had ever had — a Legislation Committee that I chaired and which looked at bills that represented complete and comprehensive reviews of the Education Act 1958 and the disability services legislation as a trial, and it was always made clear that it was a trial process to establish a new set of committees in this chamber.

Then of course those things did not take place in the last Parliament. What took place in the last Parliament was the Liberals had the majority with the support of the Greens. They decided that the practice they were going to put in place was to set up select committees and the Standing Committee on Public Administration and Finance and use those as a means of exercising the accountability of the government of the day.

We all agreed that we were going to set up these committees in the last Parliament for the current Parliament. We all agreed, on the basis of not knowing the outcome of a forthcoming election, that that was the way it was going to be done. What is set out in the standing orders is the way it was going to be done, and we find that the standing orders make it absolutely clear that the legislation committees were meant to 'inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislation Council in accordance with an act, provided these are relevant to their functions'. All we have been asking for is for the legislation committees to do their job and to start doing that in terms of those annual reports.

This motion relates to a comprehensive investigation of one aspect of one report, which is the purpose of the references committee. Mr Davis was on the Standing Orders Committee, and he knows full well what was intended. He should not try to reinvent history in the way he is doing now. He knows full well what was intended, that it was intended that the legislation committees would comprehensively and systematically

go through the various annual reports that were relevant to their functions and that that would involve calling in senior public servants and ministers of this house, if necessary, to explain aspects of annual reports or to flesh out details in annual reports. That was clearly the intention and what everyone signed up to do.

Mr Davis has manipulated this situation to produce a motion that really does not stand up. The motion is about one specific agency, the Australian Health Practitioners Regulation Agency, and two of its reports, and Mr Davis is using that to ask the committee to inquire into some quite specific issues. Those are the things that ought to be done by a references committee, and that is the way that it has been set up in this house. We heard all sorts of nonsense in the last debate, which is not yet completed, about this matter. People put all sorts of spin on what was actually a straightforward and well-understood plan of action with these standing committees comprising legislation committees and references committees.

This ought to go to the references committee, and to that end I am proposing an amendment. I move:

Omit "Legal and Social Issues Legislation" and insert "Legal and Social Issues References".

That will do what I think ought to be done in this circumstance. The right thing is to send this reference to the appropriate committee. The opposition does not oppose this house sending any references or issues to the references committee if that is the house's choice. That is not the issue we are objecting to in this debate. We are objecting to the government using a motion to manipulate a circumstance where a particular inquiry is established into some issues when it appears Mr Davis's motive is to look at various federal issues.

It is a manipulation of the standing orders to send something to a committee that has a government majority. That is the intention of the motion: to manipulate the standing orders in this way. I consider it a disgrace that the government of the day would do this, when its members participated in a cooperative process on how members would structure the committee systems in this house after the election. Everyone entered into that process in good spirit. The government has moved this motion at the first opportunity. We have had two years in effect of no action from the legislation committees, other than the most basic of investigations. Then because of a bit of a negative article in the *Sunday Age* which questioned the government's integrity in relation to its commitments to accountability and openness — and that is what this house is about — the government's knee-jerk reaction has been to create

some motions to refer matters to the legislation committees.

The government does not need to create those motions. That is the other really ridiculous thing about the motions. Those legislation committees could be doing their work. Under standing orders they already have the authority to review any annual report that they want to review. This motion is in fact unnecessary. If the Legal and Social Issues Legislation Committee wanted to investigate the particular annual reports referred to in the motion, it could because it already has the authority to do so. All that the government had to do was tell Mr O'Donohue to undertake this investigation. The government has the numbers on the committee. The committee has the authority; it could have investigated those annual reports. The government could have used its numbers to have the committee investigate any aspect of the reports that the government wanted investigated.

That is not what the government did. It decided to create a motion to show the *Sunday Age* that the government was actually doing something in the legislation committees. Then the government was caught out. It realised that it was moving a motion to have the committee investigate things the government was interested in, so it decided it had better find an annual report, to give the fig leaf of cover to this motion to refer these matters to the committee for investigation. These matters should properly be investigated by the references committee and hence my amendment to the motion. If the government wants the legislation committee, with its majority, to investigate particular annual reports, it does not need any reference from this house for that to be done. It could just ask its Parliamentary Secretary for Transport, Mr O'Donohue, who is on two or three pays — as parliamentary secretary and chair of a committee, plus as an MP, so he is getting plenty of money to do his job — to get on and do that particular task. But no; the government had to create a smokescreen around giving references to the legislation committees.

It is ridiculous. The reference is being sent to the wrong committee. It did not need to ask the committee to investigate annual reports. I ask the house to support the amendment that will mean that the matter will be sent to the correct committee — that is, the references committee. We do not have any objection to the government asking any of the committees to investigate anything it wants investigated. It has the majority so it can do that, but it should at least have the decency to send the matter to the correct committee.

The ACTING PRESIDENT (Mr Eideh) — Order! The debate is now on the motion and the amendment moved by Mr Viney.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not oppose the motion moved by Mr Davis for the reference to the Standing Committee on Legal and Social Issues. However, we will be supporting the amendment moved by Mr Viney that the reference be sent to the Legal and Social Issues References Committee and not the Legal and Social Issues Legislation Committee.

I begin by referring to the standing orders with regard to the standing and select committees. Standing order 23.02, headed 'Functions', provides in paragraph (4)(a):

Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an act, provided these are relevant to their functions.

I agree with Mr Viney when he said that there is no need for this reference. According to the motion, the reports referred to in Mr Davis's motion, were actually tabled in the Legislative Council in February and December of last year. Therefore, as provided by the standing orders, the legislation committee could have self-referred the reports. I get into difficulty with the rest of the motion, which is that the legislation committee:

... consider and report on the performance of the Australian Health Practitioner Regulation Agency including the cost-effectiveness, the regulatory efficacy of and the ability of the national scheme to protect the Victorian public and the committee is required to present its final report no later than 29 November 2013.

That goes beyond what the standing orders provide and fits in more with the work of references committees, which is:

... hold public hearings, consider and report on other matters referred to them by the Legislative Council.

That is very broad. Given the way that the motion has been put by Mr Davis, it goes beyond what a legislation committee does. If you look at the practice of the Senate in examining the annual reports that are tabled, you see that it looks at just what those reports refer to and does not go beyond that to look at wider and broader ramifications, such as a national scheme, for example. That is where the motion strays from being a reference of a matter that is strictly for the legislation committee and becomes one for the references committee.

On another point, I suggest that the committee does not need a year to look at this. I consider the time frame to be a bit long. That work could easily be done in half that time. The reference will also get into trouble because the committee will need to call members of the Australian Health Practitioner Regulation Agency to give evidence. I am not quite sure whether that is possible — the committee will certainly find out if it is — because it is an agency that operates beyond Victoria's borders. The committee could get into some trouble there.

Hon. D. M. Davis interjected.

Ms PENNICUIK — Thanks, Mr Davis, but, as I was saying, if there is to be a reference, it needs to be to the references committee because the motion goes beyond what the standing orders and the Senate practice indicate is the remit of legislation committees.

We are now coming to the end of the second year of this government. In the first year the government put three references to the committees. The committee of which I am a member, the Environment and Planning References Committee, prepared an excellent report, which has been well received by all the major stakeholders in Victoria, but it has been denigrated by some government members of that committee during debate on statements on reports and papers in this chamber on Wednesdays. That has been very disappointing. Those high-level stakeholders in the community want the government to act on the recommendations of the committee. Mr Davis is nodding at me over there. I know that those groups would have been to see him about that or would have made appointments or tried to see him about getting on with implementing the very good recommendations of that committee. It shows that the committees can do good work if they are given good references. This is a reference that should go to the references arm of the committee. That is where the body of work that we are referring to in this motion should go. Apart from those three references, the government has opposed most attempts that have been made to send references to committees.

There have been a total of 21 attempts to send legislation to the legislation committees, 3 of which were government legislation. Two of those were Greens bills: the Road Safety Amendment (Car Doors) Bill 2012, which Mr Davis keeps talking about and which was moved by my colleague Mr Barber; and the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2012, which was moved by my colleague Ms Hartland. These bills were referred straightaway by the government to

the Standing Committee on Environment and Planning Legislation Committee. The government also mysteriously referred the Wills Amendment (International Wills) Bill 2011 to the Legal and Social Issues Legislation Committee. Nobody knows why. Even after reading the report of that committee, they are no more enlightened as to why that happened.

Hon. D. M. Davis — Nicola Roxon has written to you and said, ‘Fantastic work’.

Ms PENNICUIK — She did not write to me. I am not on that committee. Otherwise, the list of bills that have been attempted to be referred to legislation committees include: the Family Violence Protection Amendment (Safety Notices) Bill 2011; the Public Holidays Amendment Bill 2011; the Justice Legislation Amendment (Protective Services Officers) Bill 2011; the Sentencing Amendment (Community Correction Reform) Bill 2011; the Sex Work and Other Acts Amendment Bill 2011; the Criminal Procedure Amendment (Double Jeopardy and Other Matters Bill) 2011; the Port Management (Port Of Melbourne Corporation Licence Fee) Bill 2011; two of the Independent Broad-based Anti-corruption Commission amendment bills, in relation to investigative functions and examinations; the Control of Weapons and Firearms Acts Amendment Bill 2011; and the Associations Incorporation Reform Bill 2011, about which many submissions of concern were received.

