

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

Wednesday, 10 March 2010

(Extract from book 3)

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

By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

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

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee. (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson.

Education and Training Committee — (*Council*): Mr Elasmarr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips. (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

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 — Acting Secretary: Mr H. Barr

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

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

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Ms Pulford, Mr Somyurek and Mr Vogels

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
Mr DAVID DAVIS

Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan ²	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue ¹	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles ³	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William ⁴	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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Wednesday, 10 March 2010

PETITION

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

Ms Lovell interjected.

ACTING PRESIDENT

The PRESIDENT laid on table warrant nominating Ms Huppert to act as Acting President whenever requested to do so by the President or Deputy President.

Mr Viney — When the President read the prayer and said the words ‘and deliver us from evil’, Ms Lovell made reference to the Premier. I think her comment was highly inappropriate and she should be asked to withdraw it.

Ms Lovell — On a point of clarification, I would like Mr Viney to explain what he would like me to withdraw — what does he mean?

Honourable members interjecting.

The PRESIDENT — Order! I do not intend to allow this matter to get out of hand, particularly given the circumstances. Ms Lovell did say what the Government Whip accused her of saying. Now that it has become an issue, I think it was inappropriate and she should withdraw it.

Ms Lovell — I withdraw.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Membership

The PRESIDENT — I have received the following letter from Mr Matt Viney:

Due to the significant number of commitments I have on various Legislative Council committees I wish to tender my resignation from the Environment and Natural Resources Committee.

The work of this committee over the last three years has in my view been very important for Victoria, covering issues from bushfire prevention to the future of sustainable energy.

I wish the committee well in its future work.

Following petition presented to house:

Bellarine Peninsula: foreshore committee

To the Legislative Council of Victoria:

The petition of the residents of the Bellarine Peninsula and other persons draws to the attention of the Legislative Council our dissatisfaction with the Bellarine Bayside Foreshore Committee of Management and the way the organisation has managed the coast between Point Richards at Portarlington and Edwards Point at St Leonards.

We, the undersigned petitioners, request the Minister for Environment and Climate Change and the Brumby government to replace Bellarine Bayside Foreshore Committee of Management with an organisation that can:

1. better deal with the increasingly complex issues of the north Bellarine coastal landscape;
2. deliver a more satisfactory provision of services for the benefit of all coastal users from Point Richards to Edwards Point;
3. demonstrate a greater willingness to consult with residents and users of the Bellarine Peninsula’s foreshore.

By Mr KOCH (Western Victoria) (914 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Report, 2008–09.

Auditor-General — Report on Irrigation Water Stores: Lake Mokoan and Tarago Reservoir, March 2010.

Australian Crime Commission — Report, 2008–09.

Commissioner for Environmental Sustainability — Report, 2008–09.

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee’s Report on the Review of the Findings and Recommendations of the Auditor-General’s Reports Tabled September 2007–February 2008.

Surveyors Registration Board of Victoria — Report, 2008–09.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Membership

Mr VINEY (Eastern Victoria) — By leave, I move:

That Mr N. Murphy be a member of the Environment and Natural Resources Committee.

Motion agreed to.

MEMBERS STATEMENTS

Infrastructure: government performance

Mr O'DONOHUE (Eastern Victoria) — This time last week Engineers Australia released its infrastructure report card for 2010. This is the second report card it has done for Victoria — the first was in 2005. The 2010 report card demonstrates that there has been very little improvement in Victoria's infrastructure over the last five years. None of the categories reviewed in the 2010 report card received an A; only 2 were rated at B for good; 11 were rated at C for needing major changes; and 1 category, rail, was rated at D for being poor and needing critical changes. The summary states in regard to the D rating:

This rating recognises that there has been no fundamental improvement to the metropolitan rail network since 2005 ...

Notwithstanding all the manufactured talk and ribbon cutting by the government, the reality is that, according to Engineers Australia the basics — that is, the core businesses of the state — either have not improved or have deteriorated. Rail was rated as a C minus in 2005. It has gone backwards under this government.

The Engineers Australia report card is a wake-up call for the government. It is time focus was put on infrastructure fundamentals that are so critical to the lives of Victorian people.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — An article at www.dredgingtoday.com has come to my attention. I found it very interesting. The website states:

Environment has always been a 'hot' topic for the dredging industry, but when the debate around climate change started to heat up several years ago, the dredging industry was in the forefront and ready to act.

It asks:

For instance, what initiatives should be taken to meet the danger of sea level rise which can destroy low-lying cities and

towns? How do ports lacking depth hinder economic globalisation by limiting seagoing traffic, long recognised as by far the cleanest and most fuel-efficient means of transporting goods?

The website refers to its publication *Terra et Aqua* and mentions two classic case studies that are described in it. It says the dredging industry is at the forefront of combating climate change. It mentions projects in Tunisia and the Port of Melbourne Corporation's channel-deepening project at Port Phillip Bay. I have looked at the website and the publication. The two projects are not really comparable. The article focuses on the Melbourne trailing suction hopper dredger and not much on the climate change problems with the Port Phillip Bay channel-deepening project. I draw members' attention to the ongoing problems with coastal erosion around Port Phillip Bay that are a result of the channel-deepening project.

Maryanne Smith

Ms PULFORD (Western Victoria) — Maryanne Smith is one of 15 Victorian nurses who were awarded a \$3500 scholarship from the Brumby Labor government. Maryanne is a very deserving recipient of the scholarship, and I wish her all the best in her studies.

The scholarships are in place to assist division 1 nurses who are endorsed as midwives to take part in further education in the area of maternal and child-health nursing. The scholarships are in response to the growing population of Victoria and in particular the baby boom which has taken place over the past five years.

The scholarship funding can be put to use by Maryanne in paying her course fees or general study costs in preparation for employment as a maternal and child-health nurse at the end of her studies.

Hamilton Airport: upgrade

Ms PULFORD — On Wednesday, 3 March, I had the opportunity to announce on behalf of the Brumby Labor government funding of \$2.3 million from the Regional Aviation Fund, which is part of the Regional Infrastructure Development Fund, for the upgrade and modernisation of infrastructure at Hamilton Airport.

The airport has 34 regular passenger transport flights per week, allowing Hamilton and the Southern Grampians region to prosper economically in business and tourism and providing for the transport needs of the area. It should be noted that the Shire of Southern Grampians has contributed a significant \$575 000 to

this great project. The upgrade will provide for better training facilities, emergency medical services, fire services and rescue services.

Bulldogs Community Children's Centre

Mr EIDEH (Western Metropolitan) — Last week the Premier John Brumby, along with the Minister for Early Childhood Development, Maxine Morand, and Western Bulldogs players Shane Thorn and Robert Murphy, officially opened the new \$2.1 million Bulldogs Community Children's Centre in the precinct of the Whitten Oval. The centre's development has been made possible through the Brumby government's partnership with the federal government and the Western Bulldogs. This includes a \$500 000 grant from the Brumby Labor government's Children's Capital program, \$1 million from the federal government, \$600 000 from the Western Bulldogs Football Club and philanthropic donations.

This important facility will help give children in the western suburbs the best start in life, offering kindergarten and occasional and long-day care as well as maternal and child-health services, and allied health and early intervention services. We are investing in and supporting access to the highest quality education centres for young children and families to set the foundations for a children's social, emotional and cognitive development in their first three years, which is one of the most important stages in a child's development. More than \$47 million has been committed to the establishment of 98 integrated children's centres.

Melbourne's western suburbs are growing rapidly, and I commend the Brumby Labor government on taking action to ensure that vital children's services such as these are available to families.

Health: federal government plan

Mr D. DAVIS (Southern Metropolitan) — My matter today concerns the announcement by the Prime Minister of his health plan. My proposal today is not to discuss the whole of this large matter, which Premiers, health ministers, shadow ministers and others around the country have commented on over the last week or two. I want to draw the house's attention to one aspect of that plan, which is to set up clusters of hospitals, particularly in country Victoria.

Where hospitals currently have a local board in operation, Mr Rudd proposes to sack that local board and to amalgamate a number of those health services or hospitals into one larger entity. That will remove local

control and dilute the input of local communities into the functioning of those health services. It is a concern that in country Victoria the strong local connections that people have with their local hospital boards, the generosity of the community towards those boards and the partnership that has developed over many decades between the government in Victoria, under all political colours and stripes — —

Mr Lenders — So you are supporting the state government? That's new!

Mr D. DAVIS — No, I am making a very significant point about which I suspect Mr Lenders might well agree with me — that local boards should not be stripped away by Mr Rudd, that local boards should remain local and that local boards should not be forced to amalgamate by Mr Rudd.

Energy: Gherang geothermal project

Mr KAVANAGH (Western Victoria) — On the evening of Thursday, 4 March, I attended a community meeting at the Wurdale community hall. At that meeting were a large number of residents of Gherang and surrounding areas. The meeting was organised by Daniel and Matthew Briggs.

The people at that meeting expressed deep concern that their area has been selected to be the site of a major geothermal project. The local residents were outraged that they were never consulted about this and indeed only found out about it through one of the local residents happening to stumble across it on the internet. They were also angry that the responsible minister, the Minister for Energy and Resources, has consistently refused to meet or consult with them.

The residents are concerned about a wide range of risks to their health and to the local environment, including carbon dioxide emissions and, as happened at a geothermal site in Switzerland, man-made earthquakes, ground subsidence, a possible leaching of toxic fluids above the ground, and a wide range of other potential problems.

I urge the government to consult with the local residents around Gherang and come up with plans in conjunction with the developer of this project to ensure that the local environment is protected and respected and that any risks to the health or welfare of local people in Gherang and the surrounding areas are averted.

MINISTER FOR PLANNING: WANT OF CONFIDENCE

Mr D. DAVIS (Southern Metropolitan) — I move:

- (1) That the Minister for Planning no longer possesses the confidence of this house in view of his failure to accept ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment; and
- (2) that, as the house has already supported a motion of no confidence in the minister, on 3 June 2009, the house now calls on the minister to resign immediately, in the interests of upholding the long-established traditions of ministerial responsibility under the Westminster system.

This is a very serious motion.

Mr Viney — On a point of order, President, the motion before the house Mr Davis has just moved in fact pre-empts the considerations of the Standing Committee on Finance and Public Administration, which is due to start its public hearings in two days time. I think it is highly inappropriate for the chamber to be debating a matter that already draws a conclusion about the outcome of that inquiry before the public hearings have even started.

Mr D. DAVIS — On the point of order, President, this motion in no way pre-empts that inquiry. It is about the matter of ministerial responsibility. That inquiry, as I understand the terms of reference that were read in this place yesterday, will look at a whole range of issues surrounding the production of media plans and other documents in the minister's office, and indeed elsewhere, and at matters of consultation on planning generally.

This motion is very strictly about the minister's responsibility and the fact that the minister has failed to live up to his ministerial responsibilities.

Mr Hall — On the point of order, President, it is my view that this chamber should give all members of the house the opportunity to express a view on this important subject.

The committee itself is a select committee of a small number of the members of the chamber, so other members who are not members of the committee will not have the opportunity to explore these matters as the committee will have.

I think the content of this debate in the chamber this morning will indeed be instructive and helpful to the committee in its deliberations in that I would think the views of a greater number of people will probably flesh

out some of the issues that the committee might choose to further explore, so in no way do I think this debate this morning will pre-empt or usurp the role of the committee and the decision its members will eventually make.

The PRESIDENT — Order! I think it is perfectly competent for the house to continue to debate this matter, and I do not think it in any way impacts on the committee which is due to sit on Friday.

Mr D. DAVIS — This is a very serious motion, a motion that goes very much to the heart of ministerial accountability. It goes to the competence of this minister, it goes to his integrity and the integrity of this government.

On 3 June 2009, this house passed a no-confidence motion, the first no-confidence motion successfully passed in the Victorian Parliament for around 20 years. That very significant motion came directly from the Brimbank fiasco that was outlined so carefully by the Ombudsman at the time. What is very clear from the information presented to the chamber was that the Minister for Planning had in his office certain individuals, in particular Mr Hakki Suleyman, at an absolute minimum he failed to supervise them and that he was most likely very much aware of what was going on in his office.

The minister is clearly responsible for what is going on in his electorate office. It is not in any way arguable that the minister could have no responsibility for, no oversight of and no capacity to regulate what occurred in his electorate office. Mr Hakki Suleyman had been involved in a number of corrupt and unsatisfactory activities in and around the Brimbank council area over a long period of time. The Ombudsman uncovered a network of such activities. It was clearly a matter of great significance to the community, and there have been responses in this Parliament since then. What struck me at the time was the minister's total inability to understand that he had some responsibility in this matter. He is a minister of the Crown — sworn to be so — and has responsibilities and obligations as a minister of the Crown and indeed as a member of Parliament. He failed to discharge those, and for that reason in June last year this house carried that historic motion of no confidence in the Minister for Planning.

The minister has not learnt. He has not taken steps or put in place procedures or systems to prevent this sort of thing from happening again. What we saw in the recent exposé that flowed out of the email of Peta Duke, the minister's media adviser, was that a document released to the ABC — in error, no doubt —

and carried a host of statements and a long list of topics or matters with which the minister was intimately connected and intimately involved. I will try to show that the minister must have known what was going on.

I refer to the minister's defence. Let us be clear: he has publicly refused to resign. He has publicly said this was a speculative document, and he has used all manner of weasel words to try to describe the media plan that was developed for him. Let us put on the record the title that sits on the top of the document is 'Minister for Planning Justin Madden media plan'. It is inconceivable that his staffer was producing such documents without at least a broadbrush knowledge on the part of the minister of the type of material in those documents and almost certainly a detailed knowledge of what was in those documents.

Mr Lenders — You are accountable for everything Brett Barton said in your name?

Mr D. DAVIS — Let me say, Minister, that a number of your ministers are out there with their media advisers, and they will hide and they will not take — —

Mr Lenders — You will take responsibility for Brett Barton?

Mr D. DAVIS — I will take responsibility for things that are actually done in my office and documents that are produced in my office. I will take responsibility — —

Mr Lenders — You will take responsibility for Brett Barton?

Mr D. DAVIS — I have to say: everyone who reads this document — —

Mr Lenders — You are not answering that one, brother.

Mr D. DAVIS — I will tell you, Mr Lenders, and I will run through some of the document entitled 'Minister for Planning Justin Madden media plan'. Under the heading 'Tuesday, 23 February –Thursday, 25 February' it states:

Parliament sitting

GAIC and UGB —

that is, the growth areas infrastructure contribution and the urban growth boundary —

GAIC debate scheduled to resume on Thursday.

We know that did not occur in the way that was intended. The plan continues:

Amendment to expand UGB has expired and cannot debate it until GAIC completed. It will return after GAIC approved

Under the heading 'Thursday, 27 February 2009' the plan states:

Renewable energy report to be released ...

and the media plan goes through that in some detail.

Under the heading 'Thursday for Friday' it states:

Sea level package for Age —

and then it has some description of that. Under the heading 'Friday, 26 February 2010' the plan states:

10.30 a.m. meet with local Leader journo in a get-to-know-you session discussing local issues and background journo on the upcoming launch of Maribymong River design guidelines.

Also under the heading 'Friday, 26 February 2010' the plan states:

TBC event with Essendon ...

...

I am talking to Essendon to work up something

Not sure what form it will take yet for Friday

...

Works as JM new electorate and footy — would be along the lines of Dreamtime game and Essendon can come on board as respect ambassadors.

Again under the heading 'Friday, 26 February 2010' it states:

If Essendon falls through minister will go to an oldies home with young person as part of respect agenda, i.e. respecting and building relationships with communities.

That is not the description of a minister responsible for the respect agenda.

The plan continues under the heading 'Sunday, 28 February 2010':

Launch: Kananook Creek Boulevard

...

Night before Liberals will announce preselection candidate for Frankston.

It also states:

Ted will be at event. Minister will need strong attack lines on opposition.

And it goes on.

I am not going to read every section, but I want to give the house some flavour of the detail in this document so people will understand the level of detail, the level of focus and the level of discussion that is in it. Under the heading 'This week' the media plan talks about Mildura council and states:

... hand local planning laws back to Mildura council.

...

Will be some who crack it, however, as they are not deemed to be in genuine hardship by council criteria.

Under the heading 'Tuesday, 2 March 2010' the plan states:

Program also attended public meeting in Geelong that went feral about the development last Wednesday.

I have to say that is a very unsatisfactory description of a community meeting. Obviously I was not at that meeting, so I cannot reflect on it, but I have to say it is a deeply unsatisfactory description, and you can only imagine that this has been prepared by someone in the minister's office and with the minister's knowledge. It is inconceivable that he has not had at least broad agreement or broad discussions about these topics, about the points that are in this media plan and about some level of understanding about where the office is heading.

It is important to look at the end of this plan. Mr Guy is here, and I note that he is referred to at the end of the media plan in terms of the freedom of information requests that are in operation. The plan states:

Matthew Guy: All emails sent and received by minister and his staff ... response being prepared with the assistance of AG's —

that is, the Attorney-General's —

office (Brimbank)

...

... Matthew Guy: reports, research ... undertaken by the GAA —

that is, the Growth Areas Authority, and on it goes.

There is clear evidence here of detailed information being passed to the minister and being prepared for the minister by his officer inside his office. One piece of information that we have referred to specifically in this motion that will concern many in the house relates to the Windsor Hotel advisory committee. It states:

... report due first week of February; report is expected to recommend that development go ahead. Strategy at this stage is to release it for public comment as this affects the entire

community and then use those responses as reason to halt it as we have listened to community views.

This obviously is a plan, a strategy, to subvert the planning process. It is a plan, a strategy, to ensure that community consultation is misused in this place to make sure the planning process is subverted and corrupted and put in place in a way that does not respect those who are applicants and those who are persons who put in objections to or concerns about planning developments.

This is an example of where the minister has cooked up a process to bring his political matters to the fore, rather than, as a minister of the Crown should do, dealing with due process, with focus on details, with focus on the matters of fact, with focus on getting the right outcomes for the community, the right outcomes under the objectives of the Planning and Environment Act in this case and the right outcomes in terms of his responsibilities.

The minister has a role as custodian of the planning processes in this state and as a sworn minister. I want to put on record at an early point in this debate the ministerial oath. The ministerial oath is an important commitment, which states:

I (*name of deponent*) swear by almighty God that as (*name of office*) —

Minister for Planning, in this case —

in the State of Victoria, I will at all times and in all things discharge the duties of (*name of office*) according to law and to the best of my knowledge and ability without fear, favour or affection.

It is impossible to conceive of a sham planning process, a planning process that is corrupted, a planning process that is run for a political agenda rather than for the agenda of getting a community outcome, an outcome within the objectives and purposes of the Planning and Environment Act and without getting an outcome in terms of the minister's responsibility under his oath of office:

to the best of my knowledge and ability without fear, favour or affection.

It is important that members of Parliament and members of the community understand that the minister has sworn that oath and has clearly broken that oath. That, in itself, is sufficient reason for the minister to step aside.

The minister has again employed the Sergeant Schultz defence. He has said, 'I know nothing — it is a speculative document, it is a document I have never

seen'. The Premier has said he has never seen such a media plan. The minister said he had never seen this plan or any plan like it, but I do not believe him. This document has all the appearances of a regularly produced document, a document that was transmitted by Peta Duke — and I will say something about Peta Duke in a minute because I think she has been made a scapegoat in this matter. This document has all the appearances of a document that is produced regularly and is transmitted to George Svigos, the government's head of media in the Premier's office, and to other senior media officers in the Premier's office. It is very clear this document was transmitted to them and that they were very much aware of it. I would be interested to hear the minister's response as to whether those individuals have in fact seen the document, opened their emails, examined the document, support the document or have had input to the document.

The key aspect in this issue is: did the minister discuss this document with anyone? Did the minister play a role in developing it? Did the minister, as he claims, know absolutely nothing about this document and did he know that his media officer was planning a whole process around him without any discussion with him? Did he know she was planning to subvert the Planning and Environment Act processes and was planning to put in place a sham consultation? The minister claimed it was a speculative document, but there is much in that document that is not speculative at all. There is hard fact about who has submitted FOI applications and who has not done — lines of attack against Mrs Peulich and others, lines of attack against the opposition and lines that we have heard the government use. These were media documents, media plans, and it appears that there are a number of them across government.

I look forward to the ministers in this chamber and in the other chamber honouring the Freedom of Information Act, as I have submitted a number of freedom of information requests seeking information from a number of ministers about particular plans prepared as part of government activity and media activity.

I look forward to the government assisting the Standing Committee on Finance and Public Administration. I think it is important to record that the committee has an important role in getting to the bottom of where this process is being done, how the process is being used by the government, the role of advisers and media officers and how they appear to be having a very significant influence on government policy and indeed on government planning processes in this case. It will be interesting to see what documents come forward in the process of the committee's inquiry. I do not want to

reflect on where the committee might go; that is a matter for the committee.

The deeper problem for the Minister for Planning is that if he did not know about this document, as he claims, he should have known. He should have had a good understanding of what was going on, and frankly I simply do not believe him. If you look at the responsibilities of ministers and at the standards of ministerial ethics and codes of ethics around the country, you will see that under any reasonable code and under longstanding Westminster tradition the minister should go. He should have stepped aside. He should have done the right and decent thing, and he should have gone. If he would not go, then the Premier should have sacked him. It is because of the failure of those two steps that this chamber is today debating the motion before it.

The *Standards of Ministerial Ethics* from the Australian government is dated December 2007. It is an important document which lays out principles and ethical standards required of ministers in Australia's system of government. Obviously they relate to the federal government, but these standards are equally significant for states and for other Westminster chambers. We learn from each other; we look at standards. That is how *May's Parliamentary Practice* works; it is how our longstanding practices and procedures have developed. What is innovated in one jurisdiction is taken on board as appropriate in other jurisdictions — in other Westminster chambers around the country.

Paragraph 1.3(ii) of the *Standards of Ministerial Ethics* — Prime Minister Kevin Rudd's principles that are laid out for standards — states:

Ministers must observe fairness in making official decisions ...

The document also states:

Ministers are entrusted with considerable privilege and wide discretionary power.

... In recognition that public office is a public trust ...

...

Ministers must observe fairness in making official decisions ...

...

Ministers must accept the full implications of the principle of ministerial responsibility ...

...

When taking decisions in or in connection with their official capacity, ministers must do so in terms of advancing the

public interest — that is, based on their best judgement of what will advance the common good of the Australian people.

They are the broad outlines that Kevin Rudd put in place.

