

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 4 September 2013

(Extract from book 11)

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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 (from 22 April 2013)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, 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, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

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

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

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #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, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

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

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Council*): Mr Eideh and Mrs Peulich. (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmr, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

Electoral Matters Committee — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Mr Northe.

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 Thomson, Mr Wakeling and Mr Weller.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Viney. (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller.

Law Reform, Drugs and Crime Prevention Committee — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

Public Accounts and Estimates Committee — (*Council*): Mr O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris, Mr Pakula 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 Dalla-Riva. (*Assembly*): Ms Barker, 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, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

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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	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar ²	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise ⁴	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip ¹	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee ³	Northern Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

¹ Resigned 26 March 2013

² Appointed 8 May 2013

³ Resigned 1 July 2013

⁴ Appointed 21 August 2013

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Wednesday, 4 September 2013

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

The PRESIDENT — Order! I inform the house that the Legal and Social Issues Legislation Committee will be meeting this day following the conclusion of the sitting of the Council.

PETITIONS

Following petitions presented to house:

Melbourne Metro rail tunnel

To the Honourable President and members of the Legislative Council:

This petition of the undersigned residents of Victoria draws the attention of the house to the need to invest in crucial rail infrastructure at a time of record demand for public transport in Victoria — particularly the Melbourne Metro rail tunnel.

The federal government has agreed to invest more than \$3 billion to build this tunnel, a vital link between Melbourne's expanding east and west, as part of a plan to turn Melbourne's rail system into a true metro with dedicated lines for all trains.

The Melbourne Metro rail tunnel will be a win for rail commuters who will experience less crowded trains and faster commute times, and a win for frustrated citizens stuck in traffic jams and residents who have to live with the daily effects of traffic chaos in our neighbourhoods.

However, the Naphthine state government in its recent budget has not allocated a single dollar for this vital project. This failure of the state government to act to improve rail infrastructure comes despite their election promises to 'fix the problems' including transport issues.

We therefore ask the Victorian Parliament and the government of Victoria to give priority to the Metro rail tunnel and join with the federal government by immediately committing the necessary matching funds to this project so that planning and building can commence as soon as possible.

By Mr LENDERS (Southern Metropolitan) (31 signatures).

Laid on table.

School funding

To the Honourable President and members of the Legislative Council of Victoria:

This petition of the undersigned residents of Victoria draws to the attention of the house the need for the government of Victoria to sign on to the Gonski reforms as soon as possible and preferably by 30 June 2013 to ensure that billions of dollars in much-needed extra funding goes to our children in state schools.

Our local primary and secondary state schools are in danger of missing out on the Gonski schools revolution if the Victorian Liberal government and their federal counterparts do not sign up for funding.

Already our local Catholic and independent schools will receive extra funding but not our fine state schools which give our children such a wonderful start. Local schools in our area to miss out over the next five years are:

Ashburton Primary School: \$2.4 million

Glen Iris Primary School: \$2 million

Solway Primary School: \$1.5 million

Camberwell High School: \$5.9 million

Camberwell South Primary School: \$2.6 million

Ashwood College: \$2.2 million

Hartwell Primary School: \$2.8 million.

We therefore ask the Victorian Parliament and the government of Victoria to 'Give a Gonski' and sign on to the new federal funding agreement for our primary and secondary schools.

By Mr LENDERS (Southern Metropolitan) (91 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General's Office — Report, 2012–13.

Auditor-General's Report on Asset Confiscation Scheme, September 2013.

MEMBERS STATEMENTS

Tony Harris

Ms PENNICUIK (Southern Metropolitan) — Anthony Harris was born in 1948 in Orange. He graduated in economics from Australian National University in the late 1960s and joined Treasury. He left after a year and went to Sydney in 1971 to become a high school teacher. As early as 1982 Tony was urging the formation of the Greens in Australia, and in early 1985 a public meeting was held to form and register the Greens. Tony was the first national registered officer. The new party adopted the four founding principles of the German Greens: ecological sustainability, grassroots democracy, social justice and non-violence. They remain the party's core principles today. Eighteen months later United Tasmania Group, or the Tasmanian Greens, led by Bob Brown, joined with the NSW Greens.

In the early 1990s Tony was swept up in the Labor revival of those years and became secretary of the Annandale branch of the Labor Party. He later wrote a thesis on those tumultuous years. The resulting book, *Basket Weavers and True Believers*, is not only a model of historical balance but tells how young radicals lived then. Tony re-joined the Greens in 2007. When he learnt he had cancer in 2010 he moved to Melbourne to be near his dear friend, Julie Kimber, and his sister, Janice. During that time he was active in the Port Phillip branch of the Greens, where he made many new friends. Tony was a mixture of great intellect, seriousness, humanity and wry humour. He will be missed by many. Vale Tony.

Cartwheel Resources

Mr SOMYUREK (South Eastern Metropolitan) — Last month I had the pleasure of doing a tour of sites operated by the Cartwheel Resources group and its subsidiaries Sustainable World Technologies and Unipolar Water Technologies. This group is one of a number of innovative companies looking at ways to improve our use of energy resources. It has its research and development headquarters in Adelaide, though much of its work is here in Victoria. At its Dandenong site, just down the road from my electorate office, the group has technology it has developed known as vortex drying and grinding, which is an energy efficient way of grinding materials and reducing their moisture content. The benefit of this technology is the drying of lignite, or brown coal, for use at coal-fired power stations. I visited the site the company is developing at Loy Yang, where it hopes to dry Victoria's notoriously damp brown coal and improve its burning efficiency.

Institute for a Broadband-Enabled Society

Mr SOMYUREK — On another matter, last month I had the pleasure of visiting Laureate Professor Rod Tucker, OAM, director of the Institute for a Broadband-Enabled Society (IBES), to discuss the institute's four main research themes. IBES's research into business and government focuses on the impact of high-speed broadband in the digital economy, the way that future broadband networks are shaped and governed, and how broadband-enabled technologies can transform government, empowering citizens, policy-makers and political actors. The national broadband network is of course critical for this. High-speed broadband has the potential to fundamentally alter communication practices within the community. IBES's research program in culture and community is exploring many of the opportunities and challenges faced by society as a result of the rollout of high-speed broadband.

East-west link

Mrs PEULICH (South Eastern Metropolitan) — I commend the Victorian Premier, Denis Napthine, and the Victorian coalition government for getting on with the job of planning and delivering the infrastructure we so desperately need to cater for Victoria's economic growth and increasing population, a task that Labor failed to do for 11 years. Our freight will triple over the next 40 years, and with our ever-increasing population it is vital that we have a plan to ensure that infrastructure is in place to handle this growth. The coalition is committed to four significant infrastructure projects: the regional rail project, the port of Hastings, the Melbourne Metro rail tunnel and the east-west link, a vital part of this infrastructure plan.

The east-west link will make travel quicker and more reliable and provide a crucial connection in Melbourne's road network that will benefit drivers from all over Victoria by reducing congestion, increasing the capacity of Melbourne's transport network, unlocking productivity gains for business and improving social amenity, particularly for Melbourne's expanding residential areas, which are currently being choked by traffic congestion. People in the west and east of Melbourne will benefit from direct cross-city connections, people in the city will benefit from reduced traffic and congestion, people in regional Victoria will benefit from better connections across Melbourne, and manufacturing in Melbourne's south-east and the freight industry will benefit from a more efficient road network.

The project will create about 3200 jobs at the height of construction; take pressure off the existing freeways, the Monash Freeway, CityLink, EastLink and the West Gate Freeway; and strengthen Victoria's economy by improving access to Victoria's principal economic engines. For the south-east it will improve travel time to the airport by up to 20 minutes; allow motorists to avoid up to 16 sets of lights; improve travel time to the Hume Highway, Western Highway and Geelong freeway; and provide much-needed support to manufacturing, commercial and logistics businesses —

The PRESIDENT — Order! Thank you, Mrs Peulich.

Supported accommodation fees

Ms TIERNEY (Western Victoria) — Thanks to the federal Labor government, this year will forever be remembered as the beginning of one of Australia's most significant social reforms in history, the national

disability insurance scheme. This policy, like many other significant social reforms such as Medicare and superannuation, are the products of progressive Labor governments and indicative of the Australian Labor Party's focus on improving the livelihood of all Australians. Unfortunately the same cannot be said for the conservative Liberal governments in Australian history, and the current Napthine Liberal government's latest grab for cash that is hurting Victoria's most vulnerable people is further evidence of that.

The Napthine government has made a decision to introduce a substantial rise in rental fees for people with disabilities living in Victorian government-managed group homes. The 60-plus per cent increase in rent for people living with a disability will be a devastating impost on their lives, which are already difficult in many ways. Premier Napthine has made a decision that he knows will create severe financial hardship for those living with disability.

This rent hike will, in most cases, leave less than \$5000 per annum for the majority of a disabled person's basic needs like toiletries. It will mean that the very few luxuries a person on a disability support pension can enjoy will be much harder to afford. I take this opportunity to encourage all Victorians to sign the online Fight the Fee Hike petition and fight against Premier Napthine's shameful and cruel rent hikes.

Transport infrastructure

Mrs COOTE (Southern Metropolitan) — The coalition government is getting on with the job of delivering the transport infrastructure Victoria needs. When he became the Leader of the Opposition, Daniel Andrews, the member for Mulgrave in the Assembly, said in regard to Labor's record on infrastructure that it could not stay in front of growth. That is an admission! That is why the coalition government is taking an 'all of the above' approach to transport infrastructure in Victoria. We are getting on with the job of fixing the problems and building for the future. The coalition is committed to four key, game-changing infrastructure projects: the regional rail project, the port of Hastings, the east-west link and the Melbourne Metro rail tunnel. These four projects will ensure that Victoria can stay ahead of the game when it comes to livability, when it comes to tackling traffic congestion and when it comes to jobs and growth.

In Southern Metropolitan Region the coalition government is investing \$4 million in safety improvements to the Princes Highway in the Stonnington area, \$800 000 in intersection improvements to Warrigal Road in the Monash City

Council area and \$580 000 in upgrades to Balcombe Road in Beaumaris. The level crossings at North, Murrumbeena and Burke roads are being removed, and \$13.3 million is being spent to upgrade Balaclava station. Labor is hopelessly divided on the east-west link — just ask Cesar Melhem or Adem Somyurek about their stated views on the project. Political opportunism is just that — it is not leadership. Daniel Andrews has no plan but to engage in relentless opposition and negativity. What is clear is that when it comes to Victorian transport infrastructure, while Daniel Andrews dithers, Premier Napthine delivers.

John Cummins Memorial Fund

Mr TARLAMIS (South Eastern Metropolitan) — Last Friday I had the pleasure of attending the seventh annual John Cummins Memorial Fund dinner. John Cummins was 58 when he died of a brain tumour in 2006, and the John Cummins Memorial Fund was established to honour his legacy and memory. John's working life was spent in the construction industry, and he dedicated his life to improving the health and wellbeing of working people, in particular construction workers. John was the president of the Victorian branch of the Construction, Forestry, Mining and Energy Union from 1996 till 2006, and he was a social and political activist. The money raised by the John Cummins Memorial Fund is used to support the wellbeing of cancer patients diagnosed with brain tumours, the social inclusion of young people experiencing financial disadvantage through a scholarship program and other charities and important causes.

The fund has partnered with Austin Health to establish and fund the unique brain tumour support service, with the primary objective of facilitating individual support programs for brain tumour patients and their families. The fund has so far donated \$244 000 to Austin Health for this service and related projects. It is important to acknowledge that the service has been recognised at an international level by the World Federation of Neuro-Oncology and the Society for Neuro-Oncology.

Through an annual scholarship program the fund supports students in years 7 to 11 who show promise, talent, determination and commitment and who strive to achieve their potential but are experiencing financial disadvantage. The scholarship program commenced in 2007 and has so far awarded 128 scholarships totalling \$117 000 to students in metropolitan and regional schools throughout Victoria. I would like to congratulate Di Cummins and all those involved with the John Cummins Memorial Fund on all the work they

do to organise this annual event and other activities to raise much-needed funds for such worthy causes.

East–west link

Mr ELSBURY (Western Metropolitan) — It comes as little surprise to members on this side of the chamber that there is widespread support for the construction of the vital, congestion-busting, nation-building east–west link project. Support has been coming from all quarters. The following quote is taken from a submission to the east–west link needs assessment (EWLNA):

As the EWLNA report stresses, the consequences of ‘doing nothing’ are negative and far reaching. They will threaten Melbourne’s future economic success and livability.

...

We agree with the conclusion of the EWLNA that ‘doing nothing’ is not an option. If Melbourne’s response to congestion is not escalated, the costs of congestion are likely to grow considerably.

These are the words of federal Labor MPs Julia Gillard, Bill Shorten, Brendan O’Connor and Nicola Roxon. The east–west link is vital for Melbourne and Victoria. It will remove congestion, improve productivity and create more than 3200 jobs for Victorians.

In the west the coalition is also getting on with the job of delivering the regional rail link, removing the level crossings at Andersons Road, Sunshine, and Main Road, St Albans, and improving the Sneydes Road interchange and has delivered train and bus improvements. The coalition government is about growing Melbourne and Victoria and creating jobs and opportunities. Labor is hopelessly divided on the east–west link as its leader dithers without a plan. While Daniel Andrews dithers, Denis Napthine delivers.

Heidelberg post office

Mr ELASMAR (Northern Metropolitan) — On 5 August I was delighted to officiate at the opening of the newly relocated Heidelberg post office in Burgundy Street, Heidelberg. The post office has moved about 200 metres further down Burgundy Street towards the Warringal shopping centre, so customers are not too inconvenienced. The new location is very bright and cheerful. It was my pleasure to cut the ribbon and celebrate the beginning of a new era for all the post office customers in my electorate. I congratulate the manager, Ruth, her husband, Tony, and all the staff.

White Ribbon Foundation

Mr ELASMAR — On another matter, on Wednesday, 28 August, I was invited to speak at a fundraising event organised by White Lady Funerals, whose chapel is located in Burgundy Street, Heidelberg. The function, which was very well attended, was in aid of the White Ribbon Foundation. Though the subject matter is extremely distressing, I thoroughly enjoyed the event and acted as an auctioneer on the night. I was happy to help raise money for this most worthy cause. This well-known organisation was established to combat violence against women. The statistics for violence against women are still appalling, and this event was organised to fund further awareness campaigns of this horrific and disturbing behavioural problem which touches all strata within our society.

Calder Highway Ravenswood interchange

Mrs MILLAR (Northern Victoria) — Premier Denis Napthine and the coalition government are getting on with the job of fixing the infrastructure nightmare left by Labor and are building for the future. The Premier last week visited the Ravenswood interchange and committed \$41 million to the construction of a safer interchange. This initiative is in partnership with the federal Leader of the Opposition, Tony Abbott, and the federal opposition, which has committed \$45 million to the project. A new Ravenswood interchange will ensure that users of the Calder Highway and the Calder alternate will no longer have to play a high-speed game of chance when using this intersection. The interchange is one of Victoria’s most notorious and deadly intersections, with a number of crashes, serious injuries and fatalities occurring at the site.

In 2012 the Victorian coalition government listed this interchange as a priority funding project with the federal Labor government; however, Labor ignored this project — just as the members for Bendigo East and Bendigo West in the Assembly, Jacinta Allan and Maree Edwards, and the Victorian Labor Party did for 11 long years when they were in government. The embarrassing, rushed, 11th hour announcement by Labor that it had been shamed into matching the funding is proof positive that Labor had to be dragged kicking and screaming to improve road safety in this area. The Premier’s announcement also lays to rest Jacinta Allan’s fanciful claims in the other place last week that the east–west link will mean no other road project in regional Victoria can or will take place. The coalition is committed to improving community safety and delivering better transport networks for Victoria.

Tarneit Community Learning Centre

Mr MELHEM (Western Metropolitan) — I take this opportunity to highlight my appreciation for the recent delivery of \$1.05 million in federal funding for the Tarneit Community Learning Centre library. According to the most recent Australian Bureau of Statistics data, the city of Wyndham is growing at the unprecedented rate of 8.8 per cent, or 12 000 people. This makes Wyndham the fastest growing municipality in Australia in percentage terms. Tarneit forms an integral, vibrant and growing part of this great city.

Population growth is a good thing. However, we have to accompany it with an adequate level of investment in community infrastructure and facilities. In his most recent report tabled in this Parliament the Auditor-General has been extremely clear about the need for investment in infrastructure in outer Melbourne, especially in the west. The city of Wyndham needs between \$975 million and \$1.3 billion for its transport infrastructure.

While I am delighted, like my fellow Victorians, by Melbourne once again taking the crown of the globe's most livable city, this will not be the case in decades to come if we do not invest in social infrastructure. The same can be said for Melbourne's west. I am pleased to see a project like the Tarneit Community Learning Centre. These projects are fundamental, foundational and facilitative to a vibrant society in the west and indeed Victoria.

East–west link

Mr ONDARCHIE (Northern Metropolitan) — The east–west link is the missing link in Melbourne's freeway network. It is one of four key infrastructure projects, along with the Melbourne Metro rail tunnel, the port of Hastings and the regional rail project, which the coalition government is committed to delivering as part of its all-of-the-above approach to transport. Yet the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, and Prime Minister Kevin Rudd stand in the way of progress for the sake of cheap political point-scoring. They use the excuse that they want to fund the Melbourne Metro rail tunnel, but let us look at the facts: there is no money for that project promised by the federal Labor government in the next budget — a paltry \$25 million was provided in 2015–16 and \$50 million in 2016–17. If Labor had its way, two-thirds of the funds supposedly committed would not be seen by Victorians until 2019–20 to 2023–24, if ever.

We need an all-of-the-above strategy for transport in Victoria, which state and federal Labor simply do not understand. Kevin Rudd is happy to promise \$1.8 billion to Sydney motorists for a project that has no business case, unlike the east–west link, but will not ante up the money for Victoria at the say-so of Daniel Andrews and the Victorian Labor Party. As an editorial in the *Age* of 1 August stated, Daniel Andrews is 'going the wrong way' in opposing the east–west link. If Daniel Andrews had his way, he would consign motorists to a decade of more gridlock and indecision.

Kevin, do you want to know something? Instead of sticking up for your Labor mates, when you come back to Victoria to campaign, as you are doing today, bring your chequebook and back Victorian infrastructure before you have to zip to somewhere else.

East–west link

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — Reflecting back to 1995, the then Leader of the Opposition, John Brumby, made a comment about the CityLink project. He stated:

The opposition does not support this project. The Victorian people do not support this project. We will be taking every step and every measure at every opportunity to strenuously oppose the legislation.

Imagine Melbourne today without CityLink. How wrong Labor has been proven. Fast-forward to 31 July this year, and history has repeated itself with opposition members saying in a media release that Victorian Labor 'could not support the \$8 billion tunnel'. A letter sent by Labor to voters states, 'There is no business case, no traffic numbers'. It is fair to say that, true to form, the current Leader of the Opposition offers nothing but short-sightedness, relentless opposition and mistruths.

Labor seems to have trouble with the concept of the business case. Let me remind those opposite that a business case does in fact exist for the east–west link. It has been submitted to Infrastructure Australia, and a summary is available for anyone to view on the internet.

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — Those opposite interject, but I do not recall Labor producing a business case for the desal plant. I do not recall Labor producing a business case for the north–south pipeline. In fact I do not recall Labor doing much for infrastructure. That is why we are getting on with the job of building the east–west link and those opposite are just whingeing, nagging and complaining.

Emmaus College debutante ball

Mrs KRONBERG (Eastern Metropolitan) — It was my great pleasure to attend the Emmaus College debutante ball on Saturday, 24 August. This event was the culmination of the fine work and focus of many of the staff members of Emmaus College under the stewardship of principal Tony Hirst. The 36 pairs of year 11 students making their debut provided a splendid vision for those of us who shared this special occasion with them. All the time they spent practising, considering what to wear and what etiquette and grooming standards needed to be observed to ensure that the event was glittering and glamorous paid real dividends. Congratulations to each of the students. They should be justly proud of themselves.

Taiwan Festival

Mrs KRONBERG — On another matter, the Taiwanese community in Melbourne is to be congratulated on its Taiwan Festival 2013 which was held at Federation Square on Sunday, 1 September, and highlighted the themes of culture, arts, commerce, scenery and cuisine. The organising committee chaired by Mr Vincent Liu provided Melburnians with delights, experiences and opportunities to hear about the beautiful island nation called Taiwan. In his message the federal Leader of the Opposition, the Honourable Tony Abbot, said, 'I take this opportunity to celebrate the contribution that people of Taiwanese heritage have made to our country'.

Jewish New Year

Mrs KRONBERG — Finally, I wish all members of the Jewish community in Melbourne a sweet and happy new year, peace and good health. Shana tova.

Carbon tax

Ms CROZIER (Southern Metropolitan) — With the federal election only three days away I want to put on the record my concern about the ongoing implications of a carbon tax and what it has meant to Victorian hospitals and health services. A recent analysis of energy bills for Victorian public hospitals highlights the enormous impost this tax has had. The carbon tax has cost Victorian public hospitals a staggering \$13.5 million in additional energy costs over 12 months. Energy is expensive enough without having an additional tax imposed upon our hospital operating costs.

In my Southern Metropolitan Region, Monash Health has a carbon cost of \$1.299 million, or 15 per cent of its

total \$8.847 million energy cost. For the Alfred hospital it is \$814 612, or 13 per cent of its \$6.338 million energy cost. Health services are energy intensive. They use large amounts of energy in operating theatres, in intensive care units, for kitchen and laundry facilities, for radiology and medical imaging and for general medical equipment, such as ventilators that keep patients alive. But there is no compensation for energy usage forthcoming from the federal government. Not only do Victorian health services lose but Victorian patients are also the big losers with this \$13.5 million tax, with fewer beds, fewer nurses, fewer outpatient services and fewer operations. This tax on health care is a policy from the worst federal government this country has ever had.

Federal election

Mr FINN (Western Metropolitan) — Election time brings some intriguing sights. We have seen a Prime Minister running ragged across Australia, throwing money at anything that moves and showing what pressure can do to somebody without character. We have seen a Treasurer trying to misuse his own department's findings in a grubby attempt to mislead Australians on costings. Throw in Big Clive, the Mad Katter and a variety of other loony fringe parties, and we probably have more than is strictly good for us.

One thing that has come to my attention is particularly disturbing. Yesterday a photo was posted to my Facebook wall showing a piece of graffiti in the federal seat of Wills. It showed a fence with a familiar green triangle used by one political party, with the following words painted inside: 'Vote Green — or die'. Whether a prediction or a threat — and I cannot say which it is — I find this sort of intrusion into the election campaign not just un-Australian but anti-Australian.

Victoria's most prominent parliamentary representative of the Greens party, Mr Adam Bandt, should immediately publicly dissociate himself and his party from this sort of obscenity. He should rebuke whoever is responsible for this disgraceful graffiti. I have never seen anything like this outrageous endorsement of the Greens in almost four decades of political involvement. It is up to Mr Bandt to slap this down immediately and do his best to ensure it never happens again. This is Australia. Dying because one votes the so-called 'wrong' way is not our way. It is now up to the Greens to do the right thing.

RULINGS BY THE CHAIR

Questions on notice reinstatement

The PRESIDENT — Order! I wish to indicate that Mr Barber has written to me in respect of question on notice 8152 that was put to the Minister for Higher Education and Skills for the attention of the Minister for Energy and Resources. It was a four-part question and was listed on the notice paper. Mr Barber is perhaps not satisfied with the response but accepts that parts 1 and 2 have been answered. However, he refers to parts 3 and 4, which relate to queries as to whether or not the minister or senior departmental officials met with certain companies in relation to the export of brown coal since 27 November 2010. I note in the answer from the Minister for Energy and Resources, Mr Kotsiras that there is no reference to parts 3 or 4 of the question. I therefore determine that those two parts should be reinstated on the notice paper.

MINISTER FOR PLANNING

Mr TEE (Eastern Metropolitan) — I move:

That the Minister for Planning no longer possesses the confidence of this house and —

- (1) notes that in the amended defence filed by the Minister for Planning in Supreme Court proceedings SCI 2012 250, the Minister for Planning admits that he has rezoned land at Ventnor —
 - (a) contrary to legal advice and the advice of the department of planning; and
 - (b) in breach of the requirements of the Planning and Environment Act 1987;
- (2) notes that over more than two years the minister has failed to duly answer questions put to him in relation to his conduct in this matter including in October 2011, February 2012, March 2012, May 2012, August 2012, June 2012 and June 2013;
- (3) notes the refusal of the Minister for Planning to provide any explanation to this house on —
 - (a) his conduct as outlined above;
 - (b) why, in initially rezoning the land, the minister acted contrary to the wishes of the local council, the local community and the recommendations of an independent planning panel;
 - (c) the influence of his then chief of staff and former adviser to the former Minister for Planning, Mr Robert Maclellan, had on his decision to rezone the land; and
 - (d) the influence of other prominent members of the Liberal Party including former Kennett government minister Mr Robert Maclellan, former

Premier Mr Ted Baillieu and the current federal member for Flinders, Mr Greg Hunt, who admitted that he was responsible for persuading the minister to repeal his decision;

- (4) believes that the Minister for Planning has undermined community confidence in the Victorian planning process by his conduct which has revealed that —
 - (a) planning decisions are influenced by party political patronage;
 - (b) community participation in the planning process is irrelevant; and
 - (c) the views of local councils and independent planning processes have been sidelined; and
- (5) believes that the minister's conduct has exposed the Victorian government and Victorian taxpayers to millions of dollars in damages and has undermined business confidence and investment which will result in job losses.

The opposition thought long and hard before bringing forward this censure motion. It is not a step that we take lightly. It is something we have thought about for some time. It is the first censure motion we have moved against the Minister for Planning. It reflects our frustration at the conduct of the minister, but it also reflects the seriousness of the minister's conduct. He has brought the position of the Minister for Planning into disrepute. He has done his job in a way that has harmed the integrity of planning in Victoria. Under this minister the planning processes have been disregarded. They were set aside. However, the greatest offence that this minister is guilty of is his failure to implement his fundamental duty, which is to apply the Planning and Environment Act 1987. His job as minister is to implement that legislation, and in the case of the Ventnor rezoning he failed to do so.

This is not simply the view of the opposition. This is the minister's own stated position in the Supreme Court of Victoria. In the Supreme Court documents the minister admitted that he has been negligent and that he has failed to implement the provisions of the Planning and Environment Act 1987. This is a fundamental failure and neglect of his duty as a Minister for Planning. It has brought the position into disrepute, and it has harmed the integrity of planning in Victoria.

As I have said in the motion, over a number of months now this minister has snubbed his nose at this chamber and the people of Victoria. Our chamber, although sometimes maligned in the eyes of the public, is an important part of our democratic institution of Parliament. This chamber is an important part of our accountability to the public and to ourselves. It is here in this chamber that we scrutinise and we are

scrutinised. If we do not take this institution seriously, we are diminished as individuals, and when one of us does not take this Parliament seriously we are all diminished as a profession.

And yet that is what this minister has done. More than 17 times in the last two years the minister has been asked in this chamber to explain his conduct on this matter, and he has refused to do so. He refused to answer questions about his conduct in October 2011 and in February, March, May, June and August 2012, and he again refused to come clean in June this year. As I said, in doing so his position has been diminished and he has treated us all with contempt.

He has diminished his position as minister and he has diminished our position in society and the community as members of Parliament. Notwithstanding the minister's refusal to take any one of a number of opportunities to explain his conduct in this affair, he has refused to do so. But despite his wanting to sit this one out and his hoping it would go away, the tawdry details have slowly but surely leached out. Slowly but surely the public has been drip-fed this disdainful episode as the minister's actions have been revealed over two years. Despite the minister's refusal to answer any questions and his stonewalling of any questions, the details have emerged and the minister's actions have undermined his position and the credibility of planning in Victoria.

The details of this matter have emerged despite the minister's efforts to stonewall any questions, and we have found out over two years that the minister was not motivated by the Planning and Environment Act, the concerns of the local community or the views of an independent panel. The evidence in the Supreme Court documents shows what motivated this minister was base political gain. What motivated this minister and his actions in this case was pure and simply naked political patronage. I will go through the details of what was motivating this minister. What has emerged over the last two years is that this episode was a vehicle to deliver for political mates. The minister hoped and thought he could get away with it.

Mrs Peulich interjected.

Mr TEE — I will come to the evidence.

Mrs Peulich — We're all ears.

Mr TEE — Good. The minister thought he could get away with it. Phillip Island is a long way away. He thought he could avoid scrutiny. He thought if he kept stonewalling us in this Parliament the issue would simply go away.

On 8 August 2011 the minister wrote to the mayor of the Shire of Bass Coast and said he had decided to rezone the land in Ventnor from farming to residential, and in so doing he provided a financial windfall to the owner.

Mrs Peulich interjected.

Mr TEE — Again, Mrs Peulich, this is not my view; it is the view set out in the Supreme Court documents, and I will come to those. The minister no longer disputes the Supreme Court documents. He no longer disputes that in rezoning the land he acted contrary to the wishes of the community and the recommendations of the local council and the two independent panels that advised against the rezoning of this land. On 8 August 2011 Mr Guy disregarded those works that had gone on for a number of years and delivered a slap in the face to those communities. He delivered a slap in the face to those who had faith in the planning process. He delivered a blow to those members of the community who over a number of years had put in submissions, given evidence and participated in the council process and the independent planning process.

In collaboration with the council and the panels, the community created a vision that would last for 10 to 20 years. It was a vision for jobs, a vision for growth, a vision for open space and a vision for development. Until the minister's intervention, that community of people had worked for a number of years to define the character and shape of where and how they were going to live. But that was thrown away in August 2011 when the minister disregarded all of that and wrote to the shire council to say, 'I am going to rezone the land'.

Mrs Peulich interjected.

Mr TEE — It had a devastating impact on those local community members, as I am sure that even Mrs Peulich would acknowledge. The impact was felt right across Victoria: why would you as a local community member participate in the planning process? Why would you engage with your local council or with an independent panel? Why would you put in a submission when it could be ripped apart with the stroke of a pen by this minister? Why would you trust any process that involved this minister and this government?

As bad as all that was, the culpability of the minister goes further. As well as pushing the community aside and disregarding the process, the minister acted against the legal advice he received and the advice of his own department.

Mrs Peulich — Where is the evidence? Where is the proof of gain?

Mr TEE — Mrs Peulich asks for proof. I am happy to provide Mrs Peulich with an affidavit — not the minister's affidavit — of the Victorian government solicitor dated 29 October 2012. I am trying to find the exact reference for Mrs Peulich because I want to be absolutely clear. In the affidavit by the minister's solicitor, at paragraph 34 she says that in May:

... the department prepared a brief for the minister regarding the request for ministerial intervention ...

At paragraph 35 she says that the briefing:

... recommended against the minister intervening to have the land included in the township boundary and rezoned to facilitate ... development ...

The minister himself, through his solicitors, admitted that he had advice in May — bearing in mind that in August he rezoned the land — from the department — —

Mr Finn interjected.

Mr TEE — Mr Finn asks, 'Where is the proof?'. This is the affidavit — —

The PRESIDENT — Order! I note from the speakers list that both Mr Finn and Mrs Peulich will be contributing to this debate. I suggest they hold fire and wait until they have the opportunity to speak. I have been fairly tolerant of constant interjections directed to Mr Tee, who is a robust debater and I do not think it has distracted him, but nonetheless I think members have reached the limit of my tolerance in terms of constant interjections. Mr Tee to continue without assistance.

Mr TEE — As I said, I am just going through the affidavit filed for the minister in the Supreme Court proceedings where it admits at paragraph 35 that in May the minister received advice from his department not to proceed with the rezoning, as we have already seen, and I have the letter from August to the mayor as proof that the minister rezoned the land in August.

The minister received the brief which recommended not to rezone in May. At paragraph 36 his solicitor says:

On 3 June 2011, and despite the content of the ... briefing ... an adviser to the minister, requested that the department progress the preparation of an amendment ...

The minister's solicitor says that contrary to the departmental advice, the minister, through his office, directed the preparation of the rezoning. Then what

happened, Mrs Peulich, and I am just taking you through the minister's version of events through his affidavit, which I am more than happy to provide, is — —

Mr Finn — On a point of order, President, you have quite correctly rebuked me and Mrs Peulich for interjecting. Can I suggest, given that Mr Tee is refusing to direct his comments through the Chair and is in fact directing his comments to either me or Mrs Peulich, that he is asking for interjections and as a result is flouting your ruling.

The PRESIDENT — Order! I was about to rise to my feet and say exactly that. In terms of Mr Tee's debate, to be referring the matter simply to Mrs Peulich, who will be but one of the speakers in this debate, is in fact inviting her to participate further right now by way of interjection rather than by her subsequent contribution later in the debate. Mr Finn is absolutely right that the matter should be referred through the Chair, and I think that these are matters of interest to all members of Parliament, not simply one member. I uphold the point of order.

Mr TEE — Thank you, President, I will direct my comments through you. We have a briefing to the minister advising not to rezone. The minister's office was saying he should disregard the briefing; it wanted to rezone. What the department did — and again this is in the affidavit filed on behalf of the minister, bearing in mind that he rezoned in August — is in July the department obtained legal advice from a lawyer within the department to ascertain whether it was appropriate for the minister to exempt himself from notice under the act in relation to the proposed amendment. That advice, according to paragraph 38 of the affidavit filed by the minister, recommended against the legal advice, recommended against the exercise of the power to rezone. There is the departmental advice and there is the legal advice.

As we continue with this tawdry tale, what happened, as we know from paragraph 39 of the affidavit, is that on 25 July the department provided the minister with further advice — the second piece of advice. This second briefing confirmed to the minister the legal advice that the department had provided, which recommended against rezoning. In seeking to rezone, the minister was trying to use section 20(4) of the Planning and Environment Act 1987 to provide himself with an exemption so that he did not have to provide notice and he did not have to go through the process. He wanted to come in over the top and use that as a vehicle. The legal advice was that he did not have the power to do so and that to do so would be a breach of

the act and he could not exercise this power because there was no basis for him to exercise that power in that way. For a second time the department advised the minister that he ought not behave in that way because in doing so he would be acting in breach of the act — that he did not have the power under the act to behave as he did.