Two years into this Parliament, there is a litany of bills that the government has refused to allow to go to the various legislation committees. At the start of its term the government thought to itself, ‘We are going to stop everything’. There is now a record of everything the government has stopped. The record includes some very important pieces of legislation. If this were the Parliament of Western Australian, the Parliament of New South Wales or the Senate, these bills would have been routinely referred to committees for inquiry and consideration and, as I have stated in this house, would in many cases have come back with government amendments after they had gone through the process.

When in August 2008 I sent back to the Standing Orders Committee the reference to set up a system of standing committees in this house, that is what I envisaged we would have working. It is disappointing for a parliamentarian who has taken a strong interest in this issue to see that we still have not achieved that. This is mainly because the government has refused to allow the committees to operate in the way they should and could if the government, in good faith, took an approach to the committees similar to that taken in the Senate by using them to the benefit of legislation and

the community by sending good references to them and acting on those references when the reports come back. Unfortunately that is not the record this government has behind it now after two years. It has a record of not doing that — not sending legislation off to be looked at and improved and not using the reference committees in the way they could be used for the public interest. That is very disappointing, but that is the record that the government now has to defend.

I am also somewhat concerned about the comment as to whether it is the job of the committee to look at this sort of reference. For example, I was looking at some of the references that the Western Australian upper house committees have been considering, which include inquiring into the management of asbestos-containing materials in Western Australian state schools and the management of deliberate self-harm in young people. You can study the Senate committees to see what they look into. If it is true, as Mr Davis says, that other states have concerns about this legislation, I wonder whether it is the job of the health ministerial council to evaluate it rather than it being the job of an upper house legislation committee. I would have thought that is where the review of its operation should be conducted.

With those comments, we will not oppose the motion. I am sure the process will not take a year. The matter certainly should not be going to the legislation committee. If we are going to all of a sudden start sending references to committees we should not be setting a precedent in this place for sending them to the wrong committees. That is why we will support the amendment moved by Mr Viney.

Hon. D. M. DAVIS (Minister for Health) — I will be brief in reply. I understand the point made by the non-government parties about this matter being referred to the references committee. I respectfully disagree. This is squarely aimed at looking at the annual reports and what can be learnt from them, juxtaposed with an inquiry that picks up a number of the key issues around it. The government will oppose Mr Viney’s attempt to send this reference to the Legal and Social Issues References Committee rather than the legislation committee.

Mr Viney interjected.

Hon. D. M. DAVIS — No, I understand Mr Viney’s argument. I respectfully disagree is what I said.

In response to Ms Pennicuik’s more general points, this is an unusual situation in the sense that Victorian state legislation, which is mirror legislation to that established by every state and territory parliament, is

the basis for the national law for health practitioner registration. There will be an examination at a national level by health ministers, but this inquiry will have the capacity to examine it from Victoria's viewpoint. I am interested in the interests of Victorians, Victorian health practitioners and the Victorian community, and that will be the job of this committee — to examine it from those viewpoints and to stick up for Victoria rather than us have what occurs in many of these national forums where things are watered down and weakened and turned into the middling of everything and on some occasions brought down to the lowest common denominator.

We want health practitioner registration that achieves its purposes for Victoria. It is now an appropriate time to review the act of this Parliament that allowed the national system to go forward and to see whether it is working in the interests of Victorians. That is the key task here.

The motion refers to two annual reports, and there will soon be a third which will be equally relevant. As the inquiry proceeds it would be good to see some interim reports from the committee and for it to have an ability to influence national processes and to give advice to both the government and the Victorian community about what is in their interests.

In terms of the broader points made by Ms Pennicuik, there have been useful references. The references to the references committees early in the Parliament have delivered useful outcomes, and the government is using that material and will respond more broadly as time proceeds. It is equally the case with references regarding legislation that has gone to legislation committees. The inquiry into the car doors bill — a Greens piece of legislation — led to a very good outcome for the community, and I pay tribute to the committee for the work it did on that inquiry. The Legal and Social Issues Legislation Committee received significant praise from the federal Attorney-General for the work that it did on the international wills reference.

Mr Viney interjected.

Hon. D. M. DAVIS — I have read the letter, Mr Viney, and it is a very positive letter about the work undertaken by the Legal and Social Issues Legislation Committee — foundational work on international wills, with constructive suggestions that will be picked up at a national level. I do not know what leadership is if it is not this state Parliament using its structures to improve legislation in a constructive way that will set national benchmarks. That has been recognised by the Labor federal Attorney-General.

To pick up a point raised by Mr Viney, his party's record in this area is terrible. There were four attempts to establish committees between 2002 and 2006, when the Labor Party controlled this — —

An honourable member — Five.

Hon. D. M. DAVIS — Five; I stand corrected. Let me pick just a few examples. In 2003 there was an attempt to send a reference about bushfires to a select committee. That was bitterly opposed by Labor. In 2006, after a further round of significant bushfires, there was an attempt by the opposition in this chamber at the time to send a reference to a committee. That was again opposed by Mr Viney and his cohorts. There was an attempt to establish an inquiry into the management of the Royal Children's Hospital. That was bitterly opposed by Mr Viney.

Mr Viney — On a point of order, Acting President, Mr Davis is straying from his own motion in two ways: one, he is raising issues from two parliaments ago — incorrectly, I might add, but that is not part of the point of order; and secondly, he is talking about this reference and asking the committee to inquire into an act, which it does not do. I am not quite sure whether he is aware of his motion or the words in it, but I am asking that he be brought back to it.

The ACTING PRESIDENT (Mr Eideh) — Order! The minister is speaking in reply and responding to points raised during the debate. He should not stray too much from that.

Hon. D. M. DAVIS — I respectfully ask that the chamber support this motion. The government will oppose the amendment proposed by Mr Viney. After three years of operation, this will be a very important review of the health practitioner regulation authority and the 14 boards that it administers. They are based in Melbourne, but the opportunity is there.

As Ms Pennicuik said, there may be some challenges, but I do not believe that national bodies are beyond the legislation committee's purview, especially where state legislation is the basis for the establishment of that body. The Victorian Parliament gave the Australian Health Practitioner Regulation Agency its riding instructions in terms of how it would operate, and the Victorian Parliament is entitled to review the operation of a creature that it has in part created. It is very important that we do this at this time, and I look forward to the support of the chamber.

House divided on amendment:*Ayes, 18*

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

Noes, 20

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

Pairs

Lenders, Mr	Atkinson, Mr
-------------	--------------

Amendment negated.**Motion agreed to.**

CIVIL PROCEDURE AMENDMENT BILL 2012

Second reading
**Debate resumed from 13 September; motion of
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to speak on the Civil Procedure Amendment Bill 2012 and to indicate that the opposition will not be supporting this bill.

Mr Ondarchie interjected.

Hon. M. P. PAKULA — Mr Ondarchie feigns surprise. During my contribution I will indicate why the opposition will not be supporting the bill. It is important to provide some context and background in regard to civil procedure amendment. Members may know, because we canvassed these matters before in the house during the first debate on civil procedure amendment that this government introduced in 2011, that the Victorian Law Reform Commission released a report on civil justice back in 2008, which contained 177 recommendations about the way civil proceedings should be performed. Those recommendations were largely implemented by the former Brumby government in 2010. The focus of those reforms was on

assisting litigants to resolve matters in a less costly way with less recourse to formal court hearings — in other words, genuine cost-effective reform.

As one of its first acts upon coming to office the Baillieu government repealed those reforms to the extent that they related to mandatory mediation prior to civil proceedings being carried out in court. We were incredibly surprised by that move. The view we put at the time was that removing the very modest incentives in the legislation to encourage parties to mediate prior to litigating was ill advised, particularly since the reforms in question had not yet had the opportunity to be put into practice. They were killed off before they ever had a chance to be implemented. We were opposed to that at the time, and we remain opposed to it today.

The amendments contained in this bill impact on the role of expert witnesses, the ability of parties to present their best case in court and the apportionment of costs. We do not see them as advancing the flexibility and timeliness of the civil justice system in the same way that the reforms introduced by Labor in 2010 did. Tellingly, the Law Institute of Victoria (LIV), which participated in the Victorian Law Reform Commission review and was in dialogue with the government throughout the process, opposes this bill and opposes it quite vehemently. It was surprised, as I was surprised, at the cavalier nature in which the government dismissed the concerns that it raised.

Having been briefed by the government, I have played a role in conveying to the law institute the government's response to a number of the queries and concerns raised by LIV. I think it is fair to say without verballing anyone that the LIV is somewhat taken aback by the dismissive nature of the government's response. LIV is, as members know, the peak body for the legal profession, particularly solicitors, in the state of Victoria. It believes, with good grounds, that this bill has the potential to erode the fundamental tenet of legal professional privilege and to erode the ability of parties before the court to put their best case forward, and it is fair to say that the opposition shares those concerns. The Baillieu government claims that the bill builds on the foundations established in the 2010 act, but the fact is that the amending act that was passed in 2011 eroded one of the key features of that 2010 legislation. This amending bill today goes further towards dismantling that foundation altogether.

To be fair to the bill and to provide some context for our opposition to the bill, it is important to go to what the government says the bill does. In respect of costs, the bill gives the court power to direct a legal

practitioner to disclose the expected costs and disbursements of the trial to the other party, their client and the court; to disclose to their client an estimate of the total cost of the entire proceedings, including the trial and other expenses, at any point during the trial; and very wide powers to make any order relating to costs, including capping costs recoverable in advance, outlining the split of costs or altering previous indications.