Item 3 of Mr Rudd's code is headed 'Fairness', and I want to read that part into the record. It states:

- 3.1 Ministers must be able to demonstrate that they have taken all reasonable steps to observe relevant standards of procedural fairness and good decision making applicable to decisions made by them in their official capacity.
- 3.2 In particular, ministers are required to ensure that official decisions made by them as ministers are unaffected by bias or irrelevant consideration, such as considerations of private advantage or disadvantage.

Item 4 is headed 'Accountability' and states in part:

- 4.4 Ministers are required to provide an honest and comprehensive account of their exercise of public office, and of the activities of the agencies within their portfolios, in response to any reasonable and bona fide inquiry by a member of the Parliament or a parliamentary committee.

I have got to say bona fide inquiries by parliamentary committees should be acceded to and should be supported by this government. If the government has nothing to fear, it should have nothing to hide.

In item 5, headed 'Responsibility', Mr Rudd's code states:

- 5.2 Ministers must not encourage or induce other public officials, including public servants, by their decisions, directions or conduct in office to breach the law, or to fail to comply with the relevant code of ethical conduct applicable to them in their official capacity.

Did this minister live up to these sorts of standards? I do not think Mr Madden has lived up to them, nor has he lived up to standards that the community would expect. He has not lived up to standards in respect of all manner of planning processes around the state, whether it involves Bastion Point in Gippsland, the bridge down on the Bellarine Peninsula, the Windsor Hotel, or the matter of certain housing projects where he is not listening to genuine community concerns and genuine community interests.

In item 6, headed 'The public interest', the code states:

- 6.1 Ministers are expected to conduct all official business on the basis that they may be expected to demonstrate publicly that their actions and decisions in conducting public business were taken with the sole objective of advancing the public interest.

These are the standards Mr Rudd talked about and which he trumpeted. These are standards on which Mr Madden would fail; under Mr Rudd's code he would be thrown out. He has made decisions other than in the public interest; he has made decisions for partisan political purposes; and he has made decisions which are in breach of his responsibilities. I have to say that it is simply not good enough.

The standards that apply in other countries are also relevant here. The weakness of the codes of conduct in Victoria are significant, and the government's promises to introduce those codes back in 1999 have been breached, but that is a separate point. The standards of Westminster responsibility that apply to ministers are separate from the codes that are put in place and are applied on and of ministers' own volition and through long-established tradition.

Under the Planning and Environment Act 1987 the minister has responsibilities. He has a key responsibility to live up to the objectives of that act, which lists the objectives of planning in Victoria. I will not read them all because there is a long list, but I will read a few. One of the objectives requires the government:

... to provide for the fair, orderly, economic and sustainable use, and development of land ...

I do not believe the activities or the sham consultation process concerning the Windsor Hotel equals a 'fair' or 'orderly' process.

Another objective listed in the act requires the government:

... to balance the present and future interests of all Victorians ...

This is not about the future interests of anyone but Justin Madden. He is making decisions for himself and for the Labor Party not for the community — not due to evidence, not due to the presentations of the local community, not due to the merits of the case but for his own purposes. He is breaching his ministerial oath to treat people without fear or favour, and he is failing to meet the following objectives stated in the act:

... to provide an accessible process for just and timely review of decisions without unnecessary formality

...

... to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities

In many cases Mr Madden is now the 'responsible authority'. He has taken many of these responsibilities on himself again and again, which lifts the required

standard. It means that where he is the responsible authority, where he is the power unto himself, where he is the one with huge and monstrous powers, he has got to live up to a higher standard. That standard is very important for the community. As the responsible authority he is interfering with process. He is not acting as the custodian or the guardian of the process.

Honourable members interjecting.

The PRESIDENT — Order! Whilst this conversation is interesting, it is inappropriate for members to be conversing across the chamber. If they want to converse, they can do it outside.

Mr D. DAVIS — I think I have made my point on that aspect. I want to make some points about the position of Peta Duke. She is obviously a person of some media capacity, otherwise she would not have been employed by the Premier through his media unit and would not have been placed in the office of the Minister for Planning in a position of trust and responsibility. There is no question on that.

It is important here not to make Peta Duke the scapegoat. The minister is ultimately responsible for these actions and for setting the arrangements in his office. Whilst I in no way accept the minister's point or spurious claim that he has never seen this document —

An honourable member — What was the point of the inquiry?

Mr D. DAVIS — I am not on the inquiry. I think there is a lot to be answered and that is why we need the inquiry. We need to get to the bottom of exactly what corruption of the planning process is going on and what manipulation is going on. This matter is fundamentally about the minister's office, the minister's responsibility as a minister, the minister's code, the minister's responsibility to ensure that he lives up to his oath of office and the Westminster tradition of responsibility.

Across the world we have seen a debate about the role of ministerial staff. I am drawn here to a paper by Democratic Audit of Australia entitled *Delegatus Non Potest Delegare: Defining the Role of Ministerial Advisors*. It is a relatively recent paper, having been published in July 2007. It makes a number of key points, including:

Political and administrative accountability are key planks in any democratic system, and to seek to blur or obfuscate the lines of accountability is to damage and diminish the democratic process.

It goes on to talk about some English examples. Throughout the Westminster world we learn from each other. We learn through processes and acceptance of what works in other places and the standards that are applied in the other places often become the standards that in the longer term are applied in other Westminster parliaments around the world. It refers to Alastair Campbell, who was a media figure, and states that he:

... became the most powerful figure in Downing Street besides the prime minister.

He was able to order most cabinet ministers ... around ...

It goes on to talk about that example in England. My point here is not to dwell on the English example but to use it just to flesh out this issue. The paper refers to a Canadian example that states:

The purpose of establishing a minister's office is to provide ministers with advisers and assistants who are not departmental public servants, who share their political commitment, and who can complement the professional, expert and non-partisan advice and support of the public service. Consequently, they contribute a particular expertise of point of view that the public service cannot provide.

That is true. We accept that there is a role for ministerial advisers in offices. Particularly in ministers' offices, where the workload is significant, you need people in that role. However, that in no way diminishes the minister's responsibility or accountability. It doesn't mean that the standards that are applied should be weakened but that the minister should be held to account under the longstanding Westminster tradition, by which ministerial advisers are responsible to the minister for their actions and ultimately the minister is responsible to the Parliament.

The paper goes on:

The UK moves will be welcomed by ministers and civil servants alike, restoring as they do a greater degree of accountability to the processes of governance —

I would put that in this example the minister has sought to fudge the lines, to muddy the ground between him and his adviser and to put a sort of — I will use the phrase out of this document:

The exercise of 'plausible deniability' has now become part of the ministerial lexicon ... it represents a corruption of the process just as corrosive, but perhaps less visible, than occurred in the UK.

It goes on to make the point very strongly here:

... staffers exercising forms of executive delegation in the names of their ministers by instructing public servants while the government itself imposes a barrier to their scrutiny by Parliament.

That is exactly what we are seeing here: ministerial advisers take actions, set up sham consultations and take on quasi-executive roles, and do that in such a way that they are not accountable. The staff are then pushed away and the minister — in the Sergeant Schultz defence that is becoming very common for the Minister for Planning to use — says, ‘I know nothing’. I do not believe that. Those ministerial staffers are responsible to the minister and the minister is responsible to the Parliament. A sham consultation process was in active contemplation in the minister’s office and the minister has to be held accountable for that.

Mrs Peulich interjected.

Mr D. DAVIS — Indeed. The report goes on at page 6 to state:

However, a report in 2003 by the Committee on Standards in Public Life sought to go much further, making a series of recommendations, including legislative codification of advisers’ roles and functions, a cap on the number of special advisers, and making ministers personally accountable to Parliament for the conduct of their special advisers.

Ministers have to be held to account for the actions of their staffers, their ministerial people.

The paper goes on to refer to Lord Hutton, who had a lot to say on this, too. I will also put on the record one quote from page 7 of the paper:

... disputes over the proper role of ministerial staff and the responsibility and accountability of the minister for their actions when controversy arises. It places unfair pressure on sometimes very junior officials, especially when done via telephone with no protective paper trail.

In this case there is, of course, a paper trail. In this case, there is documentary proof from the minister’s office, whether he knew or not. In the implausible case that he did not know, he ought to have known what was going on in his office and he ought to have known that advisers acting in his name were in fact undertaking a process and actively producing documents about a sham consultation process. It is simply unacceptable for ministers to step away from their responsibilities in this way.

At the end of the day, this is actually a very simple matter. It is a tragic matter but it is a very simple matter. This is about the minister being held to account by this Parliament. If the Premier had done the right thing and sacked the minister, or if prior to that opportunity the minister had done the right thing and resigned, we would not be having this debate today. This debate is important not just for ministerial responsibility but also for the future of our planning process. At the moment our planning process is in a very serious state. I am sure

Mr Guy will have a good deal to say about it in a moment. The point is that members of the community want high standards. They expect high standards of ministerial accountability to be observed and they expect members of this chamber to act as custodians of those standards, to send a message about and take a stand on what is important in terms of ministerial accountability and what is important in terms of the community and what its members expect.

This applies in places like Canada, too. Over the recent period the Canadians have gone through a similar debate. I draw the attention of members to the *Review of the Responsibilities and Accountabilities of Ministers and Senior Officials — Meeting the Expectations of Canadians*. That is a very good title because it makes it clear that it is not about the expectations of some Beltway insider but the importance of standards in the community and protecting processes in the community — and planning processes are the processes in discussion here today. With this Brumby government you could point equally to a series of other areas where processes have been ruined, diminished or cut short.

The Canadian paper says at 3.2, under the heading of so-called ‘Minister’s exempt staff’:

One area that merits specific mention is the appropriate role of the minister’s office in communicating and transmitting instructions to the department. In Canada, political staff (also known as ‘exempt’ staff), while partly occupied with parliamentary and constituency work, also play an important but limited role in the operation of the department.

They are necessarily:

... partisan, politically oriented, yet operationally sensitive.

...

Exempt staff are not part of the executive. The exercise of executive power requires legal authorisation.

The same thing is true here. When Justin Madden, the Minister for Planning, calls in something and becomes the responsible authority, it is he who is responsible, not his staff.

The paper goes on:

Public servants receive it generally by being appointed to a position ... Exempt staff are so called because they are exempt from these acts. Accordingly, exempt staff have no authority to give direction to public servants.

That is a significant point. On the next page, the paper goes on:

It should also be noted that the minister is accountable for anything done in his or her name by exempt staff.

This is a high-level document prepared in Canada, reviewing the responsibilities and accountabilities of ministers and senior officials. Canada is another Westminster jurisdiction from which we would naturally draw guidance on these matters. We have national guidance, guidance from Britain and guidance from Canada. They all point to the need for the minister to take responsibility for the actions of his staff and the need for him to stand up and say, 'I accept that responsibility. I should have resigned. The Premier should have sacked me'. If the Premier will not do that, the house will have to very much take his role.

As I said, in June last year this chamber adopted a historic motion which held the minister to account. At the time the minister chose to thumb his nose at the Parliament and the people. The no-confidence motion adopted in June last year was an extraordinary demonstration of the fact that the community is unhappy with the minister's performance and behaviour on the Brimbank scandal. This time the motion relates to activities in the minister's office and his failure to live up to the standards that are required of this Parliament under the Westminster tradition and to accept responsibility for the actions of his staff. It is simply not acceptable for him to try to employ the Sergeant Schultz defence. As the Canadian document shows, and as the British example and those from the national level show, that doctrine of ministerial responsibility is at the core of the Westminster system. I want to finish on an important point regarding schedule 3 of the oath of office. I will read it again in case the Leader of the Government cannot quite get it through his head:

I ... swear by almighty God that —

in the state of Victoria —

I will at all times and in all things discharge duties of —

the planning office —

according to law and to the best of my knowledge and ability without fear, favour or affection.

I put it that the minister's office which has produced documents designed to subvert the planning process directly to set up a sham consultation is not acting without fear, is not acting without favour and is not acting without affection.

I argue the minister has directly breached his ministerial oath. He has broken every tenet of the Westminster system, and he should go.

Mr VINEY (Eastern Victoria) — If I were allowed to address the gallery during my speech — and of

course I would not — I would say, 'Ladies and gentlemen. Welcome to Salem, Massachusetts, in 1693' or perhaps, 'Welcome to Washington, USA, in the late 1940s and 1950s'. I am a little confused and certainly Arthur Miller was when he wrote *The Crucible*.

What the house has today is a witchhunt in the grand tradition of the House Un-American Activities Committee. Shamefully, the Greens, including Mr Barber who equates himself to Che Guevara, are supporting a House Un-American Activities Committee inquiry-style of committee outside of the Legislative Council, where 48 per cent of the members of this house get 25 per cent representation on that committee. This is a gerrymandered committee that would make Jo Bjelke-Petersen, a former Premier of Queensland, blush.

I know Mr Guy is happy. It is not going to make him blush, because Jo Bjelke-Petersen is one of his heroes, along with Richard Nixon. He acknowledges that with a thumbs up sign; nor does it embarrass The Nationals in this chamber. They are continuing with the grand tradition of this gerrymander.

But the fact remains that what is happening here today is that just two days before public hearings start, this house is choosing to sentence a minister; it is debating a motion of no confidence in the minister on exactly the same matters that the committee is undertaking an inquiry into.

David Davis has just made another of his thundering conspiratorial speeches, which is what we hear continuously from him. As I have said in this place before, if you were not in Melbourne, you would suspect Mr Davis was a scriptwriter in Hollywood writing the script for the movie *JFK*, because he is the greatest conspiracy theorist this house has ever seen.

The Standing Committee on Finance and Public Administration is to undertake an investigation at the request of both Mr Davis and Mr Barber. The processes of the committee are a shemozzle. One minute they call for certain people to come and give evidence; in the next minute they say they do not want these people to come and give evidence just yet and that they actually want to think about it for a while. When I raised matters of concern at that committee, its members said to me, 'No, we are separate to the house. We do not have to do what the house does'.

Mr Rich-Phillips — On a point of order, Acting President, I would like to talk about the deliberations of the committee. I am concerned Mr Viney is straying very close to revealing the internal deliberations of the

committee, including deliberations and discussions between particular members of the committee. I ask you, Acting President, for some guidance about that matter.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Rich-Phillips is correct. Mr Viney is to return to the subject.

Mr VINEY — It is a fascinating scenario that the people who are asking for everything to be public, including the calling in of people to public hearings, do not want me to reveal my own conversations. Apparently I am not allowed to reveal my own views or my own positions. These are positions I have taken in the committee, but apparently I am not allowed to reveal them.

Is it not fascinating that the members who are here and who advocate for openness, those who condemn the minister for supposedly not being open and accountable, are now saying I am not allowed to talk about the views I have expressed in a committee meeting. The only thing that stays secret in these sham committees, including this public administration and finance committee, is its own deliberations. That is the only thing that stays secret.

Hon. M. P. Pakula — And their secret negotiations.

Mr VINEY — Clearly they have done some secret negotiations and wheeling and dealing, because the letter from Mr Davis was remarkably similar to the request from Mr Barber on the same matter — remarkably similar. In the last sitting week the Greens voted with the Liberal Party and The Nationals eight times in 10 minutes to censure the Leader of the Government. Here they go again in this alliance they have with the Liberal Party in Victoria.

What is the committee and this house now being asked to do? The committee is being asked to look at a media plan. Shock horror! A minister in a government has a media plan — that is outrageous! What is really questionable here, and in fact what is revealed by this motion, is that the Liberal Party does not have a media plan. It thinks media plans are terrible.

Mrs Peulich — The media plan isn't the shock horror, it's what is in it.

Mr VINEY — What is in it? What is in it is a series of things that the minister is going to do. I ask members to listen, as everyone ought to be quite clear and open about this one fact: there is a natural and co-dependent relationship between politicians and the media. Is that big breaking news — that in fact the media need

politicians to provide them with stories and the politicians need the media to actually get their message out? Wow! That is breakthrough; that has never been discussed before. There has never been an academic thesis on this and this has never been studied or considered, but according to Mr Davis this is a great shock and a great revelation.

According to its own press release the committee has resolved to hear from various people and to call for various documents. What is amazing is 'the committee has also resolved to seek access to the "Minister for Planning Justin Madden media plan" document and similar media plan documents'. I am not revealing any secret committee business here. This is in the media release of the committee signed by Mr Gordon Rich-Phillips, the chair of the committee. This is one bit that is not secret.

What the opposition parties are asking for is any media plan of the government. While they are at it, why not write to the state secretary of the Labor Party and ask for the ALP's election strategy?

What an absolute joke it is to think that the opposition parties can use a committee to ask an opponent for its strategy for how it is going to relate to the media. What a complete and utter joke!

Honourable members interjecting.

Mr VINEY — As if they do not have a media plan. It is about managing the minister's diary. It is about managing the minister's contact with the media. That is what a media plan does. Mrs Peulich is looking terribly horrified and shocked. She knows about media plans — just talk to some of her staff. Perhaps we ought to start having some select committees from the lower house, where we have a majority, and put half a dozen government members and one or two opposition members on them and have some inquiries about Mr Barton, who Mr Lenders has been referring to today, and why he left the Leader of the Opposition's office, or about the opposition of the Leader of the Opposition in the other house to the growth areas infrastructure contribution (GAIC) and what was behind that. He could be asked a few questions and his staff could be brought in and asked about how he came to that conclusion to oppose the GAIC and to oppose the planning legislation when there were question marks about whether or not he has land-holdings in the urban growth boundary.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmr) — Order! The member, to continue.

Mr VINEY — Perhaps we ought to set up some select committees into a few things like that, where the exercise of numbers can deliver whatever outcome you want. Then perhaps before we have even had the public hearings we will just move a motion in the house condemning these people.

Where is the due process? Where is the process and fairness in this system? Where is there any commitment? Members on the other side have demonstrated that they have no commitment to due process and no commitment to or understanding of the principles of a legal system. Mr Barber is a lawyer, I think, and he was prepared, in advance of the debate today, to indicate in the *Age* that the Greens will be supporting a motion in this place — before the debate and before the public hearings. Not only has he come to his conclusion before the public hearings, he has come to his conclusion before the debate!

At least Mr Kavanagh had the decency to say he will listen to the debate and make up his own mind. What I would say to Mr Kavanagh is this: in his inaugural speech he said:

The government has a strong mandate, so I expect to vote with the government quite often. Wisely, however, Victorians also want their government to be accountable, so I will vote for measures which the government may not like, to put it under scrutiny which is fair, reasonable and close.

How is it fair or reasonable for this house to conclude that the minister is guilty before the public hearings have been held? How is it reasonable for this house to draw a conclusion and conduct not only the sentencing but in effect the political execution of someone before the public hearings have been held? Before the evidence has even been gathered the house is proposing to vote on a motion put up by the Leader of the Opposition for sham political purposes — for nothing less than making a political point. Mr Barber is shaking his head. I know Mr Barber has already made up his mind; I understand that. It is no surprise to us. Mr Barber compares himself to Che Guevara, but Che Guevara never lined up with the conservatives. He lined them up; he did not line up with them! So Mr Barber is a little confused. What Mr Barber and the Greens need to explain is how they can call for an inquiry and then come to a decision about guilt before the evidence has been heard — two days before the first public hearing.

I am on the committee, and I barely know what we will actually do as a committee, because it is such a shemozzle. Clearly the opposition parties do not know who they are calling and when they are calling them. They are all over the shop. The media release says that the hearings will commence on Friday, 12 March;

apparently now that is not happening. We are not sure whether we are having the hearings or not having the hearings, and we are not sure who is coming or when they are coming. We have not even sorted that out, and yet we are conducting a debate that will conclude the outcome of those hearings.

Mr Barber needs to be accountable to his supporters for this. This would have done Senator Joe McCarthy proud in the Washington witch-hunts, because it is exactly the kind of process that was gone through then, where people were condemned and their careers were destroyed without evidence — just by innuendo and by their being accused of association.

That is what happened, and Mr Barber and the other Greens — Ms Pennicuik and Ms Hartland — need to be accountable to their voters for going public in advance of even the debate today, let alone the public hearings, saying they are going to support a motion that determines an outcome of an inquiry that has not yet taken place. It is a sham. It is an absolute sham and disgrace, and I think Mr Barber, Ms Pennicuik and Ms Hartland need to be held accountable for that because in this chamber two weeks ago — not only are they doing it today — they voted against the government eight times in 10 minutes to censure the Leader of the Government for doing exactly what Mr Davis raised in his motion: abiding by his oath of office.

Mr Davis has a selective memory about how he wants to quote that oath of office. What I know for sure is that there is a thumping majority of people in this house — all of the members on this side and a substantial majority of members on the other side — who hope and pray Mr Davis will never get to utter those words in the oath of office to become a minister of this state. He has demonstrated that by the proposal in his motion before the house to condemn a minister today before the public hearings to determine an outcome have taken place before the Standing Committee on Finance and Public Administration, which is undertaking an inquiry that he called for — and I have his letter here. The Leader of the Opposition in this house called for this inquiry and now today, before the inquiry has actually started, he has moved to condemn a minister — moved a vote of no confidence in the minister.

To my understanding there are only about three people in this chamber who would vote for Mr Davis to ever utter that oath of office. He has demonstrated today in bringing this motion forward that he is not fit to ever utter those words because he has decided through his actions today to condemn a person in exactly the same way that Joe McCarthy and the House Un-American

Activities Committee did in Washington in the late 1940s and 1950s — condemn a person and attempt to destroy their career and their reputation by innuendo and smear. Those are the actions of the Leader of the Opposition in this chamber. He is the one who stands condemned for those actions. He is the one who is not fit to utter those words that are the oath of office to be a minister of this state, and we on this side of the house will work day and night to make sure he never does.

Mr BARBER (Northern Metropolitan) — In discussing this matter which, looked at narrowly, appears to just be a statement of one person in relation to one planning permit, it is essential to understand the whole context around the matter. The first bit of context is that the house, with the support of the Greens, previously moved a motion of no confidence in Minister Madden. If I can synthesise our reasons for doing so, they were that the minister at that time — —

Mr Leane interjected.

Mr BARBER — And regardless of what reasons the coalition and others may have put around their reason for supporting that motion, for the Greens it was quite simple. A minister with important responsibilities failed to pay sufficient attention to the actions of a staffer working in his electorate office, despite at that time the whole world being aware of the scope of that staffer's activities. When I more or less concluded our response on that motion of no confidence, that was the reason I gave: if the minister was not paying sufficient attention to what a staffer might have been doing in his electorate office, what confidence could we have the way the minister paid attention to the more important functions of his ministerial office?