Despite the legal advice, despite the departmental advice, despite the community concerns, despite the council, despite the independent panel — despite all that — in August, as members know, the minister decided to proceed with the rezoning, and the letter from the minister is evidence of that. This house is entitled to ask: who stood to benefit and who gained out of this process?

Mrs Peulich interjected.

Mr TEE — Again, what we then find is that the real action was not in the department, the community or the council, but that it occurred around a very small number of very influential people with very close ties to the Liberal Party. What we find as we read through the affidavit material — and again I am happy to take Mrs Peulich through it chapter and verse and to give it to her — is that a small number of people very closely associated with the Liberal Party were the ones who stood to gain out of this process.

The first was obviously Ms Carley Nicholls, who wanted to buy the land. She had put in a conditional offer and she wanted to buy the land. She has set out in her affidavit material that she stood to gain millions of dollars if she converted her conditional offer and bought the land outright, but she wanted Mr Guy to rezone the land. Her husband was a member of the Liberal Party.

The local Liberal Party MP, Mr Ken Smith, the member for Bass in the other place, organised a meeting with Ms Nicholls and the Minister for Planning at her home in Silverleaves on Phillip Island. Mr Guy has made much of the fact that the meeting could not have occurred because Ms Nicholls lives in Caulfield. He has spoken about a long kitchen table. Through you, President — I note that the minister is not in the chamber — no-one has ever alleged that the meeting occurred in Caulfield. The meeting occurred at Ms Nicholls's house in Silverleaves on Phillip Island.

What we also know through the affidavit material filed in the court proceedings is that Ms Nicholls's husband, a member of the Liberal Party, regularly contacted the minister's chief of staff, attempting to push through the redevelopment. On a number of occasions contact was

made between Ms Nicholls's husband and the minister's then chief of staff, Meg Bartel. This again is another interesting link between Ms Bartel and her former employer, who happened to be Mr Rob Maclellan, a former planning minister in the Kennett government, a long-time resident of Phillip Island and a passionate advocate for development on that land. The Minister for Planning has already admitted that he met with Mr Maclellan on the land, the subject of this issue, so the minister visited the site with the former minister.

What we had on the one hand were the community and the department and on the other hand a small group of Liberal Party members who wanted to have the land developed and who stood to gain millions of dollars if the land was redeveloped.

Mrs Peulich interjected.

Mr TEE — That is the affidavit material, Mrs Peulich. As we have seen, in August the minister rezoned the land. Then, as has now become notorious, we had the minister's spectacular backflip. After he told Ms Carley Nicholls that the land had been rezoned — again, we have that letter — and Ms Nicholls bought the land, the minister then changed his mind. Ms Nicholls went from paying top dollar for land that she was going to redevelop and put 200 houses on to owning farmland. She felt aggrieved. She felt that the minister, her mate, had let her down and she sued and she sued. As a result of that, all this murkiness has been revealed. We know that in order to settle the case the taxpayers, on behalf of the minister, have paid more than \$3 million — \$3 million! — to cover up for the minister's incompetence.

The question again needs to be asked: why? Why did he backflip? Was it the public outrage? Was it, as Mr Barber suggested, the tweet of Miley Cyrus? It is interesting to note that another Liberal Party member has taken credit for this because of his intervention. The federal member for Flinders, Mr Greg Hunt —

Mrs Peulich interjected.

Mr TEE — Mrs Peulich might dispute Mr Hunt's version of events, but he says he was the one who was responsible for persuading the minister to change his mind.

Mrs Peulich interjected.

Mr TEE — Mrs Peulich says, 'So what?', but imagine being a member of the public watching this undignified squabble between one small group — a small handful of Liberal Party members — and another Liberal Party member over the rezoning of this land.

We had this tug of war between Robert Maclellan on the one hand and Greg Hunt on the other hand; we had a squabble between the two factions of the Liberal Party, a squabble that has cost taxpayers \$3 million.

This squabble has completely put aside the views of the community and the independent panel; those views have all been put aside. What we have seen is much more than an embarrassing episode in Victorian planning history. It is much more than a sordid episode, because it demonstrates a very opaque system of planning in Victoria, where it does not matter what the community thinks, what councils, panels or the department think or what the legal advice is. None of that matters at all. It is your ticket to the Liberal Party that gets you over the line. It is your membership card that makes the difference; it is your status. It is certainly not what you know in Victoria.

What is really at the heart of this motion is the divide between the process and the act and motivations of the minister on this occasion. I urge this house to support the censure motion; I urge members to support the motion to take a stand against the appalling behaviour of the minister. I wish to repeat that none of this is contested: it is all in the affidavit material, it has been disclosed through the material that the opposition has obtained through FOI. The material is out there on the public record, and it is not disputed. The facts are not in dispute here; the only thing that is in dispute is whether we are going to stand idly by and let this episode go unnoted or take a stand and say this is not how you conduct planning in Victoria.

The debate is not about the facts, which are now out in the public domain. They are not in dispute. The only thing that is in dispute is how we deal with the facts. How do we — as human beings, as a Parliament, as politicians — respond to what we know.

Mrs Peulich interjected.

Mr TEE — Mrs Peulich asks where the political gain is. It is \$3 million to his Liberal Party mates.

Mrs Peulich interjected.

Mr Leane — On a point of order, Acting President, before you took the chair the President requested that Mrs Peulich desist from her constant interjections. I think that since the President has left the chair she has been trying to take advantage of his not being present to flout his ruling.

The ACTING PRESIDENT (Mr Tarlamis) — Order! I uphold the point of order, and I remind members of the previous rulings and comments made

by the President. I ask them to desist from interjecting. There are plenty of opportunities to speak, and I ask members to use those opportunities if they wish to make contributions.

Mr TEE — Really, this is not a debate about the facts, as they are not in dispute. The affidavit material is on the public record. The minister's defence is on the public record. The admissions are all on the public record. The issue before the house today is: how do we respond to that? This motion urges the house, and all of us, to draw a line in the sand and say that we will not accept this sort of behaviour in the future. We want a better planning system. Victorians deserve a system that is transparent and a process that is open and accountable. What we have seen in this unfortunate episode is that none of those benchmarks are being met. And that is what this motion seeks.

Let us put aside this unfortunate episode in Victorian planning history, draw a line in the sand and look to a better future. This motion seeks to find a way for us as a Parliament and as a community to move forward and to learn the lessons, to accept that mistakes have been made and to find a better way. This is not simply a matter of political intrigue; it is about investment, certainty and saying to the local community as well as communities right across Victoria that they should have confidence in the system. It is about saying to the business community that this is a clear and accountable system. The business community should have confidence that if it presents a case with merit, it will be heard. The evidence is out there that this is not what has occurred on this occasion, and the motion seeks to remedy that. I urge the house to support the motion.

Hon. D. M. DAVIS (Minister for Health) — The Minister for Planning, Mr Guy, is a good minister and an honest minister, and this motion is misplaced. Those who have been in this chamber for a long period know it is an uncommon event to see a motion of no confidence in a minister, and these motions ought not be brought to the chamber lightly. No-confidence motions send an important signal, and they should not be misused. They should be used in a way that is sparing, balanced and focused on evidence and facts. The presentation that we heard from Mr Tee today was lacking on all of those points. It was lacking in balance, lacking in evidence and lacking in hard facts to support what he has brought forward.

Minister Guy has the confidence and support of this house and of the government and the Parliament more generally. Minister Guy has acquitted himself very well as a minister. He has begun the difficult process of reforming planning zones. He has undertaken a series

of important landmark reforms, and the process to bring about a metropolitan planning strategy will see a much better planning system in Victoria, with more local control, more local input and more community input than has been the case hitherto. He has begun those processes and is going about that reform assiduously. By the end of this term of government people will look at the work that Minister Guy has done in reforming planning and see that there have been some foundational changes that have made for a better and fairer planning system with much greater community input.

As I proceed today I intend to look at the points proposed by Mr Tee in his motion and to dismiss them one by one, because they are either simply nonsense or not based on evidence, and I will contrast this motion with other motions that have been brought to this chamber that did have the evidence and material behind them that this motion does not. In his motion Mr Tee says he notes the amended defence filed by the Minister for Planning in the Supreme Court and claims it was contrary to legal advice and the advice of the then Department of Planning and in breach of the requirements of the Planning and Environment Act 1987. I put it to the house that it was not in breach of the requirements of the Planning and Environment Act and that advice from departments and legal advice is varied — sometimes it is accurate and wise and sometimes not. Ministers have to make decisions, and they have to make decisions on the basis of advice, but they do not have to accept every piece of advice that is put to them. A minister making a decision against the advice of his department or her department is a common occurrence, and those on the other side who have been ministers will understand that.

Mr Barber — I've been a councillor.

Hon. D. M. DAVIS — Mr Barber has been a councillor, and he understands. It is the role of bureaucrats to put forward information, facts and advice, but that does not mean it always and invariably has to be accepted. Ministers can have a different view, can have different information and can challenge advice and the basis on which advice is provided. On this occasion it is clear that there was one lot of advice and Mr Guy has not always and invariably accepted that advice. A minister can do that.

Let me be clear on this. It is a fact that there was an action in the Supreme Court and an amended defence. However, it is not uncommon for planning ministers to have these sorts of legal cases. On a number of occasions in this house Mr Guy has outlined in full examples of occasions where legal action was brought

against planning ministers under many governments. It is not an unusual outcome because people often do not agree with the decision of a planning minister. Planning is one of those difficult portfolios where a decision by a minister can have an effect on outcomes for a particular individual or firm, and on certain occasions the individual or firm will have recourse to law. That is our system, and we should not be surprised that a planning minister like Mr Guy has to defend himself from time to time in that way, as have all planning ministers under governments of all political colours.

Paragraph (3) of Mr Tee's motion says he notes the refusal of the Minister for Planning to provide an explanation to the house. In fact it is my strong view that Mr Guy has provided a great deal of information to the house. He has provided full explanations on a number of matters. At some points in time he was not at liberty to do so because a legal action was in train. Obviously that is a circumstance that on some occasions limits the capacity of ministers to give the full explanation that they might like to. However, since that legal action has been completed Mr Guy has given a full explanation to the house. I for one am persuaded by his points to the house and the information that he has provided. Paragraph (3) also goes on to claim that Mr Guy has not provided an explanation of why in initially rezoning the land he acted, in the words of the motion, 'contrary to the wishes of the local council, the local community'. I will let Mr Guy explain the details of these matters, but I am persuaded by the full and complete explanations that he has provided to the house.

Paragraph (3)(c) of Mr Tee's motion asserts 'the influence of his then chief of staff'. Meg Bartel is a fine person who has served Victoria well in a number of capacities for a number of years. I put on record that she is a person of integrity, honesty and great capacity. To slur her in this way is simply outrageous. Paragraph (3)(d) of the motion says:

the influence of other prominent members of the Liberal Party including former Kennett government minister Mr Robert Maclellan, former Premier Mr Ted Baillieu and the current federal member for Flinders, Mr Greg Hunt, who admitted that he was responsible for persuading the minister to repeal his decision.

I suggest 'admitted' is a very strange choice of words. These are people of prominence in the community who are being attacked through this motion by Mr Tee, and he is attacking them without justification. This is an attempt to smear. It is an attempt to hold matters of probity and integrity in public life to a very low standard, and I do not believe for one moment that this motion stands up. The evidence that has been produced

has not been of a standard that would in any way persuade me.

Paragraph (4) of the motion states that the planning minister has undermined community confidence in Victorian planning processes. All of Minister Guy's activities have been about empowering communities. Residential zones and other key steps of that type are about providing greater local autonomy, greater local power, greater local input and greater community input. I for one very much believe that this is the right trend, and I support Minister Guy's direction.

Those who were in this house at the end of the last Parliament will remember the combination of Greens and ALP members who refused to extend debate on planning amendment VC67. That proposal stripped away community powers in a very nasty way, and those who were part of the campaign to see it overturned will remember that very well. In this context, to have Mr Tee talk about community participation is a bit rich. Of course he spent time in the office of former planning minister Rob Hulls. That was a minister who did not advance community participation; he overrode community participation.

While we are talking about community participation, for goodness sake, what about the Hotel Windsor development? The ABC got hold of a document that talked about sham community consultation. That was the focus of the previous government, the previous planning minister and other former ministers — sham community consultation. According to their own document, they made decisions on the basis of sham community consultation. It is extraordinary for members opposite to come into this chamber now and talk in any way about community consultation after ministers in the former government were involved in sham community consultation. It is simply appalling.

There was also the overriding of local community views in relation to the Barwon Heads bridge, and former MP Michael Crutchfield's extraordinary intervention after this chamber passed a disallowance motion overriding the decisions of the then planning minister. The former government went around that disallowance another way and overrode the community's views on that important set of steps on the Bellarine Peninsula.

Paragraph (5) of the motion states that the minister's conduct has exposed the Victorian government and Victorian taxpayers to millions of dollars in damages. It is routine that settlements are not disclosed in these cases. As Mr Guy has pointed out, that has been the case under all planning ministers over a long period. He

has demonstrated a greater level of transparency here, indicating that at times of annual reports there will be greater transparency. There is a solid case for that. It is not the case that he has behaved in any way differently to any other planning minister in this matter. The fact is that settlements are made and cases that are brought against planning ministers need to be sensibly managed.

It is important to think about previous no-confidence motions in this chamber and to look at the strength of evidence that was behind those. I am going to quote some sections of a motion I brought to this chamber on 3 June 2009. That motion was against the previous planning minister and was carried by this chamber. It stated that the Minister for Planning no longer possessed the confidence of this house, and it noted the Victorian Ombudsman's report on the investigation into the alleged improper conduct of councillors at Brimbank City Council, tabled on 7 May 2009. That was a stinging report. It was a damaging report for the government, and the Ombudsman's investigations laid out a pattern of behaviour by the then minister. The Ombudsman certainly got to the bottom of what the then planning minister, Justin Madden, was up to. This chamber passed judgement on that, and it did so on the basis of the very strong evidence in that report. I know Mr Finn has firsthand knowledge of the behaviour of some parts of the Australian Labor Party in the western suburbs.

The motion noted the minister's failure to fully answer questions put to him in this house. That is true — he did fail to fully answer them. It also noted the fact that the minister misled this house. He was also caught making contradictory statements. It was very clear that he had misled the house. The motion further noted:

... that the minister knew of the political corruption in his office having been informed of the issues concerning Mr Hakki Suleyman through a series of questions and statements in this house between 2005 and 2008 —

and through correspondence which was referred directly to in this chamber and was made publicly available by the Sunshine Residents and Ratepayers Association. This material was made available to the then minister, showing directly the political corruption of parts of the ALP in the western suburbs that involved members of his office. We can see an extraordinary difference between the motion that has been brought today and the motion that came to the chamber on an earlier occasion. That motion also noted:

... that the minister allowed politically corrupt activities, including improper influence and political standover tactics, in his office to continue despite being warned ...

He was warned repeatedly — —

Mr Viney — On a point of order, Acting President, I am pleased that Mr Davis has opened up these issues, and when I speak I will be happy to respond. However, I think the minister ought to be brought back to the motion. This is a censure motion about Mr Guy. We are not debating a motion that was considered and dealt with in the last Parliament.

Hon. D. M. DAVIS — On the point of order, Acting President, clearly I am looking at similar motions that have come to this chamber about the want of confidence in ministers and comparing the standard of evidence that was behind those motions with the lack of evidence behind this motion.

Mr Finn — On the point of order, Acting President, the point Mr Davis made is a very good one — that is, that for us to make any comment on the current planning minister we must make comparisons with benchmarks set by previous planning ministers. I believe that Mr Davis is attempting to use a perfectly legitimate form of argument in this debate, and I ask you to rule the point of order out of order.

Mr Viney — Further on the point of order, Acting President, I concur that a passing reference to previous debates in this chamber can be relevant in a debate, but this is not a passing reference. The entire speech that Mr Davis is delivering is devoted to matters associated with a former Minister for Planning in the last Parliament. That is clearly pushing the matter way beyond the debating rules of this place, and he ought to be asked to come back to the motion before the Chair.

Mrs Peulich — On the point of order, Acting President, Mr Viney is having two bites at the same cherry, not having communicated his first point of order very persuasively. The points raised and covered by Mr Davis in detail go to the very heart of this motion — that is, the level of proof and evidence that this house requires in order to properly consider a no-confidence motion in a minister. I think it is entirely appropriate to canvass the previous motions that have been moved in this house, their outcomes and the level of evidence provided during the debates.

The ACTING PRESIDENT (Mr Tarlamis) — Order! The Leader of the Government has some latitude as the lead speaker. I believe he was straying somewhat from the motion and I ask him to come back to the motion.

Hon. D. M. DAVIS — As you know, Acting President, I did step through every single point of Mr Tee's motion in great detail, and I am, as

Mrs Peulich outlined, wanting to get on record a number of the points that were made in other motions as a point of counterpoising the evidence requirement of this house to successfully support a motion of no confidence in a minister.

The second part of the motion that was brought in 2009 related to the minister's constituency of Western Metropolitan Region. It held that it was not acceptable to condone or accept:

- (a) a minister who knew about corruption in his office and failed to act;
- (b) a minister who knew his staff were intimidating rather than assisting — —

Mr Viney — On a point of order, Acting President, you just asked the Leader of the Government to come back to the motion before the Chair and he immediately started debating and canvassing historic matters in relation to a previous debate in this chamber in the previous Parliament. Surely this is completely untenable. The minister is required to debate the matter before the Chair, and not a matter that was before a previous President in a previous Parliament.

Mr Finn — On the point of order, Acting President, I can fully understand why Mr Viney wants to shut the debate down with respect to Justin Madden's benchmarks — —

The ACTING PRESIDENT (Mr Tarlamis) — Order! I say to Mr Finn that that is not a point of order. If he has a point of order, I ask him to raise it.

Mr Finn — If you listened to me, Acting President, you would understand the point that I am making, and that is that the points being made by Mr Davis are legitimate debating points, comparing the performance of this minister with previous — —

Mr Viney — It is not relevant.

Mr Finn — It is very relevant, Mr Viney. It is comparing the performance of this minister with previous planning ministers. That has to be a legitimate point to be made in this debate. To rule discussions of previous planning ministers out of this debate makes a joke of the whole thing and just destroys any relevance that this debate might have to anything or anyone.

Mrs Peulich — On the point of order, Acting President, the motion is very broad. It talks about how a minister's conduct may expose the government of the day and taxpayers. It talks about undermining community confidence. It talks about Victorian planning processes and the Planning and Environment

Act 1987. All the matters that Mr Davis is raising are relevant to all those points. He seeks to compare the levels of proof and evidence that are required — in particular for new members to the Parliament to understand the level of proof and the level of evidence that are required — for a censure motion against a minister of the government to be passed in this house. It is entirely appropriate that Mr Davis cite some of that evidence, which is on the record in documents that have been tabled in this Parliament.

Mr Ondarchie — On the point of order, Acting President, I believe it is reasonable that members are allowed to contextualise their responses to motions before this chamber, and other Acting Presidents and Presidents have ruled on the fact. I think Mr Davis is doing that. I suggest that you rule the point of order out of order.

Mr Viney — Further on the point of order, Acting President, members seem to be misunderstanding the point of order that I raised. The point of order I raised was not my original point of order, which was that I believed the debate had strayed from what was before the Chair. You ruled on that, Acting President, and you asked the minister to come back to the motion before the Chair. My subsequent point of order is that he is flouting that — that you asked him to come back to the motion before the Chair and he has not. He has continued the same speech, attacking a previous minister in a previous Parliament about a previous debate. That was my original point of order, you have ruled on it correctly and the minister is ignoring it.

Mrs Peulich — Further on the point of order, Acting President, in your ruling — and I think Mr Viney is streamlining your ruling selectively — you pointed out that as the lead speaker for the government against a very serious motion the lead speaker has a certain degree of latitude. I believe Mr Davis's comments so far are within those parameters.

The ACTING PRESIDENT (Mr Tarlamis) — Order! In regard to the point of order, as per my previous ruling, I ask the minister to come back to the motion. He can make passing references to it, but it should not be the substance of his contribution.

Hon. D. M. DAVIS — At paragraph (5) of Mr Tee's motion, he says he believes:

... the minister's conduct has exposed the Victorian government and Victorian taxpayers to millions of dollars in damages ...

He is asserting that there is a cost to the system. I have indicated that of course there are legal actions brought

against planning ministers from time to time, but I know in an earlier motion that was brought to the chamber on 3 June 2009 the following points were made:

- (c) a minister whose office influenced a series of planning decisions so that community resources were reallocated in the interests of ALP mates; and
- (d) a minister whose office diverted local community resources away from the community and set them up as Australian Labor Party resources, and branch head offices.

That is what Mr Madden, a previous planning minister, did. He misused community resources in that way. Contrast that in this very stark way to a minister who is going about his job in a proper way and who does get involved in some litigation with an aggrieved party. Those actions occur — there are proper legal actions — but those actions have now been settled.

The contrast with the previous Minister for Planning is that the previous minister made planning decisions so that community resources were reallocated in the interests of his ALP mates. The minister's office diverted local community resources away from the community and set them up as Australian Labor Party resources and branch head offices. That is an extraordinary misuse of resources, and there was the evidence there. We had the diary entries. Marilyn Canet gave me the diaries, gave me the information which I presented in this house, the formal diary entries showing when she went into that office and said corrupt conduct was happening in the office. Of course this chamber was unhappy to see a minister of the Crown undertaking corrupt conduct in his office, and of course this chamber was going to censure a corrupt minister of the Crown like Justin Madden — a corrupt minister. This chamber was not happy with that minister, and twice we censured him, but we did it on the basis of evidence — the Ombudsman's reports, documents, actual facts.

Ms Broad — On a point of order, Acting President, if the Leader of the Government wants to throw around terms like 'corrupt minister', assuming he is not referring to Mr Guy, then perhaps he should use the standing orders and move a substantive motion in relation — —

Hon. D. M. DAVIS — There has been one.

Ms Broad — No, now, Minister. Perhaps you would like to speak to a different motion than the one you are speaking to and — —

The ACTING PRESIDENT (Mr Finn) — Order! Ms Broad might like to address her comments through the Chair.

Ms Broad — I will ignore the disorderly interjections, Acting President, and indeed address the Chair. Under standing orders if a member wants to address a motion where they accuse a member of being corrupt, they are required to move a substantive motion and speak to that motion. The motion before the Chair right now does not accuse a former planning minister and current member of the lower house of being corrupt, so again assuming that the Leader of the Government is not accusing Mr Guy of being corrupt, perhaps he would like to come back to the motion and address the motion before the Chair.

Hon. D. M. DAVIS — On the point of order, Acting President, there was such a motion. It was brought to this house and it was passed. I draw the attention of the house to the *Minutes of the Proceedings* no. 119, 3 June 2009, and the motion headed ‘Want of confidence in the Minister for Planning’. That debate included phrases like ‘the minister knew of the political corruption in his office’. It is not acceptable to condone a minister —

Mr Viney interjected.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Davis has the call at the moment. If Mr Viney wishes to take his turn, I will be very happy to hear him, but Mr Davis has the call at the moment.

Mr Viney interjected.

The ACTING PRESIDENT (Mr Finn) — Mr Viney! Mr Davis on the point of order.

Hon. D. M. DAVIS — As I said, reading from the *Minutes of the Proceedings* no. 119, 3 June 2009, makes it clear that the chamber actually saw such a motion, dealt with the motion, looked at the evidence and came to a conclusion. Ms Broad wants me to bring forward such a motion. In fact such a motion has been brought forward, and it is entirely within my scope as lead speaker here to look at the standard that is required for a want of confidence motion and to look at similar motions in recent times.

Mr Viney — On the point of order, Acting President, it is an outrageous abuse of the processes of points of order for the Leader of the Government to be reprosecuting allegations that are the subject of a point of order. The point of order is clear. If Mr Davis wishes to make allegations about a serving member of this Parliament, he must do so by substantive motion. It

does not matter how many motions there have been in the past; if in any debate in this chamber he wishes to make allegations about someone, it must be done by using the proper forms of the house.

Mr O’Brien — On the point of order, Acting President, I was listening to the aspect of the debate that Mr Davis was referring to. He was referring to the previous conduct that had been considered — and he has explained that in the point of order — which is relevant to the question of whether this present minister possesses the confidence of the house. Further, I note that in Ms Broad’s point of order she sought a number of times to inappropriately characterise the conduct that Mr Davis was referring to in terms of the present minister, and I think that answers Mr Viney’s further point of order as well.

Mrs Peulich — On the point of order, Acting President, I think we have covered the ground in previous points of order. It absolutely goes to the heart of this motion, and that is to compare and contrast the level of evidence and detail that has been presented to this chamber via documents tabled in this house and attempts to summarise the content of a debate that has been conducted in this chamber. It is not reprosecuting the case, it is summarising in order to compare and contrast the level of detail and evidence that is required for a censure motion against a minister to succeed. I think it absolutely goes to the heart of this motion. New members of Parliament who were not privy to the previous debates and who may not quite understand the level of evidence that is required deserve the opportunity to be apprised of past practices of this chamber.

The ACTING PRESIDENT (Mr Finn) — Order! I thank members for their contributions and their advice to the Chair. My view is that reference to previous standards as set by previous ministers should be admissible in debates such as this. This is a very serious motion. There are very few motions that are more serious than the one that is before the Chair at the moment. However, it is very difficult for me to rule on this point of order without having the wording of the motions that have previously been agreed to by the house in relation to the previous planning minister, Mr Madden. I have concerns that Mr Davis has made certain allegations against a sitting member of the Parliament, albeit in another place. Those concerns are, as has been pointed out by Mr Viney and Ms Broad, that no such allegations of corruption — I think the term is — can be made without a substantive motion.

I am concerned that that accusation has been made, but as I say, it is very difficult for me to make a ruling

without seeing the wording of the motions that have previously been agreed to by this house, albeit in a previous Parliament. So I do not uphold the point of order at the moment, but I do caution Mr Davis to use discretion when referring to sitting members of the Parliament.

Hon. D. M. DAVIS — Acting President, there have been a number of these motions in the chamber in the recent period. In the *Minutes of the Proceedings* no. 159, 10 March 2010, there is also a want of confidence motion in the then Minister for Planning, Justin Madden. It drew on information provided in the earlier motion but also on the sham consultation strategy regarding the Windsor Hotel redevelopment. In terms of the community consultation aspect of Mr Tee's motion, it was very clear that the evidence of a lack of community consultation at that time was very strong. There was actually a formal government document outlining a sham community consultation process that was accepted as a legitimate document by the chamber and was in part the basis of the motion that was brought to and accepted by this chamber on 10 March 2010.

In each of those cases there were very long debates — 5 hours and 47 minutes on the first one and 7 hours and 1 minute on the second one. The debates looked forensically at the evidence that was presented. They looked very closely at the weight and the veracity of that evidence. What we have seen today with the motion moved in the chamber by Mr Tee is a complete lack of real evidence and a complete lack of an actual basis for the allegations and statements he has made in the motion.

The steps in this motion are not proven, they are not shown to be reasonable assertions and they do not have the evidence behind them. For those reasons I indicate to the chamber that I believe the chamber should reject Mr Tee's motion and that Mr Guy, as Minister for Planning, does still possess the confidence of the house. As I said, he is a good minister, he is an honest minister, and this is a misplaced motion. In my view it is an abuse of process. It is focused on repeating negative assertions which are not backed by facts and which ought not have been brought to the chamber in this form. The minister has done the right thing in answering these points, and he has gone much further than the former Minister for Planning did on any of those matters. My point is that this motion should be rejected.

Mr VINEY (Eastern Victoria) — I rise to support the motion, and I do so for a number of reasons. Not the least is that when a minister is appointed to the area that

he or she held as a shadow minister, their record as a shadow minister stands as part of the consideration of how they might behave as a minister. The positions this minister took against the former Minister for Planning, Justin Madden, now the member for Essendon in the Assembly, include him making allegations in a public hearing of the Standing Committee on Finance and Public Administration by saying, 'Chair, we are investigating corruption. That is what this is about, corruption'.

In the debates on the motions seeking to censure the former planning minister Mr Guy accused the then planning minister of being both unintelligent and ignorant. He set the bar for the standard upon which a Minister for Planning should be judged in this place. For all of the bluster of Mr Davis, who spent his entire contribution talking about debates in this chamber in the last Parliament, we know this about the former planning minister, Justin Madden, and the contrast between him and Mr Guy. We all know that every planning minister is potentially going to be sued for making decisions and following processes; they are all open to that potential risk. But one thing is sure: the former Minister for Planning, Mr Madden, never had to pay millions of dollars of hush money. Not once did he have to pay millions of dollars of hush money to silence people who were objecting to the mismanagement of a planning process, as Mr Guy has had to do.

Not only that but Mr Guy had to use civil procedure to cover over the fact that he had mishandled the planning process to the point where in court any judge would have overturned the decision. Why? Because a minister cannot intervene in a project twice, and that is what this minister has had to do. He intervened in the project to make the planning decision — he intervened on that occasion. He failed to complete the process of what he announced by gazetting the matter, and then he reversed his decision, which was in effect a second intervention. That is not available to a minister. You cannot intervene twice, and that is what he did. Any court would have instructed the minister to complete the original intervention. A court would have made that instruction.

What Mr Guy has done is use a civil process to cover the fact that he completely mishandled the planning process in the first place — that he did not follow proper planning law. On two accounts this minister needs to be censured for his mismanagement: that he participated in a process that paid hush money to silence the criticism of people who had been disadvantaged by his decision and that he used that process to cover the fact that he did not follow the

proper planning processes and planning law. That is why this minister needs to be censured by this chamber.

I was in this chamber and participated in all of the debates on the former Minister for Planning, Justin Madden. I was a member of the committee that investigated the so-called Hotel Windsor matter, and at no point did the then members of the opposition make a case. Yet in this debate Mr Tee in his contribution has laid before the house all of the matters related to this Ventnor planning issue, which is an issue that has raised serious concerns and objections in my electorate. This is an issue that has deeply affected and concerned people in Phillip Island, and the minister in his intervention demonstrated he had no interest in the concerns that were being loudly and clearly expressed at the time. He chose to intervene, and Mr Tee has outlined relationships between the Minister for Planning and others that raise legitimate questions as to why this Minister for Planning chose to intervene in the way that he did.

What we are learning about this planning minister is that his interventions tend to have relationships to relationships. It is interesting that we have not seen from this minister the transparency and openness that he called for and the previous government put in place. He has not laid before the house all of the information that is available on his interventions. I am not even sure that he has publicly listed all of the interventions that he has made in the planning sphere. I stand to be corrected on that. I do not sit and watch the Minister for Planning every day, but I am concerned about the lack of openness under this government and through his responsibilities as Minister for Planning.

I am surprised about the rapidity and the extent of the disintegration of this coalition government. If you think about it, in two-and-a-half years this government has changed its Premier and its Treasurer, it has lost its police minister and it has had the Simon Overland scandal. In two-and-a-half years it has had — —

Mr O'Brien — On a point of order, Acting President, the member is straying well away from the motion. I ask you to call him back to the motion.

The ACTING PRESIDENT (Mr Finn) — Order! I thank Mr O'Brien. I was having similar thoughts myself. It is valid for Mr Viney to discuss previous planning ministers and matters relating to planning going back some decades if he wishes. However, I do not believe it is appropriate for him to wander down memory lane and talk about every aspect of this government over almost the past three years. I ask

Mr Viney to keep those comments in mind, and I uphold Mr O'Brien's point of order.

Mr VINEY — That is quite incredible, Acting President. On the one hand it is apparently okay to have a contextual discussion about whether or not — —

Mrs Peulich — On a point of order, Acting President, I am concerned that the Deputy President is embarking on a reflection on the Chair's ruling, which I would hope, given his position, he would resist. As he pointed out in the opening part of his argument, he justifies the importance of this debate on the basis of the standard set — —

The ACTING PRESIDENT (Mr Finn) — Order! I have heard enough.

Mr VINEY — On the point of order, Acting President, I was reflecting on Mr O'Brien's intervention, not yours. Far be it from me to reflect on any decision of the Chair, but Mr O'Brien raised the point of order.

Mr O'Brien — On the point of order, Acting President, if Mr Viney is reflecting on my intervention, which was to bring him back to the motion which you then upheld, he must also be reflecting on your ruling.

The ACTING PRESIDENT (Mr Finn) — Order! That may be a fair point, but I will not go into it at this point of time. I do not uphold the point of order; however, I urge Mr Viney to return to the motion and resist any temptation to go down the path that Mrs Peulich may have been suggesting he was following.

Mr VINEY — I will just respond to what Mr Davis said, because you, Acting President, and others have said it is legitimate debate to talk about motions from previous parliaments. All of that is apparently good fun, good sport and good context. The facts are these: in the same parliaments in which Mr Madden was planning minister and the former member for Niddrie in the Assembly, Mr Hulls — to whom I think Mr Davis referred — was planning minister, we had a stable government. We had a government that managed to maintain a AAA credit rating.

In those previous parliaments those same governments had a good, solid planning policy and good, strong planning ministers who were prepared to make decisions. Not once did any of them — not a single planning minister, not Mr Thwaites, Mr Hulls or Mr Madden — ever have to pay hush money. Not one of them had to pay somewhere between \$2 million and \$4 million in hush money to people who objected to the

process, as the Minister for Planning in this Parliament has done. It is instructive that this Minister for Planning is part of a government that has seen such dramatic change and crises throughout its two-and-a-half to three years in office. It has seen the sacking of a Premier — and Mr Guy was well behind that. It has seen the sacking of a Treasurer. It has seen the sacking of a police minister. It has seen the sacking of parliamentary secretaries for police.

Mr O'Brien — On a point of order, Acting President, I raise the same point of order that I raised earlier in relation to relevance, and now a further of point of order in that Mr Viney is flagrantly disregarding your ruling. I ask you to bring him back to the bill and impose whatever other sanctions that you consider necessary.