In regard to expert witnesses, the bill requires parties to seek the direction of the court before they are allowed to adduce evidence from expert witnesses. That is a significant and fundamental change to the ability of a party before the court to bring to the attention of the court all matters with all supporting evidence that the party believes it needs in order to prevail in the case. The bill also allows the court to give directions about the testimony of expert witnesses, including limiting the number of witnesses called and the issues on which they provide evidence; to direct two or more expert witnesses to hold a conference to prepare a joint report with or without the consent of parties; to refuse to hear expert evidence relating to a matter that has been the subject of a joint report — and it goes on. The bill makes significant reforms relating to expert evidence and in regard to costs, all of them opposed by the peak body for legal practitioners in Victoria.

I am surprised to see you in your current position, Acting President. I would have imagined that you might be a contributor on this bill, and I am sure you will be looking for some relief.

The ACTING PRESIDENT (Mr O'Brien) — I presume you are not reflecting on the Chair.

Hon. M. P. PAKULA — I am not reflecting on the Chair at all, Acting President. In fact I would have thought that to the extent I am reflecting on the Chair I am reflecting positively, but you cannot compliment some people.

With respect to the opposition's view of the bill, I start by dealing with the matter of costs. In terms of new section 65A, which means a legal practitioner can be forced to disclose their clients' cost to the other party, their clients and the courts, the law institute raises a very telling concern. In terms of the opposition's ultimate view on this bill, this is perhaps the most telling point and the one that causes me and a number of other members of the opposition at least as much concern as any other provision.

The point the institute makes is that forcing a lesser resourced client to disclose their cost estimates to an

opposing party which may well be better resourced has the very real likelihood of placing that lesser resourced client at a significant tactical disadvantage as opposed to the better resourced client. It has been well documented how certain large, well-resourced litigants engage in a strategy of simply outspending the opposing party, draining their resources and in so doing forcing that party to withdraw — we are normally talking about the plaintiff — and ultimately concede. The institute raises the significant concern, which the opposition shares, that for a lesser resourced party to be put in a position where they are forced to disclose their own costs to the other side so that the other side knows just how much they have spent, and as a consequence potentially just how much they have left, does not assist in the administration of justice or in the equity of the legal system.

New section 65B requires practitioners to disclose to their client a total cost estimate of the entire proceedings. The institute makes the salient point that this detailed estimation of costs in advance of matters being heard in detail before the court is not exactly a simple matter. As those who have practised law know, sometimes external cost consultants need to be brought in to provide that very detailed analysis of costs, and to expect a practitioner to effectively hand over their file whilst a matter is ongoing or prior to it being dealt with in the courts is again not without its problems.

To the same extent new section 65C, which puts on judges the potential burden of making detailed cost orders during the proceeding, is again a provision which has the potential to unnecessarily delay and hold up court proceedings. That is not a prospect anyone would welcome given the enormous burdens already being put on the courts by a whole range of recent events and changes, including the sustainable government initiative's impact on the court system, which has been profound. One only needs to spend a little time talking to people at the County Court to hear they are groaning under the weight of matters before them, and the Magistrates Courts lists are incredibly clogged up. In its recent annual report the Office of Public Prosecutions indicates that it has been required to carry on with fewer in-house prosecutors and is in the process of contracting external prosecutors, which will lead to more costs and fewer matters being heard before the courts.

All these things — including extra police laying more charges and new sentencing provisions, which by their very nature mean we have fewer guilty pleas — place an enormous burden on the courts, and all this is happening in an environment where legal aid is receiving nothing more than indexation increases in

funding and where community legal centres are underresourced.

People are being brought before the courts without legal representation and, quite apart from the equity and access-to-justice issues that brings up, there is the very real problem that when an unrepresented party is brought before the court what normally happens is the matter is adjourned, and every time a matter is adjourned because a party does not have legal representation we create more delay and more list clogging in the court system.

I turn now to the matter of expert witnesses and the new provisions that are being brought in in an environment where there are already broad powers of case management allocated to the court within the act as it is currently drafted. However, some of these new provisions have the potential to fundamentally change the ability for parties to present their best case before the court and to fundamentally erode the principle of legal professional privilege.

For example, I refer to new section 65G, to be inserted by clause 10 of the bill, which requires a party to seek the permission of the court before having their expert witnesses called to trial. I suggest that solicitors acting for clients may well find themselves in a position where they choose to proceed with litigation on the basis of expert evidence that they adduce prior to trial. They will sit down with their client and an expert, have that expert evidence provided to them and make a decision to proceed to trial on that basis only to find when they get to court that they are not allowed to call their expert.

There has been a lot of coverage recently about how expert evidence can drag on and have an impact on court proceedings, but we operate in an adversarial system, and that is the nature of our judicial system. We do not have the French system or, thank goodness, some of the systems that operate in other parts of the globe. We base our court system on the British common-law system, an adversarial system in which parties have the opportunity to present their cases and have an impartial judge and/or an impartial jury decide them. I think all of us would agree — those of us who are the beneficiaries of being members of this house which operates within the Westminster system of government and the British common-law system that prevails in our court system — that we are very fortunate to function within that paradigm, a fundamental tenet of which is the ability of two competing parties in a court of law to present their case and to do so without fear or favour.

On the subject of the law institute, I do not know whether government members would suggest this, and I certainly would not want to pre-empt what they might say, but if there is a suggestion that the legal fraternity is simply featherbedding or simply looking after its own interests in this regard, I must say that having discussed this matter with the institute's members on numerous occasions and read their submissions at length, it is absolutely clear that they have a deep and abiding concern about the impact of these changes upon the administration of justice and our judicial system more generally.

The new provisions give the court a power to direct experts to conference together, to prepare a joint report on their evidence and/or to give evidence simultaneously and similarly infringe on the ability of a party to present its case in the best way it can and with the interests of a particular solicitor's clients at heart. When the institute says that those directions should only be made with the consent of both parties, I think that is a matter to which the government should pay particular heed.

It is absolutely likely there will be many cases where certain facts are not in contention and where a common expert witness may very well assist the court in the resolution of a matter, but in those circumstances the consent of both parties will be easily obtainable. However, in other matters where two parties each want to adduce their own evidence from their own expert, they should not be prevented from doing so.

Also of some real concern is the fact that this bill seeks to confer on the court the ability to appoint a single joint expert or a court-appointed expert, because that really means the powers and the role of the judge are almost delegated to the expert. Rather than simply having two parties trying to convince the judicial officer — the judge, magistrate or justice — of the merit of their case, there will now be a situation where two parties may have to convince not just the judge but the judge and the single expert witness, so the task of weighing that conflicting evidence and of sifting through two competing propositions is invested not in the judge alone but in the judge and a single expert. When the law institute describes a change of that nature as having 'a detrimental effect on the administration of justice', I think that is a criticism so compelling that the government really ought to have paused in its consideration of this bill and taken some of those concerns on board.

Opposition members are not suggesting that every proposition in this bill is a negative one; we concede that some of the amendments contained within it will

deliver an improvement. However, we do not accept the characterisation of the bill as being one that will promote just, efficient, timely and cost-effective resolution of civil disputes. It is a bill which burdens lawyers and their clients with onerous prescription and onerous external consultation and encumbers judges with the minutiae of case management. The bill potentially dilutes legal professional privilege and the ability of parties to present their best cases. The material substance of the civil procedure reforms from the 2008 Law Reform Commission report were diluted by a bill in 2011 and are now substituted by provisions that are strongly opposed by the Law Institute of Victoria.

The opposition's view is that as the government has been so spectacularly unsuccessful in convincing its key legal stakeholder and the representative of the profession in this state of the merits of this bill, and as the criticisms that have been made of the bill by the institute are so profound, we think the government ought to have reconsidered its approach to civil procedure reform. It ought to have gone back to the drawing board and come up with a package of reforms that are in the interests of justice and are also capable of attracting the support of the profession. For those reasons the opposition cannot support the bill.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting the Civil Procedure Amendment Bill 2012, just as we did not, a bit over 18 months ago, support the Civil Procedure and Legal Profession Amendment Bill 2011. That bill did away with the prelitigation requirements that the former government, under the former Attorney-General, had established for civil disputes that could lead to legal proceedings in the Supreme, Magistrates or County courts. The aim of that bill was to encourage people to resolve their cases without proceeding to court. That of course was a result of recommendations by the Victorian Law Reform Commission on civil litigation. We believe the introduction of the prelitigation requirements was an important reform of the Civil Procedure Act 2010, and as Mr Pakula has said, that reform never came into force.

I moved a reasoned amendment to the bill in March 2011 to the effect that the prelitigation process, whereby parties are encouraged to mediate their differences and come to an understanding of what the real issues are that they need to take to court, if they have to go to court, had not been given a chance to operate and should have been. Certainly it was our view that that was going to be the key way to reduce the workload of the courts, to reduce the number of matters that went to court, to reduce the costs to all parties,

including the courts, and to achieve better outcomes with regard to civil disputes.

We now have this bill before us which unfortunately does not reinstate the prelitigation requirements — which would have been a good move — but introduces a series of amendments mainly regarding costs and evidence, none of which I think are improvements to civil procedures, the Civil Procedure Act or processes in the courts. I find most of the amendments quite mystifying.