That was my conclusion at the time. A couple of government members have just helped me make my next point, which is that they said that 'he', meaning Mr Suleyman, was never charged with anything, and that in itself is pretty interesting because we had a massive public debate, a whistleblower from their side, an Ombudsman's report and an election, followed up by another municipal inspector's report and ultimately the sacking of Brimbank council, and yet, as the government members point out, nobody was ever charged with anything. Most worrying, I would have thought, is that despite all this acknowledged wrongdoing or malpractice, or whatever it was that was claimed in relation to Brimbank council and led to the sacking of a subsequent Brimbank council which contained very few members of the previous one, nobody was ever charged with anything. It was so bad and so rotten out there, according to this government and this opposition, who backed the government in

sacking that council, yet nobody was ever charged with anything, either because they did not do anything or we could not prove anything, or we did not have the right laws to enable us to charge those people with the things that they did, despite their actions being absolutely intolerable, according to the government. That is most definitely part of the context of what we are talking about here today. It is a part of the political context for what represents fair dealing, according to the government in the Victorian polity.

The other context for this is the operation of the planning system in Victoria today. This should, in fact, be a motion of no confidence in the planning system, but there is a reason, I guess, why the coalition would not bring such a motion because it does not yet have a set of alternatives that would restore confidence in the planning system. Whether it be this minister, another Labor minister or whichever minister it puts up, the public does not have confidence in what is going on in the planning system right now.

I want to talk a little about why that is and why that sets a much higher bar for the minister's requirement to maintain the confidence of the house, because Mr Viney spent most of his contribution conflating two things. One is the minister's willingness to be accountable; the other is the attempts by this house to make him accountable.

Yes, I did call for an inquiry to be established to look further into this matter in an attempt — and we do not know whether it will be successful or not — to hold the minister accountable for any actions he might have taken or omissions he might have made in this matter. That is my proactive move. But just because I am doing that does not absolve the minister from his responsibility at all times to be accountable, not just to the Parliament or a committee, but to the public at large — anybody with an interest in the planning system.

As I stand here at this moment, with this motion in front of me, I do not feel that the minister has made himself accountable to the chamber or to the public at large. That is why I can support the motion as we speak right now. From the information I have available to me and with the minimal efforts that the minister has made so far, I do not believe he has made himself accountable, and I want to go into that in detail.

At the moment the planning system in Victoria seems to offer an extraordinary and, I would say, almost historic — within my short lifetime — degree of discretion to the minister, to that one individual who at the end of the day is making decisions in the space of

his own mind. That is the entire court of law, if you like, where these decisions are made — that is, the minister's own head.

The reason the minister was responsible for the decision in relation to the Windsor Hotel redevelopment is that the Minister for Planning is the responsible authority for all planning scheme applications in the Melbourne City Council area that are in excess of a gross floor area of 25 000 square metres. That is simply a provision of Melbourne City Council's planning scheme as provided by the government.

The minister is also the planning authority for the Melbourne Docklands area; the port of Melbourne planning area; the Port Phillip planning scheme in relation to Beacon Cove, central Dandenong, Kew Residential Services, Tooronga Village, Waverley Park, alpine resorts planning schemes, French Island and Sandstone Island, the Footscray renewal project area — jointly with the City of Maribyrnong — and education and social housing projects funded through the commonwealth's Nation Building economic stimulus plan. That already sounds a lot, but there is a hell of a lot more.

The minister also has the ability to run appeal call-ins on any matter at any time under fairly broad and, to my mind, quite nebulous criteria, under section 97B of the Planning and Environment Act. The criteria under that act say:

... the Minister may direct the responsible authority to refer the application to the Minister if it appears to the Minister —

- (a) that the application raises a major issue of policy and that the determination of the application may have a substantial effect on the achievement or development of planning objectives; or
- (b) that the decision on the application has been unreasonably delayed to the disadvantage of the applicant; or
- (c) that the use or development to which the application relates is also required to be considered by the Minister under another Act ...

For a bit of historical context, that section was inserted by amendment in 1995. Therefore, as well as the things for which the minister has made himself automatically the responsible authority and as well as his having the ability to amend the planning scheme at any time to make himself responsible for a particular area, project or class or type of projects — as in the case of the education and social housing projects currently on foot — the minister also has the ability to do what are

called appeal call-ins. The minister can snatch victory from the jaws of the Victorian Civil and Administrative Tribunal to head off a decision by that tribunal and make himself the decision-maker in place of the tribunal.

If that almost total power were not enough, there is the fact of the planning scheme amendments themselves: the writing of the rules under which other decisions might get made, where the minister is now both the gatekeeper for what gets under way and the approver of what formally becomes part of the planning scheme. That set of provisions, put together, gives the minister in effect absolute control over the planning scheme. In fact, it is nothing less than absolute control; there is no other way to describe it.

With the exception of Parliament's ability to disallow a particular planning scheme amendment, I cannot find a single aspect of a planning decision that could get made in Victoria where the minister at his own discretion could not move in and simply take over; and he can either take over a decision that is under way or, to a certain extent, create the proposal.

For all of these freedoms given to the minister under the act, the process for requesting or even applying for a ministerial call-in is not really clear. We know the minister has the power to do it whenever he wants, but there is no provision in the act that says who has to initiate that apart from the minister himself. He literally just cherry picks, I suppose. You would have to wonder, at the very threshold of it, by what process he decides to get involved in individual matters. Does he simply keep an eye out for every planning permit application moving across the planning landscape, or is there some other process which is not in any way delineated in the act through which these things get brought to his attention and become matters of interest?

You would think that with that level of absolute power there would be a concurrent high level of scrutiny; in fact, it is the opposite. For the most part, whenever these powers get exercised — that is, the minute the minister himself gets involved — the level of transparency that goes with the matter plummets. It is not like a local council making a decision, where, if I have an interest, I can simply bowl up to the planning counter and, with a minimal amount of administration, ask to see the file, with all relevant considerations and all matters forming that consideration sitting right there: the list of objectors, details of the applicant, all the studies that have been requested, requests for further information and steps in the process, from advertising to consultation, meetings and so forth. It is all right there on the one file.

It has even been suggested by some members in this place that because the Windsor application is still being determined, it is dangerous for the committee to get involved in scrutinising that process. It is the same argument government members have used in relation to live tenders — as if this is were a live tender, a matter of competing bidders. It is not; it is a matter of an application for a project that the minister has under consideration. It is between an applicant — a citizen — and the state. It is pretty simple.

In addition to this almost total lack of transparency, this case involves what is called a section 151 committee — that is, section 151 of the Planning and Environment Act. That provision does little more than create the option for the minister to establish a group of people to help him with some of the homework around making his decision. Many of the different advisory committees that get involved in the planning system are established under section 151. For example, priority development panels make use of the provision.

Such panels have been used for aspects of planning scheme amendments, and in this case they are simply acting as an ad hoc advisory committee. Again, nothing in the act prescribes how or when the panels are to be established, how they are to operate or what happens to the results of their output once they finish their job. They are in the main reporting directly back to the minister, so they do not have any rules. They do not act like a court, and there are no opportunities for input unless the minister decides they can receive it. It is all these things.

Not only is the minister making the final decision but in almost all of these cases — and particularly in this one, in relation to the proposed Windsor Hotel redevelopment — the minister also sets the rules for the process that will be gone through before he makes his decision. I have not kept score of the minister's use of the provisions that I have outlined. I do not know whether he or a previous minister hit the record for any given particular period for call-ins or whatever those debates are, but I do know that the government has made use of the planning system in this way as a strong political feature of what it says it is doing to benefit the state of Victoria.

The government is saying that running the planning scheme this way is a real positive, because it allows the government to fast-track development. 'Jobs, jobs, jobs, jobs' has become a bit of a mantra. It is unfortunate for the government that it has used that line of argument as to why it would intervene, because with this recent furore I think the government has set up a situation where it is going to achieve the opposite. The

government will achieve a situation in which developers, if they did not already understand it, can open a newspaper and think, 'It is probably appropriate that I stick my plans in the bottom drawer until 27 November, because anything that I try and do that is of any public interest, certainly if it is in a marginal seat, is likely to become a bit of a political plaything'. It could be that developers will be scared off those major developments.

I simply point that out in terms of what has been the government's political discourse up until now, which is that the government is trying to encourage development to occur faster as part of a stimulus measure. In the government's own terms the furore that has erupted has been unfortunate.

In relation to this unclear process leading to the minister's decision is an article written by Melissa Fyfe that appeared in the *Sunday Age* of 28 February. The article claims:

A group of Brumby government MPs wrote a passionate joint —

I can leave the adjectives out of it; the fact is that they:

... wrote a ... joint submission against the \$260 million Hotel Windsor redevelopment and raised concerns with —

there is that adjective again —

embattled planning minister Justin Madden.

Without quoting anyone directly, it appears that the minister recommended to that group of backbenchers that they write to the panel. I was not aware of and have not been able to find anything on the Department of Planning and Community Development's spider web of a website that indicates the panel was receiving, except that it was calling for submissions.

Mrs Peulich — This is a special submission from Dick Wynne, Bronwyn Pike and Carlo Carli.

Mr BARBER — I suppose given that it is a planning permit application, it accepts objections in the normal way, but what this does is again muddy the waters a bit more in terms of the role of the panel. Is it the panel's job to receive and consider submissions, or is it the panel's job to separately — 'on the papers' is the term they use — simply examine the available documents and make a recommendation, which might appear alongside objectors' submissions which the minister would consider?

If there is one thing that is clear in all this lack of clarity, it is that the minister receives multiple sources of advice. He might receive advice from a panel if he

asks for such a panel to be created. He probably receives separate advice from his own department about what his department thinks about the panel's findings. Since it is a normal planning permit application, he receives objections, but his backbenchers — as is their right — make those. There is no doubt the minister receives some sort of political advice from political advisers.

While we might be able to get to the bottom of all these other issues through our committee of inquiry, the political advice that the minister might receive from political advisers is already — according to the government from what we have heard this morning — an area that is completely off limits. The government has said the committee cannot ask for documents about the matter, and the committee cannot call those advisers to appear before the committee. Obviously political advisers perform an important function or else the government would not have so many of them, yet those political advisers represent a kind of political black hole that has such gravity that not even light can escape from that centre of power.

I have decided not to spend any considerable amount of time going through chapter 7 of the report on the inquiry into a certain maritime incident conducted by the Senate — also known as 'the children overboard affair' — but suffice it to say very eloquently, and backed up with an extraordinary level of advice, the Labor senators in that matter argued the exact opposite case to what Mr Viney, Mr Brumby and Mr Madden have been arguing over recent days.

Mr Viney — I thought you were not revealing the private deliberations of the committee, Mr Barber. I did not say any of that in my speech, so where did you get that from?

Mr BARBER — I think I am getting it from question time.

Mr Viney interjected.

Mr BARBER — Okay. I withdraw the implication that Mr Viney made that in his speech, but I believe the Attorney-General might have made some statements to that effect in the lower house.

Mr Viney — I don't care if you reveal it, frankly, but just abide by your own rules. You don't even know how to abide by your own rules.

Mr BARBER — He was pretty quick out of gate to do so. I was not aware that it had become a topic of discussion.

Mr Viney — I am perfectly happy to reveal everything in that committee. Let's have the secret proceedings in the open.

Mr BARBER — Those are just the rules that were presented to me when I first became a member of Parliament, so I guess we could have a separate conversation about that aspect.

We now turn to what Mr Madden has had to say since this matter arose. There was certainly a large amount of media interest when he made, effectively, the same set of statements over and over, or at least that was what was reported to us — that the statement made in the memo was inappropriate and should not be made. But it was only really *Stateline* that had the opportunity to ask the sorts of questions of the minister that I think, members of this house, or I, would like to ask and get answered.

The minister has already told us what he wants us to know, which is that a staffer wrote it, he reckons he never saw it, he does not know where it came from and it is inappropriate. He says over and over again that that language is inappropriate.

Mr Vogels — Speculative.

Mr BARBER — Inappropriate, speculative, draft or whatever the different words were that he used, the point is that the staffer should not have written it in a memo. That is the interpretation. The reason she should not have written it, according to the minister, is that he had not made up his mind yet and therefore she should not have speculated on what he was about to do. It is actually a bit worse than that but I think I have summed up accurately what the minister said.

There are other questions, and I think it was only Josephine Cafagna on *Stateline* on 26 February who actually got to ask the questions, and she did not get the answers to the questions either. The transcript of part of that interview reads as follows:

Josephine Cafagna: If you accept ministerial responsibility, why aren't you resigning?

Justin Madden: I've taken the appropriate action. This is not a document that I would see. The individual is a media adviser, but not a policy adviser, not a person who gives me advice on decision making and I make decisions on the basis of advice, but advice from policy officers and particularly from the department. In this instance, it was an individual who used speculative language ...

As I have spent the first 20 minutes of my speech explaining, the minister makes very many decisions, he makes the most important decisions and he makes them from a whole range of different pieces of advice. He

does not in any way tick off the decisions of his department.

Before this issue blew up I was pursuing with the minister the question of his instrument of delegation. The government, on request from the chamber, provided us with a copy of that instrument of delegation. All the powers that are in the Planning and Environment Act in various ways are available for delegation by the minister, and that is what this instrument sets out.

Going to the section 61 decisions, the actual grant of a permit, the minister has delegated the power to make those decisions — that is, to issue permits — to a range of other people: the Secretary of the Department of Planning and Community Development; the deputy secretary; the executive director, planning policy and reform; the executive director, planning services and development facilitation; the executive director, statutory planning systems reform; the director, state planning services; managers, planning and development, non-metropolitan; managers, metropolitan planning services; managers, state projects; and the manager, statutory approval. There are at least a baker's dozen of different individuals there — probably quite a lot more.

Column 3 for special conditions is blank. It reads like an absolute delegation of those powers. I asked the minister a follow-up question on that, to the effect 'How does it work in practice? If the delegation appears to be wide and total, does that mean you are no longer making any decisions?'. He replied, 'Oh no, absolutely not'. It is too long, too wordy, and frankly too meaningless, for me to read it into the record, but members should go to *Hansard* of 9 December 2009 and try to divine from the minister's answer how he believes that delegation works in practice.

At the end of a very longwinded answer to both a question and a supplementary question, the minister concluded:

It is probably no surprise to Mr Barber to hear that the department staff have some flexibility in bringing things to my attention. Normally they would err on the side of caution. If they think something is a little contentious and needs to be defended publicly, they will refer that to me, but in the vast majority of cases anything that has controls that really determine the outcome would be handled by the department.

I would sign off on anything that needs a degree of discretion or some flexibility or needs to be considered in the light of external advice.

By 'external' it must mean external to the department, since the minister was talking about pulling back delegations from the department, or possibly he

considers planning panels and section 151 committees to be external, I do not know.

There is a formal document about the protocol for determining authorisation requests that was provided alongside that instrument of delegation, in which the protocol seems to set different categories as a guideline to the department. Category 1 requests are the most simplistic matters consistent with existing state and local policy, corrections of errors, removal of planning requirements no longer required; pretty humdrum stuff.

Category 2 relates to authorisation requests that are to be determined by the director, state planning services. He is one of the people on that rather large list of people who may have power at various times to sign off on planning scheme amendments determined by the director where:

approval of subsequent planning scheme amendment would result in a financial benefit for a government agency

and where:

the request involves the proposed application of a public acquisition overlay

or where:

the request involves a high level of assessment of policy or impact implication ...

Category 3 authorisation requests are to be determined by the Minister for Planning. They include anything that:

involves a proposal of state or regional significance (such as projects arising from either an EES process or a priority development panel process ...

involves a matter that is likely to be contentious at the state, regional or municipal-wide level ...

or that:

includes land in the metropolitan green wedge ...

or that:

involves a matter of known interest to the minister

I do not know how it is known, but for a guy who says he does not micromanage his office, apparently he has a large number of people in his department who are able to read his mind — or where the matter:

is recommended to be refused.

That is funny, because when I was a councillor officers had the power to refuse an application under delegation, but if it was an approval it had to come to councillors in

certain circumstances. Here it works the other way around.

There are a few things there that got my mind ticking, but the point of the exercise is to illustrate that apparently there is yet another area of discretion, and that is in when and how the minister decides to allow or prevent the delegation itself. Apparently despite all the complexities of these different documents, delegations and rules that move in and out of the department, the minister pulls back the thing when he is interested. That provides yet another level of uncertainty for all of us.

Mrs Peulich — Manipulation.

Mr BARBER — Mrs Peulich says it is manipulation. I was just trying to be a bit neutral and to say ‘uncertainty’ from the point of view of the rest of us. I will split the difference and say ‘potential manipulation’ by a minister who I have already explained is supremely powerful and whose political philosophy on planning matters is that the more interventions and the more discretion he has, the better. He is not some sober judge sitting up there looking at the rules and considering how they are best applied. Basically he is John Rambo. He is just out there with no accountability to anybody except his own mind. It is certainly not an act, and without an extraordinary amount of effort there is no ability for citizens or this Parliament to find out what he has done, much less how he has done it. That is the political context. It is the context of almost total freedom, and for all effective purposes there is minimal transparency that the minister is required to hold himself accountable. You would have thought that would be a pretty big burden.

The last time Mr Madden spoke on this publicly was in an interview on the ABC’s *Stateline* program. These are some of the quite reasonable questions that the journalist put and which I still think we need the answers to. Josephine Cafagna asked:

Is this the first time she’s used such language?

Mr Madden replied:

These are not documents I would normally see. These are operational documents; the equivalent of memos. These are not documents I would see.

According to the minister, even though what the person did was inappropriate he admits that he more or less has a ‘Don’t ask, don’t tell’ policy in relation to what a media adviser might be doing, despite the situation we are now in where the glare of publicity on this matter has simply exploded with a series of questions. Ms Cafagna asked:

Who would?

Who would see these memos?

Your chief of staff? Does he oversee them?

Members should read the minister’s response:

Well, I’m not sure who does receive them and I am asking those questions, of course, but what I have indicated to my staff: that they have to be very conscious of the language they use, they have to be very conscious of the way in which they communicate and to pre-empt anything that I may or may not do is completely inappropriate.

At the time of the interview, which was Friday one week ago, the minister said he did not know who in his office would see or had seen the memo. He said:

I am not sure who does receive them and I am asking those questions

That is what we are doing. We are asking those questions but we are not getting answers. The minister has had over a week to ask the questions, get the answers and report them to the house, but he has not done it. The minister has not made himself accountable to this place. He has sacked the adviser, said the language was wrong and so far as he is concerned that is the end of the matter. So far as the Greens are concerned it is not. Ms Cafagna further asked:

What about the contents of that email, the strategy that’s in it? Is that all her doing or did she consult someone?

I think that is the next question we should be asking. Mr Madden responded:

Well, I can’t be sure at this stage, but she certainly didn’t consult with me as to what was in her information.

It is nice to know the buffer system between him and his political arm is working effectively, but at the time of the interview — 26 February — he said he could not be sure whether she had consulted someone before she wrote the words, ‘The strategy is’ to do a fake consultation and then tip over a development. As of that day, and as of this day, I cannot be sure because the minister says he cannot be sure. He has had quite a number of days, and he had yesterday, to come in here and make a ministerial statement, ask a Dorothy Dixier or use the extended time he had in response to a question from the opposition, to put these matters on the record.

Josephine Cafagna asked:

What about your chief of staff, did she consult him?

Mr Madden replied:

Well, I'm not aware that she did. What we do know is that there will be decisions that will need to be made over time and to give people confidence about those decisions specifically I've asked my department to put in place a probative auditor in relation to the Windsor project in particular so that the applicants and the community can feel confident that it is undergoing due process, which it is undergoing due process.

He did not answer that question, and now he has raised another one. If the probity auditor is the check and balance, what is the probity auditor looking at? I imagine he is looking at the paperwork. I do not imagine he is getting to ask the ministerial media adviser where she is getting her information, or presumably anybody within the minister's staff because, as we have heard, the government's doctrine — not the doctrine it used in children overboard with the Australian Labor Party senators but the doctrine it is putting forward now — is that ministerial advisers are a special class of human within the political administrative system, and nobody is allowed to look at them. By the way, the Public Administration Act 2004 reflects that. Section 98 of the act states:

The Premier may employ a person as a ministerial officer for a term, not exceeding 4 years, and on terms and conditions specified in the person's contract of employment.

The definitions section of the act states that the definition of a public official means a whole range of things but does not include a ministerial officer employed under division 1 of part 6 — that is, section 98. What that means is that the codes of practice that exist for public servants specifically do not apply to ministerial advisers. There are no ground rules for those guys. There are no ground rules for ministers either because we do not have a formal code of conduct for ministers.

If we had one of those, I suppose you could by extension say that should apply to the ministerial advisers if they are really just creatures of the ministers, but in other jurisdictions those ministerial advisers actually have their own code of conduct in addition to the ministerial code of conduct. We know the government is not supporting having one of those at the moment.

It creates a situation where you have departmental staff briefing ministers and ministerial advisers — I am not sure whether the minister is always in the room when staff brief those ministerial advisers — and you have two people operating in virtually the same space, with the same information, one of them under a reasonably strict code of conduct and the other for whom all bets

are off and anything goes. They are political advisers, they are an arm of political strategy and yet they have this quite unique status. There is a lot of debate about what that status is, whether they have a semi-executive function or whether they are providing competing, conflicting or supporting advice alongside that of the departments. Chapter 7 of the report of the children overboard Senate inquiry goes into that in some considerable detail. I suspect before the standing committee does its job — today I have tried to stay as far away as I possibly can from the issue of the standing committee and to keep the issue separate — it will have the same debate on the go.

Josephine Cafagna also asked the minister whether anyone else was going to be 'moved or redeployed or sacked'. Justin Madden replied:

I don't believe so, but what I have said to my staff is that they need to be very careful about the way in which they communicate informally or formally in any circumstance in relation to any matter in my office, pending or otherwise.

Be careful! The minister claims he is asking questions; the minister says he has not got answers yet. The minister has not reported the answers to those specific questions to the house, but in a reassuring fashion he says he does not believe anybody is going to be sacked right now.

We know it was not the minister's decision to sack the ministerial adviser. The Premier came closer than anybody to making an acceptable statement. He said:

It may create a perception about process, and in order to ensure that there is no perception about process ... I've decided that she should be removed from that office, and she will.

The Premier, who this person technically did report to up through the chain, made a reasonably definitive statement. Her statement — her memo — created a perception about process; to get rid of that perception, she was removed from the office. Fair enough, as far as it goes. But in terms of this minister's responsibility it goes to these other matters: where was she getting her information and who else did she tell? The minister says he is asking those questions. I do not know whether he has kept asking them over the last week or if he is still waiting to get the answers. The point is that the chamber is waiting. The chamber still wants answers to those particular questions.