The ACTING PRESIDENT (Mr Finn) — Order! I do not uphold the point of order at the moment. Mr Viney has strayed slightly from the motion, it has to be said, but not to the extent that he had earlier. I strongly encourage him to return to the matters contained within the motion. If he particularly refers to past events, those matters should be related to ministers for planning or planning matters.

Mr VINEY — It is always interesting to see ministers in this place taking offence at being called to account. In this very debate the Leader of the Government, Mr David Davis, has spent time attacking former ministers and serving members of this Parliament and making outrageous allegations, as Mr Guy did when he was shadow minister. Mr Guy stood in the room during a Standing Committee on Finance and Public Administration screaming, ‘This is about corruption!’ at the top of his voice, because the cameras were there. That is what he did. He knew that was not about corruption. He knew there may well have been a good and proper investigation, in a parliamentary sense, of a process, of a decision and how that might have been arrived at. It was never about corruption, but he threw that allegation around, just as Mr Davis has thrown it around today.

It is interesting to note the government’s glass-jaw behaviour. From the moment I started to raise concerns and call the government to account on its behaviour and its failures and on the planning minister’s failures and his decision to pay hush money to people who were concerned and affected by his decision, members opposite started raising countless points of order. It demonstrates extraordinary glass-jaw behaviour that the government wants to introduce into this debate those awful allegations, which were never proved. Mr O’Brien came in and started adding his advice

about what we should or should not be debating here. He was not even in this chamber during those debates. He could not remember those debates because he was not here.

I was here. I listened to those debates involving the former Minister for Planning, Mr Madden. I participated in those debates defending an honourable man, a good planning minister and a man who was doing his best to serve the people of Victoria. He never paid hush money, as Mr Guy has done. He never used the civil procedures of the courts to cover over his fundamental planning mistake, and that was to intervene, fail to complete the intervention and then intervene a second time, which is simply not possible under the law.

If the matter had gone to the Supreme Court, the minister would have been required to complete his original intervention, so he had to use the civil process and pay the hush money to cover up the fact that he had acted incorrectly and improperly. That is the point. It is instructive that these things have been done by a minister in a government that is in complete disarray. It threw out its first Premier, threw out its first Treasurer, threw out its first police minister and threw out one of its parliamentary secretaries for police. It has been in complete disarray, and to try to rescue itself it has come up with an \$8 billion tunnel.

Mr Finn — On a point of order, Acting President, it is my recollection that a couple of points of order have been taken in this debate regarding Mr Viney’s lack of relevance to the matters that are before the house. My view is that once Mr Viney strays into the tunnel he may not get out. I respectfully ask that you request him to return to the matter before the house and not debate every matter that has appeared on the agenda anywhere at any time over the past 50 years.

Mr Lenders — On the point of order, Acting President, paragraph (4) of the motion specifically refers to undermining confidence in the general planning provisions, and they are above and beyond the Ventnor matter. I believe Mr Viney’s comments on this minister’s behaviour in the planning portfolio are well in order, having regard to the fourth paragraph of the motion.

Mrs Peulich — On the point of order, Acting President, I do not have any disagreement with the point of order raised by Mr Lenders. However, Mr Viney is traversing and reviewing the entire performance of the government. While I am happy to participate in a broad-ranging debate comparing the government with 11 years of failed Labor governments,

it is actually outside the parameters of this motion, so I suggest that you bring him back to the motion.

Mr VINEY — On the point of order, Acting President, there have been several rulings on points of order raised during debate on the motion before the chamber, some of which have been perfectly reasonable in the context of the debate. That was in fact the position strongly put by Mr Davis. I put to you that it is perfectly reasonable for me to put the context of the conduct of a minister in this place into the context of the conduct of the government of which he is a member.

Mrs Peulich — Further on the point of order, Acting President, I was following the debate very closely, and Mr Ondarchie's point of order in relation to context went precisely to comparing standards of proof and evidence in similar censure motions, not to a broad-ranging review of the government of the day. Mr Viney's problem is that when he raises points of order and tries to summarise what has transpired for the benefit of the chamber he is invariably inaccurate — and deliberately so.

The ACTING PRESIDENT (Mr O'Brien) — Order! There have been a number of different points regarding the point of order. Paragraph (4), which Mr Lenders brought to my attention, does refer to planning decisions, although it makes a fairly pointed allegation in paragraph (4)(a) which could in theory bring in a motion of a planning decision on the tunnel. I am not sure if that was the context in which Mr Viney raised the issue of the tunnel. I would ask Mr Viney to return to the motion generally.

I note that prior to Mr Finn's point of order there were a number of other references to, say, government decisions outside the context of planning decisions and outside the context of a censure motion that could have been regarded as straying from the motion. In the light of Mr Finn's second ruling, perhaps that was incidental and not something I would necessarily call to account, provided Mr Viney does not spend too long dwelling on those matters. I do not uphold the point of order, but I do ask Mr Viney to return to the motion.

Mr VINEY — Let us be clear: this censure motion has been brought with all the seriousness that censure motions require. What makes this particular censure motion relevant today is that this minister held the former planning minister to a very high standard of account, and I directly observed it on a number of occasions. He held the minister to account by making allegations of improper behaviour by the former minister that Mr Guy knew to be an overstatement of

whatever case he might have had. To allege that a minister was corrupt in the way that Mr Guy alleged of the former minister was, without question, a complete stretch and an exaggeration, and in my view it was improper on his part.

Mr Guy set the standard that any action of a minister where either the planning process had been mishandled or an error had been made equated to corruption. Mr Guy equated any errors or mishandling of the planning process to corruption. Mr Guy's standard equated an allegation about the planning process for the Windsor Hotel — which was about a planning process and never anything more — to a case of corruption.

By Mr Guy's own standard he has behaved corruptly and improperly in this process. We have a much more serious matter before this house than any allegation about a badly worded email sent by one of the former planning minister's staff. This matter is not at that level of problem. This is a multimillion-dollar problem. This is at the level of the minister spending taxpayers money — \$2 million to \$4 million, by all accounts — —

The ACTING PRESIDENT (Mr O'Brien) — Order! I am sorry to interrupt Mr Viney without a point of order, but I have taken some advice. It concerned me that Mr Viney had in a sense elevated what I say is the basis of the censure motion on the notice paper — that the planning minister no longer possesses the confidence of this house — to a censure motion based on an allegation of corruption. Mr Viney is doing so by arguing that the standard of corruption, as he defines it, is the standard that he says Minister Guy defined for himself when he was the shadow Minister for Planning.

Assuming that Minister Guy did define corruption in that way as a shadow minister, that does not of itself make it the standard that this house accepts as defining corruption. In that respect it would be a matter that would need to be raised in a separate censure motion alleging corruption or a matter for a separate substantive motion, which is not on the table at the moment. Therefore I caution the member not to persist with that allegation in the absence of a substantive motion. I will not seek a withdrawal because I understand the context in which he put his submission, but after taking advice from the Clerk I ask him not to continue with that line.

Mr VINEY — We should get the Deputy Clerk back instead of the Clerk, because the previous advice was that it was perfectly legitimate for Mr Davis to be throwing around allegations of corruption against

Mr Madden even though Mr Madden is still a serving member of this Parliament.

Mrs Peulich — On a point of order, Acting President, Mr Viney habitually and repeatedly distorts what transpires in this chamber and presents it as fact. We know full well that Mr Davis was actually quoting from documents tabled in this chamber which include the word ‘corruption’. It is a very different scenario from Mr Viney’s slander and innuendo.

The ACTING PRESIDENT (Mr O’Brien) — Order! What is the point of order?

Mrs Peulich — I am concerned that he is misleading the house in the context of that debate.

The ACTING PRESIDENT (Mr O’Brien) — Order! There is no point of order regarding misleading the house. There is a distinction there, but it is a matter of debate as to what Mr Davis did in relation to the record of the Parliament and the ruling I just made. I ask Mr Viney to return to the debate and not debate my ruling.

Mr VINEY — When the last point of order was taken, that I needed to address these matters through substantive motion, Acting President, you may have noticed that I was smashing my head against the lectern here because I could not believe that government members were taking a point of order on this question, having just participated in an outrageous attack on a former minister using debates in a former Parliament to attack him and accuse him of corrupt behaviour. Mr Guy has set the standard. It is not me accusing Mr Guy of being corrupt — —

Mr Ondarchie — On a point of order, Acting President, twice now you have counselled Mr Viney about not using that argument, but he is still debating your ruling. I suggest you sit him down.

The ACTING PRESIDENT (Mr O’Brien) — Order! I will not sit Mr Viney down, but I am concerned that Mr Viney is clearly not respecting rulings by the Chair. I ask him to return to debating the motion. Otherwise, if that behaviour persists, I will refer it to the President.

Mr VINEY — This is very difficult. In fact it is incredibly challenging. Acting President, let me be quite clear: this is not my accusation that Mr Guy has behaved corruptly. I am simply saying that this was Mr Guy’s standard — —

The ACTING PRESIDENT (Mr O’Brien) — Order! I have ruled on the matter of that allegation. If

Mr Viney is not happy with that ruling, he can correspond with the President seeking a more formal ruling. I ask Mr Viney to return to debating the motion.

Mr VINEY — Acting President, I am trying to be helpful here. I am trying to say that I am not making such an accusation. If members of the government want to think that I am, that is fine; that is a matter for them. But it is perfectly legitimate for me to be referring to this, just as Mr Davis referred to it. I say to members of the government that Mr Davis referred in his contribution to the alleged behaviour of Mr Madden, using that very word that you, Acting President, have taken objection to — using that very word and covering it up — —

The ACTING PRESIDENT (Mr O’Brien) — Order! I ask Mr Viney to sit down. I can see that Mr Viney is persisting with not following the ruling that I have made, the further guidance to return to the motion and the advice that, if he wished to dispute my ruling, he could take it up with the President. The Clerk is in the process of summoning the President, and if Mr Viney wishes to take that ruling to the President, I urge him to do so. I am happy to continue to sit as Acting President and for Mr Viney to debate the motion, but as the President is now here I will ask the President to take the chair and Mr Viney can either raise his point of order with the President or return to the motion.

The PRESIDENT — Order! I thank the Acting President. I have been listening to some of the debate whilst I have been in my office, but I must say that I am not across all the points of order that have been raised. I am obviously aware that this is a particularly contentious motion and, as Mrs Peulich pointed out earlier today, a serious motion. I ask Mr Viney to indicate whether he has a point of order before the Chair?

Mr VINEY — No.

The PRESIDENT — Order! I ask Mr Viney to continue debating the motion.

Mr VINEY — President, there seems to be a misunderstanding that in my challenging government members. and in particular Mr Davis, who in this debate have made certain allegations about a former planning minister, Mr Madden, that it is somehow challenging rulings by the Chair. I am trying to make it absolutely clear that I have made no specific allegation in relation to the behaviour of Mr Guy in this matter because I know that that would transgress the standing orders. I simply say that during the last Parliament

certain allegations were made against Mr Madden by Mr Guy, and that is a standard that he has set and now that he is minister he ought to abide by those standards. If he does not, it is perfectly reasonable for members of the opposition to hold him to account for that standard and to remind him, through this debate, of the standard that he set. The fact that Mr Guy equated problems with the Windsor Hotel planning process with corrupt behaviour by a former minister is a standard he has set.

What I say is that that the former minister never had to pay money to keep people silent. He never had to pay between \$2 million and \$4 million to keep people silent or to remedy a messed-up planning process involving the planning minister intervening twice in determining a planning decision. The Minister for Planning had to use the civil proceedings of the courts of Victoria to fix up that mess because if it had been dealt with by a court he would have been ordered to complete the planning intervention that he initially commenced, because there is no power for the minister to intervene a second time. The minister had to use the civil proceedings of the court to do that.

These are standards that Mr Guy has transgressed. He has transgressed the planning process, and that is the point. The minister accused Mr Madden of being corrupt in his alleged transgression of the planning process. It is perfectly legitimate for those on this side of the house to say in this debate: if that is the standard Mr Guy has set, he needs to look in the mirror and establish whether he has transgressed his own standards in his conduct. We say that he clearly has and that he should be censured.

Mr BARBER (Northern Metropolitan) — Just to set this debate in a bit of context, members should remember what we are talking about. We are talking about a system of representative and responsible government. I hope I am not going too wide with that, but it is an important context. It is representative government because we elect members of Parliament and then they are here for four years. You cannot do much about them; you just have to hope that they represent you. It is responsible government in the sense that those members form the Parliament. The government chooses an executive and puts ministers in charge of certain functions, and then the Parliament holds them to account.

In that context we have the Minister for Planning, who under the Victorian Planning and Environment Act 1987 has nearly 100 per cent power and currently has nearly 0 per cent accountability. Under that framework the Minister for Planning is like no other minister in this government. Using various provisions in the act the

Minister for Planning can call in planning permits, override Victorian Civil and Administrative Tribunal (VCAT) decisions if necessary and literally at the stroke of a pen rewrite the rules under which development occurs.

No other minister has anything like that power. Imagine, for example, if the Treasurer had the power to receive a tender that was run for the supply of dunny paper rolls to Parliament House and after receiving the advice on the tender decided, 'You know what? I'm not going to give it to that guy; I'm going to give it to the other guy', and then pulled out a chequebook and wrote out a cheque for cash. No Treasurer and no other minister has that unfettered power. When the Minister for Planning rezones a piece of land for higher development, he is literally taking out a chequebook and giving someone some cash. With great power comes great responsibility — that is, responsibility in the Westminster sense.

Those planning laws create the situation I have outlined. That is why the Minister for Planning has been described, I think quite accurately, as the Emperor of Planning — he rules by fiat. There are only two ways the minister can be held to account or in any way restrained. One is by challenge — that is, by going to the judiciary and seeking that it overturn a ministerial decision. As I have said, if a planning permit is appealed at VCAT, the minister can call it in. He can also of course rewrite the rules that apply to that piece of land, thereby making any challenge at VCAT moot.

It is interesting that in this matter there was a court case in which someone, through use of the judicial system, attempted to hold the minister to account and to restrain him. The fact that it costs big money to go to the Supreme Court and try that tells you that the only people who ever get to even attempt to restrain the minister through that mechanism are people with a lot of money. They could be community groups which have raised an appeal but they will more likely be land developers. So I would have to say that that particular mechanism is fairly weak.

Then there is the ability of Parliament to disallow a planning scheme amendment — that is, the minister rewrites rules and the Parliament reverses them. In the current context the government controls both houses of Parliament, and therefore it is very unlikely that that mechanism will ever be successful. Even in other contexts, such as the last Parliament, that can be so. In the last Parliament we successfully disallowed a planning scheme amendment relating to a Barwon Heads bridge, and Mr Tee's government found another provision in the act that allowed that government to

override Parliament. That just goes to show how fundamentally weak our planning laws in Victoria are. These laws were created by the Kennett government and they were studiously cared for and in many ways made worse by the Bracks and Brumby governments over their 11 years. That is the situation we find ourselves in. Mr Tee describes it as opaque. He ought to know.

Where is the accountability? It can only come through members of this Parliament, members of the public and members of the media asking questions. On this matter Mr Tee is quite correct: for quite a long time we have been asking questions. We have been told, 'I can't answer that; I'm in court'. Let me go back to that court proceeding. It has now concluded, so we can discuss it openly. The nub of the court proceeding was that the minister exercised a power under section 20(4) of the Planning and Environment Act to rezone the land without recourse to what Mr Tee describes as the proper process. In fact the act provides for a process. The minister can legitimately use section 20(4) to exempt himself from all the usual processes. It is yet another example of where the planning minister has too much power.

Section 20(4) provides:

The Minister may exempt himself or herself from any of the requirements of sections 17, 18 and 19 —

which provide for notifying people, establishing a panel and doing all the things that councils have to do when they want to rezone land —

and the regulations in respect of an amendment which the Minister prepares, if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

When you read the court documents, you see that a challenge was being proposed to the minister's decision under this section. From the government's defence in the case we learn that at some point the minister received legal advice that his intervention in the Phillip Island land may not have met the test — that is, the test that:

... the Minister considers that compliance with any of those requirements is not warranted or —

part 2 —

that the interests of Victoria or any part of Victoria make such an exemption appropriate.

The minister knows, and Mr Tee and every other member of this place should know, that section 20(4) is used constantly. I have not done a count lately, but I

would not be surprised if the section is used 50 to 100 times a year. The minister makes changes to a planning scheme and does not run it through a panel or through notice. Sometimes that is because the decision is really small and sometimes it is because the decision is really big and applies to the whole state all in one go. Sometimes it is a spot rezoning and sometimes it is about a class of land. Last time I did a count, which was about a year ago, this Minister for Planning was not doing it even as much as the former Minister for Planning, Justin Madden, now the member for Essendon in the other place, had been. So the current minister is probably not the world record holder for exempting himself from going through what Mr Tee calls the proper process.

There is nothing unusual about what the Minister for Planning tried to do. In fact it is quite usual. It is very interesting that someone sought to challenge the minister's decision through the courts and that the matter did not proceed for reasons of it being settled. It would have been very interesting to see a court mull over whether the minister really does have to meet the two tests or simply has to satisfy himself — and satisfying himself is quite an easy thing for this minister to do.

I have quite a bit of experience in many realms of challenging ministerial decision making under acts. It is not an easy thing to do. Looking at this provision of the act, I would say that the applicant to the Supreme Court did not have a strong case. I would say that even if they had been successful, the most likely outcome would have been the court telling the minister to go back and do it again, but to do it right this time. I think it is very unlikely that the court would have made a decision as to what was to happen on this piece of land. More likely it would have said to the minister, 'You have erred in law. Go back and make the same decision but this time follow the guidance we have just given you'. If people lack confidence in the planning system in Victoria, it is probably due to the way the laws are structured to give truly massive power to one individual who exercises it at their discretion with very little chance of a successful challenge by someone affected under the act.

Paragraph (1) of Mr Tee's motion is somewhat moot. The facts are in evidence but they do not necessarily add up to the conclusion that Mr Tee would like us to draw. The second paragraph of Mr Tee's motion notes:

... over more than two years the minister has failed to duly answer questions put to him in relation to his conduct in this matter ...

and it lists a number of dates. I have been here throughout those exchanges, and I have read much of the media coverage that occurred at the time. It was even suggested at some point that a Miley Cyrus tweet had impacted on the minister's decision. Whatever power she may have had at the time, whatever the cultural following she might have had at the time, I think it is safe to say that that currency has been considerably devalued since. At that time Mr Tee was carrying around a cardboard cut-out of Miley Cyrus; I do not think he would want to be seen that close to her these days if he was attempting to make his case.

The PRESIDENT — Order! In accordance with standing orders we will go to questions without notice. It was not the most sensible decision made by that young lady.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Mallee Family Care

Ms PULFORD (Western Victoria) — My question is to the Minister for Children and Early Childhood Development. I refer the minister to her announcement in May of this year of funding for 500 early childhood intervention places worth \$7000 each and to her evidence before this year's Public Accounts and Estimates Committee budget estimates hearings that Mallee Family Care would receive 15 of these places. Can the minister advise the house whether that \$105 000 grant represents the sum total of state government support to Mallee Family Care since the Baillieu and Napthine governments came to office?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and for the opportunity to talk about our investment in early childhood intervention services. Since this government came to office we have announced 1150 additional places in early childhood intervention services. This is a fantastic investment in early childhood intervention services and one that has been welcomed by the community. Of those places, 150 places were announced by the Baillieu government and a further 500 have since been allocated, of which Mallee Family Care received 15. There is a process under way at the moment for another 500 places to be allocated around the state.

Supplementary question

Ms PULFORD (Western Victoria) — In relation to the grant money that the minister is responsible for, and

I note that the minister has confirmed that funding support has been provided to Mallee Family Care, can the minister tell the house what measures she has in place to assure herself that those funds are appropriately expended?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The normal measures that you would expect of any funding grant round will be in place. These grants are subject to the department's scrutiny, so I am quite convinced that the department has appropriately allocated the 500 places that have been allocated and that it will allocate the next 500 appropriately. It allocates the places on the basis of need within the regions.

While we are talking about Mallee Family Care, I would like to put on the record the fantastic work that this organisation does in the Mildura region. It is led by Vernon Knight, and it is a fantastic organisation that provides support to vulnerable families and to young children who need support in the Loddon Mallee region.

Fringe benefits tax

Mrs MILLAR (Northern Victoria) — My question is to the Minister for Health. Is the minister aware of any proposal to reduce the take-home pay of Victorian public and not-for-profit doctors, nurses, allied health professionals and carers?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and for her strong advocacy for the region that she newly represents. The chamber will be familiar with the public announcements made by the Prime Minister, Kevin Rudd, about the changes to fringe benefits tax (FBT) arrangements — that is, the end of the 20 per cent statutory formula that allowed a whole range of not-for-profit organisations, public hospitals, ambulance services and others to sensibly receive support in a way that enabled them to retain and attract important staff. In the case of the health system this particularly pertains to clinical staff, but it is equally important right across the not-for-profit sector.

Mr Rudd has made a decision to cut this formula and to make a \$1.8 billion saving at the expense of the not-for-profit, public health and other key sectors — and I know my ambulance officers and paramedics are very worried about the impact on their take-home pay of this change.

But this is not the only change that is mooted by the federal government. Many in the chamber may be close

followers of this, others may not be, but in November last year there was a tax working party committee for the charitable sector headed by Linda Lavarch. The federal government received that report in late April, and that report has never been made public, but let me say on the information about that report — —

Honourable members interjecting.

Hon. D. M. DAVIS — The hubbub is very concerning.

In terms of the impacts it will have, this is a very serious matter. Linda Lavarch has brought down this report. The report looks at a large number of areas and makes recommendations to government. Nobody knows whether the recommendations included the cut to fringe benefits tax because the report is not yet public. It is my view that the report on cuts and changes to charitable institutions, cuts and changes to public hospitals and cuts and changes to paramedics salaries ought to be made public before the federal election on Saturday.

I note that on page 9 of the document that was circulated the committee looks at the number of charities, the income tax exemption is being looked at, as well as refundable franking credits and the FBT exemption with a \$17 000 cap, which is crucial.

Mr Lenders — This is a document that isn't published.

Hon. D. M. DAVIS — This document is a public document. I can direct Mr Lenders to it later if he would like. It looks at the FBT exemption with a \$30 000 cap, the FBT rebate, other FBT concessions, GST concessions and deductible gifts. If a number of these are implemented, it will be a body blow to the charitable sector and a body blow to the public health sector. Ambulance services across the state will be hit for six by Kevin Rudd's plans to cut the funding to those services.

This secret plan should be released now. It should be released before Saturday so that people can vote on the proposals that Mr Rudd has in the bottom drawer to cut funding to charities, to cut funding to public hospitals and to cut funding to ambulance services. All these services, many in the health sector, others broader, are going to be hit for six if Kevin Rudd is returned and he pulls the secret Lavarch report from the bottom drawer and implements the terrible and damaging proposals that are in that report. If that report is released, the community will be able to see what is in there. I do not know the full extent of the cuts and the proposals to hit the charitable sector and the public hospital sector.

Mr Viney — Are you for real? You are unbelievable.

Hon. D. M. DAVIS — I will tell you what, Mr Viney's services, like Latrobe hospital in his area, would be hit for six, and he should be standing up to Mr Rudd. It should be releasing Lavarch's report, and it should do it now.

Mallee Family Care

Ms PULFORD (Western Victoria) — My question is to the Minister for Children and Early Childhood Development. I refer to my previous question regarding government funds provided to Mallee Family Care and the minister's answer noting the work of that organisation, and I ask: can the minister assure the house that all such money has been expended in an appropriate manner and for the purposes that it was provided?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — To the best of my knowledge it has been expended in an appropriate manner. I do not have the expenditure charts in front of me. I am happy to examine anything that the member would like to give me if she believes there is any problem.

Supplementary question

Ms PULFORD (Western Victoria) — Can the minister perhaps then advise the house whether there are protocols or reporting arrangements in place to ensure that funds provided by the state government to Mallee Family Care or similar organisations are used appropriately and not diverted to be used for other purposes, including political purposes?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The department has normal acquittal processes for all grants that are given out to organisations. Mallee Family Care is a respectable organisation. The member should be very careful before she casts any aspersions on Mallee Family Care.

North Wharf

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Planning, Mr Guy. I ask: can the minister inform the house what action the government has taken to complete the development of Melbourne's North Wharf precinct?

Hon. M. J. GUY (Minister for Planning) — I thank Ms Crozier for a terrific question in relation to North

Wharf, an area that will border both her electorate and my electorate, from one side of the Yarra to the other. As people in this chamber would know, this government is very committed to urban renewal. In fact this is the last piece of urban renewal on the northern side of the Yarra that is going to link the CBD and Docklands, and it is now finally going to be repaired, fixed, modernised and made contemporary. It will now be an icon for Melbourne, rather than being a run-down waste.

The precinct, which is triangular in shape, is bordered by Wurundjeri Way and Flinders Street to the north, the Mission to Seafarers and Seafarers Rest to the east and the Yarra River to the south. Goods Shed No. 5 is what is there at the moment, near the Charles Grimes Bridge, and the brand-new Jim Stynes Bridge, which this government is building, is going to be the link for pedestrians and bikes between the CBD, the new North Wharf precinct and the Docklands.

This new building, which I have recently approved, and this precinct development, which I have approved, includes an office tower of around 33 000 square metres. It is only about 11 storeys high, but it will be low rise and fit within this precinct that will truly be the missing link, as I said, between the North Wharf of the Yarra River and Docklands. Importantly, this building will be a 5-star, green-rated building to add to the Docklands postcode, which has Australia's largest number of 5-star, green-rated buildings. It will be a complement to the new Jim Stynes Bridge. It has taken this government to make sure — —

Mr Ondarchie — No dithering!

Hon. M. J. GUY — No dithering indeed. Mr Ondarchie shares my electorate. We are making sure that we have in place adequate infrastructure from the Docklands to the CBD, infrastructure that is going to be longstanding for both cyclists and pedestrians. It is infrastructure that is going to start to link our cycling networks once and for all from the western suburbs down through Docklands and back into the CBD and get cyclists off the road network.

This project is one that Melburnians should be very proud of. The crane that is there at the moment, which is a heritage crane, will be repaired. Goods Shed No. 5 will be restored. The building that will complement it to the northern side will look magnificent. It will be low rise, it will be subtle, and it will be a building that Melburnians will embrace, as I am sure Melburnians will embrace this brand-new North Wharf precinct approved by the coalition government.

Mallee Family Care

Ms PULFORD (Western Victoria) — My question is to the Minister for Children and Early Childhood Development. I refer to my previous questions regarding grant moneys provided to Mallee Family Care and to the minister's answers. I refer also to an email from Mr Vernon Knight, executive director of Mallee Family Care and the gentleman to whom the minister referred earlier. The email was sent to all Mildura-based staff asking them to stuff envelopes for Andrew Broad, The Nationals candidate for the federal seat of Mallee, and I ask: can the minister assure the house that none of the staff who were prevailed upon in that way by Mr Knight are employed to undertake work in positions funded by her department?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — Certainly that work would not come under the provisions of any of the funding that is provided by our department, which is for early childhood intervention services.

Supplementary question

Ms PULFORD (Western Victoria) — I thank the minister for her answer. I note her earlier comments about departmental processes for proper oversight of government funds, and I ask: is it a breach of the terms of any of those funding agreements for funding provided — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Drum and Mr Tee are making it very difficult for me to hear Ms Pulford, let alone the minister. Ms Pulford, from the top.

Ms PULFORD — My question to the minister is this: is it a breach of the terms of any funding agreement between her department and Mallee Family Care if staff of Mallee Family Care have been required by their employer, a local Nationals identity, to engage in forced campaigning for The Nationals candidate for Mallee?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — To my knowledge Mallee Family Care has not committed any breach. It receives funding from a range of organisations, and employees undertake a number of fundraising activities themselves. The organisation also provides a number of additional services in the area of disability care. It is not unusual for disability services to make commercial arrangements in which employees do work such as stuffing envelopes. Unless Ms Pulford has more proof of where the funding to provide this service came from,

I would suggest she be very careful about casting aspersions on what is a very reputable, highly regarded organisation and on a man of great standing in the community of Mildura.

Geelong region economy

Mr KOCH (Western Victoria) — My question without notice is to my colleague the Honourable Peter Hall, Minister for Higher Education and Skills. Prior to asking the question I would like to say that the contribution Mr Hall has made to the Geelong district in the area of higher education and skills has been very well received, and he is there on a regular basis. Can the minister update the house on any initiatives of the Napthine government that are designed to respond to the economic restructuring within the Geelong region?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Koch for his question and for the opportunity to talk about some of the very good things that are going on in the Geelong community. People are certainly kicking goals down there. Let us hope they kick a bag full of goals again this weekend against Fremantle in the AFL finals down there. There were a few goals kicked on Friday during my visit to Geelong. Mr Ramsay and Mr O'Brien were able to join me as a few goals were kicked out at Deakin University. If anybody has the opportunity to visit some of the research facilities out at Deakin University, I can guarantee that they will be most impressed.

The function held there on Friday arose from a government-funded project called Skilling the Bay, a program my department launched in 2011 as a result of some redundancies at the Ford Motor Company back in 2011. It is a \$1.8 million project, and there have been a number of milestones — including on 28 June, when we had a jobs summit in Geelong. That was a very good meeting. It was attended by about 130 local people — an excellent outcome.

Another milestone was a \$500 000 component within the \$1.8 million Skilling the Bay project titled the Geelong Future Industry Project. This fund was designed to demonstrate how we can traverse that very difficult step of taking research and development into production and move from traditional manufacturing into smart manufacturing. A number of projects that were submitted were worthy of this grant program, but the one that was ultimately selected and awarded the grant of \$500 000 was from a company called Cyto-Matrix, which demonstrated that it had done research work associated with short nanofibres —

Mr Jennings — They're not just nanofibres — they're short ones!

Hon. P. R. HALL — They are. Short nanofibres are small fibres; they are somewhere of the order of 10 to 100 nanometres in diameter. For Mr Jennings's sake, a nanofibre is probably about one-hundredth the size of a human hair in diameter. The applications for this are immense. The most commercial application that seems to be readily available is for making high-performance filters for the purpose of filtering air. There are medical applications for that, as well as applications in the aviation industry et cetera, and there are a number of other opportunities as well. The grant that has been awarded to Cyto-Matrix will be used to establish a pilot plant to manufacture filter product that will be used in a number of areas — as I said, in areas like medicine, aviation or the automotive industry.

This is a very positive step. Twelve jobs will be created initially with this pilot project, but there is significant potential to expand because the call on this very smart manufacturing technology is immense. It has wonderful potential. I might add that the machinery used to produce these short nanofibres is manufactured by a company in Geelong called Austenge. While companies in other parts of the world are spending \$20 million on machinery like this, it spent \$22 000 to make up some machinery that has been able to produce these short nanofibres. It has a very positive future and is a great goal kick for Geelong.

Mallee Family Care

Ms PULFORD (Western Victoria) — My question is to the Minister for Children and Early Childhood Development. I note the minister's earlier comments about disability employment services and commercial arrangements, and her comments about revenue paid to Mallee Family Care. I also note that Mallee Family Care receives substantial funding from the minister's department. My concern relates to employees of Mallee Family Care in Mildura for whom this is clearly not within their normal duties or the roles for which they are funded, and I ask the minister: will she assure the house that she will immediately ask her department to undertake an investigation into whether there has been any improper political use of government funding provided to Mallee Family Care?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question. As the member has not provided any evidence of any wrongdoing by this organisation, I do not think it is appropriate to launch an investigation. If

the member can provide me with evidence, then we will look at an investigation.

Supplementary question

Ms PULFORD (Western Victoria) — I am happy to provide the minister with the emails in question. If the minister is unwilling to initiate an investigation of the kind that I think would be useful for people in Mildura and indeed members of Parliament this side of the federal election on Saturday, I ask by way of a supplementary whether the minister could assure the house and employees of Mallee Family Care that if they do come forward and tell their stories of what they have been asked to do, they can do so without fearing for their jobs or any other negative repercussions.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The member certainly gave us an insight into what motivated her in asking this question. It is the federal election, as she said in her question.

Honourable members interjecting.

The PRESIDENT — Order! The minister, without assistance.

Hon. W. A. LOVELL — All entities that receive funding from our department are subject to scrutiny and acquittal processes. I note that this is an organisation that receives funding from not only my department but a number of departments and receives commonwealth funding from the federal Labor government. As I said in my earlier answer, disability services have the right to enter into commercial arrangements where they are paid for a contract. This is a quite standard process. Mallee Family Care is no different to any other disability service. It concerns me that members opposite may see it as inappropriate for disabled people to take on this type of work.

Ordered that answers be considered next day on motion of Mr LENDERS (Southern Metropolitan).

Prahran public housing

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Housing. Can the minister inform the house how the Napthine government is ensuring a precinct-wide approach to improve public and social housing provision in Prahran?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and her ongoing interest in public housing, particularly in her electorate

and in the Prahran community. As the member knows, we are currently going through a process of renewal and improvement of Prahran's Horace Petty estate. This provides us with an opportunity to rejuvenate this neighbourhood. But the master planning required to achieve this should not be done on the Horace Petty estate in isolation. In close proximity to the Horace Petty estate are three smaller public housing estates at Bangs, King and Essex streets. Last month I announced the extension of the master planning process for the Horace Petty estate to include the Bangs, King and Essex streets estates. This approach is supported by the City of Stonnington and also by the Victorian government architect.

At a recent information session regarding master planning at the Horace Petty estate, residents from the Bangs Street estate also highlighted the need to ensure that their estate was included, and that is what this government has done. The inclusion of these three smaller estates provides further opportunities for improvement of housing and amenity in the Prahran area. Draft designs are being produced, and the community will be invited to comment on the draft options early next year.

I am aware of some attempts by outside entities to spread fear among tenants, and this is totally unnecessary. There will be no reduction in public or social housing as a result of this process. In fact it will ultimately deliver real benefits in terms of quality open space and facilities on the estates. The first priority of this process and its guiding principle is to improve social housing and amenity on these estates. I have no doubt that this is what this process will accomplish, and I look forward to updating the house in the future.