We have looked at the submission of the Law Institute of Victoria (LIV), as has Mr Pakula, and at the institute's comments regarding specific clauses, particularly new section 65A inserted into the act by clause 6 as part of new part 4.5. It is difficult to see how these new provisions with regard to costs and evidence will speed anything up and achieve the government's aim of unclogging the courts or achieve anything but the opposite effect.

I am also very concerned that the new provisions will not be in the interests of litigants, in particular those who are not well resourced. In any procedure involving two parties these provisions will work against the party with the least resources. It may work in favour of the more resourced party in some way but in a particularly negative way to the other party. I also believe that the most concerning new provisions will not be in the interests of justice.

It is difficult to understand why the government is proceeding with this bill and its series of amendments, given the strength of the concerns raised by the Law Institute of Victoria, which is not a radical body. The law institute represents the legal profession, which is going to have to work under this act and comply with its provisions. For it to have raised so many concerns in such a strong way and for the government not to have addressed those concerns is a worry.

This bill would be a perfect candidate for being sent off to the Legal and Social Issues Legislation Committee. I have not in this case moved such a motion. I probably should have, but more to the point, the government should have referred this bill to the Legal and Social Issues Legislation Committee because it is a bill about which a major stakeholder in the community has raised many concerns. If it was interested in improving its legislation and getting an outcome that those in the community who have to act under the legislation can live with, the government should have listened to those concerns and sent the bill to the committee. Then we could have called the Law Institute of Victoria, the minister and other parties to the committee to thrash out

the issues that had been raised. Mr Pakula has gone over many of the concerns of the Law Institute of Victoria, so I will talk briefly about our concerns, which are shared by LIV. I am sure that the Attorney-General and government members speaking on this bill know about these concerns.

New section 65A provides that a court may at any stage order a party's legal practitioner to prepare a memorandum setting out the estimated length of the trial, the costs and disbursements associated with the trial and the estimated costs a party would have to pay if they were unsuccessful at trial. The concern here is that this memorandum of costs can be ordered by the court to be disclosed to the other party. There is no benefit in terms of the administration of justice in allowing the other party to see those costs. Instead this will disadvantage the party with less finances. It will particularly disadvantage a party receiving pro bono assistance for the other side to know of this assistance, and it will make the other side more determined to drag out a legal process so the party with less finances will give in to terms it would not otherwise have agreed to. In relation to lawyers providing estimates of costs to their clients, there are already requirements in the Legal Profession Act 2004 that adequately cover lawyers providing their clients with estimates as to costs.

Under new section 65B the court may at any stage order a party's legal practitioner to prepare and give to that party a memorandum setting out the actual costs and disbursements incurred in relation to the proceeding or any part of it, the estimated costs the party would have to pay to any other party if that party is unsuccessful at trial and estimates as to the length and costs of the proceeding. The concern here is that having to calculate the actual costs would require an external costs consultant to itemise a bill, going through the whole file. This would take the file away from a lawyer for a considerable time, and it would add to the client's costs.

Under new section 65C the court may at any time make an order as to costs that it considers appropriate to do so — for example, the court may make a different award of costs for different parts of a proceeding and award a party costs in a specified sum or amount. This is unnecessary because the Costs Court was established for determinations as to costs, and it is best to keep it that way rather than have a judge within a trial division spending considerable time and effort on the question of costs. When we debated the bill on the Costs Court in this chamber that was the very point made. The whole reason for having the Costs Court was so judges would not concern themselves with those issues.

Moving on to expert evidence, new section 65G requires a party to seek directions from the court if the party intends to adduce expert evidence at trial or if the party becomes aware that the party may adduce expert evidence at trial. It is not clear that this is needed. There is a concern that this section may mean that if a party has to let the court know which expert it intends to get a report from, it could cause a disadvantage to that party and erode legal professional privilege.

Under new section 65H the court may give directions in relation to expert evidence. For example, it might give directions in regard to limiting expert evidence to specified issues, the preparation of the expert's report or limiting the number of expert witnesses. This is unnecessary because judges already manage their lists, which operate in Victoria under the provisions of the Civil Procedure Act as it stands.

New section 65I provides that the court may give directions to two or more expert witnesses in a proceeding to hold a conference, to prepare a joint expert report or both. As Mr Pakula was saying, that may be useful where there is agreement from the parties, but where there is not agreement from the parties that should not be something that happens. In my view it would not be in the interests of the lesser resourced party or in the interests of justice.

The issue of expert witnesses being able to ask each other questions or cross-examine each other in the court is covered by new section 65K. We note that this happens in the Federal Court of Australia and in New South Wales, but it certainly has not been evaluated to the extent that we should be considering providing for it under the Civil Procedure Act.

I am also concerned with provisions regarding court-appointed experts and single joint experts. There are instructions to single joint experts or court-appointed experts. If a single joint expert is engaged or a court-appointed expert is appointed, the parties to the proceeding must endeavour to agree on written instructions to be provided to the single joint expert or the court-appointed expert. If the parties cannot agree, they must seek directions from the court. The Law Institute of Victoria makes the point that this will lead to unnecessary delay and duplication of work and likely to increase costs. Duplications, delays and increases in costs are contrary to what we as a community should be trying to achieve, which is to try to reduce costs and delays in the courts and at the same time ensure justice is served.

They are the main provisions of the bill. There are some other technical amendments and some amendments

regarding certification requirements. Some concerns have also been raised about those amendments but not to the extent of the concerns about the costs and expert evidence.

The government states that these reforms are put forward in the context of the Victorian Law Reform Commission's (VLRC) review of the civil justice system in 2008. The report that came out of that review contained a number of recommendations that were designed to reduce costs and the time taken to resolve disputes, and to simplify the process of litigation. The recommendations had the aim of promoting the principles of fairness, equality, efficiency, affordability, proportionality, choice, transparency and accountability.

All reforms to improve access in a single jurisdiction should be examined with reference to those aims outlined in the Victorian Law Reform Commission's report. Again I refer to prelitigation conferences, which were one of the commission's key recommendations and which have been removed by this government. The conferences required all parties to take reasonable steps to resolve a matter by agreement and through alternative dispute resolution, such as mediation et cetera. In repealing those provisions the government took away incentives for people to avoid going to court by sorting out their differences beforehand.

The government repealed those reforms and has introduced amendments in relation to costs disclosure, which neither achieve the aims of reducing delays or costs nor provide fairness and equality at arm's length. Instead they mimic cost disclosure requirements that are already in the Legal Profession Act. It cannot be argued that the disclosure of estimates of costs aids the client, since not only is this disclosure covered in the Legal Profession Act, but the act also allows for cost agreements to be entered into, progress reports to be provided for and a complaints process for cost disputes.

In addition, as the Law Institute of Victoria has stated, these amendments undermine legal professional privilege by allowing a court to order a party to disclose an estimate of its costs to the other party, which could possibly serve to give that other party an advantage if it had greater resources. This would particularly be the case where a party was receiving pro bono legal assistance. According to the Law Institute of Victoria, the provision of actual costs under the bill would simply delay matters further and increase costs for the client in having an external consultant cost the whole file.

One other point that has been made with regard to expert evidence is that the Victorian Law Reform Commission has acknowledged that some of the areas where there may be tension or conflict between procedural reform and human rights protections include limitations on expert evidence. For this reason, any reforms in this area must ensure that there is no interference with the principle that each party to a dispute should be able to put their best case forward. However, the reforms under this bill interfere with the principle that the party should be able to put their best case forward. The point has also been made that additional demands on expert witnesses may deter them from continuing to offer their services.

I will make a point about protective costs orders. The government has not yet taken up the VLRC recommendation that courts be allowed to make orders to protect public interest litigants from adverse costs in appropriate areas. Public Interest Law Clearing House Victoria has informed us that public interest litigation has an important role, and we agree with it, in providing access to justice, advancing the rule of law and addressing issues of systemic and public importance, but the risk of adverse costs orders and the imposition of security for costs orders stymies legitimate and meritorious public interest litigation. In the interests of fairness and access to justice the protective costs order regime should be available to litigants at an early stage in proceedings. Legislation on this issue could provide criteria that would support legitimate public interest litigation in a balanced manner. It should be noted that existing legislative and common-law regimes that support public interest litigation in Australia and countries overseas have not led to a flood of litigation.

The Greens are concerned that the federal government has been going down the wrong path by introducing last year the Civil Procedure and Legal Professional Amendment Act 2011 and by removing the prelitigation requirements. The changes the bill before the house makes to costs and expert evidence do not serve the interests of justice, so we are unable to support the bill.

Mr O'BRIEN (Western Victoria) — I rise to support the bill and express some bemusement at some of the contributions members have made to this debate. I will shortly address some of the reasons for my bemusement. Firstly, it is important to recognise that this bill has been brought to the house after extensive consultation with the civil procedure advisory group that was set up and carefully considered by the government. The purposes of the bill are stated in clause 1 as:

- (a) to amend the Civil Procedure Act 2010 —
 - (i) to provide further powers for the courts in relation to costs;
 - (ii) to provide further powers for the courts in relation to expert evidence;
 - (iii) to amend the overarching obligations and the proper basis certification requirements;
 - (iv) to make other technical amendments; and
- (b) to consequentially amend the Accident Compensation Act 1985 in relation to legal costs orders made under that Act.