That in a nutshell is the position of the Greens. The minister at all times has the burden of maintaining the confidence of the house. It is his responsibility to do so. The one real instance where serious questions have been put to the minister and he has been able to respond

was that one *Stateline* interview where there was not the heat and all the rest of it that is associated with the standard press pack. The reasonable questions were asked and reasonable answers were not given. At the moment I do not have sufficient information to maintain my confidence in the minister.

He could have gone through that exercise in any number of ways. There are any number of forums open to him. I wanted this inquiry to occur — it is no surprise; I have said it publicly — and it has now been established. I wanted it to happen really quickly. I actually wanted to have some of these matters dealt with even before we got here, but the government is not particularly interested in that sort of exercise. It did not want to make it happen; it does not see that sort of open and independent inquiry as a way of defusing a situation. Government members simply put their heads down, and the strategy is to deny, deny, push through, do not worry about anybody else, do not explain and do not apologise — minimise the size of the target. I do not think that strategy is working for the government.

This issue relates to the Planning and Environment Act. Later on this afternoon we will deal with Mr Hall's motion on the administration of the Water Act, which I know Mr Hall is looking forward to. There is some fairly cavalier, cowboy behaviour going on there at the moment. That is another act that has been twisted and contorted to the point where it no longer resembles the thing that the people who passed it thought they were passing. When you sum that up across a range of different ministries, across a range of programs and across the fundamentals of state government service delivery such as water, transport and planning — the planning that holds water, transport and the rest of the fundamentals of our livable communities together — you have a dire political situation for the government. They are clearly not seeing the world the way I am seeing it.

The opposition will have its chance to put forward its alternative at some stage, but as I said at the beginning, I believe this is as much a want of confidence in the planning system as it is in the minister, regardless of which minister from which party holds the planning portfolio at any given time. I would suggest that a small number of reasonably dramatic measures have to be put in place in order to fix that. The first measure — and we will debate this later — is to cease the practice of property developers donating to political parties. When the minister or his party, but in this case the minister specifically, rents out his time at luncheons to people who are donors to his political party, he has got just one more piece of information that is rattling around in that head when he is making a decision either about a

specific planning permit application or the planning system as a whole.

We have to get those donations out of the system. It is not simply a matter of perception; it is a matter of the drivers of decision making for an enormously powerful minister using an act that gives him almost total discretion.

There is the Victorian Civil and Administrative Tribunal, which is meant to be a check and balance on this sort of stuff. Despite what some people think, VCAT is not a judicial body based on the separation of powers, although a judge sits at its head. Its character is more that of an executive decision review mechanism. It is the body that decided that it was all right to build houses in a buffer zone on the landfill down in Casey. It is very hard to hold that body accountable because again it operates in that never-never land between the executive and the judiciary. The Victorian constitution does not allow for a full separation of powers. It hints at it but it does not provide for it. That is why every other day we are in here voting on a piece of legislation that cuts someone's appeal rights. When VCAT is unaccountable, we have a real problem.

There is the expansive role for call-ins, which is an almost total freedom. Certainly we must set up some rules or guidelines that limit those call-ins, because they are a cause of uncertainty. If you want certainty, you have to write the rules so that people understand what they are. You cannot let the rules languish and then use call-ins to de facto create the rules. If they are to be run that way, why are they not subject to appeal? While formally the act provides that the minister makes those decisions, you have to wonder about the role of cabinet in directing that a certain policy will be adopted in relation to those decisions, whether they be call-ins or the removal of notification and appeal rights, which was obviously a government-wide policy decision to facilitate various types of developments.

There is the role of local councils. In my view this matter of the Hotel Windsor would never have arisen if we used the City of Sydney model for making major decisions around the CBD. In Sydney there is a joint committee of both the state government and the local council that if nothing else has to make its decision in the open. It has nine members, and people cannot be getting to all of them. I understand that the Melbourne City Council has been a whipping boy for a long time. Now I think that the boot is on the other foot, and the question that arises is: if these decisions are major ones and so important and if there are strong controls in place, which there are across the Melbourne City Council area now, why do we let an individual make

that decision out of the public gaze? I know that nobody in this chamber will want to give those powers back to the Melbourne City Council, because over a series of governments, all governments, Labor and Liberal, have established that precedent.

A reasonable compromise would be the City of Sydney model in which both local and state government considerations are brought to bear on decisions made on major projects. It would not be a bad thing to look at having that model for all the call-ins and so forth, which by definition are meant to be matters of state or regional significance. We therefore want both sets of considerations to be represented in the decision making.

The Environment Effects Act is another area of wide discretion for the minister. It is not the act under which we approve certain developments but it is the act by which we decide how they will be considered. I know Mr Hall will agree with me on this one. Mr Hall will stand up and concur with me, I am sure, that the Environment Effects Act, which provides for the EES (environment effects statement) process, does not set guidelines sufficient to ensure that all the relevant impacts of a proposal must be considered.

Mr Hall — I agree with you.

Mr BARBER — Mr Hall concurs that the minister, sitting over the Environment Effects Act, really has too much power to decide that a project can go forward for assessment without the requirement (a) that alternative options are looked at and (b) that all the relevant impacts are looked at properly. That act simply sets up the framework for assessment, not even approval, which still has to be given under other acts.

The final aspect of this six-point plan is that more certainty is needed in the rules themselves. I know this is not something I will receive support on from opposition members, because it was their government that created these objective-based new-format planning schemes where almost anything goes. The rules no longer say what they mean or mean what they say. We have 'preferred' maximum heights and 'desirable' neighbourhood characters. You struggle to find almost anything in the planning schemes that actually says to a builder or architect, 'Hey, mate, here's the rule. This is how much green space you have to have in the backyard', or 'This is the height' or 'This is the' — whatever. In fact, even when those sorts of things are included, it is recognised in the way that the VPPs (Victorian planning provisions) work that all the different objectives have to be balanced against each other. They are not treated as a series of gates that a project must move through; builders and architects

simply try to get the best score they can across all the different controls, even if the controls conflict with each other. So we need more certainty in the rules, and that would be for the betterment of residents, neighbours, community members and developers.

We need certainty in those local controls and also in metropolitan-wide planning. We just do not have that at the moment. You have the situation where Melbourne 2030 was a doctrine that arrived in surprising fashion in 2002. The doctrine was about keeping the city compact and achieving certain objectives around density. Then we got to 2009 and the doctrine was replaced with a doctrine that in many ways was almost opposite or at least competing — that is, the city will get bigger and a lot of the old objectives have been given up.

That creates huge uncertainty. For a start, it creates huge uncertainty for inner city developers versus greenfield developers. What certainty do they have around how the planning system is being administered if, really at the stroke of a pen or the change of a mind — and we are talking about the one government that changed its mind so dramatically in 11 years — the whole game across the city can change completely?

What is the solution? Again, the solution is the Vancouver model, under which there is a formal act of Parliament that provides how metropolitan planning is to be done and the steps that have to be gone through to do that. That is how Melbourne 2030 and Melbourne @ 5 million were created. They were created in one of the top storeys of Nauru House, or wherever the department is at the moment, with people looking out the window. The minister creates the doctrine and the bureaucrats write it down. If it requires parliamentary approval, which it does only in such instances as the urban growth boundary or green wedge subdivision controls, Parliament might get a say about it — not that members of this Parliament have been crawling all over amendment VC55 and asking what it means — or it might just simply happen overnight.

Creating some rules for how ministers and governments from one government to the next must go through the process of establishing our vision for the metropolitan area and putting it into practice at least creates some certainty. Until we have those sorts of measures locked in, the public — and the development community, I would imagine — will have no faith in but in fact massive confusion about the way planning is being done, of which this latest incident is simply one small but notable symptom.

Mr HALL (Eastern Victoria) — This motion before the house this morning involves a serious issue that has

been canvassed during the course of this debate. It is not often the house has to deal with a motion that expresses no confidence in a minister of the Crown.

The aspect of this debate that surprises me most is the lack of any spirited defence from the government on behalf of the minister and the lack of any presence in the chamber of the minister in question during the course of debate this morning. I would have thought that a good barometer of the strength of any team is the willingness of its members to stand up and defend those who are under attack. We simply have not seen that from the government this morning.

We have not seen any front-line defence — or front-line ministers — from the government this morning. We have seen Mr Viney stand up and defend the minister. With due respect to Mr Viney — and he is the sort of bloke I would have in my team any day, because at least I know he gives 100 per cent and he has a go — if you analyse his contribution, you find that the defence he presented this morning was very thin in content.

The defence line presented by Mr Viney, who was representing the government and was the government's first speaker, suggested that because there is a parliamentary committee looking into this matter and because that parliamentary committee starts its inquiry on Friday, this morning's motion is all a waste of time. That was his only line of defence and was the internal defence presented by the government.

In terms of the external defence, there has been a categorical denial from the minister, the Premier and, it seems, other members of the government of any significance of or problem with the document that has prompted this debate — that is, the media plan for the Minister for Planning that was inadvertently or somehow otherwise leaked to the ABC on 24 February this year.

We have seen a categorical denial from the Minister for Planning and from the Premier, in particular, that that document was of any significance whatsoever. In terms of the government's public comment, the terminology that has variously been applied regarding the document is 'It is a draft document' and 'It is an internal working document'. There was even the terminology of 'It is an inappropriate document', according to some people. It was a document of speculative language. The Premier and the minister both claimed to have never seen a document like it before.

Mrs Petrovich — Who said that?

Mr HALL — The Premier said that. He said he had never seen a government document like this before. The government has been totally dismissive of it. It claims no knowledge of it or any like document.

I can well understand why the government wishes to disassociate itself from any knowledge of this document, because if members have a look at it, they can well understand why they or anybody would not want to be associated with it in any way at all: its content is damning. It simply shows the bare, shameless politics that is being exercised by this government in respect of planning and media strategy.

Members can have a look at some of the points made in this document under the heading 'Renewable energy report to be released' on Thursday, 27 February:

Tyner and I working together I think Batch's office have a strategy involving a whack at the feds.

Under 26 February it says:

Minister will go to an oldies home with a young person as part of the respect agenda ...

That is not respectful language; that is not the sort of language I would want to be associated with in any way. It then says:

Sunday, 28 February 2010

10.00 a.m. launch: Kananook Creek Boulevard ...

All media — to promote Alistair Harkness.

It does not matter whether he had any role in it at all. That is what they planned to do — that is, just promote a local member in that area even though he might not have had any involvement at all. The document also mentions:

Ted will be at event. Minister will need strong attack lines on opposition.

That is the sort of grubby, shameless politics that is being exercised by this government.

With respect to the approval of a planning amendment to hand local planning laws back to Mildura Rural City Council, the document says in part:

Will be some who crack it however as they are not deemed to be in genuine hardship by council criteria.

That is very disrespectful to the people of the lower house electorate of Mildura. In regard to Geelong, the document suggests:

... public meeting in Geelong that went feral about the development last Wednesday.

People in Geelong are being classified as being feral. When reading the document, you get to the comment regarding the Hotel Windsor redevelopment, where it is very clear that a predetermined position has been taken by the government, and that it is going to drag the public of Victoria through a futile and useless exercise of inviting submissions for a project on which the government has already made a decision. That is why I describe this document as a full explanation of the shameless, barefaced politics engaged in by this government.

I simply cannot believe that the Minister for Planning has or had no knowledge of this document before it was made available to the ABC, I cannot believe that the Premier had no knowledge of this document and I cannot believe that the office of the Premier had no knowledge of this document. What I believe is that the sham and dodgy planning processes and practices detailed in this document are becoming the common practice of the government. I am going to elaborate briefly on each of these points.

The minister has walked into the chamber. At this point I welcome the minister to the debate. It is 1 minute before question time, so at least he will be here for 1 minute of this debate. I thank the minister for his presence.

The first reason I simply cannot believe the Premier and the office of the Premier had no knowledge of this document is that members need to have a look at who the email was addressed to — namely, Sarah Farnsworth, George Svigos and Fiona Macrae. A carbon copy was also sent to Jessica Harris. Members would know that George Svigos is the head of the media unit in the Premier's office. Each of those other persons works in the office of the Premier. If those senior people in the Premier's office had this email directed explicitly to them, I simply cannot believe that those in the Premier's office did not know about this document. It was an email intended for them. I also cannot believe that the minister had no knowledge of this document either.

You have to have some understanding of what your staff are doing for you. I do not know for how long that person worked for the minister.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Planning: Coburg development

Ms LOVELL (Northern Victoria) — My question without notice is for the Minister for Planning. The minister made himself the planning authority for the nine-storey residential and commercial development in Coburg, yet the plans he approved fall short of earlier proposals in the amount of affordable housing it will provide. Cr Toby Archer said that when the government became the responsible authority last May the minister said construction would begin immediately. Will the minister explain to the house how this development has been fast-tracked when it has taken him nine months to approve the development process that did not include one jot of community consultation?

Hon. J. M. MADDEN (Minister for Planning) — I always welcome Ms Lovell's interest in these matters around public housing, because the government is quite clear about its support for public, social and affordable housing; it makes no apologies for that.

Can I say it is unclear where the opposition is on this, because time and again I receive questions from the opposition in a sense not directly condemning public housing or social housing.

Mr D. Davis — On a point of order, President, question time is an opportunity for ministers to answer questions, not to overtly attack the opposition. The minister is now straying there, and he ought to answer the question.

The PRESIDENT — Order! I have made this comment on numerous occasions: the point is a valid point, and the minister cannot overtly attack the opposition when answering a question. However, he is clearly not overtly attacking the opposition. I warn Mr Davis, as I have previously, about frivolous points of order or interjections.

Hon. J. M. MADDEN — We are very clear on our support for public housing, social housing and affordable housing. We stand by our record on that. Ms Lovell may be a bit confused in relation to the two projects mentioned in the media today, because obviously that is where she draws her information from — today's media. I think she is a bit confused because the *Age* newspaper mentions two separate projects — one in Coburg and one at the former Kodak site. They are two quite different locations.

The Kodak site is one where the amendment process has been fast-tracked to ensure that housing is provided

in that location, and that is still undergoing its master plan. In relation to the specific public and social housing project in Coburg, we do not apologise for that project because we are seeing social housing provided — and it is often highlighted by the opposition — at a time when the community needs more social housing than ever before. We welcome the federal government's funding for that social housing, but we realise and recognise that the time frame the federal government has allocated to these projects means the vast majority of these projects need to be completed by the end of this year. We welcome that.

We recognise the sensitivities of local communities in these projects. We have worked with and highlighted for local government, through notification to those local governments, that these projects will proceed, but we have said to them, 'If you believe there are significant issues, inform us very quickly and we can deal with them'. If we do not receive that information from local government, we proceed with the approval for those developments and with the developments themselves.

I know this government is committed to public housing, social housing and affordable housing. I cannot guarantee that anybody knows the opposition's position on these, but we will continue to do what we need to do to ensure that the most vulnerable in the community are provided with the housing they need and deserve.

Supplementary question

Ms LOVELL (Northern Victoria) — I say to the minister that Labor members and candidates in both state and federal marginal seats have been rattled by community unrest due to his controversial railroading of projects. One Coburg resident is quoted in today's *Age* as saying:

Justin Madden lectures the community about respect. But he fails to practise what he preaches.

Why is it acceptable to replace real consultation with sham processes and completely disregard the views of residents and local communities, thus showing a complete lack of respect?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Lovell's comments, because obviously the extent of Ms Lovell's research, the extent of her consultation and the extent of her querying or showing interest in these matters extends to an article in the *Age*. That is basically where the policy development of the opposition starts and finishes — with articles in the *Age*.

Again we make no apology for public housing, social housing and affordable housing that is being delivered for the most vulnerable people in our community as rapidly as possible. And we welcome the federal government's funding of those projects. But I must say, as I said in the media today, it does beg the question that if federal Labor backbenchers have concerns about these matters, it is best that they raise them with their own executive for the federal housing minister or with the federal infrastructure minister.

Honourable members interjecting.

Hon. J. M. MADDEN — I know that I have raised these matters of concern about the truncation of this process, and the views of federal Labor members have been raised at ministerial councils with the ministers responsible federally for these matters.

We make no apologies for our commitment to housing the most vulnerable in the community. I am not sure, nor is the opposition sure, where the opposition stands on these matters. I look forward to continuing to invest in public, social — —

Honourable members interjecting.

The PRESIDENT — Order! The constant interjections of Mr Finn and Mrs Peulich are disrupting the house. I ask them to restrain themselves.

Hon. J. M. MADDEN — I look forward to seeing this government and the federal government investing in public, social and affordable housing for the most vulnerable in this community to continue to make Victoria the best place to live, work and raise a family.

Rail: Epping–South Morang line

Mr MURPHY (Northern Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on the progress of the South Morang rail extension?

Honourable members interjecting.

Hon. M. P. PAKULA (Minister for Public Transport) — I knew it would get you going, Mr Guy.

Honourable members interjecting.

The PRESIDENT — Order! I would like to hear the answer to this question.

Hon. M. P. PAKULA — I thank Mr Murphy for his first question, and I am honoured to receive it. Last week I was delighted to turn the first sod on the early works for the South Morang rail extension project. It is

a \$650 million extension. It is a major project identified within the Victorian transport plan. It will deliver significant improvements.

The PRESIDENT — Order! I am informed that there was an inappropriate comment coming from someone on my left, making reference to a sod turning a sod. I do not know who said it, but it is inappropriate. I would remind the house that whilst we have cameras some people get a little bit bolshie et cetera, but inappropriate language or conduct will not be tolerated.

An honourable member — So who did turn the sod?

Hon. M. P. PAKULA — I did. As I indicated, it is a \$650 million extension.

Mrs Peulich interjected.

Hon. M. P. PAKULA — It didn't take you long to start up again, did it, Mrs Peulich? Constantly talking is not necessarily communicating.

The PRESIDENT — Order! The minister will leave the running of the house to me.

Hon. M. P. PAKULA — Thank you, President. It is a project which will deliver significant improvements for passengers right along the existing Epping rail line. The early works primarily involve the relocation of signalling and of power services. It is an important first step that has to take place before construction can begin on the second section of track between Keon Park and Epping, which is a vital part of the South Morang rail extension. The construction of that second track between Keon Park and Epping is expected to begin later this year. Those works will result in huge improvements to the Epping rail corridor and ultimately will allow frequent services to and from South Morang.

Community information is a very important part of major projects such as this, and in that regard the Department of Transport is making sure local residents are informed in advance of works taking place. It continues to consult the community, as do Ms D'Ambrosio, the member for Mill Park, Mr Batchelor, the member for Thomastown, and Ms Green, the member for Yan Yean, in the other house and Jenny Mikakos, a member for Northern Metropolitan Region — and I am sure Mr Murphy will as well. All of those MPs, other of course than Mr Murphy, were with me on the day of the sod turning, and I look forward to providing the house with updates on this very significant project as it progresses.

Bridges: Barwon Heads

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the government went against the council, its own panel, community opinion and the majority of this chamber to approve a two-bridge solution for construction at Barwon Heads, I ask: what guarantees can the minister now give the Parliament that the public consultation and panel process around this decision was not a farce and that despite the government recommending against its own panel findings the minister did not have a preconceived opinion when he pressed ahead with a decision that no-one else backed?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in this matter, because the process for the Barwon Heads bridge was quite a lengthy one. It commenced before my appointment as planning minister. I will give Mr Guy a bit of a history lesson in relation to this project, because I suspect it also commenced before he entered this chamber.

There were two options offered specifically to the Barwon Heads community: one was the long bridge, which was much further up the Barwon River, and the other was the short version, which involved doing something with the existing bridge. The interesting element about this is that there was one thing that the community, whilst disagreeing on many things, was uniformly in agreement about — and it was presented to the panel early in the process and recognised — that is, that the long bridge option further up the river should be ruled out. That was basically a long bridge option that would have extended the Melbourne to Barwon Heads road straight across the river to the Ocean Grove centre. That was ruled out comprehensively.

The implications of that were that you were left with doing things to the existing bridge. Critical to that was that the bridge itself is a heritage bridge, and as it was heritage listed there were only certain things you were able to do with the bridge. One of the things the community had also been very conscious of was that it did not want the bridge demolished, because of its heritage value.

That left only a few options. One was to improve the existing bridge, but to improve it would have meant changing it so completely that it would not have been the original bridge. Another was to provide for a pedestrian bridge alongside, so that you could improve, to a point, the existing bridge. That is the option that we entered into. I would call upon Mr Koch, who has had views on this matter, to reflect which views he supports, because after that process there seemed to be

a range of views in that community that were advocated differently by different groups, even to the point where the view of the opposition in this place was to condemn the project and thereby condemn the community to not having any bridgeworks for — how long? It could not answer that. So we made a decision — a very strong, a very courageous and a very specific decision — to see the works completed and to see them completed as soon as possible.

Unfortunately we see the opposition, which regularly wants to interfere with the decisions this government makes, to the detriment of the local community — and we see that time and again — using its numbers in this chamber to try to change decisions.

One thing that is very important in terms of planning is that eventually decisions have to be made. We know that if it were the opposition making decisions, it would defer, delay or contradict those decisions for as long as possible. This government will make the tough decisions, push through and deliver for Melbourne @ 5 Million to ensure that Melbourne both at 5 million and beyond 5 million is the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I appreciate the minister's history lesson. Maybe we should give him a geography lesson about Melbourne and Barwon Heads. But in thanking the minister for his answer, given that he is so confident of the decision on Barwon Heads being open, transparent and not preconceived, will he now commit to investigating the existence of — and making publicly available — any media plans around the time of the government's announcement to overrule the panel decision on this project, and if not, why not?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest, but again Mr Guy fails to understand what I said yesterday and what I will say again now, which is that media advisers do not in any form have any impact on the decision making of respective ministers. They might speculate on those decisions; that is inappropriate. I have already placed on record that that is inappropriate.

What I can say is that we have one of the most robust and transparent planning systems not only in Australia but in the world. In other parts of the world and in other parts of Australia we have bureaucrats who sit behind desks — nameless bureaucrats — who make decisions without third-party appeal rights. In this state we have one of the most robust opportunities for third-party

appeal rights, for broad consultation and for transparency on the reporting of that. Unlike the Liberal Party when it was in government, we report comprehensively to this Parliament.

Whether they be reports on interventions or whether they be reports provided to me in the transparent process of the independent expert panel, they are released. I do not believe that was necessarily the case under the former Liberal government. I do not believe Mr Maclellan, the Minister for Planning at the time, even reported on these matters, let alone accounted for them. If I remember rightly — and this is another history lesson for Mr Guy — the Auditor-General during the time of the Kennett government reported on this and criticised Minister Maclellan for not reporting on, keeping track of or accounting for the interventions and the decisions he made in the planning system. Time and again in this place the Liberal Party, The Nationals and the Greens say one thing and do another.