Ordered that answer be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

Swinburne University of Technology Prahran campus

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills. On 2 August Northern Melbourne Institute of TAFE (NMIT) issued a media release stating that it and Swinburne University of Technology had signed a memorandum of understanding to work together to ensure the continued delivery of tertiary education at Swinburne's Prahran campus. Indeed the minister took this up as a photo opportunity for him and the member for Prahran in the Assembly, who has been under siege over this issue for quite some time.

The Prahran Mechanics Institute was established in 1854. The land in Chapel Street was conveyed to and vested in the trustees of the Prahran Mechanics Institute by the government in 1855, and there have been a lot of changes since then.

An honourable member — Is there a question?

Ms PENNICUIK — My question to the minister is: will the land in High Street, Prahran, remain as it is or is NMIT planning to purchase the site? If so, with what funds?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In terms of a response to this question, some weeks ago I joined the vice-chancellor of Swinburne University and the chair and the CEO of NMIT to announce some intended plans in respect of the Prahran site of Swinburne University. It is public knowledge that NMIT responded to a call for expressions of interest which was issued by the department in conjunction with Swinburne for delivery of education from that particular site. NMIT responded in a positive way and has plans to deliver a range of programs which will be complementary to the types of programs currently being delivered there.

A major tenant on the site is the National Institute of Circus Arts (NICA) and guarantees have been incorporated into that for the future of NICA. However, there is a lot of area down there. NMIT sees the possibility of expanding its operations into that and delivering a range of complementary programs. How they would do that is through a process by which valuations have been undertaken, as is required by all public bodies. The valuer-general has been undertaking some of that work. Dependent upon those negotiations, valuations and the striking of an agreement, NMIT has an expectation that it might be in a position to purchase some of that land in order to deliver training and higher education programs from that site.

The titles on some of the land down at Swinburne are a bit of a mixture. Some of them are in the name of Swinburne University and others are in the name of the government. As has been clearly said in the TAFE Reform Panel's report, where TAFE operators have been delivering programs on land owned by the state, there is an intention on the part of the state for a progressive transfer of the title of that land to the TAFE institutes themselves. That would give them greater financial security to operate their businesses. We are working closely with Swinburne and NMIT, going through all the proper processes in accord with the valuations and the requirements of the land monitor, to try to bring about a satisfactory agreement so that land

transfers can take place and NMIT can deliver some great programs from that site.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — The minister is correct in saying that it is a complex web of ownership that has happened over the years with regard to the land at High Street, Prahran. But it does appear that the ownership of that land, or the major part of that land, remains with the mechanics institute, with the Department of Education and Early Childhood Development holding a peppercorn lease over the site except that part used by the library. This will be in effect until 2046, given that it is a 99-year lease. The minister mentioned transfer of land but also the purchase of land. My question is: is NMIT going to purchase land; if so, from whom; and where will NMIT get the funds for that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The expectation is that NMIT will purchase some land from Swinburne University — that which is owned by Swinburne. In terms of where it will get the funds to do that, TAFEs around Melbourne now involve themselves in significant asset development from self-generated funds. Through some of the funds that they generate themselves they will create a position where they might be able to purchase some of that land. With the commercial guidelines signalled by the TAFE Reform Panel, there is a distinct possibility that in the future some of our TAFEs might be able to borrow funds for purposes such as this.

Ms Pennicuik mentioned in her question the mechanics institute. I am well aware of that particular facility. It does have legislation, which has been amended by this Parliament from time to time, and if there is any change of ownership, then I think — and I will stand corrected if I am wrong — it would require legislative change for that particular part of the asset.

Cloud computing

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Technology, Mr Rich-Phillips. Can the minister inform the house of any recent cloud computing developments in Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Dalla-Riva for his question and for his interest in the technology portfolio. Cloud computing is one of the great opportunities for the Victorian ICT industry. In terms of previous generational shifts in ICT technology, the shift from

mainframe computing to desktop computing was absolutely revolutionary. The shift that we are now seeing from insourced ICT services to cloud-based ICT services also has the potential to be a revolutionary change, particularly for small and medium enterprises (SMEs) in Australia and around the world. Companies moving from operating their own server technology, their server infrastructure, to buying a service base and buying software on a commodity basis is a revolutionary change in the way in which SMEs purchase and use ICT. It has the potential to drive enormous productivity benefits for the Victorian and Australian economies.

Last week I was delighted to join the Silver Lining Consulting Group for the opening of its Cloud Technology Centre of Excellence based in Collins Street. Silver Lining is a company from South Australia which has relocated its head office and centre of excellence to Victoria in recognition of the very substantial ICT workforce which is available in this state. It is now undertaking some major cloud computing developments for clients such as Coles, Caltex and SEEK, with the potential for vastly greater expansion into the provision of cloud computing services to other tier-1 clients. The opening of that centre will lead to the creation of around 117 new jobs by 2016.

It is not only in the private sector provision of cloud computing that we are seeing major developments and changes. The Victorian government, through the e-government innovation fund, is also pleased to be supporting the Supreme Court of Victoria in the development of its own cloud computing platform, known as RedCrest, which will be trialled in the commercial division of the Supreme Court. It will be based on one of the Microsoft platforms and will allow legal practitioners, court staff, the judiciary et cetera to lodge and manage case documents online, 24 hours a day, from anywhere where they can access a computer terminal — obviously with appropriate authorisation and access for users.

This has the potential to completely revolutionise the way in which the commercial list in the Supreme Court operates in terms of easy access to and lodgement of court documents. The trial will run across around 1400 cases and involve around 5000 legal practitioners, both those within the court and people representing matters before the court. It has the potential to drive enormous productivity benefits in our court system. This is the type of cloud computing program that the Victorian government is delighted to support. It creates jobs in Victoria, it creates productivity benefits for the

economy and it highlights the strength of achievement in our ICT industry.

QUESTIONS ON NOTICE

Answers

Ms HARTLAND (Western Metropolitan) — I have 15 questions on notice outstanding: 8256, which was lodged on 27 March 2012; 8510 — —

Mr Barber — Was that 2012?

Ms HARTLAND — That is right; it is 18 months, Mr Barber. Question on notice 8510 was lodged on 27 March 2012; 8969, 15 November 2012; 9016, 11 December 2012; 9250, 7 February 2013; 9287, 21 February 2013; 9288, 21 February 2013; 9456, 21 March 2013; 9459, 16 April 2013; 9503, 28 May 2013; 9505, 28 May 2013; 9511, 30 May 2013; 9513, 30 May 2013; 9514, notice given on 30 May; 9516, 30 May; 9535, 12 June; 9559, notice given 26 June; 9562, 27 June; 9563, 27 June; and 9564, 27 June. For all of those questions we have sent multiple faxes, especially the earlier ones. I am very concerned that a number of these questions have been outstanding for well over 12 months.

Hon. D. M. DAVIS (Minister for Health) — I will follow up those questions: 8256, 8510, 8969, 9016, 9250, 9287, 9288, 9456, 9459, 9503, 9505, 9511, 9513, 9514, 9516, 9535, 9559, 9562, 9563 and 9564. Is that right?

Ms Hartland — Yes.

Hon. D. M. DAVIS — I will follow them all up.

Ms HARTLAND (Western Metropolitan) — Considering how old some of these questions are and that I have asked on several occasions about them, I am wondering when I can actually expect a response, especially responses to the ones that are now 18 months old.

Hon. D. M. DAVIS (Minister for Health) — I will follow them up.

MINISTER FOR PLANNING

Debate resumed.

The PRESIDENT — Order! I indicate that there were a number of points of order taken in the debate prior to question time. It is my intention to review *Hansard* in respect of some of those points of order and the matters that were raised. It may well be that I

subsequently make some comment on those today. I caution members about unparliamentary language and about making remarks about other members either in this place or in another place — or former members of Parliament even — particularly where they are not subject to a substantive motion before the house. I caution members, whilst this is a particularly contentious motion, to stay within the parameters of the motion that has been moved by Mr Tee. The remarks that have been made by Mr Barber to this point are certainly apposite to the debate, and I would hope that other members would continue in that same vein.

Mr BARBER (Northern Metropolitan) — Thank you, President. Paragraph (3) of Mr Tee's motion invites us to make a finding in relation to the refusal by the Minister for Planning to provide an explanation for a number of matters, including why he went against the advice of his department, the local council, the local community and the planning panel and the influence of his then chief of staff and that of a former Minister for Planning, Mr Maclellan. I would hope Mr Guy's chief of staff has an influence on him, because that is his job. But we have not yet heard a good explanation of the role of Mr Maclellan.

At paragraph (3)(d) the motion refers to the influence of a range of other Liberal Party members. It is a matter of record now that those Liberal Party members did contact the minister, but what influence they had on the minister's decision is still unknown. I agree with Mr Tee on this point. The minister has failed to give an adequate accounting of these matters that fed into his decision and then his decision reversal.

I started off by talking about accountability. It was in fact the late Alan Hunt who gave me, I think, the best definition of accountability.

Mr Tee — Did he pass it on to his son?

Mr BARBER — Ironically, his son Greg Hunt is now involved in this matter. Alan Hunt said that accountability means a minister standing up and giving an accounting of what it is that happened in relation to a particular matter. If some junior employee of VicRoads leaves a manhole cover open and someone falls in it, we do not expect the Minister for Roads to resign, but we would expect him to give an accounting of what happened and how steps have been taken to ensure that it will not happen again. But here it was the minister himself acting under his own hand and using his own powers. He is not giving an accounting for anybody else's conduct; he is giving an accounting for his own.

I have to say that his efforts have been extraordinarily poor, in my judgement. I have heard him on radio sounding combative and unconvincing. I have heard him in this chamber doing the same. I understand the minister does not like Mr Tee and that Mr Tee is his competition and rival. But the minister needs to understand that Mr Tee is doing his job. He is the opposition: he comes in here and asks questions. The minister needs to separate his view of Mr Tee as a political rival from the minister's responsibility to give an accounting in this place. It is the Parliament, standing in the shoes of the people. As the Minister for Planning with all this incredible power, he is not accountable to God; he is accountable to the Parliament. He is accountable to the people of Victoria, and in between elections that means the members of Parliament standing in their shoes.

While Mr Tee may get under the minister's skin, it is still the responsibility of the minister to give a fulsome, complete, truthful and sober accounting of the events that people — not just Mr Tee but a lot of people — want to know the answer to: these questions that Mr Tee has put in his motion. People come up to me in the street and ask me about the minister and his role in various planning matters. They ask, 'What's the story with this bloke?', and I say, 'I actually know Minister Guy reasonably well because I had many exchanges with him when he was in opposition. If you want to know what Minister Guy's planning policies are, you need to look at the instruments by which he delivers those policies. There is no point in really listening to what Mr Guy says in the public domain because a large amount of it is his kind of trademark gonzo right-wing performance art' — which always gets a great cheer from his own team.

Honourable members interjecting.

Mr BARBER — They love it.

An honourable member interjected.

Mr BARBER — We can admire it as a particular approach to politics, if we are connoisseurs. However, what I do not admire is a minister who under his own act of Parliament is the Emperor of Planning but who exercises a huge amount of power with little transparency or scrutiny. Apart from what is contained in the court documents, only Mr Guy himself can tell us what happened in relation to these matters.

Perhaps Mr Guy will run in here and conduct a belated defence of his actions. I have heard he wants to be the final speaker on this motion so he can address these matters and give us his view. Maybe we will get the

thing that I have been seeking. Last week Mr Guy was asked a question about this matter and he responded with more wisecracks, such as, 'How could a kitchen table stretch from Phillip Island to Caulfield?'. The three Greens members were extremely disappointed in that approach to answering the question.

The minister has been telling us for many months that he could not answer questions. When he was given an opportunity, or when he could have taken any opportunity from his own side to make a ministerial statement, he did not take it. We were unimpressed with that approach. We were expecting a lot more. If the minister appears in this house and starts to mount a belated defence, it will be too late. I would find it hard to explain to interested and involved members of the community why I have confidence in Mr Guy, because I know the community does not have confidence in him after hearing about these matters and observing the minister's failure to address them over a long period.

I was also disappointed by the minister's approach in question time, which was to refer to going out for a beer with *Age* journalist Royce Millar. The last time I checked that was not an accountability mechanism. I concur with paragraphs (2) and (3) of Mr Tee's motion, which are that the minister has not yet provided an explanation of these matters that we would properly expect.

That takes us to paragraph (4), where Mr Tee states that the minister has undermined community confidence in Victorian planning processes by making planning decisions which are influenced by party political patronage. He also points out that community participation in the planning process has been made irrelevant and that the views of local councils and independent planning processes have been sidelined. Mr Tee is correct on these points. However, the rot well and truly set in under his own government. These are the same reasons there was no confidence in Mr Madden, the Minister for Planning in the Labor government.

Mr Viney is right that the subject of this motion set a bar for Justin Madden's actions as Minister for Planning. In my view Justin Madden failed to achieve that standard, and that standard is now being applied to Mr Guy. As planning minister Mr Madden treated these processes, the very ones that are described in Mr Tee's motion, as a smash-up derby. I am not talking about whether or not you agreed with the planning decision that Mr Madden made. I am talking about the way he went about it. That led us to the inquiry into the Hotel Windsor matter.

We only discovered what was going on because a media adviser, Ms Duke, wrote in a memo that Minister Madden might have been cooking up a fake consultation. That led to a number of other disclosures about members of the community, some of them very well connected to the Premier's office and the Minister for Planning's office, seeking to influence matters in a non-transparent way. Departmental advice was also provided in that case. Ironically, that departmental advice was given by an individual who has also advised the current Minister for Planning on Ventnor. I understand that individual is no longer giving that sort of advice to any minister.

We even had the extraordinarily poor show of the government, having prevented the attendance of a key witness — the media adviser — at a parliamentary inquiry sending Mr Madden along. He physically threw himself into the witness chair and demanded he be allowed to speak. This was another gonzo effort that destroyed the public's confidence in the planning minister and his ability to properly account for the matters being investigated. Mr Madden prevented the person the committee wanted to question from providing evidence, and then threw himself into the witness chair to get himself on TV that night.

The Ventnor matter being tried in the Supreme Court has provided us with information about the current case. In the case of the Hotel Windsor the Ombudsman's investigation following the election provided us with the final story on what happened. I do not know whether the Ventnor matter is better or worse than the Windsor matter. We know more about the Windsor matter, so it appears worse, but nevertheless both ministers — Mr Guy and Mr Madden — fail the test. As I say, in the case of a Minister for Planning, who has extraordinary power, that test has to be set extraordinarily high. The simple test in this case is the failure to give a proper accounting for the matters and a failure to even attempt to provide information that a reasonable person would want to know.

The fifth paragraph of Mr Tee's motion sets out his belief that the minister's conduct has exposed the Victorian government and Victorian taxpayers to millions of dollars in damages. I do not know whether that is the case. As I said earlier, the prospect of an applicant getting the rezoning they are seeking by going to the Supreme Court is slim. In fact I would draw the opposite conclusion to Mr Tee: I do not think we were exposed to any major damages. It was a simple matter of the government wanting to conclude the matter without having to account for what had happened and therefore it paid it off — paid it out — and that is a poor use of public money.

An alternative or third argument might be that the government did not want to risk a successful challenge to section 20(4) because that might shut down the minister's almost complete power to change planning schemes without meeting any of the basic requirements of doing so, including exhibition, public submissions or a planning panel. It would be good if that loophole was closed, but I do not think a court case is the way to do it. The act needs to be amended so the minister does not have unlimited power to change planning schemes without any transparency. That is the nub of what went wrong here: the minister had the power to rewrite the rules however he wanted.

I do not see any sign from Mr Tee or his alternative team that they want to close this gap. Section 20(4) could be retained if it was time limited — that is, amended to say the minister can introduce controls without exhibiting those controls, but only if they are for a limited time, say, 12 months. That would not be used in the case of a rezoning. You would not rezone land from rural to residential and then back again at the end of 12 months. But other types of planning controls such as overlays and the rest of it are often needed on an emergency basis to set in place some temporary rules while the permanent rules are put through the proper process and exhibited, and then there is a use for section 20(4). But at the moment that is simply bait for the many flaws, follies or sins that Mr Tee has laid out in his motion.

Inevitably there cannot be confidence in the planning scheme, let alone an individual minister operating within it, if the minister has such enormous power that he can shut down transparency. That is the problem we have here. That has to be fixed through legislation. I have no confidence that another minister — Mr Tee or anyone else in the hot seat — would be able to inspire more confidence, because the rules themselves can be written by a minister on a whim.

In conclusion, this whole matter really has nothing to do with whether we think Phillip Island needs more houses. This is not a judgement on whether the policy was any good. We can debate that endlessly and everybody can have a different view on it. Of course it is the role of the government of the day to set some policies for planning and development. I have no dispute with that. This matter has been very much about a flaw within a process that has left a whole succession of ministers and other actors in the planning system open to all sorts of allegations. Without a radical level of transparency to go along with that kind of radical power of a minister, then it is not possible for me to have confidence in either the system or the minister in this matter.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Mr FINN (Western Metropolitan) — This is a fairly important job. It is a job of significant responsibility. In fact it is more than a job; it is a vocation in many ways. It is the way of life that we in this place have chosen, and you have good days and you have bad days. It was well after 2 o'clock when we finished up last night, and it was closer to 3 o'clock when my shadow reached the bed. When I woke up this morning after about 4 hours sleep I thought to myself, 'This is going to be a tough day'. I did not realise how tough it was going to be until I heard Mr Tee. Having a late night is one thing, but then to have it backed up by a dose of Brian Tee is something else altogether. I notice that he is not in the chamber at the moment.

Mrs Peulich — It is such an important motion.

Mr FINN — It is an extraordinarily important motion, as Mrs Peulich points out. I do not think there is a more important motion that an opposition member can move in this Parliament than the one Mr Tee has moved against my friend and colleague the Minister for Planning. Despite the seriousness of this motion, Mr Tee is nowhere to be seen.

Mrs Peulich — He is having a late lunch.

Mr FINN — I would not like to speculate on where he is, but I would suggest that with something as serious as this motion the mover of the motion should be in the chamber for the duration of the debate. It is not good enough to get up, have your say and clear off. He should be here. It staggers me that Mr Tee can make all sorts of wild and weird allegations — without any proof I might add, but I will get to that in a moment — and then skedaddle. Let the record show that Mr Tee is not in the chamber, which under normal circumstances would be the least of my complaints.

Mr Ramsay — It is a relief.

Mr FINN — It is a great relief indeed, Mr Ramsay, but on this occasion, as I said, it is a bit rough for the mover of such a serious motion not to be in the chamber for the duration of the debate. I listened to Mr Tee with varying degrees of interest. A couple of times I thought we had actually entered the twilight zone. There was Mr Tee, who was clearly having delusions of some nature, rabbiting on. An old expression came to mind — not waving, drowning, because that is what Mr Tee was doing on the other side of the chamber. He brought this motion on. Members will recall that we on this side of the house attempted to bring this motion on in the last sitting week. I think Mr Barber was the member who denied leave for the

motion to be brought on last time, but we are very keen to debate this motion because, quite frankly, it is ridiculous.

But Mr Tee, as is his wont and way, has come in here today wasting the time of this Parliament. We have another very important motion on the notice paper this afternoon. We could be debating the future of the east–west link, for only the seventh or eighth time in the last three or four months. We could be moving on to debate that motion, but instead we are talking about this motion, which I honestly thought may have some substance, given the enthusiasm with which the opposition members approached the motion, I thought they would have had something to back them up. Not on your Nellie! It concerns me that somebody who holds himself up — —

Mr Leane — Just about 3 million reasons!

Mr FINN — Let us talk about some of them, Mr Leane. I hope when Mr Leane has his chance he will talk about some of those reasons because Mr Tee did not mention them. He got up here and made all sorts of weird and wild allegations, rabbiting on in a ludicrous manner, with no evidence, nothing to substantiate those allegations, and then he sat down again. Now he has run away. What is going on with the member? He is a man who presents himself as the next planning minister of the state — the alternative planning minister. As Mr Barber so correctly pointed out, that is scary. I can only think of one thing scarier and that would be the return of the previous planning minister, Justin Madden, to that particular position. Mr Tee presents himself as the future planning minister when in fact he is just a grubby little muckraker; that is all he is.

Mr Leane — On a point of order, President, I am not too sure that the terminology used by Mr Finn was acceptable parliamentary language, and I think he should withdraw. I am sure the Clerk has just informed the President of his words.

The PRESIDENT — Order! The term used by Mr Finn was unparliamentary, and I ask him to withdraw.

Mr FINN — On the point of order, President, I assume you are asking me to withdraw the word ‘grubby’?

The PRESIDENT — Order! And the words ‘little muckraker’.

Mr FINN — Really?

The PRESIDENT — Order! From my point of view it is the combination of those words that form the problem on this occasion, and I ask Mr Finn to withdraw.

Mr FINN — I am happy to withdraw, but anyone who has taken the mildest interest in the debate today will know that Mr Tee has partaken in an exercise of muckraking, and that is what muckrakers do. That is fair enough. In fact, after listening to the outgoing Prime Minister over the last week or so, Mr Tee is making him sound good by comparison. We see the Prime Minister travelling hither and yon, telling everybody about what the federal Leader of the Opposition, Tony Abbott, is and what he has done and what his family has done, but Mr Tee has just taken it to another level, and that is about the first time he has ever done that on any basis.

I am appalled by this motion, and members can imagine that I will not be supporting it. In fact I will be vigorously opposing it. The man at which this motion is directed is somebody for whom I have a lot of time. He has shown outstanding calibre as the Minister for Planning in this state. I have no doubt that he has the potential to go on well beyond his current ministerial portfolio. I have no doubt about that at all. He is a man of honour; he is honourable. I suggest to members opposite that they might like to reach for their Funk & Wagnalls and look that up: it starts with ‘h’ — honourable.

Mr Leane — What is a Funk & Wagnalls? Is that unparliamentary too?

Mr FINN — He has not got one — or a Funk & Wagnalls either. But Mr Melhem has one, and that is all that matters, because where he is going, he is going to need one, and that is important.

But as I said, Mr Guy, towards whom this motion is directed, is an honourable man; he is a man of integrity. To bring these sorts of allegations, to bring these sorts of charges against him, particularly in this Parliament, is ludicrous — it is a nonsense. What are the members opposite thinking? It is quite extraordinary, and I know the length and depth that Mr Guy goes to to do his job properly, because I have witnessed it. Some years ago I was with Mr Guy when he attended a meeting of the Brimbank City Council when the mayor, Cr Natalie Suleyman, was in the chair — and what an experience that was! We will get to that in a little while.

I have been with Mr Guy when he has been to places like Point Cook. He said to the people at Point Cook that Victorians should be ashamed — or words to that

effect; I do not mean to put words in his mouth — of the way that they were treated by Labor when it was in government. The previous government allowed thousands of people to move into Point Cook, to build houses in Point Cook and move their families to Point Cook without the infrastructure necessary for a reasonable and decent standard of living.

What Labor has done to the people of Point Cook is despicable. Mr Guy has given firm commitments not just to me but also to the people of Point Cook and said that he regards their problems as uppermost on his agenda. He has been more than instrumental in getting the wherewithal together to provide the interchange at Sneydes Road in Werribee, which will provide the people of Point Cook with another way out onto the freeway. At the moment there are only two ways out, one being Point Cook Road, which is of lower than a reasonable standard by any judgement. Mr Guy has been down there and as Minister for Planning has given commitments to people who are suffering as a result of what Labor Party members did to them while they were in government.

Mr Guy is not somebody who sits behind a desk all day shuffling papers in his office down in Spring Street overlooking the MCG — where the Tiges will be playing on Sunday. He is somebody who gets out and deals with real people and real problems, and he solves them. I remember about three years ago raising in this house the prospect of a ferry service.

Mr Melhem interjected.

Mr FINN — If Mr Melhem listens to this, he might learn something. I know members of the Australian Workers Union think they know it all, but on this matter they do not. I raised a matter in the house for the attention of the then Minister for Public Transport, who I think at the time was Mr Pakula, now the member for Lyndhurst in the other place. I suggested that there be a ferry service from Point Cook to Altona, then to Williamstown and on to the city. At that time I was told by Mr Pakula and indeed by that master of financial figures, Mr Lenders, that there was no way that that would ever happen. Mr Lenders said, ‘We’ve done the costings’ — possibly by the federal Treasury or a department in Canberra — ‘and there’s no way we could ever get a ferry to service the west coast ports and take people into the city. It will never happen’.

Mr Leane interjected.

Mr FINN — Mr Leane really should listen to this. After the election, as one not to be put off easily, I went to Minister Guy and said, ‘I believe that this will work’.

He examined the project and came back to me and said, ‘I think you’re right. Yes, I think this will work; I think this could be a goer’. He continued the work on this particular project, and I am delighted to say that earlier this year we travelled down the Yarra River to the Port Phillip Heads past Etihad Stadium.

Mr Leane — It sounds quite romantic.

Mr FINN — It was very pleasant. A few drinks would have been good, but nobody put those on. We announced that that ferry service is moving to the next stage. I am very confident that within the next year or so we will have ferries servicing the people of the western suburbs, taking them into the city and relieving pressure on the West Gate Bridge and the West Gate Freeway whilst we are building the east–west link. We will have another way for people from Point Cook, Altona, Williamstown, Wyndham Harbour and Werribee to get into the city. Quite frankly, I am looking forward to that.

That is happening purely as a result of the vision of the great planning minister we have in this state, Matthew Guy — the man who is being accused by Mr Tee, who is not here. I am pointing to his place, but he is not here. Mr Tee made all sorts of wild, weird and ridiculous allegations against Mr Guy. Despite the fact that Mr Tee has presented absolutely no evidence at all — none, zilch, zero — to back up what he said, I am here to say that the Matthew Guy I know could not possibly be guilty of the allegations that Mr Tee is throwing around. It is quite ludicrous.

I think it was Mr Barber who a little earlier mentioned Miley Cyrus and tweeting. I am not sure how he got onto that. I do not know much about Miley Cyrus’s tweeting. I understand that she was involved in some case a while back. I am informed by people who know these things that she has been involved in twerking. I have no idea what that is, but I am told also that Clive Palmer does it as well. I do not know about other members, but given the choice, when it comes to twerking I will have Miley Cyrus over Clive Palmer any day of the week. That is something — —

Mr Leane — On a point of order, President, of relevance, I am not too sure that a comparison of Clive Palmer’s and Miley Cyrus’s twerking has any relevance to the motion.

Mr FINN — On the point of order, President, in the debate reference was made to Miley Cyrus, and I was making a passing reference to a particular matter that has already been raised in the debate earlier today.

The PRESIDENT — Order! Mr Leane's point of order has been made at a time when it certainly crossed my mind that perhaps this debate was starting to wander well away from the motion before the Chair. Whilst I understand that Mr Finn was providing some quite strong support and character reference for Mr Guy in respect of a ferry service that he seems to have been instrumental in developing, the fact is that the ferry will not be stopping at Ventnor. Therefore it really is not relevant to this debate. On discussions of Miley Cyrus, who certainly did intervene in this matter in terms of making public comment, it is relevant to mention her if that discussion is about the motion. Talking about tweets and comparing her to people like Clive Palmer is clearly not relevant to this debate and suggests a little bit of filibustering. If Mr Finn could come back to the terms of the motion before the Chair.

Mr FINN — Thank you, President. I wish you had been in the chair this morning. The President's reference to filibustering is well taken. I can assure the President that if I wanted to filibuster, I would do a lot better job than that.

This motion must be taken together with consideration of what has gone before. I think it was a ruling by an Acting President in your absence this morning, President, that in his view it is a quite reasonable thing for reference to be made to what has gone before, including the history of former ministers for planning as compared with the current one. I believe that is a reasonable thing to do. It is very hard to say what sort of a minister anybody is on a one-off basis without being able to compare them to those who have gone before.

I want members just for a moment to cast their minds back to the last couple of planning ministers, and compare them to this one. I have given some praise to the current Minister for Planning; I think he is, as I said, a man of vision, honesty and integrity and somebody who has the best interests of Victorians at heart. When Rob Hulls was Minister for Planning — and it may well be that Mr Tee is out having a cup of tea with him now; I do not know, but Mr Tee is still not here — Mr Tee was, as I understand it, a senior adviser to Mr Hulls. That being the case I wonder what he did, because it is well known — and Mr Hulls himself on one occasion let the cat out of the bag — that Mr Hulls regarded planning as a relief from his work as Attorney-General. That is the way planning was treated in this state under Mr Hulls: it was light relief when that gentleman wanted to get away from the serious job, as he saw it, of sabotaging the legal system.

Something that I think a lot of people in this state, and certainly people I have spoken to out my way, hold as a matter of deep regret is that Rob Hulls ever actually held the portfolio. I think there were a lot of people even in the government at that time — even in the Labor Party! — who were very keen to see him move on, and indeed they were very pleased when he did. Then of course we had Justin Madden. Where to begin? As has been mentioned — —

Mr Leane — He never got sued.

Mr FINN — He never got sued? No, he probably — I will not say that because that would be unparliamentary language, and I would never venture into that area, President.

Those of us who have been in this house for a little while would recall the performance of Justin Madden as Minister for Planning. He sat on the government benches, and he did exactly what he did in his ministerial office: vague. The lights were on, but nobody was home — and I am not sure if the lights were on sometimes.

Mr Leane — On a point of order, President, Mr Finn is reflecting on a current member of the Parliament, and if he wants to do that in an appropriate fashion, he needs to do it by substantive motion.

Mr FINN — On the point of order, President, my view of that is that I was referring to him in a past capacity, not in his current role. I have not seen him in action since he moved to the Legislative Assembly. I was referring to his role in the Legislative Council, which was a past role, not his current role as the member for Essendon and shadow minister for innovation and small business and Shadow Minister for Tourism and Major Events.

The PRESIDENT — Order! Whether or not Mr Finn was referring to the member in the past or in his current circumstances does not matter to me in terms of the substance of the matter.

I wish to take up what Mr Finn said earlier about a ruling by an acting president. Whilst the acting presidents do a fabulous job, I do not necessarily agree with all their rulings. In respect of the ruling that I think Mr Finn is referring to, can I say that I would not have allowed such an expansive debate. I would not have allowed the references to former ministers. I have listened to what Mr Finn has had to say about Mr Hulls, and I think that so far what Mr Finn has said has been totally irrelevant to this motion today. It has no parallel at all with the current minister, and therefore it is not material that really ought to be part of this debate. It

brings into play the question of relevance in terms of what has been said.

I am concerned about some aspects of events earlier this morning. Mr Finn said I was not in the chair and that perhaps I should have been in the chair. I know Mr Finn was not casting any aspersions on me personally for not being in the chair at that point, but I wish I had been in the chair because I think I would have steered this debate in a somewhat different direction to the one it seems to have taken.

I am keen on consistency in terms of how this debate is managed today, but I ask Mr Finn to come back to a more relevant line of argument in terms of the motion before the Chair. In order to do that it is not appropriate to reflect on a member as not having done his job in the way Mr Finn might have expected. Mr Finn was close in terms of his criticism of Mr Madden, but I do not think he was unparliamentary. I do not think what he was saying warranted a substantive motion at that point, but it was close. It was certainly not, in my opinion, relevant to the debate before the Chair. Where a member is to continue to bring in information or lead a line of argument that involves a previous incumbent as planning minister, then in my view it must show some parallel with the current minister in the context of the motion that we have before us today.

The motion is a serious one. It lays out a number of points that deserve rebuttal and are being rebutted, but not one of those points involves a previous incumbent, and I do not know at this point, in any of the debate throughout the entire day, that there has been any parallel drawn in conduct that would suggest that it is relevant to pursue former ministers.

Mr O'Brien — On a point of order, President, rulings have been made by a number of acting presidents; some of them are in the chamber now, as is the Deputy President. For consistency in the conduct of this and other debates in the future, it may be of assistance and of benefit to members and acting presidents if, as you indicated before lunch, you would review *Hansard* and provide some guidance on the matters you have just touched upon.

The PRESIDENT — Order! I agree with Mr O'Brien, and in fact I have reviewed the record. At a point when the Leader of the Government is in the chamber I will be seeking a withdrawal of a particular remark that he made. I will also be seeking a withdrawal of a comment that Mr Viney made which was in the same vein. In both circumstances I believe the remarks were unparliamentary in the sense that they suggested corrupt behaviour of individuals, and I do not

think there was anything to substantiate that behaviour. The word 'corrupt' and the concept of corruption are not part of this motion, and there is absolutely nothing to substantiate corruption. Therefore that word is definitely unparliamentary in the context of today's proceedings.

As I said, at an appropriate juncture today I will be asking the Leader of the Government to withdraw the remark that he made. I have had a discussion with him, and he is quite happy to withdraw. He accepts my position on that matter. At the same time I will also be extending a request to Mr Viney as Deputy President for a less stark but nonetheless similar comment made in his contribution today.

Mr FINN — President, thank you for clarifying those matters.

Mr Tee — You can tear up your notes now.

Mr FINN — I welcome Mr Tee back to the chamber. The Chair was resumed at 5 minutes past 2, and half an hour later Mr Tee has decided to wander back in. I welcome him back. I hope he has had a very enjoyable lunch, snooze or whatever he has been up to.

I believe the Minister for Planning, who is under attack in this motion today, would never have got involved in something like the Brimbank City Council scandal. Mr Guy would not be so clueless as to let his office be used by comrades in his own party to run an empire. If Mr Guy were to meet Hakki Suleyman, I am sure the alarm bells would ring immediately, as they did with me.

Mr Leane — On a point of order, President, in relation to relevance, Mr Finn is again wandering off into all sorts of history and false accusations. It is a narrow motion, and Mr Finn should be going back to being relevant to the motion.

Mr FINN — On the point of order, President, I have not made allegations against anybody. All I have said is that the Minister for Planning would not have got involved in something. I have just touched upon that. I mentioned a name which has clearly raised the hackles of members opposite, but I have made no allegations against anybody. I do not understand what Mr Leane is on about.