The bill is important. In contrast to the amendments to the original act that were pushed by the then government, which is now the opposition, in relation to mandatory prelitigation requirements, this bill will provide additional discretionary measures to the courts but will not mandate that they be exercised in any particular case. Rather, reflective of the philosophy of this government, it will respect the independence of the courts and the ability of parties to bring their cases before the courts. This bill relies on the great reputation that Victorian courts have enjoyed for almost their entire existence and will continue to enjoy. The courts are respected by this government.

The single most important point to remember in relation to these discretionary measures is that they strengthen the courts' abilities to provide appropriate case management. Many of the procedures already exist under civil procedure rules and arrangements under the Civil Procedure Act 2010. This bill builds upon these arrangements and enhances and improves them.

Firstly, in relation to consultation it is important to refer to the Attorney-General's second-reading speech, which refers to the civil procedure advisory group. The group considered the Victorian Law Reform Commission's 2008 review of the civil justice system. The advisory group is chaired by the Chief Justice of the Supreme Court and includes senior representatives of the Supreme, County, and Magistrates courts, the Victorian Civil and Administrative Tribunal, the Victorian Bar, the Law Institute of Victoria, the Federation of Community Legal Centres, Victoria Legal Aid and the Australian Corporate Lawyers Association. The Attorney-General in the second-reading speech thanked the chief justice for his continued leadership of this group and other members for their input. I endorse the words of the Attorney-General as a government representative in this chamber.

Mr Pakula said in his contribution to the debate that this government is doing something that the courts opposed. Rather, we are reflecting the wishes of the courts and the civil procedure advisory group. More ironically, Mr Pakula sought to contrast an aspect of this bill with the mandatory prelitigation requirements, which were also referred to by Ms Pennicuik and which were imposed by the passing of the Civil Procedure Act 2010. Those requirements were opposed by this government when it was in opposition, and their removal was one of the first actions of the Baillieu-Ryan coalition government. In that regard Mr Pakula expressed surprise. I do not know why he would express surprise given that we opposed the introduction of the original mandatory prelitigation requirements when we were in opposition; that is why we introduced a bill to amend the act to remove these requirements in government.

More importantly, when Mr Pakula cited the Law Institute of Victoria when talking about his opposition to the present bill before the house, he fairly — I say 'fairly' because I will be fair to Mr Pakula — forgot to mention that the Law Institute of Victoria opposed mandatory prelitigation requirements. It was not only the Law Institute of Victoria which did this but also the Victorian Bar and many practitioners, including many people representing small businesses.

I recall the debate reported on page 674 of *Hansard* of 24 March 2011. It was one of the first debates I was engaged in in this chamber, and I referred to the comments of the chief executive officer of the Law Institute of Victoria, Mr Michael Brett Young, in my speech, saying that he:

... expressed his concern and set out to ensure that any obligations introduced by the legislative reforms would not significantly increase the cost of litigation, especially for those disputes in the Magistrates Court that do not involve significant financial amounts.

At the time Mark Moshinsky from the Victorian Bar reportedly said:

We had a number of concerns with the proposed prelitigation requirements.

He went on to state that:

... they did not give effect to, and had the potential to undermine, the overall intention of the civil procedure reforms — which we strongly supported from inception — to reduce the cost and improve efficiency of litigation.

Our main concerns were the costs of compliance with the prelitigation requirements and the delay that they could occasion.

In many cases, the costs of them carrying out the extra steps would not be warranted. Simple debt recovery matters are a good example.

There was also the concern that the procedures could be used by recalcitrant defendants to delay the issue of proceedings.

So far from being a good example of legislation supported by the law institute, those mandatory prelitigation requirements were the precise opposite and were opposed, and rightfully opposed, by this government in opposition and have now been removed.

In relation to the present amendments to the Civil Procedure Amendment Act 2010 relating to costs and expert evidence, these are sensible amendments that give flexibility to the parties before the courts and give the courts appropriate case management and legislative backing for many powers that they exercise already within their discretion but which will give them appropriate guidance in a very difficult area of case management. This area has been the subject of some significant litigation in a line of cases that practitioners will refer to, from Sali's case, to JL Holdings, to the Aon litigation that dealt with the debate about not only the interests of litigants before the courts, as Mr Pakula identified, but also the interests of the courts in case management principles and also determining what is in the best interests of the parties having regard to the experience, integrity and sound judgement of the Victorian judiciary and magistracy and many, if not all, Victorian Civil and Administrative Tribunal members.

That deals with much of what Mr Pakula said in principle. Much of what the law institute has raised by way of concern with this bill, it could be said that if they are valid concerns — and some of them are valid concerns, particularly in relation to how powers can be exercised — these concerns, such as the manner in which the court may exercise its discretion in relation to the powers that this bill will give it to restrict the use of, say, expert evidence prior to a proceeding commencing, are matters that may apply in individual cases but ought to be taken into account by the courts in the careful exercise of its discretions rather than being reasons to oppose this bill.

It also should be borne in mind, as it will be, that the courts will always have regard to the overarching purpose of the Civil Procedure Act, which has been put in section 7(1) of the Civil Procedure Act. It reflects much of where the line of debate had got to with the Aon litigation, and says that:

The overarching purpose of this Act and the rules of the court in relation to civil proceedings is to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute.

In terms of one of the real issues in dispute, Mr Pakula in his opposition to this bill — and this point was in effect taken up by Ms Pennicuik as well — made a very telling admission in his comments on proposed section 65A. In that regard he said that this was the aspect of the bill that caused him the most concern.

That statement is the aspect of his contribution that causes me, as the lead speaker for the government, the most concern with Mr Pakula's understanding of the bill because in effect section 65A of the new bill is nothing more than a re-enactment of section 50 of the existing Civil Procedure Act. Rather than being a section that this government has brought in to further burden litigants, it is simply a re-enactment of a provision that already exists under his government's legislation. That much is set out in the explanatory memorandum for the bill.

Much was said in the second-reading speech in relation to the operations of the bill, and I will not, given the time considerations, relay them much further. I will in closing seek to call upon the words of the great Peter Ross-Edwards, who commented upon the predecessor to this piece of legislation, being the Supreme Court Act 1986. That is where the Supreme Court civil procedure rules formally found their source before the Civil Procedure Act 2010, and in that regard Peter Ross-Edwards said these words — and I finish with a quote to allow the words of the great Leader of the National Party for 18 years to ring through this house for those like Mr Koch who knew and admired him well. It was in relation to the role and importance of the Supreme Court, which this bill supports:

The Supreme Court in Victoria has a long and distinguished history. It came into being in 1852 and the act has not been reviewed to any extent since Sir Leo Cussen took on that task in 1928 or thereabouts. The Supreme Court has the Chief Justice and 21 justices. It has a high reputation in the legal world, not only in Australia, but overseas. All Victorians are proud of its record and the people who constitute the court. I do not believe any person would question the fairness of the court. The court may not always come up with the right decision, but the integrity of the court is beyond question.

With those words, I commend the bill to the house. I look forward to Mr Pakula accepting that the main feature of the bill that he says is wrong was in fact part of the original bill, which he supported, and urging his party to support the bill, as I urge the Greens to support the bill. I wish it a speedy passage through the house.

Mr SCHEFFER (Eastern Victoria) — In the few minutes that I have available to me I will see if I can conclude my speech. As we have heard, this bill originates in the review of the civil justice system that was undertaken by the Victorian Law Reform

Commission at the request of a former Attorney-General, Rob Hulls. As Mr Pakula reminded the house, at some 730 pages the civil justice review was a comprehensive and thorough examination of Victoria's civil justice system that generated some 177 recommendations.

In June 2010 the previous Labor government introduced the Civil Procedure Bill 2010 which aimed to modernise and unify the procedures of the court so as to use public resources more effectively while at the same time maintaining and protecting people's access to justice — a key principle of the Labor Party and of Labor governments.

It is worth reminding ourselves of the context in which the principal act was introduced and the thinking behind it so that we can see why the amendments in the bill that members are considering this evening are unacceptable to the Labor Party. Unlike the Baillieu government, which does not have a legal policy framework, the previous Labor government developed and published two justice statements in which it set out the values, principles, challenges and opportunities involved in its reform program.

A clear objective of the substantive act was to curtail the capacity of wealthy litigants to use the courts as an arena in which to play tactical games, extending time and cost, to wear down their opponents to achieve what might in the end turn out to be an unfair settlement. The then Attorney-General made the point in the second-reading speech for the Civil Procedure Bill 2010 that most disputes are withdrawn, settled by agreement and very costly. The Attorney-General pointed out that the cost of access to the civil courts had reached a point where it was unaffordable for very many Victorians. Attorney-General Hulls was critical of the high fees charged by lawyers, fees that are often out of proportion with the amounts of money involved in disputes. A central objective of the Civil Procedure Bill was, in the words of the second-reading speech:

... to build a culture in which litigants are encouraged and empowered to resolve their cases without going to court.

The Attorney-General said also that litigation should be a measure of last resort. This obviously means that alternative dispute resolution approaches should be taken wherever possible so that many disputes are resolved in a setting that is proportionate to the complexity of the dispute and takes the financial pressure off the parties. In the last term of government I had the privilege of chairing the Parliament's Law Reform Committee, whose members undertook some major work on alternative dispute resolution. Many of

the committee's recommendations were adopted by the then government.

Returning to the efforts of former Attorney-General Rob Hulls, he indicated that the changes to — —

The ACTING PRESIDENT (Mr Ramsay) — Pursuant to sessional orders, it is time for me to interrupt business.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING PRESIDENT (Mr Ramsay) — The question is:

That the house do now adjourn.