Mr D. Davis — On a point of order, President, the minister knows that he is not to overtly attack the opposition and he is to answer the question. He was asked a very simple question as to whether he would reveal his media plans.

Honourable members interjecting.

The PRESIDENT — Order! Given that the minister has finished, Mr Davis's point is well made. We will move on.

Buses: SmartBus orbital service

Mr LEANE (Eastern Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister detail to the house the suburbs and the places that will be serviced by the recently launched green orbital SmartBus route 902 and outline any other benefits for the community?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Leane for his question, because this SmartBus will service large parts of his electorate and indeed the electorates of the members for Northern Metropolitan Region as well. I am pleased to advise that the newly extended SmartBus route 902 will run for 76 kilometres, from Chelsea to Airport West, via Springvale, Glen Waverley, Nunawading, Doncaster, Eltham, Greensborough, Thomastown and Broadmeadows.

It will expand and replace the existing route 888/889 which has been running from Chelsea to Nunawading since 2002. SmartBus route 902 will provide frequent cross-town connections over longer operating hours to

9 train stations, 3 tramlines, more than 60 local bus routes and a whole range of shopping centres, as well as schools, hospitals and sporting facilities. It will provide those options — —

Mr Atkinson — On a point of order, President, this answer and, I think, the question bear a remarkable similarity to a question answered by the minister in the last sitting week. I would seek an assurance that in fact we are not dealing with the same question.

The PRESIDENT — Order! I am prepared to rule on this already. I make the point that it is not allowable to ask the same question again. With a similar question, we have a bit of a debate. As to the answer, it can be the same answer, I believe; it is the question that matters. I am going to rely on the minister's view that it is not in fact the same — —

Hon. M. P. PAKULA — President — —

The PRESIDENT — Order! The minister could wait until I am finished. As I said, I am going to rely on the minister's view that it is not the same question and therefore not the same answer et cetera. However, the point is made that a member cannot ask the same question, and I will quote — —

Mrs Peulich — That one.

The PRESIDENT — Order! I am so grateful for Mrs Peulich's assistance! I will quote standing order 8.02(5):

A question cannot be asked again if ... it has been fully answered; or ... an answer has previously been refused.

If that is the case, it will be ruled out, but we do not know at the minute. I obviously will check *Hansard*. Is the minister prepared to give that assurance?

Hon. M. P. PAKULA — I am prepared to take up the point of order, President, and I can advise Mr Atkinson and the house that the question asked of me in the last sitting week was about any new jobs that have been created by the upcoming expansion of the green orbital SmartBus route. This was a question specifically about where the bus goes and other benefits for the community.

Honourable members interjecting.

Hon. M. P. PAKULA — I would have thought members would have been keen to be able to provide their constituents with some information about where this bus goes so they could service their local communities.

The new route will service the following nine train stations: Broadmeadows, Kooyong Park, Greensborough, Eltham, Nunawading, Glen Waverley, Springvale, Edithvale and Chelsea. It will also take passengers to the following shopping centres: Chelsea, Springvale, the Glen, Brandon Park, Tunstall Square, Doncaster shopping town, Eltham, Greensborough Plaza, Bundoora Square, Pipeworks, Campbellfield Plaza, Broadmeadows, Gladstone Park and Airport West.

From 5 April for the first two weeks of operation passengers can ride this new SmartBus route 902 free. All the SmartBuses are low floor, which makes travel safer and easier for people with a disability and for those using prams. There is innovative technology which gives buses priority along the route, such as dedicated bus lanes and specialised traffic signals. This SmartBus route will deliver major improvements for people throughout the eastern and northern suburbs. It will provide longer hours of operation, more frequent services, better connections for the community and better connections to other public transport.

The SmartBuses have already proved to be extremely popular. This route takes in an area of Melbourne longer than the distance — —

Honourable members interjecting.

Ms Huppert — On a point of order, President, Mrs Peulich seems to be showing a prop and has continued to do so while the minister has been giving his answer.

Mrs Peulich — On the point of order, President, it was the material I used on the adjournment last night produced by a local group about the not-so-smart bus route through Dingley Village, vehemently opposed — —

The PRESIDENT — Order! That is not a point of order. I think we all understand the inappropriateness of flashing whatever promos we want — —

Honourable members interjecting.

The PRESIDENT — Order! We can all be a bit cute when we want to be, Mrs Peulich, especially me, but I just remind the house that we can provoke people in numerous ways. It is not helpful.

Hon. M. P. PAKULA — I do not want to cause Mrs Peulich any more undue excitement, so I will wrap up, President.

This is a bus route that travels a distance longer than the distance between Melbourne and Geelong. When it is

up and running from 5 April it will no doubt prove extremely popular with residents in the same way the other SmartBus routes have done.

Planning: approval processes

Mr KOCH (Western Victoria) — I direct my question without notice to the Minister for Planning and Minister for the Respect Agenda. Community frustration concerning — —

The PRESIDENT — Order! It can be one or the other — the Minister for Planning or — —

Mr KOCH — The Minister for Planning. There is community frustration concerning the minister's controversial call-in powers used in an attempt to fast-track housing approvals. They are recognised as flawed, as no consultation or transparency is offered to local residents in these neighbourhoods. The minister's argument about time frames imposed by the Rudd government's housing stimulus package will not wash, as clearly indicated by the federal housing minister, when she said:

It is important for the state governments to manage community expectations well.

As stated by the City of Moreland:

... the lack of an appropriate consultation strategy is poor practice and not in the spirit of an open, accountable and transparent decision-making process so often cited by yourself.

The Geelong community finds itself caught in the same way by the minister's flawed actions, as demonstrated at recent public meetings. My question is: will the minister now review the planning procedures used — —

Mr Viney — On a point of order, President, standing order 8.02, entitled 'Rules relating to questions', says questions should not 'contain argument or opinion' or statements of facts ... unless they are strictly necessary to explain the question'. I think the preamble we have been having to this question has gone on quite extensively with a whole range of opinions and views that are not in fact a question.

Mr D. Davis — On the point of order, President, it is clearly appropriate in asking a question to put the background to the question where there have been statements by other ministers with relevant juxtaposed responsibilities, including the federal minister, and that is what the member has done in this case; now he seeks to ask his question.

The PRESIDENT — Order! In reference to the point of order, I think there is an argument that the

question was a bit longwinded. It was getting to the stage where I was going to do something about addressing it. Mr Koch was almost debating it. However, he did get to the end, and I think he has actually asked a question.

Mr KOCH — Almost.

The PRESIDENT — Order! Or almost. Mr Viney is correct in his statement about seeking opinions and facts et cetera; however, given that we are at where we are at, I will allow Mr Koch to finish asking his question.

Mr KOCH — My question is: will the minister now review the planning procedures used, in favour of a more open and accountable process that includes the councillors at the City of Greater Geelong?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Koch's interest in these matters. Again I find it disturbing that members of the opposition seem to want to support public, social and affordable housing, but they are not prepared to defend public, affordable or social housing in any way. That is a stark contrast between this government and the opposition.

I recognise that there is a degree of sensitivity in the Geelong area around the proposed social housing, but let me make this point: what has been suggested to me by the locals in some of the conversations I have had with them is that they are not so concerned about the social housing, which I understand will be housing in the Geelong region for the aged. Social housing for the aged is very important. If opposition members do not support that, I would like to hear that directly from their mouths.

I understand that what is more sensitive is the affordable housing or the market housing which is part of the delivery of the project in Geelong. I am conscious that locals feel that there has been insufficient consultation with them around the project. Can I also say in relation to these projects that part of the mechanism has been to go to local governments and let them know, whether it is school projects or social housing projects, what the projects are.

Mrs Peulich interjected.

The DEPUTY PRESIDENT — Order! Yesterday Mrs Peulich was on a warning. Frankly, had she persisted she would have had an early lunch or early afternoon tea. The President has also warned her earlier in this question time. I am mindful of his warning, so I ask Mrs Peulich to desist.

Hon. J. M. MADDEN — Part of the consultation process has been to go to local government, identify the project, let the council know about the impending project and seek from it — whether it be the Moreland City Council or the City of Greater Geelong — its views in relation to the project.

We believe the councils' views would either reflect concerns about the projects directly or reflect some of the views or sensitivities of the local communities. We did not prescribe how those local governments should communicate with their communities — whether they should doorknock, whether they should notify by mail or whether they should email any of the individuals. We asked them to give us their views on the projects. If no views were forthcoming from those local councils, then we assumed that we could proceed with the projects.

Let me also reinforce that the funding for these projects from the federal government — whether they be education projects or social housing projects — was agreed to by the states. We have seen various states implement this in different ways. Mind you, ours is probably the most public of any jurisdiction across the country. Ours sunsets; in a number of jurisdictions there are no sunsets for these clauses.

Can I also remind the house that the national body representing local governments — the Australian Local Government Association — agreed to that at the ministerial conference. I again point to the opposition's criticisms: are these also criticisms of the funding for these projects? Are these criticisms of the Australian Local Government Association? Is it criticism of the Victorian local government association? Is it a criticism of the representative bodies who represent local governments, who basically have agreed to these models? Is that a direct criticism? Is what the opposition is saying a criticism of public and social housing?

I also put it to members of the opposition that what we are trying to do in these projects is a mix, because we do know and we recognise — and I am sure the opposition recognises it — that isolated, concentrated public housing developments that were the models of, say, the 1960s or the 1970s are probably not the optimum models that we would like to see. I do not believe there would be any disagreement in this chamber that it is important to have a mix of social housing and affordable housing with market housing so that we get the right community mix and social mix. No matter how good that policy platform is, consultation is particularly important.

But what we hear from the rabble opposite is a veiled criticism of public housing and social housing as well as the most vulnerable people in our community, who deserve and are entitled to the shelter that this government and the federal government are providing for them.

Supplementary question

Mr KOCH (Western Victoria) — On what grounds is the minister denying the City of Greater Geelong planning involvement in these important housing developments on behalf of its now openly frustrated ratepayers?

Hon. J. M. MADDEN (Minister for Planning) — I do not think Mr Koch heard much of my first answer, which was that we have consulted with local governments. We provided them with an opportunity for input. If they saw one of these projects and the alarm bells went off, we also had an opportunity to work through those issues with them.

I get the impression either from what Mr Koch is saying or the sentiments he is describing from specific local councillors that it appears that they want a second bite of the cherry. After they have elected to make no comment, suddenly they decide because of the sensitivities locally that they want to make another comment. I appreciate that as part of their role, but I say to Mr Koch that if he does not want public and social housing — —

Ms Lovell interjected.

Hon. J. M. MADDEN — Ms Lovell wants to make a lot of noise, but she does not want public and social housing and she does not want that community mix. I look across to other members of this chamber, and I can see on their faces that they would endorse a mix of public housing and market housing.

Mr D. Davis — On a point of order, Deputy President, the minister well knows that question time is an opportunity for him to answer questions and not openly attack the opposition.

The DEPUTY PRESIDENT — Order! I note that this is not the first occasion today that Mr Davis has prosecuted this view, and indeed on recent days. As the President said, there is some sympathy from the Chair with the points that he makes. However, I have some problem in bringing the minister to heel in these areas when he is being subjected to a barrage from the opposition benches.

Mind you, I might also counsel the minister that if he uses words like ‘rabble’, he is being extraordinarily provocative and encouraging some of that noise within the chamber. I suggest to the minister that, as the President has said on a number of occasions, he stick to the line of answering the question as assiduously as he can without straying into debate.

Hon. J. M. MADDEN — As I have said, we have given the City of Greater Geelong an opportunity to comment on whether it believed the projects warranted further analysis on the basis of those planning issues, and if it did not provide that, we proceeded with the project.

I am mindful that there are some sensitivities locally about these projects, but what I would not like to see, and I am sure members in this place would not like to see, is a delay in the delivery of social, public and affordable housing for the vulnerable people who desperately need that housing. It is one thing to cry crocodile tears for the most vulnerable, but when it is necessary to take up the challenge, deliver that housing and deliver it in a timely manner, it is also important to sometimes make some tough decisions and get those projects delivered so that people in vulnerable situations can have the housing they deserve and need.

Frankston: central activities district

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on recent developments in the Frankston central activities district?

Hon. J. M. MADDEN (Minister for Planning) — When the Premier and I released Melbourne @ 5 Million at the end of 2008, we outlined that there would be a multicentred complementary vision to what was already known as Melbourne 2030. That was a very important component, because we know that there has been enormous job growth in central Melbourne. In the last decade tens of thousands of jobs — somewhere in the order of 30 000 jobs or even more — have been delivered in central Melbourne. That has been a great complement to central Melbourne and the attractions it offers to business, but it is also important that we provide job opportunities and other service opportunities in the other multicentred locations across the city.

At that time we designated six central activities districts, located at Box Hill, Broadmeadows, Dandenong, Footscray, Ringwood and Frankston. In his answer to one of the questions he was asked

previous, Mr Pakula mentioned the route 902 green orbital SmartBus that will run via Broadmeadows. There is an opportunity, as there is with the orange SmartBus, to locate these services through the multicentred city rather than, as has been the case for almost a century, their being centred only on the central Melbourne district. Services, transport provision and links will now be located across the multicentred city. In a sense it is a complement of planning, transport and land use brought together as part of not only the Melbourne @ 5 Million policy but the Victorian transport plan.

In these centres we will see multiple services — retail, highly specialised personal services, entertainment, education, government services, tourism and employment concentration. These centres are particularly important so that we disperse some of the peak-hour congestion which might occur when people are flooding into the city for employment and also provide a diversity of high-quality, well-designed living and urban dwellings.

As part of that I had the great opportunity to be down in Frankston less than a fortnight ago to launch the \$8 million project which is part of the Kananook Creek redevelopment or Kananook Creek Boulevard. In the 1960s and 1970s some centres turned their backs on the train centres and some of the natural attributes of the areas and did not appreciate them — in many ways as we saw happen at Southbank. The Southbank we see today is a fantastic location based on the edge of the Yarra River, but for many years, if members remember rightly, it was an industrial area located towards one side of what was then the flourishing Victorian Arts Centre.

It provides us with a tremendous opportunity to invest in these locations and renew them, not only in terms of services but in other ways. We have invested \$8 million in the boulevard along Kananook Creek to make it an attractive waterfront area and to get some of the businesses that had turned their backs on the area to return to Kananook Creek and link back toward the beach, the bike path along the beach and Wells Street, as well as the Frankston pier area, which has a tremendous opportunity to complement the livability of Frankston.

I was there with local members Alistair Harkness, Mrs Peulich and — —

Mrs Peulich — I did not get an invitation. I just came along, but the invitation did not arrive.

Hon. J. M. MADDEN — Obviously Mrs Peulich gatecrashed her own invitation, but she was on the stage alongside me so she cannot complain and she certainly got noticed at the event.

The Kananook Creek Boulevard development builds on our investments across these sorts of centres. It is an example, firsthand, of how we are investing in these centres, not only to provide all those attributes that facilitate businesses and services but to complement that with investment in the public realm to give people confidence about these centres, to make them more livable and to reduce the need for people to commute specifically to central Melbourne.

It is just another example of how this government is working on public transport, land use and urban planning to make sure that we continue to make Melbourne and Victoria the best place to live, work and raise a family.

Planning: Ashwood development

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Planning. I refer to the minister's call-in of housing development in and around Power Street, Ashwood, with over 200 dwellings, some of five and some of seven storeys, in December. Is it not a fact that the community in Ashwood will have no say in whether the development will proceed and no say in how large or dense the development will be and that the development will be imposed on the community by the planning minister and by the member for Burwood in the other place without any genuine community consultation?

Hon. J. M. MADDEN (Minister for Planning) — Again we have a question which is condemning of, I suspect, public and social housing. It disappoints me, because one of the best things we can do for Victorians and for Melbourne is to provide a range of housing options. We live in one of the most livable cities — we have some of the most expensive suburbs, but we also have some of the most affordable suburbs — in the nation. We give people a great opportunity to settle at the right location and at the right price for their needs and ends. But there are the most vulnerable in the community who, no doubt because of their particular circumstances, are not able to find housing in one form or another. They are not able to find supported housing, social housing or public housing. It is very important that we locate them where it is appropriate and as soon as is practically possible. We are mindful of community sensitivities. I cannot guarantee that the decisions I make or the arrangements entered into with the federal government are going to make local communities

exactly happy, but what is important is that we are committed to social and public housing. We make no apologies for that.

Mr Davis raised the matter of Ashwood; a recent community cabinet was held there. Some matters were raised in relation to some members of the community who live in the area. A number of the locations have had public housing for many years prior to this redevelopment anyway. Those who may not be housed in what was or is public housing have bought into the area knowing the reason why the area was so affordable — so cheap to buy into — was that some of the public housing in the area was pre-existing and ageing. This is an opportunity to renew existing public housing; it is not putting it in an area where it has never been before.

I remind Mr Davis that what we know about the aged housing stock — and I am looking at Mrs Coote on the other side, because I know she is very committed to public housing and has a record that attests to her commitment to public housing — is that much of it has been based on the traditional family model, which is a three-bedroom house. That might suit a traditional family, but we know that those who need more and more opportunities for access to public and social housing are not necessarily that traditional family. They might be single-parent families or aged individuals on their own.

The mix needs to be different. We do not necessarily need a two-bedroom or three-bedroom home; we might need a one or two-bedroom unit. People do not necessarily want or need the backyard that might have come with traditional public housing.

The renewal in Ashwood is an opportunity for public housing for the most vulnerable in the community who deserve and rightly demand an opportunity for appropriate housing. I am conscious that there are sensitivities among some of the locals. I understand the Minister for Housing has been prepared to go out and talk to locals in some detail about many of these matters. He has talked to the owners of specific properties in that location who are concerned about the impact of a larger development there.

I am confident that, wherever this social or public housing is located, the model will be different from what has traditionally been the stand-alone models of the past and that the users and age groups in this location will provide for the appropriate mix so people can have confidence that public housing delivered by this government in conjunction with the federal government complements the demands and meets the

needs of the most vulnerable in the community as quickly as practically possible.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — All of us support the provision of proper and appropriate public housing, but the question is about how it will be implemented. Therefore I ask: will the Minister for Planning agree to limit the inappropriate height of these developments to less than three storeys, or will he push ahead with his plan for mini skyscrapers in Ashwood?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Davis's comment that he supports public housing, but I also recognise that reducing the opportunity to provide the numbers in any specific location would mean you would have to deliver more off-site.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! If Mr Viney and Mr Guy want to have a conversation, perhaps they might like to step outside and have that conversation rather than having it across the chamber and across the minister's answer, which I am sure Mr Davis and other members of the opposition are interested in hearing.

Hon. J. M. MADDEN — I welcome Mr Davis's endorsement of public housing. I believe it is the first time I have heard it in a question time in this chamber. It might even be the flagging of a policy in this place, and I welcome that.

What I can say is that it is important we recognise that the most vulnerable in the community may also not have the opportunity, the resources or the support to enter into the planning system to advocate strongly for a development of some size. Those who are not necessarily as vulnerable have an ability to enter into the planning process; those who are most vulnerable probably do not have an ability, the resources or the support to enter into the process. I believe if Mr Davis asked those who are vulnerable about the size of the project, they would support a project of this order.

What I say to Mr Davis is: let us not rule out those whom this will provide for — the most vulnerable in the community. Let us not get hamstrung in a sense in overengineering the planning process for a project that needs to be delivered as quickly as possible to ensure that the stipulated federal government's funds, which are linked to a time frame, are delivered for these projects.

I welcome Mr Davis's comments. It is one of the few times when I have welcomed any of his comments in the chamber, and I look forward to him continuing to support public housing in this place well into the future.

Medical research: government initiatives

Mr SCHEFFER (Eastern Victoria) — My question is for the Minister for Innovation, Gavin Jennings. Can the minister outline to the house how the Brumby Labor government is supporting Victoria's medical researchers, who are leading the nation and bringing to our state the lion's share of commonwealth research funding?

Mr JENNINGS (Minister for Innovation) — I thank Mr Scheffer for the question and for the opportunity to talk again in the chamber about the fantastic pedigree and reputation that our scientists have not only in Australia but internationally. Indeed, as I am invited to by Mr Scheffer's question, I can comment that the most recent round of national medical research funding provided across the nation of more than \$102 million saw 60 per cent of it coming to researchers in Victoria.

That is right — \$60 million of the \$102 million came to Victorian researchers, which is testimony to the quality of our science and the integrity of our medical health research institutes in Victoria. In fact it is totally consistent with the priority of the Bracks and now the Brumby governments' commitment to supporting medical research and high scientific endeavour within our state. It is not by accident that those great scientists have been supported by this funding.

One of the things the projects have in common is that they are all led by professors of international renown in Victoria and supported by research teams at a number of research institutions across Victoria, and I will run through them briefly. Sam Berkovic is leading a group out of the University of Melbourne and the Florey Neurosciences Institute that is looking at brain structure and the therapeutic responses of brain structures in dealing with the circumstances of epilepsy, which is obviously a medical condition that bedevils many millions of people across the globe and is a very important health issue. As I said, they work out of the University of Melbourne and the Howard Florey Institute, and they will do a lot in the development of our capability to deal with epilepsy in the future.

Colin Masters is a previous Victorian winner — —

Mrs Coote — An excellent man!

Mr JENNINGS — I am very pleased to hear the ringing endorsement from my constant interjector on the other side. In fact I will not acknowledge her today, because I will get her into *Hansard*. Her number of entries in *Hansard* will go up if I recognise her interjections, so I will not on this occasion.

Nonetheless it is very important to know about Colin Masters, who is leading a team at the Mental Health Research Institute of Victoria — again this is world-class research — studying Alzheimer's disease. We as a community should be particularly proud of the scientific endeavour coming out of that institute.

Stuart Hooper is leading a team at Monash University looking at lung disease, particularly the lung disease that affects the development of premature babies. That is very important work to make sure that our youngsters have the potential to lead full and happy lives. In fact the prevention of lung disease in premature babies is very important work. That work will be undertaken in part at the synchrotron in the Monash University precinct.

Alan Cowman is doing important work at the Walter and Eliza Hall Institute, and \$12.7 million has been allocated to his groundbreaking work on malaria. Again we are fortunate that this condition is not prevalent in the Australia community, but it is very prevalent in other parts of the world. We are showing our commitment to being global citizens by dealing with malaria. We have world-leading work on malaria coming out of Victoria.

The last project I will refer to is that of Trevor Lithgow, who is leading a team at Monash University that is working on infection control and immunology across a range of diseases.