Mr Viney — On the point of order, President, this relates very much to points of order I was trying to make when this debate lost some degree of dignity and control earlier in the day. To that extent, my point at the time, which I repeat, is that I cannot see how it is relevant or appropriate to drag into this debate

commentary that may or may not have been made in a previous debate in a previous Parliament. It is an attempt to smear the reputation of someone who is still a serving member of this Parliament. This is where this whole debate started to get out of control. It should have been ruled out of order at the time. It was not, and a whole range of discussions were introduced as a consequence. We should pull it back now.

Mrs Peulich — On the point of order, President, I understand you followed some of the earlier debate, that you have reviewed some of the record and you may well be aware that Mr Viney's characterisation of that debate in the point of order he just made is very different to what actually transpired. The point that was being made at the time was that it was relevant to look at the previous censure motions and at the depth and veracity of evidence that was presented to the chamber in order for such a censure motion to succeed. In my view the fact that it happened in the previous Parliament, as a matter of process, is not relevant. What is relevant is that new members of Parliament who have not been privy to the conduct of a censure motion, which should be a rarity rather than commonplace, should be able to measure, gauge and learn from previous practice of this house, much of which is documented in *Rulings from the Chair*. Mr Viney keeps misrepresenting the debate that occurred at the time.

The PRESIDENT — Order! I uphold the point of order on the basis of relevance. Mr Finn is now proffering a hypothetical situation which is absolutely irrelevant to the debate on the motion before the Chair. I ask Mr Finn to come back to the terms of this motion in his line of argument.

The terms of this motion are quite clear. The lead speaker for the opposition prosecuted his case within the parameters of the motion. Mrs Peulich has noted that other speakers seem to have wandered off into other areas in terms of their attack or defence, and she is absolutely right — they should have been pulled up earlier. But the fact is I am now in the chair and they have been pulled up. We are back to the motion before the Chair; this is what I am listening to — lines of argument that are relevant to this motion. Perhaps this will be a lesson to us all, particularly newer members of the chamber, in terms of where we go from here. A hypothetical about a minister meeting another individual has no relevance to this motion. Mr Finn to continue on a different line of argument.

Mr FINN — I am very happy to embark on a different line of argument, President. As I say, I am extremely disappointed that you were not in the chair earlier, and I hope that we will have the benefit of your

wisdom to a greater degree if this sort of matter is raised in the future.

I am looking at the motion that Mr Tee has presented to the house. He got up in here today and gave what was at best a rambling performance of snide innuendo, cracks at people's characters, muckraking and the sort of thing that, I have to say, we have come to expect from him, quite honestly. That is deeply regrettable. My understanding from listening to Mr Tee in the last sitting week was that he actually had something worthwhile to say. I think it is disappointing when he builds up our expectations.

As you are aware, President, Mr Guy was very keen to ensure that the debate went ahead in the last sitting week, on the basis that there was something worthwhile to debate, and so here we are. Two weeks later we have come in here. There was a big build-up, and Mr Tee got up and delivered absolutely nothing. Can anybody tell me exactly what this allegation is? Can anybody tell me the basis for this motion? I am not talking about previous ministers who have had similar motions moved against them in the past where there was substantial evidence as to their wrongdoing. I am not allowed to mention that — although that makes the idea of precedent a bit irrelevant as well. We have here a shadow minister who has come into this chamber with a pretty impressive looking motion, it has to be said, but there is nothing to it. It is empty. It is a bit lacking. It is all noise; there is nothing to it.

Mr O'Brien — It's a cardboard cut-out.

Mr FINN — It is a cardboard cut-out, Mr O'Brien. There is no basis for this motion. As I say, we have serious matters to discuss in this Parliament. We have another motion on the east–west link to debate later on this afternoon. I cannot wait to speak again on the east–west link, but instead we are talking about this. We are slandering people like Meg Bartel. I have known Meg for over 20 years, and I know her to be a — —

Ms Crozier — Decent.

Mr FINN — A very decent and honest person. Yet this motion attempts to slander her, and I think that is despicable. It attempts to drag former planning minister Rob Maclellan into this matter. I think that for all Rob Maclellan's sometimes colourful practices, he was a damn good planning minister. He opened Melbourne up in a way it had never been opened before, and that has to be a very good thing. The motion attempts to slander former Premier Ted Baillieu and the federal member for Flinders, Greg Hunt. You have to wonder.

If the real target of this motion is not in fact Mr Guy, it just might be Mr Hunt, who of course is up for re-election, and no doubt will be re-elected, on Saturday.

This sort of motion does the opposition little credit and it does the house little credit. As various members, various acting presidents and you, President, have said, this is a very serious motion. Members should not bring motions like this to the house unless they have good reason to do so, and Mr Tee does not. Anybody who listened to him today knows that he has no evidence to back up the scurrilous allegations he threw around the chamber against the Minister for Planning. I am very happy and I am very comfortable in my support for Mr Guy. I know him to be an honourable, outstanding minister — a minister of vision and a great member of the Napthine government. I very strongly oppose this motion and will be voting against it at the first opportunity.

The PRESIDENT — Order! I indicate to Mr Scheffer that if the Leader of the Government comes into the house, I intend to ask him for a withdrawal of his earlier remark. That might mean that I need to intervene in Mr Scheffer's speech. I thank him for understanding that.

Mr SCHEFFER (Eastern Victoria) — Mr Tee's motion should not need to be put at all, and rising to speak in support gives no-one on this side of the house any pleasure. It is a sad day —

Honourable members interjecting.

Mr SCHEFFER — No. It gives no-one on this side of the house any pleasure at all. It is a sad day when a shadow minister's duty leaves him no option but to move a motion calling on the house to indicate that it no longer has confidence in a minister. Oppositions do not move no-confidence motions lightly. The fact is that there is no greater shame for a minister than to have to resort to the support of the members of his own party to shore up his position, and we shall see if that is how it turns out, because I do not wish to pre-empt the vote at the end of this debate.

While oppositions may oppose ministers over policy and the actions taken by government, they can still have confidence in the minister's competence to do his or her job with integrity. An essential ingredient of this integrity is that a minister must be prepared to answer to the Parliament and to the people the Parliament as a whole represents. As Mr Tee's motion underlines, the Minister for Planning is now swept up in a maelstrom of his own making. His actions over the rezoning of farm land at Ventnor on Phillip Island are the subject of

huge controversy involving some very serious allegations for which, in my view, there are no evident answers. Day after day during the previous sitting week the minister and the government refused point-blank to simply and directly explain the extraordinary circumstances surrounding the rezoning of the land at Ventnor, and the opposition now has no choice but to call upon the house to support this no-confidence motion.

Mr Tee's motion in part relies on the amended defence that was filed in the Supreme Court by the Minister for Planning. In this document — and Mr Tee's motion restates it to some extent — the minister admits that he rezoned the land at Ventnor contrary to both legal advice and departmental advice and in breach of the requirements of the Planning and Environment Act 1987. This chamber has heard the details of the amended defence tendered in the Supreme Court in September last year — namely, that in paragraph 7A of that defence the minister admits that he acted contrary to the legal advice; in paragraph 7B he admits that he had contrary departmental advice; in paragraph 7G he admits that he made a jurisdictional error; and in paragraph 7H he admits that he acted in breach of the Planning and Environment Act. Those are the facts that members opposite have called for when they say that Mr Tee's motion is insubstantial.

Fundamentally that is what Mr Tee's motion relies on; they are facts within the jurisdiction of the Supreme Court; and I would be interested to hear those opposite attack, undermine, qualify or advise the house that the statements made by the minister and tendered to the Supreme Court are not true.

There can be no more serious admission from a minister, because it means he acknowledges that he acted illegally, breaching a key piece of legislation that must bind a minister. By any measure it is incumbent upon the minister and the government to explain exactly why and how this occurred and for the minister, in my view, to step aside unless an explanation that entirely exonerates him is forthcoming. So far we have not heard anything like that. In the amended defence the minister also states that he acted contrary to the advice of his department, and there has been some discussion in the debate from the Leader of the Government about the relationship between a minister and his department.

It is true that ministers are not bound to slavishly follow the advice of their departments, but they are expected to rigorously scrutinise the advice they are given and get the department to reconcile the minister's and the government's policy objectives with the law, while at

the same time ensuring that whatever course of action is followed has policy consistency and integrity — even if the department does not like it. Mr Tee has stepped the house through the details of how the minister dealt with his department, which is a far cry from the standards we would expect from the minister.

During the previous sitting week, the Premier was asked whether he was aware of the contents of the amended defence. The Premier was asked how much money the government handed over to Ms Carley Nicholls in the out-of-court settlement that had been reported in the media. He was asked whether he was consulted prior to the multimillion-dollar settlement and whether he received departmental advice on the matter. It was put to the Premier that an adviser in the office of the Minister for Planning did not provide the minister with the available departmental advice. The Premier was asked how the Minister for Planning could still hold his position when he had admitted to the Supreme Court that he had breached the Planning and Environment Act and that, as a consequence of his actions, he cost the state millions of dollars. And it was put to the Premier that an adviser to the planning minister sent an email to the minister's department advising the officers that the minister was supportive of a request from a planning consultant representing Ventnor landowner John Cadogan and that the department should draw up the planning scheme documents in conjunction with this planning consultant.

The Premier refused to deal with any of those questions. He did not clarify, correct or explain anything put to him in the Parliament of this state. If members look back through *Hansard*, they will see that virtually every response from the Premier to that series of questions began with the words, 'Planning is a challenging or a vexed portfolio area. That legal action is not unusual, and there is nothing new here'. That was in effect the response of the Premier to that long series of cogent questions asked over three days in the Legislative Assembly.

Through this prevarication and this obfuscation the Premier failed to defend the minister in any way, shape or form. That was the opposite side; what might have looked like a defence of the minister was actually a refusal to defend him. The Premier may have looked like he was stonewalling, refusing to betray his minister, but in fact he could not muster any argument or case to explain or justify his minister's actions and defend his colleague's integrity.

Mrs Peulich — On a point of order, President, given your earlier comments about the parameters of the debate, I would have thought that Mr Scheffer's

contribution, which has largely focused on the Premier, would have stepped outside the bounds of your advice. Given the parameters of the motion, I ask that you bring him back to the motion.

The PRESIDENT — Order! On this occasion I do not uphold the point of order. For a start I believe the Premier has been named in this debate as being one of the people associated with the mechanisms that occurred in the minister's decision. Mr Scheffer's contribution is probably closer to relevance in terms of the matter than almost any other contribution made today. He is going to what other people have said about these matters, being the Premier specifically. The remarks that he is making are totally relevant to the very words used in the motion so far as some of the contact and so forth are concerned. This is a relevant line of argument, and I do not uphold the point of order.

Mr SCHEFFER — Mrs Peulich's point of order was prescient, because I was moving on to this chamber in my very next step. But before I do that, I want to ask a couple of questions about why the Premier took the course of action he did in apparently defending his minister. My question is: why did he not lift a finger? Maybe that has to do with where this minister sees his career — that is, moving to the lower house where he may in fact be a future competitor for the Premier, but that is beside the point for the moment.

During the previous sitting week a similar story was being played out in this chamber as Mr Tee asked the minister directly a range of searching questions as to whether he had spoken to former Kennett minister Robert Maclellan, whether he had spoken to Ms Carley Nicholls, when and where these conversations had taken place and what they were about. The minister was asked whether his staff had discussed the Ventnor rezoning issue prior to the minister making his decision and whether he would consider renegotiating the confidentiality agreement so that the dollar value of the settlement could be made public, or at least the figure of the legal costs.

Instead of stepping the chamber through the series of events as they occurred, the minister parried, flailed and tried to thrust his way through question time. The minister said that he only met Mr Maclellan and Ms Nicholls after the matter was concluded. Why would he do that? Did the minister travel to Phillip Island to talk to Mr Maclellan and Ms Nicholls just tell them that he had done Ms Nicholls out of a potential \$10 million windfall? I do not think so. None of this makes any sense, and the minister is now in more trouble than he reckoned.

Mr Tee was at pains to find a way for the minister to release the dollar figure of the out-of-court settlement while at the same time honouring the commitment that the minister and the government had made to the Supreme Court. Mr Tee revealed that it was the minister and the government that had insisted on the confidentiality condition, not the plaintiffs. Mr Tee suggested that the minister renegotiate the agreement. The minister answered that he would seek advice from his department on how to make this matter more transparent through a public process — that is a good thing; full marks — instancing what may have been an annual report.

All the questioning during the previous sitting of the Parliament in both chambers has apparently come to nothing, with the Premier and the Minister for Planning each in their own way treating the Parliament with what has to be described as contempt and tarnishing the high office that each of them holds. The Premier and the Minister for Planning no doubt believe they will get away with this under cover of the distraction of the federal election campaign. We will see how long the distraction lasts, because inevitably the focus will again return to the goings-on in this Parliament.

As far as the general public and the residents of Phillip Island are concerned, the story is very clear. They know that the Shire of Bass Coast had zoned the 24 hectares at Ventnor as farmland. They know that the minister had rezoned it as residential, only to reverse that decision after community and local government protests and the intervention of various Liberal Party figures. This is common knowledge at Ventnor and Phillip Island. Residents on the island know that the minister's initial decision was high-handed and against the community interest and that the decision would hand a massive financial windfall to landowners on the island. They know that Liberal Party figures had a hand in the rezoning and further rezoning of the land, that the minister was subject to immense local pressure from past and present Liberal Party office-holders and that by any measure this was an arbitrary and reckless use of public office for private benefit.

Local residents also know that journalists have taken an interest in the events because the journalists believe proper processes are being subverted and compromised by this arbitrary exercise of power and the interference from interests outside the formal process. Finally, residents of Phillip Island and the wider Victorian public know that the majority of their representatives in the Victorian Parliament no longer have confidence in the minister to do his job.

This is a very serious matter. I hope my presentation has been succinct, germane and to the point. These are the questions that have not been answered. How can we have confidence in a minister and a government that cannot even answer these most elementary questions?

Mrs PEULICH (South Eastern Metropolitan) — I join my colleagues in speaking against the motion moved by Mr Tee to do a number of things, including to move a motion of no confidence in the Minister for Planning, Matthew Guy. Before I make some comments on Mr Scheffer's disappointing contribution, I note from reading *Odgers' Australian Senate Practice* that the most recent practice of similar motions has been to move motions of censure rather than motions of no confidence.

The house will form its own view, but I believe that the very serious allegations made by Mr Scheffer and which Mr Tee has attempted to use as a smear are not clear. There may well be a list of questions, as enumerated by Mr Scheffer, that he feels were not answered to his satisfaction, or perhaps to the satisfaction of Labor Party activists, green activists or any of the aggrieved, but the standing orders of this chamber, as well as those of other chambers, state that a minister — and this includes the Premier — can answer a question as he sees fit so long as the answer is relevant, so to say that the questions have not been answered is a misrepresentation.

To then line them up like little peas in a thimble and attempt to create a picture of some allegations of some very serious wrongdoing, with the innuendo and smear being that somehow it is tantamount to corruption — although there is an avoidance of the use of the term. I think Mr Tee used the term 'for political gain' in that Mr Guy has undertaken this course of action for political gain — —

Mr Tee — Financial.

Mrs PEULICH — Nowhere in their presentations — —

Mr Tee — Financial gain.

Mrs PEULICH — Nowhere in their presentations have they indeed clarified what the — —

The PRESIDENT — Order! I heard an interjection by Mr Tee which might not have been picked up by Hansard, but it was an important interjection. It also goes to a comment Mr Scheffer made that also perturbed me a little. Mr Scheffer's comment was about the reckless use of public office for private benefit and Mr Tee's interjection was 'financial gain'. Mrs Peulich

was talking about political advantage, which was consistent with what I think Mr Tee presented in the lead speech in this debate, but then by way of interjection he made the remark 'financial gain'. In both cases, in respect of Mr Scheffer's remark and Mr Tee's then, I am seeking to establish that there is not an accusation that Mr Guy, as minister, received any financial gain as part of this or that it is an allegation they are making. That is a very different and much more serious allegation than what is contained in the motion.

I would not want Mr Guy's character impugned in any way by an interjection that suggested that he was to actually receive some financial gain out of this process. Can I have a clarification from Mr Tee that that was not the intent of his interjection? Mr Scheffer is prepared to also give me some assurance, I see.

Mr Scheffer — I give that assurance, President, yes.

The PRESIDENT — Order! Thank you.

Mr Tee — Yes, President. My interjection was in relation to the plaintiff in the proceedings, Ms Carley Nicholls, and not the minister.

The PRESIDENT — Order! Thank you. Mrs Peulich to continue.

Mrs PEULICH — Thank you for getting that on the record, because I have been concerned all through this debate about the inferences, the innuendo and the smear of some very serious allegations — allegedly — which have never actually been articulated beyond the motion. That has disturbed me greatly. I know that there are people, both in this chamber and in our field of politics, as well as some who may report it, who are expert at lining up information and making it seem like a hanging offence, creating an impression of some very serious wrongdoing when in many instances there has been no public wrongdoing.

Mr Guy is a very intelligent man, and I believe he is a person of integrity. He has a wife and three young children; he has a future to look forward to. Most of us, when we reflect on matters that we have handled, could sometimes think of ways of handling them better. However, I do not believe that Mr Guy has acted illegally. I do not believe that he has acted immorally. I do not believe that very serious allegations exist except in the minds of those who seek to infer, through this motion and the subtext of the commentary, that somehow he is corrupt.

The Labor Party is getting carried away with itself.
Mr Tee — —

Mr Tee — Would you agree that he is incompetent?

Mrs PEULICH — I do not agree that he is incompetent at all. In actual fact I would probably think that the definition may suit you more so, and I am more than happy to canvass that in a separate debate. What Mr Guy has tried to do in the reform of the planning process is to be more transparent, to be at arm's length, to make some systems changes, to allow the community to have input to decide on the nature of their physical environment and then enable those decisions to be made at an arm's length from ministerial intervention. That has been Mr Guy's intention through a range of planning reforms he has undertaken. At the end of the day, when this is all in place, he will be recognised for doing that. That is a much more accountable and transparent system than existed under former Labor governments and under former ministers for planning.

First of all, a no-confidence motion is misguided. It belies the subtext, and that has concerned me. Perhaps a censure motion may have been more appropriate given the individual sections of the motion. What this debate has been about is very much smear. There are some who are very good at smear.

Mr Tee — Name them.

Mrs PEULICH — If the cap fits. I agree completely, having been in local government and having been around politics for 17 years, with a particular interest in planning, that it is not unusual for people involved in planning to take legal action, or at least threaten it. At all levels, whether it is against individual councillors, whether it is targeting a particular council, whether it is the state government or the minister, it is not unusual.

Mr Tee — Three million dollars is not unusual?

Mrs PEULICH — I am sure there will be a time and an opportunity to judge the settlement that may have been involved in this case, based on the legal advice — —

Mr Tee — They won't release it.

Mrs PEULICH — Mr Tee has inferred — in fact he is probably being more direct than that — and I think Mr Viney also inferred that Mr Guy somehow paid hush money.

Mr Tee — No, taxpayers.

Mrs PEULICH — No, that is not what you said and that is not what Mr Viney said.

Mr Tee — Taxpayers.

Mrs PEULICH — That somehow it was Mr Guy who paid hush money.

Mr Tee — No, it was taxpayers.

Mrs PEULICH — Anyone who understands how a government works knows full well that Mr Guy — —

Mr Tee interjected.

Mrs PEULICH — You can clarify that allegation when you sum up. I believe, and I welcome the opportunity — —

Mr Tee interjected.

Mrs PEULICH — I welcome the opportunity for some consideration being given to the practice of settlement of legal cases under this government and under Labor governments — and I am sure that it is fairly commonplace — so we can make an informed judgement on this practice and perhaps bring a greater degree of scrutiny to it. I do not believe that what has occurred with this case is significantly different to what occurred under Labor governments. In fact I would expect that there were many instances where former ministers were more interventionist.

The minister may not have followed the advice of his department, and that is not unusual. That does not mean that he does not take it on board. Indeed if all ministers fully followed departmental advice, we may not even have need for a minister. I would not consider it to be an absolute hanging offence for a minister to not follow all the advice he has dished up to him. In fact it is his duty as a minister to scrutinise that advice and form a best judgement as to what is in the best interest of Victorians.

There is a very stark contrast between the practices of Mr Guy, who has been more reluctant to intervene and has sought to create a planning system which is transparent and which allows less political intervention, with what we saw happen under Labor governments. Many of the decisions made by Labor governments favoured some of their significant contributors, for example, unions.

Mr Tee — On a point of order, President, I think Mrs Peulich is flouting your clear rulings about the narrow nature of this motion, which relates to the minister's conduct. She is very much straying to now talk about quite extraneous matters, and I ask you to consider asking her to come back to this motion.

The PRESIDENT — Order! I do not uphold the point of order. In fact Mrs Peulich's contribution has again been one of the most relevant to the motion before the house. She has been making the point that the approach to a decision taken by this minister, which has been brought into question by this motion, has some consistency with decisions made previously. She has not reflected adversely on any individuals. She has maintained a consistent and tight approach to the motion before the chair in her debate. The comments she has made have drawn parallels with previous administrations without going off on some sort of frolic into forests and woods outside this motion's parameters. I do not uphold the point of order.

Mrs PEULICH — In looking at the contents of the motion and bringing my contribution to the debate to a conclusion, I would like to make some brief comments on Mr Tee's motion.

The PRESIDENT — Order! The Leader of the Government has just returned. I will recognise Mrs Peulich for the completion of her debate in one moment.

This has been a difficult debate today. As has been acknowledged a number of times, it is an important debate. It is a debate about the want of confidence in a minister. This is an appropriate motion to bring before the house if there is concern about confidence in the minister. It is within the capacity of the house to debate this matter fully and comprehensively.

Unfortunately, with the roster of acting chairs today, not everybody has been as attentive to the continuity of the debate as might have been preferred. That has resulted in a number of rulings and certainly contributions that have been outside the parameters of this debate. I particularly want to congratulate Mr Scheffer and Mrs Peulich for acknowledging the remarks that I made about staying within the parameters of the debate. I believe they have both done so, notwithstanding the fact that people have sought to question this. Both of them recognised what the debate was about and made contributions that were apposite to the debate.

The acting presidents may not have heard all the debate today and therefore may not have appreciated the continuity of the proceedings. I might be cast in the same light because, whilst I listened to some of this debate in my office, I did not pick up all the debate or all the rulings. However, it is incumbent upon me to mention to members that when we have a motion of this nature, indeed motions of any nature, relevance is an important factor. Members should not wander off,

filibustering on issues or bringing in a cast of characters that have nothing to do with the motion before the house.

In this context, I note that earlier in the day Mr Tarlamis, while acting chair, on two occasions indicated that relevance was an important factor. He gave his rulings during the contribution by the lead speaker of the government, and he rightly indicated that a bit of latitude is given to a lead speaker. However, given that latitude, the lead speaker also sets some of the parameters for the debate that follows, so they need to be mindful of that and not open up the debate in a way that goes outside the question before the house. I note that while Mr Tarlamis did not use the word 'relevance', he was looking at the question of relevance in suggesting that a contribution ought be substantially directed to the question before the house, which in this case was the motion moved by Mr Tee.

Some of the rulings that followed perhaps did not curtail extraneous debate as they might have. That led to frustrations with a number of speakers. There were a number of interjections, which elicited remarks that were not intended. The Leader of the Government made an accusation or comment during the debate. There had probably been an interjection at that time, but the Leader of the Government suggested that a former minister of this house was a corrupt minister. I do not believe that is parliamentary language. I believe that is unacceptable under standing order 12.20. Even by way of substantive motion we would still look carefully at an accusation of corruption because that has very serious overtones. We would need to be very clear about what exactly was intended in such a substantive motion. A substantive motion does not simply give members carte blanche to make any allegation. The allegation still needs to be properly framed, and it should not contain unparliamentary language.

In the course of reviewing the proceedings I have had a discussion with both the Deputy President and the Leader of the Government about remarks that were made which featured the word 'corrupt'. I am now seeking a withdrawal of the comment 'corrupt minister', which was made by the Leader of the Government during his speech this morning.

Hon. D. M. Davis — I withdraw.

The PRESIDENT — Order! Mr Viney was not quite so stark in the remark that he made, but nonetheless, it suggested again that there was an aspect of corruption, and I would ask that he also withdraw his remark.

Mr Viney — Thank you, President. I withdraw.

The PRESIDENT — Order! As I have indicated, when we debate these motions, relevance is of particular importance. I thank the last two speakers in particular for making their remarks relevant to the debate, notwithstanding the points of order that were taken on each of them. I also point out that tedious repetition does not really help the house either in the course of these debates. This is an important motion, and I thank members for the cooperation they have shown me when I have been in the chair in terms of trying to redefine some aspects of this debate today.

Mrs PEULICH — I conclude by saying that during the debate no evidence has been given of impropriety or illegality. To therefore take the next step and infer that — —

Mr Tee interjected.

Mrs PEULICH — There has been no evidence, and I do not believe Mr Tee has come anywhere close to presenting any level of evidence. That is not to say that the minister may perhaps have done things differently. Everyone can improve on their performance, and that includes Mr Tee. In his shadow portfolio he called Places Victoria 'Better Places' — wrong. He called the planning assessment committees 'planning action committees' — wrong. He said the minister called in the development in Cape Patterson, but he did not. He said the metropolitan planning strategy is to be called 'Our state, our capital' — it is not. He protested against the minister with a cardboard cut-out of Miley Cyrus at 8 Nicholson Street, but the minister's office is at 1 Spring Street. He said there has been limited consultation for the metropolitan planning scheme — he is wrong.

I have pages and pages of examples where Mr Tee has just not got his facts right. He is sloppy. He is trigger happy. He thinks he is the only shadow minister who has landed a glove on a minister. He is getting cocky. I think he has overreached; he has overstepped the mark. What he ought to be doing is taking note of a lot of evidence, much of it also reflected in the views of his own parliamentary colleagues, about the problems facing our planning system. The latest evidence is the inquiry into local economic development initiatives in Victoria, which has an entire chapter on barriers to success for local economic development initiatives, focusing on planning, green tape and red tape. Mr Tee would be better advised to spend his time developing a better planning system to make sure that we get the right balance between protecting the environment and not hampering economic development that this state

needs in order to generate jobs and support business activity.

With those few words, I point out that nothing substantial whatsoever has been presented to demonstrate any level of impropriety, misuse of public office or illegality — no doubt much to the disappointment of the King of Smear. This motion of no confidence should be dismissed outright. Perhaps if Mr Tee had framed it as a motion of censure, there may have been some more illuminating debate, but I think he has overreached, and the motion ought to be exposed for what it is: just a cheap hit on the character of the minister.

Mr LENDERS (Southern Metropolitan) — I rise to speak without any hesitation in support of the motion of no confidence against the Minister for Planning. I completely reject the assertions of Mrs Peulich who presumed to lecture Mr Tee on how to do his job. It was not just Mrs Peulich but a series of government members have gone through the process of lecturing Mr Tee on what his job is: to scrutinise government. That is a joke. This is not Zimbabwe. This is not East Germany. This is Victoria, where the role of an opposition is, as it sees fit, to scrutinise the government on its performance and in particular a minister on his performance.

A number of government members have said there is not much substance to what Mr Tee has put forward. I put to the house that Mr Tee, in an almost identical number of words as comprise the Gettysburg Address, has succinctly put a case as to why this house should not have confidence in this minister. He has been particularly precise in outlining that, as have, I might say, the other speakers on this side supporting the motion of no confidence in the minister. I will briefly remind the house that the debate we have before us is on a substantive motion that outlines what the mover sees, and I agree with him, as a dereliction of duty to the point that it warrants the house expressing no confidence in the minister.

Let us not delude ourselves that this is some trigger-happy venture. This is the first time in this Parliament and certainly in this house that there has been a motion of no confidence in a minister. It is not something that members on this side of the house do lightly. In deference to the ruling of the Speaker, I will not outline the multiple other occasions when we on this side of the house could have argued that a minister ought to be censured or whatever else. This is the first time that we have moved a motion of no confidence, and we have moved it for the reasons that Mr Tee has succinctly outlined. Let us just reiterate some of those reasons.

Firstly, it is a fact that Mr Tee and certainly Mr Scheffer have quoted the affidavit lodged in the Supreme Court of Victoria, where the minister through his own legal representation accepts that he acted contrary to legal advice and the advice of the department and was in breach of the requirements of the Planning and Environment Act 1987. Those two things alone must surely give pause to those on the other side to say that this is not frivolous or trivial. You can make whatever case you like, and members can say that perhaps it is too extreme a sanction. That is a legitimate debating point. I would argue that the breach warrants the sanction. This is a serious matter. The representations of the minister's own legal team in an affidavit to the Supreme Court say he was in breach of an act that he is sworn to administer.

Those opposite say the motion is ill formed and inappropriate. They ask, 'How dare Mr Tee have the temerity to get up in the house of review of the Victorian Parliament and scrutinise a minister?'. We have been told by numerous government speakers that this minister is a good bloke. He is a married man with three kids. They can have a yarn to him; they can have a chat to him. Heaven forbid! He is a good bloke. He is also a minister of the Victorian Crown charged with administering legislation, charged with honouring an oath, charged with not just doing the right thing but being seen to be doing the right thing and charged with being open, transparent and accountable. The temerity of Mr Tee to question this good bloke — this married man with three kids — about his administration of the office of Minister for Planning! Mr Tee has moved that this house have no confidence in the minister. I have no hesitation in voting for that and endorsing it.

Then we have the theme that goes through the arguments of government members: there is no basis for the motion. I think I have already addressed that. I do not intend to engage in tedious repetition here. The facts speak for themselves, and my colleagues have clearly outlined them. But I now move on to the second part of the reason why this house should not have confidence in the minister. The motion also goes to transparency, openness and accountability. I have not asked the attendants for a vomit bag, but my goodness I felt as though I needed one a few times when I heard the nauseating stuff about how open, transparent, accountable and wonderful this married man with three children is. What his marital status and parenthood has got to do with his ability as a minister quite baffles me. Nevertheless, that has obviously been one of his defences.

Let us just go through paragraph (2) of the motion as we consider this transparent and accountable good

bloke. In October 2011, in February, March, May, June and August 2012, and in June 2013 — to name just a few occasions — Mr Tee has questioned this minister in this house about this particular issue — that is, the issue of the minister sitting at the kitchen table in Ventnor discussing matters which ended up in the Supreme Court and a settlement which colleagues on my side of the house have called hush money of \$3 million.

There is a theme here, and it is why I have no hesitation in supporting a motion of no confidence in this minister. On every occasion when Mr Tee has sought a proportionate response from the minister during question time, he has been treated with condescension and withering contempt. He is abused and ridiculed by an arrogant minister whose attitude is, 'How dare you question me?', and each time there is a reason this minister cannot answer. The minister always has a reason for there being no response to Mr Tee's questions, despite the fact that the minister undertakes in this house to get back with an answer to Mr Tee's question and often makes the statement, 'I will get back to you'. Several weeks pass and Mr Tee comes back and asks the minister, 'What happened when you looked earnestly across the chamber and said you would get back to me? What is the answer?' He will then get a derisory comment like, 'I am not in charge of my diary'. The minister's behaviour is not answering is arrogant. He thinks it is a bit of a joke. He thinks that as he is sitting here with 21 votes behind him, so he can do what he likes. If Mr Tee, Mr Barber or anybody else asks a question of this minister, the response is a smirk, innuendo and arrogance.

We are asked to support a motion of no confidence in this minister. I have no confidence in this minister because whenever we use the procedures and forms of this house to get an answer from him, his arrogant response is to ignore it, to abuse, lecture and ridicule the member and say, 'How dare you ask a question of me?'. That is what you get from this minister. He thinks he has 21 votes behind him, so he can do what he likes, and will not answer the questions. We are talking about openness, transparency and accountability.

The second reason I have no hesitation in supporting Mr Tee's no-confidence motion is set out in paragraph (2), which notes that for more than two years the minister has failed to duly answer questions put to him in relation to his conduct in this matter. The third defence of the government is that others have done bad things too. With respect to the President's rulings, I am not going to reflect on what others have done or the standards that ministers may have set, but I will say that if you are a minister of the Crown and you come into

this house and say that you want a high standard of government, you are special, you are different and that this is a new era, and the only defence your colleagues have is, 'My gosh, other people did bad things', then we are on a spiral to mediocrity and bad practice. If the sole defence is that other people also did bad things, it is hardly a ringing endorsement of why a minister should not be held accountable.

The third item flows logically from the second item. It goes to the things that are on the public record. Mr Tee's motion clearly sets out that the minister has refused to provide any explanation to this house on his conduct in the matter or for the reason he acted, in initially rezoning the land, contrary to the wishes of the local council, the local community and the recommendations of an independent planning panel. It is a trifecta. He ignored three sources of advice, formed his own view, then did a backflip and changed his view. Mr Tee succinctly outlines this in the motion.

We then go to the influence the minister's then chief of staff and former adviser to a former Minister for Planning, Rod Maclellan, had on the decision to rezone the land. It is hardly an unreasonable question to ask and not one that deserved the withering and scathing responses given by the minister. It definitely gives me the confidence to support a no-confidence motion in the planning minister, because his answer provides the house with no confidence in him actually being prepared to be accountable and not just play games in this place.

We then move on to the role of Mr Baillieu and the current federal member for Flinders, Mr Greg Hunt, who admitted he was responsible for persuading the minister to repeal his decision. That is in the motion, and the reason I support it is because these activities do not give me confidence that this minister is an effective and efficient minister of the Crown.

The timing of this motion is another thing. The matter has been settled in the courts, surprisingly at a cost that has been mentioned in this house of \$3 million to the Victorian taxpayer, with there being enough time to conveniently get all this out of the papers — surprise, surprise! — three weeks before the federal election. As other members in this house have said, it is \$3 million of hush money. That kind of political activity does not give me confidence in this minister's ability to administer the planning portfolio in Victoria.