Respite care: West Sunshine accommodation

Mr EIDEH (Western Metropolitan) — My adjournment matter tonight is for the Minister for Community Services, who has responsibility for disability services. We on this side of the house are all in agreement that our health system is in crisis. The people of Victoria are suffering from the drastic and unjustified cuts made by the Baillieu government. These cuts now affect the safety of Department of Human Services respite houses. I speak about such a house in Henry Street, West Sunshine, in my electorate.

Last week a couple came to my electorate office in despair. Their 12-year-old son required hospitalisation following an episode with another patron at the house. Their severely disabled child had broken a glass panel next to the front door. When he was removed from the area to a bedroom where he was unsupervised, he proceeded to break another window. You might say that that is nothing unusual. Unfortunately it happens quite often, so often that two months earlier the same boy broke a similar window in another room. His concerned parents were told that the glass was to be replaced by unbreakable glass, in accordance with Department of Human Services guidelines. That never happened. The broken glass in the bedroom was replaced by glass that appears to be anything but unbreakable. The panel at the front door has been replaced with that sort of glass as well. Where is the unbreakable glass? I have here a piece of the broken glass.

Why is the safety of these young people with behavioural disorders being totally ignored? Is this another case of funding cuts? Surely the Baillieu government can afford to replace all glass in the house with an unbreakable type of glass? Is the Baillieu

government so stingy that it will not do so, or is it because its members do not care about disabled children who live in the west? The parents of the child lodged a complaint with the disability services commissioner on this issue and are awaiting a response.

I want answers too. I ask the Minister for Housing, representing the minister responsible for disability services, to immediately conduct an investigation into the safety of all respite houses through Victoria and to advise this house when safety glass will be installed at the premises at Henry Street, West Sunshine. I have photographs of the broken glass and, if required, will pass them on to the minister.

Royal Botanic Gardens Melbourne: plant selection

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the attention of Mr Ryan Smith, the Minister for Environment and Climate Change. I refer to the Royal Botanic Gardens in Melbourne, not at the Cranbourne site but the gardens in the city. I have to say that they are one of the iconic gardens of Victoria and are absolutely fabulous. Ferdinand von Mueller was the first custodian of the Royal Botanic Gardens, and William Guilfoyle was the second. The idea of establishing a garden in the city was to recreate a European-style garden to be the centrepiece of Melbourne's gardens and promenades. Guilfoyle built a reservoir, which was resurrected a couple of years ago. I have said in this place that the planting of a whole range of cacti and other succulents makes the restoration of Guilfoyle's volcano look more like Little Mexico than Little Britain.

I suggest that it is not just around Guilfoyle's volcano where an enormous number of cacti and other succulents have been planted. Many parts of our Royal Botanic Gardens are full of cacti and other succulents. I do not have any problem with these plants — they are drought resistant, and that is important in this day and age — but Cranbourne, where there are other botanic gardens, is the place for those cacti and other succulents. That is a very appropriate place for people to visit to see what drought-resistant plants are like. They should not be planted in the Royal Botanic Gardens in South Yarra because those gardens have areas of well-planted oak trees, elms and fern gardens, with lakes and ponds — all those sorts of things — and should not look like Arizona.

My request this evening is for the minister to approach the new director of the Royal Botanic Gardens. I am hoping against all hope that the new director will take a new direction on the planting procedures and programs

at the Royal Botanic Gardens Melbourne. I ask the minister to follow through on this and investigate the current planting program and strategy for planting in the Royal Botanic Gardens in South Yarra and whether there will be a reduction in the planting of cacti and other succulents so that we do not have Mexico in Melbourne.

Surf Coast planning scheme: amendment

Mr TEE (Eastern Metropolitan) — My matter is for the Minister for Planning. I am pleased he is in the chamber. It relates to amendment C66 to the Surf Coast planning scheme, which I understand was referred to the minister in April by the Surf Coast Shire Council. The council wants to exhibit the amendment so that it can go through the usual planning process. I might add that the new Planning and Environment Amendment (General) Bill 2012, which is yet to come to this chamber, provides for a 10-day turnaround. My concern relates to the fact that this planning amendment has been with the minister for more than 180 days.

The minister will recall that amendment C66 relates to the western town boundary on Duffields Road. He will recall also that it follows events in July last year when he initially intervened in the planning process and demanded that the town boundary be extended beyond Duffields Road to include an additional 240 hectares with some 1900 homes and an additional 4500 people. There was a concerted campaign by the local community, and the minister backed down — some would say in humiliating fashion. The minister promised at that stage that he would respect the wishes of the community and the council and that he would limit the boundary to Duffields Road.

However, that was in July last year. Now, some 12 months later, there is concern in the community that the minister is failing to honour his promise and that he has stalled this planning scheme amendment. As I said, the expectation in the new bill is for a 10-day turnaround, and this one has taken nearly 180 days. That has caused uncertainty in the community, in the council and amongst developers, none of whom understand what is happening or the reason for the delay.

I ask the minister to take this opportunity to explain why it has taken him this long to act. I ask if he could assure this house, the community, developers and the council that he will proceed with this amendment, that he will honour the public statements that he made to the community in July last year and that he will not continue this delay.

Country Fire Authority: Macedon Ranges

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Police and Emergency Services, Peter Ryan, and it relates to Country Fire Authority (CFA) funding and Labor's recent scaremongering campaign. Like many Labor members, the member for Macedon in the Assembly, Joanne Duncan, distributed a letter and petition to her constituents regarding CFA funding. I am not surprised by the member for Macedon's negativity, but I am concerned that this material will cause undue alarm to communities, particularly those in fire-prone areas such as the Macedon Ranges.

Contrary to what Ms Duncan's letter states, the CFA's planning and preparation for the coming fire season is well on track, and funding for the CFA in 2012–13 is higher than in any year under the Labor government. This year's report from the bushfires royal commission implementation monitor states that we have made very good progress in meeting the commitments of the implementation plan.

The coalition government is committed to supporting the CFA and ensuring that Victoria has the highest possible level of bushfire protection. We have demonstrated that support with a range of funding announcements and initiatives which Ms Duncan has chosen to ignore in her letter to constituents. What follows are just some of the examples of funding to brigades and funding for bushfire prevention and safety in the Macedon Ranges region during this term of government.

Lancefield, Newham and Toolern Vale CFAs have received funding for upgraded stations. Newstead, Romsey and Lancefield CFAs have received funding for new field command vehicles. Malmsbury CFA has received \$130 000 for a Big Fill, various stations in the region have received funding for amenities upgrades and the Macedon neighbourhood safer place opened this year, with the coalition government contributing \$1.18 million to its development. There are neighbourhood safer places also in Woodend, Lancefield and Riddells Creek. Macedon Ranges Shire Council has received \$30 000 to help communities better understand the need for bushfire planning provisions. In addition, the government legislated the CFA volunteer charter to protect the rights of volunteers, and the government is replacing the unfair insurance-based fire services levy with a property-based levy.

I am working to reassure the communities of the Macedon Ranges that everything possible is being done

to minimise the threat of bushfire and that preparations are on track and better than ever. The action I seek is that the minister continue his work supporting the CFA and that he continue to combat Labor's scaremongering so as to minimise unnecessary anxiety in communities, particularly those in high bushfire-risk areas.

Employment: regional and rural Victoria

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Employment and Industrial Relations, Richard Dalla-Riva, and it is in relation to recent Australian Bureau of Statistics job and unemployment statistics for rural and regional Victoria. I think everyone would agree that the August and September job figures represented a bad set of numbers. Members do not have to look hard in their local media to find stories of job losses and rising unemployment under this government.

For regional Victoria the months of August and September were particularly bad. In the month of August alone 12 400 jobs were lost, with a third of these job losses being full-time jobs. Of the 12 400 jobs lost in August, 83 per cent — that is right, 83 per cent — were in my electorate alone. The Geelong and Barwon-south western regions lost more than 10 000 jobs in one month. To say this is an alarming figure would be a gross understatement, but the September figures continue to paint a dim picture. In September the unemployment rate was 7.1 per cent for the Barwon-south western region, up from 5.5 per cent during August and more than double what it was in the same month a year ago.

Many people living in the Barwon-south western region may not be surprised by these figures. There have been a number of stories reported in our local papers. These have included coverage of the 130 jobs lost at the Fonterra dairy factory in Cororooke. Jobs have also been lost from Brace at Ballarat and Geelong, and there have been continuing redundancies at Ford Geelong. Yet this government has still seen fit to continue with its cuts to the Department of Primary Industries and places like the Marine and Freshwater Discovery Centre in Queenscliff. Teaching and support staff at TAFEs have lost their jobs, including at the Gordon and South West TAFE, and jobs have been lost from the public service right across the electorate. A *Geelong Advertiser* editorial recently described the government's decision on wooden railway sleepers being bought from New South Wales as a 'ridiculous, blindingly short-sighted decision'.

The action I seek from the minister is for him to provide me with a precise breakdown on the location at which jobs are being shed, the names of the companies and types of industries shedding jobs, the number of part-time and full-time jobs lost and a gender and age group breakdown of jobs lost and an explanation from the minister as to why this government has not put in place concrete measures to prevent this disaster.