Apart from those professors leading great teams of scientific endeavour in Victoria, what else do they have in common? They have in common that they work out of workplaces and facilities that have been supported by our government. Consistently during the life of our government we have seen the reason to invest in projects such as developing the synchrotron to assist in the work that is leading to the new Melbourne neuroscience project, which will bring the Howard Florey Institute at the University of Melbourne and the Austin Hospital together. The work at the Austin precinct will be concluded by 2010 and the work at the Parkville precinct by 2011.

The government provided \$50 million to support \$150 million worth of development at the Walter and Eliza Hall Institute. The biomedical sciences precinct at

Monash University has been supported by our government — \$10 million out of the \$100 million redevelopment.

Honourable members interjecting.

Mr JENNINGS — I am invited by the opposition to comment on co-investment by the commonwealth in its current administration and the previous one. I am invited to do that, and in fact I will acknowledge this contribution consistently, as I have done in the past. My track record is to acknowledge the contribution of the commonwealth to this field. It is a field that was sorely neglected for decades, but it has been remedied in the last decade.

We invite the commonwealth's investment in Victoria. We invite the investment of the National Health and Medical Research Council in Victoria. We have established the preconditions to make sure that our institutes are world class so that our researchers can undertake their work and we will see future research occurring in Victoria. It is something we as a government are dedicated to seeing, and we are very happy to partner with our institutions here and the commonwealth when that opportunity arises.

Public transport: myki ticketing system

Mr KAVANAGH (Western Victoria) — My question is for the Minister for Public Transport, Martin Pakula, and relates to the introduction of myki. Recently a caller to talkback radio said that he was officially told that his myki card was delayed because 200 000 documents, which he thought were myki cards, had to be shredded because they bore the signature of the previous Minister for Public Transport rather than the current Minister for Public Transport. Can the minister confirm whether even more money has been wasted on the introduction of myki by shredding large numbers of documents meant for the public because they contained Ms Kosky's signature rather than his own?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Kavanagh for his question. I was aware of the somewhat confused media reportage of this issue last week, where initially there was a suggestion that myki cards had been pulped because they had a minister's signature on them. Anyone who has got a myki card would know that the only name on a myki card is in fact the name of the passenger.

The distribution of myki cards to seniors has been one of the issues under the consideration of the new CEO of the TTA (Transport Ticketing Authority), Mr Carolan.

Mr Carolan wanted to ensure that the transition of seniors to myki is as seamless as possible. I share Mr Carolan's view and the TTA shares his view. Seniors always expected like-for-like transition from Metcard to myki — that is, that it works everywhere, it works at all times and over-the-counter retail is available. As has been indicated in this place on numerous occasions, myki is now live only on metropolitan trains and regional buses, so a like-for-like transition has not been possible. That has caused some confusion for passengers, but particularly for seniors.

The original distribution plan for seniors was to send them a myki card when trains, trams and buses went live at the same time, which was originally scheduled to be late last year. As Mr Kavanagh would know, that is not what occurred. The decision was made for myki to go live on trains only. Many seniors use myki cards on trains, but many use buses and trams as well, so the TTA made a decision to make sure that the right information was received at the right time and that seniors could use their myki cards across the network from the get-go.

That has involved a decision being made by Mr Carolan and by the TTA to distribute the existing seniors myki cards with new, up-to-date information, not with a letter from me, once trams, buses and V/Line services have gone live. Mr Carolan indicated at the time that there was an additional cost involved in that approach, and that will be reallocated from the marketing budget. However, it is false economy to cut costs in communicating with a group that is so important to the Victorian community. We have to get the message right for seniors, and getting the message right for seniors involves distributing the myki card to them at a time when they can use it on all major public transport.

Supplementary question

Mr KAVANAGH (Western Victoria) — Can the minister indicate how much money having to make that change cost?

Hon. M. P. PAKULA (Minister for Public Transport) — At the time the TTA indicated that there would be an additional cost, primarily the cost of providing new brochures or new material, such as printing a new letter and the cost of putting a card with new material in an envelope. As for the specific figure, I am happy to take that on notice and provide Mr Kavanagh with it.

I should indicate that at the time when the decision was made the Victorian state manager of National Seniors

Australia, Arnold Bates, came out very strongly in public and welcomed the move by the Transport Ticketing Authority. National Seniors indicated in a media release that it was glad that the TTA had listened to the concerns of seniors and not rushed through with a plan that was not fully ready. It indicated that seniors want a simple system where they can go to a retailer and top up their card by using cash.

Mr O'Donohue interjected.

Hon. M. P. PAKULA — To take up the interjection, Mr O'Donohue, when the decision was originally made to send out the seniors cards — I think it was in early last October when the original decision was made — to all seniors at once, those things were not clear. Those things are obviously clearer now. As I say, a decision was made by the TTA, supported by the representatives of senior Victorians, to make sure that when senior Victorians receive their myki cards they do so at a time when they can use them on all modes of transport, supported by material that provides them with the correct information and a message which is not confusing but is clear and easy to understand.

I think the right decision was made by the TTA. Seniors can obviously continue to use their Metcards and continue to receive all the benefits therein, and they will receive their myki at a time when it is appropriate for them to do so, when it is available for use on all modes of transport and with clear and appropriate information.

Financial services: government initiatives

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Financial Services, John Lenders. Can the minister update the house on any recent announcements regarding the Brumby Labor government's skills pledge and how this program is boosting training opportunities for thousands more Victorians?

Mr LENDERS (Minister for Financial Services) — I thank Mr Eideh for his question and his interest in financial services and training of the workforce. Victoria has withstood the global financial crisis with its financial services sector probably better than almost any other jurisdiction, certainly better than places like the UK, Switzerland and the USA, and probably Singapore. Part of the reason for that has been that we have had a strong workforce operating in a very strong economy.

Last week I had the joy of speaking at a financial services symposium where 700 of the leading members of our financial services sector came together to talk

about the future in financial services. In the last decade this sector has grown to more than 11 per cent of our economy. For it to continue to grow we need to continue to invest in people and infrastructure and in reducing burdens so as to make it more attractive for financial services to come to this state and generate more jobs in this state.

One of the things I announced last week at the financial services symposium was that ANZ, National Bank of Australia and Bendigo Bank, Victoria's three largest banks, have signed a skills pledge to essentially boost the skills of their workforce in collaboration with the Finance Sector Union. That means 20 000 Victorian finance sector employees will have the opportunity to upskill through this pledge by the three largest banks in Victoria.

I hope we can roll this out to other financial services institutions so that we can deal with the shared goal of boosting the skills of our workforce. This is good for the individual workers. It gives them opportunities to upskill and to improve their own positions in their own jobs at a time when globally the financial services sector is seeing a lot of offshoring of jobs and a lot of changes coming which have given great insecurity to the workforce. It is a commitment from the major employers and the union to work together to upskill the workforce.

This gives opportunities in Victoria. I invite members to go down to Docklands and look at the infrastructure that has now arisen around financial services in this state. Down there they will be able to look at ANZ's new international banking headquarters. ANZ is a large Asia-Pacific bank growing in Asia, with thousands of employees in Asia and with 6500 people in one of the highest state-of-the-art buildings on this planet. It is a great international company based in Melbourne, and it is creating jobs.

The National Australia Bank has its large internal training facility at Docklands, giving workers opportunities to upskill. We could visit Bendigo Bank, Medibank Private and Members Equity Bank — which members with a less than positive view often talk about in this place — and see how the financial services sector has grown. That is before we even commence with funds management.

I have said before in this house that in Australia we have the fourth largest amount of funds under management in the world, thanks to the visionary moves of the Hawke and Keating governments and the trade union movement in bringing in compulsory superannuation for every Australian employee. Now we

are seeing the consequences of that, not just in retirement income for those individual workers but in great funds onshore to invest in Australian projects and a growing financial services sector that creates jobs in Victoria today.

I am delighted to take Mr Eideh's question. I invite all members to look at this. It is a pledge for better skills and more jobs, which is what we need in Victoria. It is all part of the fabric that makes this state an even better place to live, work and raise a family.

Sitting suspended 1.10 p.m. until 2.13 p.m.

MINISTER FOR PLANNING: WANT OF CONFIDENCE

Debate resumed.

Mr HALL (Eastern Victoria) — This motion seeks to demonstrate no confidence in the Minister for Planning. Again, it is disappointing that the minister chose not to be here during the course of this debate. He seems to be running away pretty quickly from this issue. But it is something he will not be able to run away from forever. I think the chickens are starting to come home to roost. The unrest right across Victoria regarding the performance of the Minister for Planning is loud and clear — that is, people are not happy with that performance.

Prior to the luncheon break I was validating some of the statements I made about the fact that I could not believe neither the Premier nor the Minister for Planning had no knowledge whatsoever of the document which is the subject of much of this debate today. I got to the point where I said I could not believe the minister had no knowledge of it. A particular media adviser worked alongside the Minister for Planning, and I think they had been in that position for some time. I simply cannot believe any of us who have staff who are responsible to us are not aware of the sorts of documents they produce on a regular basis. I cannot believe this is a one-off document by any means. I am of the strong belief it is common practice for documents of this nature to be produced. This document is exceptional in this circumstance because it has found its way into the public arena. My constituents and I cannot believe the minister's denial of any knowledge of this document, because when you work alongside one of your staff members you must be aware of the sort of documentation they produce on a regular basis with you.

I also want to validate why I think this sham, dodgy and deceitful consultation process is becoming common practice with this government. In respect of the Hotel Windsor redevelopment, very clearly the media plan outlines that there is going to be a sham consultation process, that the decision has already been taken and that the people of Victoria, in good faith, are going to be dragged through the process of making a submission for no purpose whatsoever other than to simply validate a decision that the government has already taken.

It happens all the time. It happened to me just prior to the last election when I went to the trouble of making a submission to a VEAC (Victorian Environmental Assessment Council) inquiry into the Goolengook forest management area in East Gippsland. VEAC had been given a reference by the government to undertake an evaluation of that land for its suitability for inclusion in park status. I made a submission to that inquiry. A week later the government aborted the inquiry and said, 'We are going to turn it into a national park anyway'. Whether you agree with the decision of the government or not, the fact is that many people have gone through the submission process and made the effort of putting in a submission only to have the rug pulled out from underneath them when it was discovered that the decision of the government had already been made.

We are in a situation now in Victoria where people are getting disillusioned and disenchanted. They are simply saying they do not believe consultation processes are fair dinkum, honest or effective. People are getting to the stage where they simply will not contribute any further.

This matter, which highlights the respect the minister shows towards the office of the Crown he holds, the Parliament he serves and the people of Victoria he serves, was eloquently and properly outlined by the Leader of the Opposition in this chamber, David Davis, in his opening remarks when he spoke about the responsibility of being a minister of the Crown. One responsibility I would add is that of taking responsibility for your own actions and being in the chamber when a motion of such importance about you is being debated.

The most obvious demonstrations of the minister's disregard for a proper process is the contempt he is showing by his absence from the chamber during the course of this debate. We saw the minister for one minute before question time; then we saw him for one minute when Parliament resumed after the luncheon break. When someone has a vote of no confidence against them and members are airing their views and feelings about that person's performance, I would have

thought that person would have been in this chamber to listen and to defend themselves. But no, the minister has chosen not to do that. He has chosen to absent himself. I say that is a clear demonstration of the absolute disregard, neglect and discourtesy this minister shows for appropriate process.

I have always tried to reflect the views of my electorate, and in the comments I make today I do so again, because it is my strong view that the expressions I put before the chamber in this debate today are those reflected in my electorate of Eastern Victoria Region, where constituents have seen more of their fair share of unfair ministerial decisions and circumvented processes.

I will list some of the planning decisions that the minister has called in: the desalination plant near Wonthaggi, the Bald Hills wind farm, the C48 planning scheme amendment across South Gippsland, the coastal planning fiasco right along the Gippsland coast, the Tambo Bluff East Gippsland development, the Bastion Point boat ramp, the Dollar wind farm — and I am sure there are many others. They are all projects where the minister has aborted the public process and which he has called in.

I recall that with the Dollar wind farm I made an extensive submission to the planning panel, but I think there was a predetermined position with that project. I know for a fact that many of my constituents are most unhappy with the processes employed by the minister in respect of those developments.

The latest is the minister's unilateral decision, without consultation, to alter the permit conditions for the Bald Hills wind farm, where he has simply increased the maximum height of the wind turbines from 105 to 125 metres and suggested that there was absolutely no need for any further public consultation on that, despite the fact that the increased height now required aviation lights to be put on the top of each of the wind turbines.

As I have said before in this chamber, one would think that that sort of change to a planning condition warrants at least some consultation, if nothing else. But no, there was no consultation with the South Gippsland council nor with the South Gippsland community; the minister simply proceeded at his own will to make his own decisions without consulting with the people of Victoria. That is a further example of the shambolic planning processes employed by this minister and the government.

I want to refer to an article in the *Sunday Age* of last Sunday, 7 March, by Melissa Fyfe, who, all members

know, pays a great deal of attention to state political matters. In the article she summed it up pretty well and in her commentary about this whole fiasco of the leaked media plan that has been made public, she has hit the nail on the head. Under the heading 'Madden media plan shows the inner workings of spin' the article states:

On Friday afternoon, the ABC did Victorians a favour and posted the now infamous Justin Madden media plan on its website. Reading it is like pulling back a curtain and peering into the heart of the Brumby government spin machine.

Further, it says:

The government yesterday repeated that the plan was an 'internal speculative working document' and refused to answer further questions.

But it says:

The plan is actually considered, detailed, strategic and well-informed. Duke, who was blamed for coming up with the strategy to scuttle the Windsor development and has now been moved from the media unit, was actually very good at her job.

These media plans are not unusual in the government's media unit, which is run out of the Premier's office. Duke was doing what she normally does and sent her work plan to her bosses George Svigos and Sarah Dolan and the Premier's media adviser, Fiona Macrae. What is unusual is the public being able to read it.

That is from a person who is well experienced in the media and politics, and I think we have to pay credence to the views expressed in it. There is absolutely no doubt in the mind of Melissa Fyfe and the minds of those on this side of the chamber that this is a regular practice adopted by this government and such media plans are well known within government circles. As I said earlier in my contribution, this media plan —

Hon. M. P. Pakula — You don't do media plans.

Mr HALL — Minister Pakula interrupts and says, 'You don't do media plans'. The minister and the Premier have both denied any knowledge of this media plan. They said, 'This is an aberration. This is just speculative language. It is a draft; it is an internal working document. We know nothing of it'. Yet that document was sent to the head of the media unit and three others within the office of the Premier, so for the minister and the Premier to suggest that they have no knowledge of it is grossly misleading. That is putting it in the kindest terms, because there is no doubt in my mind that they must have had knowledge of it. It has come from an experienced journalist that they must have had knowledge of it.

In summary, I think the people of Victoria have had enough. Certainly the people whom I represent in eastern Victoria have had enough of this minister and his incompetence in the planning mechanisms in Victoria. It is time the minister did the right thing. If he has one ounce of decency left in him, he will do the honourable and right thing, the thing the people of Victoria expect of him — that is, resign from his position. It was demonstrated last June and has again been demonstrated today that this minister does not hold the confidence of the people of Victoria; therefore, he should go.

Hon. M. P. Pakula — How do you know?

Mr HALL — Well, he doesn't. Mr Pakula asks, 'How do you know?'. I just outlined a whole range of planning projects in Eastern Victoria Region, the process for which I know my constituents are not happy. Minister Madden has presided over all of those processes and has imposed his will without proper consultation and due regard to the people I represent. I say with absolute confidence to you, Mr Pakula, and others, through the Chair, that the people I represent do not believe this minister is competent; they do not have any confidence in him. They believe, as I do, that he should resign today.

Hon. M. P. PAKULA (Minister for Public Transport) — I have never heard so much self-righteous hooey. I have never heard such political nonsense masquerading as high-minded rhetoric. It is important to deconstruct this motion and demonstrate or try to analyse what is its basis.

Mr David Davis moved a motion of no confidence on the basis of two things — firstly, the media strategy which was inadvertently sent to the ABC in regard to the Windsor Hotel redevelopment; and secondly, a reference to long-established traditions of ministerial responsibility under the Westminster system. I will deal with the second part later.

Mr Finn — Much later presumably.

Hon. M. P. PAKULA — Clearly the mover of the motion does not understand the Westminster system, Mr Finn, and if you are relying on it — —

Honourable members interjecting.

Hon. M. P. PAKULA — If you are relying on it, Mr Finn, neither do you. If you are suggesting that the Westminster system has ever suggested that ministers ought to resign because of resolutions of no confidence in an upper house, then you do not understand the

Westminster system. It is not the Westminster system, and it never has been; but I will come back to that later.

The notion that the reference to the Windsor Hotel redevelopment should form the basis of a no confidence motion, and particularly the carriage of a no confidence motion, is a very curious one. It is a very curious notion because the opposition, with the support of the Greens, has set up a parliamentary inquiry which they claim is genuine. It is devised to get to the heart of the matter. It will call witnesses; Minister Madden has already agreed to attend, and it will seek to call other persons to find the truth about the media plan and to ask the minister questions, as they did in this chamber yesterday and today, about the conduct of the decision making in regard to the Windsor Hotel redevelopment.

They say the inquiry is designed to ask those questions, to conduct that inquiry, to examine those witnesses and to ask the minister for his response. They say the inquiry is a genuine one; it is an inquiry with no preconceived notions, and an inquiry where natural justice will be observed.

Yet opposition members use the Windsor Hotel reference in the media strategy as the basis for a no-confidence motion, before any of those processes have been carried out, before any of the questions have been asked, before the inquiry has been held, before the witnesses have been examined and before the minister has had the opportunity to put his side of the story. How that can be the basis of a no-confidence motion on Wednesday, when that inquiry will not commence hearings until Friday, escapes me entirely. Either the opposition genuinely wants to ascertain whether its contention — —

Mr Drum interjected.

Hon. M. P. PAKULA — Why have the inquiry? Either the opposition wants to ascertain whether its contention that the Windsor Hotel process is a sham, whether it wants that contention — —

Mr Drum — We know that.

Hon. M. P. PAKULA — ‘We know that’! You know that, do you, Mr Drum?

Mr Drum — The email tells us that.

Hon. M. P. PAKULA — Are you part of the select committee?

Mr Drum — Probably not.

Hon. M. P. PAKULA — Mr Drum would know if he were on the committee or not, and he says he already knows the answer to the question that the select committee is seeking to determine. Is that right? So either the opposition genuinely wants to ascertain whether its contention is correct that the process was a sham or, and this is the only other possibility, the process of the select committee is itself a sham. One or the other is true, and it is my contention that this motion being debated in this house today is in itself evidence that the Legislative Council select committee process is a sham, because if opposition members were genuinely seeking information, if they were genuinely seeking to confirm in their own minds whether or not their contention was correct, this motion would not be being debated today. The opposition would at least do the minister the courtesy of trying to create the impression that the inquiry is a serious one by waiting until it was concluded before it moved a motion like this.

Mrs Peulich interjected.

Hon. M. P. PAKULA — We will come to that, too.

The PRESIDENT — Order! Mrs Peulich is not in her place.

Hon. M. P. PAKULA — I was a member of the select committee on gaming licensing, and we have already seen how these select committees can behave as kangaroo courts, how they can behave like star chambers, how they can be used entirely for political purposes. That committee engaged in constant leaking to the media. Matters that were discussed in private were in the hands of Michael Warner within hours and in the hands of Michael O’Brien within hours. The refusal to exonerate the former Premier, even though there was no evidence whatsoever provided against him, and the way the committee’s processes were abused gave me all the evidence I needed to know how these processes can be misused and how political they can be.

If we accept that the Windsor Hotel reference in the media strategy — the reference that is the subject of this select committee — cannot by itself be enough to form the basis of a successful no-confidence motion, given that these matters are still to be examined, still to be determined, still to be properly ventilated by that committee, what else of the minister’s conduct can be the basis of this motion?

We have heard reference by Mr Hall just now to an article by Melissa Fyfe which said that the revelations in the media plan pull back the curtain that exposed the way

governments use the media. Mr Viney went to this before. Where is the news in any of that? The fact —

Mr Drum interjected.

Hon. M. P. PAKULA — Here is the reality. Anybody's private strategy documents — whether it is the government's media planning or the opposition's media planning, or a person's text messages to their friends, or their emails or their phone — anyone's private strategy documents are going to cause them embarrassment if they are put into the public domain because they are not pieces of material that are designed to be in the public domain. They are people's private documents.

Mr Hall stands up here and carries on as if the Minister for Planning's media plan is the first and only media plan that has ever been produced by a politician. What a load of nonsense!

I am sure David Davis has a media plan. I am sure Paul Price prepares media plans for the Leader of the Opposition, and I have no doubt that if those media plans were in the public domain, they would cause those individuals significant embarrassment.

Honourable members interjecting.

Hon. M. P. PAKULA — What would Mr Davis's plan be like, Ms Lovell? What would it say? Would it say, 'Go in the media. Make sure you have a serious countenance. Use words like "mate" and "cover-up" and "sham process" and "corrupt" and "secretive" and "come clean" as often as possible'? You do not think that is what the media plan would say? You do not think that would look a bit cynical if it was in the public domain? I could only imagine what the Leader of the Opposition's media plan would look like.

The notion that it forms the proper basis for a motion of no confidence because there is content in a media plan which causes the minister embarrassment is an absolute nonsense. If the contents —

Mr Drum interjected.

Hon. M. P. PAKULA — Yet again Mr Drum obviously failed to take note of my earlier comments. If what he is referring to is the Windsor Hotel redevelopment comments, they, I thought, were the subject of a select committee inquiry by this Parliament that has not yet commenced. Mr Drum has obviously formed a view about that and it exposes the select committee inquiry as a sham which has a predetermined view. So what is the point of it?

If it is not the fact that there is content that embarrasses the minister, as there would be for any member of the opposition if their media plan were in the public domain, and if it is not the fact that it is the Windsor Hotel redevelopment which is the subject of an upper house inquiry that are the bases for the motion, what else are?

Mr Hall made reference to the fact that the minister has made a lot of decisions that are unpopular with his electorate and that he is in here reflecting the views of the electorate. I have to say, apart from the fact that even with Mr Hall's distinguished career and even with his no doubt enormous capacity to visit his electorate, for him to purport to know the views of 400 000-odd electors on the matter of the Minister for Planning and whether or not the community has confidence in him is a bit rich, even for Mr Hall.

The fact is that planning is a difficult portfolio, a controversial portfolio, a portfolio where ministers often have to make extremely difficult and often unpopular decisions — and there is no doubt that there are a number of Mr Hall's constituents, as there would be a number of my constituents and a number of constituents of all of the members of this chamber, who would be unhappy with some of the decisions that he has made.