We now come to paragraph (4) of Mr Tee's motion, which states that the Minister for Planning has undermined community confidence in the Victorian planning process through his conduct. Presumably I

will be chastised because according to the defences put up by those opposite, the planning minister is a good bloke; he is a married man; he has three kids; he is a mate. I hope there is something more substantial than that. It is interesting to note that the Premier did not say that he was a good bloke, a married man, a father of kids. He did not find any reason to defend him, but other members in this place are saying he is a good bloke, a married man and you can have a yarn with him, therefore he must be a good Minister for Planning.

We have a Minister for Planning who undermined community confidence in the Victorian planning process when it was revealed that planning decisions are influenced by party political patronage. It is funny that he can sit at the kitchen table of a member of the Liberal Party in Ventnor at a meeting organised by another member of the Liberal Party, who happens to be the Speaker of the Legislative Assembly, and somehow when the minister is asked about it his answer is 'Oh my gosh, was that the kitchen table in Caulfield or the kitchen table in Ventnor?' That is his defence.

It was not: was it appropriate that a group of Liberal politicians in a room, without any note takers from the minister's department, were discussing planning decisions? And the minister's response was not, 'That is a grave issue'. On numerous occasions, in opposition and in government, the minister has said, 'I will not be in a meeting with a developer without a note taker from my department present'. I have heard the minister say that on numerous occasions. Mr Tee's motion notes that the minister has met people based on the influence of party political patronage. That does not give me confidence in the minister. That gives me the confidence to support this no-confidence motion, because I do not have confidence in this minister.

Paragraph (4)(b) of the motion refers to 'community participation in the planning process is irrelevant'. I think that has been covered by numerous people. It is a joke if it goes to a kitchen table with Liberal mates. Community processes are only relevant to the point that if you are a Liberal mate, you can get to the kitchen table. Paragraph (4)(c) says that the views of local councils and independent planning processes have been sidelined. That has been clearly outlined by my colleagues. And further in the motion, paragraph (5) says the house:

... believes that the minister's conduct has exposed the Victorian government and Victorian taxpayers to millions of dollars in damages and has undermined business confidence and investment which will result in job losses.

No-one has refuted that there was a financial settlement. No-one has refuted that it has cost Victorian taxpayers large amounts of money. A number of members have speculated that is in the order of \$3 million. All I do is repeat the figure that a number of members have raised, but no-one has disputed the point made in the final paragraph of Mr Tee's motion that this has cost the Victorian taxpayer multiple dollars.

Let us go back and review this debate. Government members say this is disproportionate. The minister did not at any time in the two-year period outlined in the motion come into this house and try to answer a question without lecturing or hectoring the opposition about what it should do. We heard it in the debate from Mr Finn and Mrs Peulich. We have heard time and again today a lecture from the government on how an opposition should conduct itself, but as I said, this is not East Germany, this is not Zimbabwe, this is Victoria in the year 2013, and we on the non-government side will determine how we think a government should be scrutinised, and we will not seek advice from the government on how it should be scrutinised. We will seek advice from the Victorian community as to what matters to them, and we will form our own judgement on how we scrutinise the government. The advice of Mrs Peulich and others is politely disregarded.

We will also form a view as to whether this is substantial, and I repeat in amounts of words equal to the Gettysburg address, a document that outlines precisely the sins of this minister, precisely why we believe the case is there for there to be no confidence in this minister, and we will happily support this substantive motion. It is the only time in this Parliament that a no-confidence motion has been moved. We do not do it lightly; the circumstances are exceptional.

The final thing I say in this debate is that I understand people wanting to defend one of their own. I understand people wanting to defend a mate. I understand people wanting to barrack for the team. I understand all of that, but from a government that got elected on a platform of being different, from a government that when in opposition told this chamber year in and year out that it would do things differently, that it would have a higher standard, and from a minister who said, 'I will never talk to a developer without a departmental note taker present taking notes', and who reaffirmed that quite a bit in the chamber in the first few months of this government but has been remarkably silent in the last couple of years, we would want better than just hurling abuse about other people doing horrible things at some time in the past.

We are holding this government and this minister to the standard it and he set during 2010 and earlier. We are asking for nothing more and nothing less than the standard they set. On the basis of the material in front of us, the case that has been made and the affidavit presented in the Supreme Court, I have no hesitation in supporting a motion that says this house has no confidence in this minister.

Hon. M. J. GUY (Minister for Planning) — I intended to come into this debate with a few comments to pick up some of the incorrect assertions that have been offered up by the opposition. But what I found really difficult to fathom was the Leader of the Opposition invoking in a negative way my wife and children. Maybe Mr Lenders thinks it is fine to walk into this chamber — and I say to all the people in the gallery and all the people who watch this that this is about John Lenders the man, not the politician — and invoke in a negative way not my personality, not my conduct, not the conduct of my government, my boss, my colleagues, but my wife and children. I think John Lenders the politician, from the speech I have just heard, will wear that like a crown of thorns for the rest of his career. I say very clearly, and I will not use terms and I will not describe it in any other way except to say that his comments reflect everything about him the politician.

Never would I walk into this chamber and make a comment, as I was asked to as a shadow minister, about the previous Minister for Planning, Justin Madden, now the member for Essendon in the Assembly, or his family. I remember being asked to make a comment about Justin Madden extending his home in Essendon, and I refused. I stayed right off the story because never did I feel that walking into this Parliament to make a comment about Mr Madden's wife or children in a negative context, when they had absolutely nothing to do with it, was at all warranted.

Had my wife been part of the process — had she been a councillor, a planner or a developer — there is no doubt that would have been part of the process for comment. Had it been the same with Mr Madden, no doubt it would have been part of the process for comment, and it would have warranted a level of discussion, commentary or questioning. But where there is no link whatsoever, where there is no cause to walk into the chamber, irrespective of the comments made by other members about that person, and to negatively invoke their wife and their one-year-old, three-year-old and five-year-old sons, it reflects more on the conduct of Mr Lenders than it does on any aspects of the quality of speeches delivered in this Parliament over the last three years.

This is not the first time Mr Lenders has been personal on an unparalleled scale. He has a problem with Liberal women, and that is pretty clear. A former member for Northern Victoria Region, Mrs Petrovich, and other people on our side of the chamber know about that. It is quite strange for that to come from a person who was cock-a-hoop about the ascension of Julia Gillard to become the first female Prime Minister of our country. That is a mark in itself. It is quite astounding that that person would then use that fact as a point about other members of this chamber.

After I had listened to the speeches — and I listened to most of them while working in my office — I felt that Mr Viney's contribution to the debate said it all. More than anything else it was simply about retribution for the bringing down of a poor Labor minister in 2010; that is all it was. It was not about an issue that members of the opposition knew nothing about. They have had plenty of time during the last few question times to ask questions. They had question time today and question time on Tuesday. They had the opportunity to ask 20 questions last sitting week and they only asked 10. There have been plenty of opportunities for questioning since this matter has been raised, but none have been taken up.

The shadow Minister for Planning, Mr Tee, was on radio today. Did he mention the issue once? No. He was on radio last week. Did he mention the issue once? No. There were five questions asked by the opposition in the lower house today. Was it mentioned? No. There were five questions yesterday. Was it mentioned? No. The simple answer is: if it is such a big deal, where are the questions?

If it has been the outstanding issue, as Mr Lenders says it has been for the past two years, then where are the questions? Where is the Labor Party's case for a proper debate on this issue, as opposed to its efforts at throwing muck, making allegations or offering unsubstantiated lies? Where is the questioning to me or indeed the follow-up questioning on notice to me that could have come this week or during question time last sitting week? There was none. There have been none this week, because Mr Viney's speech said it all. It is about retribution against this side for holding to account a poor minister whose office, in one mistake, blew the lid on what he was doing with the Windsor Hotel. Rather than finding a way or asking questions — opposition members have had plenty of opportunities — it is simply about: 'Well, you tarnished his reputation; now we will try and tarnish yours'. That is fine. After three years in this job I have a thick skin. Have a go, that is fine, but let us not lose sight of why this debate is being had. I listened with interest —

Mr Tee — You cost the taxpayers \$3 million.

Hon. M. J. GUY — First of all, Mr Tee, that is factually wrong.

Mr Tee — How much then? How much?

The ACTING PRESIDENT (Mr Ramsay) — Order! I advise Mr Tee that I will not tolerate ongoing interruptions. I ask Mr Tee to allow the minister to respond to the motion in silence.

Hon. M. J. GUY — The motion is about the defence of a factional ally and the payback, because we know that Labor is big into payback. As we have seen, this is what happened with Geoff Lake, for instance. It is about the socialist left losing a preselection and engaging in payback to get back at him so that he loses his preselection. The motion is all about payback. That is fine; that is what Parliament is about. An opposition has a day to move whatever motion it likes, and it can. It is its business, and I do not for a moment say the opposition should not have the right to do that. Opposition members have the right in a democracy to move this motion and to have this debate. They have full right to do that; but, as I said, let us not be in error as to why the motion has been moved.

I listened with interest to Mr Tee for what I thought would be his chance after two years to come into this chamber with a smoking gun. He moved the censure motion. He put it on the record last sitting week. We tried to have the debate and, in fairness, so did Labor. I listened with interest to hear him talk about the smoking gun. Where was it? What would it be? What would be the issue that would say, 'Mr Tee has done his research for two years. He has not needed to ask questions in question time on this issue. He has not needed to question me today'. He had four opportunities today, and he had four yesterday, but he did not ask me a single question. He had four opportunities to ask questions on Thursday of last sitting week, and he did not need to ask a single question then. Apparently there are all these outstanding issues to be answered, but there is no need to ask questions. I thought, 'Okay, fair enough. Let us listen with interest. What is the smoking gun?'. It is not someone interjecting and yelling out commentary. What is his smoking gun? Of course, there was none.

What we got was the same old innuendo, unsubstantiated facts, the repetition of newspaper articles and the pumping out of spin and unsubstantiated muckraking that has no basis in fact, and the points behind the four questions I was asked about this matter, were utterly and thoroughly

disproved. It was not a second point of view, but disproved. I wondered what would be the smoking gun. Where was the big hit? Where was the reliance on factual material as opposed to the misinterpretation or deliberate distortion of a court document or a newspaper article or a geographic location or the definition of a kitchen table? There was none of that. Where was the smoking gun? As I said, the only new thing that has been injected into this debate has been Mr Lenders proving himself to be the man that he is.

No smoking gun eventuated, because it does not exist; it is as simple as that. There is no smoking gun and there is no outstanding evidence, because nothing has come to light or been debated. Nothing has not been asked for that exists. Again, I say that I was waiting for it. It was not just like being flogged with a wet newspaper. Acting President, forgive the indulgence, because the motion is about me and my character, and that is why I listened with interest to what was coming. Labor was offered more than 20 questions on this issue, and it barely asked half.

All the Labor speakers in this debate have walked into this chamber and, as one of the key ways to prosecute this case, have said, 'He doesn't answer questions. He's arrogant. He treats the Parliament with disrespect. He belittles those who say, "I think this man should answer questions"'. He's engaging in simply being a diary coordinator'. I heard from a number of speakers the line 'He doesn't answer questions'. Without being repetitious, I simply ask: where were the questions to me in question time today or yesterday or Thursday of the last sitting week or the full five questions available on the Wednesday or Tuesday of that week when Ronald McDonald was up here in the gallery?

Mr Tee — Did you meet with him?

Hon. M. J. GUY — You sure did!

Honourable members interjecting.

Hon. M. J. GUY — I went on ABC radio on the Wednesday morning. I was the person supposedly hiding from this issue. I went on Jon Faine's program, one of the top-rating programs on the ABC in Australia, and said, 'I expect and hope that the opposition, which has 20 questions available to it for the rest of this week, will ask every single one of them of me on this issue'.

To date I have respected the court process and have always said, 'When it comes to its conclusion, you will hear from me'.

Mr Tee — Let's hear from you.

Hon. M. J. GUY — Mr Tee did. He heard from me on ABC radio. He had his opportunity to hear from me in question time five times with five supplementaries, and he did not want them. Now he says, ‘Let’s hear from you’. He has had every opportunity. He has had his chance, and he has blown it. It is as simple as that. I went on television again. I said, ‘Any journalist, come and ask me what you want to know. Here’s your chance. The process is over. You ask me what you want to know. Here I am. I am yours. Ask away. You’ve got your chance’. But no, there was nothing.

What I found interesting was that on the very day that I was saying that I respected the court process and now that it was concluded, I would answer questions, Labor Party members were saying, ‘Disregard that process. It doesn’t mean anything. Come in here and answer questions’. On the very day that happened, a debate was begun from this side of the house on a legal matter which will be adverse for the government because of the actions of the Labor government. What did opposition members have to say on that very day? They said, ‘You can’t talk about this. It’s before the courts. You can’t talk about it. You’re going to interfere with the court process’. Oh, my. This was an argument completely contrary to what had been put by those people for two years. They said, ‘Disregard it, and come into this chamber and answer questions’. There have been offers to answer those questions in the media, in the Parliament and one on one. I have offered to answer them; that has not been taken up by the members of this Labor opposition.

Labor Party members have walked into this chamber and through their presentations have mentioned the absolute scandal that I have met — wait for it — Rob Maclellan. Members will not believe it, but I have met Rob Maclellan. I even know that his birthday is in March; that he lives in San Remo; that he has a few kids, I think two boys and a girl — a father of three, have we not heard that in this debate? — and that he was the Kennett government’s planning minister for seven years. Never once did I speak to him on this matter until it was concluded.

Mr Tee — What about your chief of staff?

Hon. M. J. GUY — I still hear it from the interjections — the innuendo. I simply say: if he had some proof, today was Mr Tee’s chance to put it on the table, with no innuendo and no slander. Where was his evidence? I never hid the fact that I spoke to Rob Maclellan after the process was over. I even advised this chamber on how Labor Party members came to know that. The only journalist who has been obsessed

with this matter, the one who says that I do not answer questions —

Mr Somyurek interjected.

Hon. M. J. GUY — Mr Somyurek is quite right. The journalist who says that I do not answer questions, that I do not talk to Fairfax journalists and I do not engage on this issue — I took him out for a beer at the Carringbush Hotel in Collingwood. I think he was drinking only light beer but I am sure he cannot have forgotten it.

Mr Somyurek interjected.

Hon. M. J. GUY — I paid. He is a journalist, so Mr Somyurek should know that I paid. I even bought two bowls of chips. We sat at a window, and I can tell you which one because I have been there before. It is a nice pub. I went there and spoke to the journalist. I will not get into him today; I will simply state the facts. He asked me directly and I said, ‘I did talk to Rob, after the event, on a weekend’. I had been to Gippsland, where my family is from, and I had come back and dropped — wait for it — my wife and kids with my in-laws, who live in the south-east. I rang Rob and said, ‘Can I come and see you? It’s the weekend’. I went down there and we drove onto the island. What a crime! There is the smoking gun: after the process was all over, I went and saw Rob Maclellan. I told the *Age* journalist that and, as members can imagine, the *Age* journalist told members of the Labor Party. What a crime, what a smoking gun. I have also met Tom Roper.

Honourable members interjecting.

Hon. M. J. GUY — Tom Roper is a former planning minister. I found Tom Roper to be charming, intelligent and a nice bloke. It was in my office and — wait for it — there was not a departmental representative present. I met Tom Roper, who is a former planning minister and someone who has a mind in planning, and I wanted to talk to him. If they were in better health, I would like to meet other Labor planning ministers of the 1980s. I would love to have taken their advice. I would like a conversation with them. Throughout the 1980s some of them brought about major changes across the planning system in this state, which I respect and which I feel is worthy of conversation. Again, forgive me. I have met Rob Maclellan and I have met Tom Roper.

An honourable member interjected.

Hon. M. J. GUY — I have met Justin Madden. When he was the minister I think I had a couple of

conversations with even Justin Madden in this chamber. What a crime!

I heard mentioned in speeches to the effect of, 'Ken Smith organised this meeting with Liberal luminaries'. That was the phrase, 'Liberal luminaries'. What an amazing concept — that when I went to see Ken Smith, the member for Bass and the Speaker in the other place, he asked me to meet people who had issues with a council in his electorate. Can members imagine more of a crime? I was not sitting in my office at 1 Spring Street, ignoring the world and talking only to my planning officials. I went and had a conversation with people who simply had an issue with their local council. When they wrote to Ken Smith asking me to do so, again, that is all that was mentioned. It was just that and nothing else — not Ventnor, not Cowes, not San Remo and not Australia 108. There was nothing else mentioned. It was simply a discussion about an issue on Phillip Island, and it was not at Ventnor.

Labor says I intervened in this matter twice. That is the argument I heard from Labor's wannabe leader, wannabe President, Matt Viney, and he made a point of saying it not once, not twice, but three times. He said that I intervened first to rezone the land, that I then did not gazette it and that I then intervened again.

Maybe Matt Viney needs a lesson on the planning system. I simply ask Matt Viney on that representation: if he cannot get basic facts about the planning system right, if he does not know what he is talking about, how can he walk into a parliamentary chamber and seek to censure a minister?

I intervened via the section 20(4) process and simply did not complete the gazette — and that is it. There was no follow-up intervention, as Matt Viney claimed. I repeat, there was no follow-up intervention. Matt Viney said I intervened thrice. I used the provisions of section 20(4), which is a ministerial amendment, and simply did not gazette it.

I wonder if Mr Tee provided Matt Viney with those facts. Mr Viney is the Deputy President, and it is embarrassing that he has come into this Parliament and made such a goose of himself about the process around this matter. It is embarrassing for the opposition when one of its key heavy hitters has put the case to censure a minister and has been utterly, totally and entirely factually wrong on the key point that he has used to prosecute his entire case against me. Did Mr Tee give him those facts? I am sure Matt Viney has a right to know whether Mr Tee or Mr Tee's office presented him with such a factually incorrect claim on which to prosecute his case in this chamber.

Labor says, bizarrely, that in my evidence I admitted to breaking the law. That is like Justin Madden's interpretation of the hotel over the road being 15 storeys when it is 26 storeys. It was a bizarre interpretation by the Labor Party. It was seeking to prosecute a case using spin over reality. In fact my evidence clearly states that I did not do so. Perhaps Mr Tee is just reading one part, like Jacinta Allan, the member for Bendigo East in the other place, who, when seeking to question the minister on this issue, forgot to read the full sentence. There was no comma or other punctuation; she simply did not read the full sentence about being able to question a Presiding Officer. Mr Tee's facts seem to be totally and utterly wrong.

In a debate in the other house on this matter, the member for Lyndhurst, Martin Pakula, said that in my evidence I blamed Meg Bartel. I challenge him to find the name Meg Bartel, or the term chief of staff, and actually put to this Parliament where I blamed Meg Bartel. She is a good, hardworking woman who has had a tough life. Where did I say — —

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee should read the whole lot. Where did Martin Pakula come up with the idea that I simply said that one other person is utterly to blame for the entire process, the entire matter, the entire issue?

Mr Tee interjected.

Hon. M. J. GUY — Nice try, Mr Tee!

I want to go to the unsubstantiated allegations. I keep hearing them, and — would you believe it? — I heard them again in John Lenders's presentation, particularly this discussion about a kitchen table. I apparently met these people at Phillip Island around the kitchen table; thus wrote the *Age* and said the Labor Party.

What does around a kitchen table denote? Does it denote an uninhabited shack on a block of land, which has a table in it? Or does it denote their place of residence — where their children live, where they live, where they come home from work each night, where they eat their meals, where they read their papers in the morning, where they have their coffee on the weekend? Does around a kitchen table mean that? Or does it mean that I went to an uninhabited dwelling on a block of land 120 kilometres away? What does it mean to this chamber? I put it to the chamber that it is more the kitchen table of the second point, which is the place of residence of the people mentioned. And I did not meet these people at their place of residence. I have never been to their home. I do not know where they live. I do

not know what the house looks like. And I could not tell you if their kitchen table has a lino, a timber or a glass top to it, because I have never been to their home.

But this did not stop members of the Labor Party in both parliamentary chambers using that key point, as was mentioned in the *Age*. Funnily enough, when the journalist tried to explain the comment on ABC radio the same day, his words seemed to be a bit muddled. He said that I was very clever talking about his use of the kitchen table, because in their evidence to court they talked about their holiday home. They did not lie; they said their holiday home. But the Labor Party did not use the words 'holiday home', nor did the journalist who wrote the story. Both said I met them around their kitchen table.

One of the key facts the opposition is using to prosecute this case is that I went to these people's family home to have this discussion, when I did not. And those people's evidence to court even states that I did not. Again I say if the Labor Party cannot get the basic facts right on a censure motion, then it does not deserve to have that motion supported.

The Labor Party has come in here and stated that I had no justification and never made any justification around the rezoning of land on Phillip Island. Anyone who searches my press releases from that time in the cycle of this government will find that this government, for better or worse, brought forward a program of land release right around the state and right around Melbourne that was very aggressive and not limited to Ventnor on Phillip Island. Traralgon, Churchill, Newborough, Morwell, Moe, Geelong, Ballarat, Wonthaggi, Inverloch, Wangaratta, Wodonga, Warrnambool and right around the six growth area councils in Melbourne — every single one of those areas — had land supply brought forward. This land release was not an isolated incident, as has been put forward as one of the key arguments to prosecute this motion.

The argument has been that this was an isolated case, the minister simply doing a one-off favour not done in any other part of the state. A simple analysis of my program of land supply at that point in time will find that argument to be utterly defunct. Many of the councils that sought that land be released at that point in time were councils controlled by the Australian Labor Party, including Latrobe City Council at that stage. The councils sought to bring land supply through because they had been so hindered under the previous government for so long. When my office rang to speak to the CEO of Bass Coast Shire Council we were told that this was not a problem and it would be followed up in the next week. There was not a, 'No, we don't

support it', and that was espoused by my office at the time.

This government has unashamedly brought forward the greatest level of planning reform in this state for 30 years. It has not been easy, and of course it has not been without controversy. But I face this motion today as a planning minister who has engaged in more reform than all of my Labor predecessors combined times 10. I have made very difficult decisions that I know will give me sleepless nights and see me questioned in this chamber and criticised by elements of academia and the media, but I made those decisions because I believed they were right. Irrespective of the merits of the decisions and ideology, I made those reforms because I believe they are right and in the long-term interests of this state and our children and grandchildren.

I do not face this motion today because I am a planning minister — like the previous planning minister — who did very little with his time in cabinet but sit hiding in an office for four years. I have not treated the Parliament as an after-the-game football briefing. I have taken a difficult path in reforming the planning system because it is right. It is starting to bear fruit in many ways and gain grudging respect from some quarters.

Even many of the reforms proposed by the previous government I have picked up and implemented. The ideas and concepts are not mine. I give credit for some of the concepts and ideas that were formed by the previous government without it ever having the courage to implement them. If I am to face this kind of motion today, and I do, let it be because I am a minister who has made difficult decisions, decisions that have caused me some level of difficulty but were for the right reasons for the state in the long run.

The Labor Party likes to run into this chamber as if this is the only planning matter that has ever faced a court proceeding. I find that quite astounding. Every one of the last six ministers for planning has faced matters that have resulted in legal action. In none of those matters that resulted in legal action were the legal costs and/or compensation made public. I have taken the different step of taking advice as to whether I can give, without breaking a court agreement, an indicative figure or something more precise through an annual report process.

Mr Tee — How did you go?

Hon. M. J. GUY — Mr Tee has no credibility to interject in this matter. He was part of a government that presided over legal matters in relation to the Windsor Hotel, the boat ramp at Bastion Point, channel deepening, the commonwealth and state government

fighting in 2005, the minister versus SB Partitions in 2008, the Craigieburn bypass in 2004 and the famous matter of the Hilton hotel, where Mary Delahunty's decision was utterly repudiated by a Court of Appeal and a lot of money — of course there was a confidentiality clause — was paid out for two rounds of legal costs in the Supreme Court and the Court of Appeal on a case that the then Labor government lost.

I simply ask: are the details of any of those matters public? When the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, the member for Bendigo East in the Assembly, Jacinta Allan, or even Martin Pakula sat around the cabinet table — they were all ministers in the previous government — who among them asked questions on these matters around costs? On the resolution of those matters did any of those then ministers ever say, 'We should make our legal costs public'? If members of the Labor Party had walked into this chamber with a history of that behind them and said, 'Minister, you should follow our lead', I would accept their argument hands down. I would accept that they had an argument that should be followed and a precedent that should be adhered to, but of course they did not.

Can anyone remember the Seal Rocks matter? That resulted in tens of millions of taxpayer dollars — not one or two, but tens of millions — being paid out for a Labor Party planning issue gone wrong. I did not once hear Martin Pakula, Daniel Andrews, Jacinta Allan or, from this house, Brian Tee, Matt Viney or John Lenders mention Seal Rocks in their presentations to this Parliament in the last three weeks. They have short memories.

I have said that I will take advice from my department on whether or not these matters could be more easily or better defined through an annual report process or another process. That is a step more than any planning minister has ever taken on a legal matter such as this. I hear those opposite saying that Justin Madden never faced court action. Where were they when the National Trust of Australia took the Hotel Windsor matter to court? They had their heads in the sand. They have again walked into this chamber in defence of their factional mate Justin Madden to say that he never faced legal action. Where were they when the National Trust engaged in legal proceedings on that matter over the road? It has been conveniently forgotten. Again, a key pillar of the case members opposite are prosecuting against me today is wrong.

How many factual inaccuracies do I need to go through? Despite all the arguments that have been thrown at me, I have been disciplined enough not to

respond until this matter is over. I have offered myself in question time to answer every question in this Parliament on this matter, I have gone on radio to answer any question from any journalist and I have offered myself to this Parliament today to explain my side of this matter again. How many more times do I need to go through the points made by members of the Labor Party and the fact that almost all of them are factually incorrect? Those that are not factually incorrect are simply political spin. If members are going to prosecute an argument against me and move to have me censured by this house, you would think that at least one of the core facts of their argument would be 100 per cent correct — not the spin, not the political innuendo, but the core facts that build their argument.

The simple fact is that I made a decision to engage in a rezoning of land on Phillip Island at Ventnor, under section 20(4) of the Planning and Environment Act 1987, with no pressure from Rob Maclellan, with no pressure from my staff and with no pressure from Ted Baillieu, Greg Hunt or anyone else. I made a decision to do that. I spoke to the mayor of the Bass Coast Shire Council a number of times in that week, and no-one — not my staff, not Greg Hunt, not Ted Baillieu, not Malcolm Turnbull, not the Country Liberal Party state leader or any adviser — influenced me on the decision not to gazette that amendment. It was my decision on the 20(4) rezoning, and it was my decision and my decision alone not to proceed with a 20(4). I had never met anyone associated with the land at Ventnor — not the owner of the land, not the optionee of the land — or spoken to anyone associated with that land about the rezoning before it took place.

Today was the day for the Labor Party to put everything on the record. But where is the evidence? In the basic facts I have just put forward, where was I wrong? How have I misled? How is my argument not based in fact? Where is the proof? Today was the day. No doubt in summing up Mr Tee will find a way to put his spin on this. He will not read the full details of a court report; he never does. He will not read it all. He will read a subjective line which to him sounds like the smoking gun, but a full factual analysis with the full details shows that Mr Tee's argument is as strong as his own credibility in planning policy, and that is exceedingly weak.

In conclusion I say thanks to the people on my side of the chamber who have expressed confidence in the job I am doing as a planning minister in this government. It is not over; there is more reform to come. It will not be easy, it will continue to be controversial, but it is being done for the right reasons. I guarantee that the reforms this government is engaged in are not reforms that will last two or three months, like the legacy of Rob Hulls,

Mary Delahunty, Justin Madden or John Thwaites. These are good, decent reforms that are in the best interests of all Victorians for generations to come.

Mr TEE (Eastern Metropolitan) — Those opposite have used a two-part defence. Firstly, they have said that the Minister for Planning, who is leaving the chamber, is a good bloke because he is a family man. Those on that side of the house talked about the minister's family. It was not Mr Lenders, it was members on the minister's side that raised the subject of his family. For the minister to then deliberately distort what Mr Lenders said, when all he was saying was that his family status is irrelevant, is outrageous.

The second defence put by Mrs Peulich and those opposite was that there is no evidence that the minister is corrupt, there is no evidence that he took money. That is right. But that was never our allegation. We do not allege that he is corrupt. We do not allege that he benefitted financially from it. That is not what we said. What we have said is that he is incompetent. What we have said is that he did not do his job. What we said is that he breached the very act he is meant to enforce. Then he comes in here today and says we haven't asked him the question —

Honourable members interjecting.

The ACTING PRESIDENT (Ms Crozier) — Order! I ask members on my right to keep their comments to a reasonable level, and I ask Mr Tee to address his remarks through the Chair.

Mr TEE — We have asked him on 17 occasions to explain himself, and he has not once taken the opportunity to do so. We have asked him why he acted in breach of his act. We have asked him why he ignored the council's recommendations. We have asked him why he ignored the recommendations of two independent panels. We have asked him why he ignored the community. We have asked him why he ignored the legal advice he received. We have asked him why, when he had a choice between all of that on the one hand and the benefit of a few people associated with the Liberal Party on the other hand, did he choose to benefit the few associated with the Liberal Party.

Those opposite say, 'There is no evidence'. The evidence is in the documents that the minister filed in his Supreme Court proceedings — in the affidavit material he filed and in the amended defence he filed. He sets out chapter and verse in that material that he received advice from the department which he ignored. He sets out that he received legal advice which he ignored. He says in that material that he acted in a way that he could not act under the act because he did not

have the jurisdiction under the act to act in the way he acted. He says that, chapter and verse. So the evidence stacks up. There is a paper trail that leads all the way to the minister and back.

But what we have seen again today is his refusal to answer any of those questions and a refusal to talk about how much this has cost. Instead we have seen the usual kind of personalised attack, this time against Mr Lenders. All we see time and again is the personal attack, the rantings, the innuendo and the silly debate about a Caulfield kitchen table, which has not been raised by anyone other than the minister. When he is trying not to answer any questions, he goes into the silly debate about the kitchen table.

The questions for the minister are as follows. Why did he fail to uphold the act? Why did he act contrary to the advice of the department? Why, on all the occasions that he has been asked to, has he refused to answer the questions? Why, when he had all of that on the one side — the advice, the evidence and briefing after briefing — did he ignore it and kowtow to Liberal Party mates? That is the question the minister has refused to answer month after month, and he ought to be condemned. This censure motion is a way we can responsibly ask him to draw a line in the sand and to start off in a better place. I urge those in the house to support the motion.

House divided on motion:

Ayes, 18

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

Noes, 20

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

Pairs

Broad, Ms	Davis, Mr P.
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Motion negatived.

FIREFIGHTER COMPENSATION

Debate resumed from 21 August; motion of Ms HARTLAND (Western Metropolitan):

That this house —

- (1) notes the findings and recommendations contained in the Economy and Infrastructure Legislation Committee’s final report into the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 tabled in this house on 12 June 2013;
- (2) notes the letter sent by Associate Professor Deborah Glass and Professor Malcolm Sim of Monash University to Ms Colleen Hartland on 29 May 2013, which states that —
 - (a) there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer; and
 - (b) the Monash University study is very unlikely to change the overall conclusions of increased cancer risk among firefighters and that decisions about presumptive legislation should not be delayed;
- (3) calls on the government to introduce the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 into the Legislative Assembly, as suggested in section 4.2 of the Economy and Infrastructure Legislation Committee’s final report; and
- (4) orders that a message be transmitted to the Legislative Assembly informing them of the above resolution.

Mr O’BRIEN (Western Victoria) — I wish to resume my contribution on this motion by briefly reiterating comments about my personal belief in the significant privilege that is afforded to members of Parliament in representing their constituents — in my case around 400 000 western Victorians of all shapes and sizes. I say that particularly in terms of backbenchers who come into the Parliament and have the opportunity to represent the government and relevant ministers in their dealings with our fire services. It is one of the greatest privileges we have, if not the greatest, to attend events such as those I have attended as dignitaries, where really we are representatives of the very grateful people of Victoria. They are people who pay their taxes and in many cases contribute to fire services as full-time members, volunteers or in other auxiliary roles, as former members and general supporters, and as participants in other emergency services either on a volunteer or a paid basis. With that I rise to make what I hope will be an important contribution as to where I stand and where this government stands in relation to the importance of firefighters in this state.

I wish to place some figures on the record. Volunteer and career firefighters provide a crucial service to the Victorian community. On my advice there are approximately 35 000 volunteer firefighters in Victoria and around 2500 paid firefighters with the Metropolitan Fire Brigade, Department of Environment and Primary Industries and other agencies. As I have said, and has been said by many others, the Victorian government appreciates those firefighting efforts and is committed to appropriate support for all firefighters.

From the outset the government has believed that firefighters who contract cancer as a consequence of their work are entitled to be and should be compensated. That is the subject of the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 and essentially of the motion before the chamber. The state of affairs has been further supplemented and enhanced in recent announcements by the Assistant Treasurer, Gordon Rich-Phillips, which I shall touch on shortly. In the case of any workplace injury, an employed firefighter is entitled to access compensation through the WorkCover scheme. In the case of volunteer firefighters, covered by the Country Fire Authority Act 1958, they are entitled to a mirror scheme of compensation similar to that provided under the WorkCover scheme.

It is important at the outset to confirm what other speakers from the government have said and what the various ministers have made clear in their statements — namely, that the Victorian government is not closing off the path to presumptive legislation. That is obviously an important issue in both the legislative activity of the government and in interaction with the assessment process for determining compensation. By way of background, presumptive legislation relies on having medical and scientific evidence that demonstrates that a sufficient relationship exists between certain cancers and firefighting. An example is the clear evidence that Q fever is caused by sustained exposure to work in an abattoir, combined with the fact that Q fever is unlikely to occur elsewhere in the community. The presumptive legislation essentially operates in general terms to seek to reverse onuses of proof in certain instances and subject to certain prerequisites.