Planning: coastal management

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Planning, and I am delighted to see him in the chamber this evening. This matter concerns an issue that he is no doubt grappling with at the moment — that is, the alleged rising sea levels, which would affect in my region places such as Williamstown, Altona, Point Cook and the newly developing Wyndham Harbour, which is a very exciting development indeed. All those areas would be greatly impacted if there were rising sea levels.

I ask the minister to take into consideration the cost to the taxpayer of the claptrap that has come from the climate change industry to this point. The minister may take into consideration desal plants around this country which were built on the basis that, according to Sandbags Flannery — Professor Tim Flannery — it would never rain again. Of course he is known as Sandbags Flannery because since he made that statement we have had floods — —

The DEPUTY PRESIDENT — Order! The President has made rulings about Mr Finn's reference to Mr Flannery before, and I ask Mr Finn to respect those. I confess that I do not recall the precise details of the President's ruling, but I ask Mr Finn to — —

Mr FINN — I am sorry I thought that was just in reference to me referring to him as a shyster and a shonk, so I apologise.

The DEPUTY PRESIDENT — Order! If Mr Finn wants to behave that way he will not have the rest of his adjournment matter listened to. He knows that that was completely out of order.

Mr FINN — I honestly thought that was the case.

The DEPUTY PRESIDENT — Order! I remind Mr Finn that we are not in primary school, and I will not accept his look of innocence.

Mr FINN — Perhaps I should write it out a hundred times. The desal plants are costing many billions of

dollars around the country because of that particular individual.

Then of course we have the carbon tax, which is costing Australians very dearly. That carbon tax was introduced because, according to the Prime Minister, 'The earth is warming'. We now know, according to the British bureau of meteorology, that it is not warming, it has not been warming for at least 16 years and before that 16-year period any warming was negligible. It is just nonsense that has been pumped in to drag a dollar out of the government and out of the taxpayers of this country.

Then of course we have to take into consideration the great hot gossellers of climate change — Al Gore, Kevin Rudd, Greg Combet and Tim Flannery himself — who have all moved to waterside residences. They are obviously deeply concerned about rising sea levels.

I ask the minister to take these matters into consideration because there are a number of people in my electorate who are obviously concerned about decisions that may be made which will affect their properties and their suburbs. This is a very important issue. It is far too important to be decided on the advice of people who have been proven to be wrong time and again. I ask the minister to not accept the advice from the climate change industry willy-nilly but look at this — as I am sure he will — in a reasonable and balanced manner to deliver the right results for the people of Victoria in this very important matter.

The DEPUTY PRESIDENT — Order! That was bordering on a set piece. I will allow it, but Mr Finn was disrespectful in pushing the envelope in the way he did.

Mr Finn — On a point of order, Deputy President, I hear what you are saying; I do not understand it, though, and I would be grateful if you would explain that, please.

The DEPUTY PRESIDENT — Order! I do not have to explain it. I am telling Mr Finn that it was bordering on a set piece. His behaviour in relation to Mr Flannery after I asked him to be careful and respect the President's rulings was disrespectful to the Chair and to Mr Flannery.

Albury Wodonga Health: maternity services

Ms BROAD (Northern Victoria) — The matter I raise tonight is for the attention of the Minister for Health, and it concerns the Baillieu government's plans for the provision of maternity services to families in

north-eastern Victoria and southern New South Wales. This region of Australia is enjoying strong growth. According to Albury Wodonga Health, its maternity unit is catering for an expected 1600 births a year. I expect the Minister for Health is aware that when Albury Wodonga Health was created as an integrated health service for the region a clinical service plan was drawn up to capitalise on more specialised services at Albury hospital and Wodonga hospital. The people of Wodonga were informed that under that plan Wodonga Health would continue to build on its expertise in obstetric, neonatal and gynaecological services.

The 2011–12 Statement of Priorities, which was signed by the Minister for Health on 27 September 2011 and is an agreement between Albury Wodonga Health and the minister, states on page 6 that:

In 2011/12 there will be a major focus on developing a service plan to guide the future development of Albury Wodonga Health.

The 2012 report of Albury Wodonga Health indicates on page 17 that service planning across Albury Wodonga Health has been completed to provide a medium and long-term blueprint for further development.

It is fair to say that families in Wodonga would very much like to know what that service plan or blueprint — which they have not seen — has to say about the future of the Wodonga hospital maternity unit. The action I seek from the Minister for Health is that he inform Wodonga families of his intentions concerning the future provision of maternity services at Wodonga hospital at the earliest opportunity. The families of Wodonga and surrounding Victorian communities deserve to be told what the minister's intentions are.

Floods: category C recovery grants

Mr DRUM (Northern Victoria) — My adjournment matter is to the minister for flood relief, the Minister for Police and Emergency Services, Peter Ryan. My adjournment matter goes to a radio interview last week on the ABC between Nicole Chvastek and Victorian Labor Senator David Feeney. In the interview, which was about category C flood relief, Senator Feeney continually stated that the federal government had a deal on the table for people who qualify under flood relief category C.

Minister Ryan effectively laid down the law and said that that was simply not the case. There is a process that has to be followed when anyone lodges an application for category C funding, and that is that once you have

lodged your application, the damage to your farm or business will be assessed by Rural Finance. Once that has occurred, Rural Finance will make an assessment of up to \$25 000, and that payment of \$25 000 will be shared equally — 50-50 — between the Victorian government and the commonwealth government.

Apparently there was some sort of informal backroom ask from the Labor federal government to Minister Ryan's office of, 'Can we just give these people \$10 000 and will they go away?'. That very informal offer was out and out strictly rejected, but if that is the offer that Senator Feeney thinks is on the table, it is absolutely disgraceful. The federal Minister for Emergency Management, Nicola Roxon, carries this responsibility, and if the Gillard government is going to cheat those people out of their full entitlements, it is an absolute disgrace.

Senator Feeney has acknowledged that these people have a rightful claim to the category C flood relief grants. That has been acknowledged. What has not been acknowledged is who is going to pay, and how much. I have had so many people come to see me and say, 'We just want this sorted out. We don't care about politicians squabbling. We don't care for that'.

Having spoken to the Deputy Premier and having been alerted to the fact that there is no federal deal on the table and that Nicola Roxon and David Feeney are hoping to cheat these people out of their entitlement, I now have to ask Minister Ryan if he can write to Nicola Roxon and get this mess sorted out once and for all. It is simply wrong for any politician to go on ABC radio and lie to the people of Victoria in the way that Senator Feeney did.

The DEPUTY PRESIDENT — Order! Mr Drum's reference to Mr Feeney in those terms at the end of his contribution is not considered parliamentary — to refer to people in other parliaments as having lied — and he should withdraw that comment.

Mr DRUM — Deputy President, the convention in this house is that you are not to call anybody a liar, but to actually say that somebody has lied is quite acceptable.

The DEPUTY PRESIDENT — Order! This is not up for debate. I ask Mr Drum to withdraw that comment.

Mr DRUM — You cannot just bring in a law that suits you tonight and ignore one that we work with every other day of the week.

The DEPUTY PRESIDENT — Order! It has been common practice when a member says that a member, and in particular a minister, in another jurisdiction has lied for that to not be acceptable as parliamentary language. I do not want to turn this into a bigger deal than it needs to be. I refer Mr Drum to the following ruling from 12 November 2009 from President Smith, which states that:

... members should refrain from making imputations concerning ... members of other parliaments which could be regarded as personally derogatory towards them.

I do not want to end the night with a difficult problem here. The simplest thing is for Mr Drum to comply with what has been an accepted practice. I would not have had any difficulty with Mr Drum using other words, but he chose to use that word, and that is the problem. I ask the member again to withdraw his comment.

Mr P. Davis — On a point of order, Deputy President — —

The DEPUTY PRESIDENT — Order! I have asked Mr Drum to withdraw.

Mr P. Davis — I wish to make a point of order on the matter of the request for withdrawal, if I have your leave to proceed.

The DEPUTY PRESIDENT — Order! If Mr Davis will sit down, we will have a discussion. The problem we have got now is that, based on advice and having referred to a previous ruling, as the Chair I have asked the member to withdraw that comment. If this is no longer going to apply, I would say to you that we are going down a path in the running of this place that is not conducive for any of us. I do not think this needs to be made into a big deal. I will hear Mr Davis, but I am very unlikely to change my view.

Mr P. Davis — I thank you for the courtesy, Deputy President. I am not seeking to take issue with your view, which is clear that it is unparliamentary to describe a member of this Parliament or any other Parliament as being a liar. That has been the practice of this place as long as I have been here, and, as the President graciously reminded us earlier today, that is now 20 years. But it is clearly the case that a member is entitled to make a case that a member of Parliament, whether they be in this Parliament or another place, has misled either the Parliament or the community. In this case I clearly heard the comment by the member that is subject to your request for withdrawal, and he did not express a view about the character of the member concerned. He made a commentary about the information — the statement

of claim of the subject matter as it were — and described that in terms of — —

The DEPUTY PRESIDENT — Order! I do not think the member needs to re prosecute the case.

Mr P. Davis — I am just trying to clarify what my point is, which is to say that the commentary that the member is reflecting on was misleading, and it was therefore a lie. It was the action — that is, the verb — rather than the noun. I am not taking issue with the interpretation which you are placing on the member's comment, but there is a difference in the interpretation in the sense that the member was describing the action as a verb rather than the member as a noun.