Mr Hall interjected.

Hon. M. P. PAKULA — But the fact that he has made decisions that some of Mr Hall's constituents or some of mine are not happy with is not the basis for a no-confidence motion in a minister, because if that were the case no-one would survive. If that was the basis for a no-confidence motion nobody would survive. I put it to Mr Hall that if he is right that his constituents are unhappy with the decisions the minister has made, the proper way for that to be determined and for that view to express itself is not by Mr Hall coming into this chamber and purporting to represent those views. It is for those —

Mr Hall interjected.

Hon. M. P. PAKULA — On the basis of a no-confidence motion, Mr Hall comes in here and purports to represent the views of his constituents as the basis for his vote, when frankly he has no idea what 400 000 people think.

The proper way for those views to be ventilated — if Mr Hall is right — is through those constituents ventilating those views themselves at the ballot box. If Mr Hall wants to come in here and pass a vote of no confidence in the minister, he is entitled to do so, but he

should not hide behind his assertion that he knows the views of 400 000 people on the matter.

The other part of this motion is the house calling on the minister to resign immediately in the interests of upholding the long-established traditions of ministerial responsibility under the Westminster system. The opposition's basis for that is that this chamber passed a similar motion some months ago. As I indicated when I opened my remarks, I think that betrays a clear misapplication of the Westminster system. It has never been the case, either here or anywhere else, that the Westminster system demands that anybody resign because of a motion carried in the upper house of a parliament. That is not what the Westminster system says. The Westminster system says government is responsible and responsive to a majority in the Legislative Assembly — in the people's house.

That leads me to a question in my own mind: what would be the import of this motion if carried — and whether or not it is carried falls only to the decision of Mr Kavanagh, because the Liberal, National and Greens parties have already indicated they will vote for it — other than a marriage of political convenience which is designed to do damage to the political enemies of that marriage of convenience? From Mr David Davis we have heard a lot of high-sounding rhetoric about the Parliament and the Parliament expressing its view, but the Parliament has not expressed its view; the Legislative Council has expressed its view.

There are two houses of Parliament. They are the Legislative Council and the Legislative Assembly, and similar motions could be passed in the Legislative Assembly, where the majority is held not by the opposition and the Greens but by the government. The Assembly is a house of Parliament as well, and it is not impossible that a government in an Assembly could pass a motion expressing no confidence in the Leader of the Opposition and on that basis demand that the Leader of the Opposition resign.

What would happen if the government did that in the Assembly? The opposition would say that it was a meaningless motion, that it was an entirely political motion, that it had been conceived by the government to embarrass the opposition and that it had no status or significance beyond that. And do you know what? In those circumstances the opposition would have a point. The truth is that the only form of no-confidence motion that has any standing under the Westminster system is a motion of no confidence in a government carried by the Legislative Assembly. That is the kind of motion that causes ministers to resign and indeed the kind of motion that causes governments to go to elections.

However, a motion of no confidence carried by an opposition-Greens majority in the Legislative Council has never meant that ministers need to resign under the Westminster system.

To make the self-evident point, members on the other side could simply move motion after motion against Minister Lenders, Minister Jennings, me and Minister Madden and then demand everybody's resignation. It might not even be in an environment where the opposition needed the support of another party. Circumstances have existed during the life of this government in which the opposition had the numbers in this chamber by itself. To suggest that on that basis opposition members could demand the resignation of ministers and use Westminster principles to support their assertion makes a nonsense of the notion of ministerial responsibility.

Leg 2 of the motion is therefore a very wonky leg. The motion cannot stand on the basis of its paragraph (2), and as I said in regard to paragraph (1), if the opposition is serious about having an upper house inquiry into the media plan that was released and about the inquiry being a frank and open inquiry which has not predetermined its view and which will hear evidence dispassionately, allow people to provide evidence and give people the opportunity to defend themselves and explain circumstances, then this motion should not have been moved today. The fact that it has been moved today in advance of that inquiry exposes that inquiry as nothing more than the kind of sham process the opposition claims to be opposing.

Mr FINN (Western Metropolitan) — It is a wonderful thing to be in this Parliament today and to be the beneficiary of the all-knowing guidance of the Minister for Public Transport. It is something for which, when I kneel down beside my bed to say my prayers tonight, I will be giving thanks — for the gift of Mr Pakula's knowledge.

Mrs Peulich — And enlightenment.

Mr FINN — And enlightenment, Mrs Peulich. It is a word you do not usually associate with Mr Pakula, but on this occasion we are going to have to.

The trouble is that despite all the arrogance and the don't know, don't care attitude that has just been displayed by Mr Pakula, one thing was missing. In the almost 20 minutes the minister spoke one thing was missing: he did not defend his colleague the Minister for Planning. He did not defend Justin Madden. He did not defend the government on what it has done and what it has been caught doing. He went into process,

into attacking committees, into an explanation of the Westminster system and around and around, but he did not actually defend Justin Madden. Why? Because Mr Madden cannot be defended. What he has done and what he has been caught doing is indefensible.

If Yogi Berra was with us today, he would say that this is a little bit 'like deja vu all over again', because there is a certain sameness about what we have heard from the Minister for Planning on this scandal and what we heard from him on the scandal regarding Brimbank City Council last year. Members will recall that last year we had the extraordinary episode of Hakki Suleyman, who was recently mentioned in despatches in another area, who was running the Brimbank City Council from Mr Madden's electorate office — the Suleyman empire was being run from the electorate office of Mr Madden. It was the centre of corruption of local government in Victoria.

When this was discovered, or when the minister finally accepted that this was going on — because people had been telling him about it for years — what was his defence? It was, 'I did not know'. Why did he not know? As I said, people had been telling him for years. I personally had been telling him for some 12 or 18 months, but he stuck to his line that he did not know. Now we have a total corruption of the planning process of this state, as exposed in the document that was sent to the ABC. This is a deep-seated and orchestrated corruption of an important process in this state. When this was pointed out to the Minister for Planning he said, 'I did not know'. It was exactly the same as the response he gave on another matter in June last year.

Last June he said he did not know what was going on in his electorate office; now he says he does not know what is going on in his ministerial office. If he does not know what is going on in his electorate office or in his ministerial office, why is he in the job at all? Does he know what is going on anywhere? He tells us he does not know. Personally I find that very hard to believe. I am sure there would be many who would be very tempted to believe Mr Madden walks around in a haze.

Mrs Peulich — Head in the clouds.

Mr FINN — With his head in the clouds, indeed, Mrs Peulich. They would be very tempted to accept his explanation that he is too stupid to know what is going on around him. I am not sure I accept that explanation.

Mrs Peulich interjected.

Mr FINN — It is very tempting, Mrs Peulich, I can assure you, but I cannot accept that any minister of the

Crown of any government is that stupid. I cannot believe that that is the case.

I should mention before I go any further that of course, going back to the *deja vu* theme, the responses from the minister last year and now are very similar, and the government gave a similar response. Last year the government sacked the council with no real explanation being given; then it moved its members along to get them out of the way. This year the minister's media adviser has been moved along. We are not sure where she has been moved along to, but we are told she has been 'moved along' — anything to get her out of the way. That is how this government operates. Once government members are caught with their fingers in the till, they claim innocence and then try anything to get the situation, which they have created, out of the way.

There is a certain irony that we are talking not only of the Minister for Planning but also of the Minister for the Respect Agenda, because this minister has a distinct pattern of total disrespect in a whole range of areas — for example, in his electorate of Western Metropolitan Region, which I share with him. As I said to the house not so long ago, in the three and a half years that I have represented that area I have yet to see Mr Madden at a local community gathering; not once has he attended one. I have been to probably thousands over the last three and a half years, but I have yet to see him at just one. That is an example of the disrespect shown to even his electorate — his local community.

I quoted in the past the situation with the Sunshine RSL, where the local community was totally ignored. They were very organised, because they were up in arms about what was being done, but this minister who is supposedly the minister for respect would not even speak to them. That is the degree of respect that he shows. Now we see a total disregard, as displayed by the exposure of this document, for the planning system in this state. That is the simple fact of the matter: his actions are a total disregard for the planning scheme in Victoria.

As Mr Mr Hall pointed out, the minister has spent very little time in the chamber today, and I note he is about to head for the door again right now. I would be tempted to say that most people in the situation that the minister finds himself in would be in this chamber to defend themselves, but not him. Even now he shows the Parliament and this house total disrespect as he puts his tail between his legs and heads for the door, as he does so often. If he does anything well, he does that well — I give him credit for that.

Last year this house passed a motion of no confidence in the minister, which is the strongest possible resolution; it does not happen every day. Many years have passed since the last one occurred. Minister Madden showed no respect for this house; had he, he would not be here, he would not be a minister. In fact he raised his middle finger to every single member of this house, and he refused to resign.

In the final couple of minutes available to me I have to ask: where does this leave the planning scheme in Victoria? The minister, through his actions and the actions of his personal office, has created a situation where a black mark hangs over his every decision. People must ask, 'Has this or that decision been made on merit? Have they been made because the community has been properly consulted or have they been made on some other criteria that the minister obviously uses from time to time?'

There are big black question marks hanging over these decisions, and it has to be said that from this point on, now that the actions of this minister have been made public, every future decision that he makes will be compromised. On every future decision this minister makes people will be entitled to ask exactly the same question: is this fair dinkum; is this done through a public consultation process, or is this based on some secret criteria the minister might have?

I know that this minister will be held in contempt by many in the community for what he did last year in Brimbank, but what he has done now is leave the planning system in this state in tatters. Nobody can have total confidence any more about what is going on in the planning system in this state so long as Mr Madden is the planning minister.

As I said earlier, Mr Madden would have us believe that he is in imbecile. He would have us believe that he does not know what is going on around him — that he walks around with his eyes and ears closed, and does not know what is going on in his electorate or ministerial offices. I do not believe that. What we have seen here is the continuation of a cover-up — or perhaps there is a new cover-up. We saw the first cover-up last year with Brimbank, and we are seeing the second cover-up here today on this particular issue.

This is appalling by any standards, and as elected members of Parliament, elected representatives of the people of this state, we have a responsibility to hold those ministers accountable. This minister, Justin Madden, is not fit to hold the position of minister of the Crown. He covered up last year, he is covering up now

and he has to go. I urge the house to support this motion.

Ms HARTLAND (Western Metropolitan) — I do not have a media adviser. I know what my staff do, I know what they put out in my name, and I check their work. Admittedly I am not a minister and I do not have the workload of a minister, but I find it astounding that a minister would not know what his staff have been doing.

What the media plan shows though, I think, is not confined to the office of the Minister for Planning, Mr Madden. It is a problem across this government. I have been involved for over 20 years in a number of community consultations and nearly every single one of them was a sham and had no regard for local residents and no regard for local concerns. During the Kennett Liberal era that government was much more honest about its consultation — it just took away our planning rights and did not allow us any say in any major project — whereas the current government tends to fudge around the edges of consultation, pretend that it listens and then just goes straight ahead and does whatever it wants to do.

There is a whole list of projects I have been involved with in the last few years, not just from Mr Madden's office but across government, for which I would like to see the media plan and the government strategy to learn how the government intends to make sure that the community is not informed and does not have a say in those projects. They are projects such as the Westlink tunnel that will go under Footscray, and the Tullamarine toxic site, about which the company last night decided it no longer wanted to have a consultation with the community because it was all just a bit too difficult, and that decision has been supported by the Environment Protection Authority.

There is also the issue of the Kodak site at Coburg, which was talked about during question time. Two weeks ago I attended a meeting there with residents and council, and it did not sound to me as if there had been a lot of consultation with the council or the residents.

The Edgars Creek issue has been going on for almost four years now. It was an issue I became involved in during the 2006 state election. This involves a piece of land that is technically owned by VicRoads but has been managed by Moreland council for over 30 years, and VicRoads believes that Moreland council should buy it for a phenomenal sum of money. It is open land that belongs to the local community.

The Barwon Heads bridge issue, also talked about during question time, was not the subject of a great deal of community consultation. As soon as the government did not get what it wanted and we moved a motion of disallowance, the government just overturned it. I do not see a lot of evidence to support why we would not believe what was written in the media plan, the plan on how the government deals with communities across the state.

In the matter of the Growth Areas Authority, people suddenly found letters in their letterboxes saying that substantial taxes would have to be paid on their land. I do not recall that there were many public meetings, except for the ones organised by local communities. I attended some of those meetings, and the lack of information that people received was extraordinary. Of all the processes I have been involved in, it had to be the worst.

Looking at the media plan, it really seemed to me that it was about how you manage communities, how you get down to outrage mitigation and how you dismiss community concerns. The plan referred to meetings that had gone feral because people did not behave in the way the government thought they should. That just shows contemptuous disregard for community views. Whether you like those views or not, you do not refer to local people as feral.

One of the serious things about this media plan is that in reading it we think this approach is being used across the state, we think it is across departments, and we think it is being actively used on a whole lot of projects. The government has to accept that if it continues with this kind of behaviour, the community's opinion of it will diminish. It will be up to the government whether it wants to change its behaviour and actually listen to the community, because quite often it has really good ideas and they should not be disregarded for the sake of the big developers.

Mr JENNINGS (Minister for Environment and Climate Change) — I am contributing to this debate today because ultimately I believe in the appropriate scrutiny of ministers and ministerial behaviour, and in ministerial accountability to this chamber. I have always tried to demonstrate my appreciation of the importance of that concept in terms of what I have been accountable for to the chamber, but have also appeared in debates similar to this on previous occasions to reflect not only on what is fair and reasonable for this chamber to expect of ministers, members of the government in this chamber, but on ministerial behaviour more broadly in terms of appropriate governance and the accountability of good government.

On a number of occasions I have made a series of concessions to legitimate arguments that have been put by our opponents when in fact they have stuck consistently and rigorously to matters of principle, matters of undeniable fact such as the establishment of our constitution and the conventions that are attached to our constitution, and when they are argued consistently by those who are applying scrutiny to the government.

But I have also, on any number of occasions, identified holes in the logic of the consistency and quite often the hypocrisy of the constellation of those arguments that have been put by members on the other side. I will not go through, one by one, the contributions that have taken place in this current debate today, but from my vantage point I can see that contributions from the other side of the chamber have been riddled with inconsistency.

Time and again a kernel of legitimate concern is raised by people in this debate, but unavoidably in the nature of the matters before the chamber there is a fundamental hypocrisy in the nature of the motion we have been discussing today in terms of prejudging a matter that the chamber has already determined to deal with by a more extensive process. It is prejudging a determination of a matter and wishing to conclude it today. I have not heard anybody from the other side of the chamber indicating, 'We will take it far as we can today, but we will fall short of bringing it to a vote because we think it is more appropriate to apply some scrutiny in relation to a committee consideration and a formal inquiry that we have already established to determine the validity and the veracity of these matters'.

Fundamentally we are putting the cart before the horse in relation to the process the Council has already determined to pursue, as is its right. Simply it is a problem that the proponents of today's motion have not been able to confront or deal with. In fact some of them have given the arguments very short shrift and some have bent over backwards. Certainly in his contribution this morning Mr Barber bent over backwards to construct an extensive argument which ignored the fundamental reality that he is quite happy to prejudge the matter today that he has already supported deferring to the consideration of a formal committee of the chamber.

The government will be portrayed today as being overly defensive, as not being accountable and as defending a minister for a variety of principled and political arguments. But you would have to say that from a position of logic, decency and fairness the government's case rests on the inappropriateness of

prejudging the matter before it has been considered formally. Beyond that the politics and the dynamics of the chamber have to be addressed, and unsurprisingly it is irresistible to the opposition parties to start playing with the politics, particularly in circumstances where they think a minister of the Crown is exposed to a lot of public scrutiny and the frenzy that ensues from that in the public domain in terms of the baying for blood and a minister's scalp. It becomes irresistible for people on the other side of the chamber to start playing to that political dynamic.

It is irresistible to the opposition, and we have seen that time and again during the course of the debate today and in terms of the positioning that is taking place within the chamber and outside the chamber, which will continue to take place until there is some degree of resolution of some of the planning matters that are being contested — in fact until there is a resolution that satisfies public scrutiny in relation to the probity consideration and accountability of the planning decisions that are being used as the prism by which this current matter is being considered.

From my perspective the unfortunate thing in terms of how the politics are being played out is that at the moment we see a great desire from the other side to create circumstances where there will be a show trial and everything will be cast through the drama of a potential ministerial victim. It is irresistible to the opposition to pursue that. It is irresistible for it to say on various occasions, 'We want to have a dynamic in which we can provide that scrutiny'. The trouble with that is that when the minister has volunteered to appear before the committee that has been established by this chamber to deal with the matter, the argument has been, 'No, we will deal with it today; we will be accountable today through the prism of one motion, not through the formal structure we have established. It does not suit us to hear your testimony in secret or in closed considerations'. We have been subjected to a very hypocritical stance from proponents of that committee process.

Time and again I have had to endure people on the other side of the chamber saying in relation to the considerations of certain committees that they should not be undertaken in silence and they should not be closed to public scrutiny, because at those times that was an argument the opposition thought stood it in great stead. Yet this morning when someone from the government side — Mr Viney — was talking about the operation of committees, he was prevented from concluding his contribution by those who wanted to make sure there was no inappropriate disclosure of these matters.

I am happy for people to live or die by the sword in relation to the consistency of their argument. I understand there are a lot of reasons why the deliberative and investigative considerations of committees should be undertaken in silence, because on some occasions the information that is provided may be misused in the public domain, in various considerations of public policy or in commercial considerations that may jeopardise good public policy outcomes and good governance. That is a series of arguments and principles I understand. I think one of the difficulties we have as a chamber is that the consistent application of these things is not understood by people such as those who are proponents of today's motion. Quite often they are happy to ignore the principles, ignore the process and ignore the conventions if it does not suit their political will.

Any objective observer or analyst of the arguments that have been put today would be able to delineate clearly between the principled arguments that are mounted time and again and the political inconsistency, the hyperbole and the drama that is played out on the other side, which erodes the principled position that some people have been trying to mount in this debate.

From my vantage point today's considerations are relatively simple: the minister has been prepared to make himself accountable to a process which is not of the government's making and not of the government's preference in relation to a committee structure established by the Council that has authority under the constitution under the standing orders and under the sessional orders. It has a validity regardless of whether or not it is the preferred position of the government, and the minister is saying he is prepared to be accountable in that process.

What we find unacceptable about today's protracted business, as is often the case on Wednesdays, is that people are desperate to get short-term political mileage. They mount arguments in the name of principle, but time and again they shoot themselves in the foot because they cannot see to tomorrow in relation to living by the principle because the short-term political advantage is irresistible to them. That is the dynamic that is at play today. For that very simple reason I and other members of the government will not be supporting the motion and will continue to advocate to this chamber that we will dig a little deeper within ourselves in terms of our contribution and in terms of our understanding of how the process should work and hopefully will be a little truer to what the scrutiny is so we can apply the same standards whether we are on the left-hand side or the right-hand side of the Chair. It is a measure of whether we are worthy of the mandate the

people have given us if we are consistent in the application of that scrutiny regardless of whether we are on this side or the other side of the chamber.

I will do my best regardless of which side of the chamber I am on. I have been lucky in my political career to have only been on this side of the Chair. I would never want words that I have said on this side of the house to be used against me in relation to arguments I made while on the other side.

I challenge members to live and be accountable to that consistency of their argument throughout their political careers in this place just as I would expect my colleagues on the frontbench to be accountable and consistent in the application of those things.

Mrs PEULICH (South Eastern Metropolitan) — I commend the minister on his contribution. I genuinely believe that he is probably one of the few people in this chamber who means it. I do not agree with his philosophy, but he tries to retain a certain integrity and maintain some degree of ministerial accountability that I think is head and shoulders above the rest of his ministerial colleagues.

Like Minister Jennings, I believe members of this Parliament have to use words carefully and have to be prepared to live by the rules that they expect others to observe. I think that goes to the heart of the matter. I have been around for long enough to remember commitments this government made in order to win office and, yes, I was a casualty of that democratic process. I do not begrudge that. No-one enters politics with an expectation of life tenure and life certainty. My respect for democracy is higher than that, so I accepted the verdict.

However, there is nothing that inspires me more than a trampling of the views of the community and in particular the context and way that it demonstrates the hypocrisy and the arrogance that has grown within this government over its term of office.

I feel this is like the film *Groundhog Day*: we went through this nearly a year ago. The reason we are returning to the issue is not only about Mr Madden. This motion is about Mr Madden, but it is also about the symptoms in the community and the trashing of the right and legitimate expectation of people to participate in the democratic process.

An honourable member interjected.

Mrs PEULICH — I am absolutely concerned about that. I never expect other people to live by rules I am not prepared to accept myself. I am not prepared — I

never have been and I never will be — for the hijacking of legitimate processes the community can expect to be involved in for narrow political purposes at the expense of taxpayers. The only way to keep politicians open, honest and accountable is by making sure that we all follow the rules and that we are open and transparent. I for one will not accept the fixes that have been put in place by this Labor government over its 10 or 11 years of office.

This motion attempts to expose the arrogance of the government but in fact this arrogance does not need to be exposed — it is there, with documentary proof. This arrogance — the sham consultation process — has become the hallmark of this government. And nowhere is this arrogance more visible than in the portfolio of the Minister for Planning. This arrogance was exposed inadvertently by a staffer, just as it was exposed by George Seitz, the member for Keilor in the other place, when he blew the whistle on Brimbank. Victorians would never have got wind of the corruption in Brimbank had George Seitz not taken that important step of blowing the whistle on his own side. Now an internal staffer has inadvertently pressed the button and shone a light on what is the hijacking of legitimate processes that the public can expect to be involved in for narrow party political objectives.

Mr Viney has said that asking Minister Madden or other ministers to table their media plan is like expecting them to expose or reveal their re-election strategy, which has been devised by their headquarters. That goes to the heart of the matter. The planning process and the many projects that have raised significant concerns in the community should not be funded at the expense of Victorian taxpayers in order to make it easier for this government to be re-elected.

This is a sham and is a dodgy process. Consultation has been appalling across a range of portfolios but none worse than planning, primarily because that portfolio receives a lot of funding. My concern is the very close relationship that has emerged through the development of very significant projects as well as the capacity of some of those beneficiaries to kick back into Progressive Business, which is the election war chest of the Labor Party. That is my concern: no Victorian taxpayer should have to foot the bill of a political party getting itself elected into office over and above the public funding that is currently in place. Mr Barber went into that chapter and verse.

Minister Madden has presided over a lack of clarity of process. He has been willing and very keen to cherry pick a process. He has been responsible for very dodgy consultations, whether it is in favour of or against a

particular process in order to achieve a predetermined outcome. That can be seen through a large number of projects around Melbourne, certainly in my electorate.