The government is continuing to consider new medical and scientific evidence as it becomes available. I have touched on recent developments by Minister Rich-Phillips and the Minister for Police and Emergency Services, Kim Wells. On 20 August, which was Tuesday of the last sitting week, the ministers announced a new panel to ensure prompt, compassionate and fair claims assessments for firefighters. The new firefighters assessment panel,

which will be managed by the Victorian WorkCover Authority with the support of the Country Fire Authority, will comprise expert medical, technical and claims specialists. The Assistant Treasurer has recognised community concerns about an expert assessment panel being available to both career and volunteer firefighters, and so both career and volunteer firefighters will be able to have their claims assessed through that expert panel.

The minister has stated, as is the case in any of these schemes, that it is a complex issue and that the Victorian WorkCover Authority relies on the evidence of expert and respected clinicians to interpret existing research. Each firefighter's claim is considered individually on its merits, having regard to the existing scientific evidence. The minister has also stated that if a firefighter believes that he or she has contracted cancer as a result of their duties, they should of course make a compensation claim.

In my capacity as a representative of the citizens of Western Victoria Region, I reiterate that the panel has been established, and that if there are firefighters — in fact there are — who wish to make a claim, then of course they should do so and seek appropriate advice and assistance in bringing forward that claim.

The important aspects in relation to the announcement of the firefighters assessment panel also need to be borne in mind in relation to what has been called the Monash study. The Monash Centre for Occupational and Environmental Health has written to the Minister for Police and Emergency Services about its research on the Australian firefighters health study. The letter alleged that the study was not focusing on an increased level of cancers in firefighters but that its focus was more on the effective prevention of cancer and other adverse outcomes in firefighters.

It is important to put a number of matters on record in relation to those claims. The published methods that the study purports to be considering include links between occupational firefighting and later cancer and death outcomes, the duration of active firefighting and the frequency of exposure to some hazardous materials. As these matters are relevant to establish a causal link between firefighting activities and certain cancers, the government had hoped to learn through the findings of the study whether there was sufficient evidence to establish a causal link for firefighters for any types of cancer. In any event, the Victorian government will always assess new information that becomes available on this topic from a variety of sources.

When looking at any important services that have been established for a long time and in different places in Victoria one needs to look at them broadly and with an open mind. We need to do that with the various activities and various causes that could interact, and have interacted, with the dedicated work that our firefighters undertake. Certainly placing your life in danger and taking time away from your family for your fellow citizens is a very serious activity and has the highest level of support and commendation from I believe all members of Parliament and certainly other government members and myself.

An aspect of my entry into Parliament is that we were on the back of the Black Saturday bushfires and we then experienced the floods in late September 2010 through to January 2011. Many members of Parliament, including me, witnessed firsthand the activities of not just the Country Fire Authority in its performing firefighting activities but also our other emergency services. What was important in my interaction with other members, particularly of the other parties represented in this Parliament but also federal members of various persuasions and particularly local government representatives, was maintaining bipartisan approaches to these important issues of community safety, wherever possible.

We must make sure that the community is served in a way that, as far as politicians can, supports the citizens who either have faced tragedy or are dealing with tragedy and who need the services of government and need government members such as me to see firsthand what is going on. They will not be assisted by political bickering, grandstanding or the other activities that politicians are sometimes engaged in, or are accused of engaging in, which can be seen to further traumatise these communities and put obstacles in the way of rescue activities or legitimate firefighting activities.

That instance of bipartisanship that I experienced in my entry to Parliament, and which I am sure other members in 2010 experienced as well, is vital in an issue like this. Whilst debates on legislative responses and budgetary provisions may occur, it is not an opportunity to make — I am not accusing anyone of doing anything in relation to this; I am urging members to refrain from this — cheap political points. We should take the point-scoring of political parties in relation to the appropriateness of care out of the human tragedy that firefighters deal with every day. I could also refer to the tragedies they deal with in terms of deaths from road accidents and other deaths that they come across in their duties.

What I will say for my part is what I have said at the various openings of fire stations and so on that I have attended in the various communities that I have been privileged to serve. I have spoken to firefighters about issues such as presumptive legislation for firefighters. I wish to assure firefighters that they have my personal commitment to exploring this issue as fairly and as equitably as I can in my role as a government backbencher and a member of this place, and in my continual research about some of the important constitutional questions that I have touched on relating to this issue. They are central to the question of what has happened to the bill that was introduced by Ms Hartland — a bill that has been ruled out of order by the President. That is a matter that I wish to return to shortly.

Although it is a bill about a very important subject in this instance, the role of the Legislative Council and the constitutionality of bills and the law-making process is, in a sense, a bigger issue again. I wish to make some comments on that constitutional issue that perhaps extend beyond this bill and into those broader issues.

Before I do so I reinforce my commitment to continuing to explore this issue of presumptive legislation on behalf of the various firefighting services that I have had the privilege to visit as a representative of my constituents. Examples include Moyston, Pura Pura, Framlingham, Callawadda and Snake Valley. I have also been present at the rural fire brigades firefighting championships at both regional and state levels. The activities that bring new volunteer members into the firefighting organisations and to maintaining healthy and appropriate firefighting practices are also an important part of what those significant organisations contribute to Victoria.

I also indicate that the role of firefighting is continuing to change. Firefighting practices have obviously been modified in many years. We have also had the relatively recent tragedy of the 2009 Black Saturday bushfires and the royal commission. The response to that led to the creation of a ministry of bushfire response. The government has picked up the recommendations of the bushfires royal commission in relation to new funding for firefighters, particularly through the fire services levy, and implemented them. That process has been difficult, but it has been successfully implemented. It will ensure a more equitable payment regime for fire services across the Victorian community which benefits from those fire services.

The Victorian community is ultimately represented in this Parliament. As I touched on earlier, the gratitude of

the Victorian community is related to a bill such as this which deals with presumptive legislation because the community is made up of the taxpayers of this state. The fact that we now have a more equitable payment regime for our firefighting services, although it is in a sense revenue neutral, over the long term will be a significant reform introduced by this government which will enable our firefighting service levels to be even better appreciated by the community.

I will now touch upon some of the constitutional issues raised by Ms Hartland's motion and particularly the Economy and Infrastructure Legislation Committee's *Inquiry into the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 Final Report* of June 2013. The report makes two recommendations. Since I last spoke on this motion I have sought advice from the clerks and also conducted research on matters that I wish to now address. These matters are at the heart of the constitutional powers of the Legislative Council. In that regard they extend beyond the issues raised in this bill. However, they are discussed in this report, which was precipitated by the initial introduction of Ms Hartland's bill. The recommendation that I seek to address is recommendation 2, which is:

That in future when bills that potentially infringe section 62 of the Constitution Act 1975 are introduced into the Legislative Council, the President should report his concerns to the house and the house should then determine whether to allow the bill to proceed.

That recommendation is discussed on page 25 of the report. I quoted from the report during debate in the last sitting week. The principal aspect of the discussion I wish to pick up on is the question of how this house ultimately determines whether a bill infringes section 62 of the Constitution Act 1975. I have section 62 here. It is worth going to the heart of the matter by studying the starting document, which is the Constitution Act 1975. Section 62 states that:

- (1) A Bill for appropriating any part of the Consolidated Fund or for imposing any duty, rate, tax, rent, return or impost must originate in the Assembly.
- (2) Subject to section 65, a Bill for appropriating any part of the Consolidated Fund or for imposing any duty, rate, tax, rent, return or impost may be rejected but not altered by the Council.

Section 65 then discusses the annual appropriation bills.

The Economy and Infrastructure Legislation Committee's report contains submissions and references from Greg Taylor, who discusses whether the practice that is presently in place should continue. Although I discussed this last time, I will briefly

reiterate what I said. A bill that infringes section 62 may be proposed by any member of this house, be they a government member, a non-government member in opposition, an Independent member or any other member of this house. There is a standing order that relates to the form of proposed bills, but this is to be interpreted in practice. The President, presumably after taking advice from the clerks, makes a ruling or an order in relation to the constitutionality of a bill or the potential of a bill to infringe section 62 of the Victorian constitution. The practice is for the President to make that order, and if the President makes that order, the bill proceeds no further in the house.

That is in a sense what happened with Ms Hartland's bill, and that process has been outlined in this report. It helpfully sets out the President's order, which resulted in his ruling of 20 February 2013. I will not repeat that ruling, except for its final words, because that is the important part in relation to this aspect of the recommendation. The President said, after setting out section 62 of the constitution:

While the primary purpose of the bill is to extend the benefits under the scheme, it does appear to me that a consequence would be the imposition of a further tax or impost on employers, and therefore in breach of section 62 of the Constitution Act 1975.

Consistent with past practice a bill that causes increasing costs, whether as a tax or other impost, must originate in the Assembly, whether or not that is the primary purpose of the bill. For these reasons it is therefore not in order for this house to initiate this bill, and I order that the bill be withdrawn.

The President's ruling is consistent with the present practice — namely, the President makes the original ruling rather than the house as a whole making such a decision after perhaps being given some guidance by the President.

The constitutional views set out in the report and I believe by Dr Taylor are ultimately that determining whether or not the bill infringes section 62 of the Constitution Act 1975 is a matter for the house. In a sense it would be possible for the President to refer the bill to the house or for other members to seek to have the house rule on the entire matter. I do not think that matter is disputed, but the present practice of the President making that initial ruling is generally one that has been respected and supported. Nevertheless, it is a practice that this recommendation seeks to alter because the committee has taken the view that both the practices in the Assembly — where it is left for the house and not the Presiding Officer to enforce constitutional provisions — and practices developed in the Senate ought to be adopted here.

In the last sitting week I had the opportunity briefly to give some of the reasons for not supporting recommendation 2. Having considered it at length now, I would support the maintenance of the existing practice of the President making the initial ruling. I have sought some advice from the clerks, and if I could have some liberty to refer to that advice — I have spoken to the clerks, and they are content for me to do so — it sets out some further background to this practice. The clerks have stated:

In practice, the clerks of the Council check all bills proposed to be initiated in the Council for constitutional compliance. The clerks will often informally advise the sponsoring member if they have concerns with the bill and the possibility that if proceeded with, the President may rule the bill out of order and order its withdrawal. Sometimes the member agrees to modify the bill to remove any constitutional impediments before its introduction. The clerks can also advise the President if they have any concerns with a particular bill.

The practice in the Council for the President to order a bill to be withdrawn for infringing constitutional provisions is derived largely from a convention of the Council rather than by an act of Parliament or its own standing orders —

as I have indicated —

Standing order 14.02 is the only standing order which empowers the President to order a bill to be withdrawn on the grounds that the bill has not been prepared according to the standing orders. However, this relates more to form and substance rather than constitutional considerations.

This then gets to heart of the matter according to the advice from the clerks:

The principal reason why presidents have intervened is to prevent disputes between the houses. This is encapsulated in a ruling by a former President of the Council who stated that in its relationships with the Assembly on financial matters in bills, regard has always been given to whether the Assembly would, pursuant to its own longstanding rulings and practices, seek to obtain a message recommending an appropriation in a particular bill. If so, the Council has generally accepted that advice to prevent any cavil.

Thus, a cautious approach has been taken by presidents and they have been reluctant to proceed with bills or indeed amendments to bills likely to be objected to by the Assembly.

I refer to Greg Taylor's book *The Constitution of Victoria*, which I would urge members to read — I will further refer to that shortly — or any other of the many interesting books on Victorian constitutional history, because the history of this chamber and the history of disputes between the houses is probably not a happy history in constitutional terms, particularly in the 1860s and 1870s. Some of those historical issues are now beyond us, but the potential for dispute between the houses on appropriations and financial matters has resulted in these very rules being inserted into the constitution in its various guises and has also resulted in

these practices being adopted by successive parliaments.

In constitutional practice it is important that the nature of this house as a house of review remains. Perhaps it is a view of some academics, but not all, that the Legislative Council in the 1800s was regarded as overly conservative or obstructionist. Others would say it was seeking to preserve important constitutional principles within the new fledgling democracy that was emerging in the then colony of Victoria in the governing house, being the lower house, where the seat of government is formed. Throughout the 1870s, 1880s and 1890s there were various quite significant financial scandals. Members in this house would blush at the matters that were tritely put up by Mr Tee in the previous motion compared to the scandals that occurred in this place and between the houses back then, and more importantly the deadlocks and constitutional uncertainty that resulted.

I will turn shortly to one of the principles that has importantly emerged — that is, the level of justiciability of constitutional disputes and bills that infringe section 62 of the Constitution Act 1975. But returning to the clerks' advice, one of the matters that the clerks referred to is the fact that over the past 54 years of Victoria's history only six bills, as identified by the clerks, had been ordered to be withdrawn on the grounds of breaching the constitutional requirements. Those were the Legislative Council (Abolition) Bill 1959, the Environment Protection (Licence Fees) Bill 1981, the Coroners Bill 1985, the Environment Protection Bill 1987, the Victorian Water Substitution Target Bill 2007 and the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011.

I have not gone into it, but Greg Taylor's *The Constitution of Victoria* does, and I urge interested members to go through the history that resulted in the formulation of these constitutional rules — I am sure the clerks have been through it many times. One does not want to depart from practices that have since evolved, which potentially have kept the status quo and have kept the Legislative Council relatively compliant in terms of potential breaches of the law. That is not political compliance; that is legislative compliance in terms of its powers. In more recent years there has not been a flurry of attempts to introduce legislation that is then ruled invalid.

The role of the President of the Legislative Council is important in this state. That has been demonstrated today in the way the President has guided all members, including me and others as acting presidents, on the manner in which an important matter like the no-

confidence motion we debated earlier should be conducted. The guidance and the independence that the President and previous presidents have brought to that role are important. In referring to the President, I mean the role as an institution and not necessarily any particular member who occupies that position — and that extends even to the role of acting presidents, some of whom I see in the house. When we depart from our political role and take on the role of the presiding officer, it is important to retain the independence and impartiality of the chair. Dr Taylor gets to the heart of the matter in this regard at page 365 of his book:

Sections 62–64 —

of the Victorian Constitution Act 1975 —

concern the relationship of the houses to each other and their relative powers, and are thus non-justiciable essentially for the same reasons as compliance with section 65(3) usually is.

That means that although the matter is rarely tested in the common-law world, the constitutionality of legislation between those provisions, whilst guided by the rule of law and the constitution, is a matter ultimately best resolved by these houses in a sovereign state. We have to place our faith in various institutions, we have to have separation of powers and we have to have laws and procedures. We respect those laws and procedures, but what we do not want is to have deadlock and uncertainty.

The nature of the two houses is well known. The Assembly is the place where government is formed. It is the place where, more often than not, if one seeks to control financial matters within the state, those matters start in financial bills in the Assembly. The Legislative Council is the house of review. It is an important second house in the bicameral system, but in a sense it is at the end of the legislative line. I will not make analogies to the role of legislation as others have.

This house has had the practice that the President makes an initial ruling, brings to that ruling the impartial advice the clerks provide in their good service, and whilst ultimately the house can determine for itself, it then proceeds to assess the constitutionality or otherwise of the bill. It is a good practice and one I would urge the house to continue. For those reasons I have spoken strongly against the recommendation, and I wish to conclude this speech by reiterating the government's support for the firefighting services of Victoria.

Mrs COOTE (Southern Metropolitan) — I rise to make a contribution to the debate on Ms Hartland's motion in relation to the Accident Compensation

Legislation (Fair Protection for Firefighters) Bill 2011. I want to start my contribution by stating my support and that of the coalition for the excellent work of the firefighting services in Victoria. We are all reminded of this on a seasonal basis, and even though I hold a metropolitan seat, a number of my constituents are voluntary firefighters. One of my office staff spent a lot of time fighting fires in the last season. We are very committed. I am the chair of the Economy and Infrastructure Legislation Committee, which received the reference to look into and report on the constitutionality of Ms Hartland's bill.

I want to go into technicalities in relation to this matter because it is really important to get this right. As I said at the time and reiterate now, I know Ms Hartland has brought to this motion, as well as to the bill she earlier brought before the house, an enormous amount of concern and care for firefighters. Her sentiments are certainly in the right place and there is no dispute about that at all.

However, as Mr O'Brien just enunciated very clearly, we deal with a constitution. We deal with things that are bigger than each one of us as individuals, and that they must be assessed by the rules of this place. In this instance it is the constitution. When the Economy and Infrastructure Legislation Committee looked into this situation we found it to be very complex. It is not about the policy of the bill; it is about the actions of the bill. Ms Hartland has brought similar issues to this chamber before. Some time ago she brought an issue involving care leavers and the disability sector and invited a number of people to be in the gallery at that time. She encouraged those people to believe they were going to come away with a solution to a very difficult and emotional problem, but like the motion that is before us today, that was ill founded, because it did not deal with the technicalities of what needed to happen.

I will refer to the final report of the Economy and Infrastructure Legislation Committee's inquiry into the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011 of June 2013 because I want to talk about the problem with this motion. Ms Hartland has cherry picked aspects of this report, but its conclusions are very clear. Section 4.2 on page 37 of the report is headed 'Introducing the bill in the Legislative Assembly', and it says:

The bill as currently drafted can clearly be introduced in the Legislative Assembly. However, as the sponsor of the bill is a member of a party that does not have any members in the Legislative Assembly, this would require a member of another party being willing to take charge of the bill. Another obstacle to the introduction of the bill in the Assembly by a member other than a minister is that current Legislative

Assembly standing orders provide limited time for general business during which such a bill could be debated. Therefore, in order to have a reasonable prospect of being debated or passed, the bill would need to be introduced by a minister.

Ms Hartland has read the report, and she knows what is contained in section 4.2 at page 37 — in fact in her motion she refers to that section. The issue is about the constitutionality of this bill, it is about the motion, it is about whether it is a financial bill and the constitutionality of this place to look into whether there will be financial implications. Mr O'Brien went into this issue very clearly in his contribution. I would like to talk about some of the issues because I think it is imperative that we do so. I want to remind everybody that this process started with the bill that was introduced by Ms Hartland some time ago. The bill was inquired into and reported on by the Economy and Infrastructure Legislation Committee, and now we have a motion before the house. I think the motion is misleading, and that is a great disappointment. I would like to refer to the scope of the original bill just to remind the house how this all came about.

The President made a ruling in relation to the original bill on the basis of section 62 of the Constitution Act 1975, whether it constituted an issue on finances that this place was ambivalent about, whether this chamber dealt with financial bills or not, and what the financial ramifications of such a bill, and thus such a motion, would be. At page 12 of the committee's report it states:

The President's ruling focused on career firefighters, who are covered by the Accident Compensation Act 1985. The committee has also examined the constitutional issues arising from clause 5 of the bill, which relates to volunteer firefighters, who are covered under the Country Fire Authority Act 1958 and Country Fire Authority Regulations 2004.

What was the scope of our inquiry? The report states:

The scope of the committee's inquiry is limited to measures aimed at addressing any constitutional impediment to the bill's introduction into the Legislative Council. The committee has not examined the merits of the bill or the policy issues underlying its introduction as these are outside the committee's terms of reference.

Those are the emotions of this motion and the emotions of the bill that was first put up. That is not being disputed here; it is the technicality of this motion that is being debated. Our inquiry process looked very thoroughly into the constitutionality of sending a bill or a motion to the other place. It was vexed and very complex. We heard from the Assistant Treasurer, the Honourable Gordon Rich-Phillips. We then heard from a constitutional expert, Miss Rowena Armstrong, QC.

Mr O'Brien has already mentioned that we heard from Dr Greg Taylor and Mr Ken Block. They were all constitutional experts who looked at what the bill was, the issues concerned and whether this was something that could be debated in this place and, as a consequence, alter the nature of how we deal with bills, or whether it should have gone to the Legislative Assembly or not been dealt with at all.

Central to the committee's terms of reference was the interpretation and the application of section 62(1) of the Constitution Act 1975 which states:

A Bill for appropriating any part of the Consolidated Fund or for imposing any duty, rate, tax, rent, return or impost must originate in the Assembly.

This is what it is before us again: 'originate in the Assembly'. That is what this is about. It is about the technicalities, the issues of whether in fact the Greens have the opportunity to have a bill such as this debated in the lower house where the Greens party has no representation. That is the essence of what this motion is about.

The committee looked at precedents, and it had a very thorough look at what might have been appropriate. We had a close look to see whether there were some precedents that we could do something about. However, in summary, as mentioned at page 20, it states:

The only Victorian parliamentary precedent the committee was able to identify relating to the interpretation of the second part of section 62(1) and the imposition of an impost is the Legal Profession Practice (Guarantee Fund) Bill from 1993. That bill was allowed to proceed as the impost did not flow to the Consolidated Fund. However, Dr Greg Taylor casts doubt on the authority of this precedent.

That was the issue about which we had a lot of debate and it caused a lot of difficulty. An issue was raised and a point of view was held by Rowena Armstrong; and there was a slightly different point of view from Dr Greg Taylor; but in the end, when we brought our report down, it was very clear. As I said, Rowena Armstrong had a slightly different view to that of the committee on the application of section 62. She said:

I think in my view ... there is a distinction between a bill that actually provides for expenditure or implies expenditure in a positive way for the purpose of a bill and the administrative costs of running government ... Where the proposal and the legislation just cannot work without a significant increase in the size of the fund that really does raise the [constitutional] question.

Members can see the dilemmas of our inquiry and what we were grappling with. However, as I said, we realised that the introduction of a bill into the Legislative

Assembly by a minority party without representation has a technical issue, and it is an enormous additional problem in the implications of such a bill.

One of the things that I think is imperative for Ms Hartland to look at and perhaps seek additional information on is mentioned in the report at page 39 under the heading 'Modifying the bill'. In his advice to the committee, the Clerk of the Legislative Council states:

I note that when the President ordered the bill to be withdrawn, he advised the house that he was prepared to discuss with the sponsor of the bill options in going forward on this matter. Depending on the committee's recommendations in relation to this inquiry, it would be in order for the sponsor of the bill or anyone else to reintroduce the bill, perhaps drafted in an amended form different from the bill in question.

My issue this evening is that it is very disappointing that Ms Hartland missed the point.

Business interrupted pursuant to standing orders.

Mr LEANE (Eastern Metropolitan) — I desire to move, by leave:

That general business be extended with the view that this item can be dispatched.

Leave refused.

STATEMENTS ON REPORTS AND PAPERS

Parks Victoria: report 2011–12

Ms TIERNEY (Western Victoria) — I rise to speak on the Parks Victoria annual report for 2011–12. From the outset, I state my objection, concern and extreme disappointment with the Napthine government's recent decision to cut a further 60 staff from Parks Victoria, a decision that will have an enormously detrimental impact on the Victorian environment. Whether they are issues such as weed or pest control, managing Victoria's park network, waterways and natural tourist attractions or protecting the state from potential bushfires, the Napthine government's decision to cut staff will have a direct impact on Parks Victoria staff's ability to complete their work and responsibilities.

Parks Victoria manages an area of around 18 per cent of the state's geography that includes some of the state's most iconic tourism assets, national parks, vital waterways and general regional assets. The economic, social and community significance of Parks Victoria's responsibilities go to the heart of why Labor members consider that government plays a very significant role in providing Parks Victoria with adequate resources.

The 2011–12 reporting period was a time when Victoria was in recovery, and much work was undertaken around our waterways. I take this opportunity to commend the efforts of Parks Victoria staff right across this state who dealt with recovery and damage control. Parks Victoria staff do this time and again as unfortunately we see significant weather events increasingly affect our local communities. I am also pleased to note that during the reporting period Parks Victoria staff made it easier for those with a disability to access our beautiful parks network. These are just two examples of the very important responsibilities and work undertaken by Parks Victoria staff.

However, the slashing of a further 60 staff from Parks Victoria as well as the past funding cuts show that this government is not prepared to provide the full support that it should so that the important work undertaken by Parks Victoria staff can be done. It was not until I read the report that I was aware that the 60 jobs mentioned some two months ago as jobs that would be cut are on top of the cuts mentioned on page 46 of the report. In June 2011 there were 1032 full-time staff with Parks Victoria. That number was reduced to 968 in June 2012, and a further 60 jobs are to go. Essentially more than 15 per cent of the total workforce of Parks Victoria has been eliminated over the past 18 months.

That is cause for significant alarm, but it should not be any real surprise to those who know what is going on, because it is consistent with this government's attitude to the environment. Members have already seen the solar feed-in tariff slashed. We know what the government has done in terms of the wind farm industry, the dismantling of the Climate Change Act 2010 and its attempt to reintroduce cattle grazing in the national parks. We are fairly familiar with what the government is up to.

In the remaining time I would like to thank the staff of Parks Victoria who are working in very difficult circumstances. They are working under significant stress, trying to juggle competing priorities without sufficient resources. Having said that, I commend the work they do. Whether they are in the field or in an office, they do a remarkable job for Victoria, and we enjoy the resources they look after for us.

Outer Suburban/Interface Services and Development Committee: growing the suburbs

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to make a statement on the Outer Suburban/Interface Services and Development Committee's report on the inquiry into growing the

suburbs in regard to infrastructure and business development in outer suburban Melbourne. In my contribution I want to draw the attention of the house to some important concepts at the heart of the development of planning policy in this state. Some of the things that committee members were able to get evidence on and draw conclusions from underpin the efforts of our very talented and capable Minister for Planning. I am very pleased to draw upon the contents of chapter 3 of the report, headed 'The benefits of agglomeration'.

I would like to read a few things from our report, beginning at page 79:

It is difficult to overstate the economic and social benefits of the agglomeration of knowledge industries in central Melbourne, which is increasingly recognised as a driver of Melbourne's economy and of the wider Victorian economy. However, agglomeration also poses a number of interrelated challenges for Melbourne's outer suburbs. Most notably, it increases the difficulty of generating local and diverse employment options in the outer suburbs and — to the extent that it is associated with an increasing proportion of Melburnians choosing to live in inner and middle-ring suburbs — it has the potential to exacerbate the delay in the provision of outer suburban infrastructure, particularly the major investment required for new public transport infrastructure.

...

The challenge that agglomeration poses for investment in infrastructure in outer suburban areas is an issue with which many cities around the world are currently grappling, including those cities that the committee visited during the overseas study tour.

That was one of the reasons why we went to those cities in the first place. The report continues:

This is particularly true with respect to public transport infrastructure. Like Melbourne, many cities are currently finding that the provision of public transport in outer suburban areas is at once the most pressing and challenging of planning problems and one which is exacerbated by the reality of agglomeration.

That is another centralising force going on simultaneously. Further:

London also offers lessons for Melbourne with respect to the effect of agglomeration on outer suburban business development. As Ms Michele Dix, managing director, planning, Transport for London, informed the committee during a briefing in London, recent years have seen exceptionally high demand for business space in central London, while a number of outer suburban centres have struggled, and continue to struggle, to find tenants for office developments. Ms Dix attributed this situation to the attractiveness of central London as a location for businesses, especially global businesses, compared to locations in outer suburban London ...

The committee notes that the same challenge does not exist in relation to those businesses which typically do not employ knowledge workers, which would include many small businesses. As in Melbourne, small business in London remains a vibrant component of the outer suburban economy. However, the exodus of knowledge industry businesses, and associated medium and large businesses, from the periphery to the core of London is cautionary for Melbourne's outer suburbs, especially since London has a current population of approximately 8 million — almost double that of Melbourne — and because the ABS has forecast that Melbourne may also reach a population of approximately 8 million as early as the year 2056.

...

The challenges associated with agglomeration for Melbourne's outer suburbs also represent a compelling argument for greater residential densities. The importance of residential densification is increasingly acknowledged with respect to Melbourne's middle and inner suburbs, which provide greater access and choice in terms of employment options and more established infrastructure, including a greater range of public transport options offering shorter journey times to central Melbourne. However, the value of residential densification is also becoming increasingly recognised with respect to Melbourne's outer suburbs, where greater densities will, in time, increase the economic viability of all forms of infrastructure, particularly public transport.

...

The increasing agglomeration of Melbourne's knowledge economy in central Melbourne has coincided with a period of significant pressure on 'traditional', and predominantly suburban-based, industries. This is particularly true of the manufacturing and retail sectors, which in recent years have ceased to provide the same levels of job security or job growth that they once did.

The relative decline of such traditional industries, combined with the overwhelming tendency for knowledge economy jobs to agglomerate in central Melbourne, poses significant challenges for business development — —

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

VicRoads: report 2011–12

Ms DARVENIZA (Northern Victoria) — I wish to make some comments on the VicRoads annual report for 2011–12. At the outset I would like to acknowledge the contribution of the chief executive officer, Gary Liddle. The purpose of VicRoads is to support the economic prosperity and livability of our state by shaping the development and use of Victoria's road system as an integral part of the overall transport system.

The authority discusses a number of significant highlights in its 2011–12 report on which it should be congratulated, including the opening of a new contact

centre in Ballarat, maintaining 53 263 kilometres of road pavement and working in partnership across all areas of government to develop a metropolitan planning strategy and a Victorian freight and logistics plan. Floods in regional Victoria had a big impact on the road network and road surfaces — and that was particularly true in my electorate of Northern Victoria Region — and VicRoads new web application played a very significant role in helping to let residents know which roads were closed and to find alternative routes.

VicRoads also coordinated the P Drivers Project, which is one of the largest scientific research studies into driver education in the world. Some 8600 participants are involved in the trial. There was also the safer road users program with the L2P mentor program. This is a fantastic program and one I was very involved in when Labor was in government. VicRoads supported 55 local government and community organisations to provide supervised on-road driver training experience for learner drivers.

In 2012 Victoria saw its lowest road toll on record. Whilst this statistic is pleasing, as a member representing the electorate of Northern Victoria Region it is very distressing to see how many fatalities occur on our rural roads. In 2012 there were 153 fatalities in rural areas of Victoria, not just Northern Victoria Region but right across the state. All fatalities and injuries impact greatly on the people who are involved and of course their families and friends. They often have lifelong consequences.

It is very pleasing to see that in my electorate of Northern Victoria Region the commonwealth and state-funded Nagambie bypass is now complete. A very smooth drive can be had as you head up to northern Victoria. It is a road that I use often when travelling from my electorate office in Shepparton to Melbourne and the other way. I commend the Bracks and Brumby state governments for their commitment to connectivity in rural and regional areas right across the state.

It is disappointing that negotiations on the Shepparton bypass and the Kilmore-Wallan bypass appear to have been put in the too-hard basket by the coalition, which is intent on building an east–west tunnel that nobody wants for \$8 billion. Alarming, the evidence just keeps mounting up that the traffic projections for this \$8 billion tunnel do not stack up. Recently it was revealed that a senior VicRoads engineer has quit the organisation in disgust at the dodgy modelling being used to justify the project.

Of further concern is a Victorian Auditor-General's report headed *Developing Transport Infrastructure and*

Services for Population Growth Areas which stated that despite population in the growth areas being expected to increase by 77 per cent, there is no clear statewide strategy to address transport needs. What do we know? We know that if Denis Napthine spends \$8 billion on this tunnel, then other transport projects like the Shepparton bypass and the Kilmore-Wallan bypass which are urgently needed now will not be built for decades. Victorians living in rural and regional areas of the state have been abandoned by the Liberal-Nationals state government, which has put \$8 billion into a project at the expense of other essential transport projects. I condemn the Premier for not putting forward a transport plan for the whole of this state. I commend this report to the house.

Disability services commissioner: report 2013

Mrs COOTE (Southern Metropolitan) — It gives me enormous pleasure to talk about the disability services commissioner's annual report for 2013. At the outset I would like to put on the record my praise for Laurie Harkin, AM, the disability services commissioner, and his fantastic team. I have a lot to do with Laurie Harkin and his team — with Lynne and Tamara and all of them — and they are so professional and they do the most fabulous job.

There is a lot of material in this annual report, and I will speak on as much as I can tonight, but I think I will have to continue to speak on it in subsequent sitting weeks. I would like to quote Laurie Harkin from his introduction to the report. He stated:

The end of our sixth year provides the opportunity to review and re-confirm the longer term directions of our office. Our *Strategic Directions 2012–15* identifies our core purpose as being to contribute to a society that is fearless in speaking up and to solve problems with an attitude of mutual respect.

I would have to suggest that that is exactly and utterly what he does. He went on:

We continue to improve the ways we raise awareness that It's OK to Complain! and support the sector to grow in this regard. We developed a new AAA accessible website and reinvigorated our approach to social media. Most recently our guide on resolving complaints for service providers, *Everything You Wanted to Know About Complaints ...* was launched at the National Disability Services Victorian state conference 'The Future is NOW'.

The agency is very in tune with what people are complaining about in order to make recommendations. Laurie Harkin is not fearful of taking some of the things he is hearing to the Minister for Disability Services and Reform, Ms Wooldridge, and she is very welcoming in hearing what those trends and issues are.

However, we are all now living in a DisabilityCare Australia world. The world for disability has changed, and in this state we are very fortunate that we will have the federal headquarters of DisabilityCare Australia. Why did that happen?

Mr O'Brien — In Geelong.

Mrs COOTE — It is in Geelong. Thanks must go to Mr O'Brien and Mr Ramsay, whose electorate it is in. When he was Premier it was Mr Baillieu who put \$25 million on the table to encourage this organisation to establish its headquarters in Geelong. To give credit to Julia Gillard, the former Prime Minister, she drove this issue and she met Mr Baillieu's \$25 million and put money into establishing the centre in Victoria.

It is important to understand the figures involved in what was the national disability insurance scheme and is now DisabilityCare Australia. The Victorian government currently puts \$1.6 billion into disability services in this state. By 2016, when this is rolled out, there will be combined state and federal funding of \$5.2 billion spent on disability in this state. Just a little over half of that will be put in by the federal government and the rest by the state. This is an enormous contribution to disability services in this state, I suggest that all political parties want this to work.

However, one of the things that has come out of this new initiative is that Victoria is the best at safeguards, better than all other states. We have in place the Office of the Senior Practitioner, the Office of the Public Advocate, community visitors and, more importantly, the disability services commissioner. The most important part of this is that the safeguards that are put in place make certain that there are audits — and I mean that in the broadest sense of the word — and that there are controls on what happens in this sector. It is important that all our services are provided safely, that they are accountable and that this is monitored.