The DEPUTY PRESIDENT — Order! I understand the point Mr Davis is making, and I have asked for the withdrawal in the context of the whole contribution. The contribution was regarding whether Senator Feeney lied, and in the context of the contribution Mr Drum used words like 'misleading' and established a set of facts as he understands them to establish his position that the senator had told a lie. I believe the context of the contribution led up to those words. If Mr Drum had continued to use words like 'misleading', there would have been no problem here, but in the context of his contribution it was a build-up to using that word. I am asking Mr Drum to withdraw, and I will give him the opportunity to reword his contribution if he wishes — that is perfectly okay — but I wish for him to withdraw the particular word in the context of the whole contribution.

As the Clerk has just reminded me, the basis of this is to maintain respect between the parliaments, and that is all I am seeking. I am more than happy for Mr Drum to use alternative words.

Mr DRUM — Thank you, Deputy President. I will withdraw the term.

Mr Tee interjected.

The DEPUTY PRESIDENT — Order! I do not need any assistance from Mr Tee on this matter. Mr Drum is doing well, and I ask him to continue in that vein.

Mr DRUM — I withdraw the comment that Mr Feeney lied and replace that comment with something along the lines of, 'I found the interview grossly misleading'.

Mr Finn — On a point of order, Deputy President, I am acutely aware that the standing orders of this place preclude a member from reflecting on royalty,

members of the judiciary or members of this Parliament or other parliaments, but I am wanting to know from you which standing order protects Professor Tim Flannery from any reflection upon him.

The DEPUTY PRESIDENT — Order! The President made a ruling specifically in regard to a reference that Mr Finn made to Mr Flannery, and that ruling stands. I am not in a position as Deputy President to question and do not intend to question the President's ruling. The President made a ruling.

My comment to Mr Finn at the end of his contribution about lack of respect related to the fact that I asked him to respect the President's previous advice to him and he chose to flout the request I made of him in a way that I considered to be disrespectful of the Chair. That was my concern with what he did. I did not ask for any alteration to what he said, any changes, any withdrawals or any such thing, I simply made the comment that I thought that my having reminded him of the President's previous advice to him, he was being disrespectful of my request.

Mr Finn — On a further point of order, Deputy President, I have to say that I do not accept your view on that. Nonetheless, given there is no reference to Mr Flannery in the standing orders, does that mean the Deputy President, the President or indeed an Acting President can insert the name of whomever they choose and give them protection on the basis of a ruling, even though that is clearly not included in the standing orders?

The DEPUTY PRESIDENT — Order! I have made my position quite clear. I am not going to take any more points of order on this. If Mr Finn wants to take the matter any further, he can take it up with the President tomorrow after he has read *Hansard*.

Responses

Hon. M. J. GUY (Minister for Planning) — Mr Eideh raised a matter for the disability services minister. I take it that it was meant for Mary Wooldridge, the Minister for Community Services, as it related to cuts impacting on the safety of the Department of Human Services. I will have Minister Wooldridge analyse the *Hansard* record of that contribution and make an appropriate reply.

Mrs Coote raised an issue for the Minister for Environment and Climate Change in relation to the Royal Botanic Gardens. I will have the minister reply to Mrs Coote.

Mr Tee raised an issue for me in relation to Torquay planning scheme amendment C66. What is interesting is that Mr Tee in his contribution — —

Mr Tee interjected.

Hon. M. J. GUY — I am going to deal with it now so that Mr Tee can get a good reply on this one. Mr Tee was talking about me being humiliated by a decision, or non-decision or whatever way you want to put it. What is interesting about a humiliation is Mr Tee's complete misunderstanding of the facts. Let me read to him from the *Geelong Independent* of 3 June 2010. Mr Tee in his presentation tonight asked me about my plan to extend the growth boundary of Torquay beyond Duffields Road.

Mr Tee interjected.

Hon. M. J. GUY — I will take Mr Tee up on that so that it is in *Hansard*. He said that is what I said I was going to do: extend the boundary 1 kilometre west of Duffields Road. No, I did not say that, Mr Tee. The person who extended the boundary 1 kilometre west of Duffields Road was Justin Madden, the former Minister for Planning, now the member for Essendon in the Assembly. Let me quote from the *Geelong Independent* of 3 June 2010:

The planning scheme amendment —

this is the planning scheme amendment approved by Justin Madden —

designates land within the first kilometre west of Duffields Road in the Spring Creek Valley as a future urban growth plan.

Mr Madden said the C37 amendment 'sets the direction for future growth while protecting the livability of this important coastal township'.

Mr Tee — So you are not going to do it.

Hon. M. J. GUY — If you cannot get your facts right on an adjournment matter you are raising with me, basic facts about the growth boundary of a town — —

Mr Tee interjected.

Hon. M. J. GUY — Hang on. Got to do what?

The DEPUTY PRESIDENT — Order! Mr Tee has raised his matter on the adjournment — —

Honourable members interjecting.

Hon. M. J. GUY — I am sorry, Deputy President, I apologise. I will come back to — —

The DEPUTY PRESIDENT — Order! Mr Tee has raised the matter. The minister now has the opportunity to respond. The discussion does not need to be across the table. Perhaps the minister can make his contribution through the Chair and that might avoid the process that is now in play where both members are having a private discussion rather loudly.

Hon. M. J. GUY — That is a fair point, Deputy President; you are quite correct.

I quote again:

Bellbrae's Rodney Foord, who organised 'red rally' —

and this is from the *Geelong Advertiser* of 17 June 2010 —

that played a major part in stopping the development in 2009, said planning minister Justin Madden's approval of the C37 amendment that sets the Torquay boundary at 1 kilometre west of Duffields Road meant development was bound to happen there.

Let us have a look at the minutes of the Bellbrae Residents Association meeting of 13 July 2010. Point 2 under general business refers to attendance at the C37 information session. It reads:

Madden nominated 1 kilometre west of Duffields Road as the Torquay-Jan Juc boundary. Minister has this authority. Councillors asked that boundary stop at Duffields Road until 2040 process had been resolved. Amex —

a developer —

own large slice of the area. Minister appears to do what he wants despite the desires of the community.

If Mr Tee comes into this chamber to ask me — —

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee quoted this. He said that I had a plan to extend the boundary 1 kilometre beyond Duffields Road. He should get his facts right. The current C66 planning scheme amendment is the council requesting to move the boundary back to Duffields Road after the former minister extended it to 1 kilometre west of Duffields Road. What I asked the council to do through section 20(5) of the Planning and Environment Act 1987 — and Mr Tee might want to read that provision — is to actually rezone the land that had already been extended and included within the town boundary by Justin Madden. All I sought to do was rezone land that Justin Madden had brought within the town boundary. The council said, 'No, we will find you land north of the town'. The government did not do that. We did not change the town boundary, which is what the council's C66 amendment seeks to do and

which is what Mr Tee has tonight walked into the chamber and accused me of doing. He needs to get his facts right. I am sure Mr Tee will send this response in the adjournment debate to all those people who have asked him to raise this matter.

The council has asked for the C66 amendment to progress. What I have said is that the C66 will be assessed. This amendment is barely four months old, but when I came to government there were planning scheme amendments asking for authorisation that were four years old. The City of Boroondara was waiting for a planning scheme amendment in relation to a supermarket to progress. When we rang up to ask, 'Do you still want to progress the planning scheme amendment?', the officers concerned did not know which amendment we were talking about because Justin Madden, the former Minister for Planning, had sat on it for four years.

Mr Tee stated correctly that the government is going to bring in legislation to establish a structured process to ensure that planning scheme amendment processes can be put in place in a time frame everyone is aware of — something my predecessor did not do in four years and something Rob Hulls, a previous planning minister, and other ministers did not do in the seven years prior to that. I simply conclude and discharge this matter by saying that if Mr Tee, as the shadow Minister for Planning, can walk into this chamber and not know such basic statements about issues as prominent as amendment C66 in Torquay to be incorrect, then heaven help his party when he is attempting to rewrite its policy!

In relation to Mrs Petrovich's questions for the Minister for Police and Emergency Services, Peter Ryan, around Country Fire Authority funding, I will have the minister respond to them.

Ms Tierney related a matter about employment issues in her electorate of Western Victoria Region for the Minister for Employment and Industrial Relations, and I will have Minister Dalla-Riva respond to that. I suspect she should also send that request to Bill Shorten, the federal Minister for Employment and Workplace Relations.

Mr Finn raised an issue around coastal sea level rise. Mr Finn is correct in that a lot of money is being spent in relation to accommodating the issues of sea level rise and coastal management not just in Victoria, at a state or local level, but nationally. Obviously this issue has been quite prominent, and it is one where a large amount of money has been spent and is continuing to be spent. It is being, as Mr Finn says, done on the basis

of a number of premises. I will ensure that he has a total cost figure so he can make some better judgements in relation to the information he seeks relating to certain parts of the southern portion of his electorate.

Ms Broad raised an issue for the Minister for Health, David Davis, in relation to maternity services for northern Victoria, and on her behalf I will have that responded to.

Mr Drum raised a very important matter for the Minister for Police and Emergency Services, Mr Ryan, in relation to flood relief, which again should be dealt with by Mr Ryan, who is also the Deputy Premier, and which is of quite some seriousness and importance and concerns the misrepresentation of this government's policies.

I have written responses for Ms Hartland, Mr Viney — that is, you, Deputy President — Ms Broad, Mr Lenders, Mrs Coote and two matters for Mr Elsbury. There are seven government responses for those six members.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 10.42 p.m.