Laurie Harkin has travelled across the country and has been speaking to his equivalent in other states saying that in this new DisabilityCare Australia world we must make certain that safeguards are in place. Minister Mary Wooldridge is advocating for this, and we must make certain that we in Victoria, the leaders in this, bring our standards to the table and that other states come to the party and rise to meet our standards. I will have a great deal of pleasure in talking on this report in the next sitting week.

VicRoads: report 2011–12

Mr LEANE (Eastern Metropolitan) — Today I would like to make a statement on the VicRoads 2011–12 annual report. I will touch on an area that does not get discussed a lot when it comes to VicRoads and the responsibilities it covers and covers well. VicRoads maintains a number of reserves as open space with the view that they may have a future use as a roadway or as an extension of a roadway, such as more lanes or more slip lanes in certain areas.

The VicRoads reserve that I will focus on is the Healesville freeway reserve which runs through Vermont South, particularly the area that runs from Springvale Road down to Boronia Road. VicRoads maintained this reserve as open space with the view that there might be a freeway to Healesville via this route, possibly from Springvale Road. However, VicRoads has announced that plan is now redundant, so recently it has endeavoured to go through a process to establish what to do with that land. Anyone who has lived out in that area or knows that area would agree that there was probably never going to be a freeway going through that area to Healesville, but it was only in recent years that the corporation declared the land excess to its future needs.

In the 2010 election campaign the member for Bayswater in the Assembly stated that if the coalition came to government, it would ensure that the reserve was maintained for open space, which at the time was a very good announcement. It was an announcement that she matched with the former member for Forest Hill in the lower house. The previous government made the announcement before the member for Bayswater matched it, but both those announcements were good for the area.

Unfortunately that commitment has not been fulfilled at this point, and VicRoads has been told to go through a community consultation process about the future use of this land. I have talked to a number of stakeholders who have had direct conversations with VicRoads, and it seems that VicRoads has been given instructions to flog off as much of this land as it can. It looks like it will go to medium density housing, which is unfortunate because the area where this land lies, which is within the city of Whitehorse, does not have a glut of open spaces. If the people out there lose this open space, it would be a real shame.

The new member for Forest Hill in the Assembly is on the record as saying that ultimately the decision about how much land is sold, if any, will come down to the Napthine government. Not a lot has been said by

members of the Napthine government in recent times about how they intend the land to be used. The suspicion is that they are the ones who have instructed VicRoads to flog off the land for as much money as it can grab from developers. As I said, that is a shame. There are a lot of people in the area who are concerned about this, and there are a lot of people in the area who are lobbying their local MPs, including myself, to take a position on keeping this open space, as our party committed to do before the 2010 election. Unfortunately government MPs in that area have not come out and stated that that is their position. I think that if it was good enough for them to make this promise and garner whatever votes they thought they could get out of it at the time, it is good enough for them to fulfil their commitment to the people out in that area.

Auditor-General: Developing Transport Infrastructure and Services for Population Growth Areas

Mrs PEULICH (South Eastern Metropolitan) — I wish to make some remarks on the Victorian Auditor-General's report, *Developing Transport Infrastructure and Services for Population Growth Areas*, given the significance of the infrastructure backlog to all of Victoria and in particular to the south-east, which I have the pleasure of representing in this chamber. A number of reports have been undertaken by the Auditor-General that show the importance of having an integrated transport network that includes well-connected and well-constructed roads to cater for our population growth and our business community, and the need for well-connected cycling paths and important public transport services, including rail, buses and so forth. The conclusion of the report, which was tabled in August, is this:

Over many years, the state has failed to deliver the transport infrastructure and services needed to support rapidly growing communities. This is adversely impacting accessibility, and risks the future livability of metropolitan Melbourne.

To digress, Melbourne has yet again been voted the most livable city in the world. That is certainly something that we prize and do not wish to erode. The report continues:

Urgent action is required to address this serious problem. Inadequate public transport and growing gaps in the road network in these communities are creating barriers to mobility, including access to critical services, education and employment opportunities.

It goes on to say:

This audit's recommendations are focused on addressing these longstanding issues. However, they will have limited value if their implementation is not supported by a realistic and effective whole-of-government approach.

We saw only yesterday the debate on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013, which is clearly intended to do that. We have heard from Mr Tee and other opposition members that the Auditor-General had criticised the prioritisation of the east–west link. That is not an accurate report of the Auditor-General's position. He states on page 25 of the report, with quite a straight bat, may I add:

The state has also recently announced its intention to deliver the first stage of the east–west link that will ultimately provide a new cross-city road extending across Melbourne from the Eastern Freeway to the Western Ring Road.

He then refers to a number of other projects. The report concludes on page 38:

The delivery of transport infrastructure and services to growth areas has not been timely.

There is currently a significant and growing backlog of required infrastructure, primarily due to shortcomings in past planning and the ongoing challenge of securing state funding in a fiscally constrained economic environment. Nevertheless, insufficient action has been taken to date by transport and land use agencies to better prioritise proposed investments, and identify funding sources to address the longstanding funding gap.

The Auditor-General goes on in the report to explain the difficulty with governments, political parties and community members changing their views as to what their priorities are. That is why I am so concerned by the position of the Leader of the Opposition, Daniel Andrews, the member for Mulgrave in the Assembly, on the east–west link. We know that this project — and I spoke about this this morning in a members statement — is a much-needed part of our transport infrastructure.

The east–west link first appeared as a concept in the 2006 transport policy document of the Labor Party, *Meeting Our Transport Challenges*, which was released for the election of that year. Labor is now opposing the east–west link that it supported in 2006. Not only did Labor members acknowledge that they needed to look at the east–west link, but they backed it — not just with rhetoric but with actual dollars. They spent \$5 million of Victorian taxpayers money on the report by Sir Rod Eddington, which was commissioned in 2007. They then agreed that there was a need for an east–west link.

Today there are some exceptions within Labor Party ranks, such as Mr Somyurek, who represents the same

areas I do and understands the importance of significant road infrastructure for our industry and for our businesses, and other members of this chamber as well. But the Leader of the Opposition is taking a very political opportunistic position on this. He is sabotaging what is an important piece of infrastructure and an important priority for cheap political gain. I regret this and I certainly hope that following the federal election he will reconsider his position on the east–west link.

Adult Parole Board of Victoria: report 2011–12

Mr EIDEH (Western Metropolitan) — I rise to speak on the 2011–12 annual report of the Adult Parole Board of Victoria. I thank the chairperson, Justice Simon Whelan, general manager David Provan, and detention and supervision order division chairperson Judge David Jones for all their hard work in producing this report. In addition to these individuals, I must also recognise the other judicial members, community members, full-time members and departmental representatives who have supported these leaders during the past year. The board, which was established in 1957 and first met on 3 July this year on this matter, has jurisdiction over:

... offenders for whom a court has ordered a prison sentence where a non-parole period applies, and

... young persons transferred to prison from a youth justice centre ...

The Victorian parole board is an extremely important part of our community. During 2011–12 it heard and considered 10 205 cases, an increase of 1242 on the previous year. The parole board's main purpose is to make Victoria a safer place for all. In its annual report it highlights its many objectives, which include to make independent and appropriate decisions regarding the release of offenders on supervised release, home detention or a supervision order and to make appropriate orders relating to or cancelling parole or revoking home detention and returning prisoners to custody. Both are critical factors when considering whether or not someone who has been found guilty by our courts is ready to be given a second chance in our community.

The annual report indicates that this difficult decision is completed by the board providing a framework which considers:

whether there is an unacceptable risk to the community if the offender is released on parole, and

whether the risk to the community will be greater if the offender does not have supervised release and support on parole.

Now, however, Victoria's attitude to the system has changed forever. We watched as a serial rapist and murderer was convicted to serve a life sentence, with a minimum of 35 years in jail, for savagely taking the young life of Jill Meagher. I was shocked and devastated, as I am sure were all in this Parliament and Australians across the country, to learn that Adrian Ernest Bayley was on parole when he committed this horrendous crime. This crime changed forever the lives of not only Jill's family and friends but of all Victorians, as well as changing the way we perceive the justice and parole system. I apologise on behalf of members on this side of the house to her family for this system that robbed them forever. The parole system undoubtedly let Jill Meagher down, and by extension it let down the entire community. Our communities deserve to be safe.

I sincerely hope the recent changes to the system are enough to ensure that violent offenders will not have the opportunity to reoffend and that we in Victoria will never see another tragedy like this occur. We on this side of the house support a review of this flawed parole system in order to consider how to build a more effective, efficient and transparent system. It will be tough and will undoubtedly take a long time for Victorians to rebuild their trust in the parole board and its decisions, but once completed, the review will make a lasting difference to the safety of our communities. I hope in next year's report we read of the many changes implemented by this important system in Victoria. I commend the report to the house.

***Auditor-General: Developing Transport
Infrastructure and Services for Population
Growth Areas***

Mr ELSBURY (Western Metropolitan) — It is always a pleasure to speak on reports, and today I will be speaking on the Auditor-General's report on developing transport infrastructure and services for population growth areas. Certainly the Auditor-General gets into the meat of this and starts to talk about population growth on page 2 of this report. I would just like to highlight that three of the seven regions he refers to happen to be in Western Metropolitan Region. They are the cities of Hume, Melton and Wyndham. On the information he has available to him the Auditor-General expects the population of the city of Hume to grow by 50 per cent, from 175 600 to 264 000, by 2031. In the city of Melton he estimates the population will grow from around 113 000 in 2011 to 225 800, or 100 per cent, by 2031. He then goes on to say that in the city of Wyndham, which is the fastest growing of the growth corridors, the population will increase from

168 600 in 2011 to 340 700 by 2031, making that a 102 per cent increase.

The pressures that will be placed on our public transport system are substantial. As someone who has lived in the growth corridors, I can say that has been the case for quite some time. In fact the audit summary of the Auditor-General's report point outs on page ix that:

The former Department of Transport undertook planning to expand bus services into newly developing areas following a series of bus service reviews between 2007 and 2010. These reviews highlighted a range of service deficiencies across Melbourne including:

inadequate network coverage

poor service frequency, reliability and connectivity to other transport modes

insufficient hours and days of operation.

In 2007–10 Labor was in government. Yet again Labor ignored the issue of public transport, especially buses, in the western suburbs of Melbourne and in the growth corridors that it says it so wholeheartedly represents.

What have we done differently? The Auditor-General picks up on this and says the creation of Public Transport Victoria means that plans can now be made for trains, trams and bus networking and that in December 2012 the network development plan for metropolitan rail was completed. Further work is required to finalise the tram and bus plan and develop a priority list of infrastructure projects and associated costs over the coming decades. These are discussed on page x of the audit summary.

In considering this, the government has already taken action, and this is recognised by the Auditor-General on page 14 of the report where he highlights the work that has been done to the Williams Landing train station. This may be a bone of contention for those opposite. The Williams Landing project was started under Labor, but it did not provide for access to the platforms by people of all abilities. There were stairs and there were lifts, but should the lifts break down there was no alternative. What we did was put some extra money in to make sure that there would be ramps to allow 24-hour uninterrupted access for people with disabilities. Ramps have a lot fewer moving parts than lifts, and if lifts break down, you are certainly going to know about it. We know the Laverton and Footscray train stations, which rely completely on lifts for disabled passengers and people with mobility issues, just do not work.

The Auditor-General also mentions the east–west link on page 25 of the report. Last night's debate on a bill to allow for planning to go ahead for the works to be done

will facilitate that project a lot more quickly than would have been the case under the former government. This is a very good report. We have much to learn from what is in these pages, and a lot of work still needs to be done.

Economic Development and Infrastructure Committee: local economic development initiatives

Mr RAMSAY (Western Victoria) — I would like make some brief comments on the Economic Development and Infrastructure Committee report of July 2013 on the inquiry into local economic development initiatives in Victoria. I was particularly interested in chapter 4 of the report where reference is made to the agricultural sector. Whilst much has been said of the challenges to the industry, both climatic and economic, the Rural and Regional Committee did some good work in its inquiry into the capacity of the farming sector to attract and retain young farmers and respond to a growing workforce. It is pleasing to see the government will implement most of the committee's recommendations.

The report on local development initiatives in Victoria deals with two important issues. One is the need for the agricultural sector to have access to seasonal workers in peak harvest time and the ability to have a sustainable specialised workforce into the future. The other important issue discussed in this chapter is providing the right balance for accommodating lifestyle farmers, who wish to enjoy the ambience of living in a rural setting, as opposed to professional farmers, who should not be restricted in managing their agricultural businesses as required. Local governments have a planning responsibility to provide the appropriate balance for the competing interests of farming activity and lifestyle residential development.

The reality of the agricultural sector is that it is exposed to the domestic monopoly of two supermarkets for a fair farmgate price. It is also exposed to the vagaries of the Australian dollar for a fair and reasonable export farmgate price and is trying to compete globally with competing countries which have low environmental standards for food production, cheaper labour rates and heavily subsidised producers that produce with no reflection of the cost of production and dump that product into Australia. That is why trade agreements, access to a sustainable workforce and less regulation and red tape for producers are vital.

Also of interest to me in chapter 4 is the recommendation that the Victorian government advocate for a new funding framework involving all

tiers of government and the private sector for funding agreed long-term infrastructure priorities. At 4.3.2.3 the report states:

Ms Elaine Carbines, CEO of G21 — Geelong Region Alliance ... stated that poor connectivity was the primary issue affecting productivity of the Geelong Region ...

It was also stated in the report that Ms Carbines mentioned:

... the unique issue of maintenance of the Great Ocean Road. Ms Carbines stated that according to VicRoads, the road requires \$10 million per year to be maintained. However she and Surf Coast SC noted that the road does not receive funding from the Australian government, despite being recognised as a nationally significant tourist destination.

I am pleased to say that the federal coalition has announced as a funding commitment \$25 million for the restoration of that road. It is also pleasing to see the state government acknowledge that notation in this report. The Minister for Roads has announced a further \$25 million from the state government for the Great Ocean Road, as well as \$5.1 million for road safety upgrades on the Princes Highway between Orbost and the New South Wales border, the Western Highway upgrade from Stawell to the South Australian border and \$170 million worth of extra funding to fix Victorian roads. I have announced part of that in the last week: upgrades to the Midland Highway between Richardson's Lane and Sawpit Gully Road of \$675 000; \$270 000 to upgrade Eddington Road, which will seal road shoulders; and a \$220 000 upgrade in Ballarat at the intersection of Delacombe-Wendouree Road and Ballarat-Carngham Road.

I also refer to part (b) of the terms of reference, which reads:

examine the appropriate role of local government in generating economic development and review the allocation of responsibility in this area with the state government.

On this basis, given the importance of local government in this report, why would the Rudd government slash funding of \$115 719 for Hepburn shire; Central Goldfields shire, \$94 507; Northern Grampians shire, \$169 809; Moorabool shire, \$161 870; Pyrenees shire, \$127 819; Ararat council, \$141 038; and the Ballarat council, \$321 647?

In recommendation 36 of the report it is suggested that Victoria look at:

... an evaluation of the City of Greater Geelong's recent adoption of a directly elected mayor, with a view to expanding this electoral reform to other Victorian councils.

That gives me an opportunity to acknowledge the passionate work of Keith Fagg, who was the first directly elected mayor of Geelong. He did it with good grace, a passion for the city and a strong work ethic. Unfortunately ill health has not allowed him to continue that good work. I note that to support the new referendum in relation to the new poll, a directly elected deputy mayor, review of ward structures — —

The ACTING PRESIDENT (Mr Ondarchie) — Order! Thank you, Mr Ramsay.

Victorian Equal Opportunity and Human Rights Commission: *Protecting Us All*

Mr O'BRIEN (Western Victoria) — I wish to make a statement on the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) report entitled *Protecting Us All — 2012 Report on the Operation of the Charter of Human Rights and Responsibilities*, which was listed on the notice paper by Mr Finn. It is with some background that I come to review this report, since my election to Parliament in particular, as up until approximately this time last year I was a member of the Scrutiny of Acts and Regulations Committee. That committee was tasked with reviewing the Charter of Human Rights and Responsibilities Act 2006. It undertook a review and tabled a report dated September 2011. Many of the recommendations of that committee have been adopted by the government, but not all. Others are still being considered.

There are some aspects to the charter of human rights that raise questions essentially about the structure of government, the role of the courts, the rule of law and the sovereignty of Parliament. Those questions are continuing to have an impact and to be the subject of some debate and conjecture. This is the aspect of the VEOHRC report that I wish to touch upon. So that there is no doubt, I do so reaffirming my commitment to human rights, certainly to those human rights that were outlined by the members of the Scrutiny of Acts and Regulations Committee in its report.

In Victoria we are blessed in our history to be able to go back to the birth of our democracy, including the Ballarat Reform League Charter and other instances of the sovereignty of Parliament, and particularly to the Legislative Council, as it existed at the time of that document, as the only place of representative democracy not only in this colony but in many other parts of the world as well, or what is often referred to as the common-law world.

The issue in relation to human rights is not the protection of human rights as a principle but the manner

in which they are best protected. That was the issue in a sense that the Scrutiny of Acts and Regulations Committee made some recommendations about, particularly on the role of the courts in interpreting the charter of human rights and the operation of the dialogue model. The particular aspect I would like to respond to is a reference to the extent to which the Momcilovic decision has adjusted the expansive view of the human rights charter. That decision was handed down just as the committee was finalising its report or just before it was actually tabled. In many respects the leading judgements in the Momcilovic decision confirmed a number of aspects that the committee was particularly concerned about.

I note on page 31 of the report of the human rights commission that the interpretation that is now favoured in relation to section 32 is very much not the expansive interpretation that had preceded it and that many advocates for a more expansive interpretation had sought. If it is the case — as in my view it should be — that courts and tribunals reach a human rights-compatible interpretation of the law by first referring to ordinary principles of statutory interpretation and existing common-law rights, the rule of law and the operation and sovereignty of Parliament are best preserved by allowing the Parliament to make the laws and the courts to abide in an interpretive but not a law-making role.

It is in that regard that I take some issue with a reference on page 27 of the report, where it says:

the member for western Victoria noted that the objective of the act —

on FOI —

was to enable the community to access government information to the greatest extent possible. He noted that this was supported by a VCAT decision which held that the right to freedom of expression contained a positive obligation on the government to provide access to documents it holds.

I checked *Hansard*, and that is not exactly what I said. I certainly referred to the objectives of the FOI act, but then I referred separately to the statement of compatibility on the bill and the charter as a separate instrument, not one that necessarily supported the objectives of the FOI act or otherwise.

ADJOURNMENT

Hon. M. J. GUY (Minister for Planning) — I move:

That the house do now adjourn.

City of Stonnington level crossings

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Premier. It relates to aspirations of a number of municipalities in my electorate that cross a number of portfolio areas, hence my reference to the Premier. We have had a discussion previously about the views of the City of Glen Eira on prioritising an \$8 billion spend on an east–west tunnel that few people will use. However, I would like to draw the attention of the house to the aspirations of the City of Stonnington, which basically covers the lower house electorates of Prahran and Malvern. It put in a budget submission, which was reported in the *Herald Sun* of 7 May. The article reports that the City of Stonnington wanted:

... the government to stump up cash for grade separations at rail crossings in Glenferrie Road, Tooronga Road, Toorak Road and High Street.

Those level crossings are predominantly in the electorate of Malvern; the High Street one is in both Prahran and Malvern. In a sense there are two advocates in government for the City of Stonnington other than the five members of the upper house who represent the area. I am sure Mrs Coote, who is in the chamber now, would join me in advocating very strongly for the City of Stonnington. I would also hope the member for Prahran in the Assembly would advocate strongly for the City of Stonnington.

For the Premier's attention I refer to the same article in the *Herald Sun* of 7 May, which reported that when the member for Prahran was asked about his budget wish list he said he had nothing on his state budget wish list. I have raised this matter in this chamber before in a different context, so I will not dwell on it.

The action I am seeking from the Premier relates to the conundrum of who in the government is to be the advocate for the City of Stonnington's aspirations to invest in grade separations that will assist the community in the areas that were specified in the *Herald Sun* article in particular versus local members who do not have aspirations, according to the article, for their electorates.

The action I seek is for the Premier to call in the member for Malvern in the Assembly, Mr Michael O'Brien, the member for Prahran, Mr Newton-Brown,

and perhaps even Mr David Davis, Mrs Coote and Ms Crozier to work out who in government will be the advocate for the railway crossings in Stonnington, which will automatically go on the back foot because all the money for public transport is being sucked into an enormous tunnel in another part of Melbourne that very few people will use.

Healthy Together Victoria

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Children and Early Childhood Development, Ms Lovell. It relates to the coalition government's Healthy Together Victoria achievement program. Recently I was fortunate to join the Minister for Health, Mr Davis, and Minister Lovell at the Ada Mary A'beckett Children's Centre in Port Melbourne in my electorate, just around the corner from my office. This program looks at and celebrates what the Ada Mary A'beckett kindergarten has done.

About 1000 Victorian childhood services, which represent more than 80 000 children and one-third of early childhood services statewide, have registered and joined up to the Healthy Together Victoria achievement program. The Ada Mary A'beckett group has done a fantastic job. They are teaching little children about nutrition, and it is really pleasing to see what they have done. The director of the Ada Mary A'beckett Children's Centre, Bernadette Dower, said that with support from the Healthy Together Victoria Healthy Eating Advisory Service the centre has revamped its menu to make sure it is healthy and delicious.

These little children learn how to propagate and develop seeds, they have vegetable gardens, they learn about recipes and how to cook the food, and then they get to eat it, which is of course something they love. But it is also about what these little children take home to their families and their siblings. It has been such a successful program. As well as being engaged with eating healthily, the children are growing what they are eating and are learning about a multitude of tasks along the way.

This is a fantastic program; I have seen it firsthand. As I have said, more than 80 000 children around Victoria are being exposed to these types of programs through the Healthy Together Victoria achievement program, and it is really commendable. The action I would like to see is for the minister to spread the good word about this program wherever she goes and to make certain that whenever she speaks to any childhood service across the state she mentions this fantastic program and talks about the Ada Mary A'beckett example.

Hopefully this will encourage a number of other groups and people across the state to eat healthily. It will pay off in spades in the years to come.

Anglesea Bowling Club

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Sport and Recreation. It is in relation to the Anglesea Bowling Club's application for funding to assist with its redevelopment into a community-oriented facility. Plans for the club's redevelopment have been going through a long process, including consultation with a number of community organisations as well as the three tiers of government.

It has been a pleasure as a local upper house member to advocate numerous times in this place and in the community for what will be an excellent facility when it is completed. To date the redevelopment of the club's building has attracted the support of the Surf Coast shire, which has listed the project as its no. 1 sport and recreation priority. The shire has committed to providing \$250 000 for the redevelopment, with another \$250 000 coming from the club itself to fund the total project, which is worth \$1.5 million. Local designer Paul Weight is responsible for the design of the new building, which has drawn great praise from club members as well as the wider community.

The Anglesea Bowling Club recently applied for a state government sport and recreation grant for the sum of \$650 000. However, members were recently informed that the application was not successful. I have been informed that the club members are extremely disappointed with the decision as they were led to believe that their application would be successful. The club is an exceptionally strong sporting club that has the involvement of a number of community and sporting organisations such as the Anglesea and District Men's Shed and the local RSL. A redeveloped facility will assist in catering for the increasing membership numbers whilst providing the township of Anglesea with an excellent venue for community events.

The action I seek from the minister is for him to detail why the application for funding for the Anglesea Bowling Club redevelopment was knocked back. I seek that the minister re-examine the case of this club in the next round. Hopefully we will see this great facility built in Anglesea as it will provide a wonderful opportunity for increased membership and a great venue for a whole range of community activities.

Essendon Fields

Mr ELSBURY (Western Metropolitan) — I rise this evening to raise for the attention of the Minister for Employment and Trade the potential of the Essendon Fields project in the western suburbs of Melbourne. Primarily this site is an airport. That was reaffirmed today by a media release put out by the Minister responsible for the Aviation Industry, the Honourable Gordon Rich-Phillips, in which he highlighted the need for this important airport as part of the aviation infrastructure for Victoria, certainly for the air ambulance and the air wing of the police force, and also for logistics and for private aircraft to be able to land.

Also on the site is a major development of commercial value, including the national headquarters of Linfox Logistics, Armaguard, Australia Post, WorkSafe Victoria, LaManna, a number of car dealerships and DFO, which is the most interesting of these businesses for my electorate. Plans are up and running for an A-grade office space of about 15 000 square metres, and there are also plans to restore the former ANA House, a heritage-listed building on the site, to allow for office space to be provided.

As I said, the airport at Essendon also provides an interesting opportunity for employment. A number of mining groups in the Pilbara region of Western Australia utilise the airport to move their personnel from Melbourne to the mines in the Pilbara and back again. This is an efficient method of making sure that the workers get to their worksite. Also the proximity of Essendon Airport to Melbourne Airport presents an opportunity for business to be transacting at the Essendon Fields site, which would avoid the congestion that can cause trouble around the CBD of Melbourne and also reduce travel costs.

I would like the minister to further investigate the Essendon Fields area to ascertain its potential for jobs growth. The minister may even like to join me to view the site, to see the work that is taking place and plans for what could be deployed out there to try and build more jobs in this part of my electorate.

Arthurs Seat quarry site

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change, Ryan Smith. On Sunday, 25 August, I attended a rally in Dromana at the foot of Arthurs Seat State Park, which was organised by the Peninsula Preservation Group. Around 1000 people wearing red gathered to form a human sign of the words 'No tip'. Peninsula Waste Management, owned

by the R. E. Ross Trust, has applied to the Shire of Mornington Peninsula to convert the old quarry into a tip for municipal, industrial, commercial and asbestos waste. There appears to be no plan for recycling at the proposed tip. While R. E. Ross himself operated quarries, including the Hillview quarry in Dromana, one of the three core purposes of the R. E. Ross Trust, established under his will, is:

... nature conservation, with particular regard to the purchase of land for the protection and preservation of flora and fauna.

The quarry is adjacent to Arthurs Seat State Park, which is a haven for eagles, kites, swamp wallabies and many other species. It is a special and beautiful site on the escarpment, with sweeping views of Port Phillip Bay. It is clearly no place for a tip. There is growing opposition to the proposed tip from local residents and people all around Victoria who know and love this unique place. A petition by the Peninsula Preservation Group has received 12 800 signatures, and the Save Arthurs Seat Facebook page has more than 3500 members.

People are rightly concerned about the potential for contamination of the local creek, Port Phillip Bay and groundwater. They are also concerned about the impact of the proposed tip on flora and fauna in the adjoining state park and in the site itself, and the impact of truck traffic. The site is rated one of the shire's high bushfire-risk areas and is only accessible by winding roads. The proposal is currently being assessed for a works approval by the Environment Protection Authority (EPA), which has received 850 objections.

It seems the original plan was to convert the site to a recreational reserve once its life as a quarry was over. This seems a much better idea, especially as it is surrounded by Arthurs Seat State Park. An excerpt from the petition to the EPA and Mornington Peninsula shire councillors reads:

If the council honour the original plan to convert the quarry into a reserve, it can be a community resource that would link the two sections of the state park that adjoin it, creating a wildlife corridor for native species and the reserve could be utilised by diving groups as a training area for cave diving, be used for bird spotting and a brilliant resource for rock climbing and outdoor education.

We want the EPA and the council to reject this application. We don't need a tip — there are better alternatives which the council should consider, some of which appear in their own waste management reports and on their website.

My request to the minister is that he act now to negotiate with the R. E. Ross Trust and Peninsula Waste Management to incorporate the whole of the old Pioneer quarry site into Arthurs Seat State Park as a

natural legacy to be appreciated by generations to come.

National broadband network

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Technology, Mr Gordon Rich-Phillips, concerning the impact of the national broadband network (NBN) on the government's ICT strategy. Much of the government's ICT strategy is based on the federal government's national broadband network model, with 93 per cent of premises connected to a 100-megabit-per-second fibre service. The minister has been quoted in the *Age* as stating that the government is one-third of the way through the implementation of its ICT strategy. However, if a coalition federal government is elected this weekend, it plans to scale down the federal Labor government's national broadband network from one delivered via fibre to residential premises to one delivered via fibre to the node.

Minister Rich-Phillips is on the record as stating that his biggest issue with the NBN is that it cannot be delivered soon enough. He made this statement well before the federal coalition produced a policy on the NBN, so clearly he was referring to the federal Labor model. If Minister Rich-Phillips was asked whether he preferred Victorian premises to be provided with a 100-megabit-per-second downstream fibre service, upgradable to 1000-megabits per second or a 25-megabit-per-second service delivered over copper, I suspect I know what his answer would be in private, but I do not expect Minister Rich-Phillips to verbalise that publicly at the moment.

Given the above, the action I seek from the minister is that he clarify what impact a ubiquitous 25-megabit-per-second national broadband network delivered via fibre to the node will have on his ICT strategy, as opposed to a 100-megabit-per-second NBN delivered via fibre to the premises.

Nunawading school site

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education, Martin Dixon, and it concerns an expression of interest that was made for the use of an empty Nunawading school site. The approach came from James Ye, who is the principal of the New Chinese Language and Culture School. He would like to see if he could establish at that site a functioning Chinese community centre. I agree with him that this would be a perfect spot for it, and I commend him on his expression of interest in this school site.

The population of families of Chinese-speaking background in the eastern suburbs has increased markedly over recent years, especially in Nunawading, Blackburn and Ringwood. Such a centre could provide consultation in migrant education, medical advice, language training, health, recreation, martial arts and Tai Chi practice, cultural libraries and arts. It is also hoped to use this facility as the headquarters to organise cultural activities throughout the east, including festivals, performances and seminars in other businesses in the area.

The action I seek from the minister is to request his department to advise Mr Ye on how to put in an expression of interest for this empty school site. I must admit I am not sure if it is at the point where it has been declared as excess for educational needs, but I ask the minister to direct his department to advise how someone could go about making an expression of interest in purchasing this site. It sounds like a great way to use this school site.

Caroline Springs railway station

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, Terry Mulder, and the action I seek is for the minister to provide funding to complete the Caroline Springs railway station. In 2008 Sir Rod Eddington proposed the extension of rail services to Caroline Springs in his *Investing in Transport* report. The railway station was subsequently proposed within the Labor government's 2008 Victorian Transport Plan, and the station received funding as part of Labor's \$189 million program for new stations in growth areas in the 2010–11 state budget.

As noted in the recent Auditor-General's report entitled *Developing Transport Infrastructure and Services for Population Growth Areas*, preliminary work including design, purchase of land and construction of an access road has been completed. This was thanks to the previous Labor government's funding. Unfortunately this project was stopped once the coalition came to power. The access road to the proposed station is known locally as the road to nowhere. An estimated \$38 million was ripped out of this project funding in the 2011–12 state budget, with the project's time line being placed under review. There has been no mention of the Caroline Springs railway station in subsequent budgets.

Over 30 per cent of households in the city of Melton, where Caroline Springs is located, are not within 400 metres of a public transport stop. The government's target is for only 5 per cent of households to not be within this range. Lack of public transport services for

households in Caroline Springs creates greater car dependence for residents, resulting in more congestion on Melton roads. This is doubly bad news considering the Auditor-General also noted that Melton needed between \$207 million and \$243 million of funding to address longstanding road infrastructure needs.

The population of Melton is set to double by 2031. It currently stands at around 113 000, but within 18 years that will balloon to 225 000. Melton continues to be one of the fastest growing regions. The state government must reinstate funding for the Caroline Springs railway station project in the next budget. I ask the minister to make a priority of that project and of public transport funding and to reverse the cuts made by this coalition government to that particular project.

Regional police cells

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services, Kim Wells. It concerns the decrease in the number of police officers who are out patrolling in the Wangaratta community because of an increase in the number who are busy looking after prisoners from Melbourne, according to the latest report from the Victorian Ombudsman.

Wangaratta police station is just one of the regional stations that house up to 20 prisoners at a time, both those arrested locally and those awaiting court appearances around the state, because there are simply not enough beds in Melbourne's jails. Victorian police cells have become so overcrowded that many are holding up to three times their capacity, resulting in an unacceptable safety risk, lice outbreaks and overstretched police. Increasingly, prisoners are sent to regional police stations to await their court appearances in a bid to ease the congestion that is occurring in our metropolitan facilities.

The Ombudsman found that police officers having to supervise the detention of prisoners has an impact on the number of officers patrolling in the community. Police officers have to watch prisoners all the time. They have to bring them meals and attend to their needs. That means they cannot be out patrolling the streets, undertaking their regular duties and looking after the affairs, particularly in the case of Wangaratta, that are affecting the local community.

The action I seek from the police minister is that he put a stop to sending prisoners from Melbourne to regional police stations such as Wangaratta so that local police are able to get out and about and protect their communities rather than being unnecessarily held back

in police stations looking after prisoners. The Ombudsman's staff inspected police cells around the state, as well as court holding cells, and identified a range of issues, including that the number of prisoners has increased over the past 12 months and that the conditions are unsuitable for holding prisoners for any length of time.

Responses

Hon. M. J. GUY (Minister for Planning) — I do not have any written adjournment responses.

Mr Lenders raised a matter for the Premier around level crossings in Stonnington, to which I will ask him to reply.

Mrs Coote raised a matter for the Minister for Children and Early Childhood Development, Ms Lovell, about the Healthy Together Achievement program.

Ms Tierney raised a matter for the Minister for Sport and Recreation, Mr Delahunty, about the Anglesea Bowling Club.

Mr Elsbury raised a matter for the Minister for Employment and Trade, Ms Asher, about Essendon Fields.

Ms Pennicuik referred to the Minister for Environment and Climate Change, Mr Ryan Smith, a matter concerning the Arthurs Seat tip.

Mr Somyurek referred a matter with regard to the NBN to the Minister for Technology, Mr Rich-Phillips.

Mr Leane referred the Minister for Education, Mr Dixon, to an issue regarding a Nunawading school site.

Mr Melhem referred the issue of the Caroline Springs railway station to the Minister for Public Transport, Mr Mulder.

Ms Darveniza referred the Minister for Police and Emergency Services, Mr Wells, to police numbers in Wangaratta.

I will seek written responses for all those members.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6:46 p.m.