One was the establishment of a concrete crusher at Clarinda. For political benefit it was moved a short distance out of the marginal seat of Mordialloc; it was imposed on another community and was sited very close to schools, kindergartens and homes. The government did not look at what could be done to address the real problems involved with dust and the concerns of the community. The crusher was moved simply to achieve a political benefit.

In the *Dandenong Leader* of 23 September 2009 there was an article with the headline 'Rejected Dandenong housing plan fast-tracked'. This is typical of what has been happening right around Victoria. The article states:

A \$4 million public housing development rejected by Greater Dandenong Council is being fast-tracked by the state government.

In July councillors voted against plans to build 15 one and two-storey homes in Dandenong's Jesson Crescent, saying there was inadequate on-site parking for residents and visitors.

But state planning minister Justin Madden has since moved to fast-track approval, calling the proposal in from VCAT this month.

That is an example of a call-in: if you cannot get the result from a generally compliant council through one process, you institute another one. Another example is not so much calling in a proposal from the Victorian Civil and Administrative Tribunal but fast-tracking it under amendment VC56. I have spoken at great length about the proposed seven-storey public housing development at the back of the Kingston town hall and arts centre.

No-one begrudges the provision of public housing but this government has had 10 years to do it. Most public housing tenants want an integrated form of public housing so that the problems experienced by people in public housing are not concentrated in a particular area from which they cannot escape. They want an integrated form of public housing, but this government has failed to provide it over 10 years.

What the government is doing is moving significant developments into key and sensitive seats in order to leave itself a political legacy that will span 20, 30 or 40 years. It has the benefit of having a Labor government in office federally, so there is federal Labor, state Labor and in many instances local government Labor. Federal public debt has blown out

to \$315 billion so the government has decided to move vast numbers of people who ought to be sympathetic Labor voters into key seats so that in the future it can be a bit easier for Labor to hang onto those seats.

The attitude is: in the meantime, bugger the communities, do not worry about the loss of amenity, do not worry about the loss of valuable city assets that have been paid for and developed by communities, do not worry about the fact that many of those locations are not suited to the purpose that has been identified. It is not suitable to place public housing tenants in a development on the car park at the back of the Kingston town hall and arts centre, adjacent to the Moorabbin railway station overpass, where there have a significant number of suicides. It is not appropriate to have public housing on very busy roads such as South Road and the Nepean Highway. It is not appropriate to give massive concessions in car parking and then come back through the process and try to increase the number of apartments that can be sold to make the project more financially viable and not worry about the parking — even though the project might drive out local business and local facilities cannot be used. It is an absolute sham.

Similarly, the government was putting its toes into developing on the old gasworks site in Highett an 800-unit development that could possibly accommodate up to 2000 residents. The government was going to fast-track it. When the community got wind of this, the government decided, 'Oh, no, this might cost us a couple of seats. Let's change the process. Let's see how we can manage this better'. No doubt there is another media plan which has been devised to deal with that.

The social housing development on South Road, involving the local council, is about destroying people's homes where they have lived for 30 or 40 years and building housing adjacent to a liquor store. It will accommodate clients from the justice department. It makes no sense. It is absolute lunacy. Consultation is a way of exposing lunacy and getting better outcomes for those for whom this housing is intended and for the local community. That is why the government is not keen to engage in a genuine consultation process.

Snubbing this chamber a year ago is one thing. Snubbing it twice in a row shows a contempt for Parliament, a contempt for democracy and a contempt for the very things that members of the Labor Party 10 years ago promised they would respect. I think it is absolute gall for the Premier to appoint the Minister for Planning as the Minister for the Respect Agenda. It has been said — and I certainly hold the view — that this minister, as affable as he is as an individual, has shown

no respect whatsoever for the communities that we all represent. He does not give one hoot about those communities.

The respect agenda is intended to paper over deep division, deep anger and deep frustration as well as concerns about the honesty, integrity and transparency of not only planning in Victoria but also this government and this minister. He might look goofy, he might be popular in some corners, but let me say that he is one of the least popular figures in this government. I believe this minister is Victoria's version of Peter Garrett, the federal minister for the environment, and he is probably one of the most disastrous ministers to have sat on government benches.

This media plan exposes the inner workings of the Labor Party.

The ACTING PRESIDENT (Ms Huppert) — Order! I ask Mrs Peulich to withdraw the comment that the minister looks goofy. It is inappropriate and unparliamentary.

Mrs PEULICH — Looks affable and lovable.

The ACTING PRESIDENT (Ms Huppert) — Order! Mrs Peulich did use the word 'goofy'.

Mrs PEULICH — I withdraw that. These are reports that have been made to me. I withdraw it unreservedly.

The exposé of the sham that was intended to scuttle the Windsor Hotel redevelopment is not a surprise to anybody who follows planning matters very closely. Quite clearly this is run out of the Premier's office, with links directly back to the chief of staff, to Ms Macrae, and, of course, to the Premier. The Premier made it crystal clear who runs the show. He said, 'I've moved her', in order to deal with at least the perception. He has moved her; he has put her there.

This matter is not about just Justin Madden, the Minister for Planning. This goes to the heart of the honesty and integrity — or the lack thereof — of this government and this Premier. The inquiry is not just an inquiry about Justin Madden. It is an inquiry to expose the sham consultation across all portfolios and to show how government resources have been misused for a very narrow party political objective, which reveals a poor ethical culture and is deeply troubling. It is no surprise that the push for the introduction of a broadbased anticorruption commission has been so strong here in Victoria, particularly on top of this minister's attempts to introduce very strong development assessment committees, the GAIC

(growth areas infrastructure contribution) tax, which this chamber knocked on the head, and a range of other planning initiatives which have centralised his power in order to exclude the community even further.

Respect? This media plan shows quite clearly that there is a lack of it. Older Victorians are referred to as 'oldies', there is a reference to 'feral' Geelong, and that people will 'crack it'. Time and again members of this government have shown that they will listen or act only if and when their manipulation of the process is exposed and there is some real threat of political consequences and the loss of marginal seats. Otherwise they do not listen.

Mr Davis spoke about the conflict with the ministerial oath. I would like to remind people about the Labor pledge also. This shows how Labor rules and that it has had a corrosive effect on the workings of this minister's electorate office, his ministerial office, this government and, indeed, the planning system in Victoria. No doubt it is having a gross effect across all the other portfolios as well, with processes that are cooked up — fake processes, overseen by a fake minister.

In local government we have seen the corrosive effect of councillors being required to caucus even where under the Local Government Act they are required to enter council chambers with an open mind. We have seen many more of the decision-making processes of local government conducted behind the scenes and decisions made on councillor-only information, when decisions ought to be made in an open chamber. We all know about the Winky Pop case.

As Mr Barber said, this government expects — I do not believe it does, except from non-Labor councillors — councillors to enter decision-making forums with an open mind, but the same expectation does not extend to ministers. I think this minister's explanation has been appalling. The interview with Josephine Cafagna goes to the heart of this minister's failing to be accountable to not only this chamber but also to all other Victorians. He talked about speculative language. However, he sets the rules and ultimately it all rests with him. He has very much a Sergeant Schultz approach to his duties as an MP. We saw the Hakki policy in his office. He did not know what happened in his electorate office and does not know what is happening in his ministerial office. The question is: why is he taking the ministerial salary? He ought to pay it back and what we ought to do one day is conduct a fulsome audit of all the planning decisions he has made.

I am of the view that further down the track there is likely to be some sort of major inquiry into much of the

activity of this government, especially in the area of planning and development. The 'don't ask, don't tell' code does not work. What does the government do? Hakki has gone, the councillors of Brimbank have gone, Peta Duke has gone. They have not disappeared. They are scapegoats, but they have just been moved out of the public view. Many of those councillors who were moved out of MPs' offices have picked up jobs in the union movement. This is all about media management and perception management. It is all one big Labor fix. That corruption ought to be exposed.

The minister has not made himself accountable. I believe this inquiry, which will occur, is not just about why Mr Madden should no longer enjoy the confidence of this house. This is about exposing the corrosive effect of Labor rules, Labor culture and the Labor fix across a range of portfolios.

Mr Viney confessed that media plans go to the heart of the election strategy devised by Labor Party headquarters. That is the reason the government does not want the inquiry. Most of the ministers in this chamber have risen to speak, even though the minister himself has not been on his feet to defend himself.

The Premier should have sacked this minister. It displays a weakness of standards, a lack of ethical culture and the corrosive effects of Labor rules. The injustices perpetrated on this community are an irrelevancy to the government. Mr Suleyman was never sacked even though there were really strong grounds for doing that. The Minister for Public Transport basically said Westminster traditions are worthless. This is exactly the problem of this government: he said it is business as usual.

I look forward to the corrosive impacts of this government being exposed by whatever means possible, whether it is through this chamber or through inquiries. I look forward to it being ended in November 2010.

Mr KAVANAGH (Western Victoria) — I move:

That the debate be adjourned until Wednesday next.

The ACTING PRESIDENT (Ms Huppert) — Order! This is now a procedural debate. There is a maximum of 30 minutes for this debate; the member has 5 minutes to speak.

Mr KAVANAGH — When I first read this motion I was concerned about the wording of it, because in my opinion it seeks to impose a sentence on a person who has not yet been tried or even found guilty. Even though a fact-finding tribunal has been established, a

fact-finding mechanism has been agreed to by this house and a timetable has even been established, it seems to me after listening to government speakers that many persuasive speeches were made to this effect — that is, the speeches of Mr Viney, in particular, Mr Jennings and Mr Pakula.

It seems to me that at the moment we are in danger of putting the cart before the horse. It is not a normal or logical procedure to determine a finding of guilt against someone who has not yet been investigated. I understand that in the United States constitution there is a requirement for due process to be followed. I do not think we have that as a constitutional requirement in Australia, but it is certainly an ideal worth following in my opinion. Following due process would mean finding facts before determining guilt or innocence.

Although there are very good reasons to be deeply concerned about the minister's conduct, at the moment it seems premature to find he has performed certain actions before he has had a chance to explain himself before the select committee — that will be done very soon. Although there are good reasons for this motion, there is a whiff of a mob mentality developing against the minister. That is never very attractive even if it is justified in some circumstances. Almost always one's sympathy is naturally for the person who is the victim of that mob mentality even if he would otherwise be blameworthy. Natural justice is something we should all be dedicated to. Natural justice demands that we hear from every person before finding and determining guilt against them. We should give them every chance to explain.

My uncle, Bill Barry, Jr, who lived through the split in the Australian Labor Party, said today about an hour ago, 'The one thing I cannot forgive about the split was that the executive in Victoria was sacked without being able to defend itself and without being given the opportunity to explain'. That was a gross injustice that was done to those people. In the circumstances it would also be an injustice to the minister for the select committee to find that he has carried out certain actions without giving him the chance to explain and without effectively examining him about those facts. In my view this debate should wait until after the select committee interviews the minister and finds his side of the story.

Mr LENDERS (Treasurer) — I rise to support the procedural motion moved by Mr Kavanagh. In doing so, I firstly commend him for moving this motion. What we have seen today is a debate where all speakers from the government side, including Mr Viney, Mr Pakula and Mr Jennings, raised the issue that this

was a kangaroo court, a foregone conclusion, and that the process of this house was to set up a committee of the house that would seek advice from a range of people but would refuse to get advice from the minister himself and then form a conclusion as to whether a vote of confidence was appropriate or not. I think Mr Kavanagh has hit the issue on the head — that is, the process is around the wrong way. If this process is to be even vaguely sincere, you would at least need to get the facts first, hear information and then form a view on that before you go to the newspapers and say you are going to be voting for a no-confidence motion regarding a person before you have even heard the debate and listened to any evidence or facts. I thank Mr Kavanagh for this motion.

It is interesting to listen as this discussion goes on. We have had a long debate so far today. It is pertinent that the debate be adjourned. We have had an extraordinary debate. We had a contribution to this debate from Mrs Peulich about the evils of caucusing. It is ironic that the Leader of the Liberal Party goes out and speaks to the press for his entire party, saying that 15 people will march in here simultaneously and vote in a certain way, and opposition members get up in the debate and talk about the evils of caucusing in this area. It is truly ironic.

An honourable member — They were all of one mind.

Mr LENDERS — That is correct; they were all of one mind before they had even heard the debate. The person is sentenced and hanged, drawn and quartered even before the debate has been heard. While I have been critical of how the 21 members opposite will vote in a certain way without hearing the debate, I say to Mr Kavanagh that his was a refreshing proposal from the other side. Mr Kavanagh has honoured his word and what he said when he came into this place — as Mr Viney referred to when quoting Mr Kavanagh's inaugural speech — that you need to have some facts and some decent process in this place, and his proposition is absolutely sound.

If this house wishes to find it has no confidence in Justin Madden, that is the prerogative of the house. But it is absolutely and patently hypocritical to the ultimate degree to come in here to set up a process to seek evidence and advice and, before the process has even started, to condemn a person. Not even a Star Chamber would have done that. It at least would have gone through the pretence of having tried to conduct a hearing.

Similarly, not even Senator Joseph McCarthy in the House Un-American Activities Committee in the US Congress would have gone through the farce of holding hearings after finding someone guilty.

The proposition is quite simple: we have started a debate, this house has spent the day debating the proposition that it has no confidence in my colleague Mr Madden, and 20 opposition members of the house, through their spokespeople, have found him guilty before even the debate having been heard and the case having been put forward. Now in the middle of this, as part of the debate, Mr Kavanagh has responded to the valid points of the government that if you have got an inquiry — —

Mrs Petrovich — He has already been tried.

Mr LENDERS — I take up Mrs Petrovich's comment, 'He has already been tried' — yes, in the Liberal Party party room, where he could not speak for himself, where he had no voice. He has been tried by his political opponents without being represented.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Viney is not in his place.

Mr LENDERS — Without being represented he has been tried by his political opponents, and that is the sort of party the opposition is.

Mrs Petrovich — By the Parliament!

Mr LENDERS — By the Parliament? By the Liberal Party room, without a debate. The government supports Mr Kavanagh's motion to adjourn this debate at least until the committee has had a chance to have its hearing.

Mr D. DAVIS (Southern Metropolitan) — This is a very important debate on an important procedural motion. Mr Kavanagh has moved a motion to procedurally delay the debate for a week. I understand why he has made that decision, and I understand the points he makes. I do not necessarily agree with the points he has made in terms of the inability to make these decisions today, but I understand and respect his position that he would seek to have a further period of time before this debate comes on.

The key thing here is that this motion of no confidence in the minister seeks to make the point that it is about the minister's office, the behaviour of the minister's staff, the behaviour of the minister and the level of scrutiny in his office. It is my strong view that the

minister has not met the standards that would be required of him, and the failure to meet those standards is in itself sufficient to condemn the minister in the way the motion outlines.

I understand why the member would want to seek further information, because there is a lot more information to come out. There is a lot more to be understood on this matter. There is a lot more to be understood about what this minister did in his office, whether he knew about that document, whether he knew and understood about the sham consultation that was being proposed and whether he is prepared to protect the planning processes of this state instead of trashing those planning processes. This needs to be understood in terms of protecting the planning processes of this state and removing a minister who is fundamentally not up to the job and is very likely involved in corrupting those planning processes.

Whilst I very much understand why the member would want to dig deeper and understand more about the abuse of the planning process, and whilst the Standing Committee on Finance and Public Administration has a brief to dig deeper and find the truth, at the same time this hypocritical government is saying that it will not allow the relevant ministerial advisers to attend the committee.

The Premier has been out there saying, 'We will not let them attend the committee'. This is hypocrisy from all quarters. It is amazing to think that the government would say, 'No, we want the process of the committee', yet it is actively blocking the committee's work and frustrating the ability of the committee to get to the deeper issues and concerns that are involved. I understand completely why the community will be angry about the government's proposal to try to block access to ministerial advisers by that committee and to prevent people from trying to give evidence and coming to a point where the truth of many of these matters inside this minister's and other ministers' offices can be developed.

I understand Mr Kavanagh's position. I do not necessarily agree with it. In the circumstances there is an argument to work with the full ability of this chamber to hold the minister to account. There is an argument to gently move forward to get the result that will finally hold this minister to account. If that is what Mr Kavanagh is seeking, I can understand why he would want to do that. Equally, I understand why people would wish to press ahead. Frankly, it is an open and shut case of a minister who has arrogantly proceeded and who has not had the right level of scrutiny in his office, not only in relation to the Hakki

Suleyman incident but more recently with the production of these devastating media plans in his office. It is very concerning indeed.

Mr VINEY (Eastern Victoria) — I would like to open by thanking Mr Kavanagh for his considered deliberation on this matter. In my view it is a very serious matter that the house is being asked to determine a position on an issue two days before the public hearings into that issue even start. I think Mr Kavanagh, as he usually does, listened to the debate and came to a conclusion that was, in his own words from his inaugural speech, a fair and reasonable conclusion to take a fair and reasonable approach to considering a matter that has been brought before this house. I thank Mr Kavanagh for the position he has taken.

What has been instructive in this debate so far, and particularly this procedural debate, is that there has been an absolute confirmation by the opposition of my opening comments, which were along the lines of 'Ladies and gentlemen, welcome to Salem, Massachusetts, in 1693, or if you like the House Un-American Activities Committee in the 1940s and 1950s', because that is what this process is about. It is about using the procedures of this house to condemn someone and to destroy their career and reputation by smear and innuendo — nothing more. What is evidence of that are the very words of Mrs Petrovich, who basically started with, 'Minister, you are guilty of', or the words of Mr David Davis, who in his contribution basically said, 'We have already come to the conclusion'.

What has taken place in this debate today is like the classic smear and innuendo of the House Un-American Activities Committee in Washington in the United States in the late 1940s and 1950s when it determined that people's careers were destroyed, whether they were actors or producers in Hollywood, people who were active in politics or journalists.

They are the people they destroyed in that period; they destroyed them by innuendo, and that is the purpose of what the house has heard in this debate today from the opposition — a process of smearing someone, to use that process to destroy their reputation and to destroy their career — so I am very appreciative of the fact that Mr Kavanagh has listened to the debate and responded to the issues raised not only by me but by Mr Pakula and Mr Jennings.

In fact I was thinking for a minute that Mr Davis was about to cave, but I am not quite sure what position they are now taking in relation to the procedural motion,

because he argued both for it and against it — both for the procedural motion and against it. Now he has gone down in the course of this debate to clarify where the Greens are voting, but we know that it is pretty likely, based on the 70 per cent track record of the Greens, that they will continue to vote with the Liberal Party, as is their style.

As I said earlier, the thing is that Mr Barber likes to compare himself to Che Guevara, but as earlier, Che Guevara never ever lined up with the Liberal conservatives.

The DEPUTY PRESIDENT — Order! That comment of Mr Viney is unhelpful. We are discussing a procedural motion, and reflecting on other members of the chamber during a procedural motion is not on. I have given Mr Viney a fair bit of leniency, as indeed I did the Leader of the Government and, for that matter, the Leader of the Opposition. I ask Mr Viney to keep to the procedural motion.

Mr VINEY — Thank you, Deputy President. The result of the vote will be interesting, given that there was a conversation just now as I was speaking between the Leader of the Opposition and the Greens, on how they intend to vote. They have not been able to work out their riding instructions, but just as Mr Barber's request for the Standing Committee on Finance and Public Administration to undertake this investigation was remarkably similar to the letter we got from Mr David Davis, we will wait and see how it goes, but the continuous process of the lining up of the Greens with the Liberal Party in this chamber has been consistent. We will wait and see whether it happens again.

What has been refreshing is Mr Kavanagh's reasonable position, to say, 'Hang on, let us put a brake on all of this. Let us put a stop to all of this witch-hunt going on. Let us say that this is not Salem, Massachusetts in 1693; it is not Washington, USA, in the 1940s and 1950s. This is Melbourne in 2010 and some fair and reasonable process is due'.

Mr HALL (Eastern Victoria) — I want to speak against this procedural motion. I want to make two points in speaking against adjourning this debate until the next Wednesday of meeting.

First of all, when there was an objection taken to the conduct of this debate by Mr Viney earlier in the day, I objected on the grounds that members of this chamber, apart from the seven who will form the Standing Committee on Finance and Public Administration, have

not had the opportunity to have a direct say on this issue.

This debate today has enabled any or all of those who want to make comment on this issue to do so, and the curtailment of the debate at this point in time denies opportunity for some in this chamber to express their views about this matter. That is the first reason why I oppose the adjournment of the substantive motion.

The second is the fact that the minister himself has not taken the opportunity during the course of this debate to explain himself and to explain some of the matters that have been put forward. Part of the reason why Mr Kavanagh argued for an adjournment was to allow the minister the opportunity to explain himself on many of these matters that were raised during the course of the debate. He could have chosen to do so today, but to this point at least he has not chosen to do so.

I said earlier today, during the course of my contribution, that the strongest condemnation against the minister was the fact that he is refusing today to participate in this debate. Not only has he not taken the opportunity to speak; he has not even been here to listen. He has not even had the courtesy to come in here and listen to members during the course of this debate; that in itself is a strong indictment about the way the minister approaches this issue.

For those two principal reasons, I do not see that there is any value in adjourning this debate until a future time. It is a matter that needs to be dealt with by the house and in turn it needs to be dealt with by the standing committee as well, but both of those are appropriate to allow those debates and those processes to occur. That is why I strongly oppose the adjournment of this debate as proposed by Mr Kavanagh.

Mr BARBER (Northern Metropolitan) — Firstly, I appreciate Mr Kavanagh creating an extra option for our consideration here, and I also appreciate the way he adds to the diversity of the different views that sit around this chamber, so there is no condemnation of Mr Kavanagh for moving this adjournment motion at this time.

However, my argument against his proposed procedure is the same as the one that I made during my substantive debate. The question that is before the Greens — it was not our motion, but it is now before the chamber — is: is there want of confidence in the Minister for Planning? From the Green's point of view, we found lack of confidence in him the last time a similar motion was moved here.

I would not say there is anything about his performance since then that has made us think differently about the way he goes about his job, and most specifically the way he has dealt with this matter in the last two weeks. Quite serious questions have been put to him, and I detailed one journalist's attempt to do that, but his answers were not forthcoming.

Those are the key questions that I would like to put to him, and that is why I proposed the establishment of a select committee, but at the moment his inability to get our confidence is his own lack of diligence over the last couple of weeks in clearing the air around this matter. I understand the government's position would be that they have gotten rid of the adviser, they have chopped off the disposable political tentacle, and now they would like to get their heads down and just tough it through.

But that is not the sort of thing that is going to get the confidence of the Greens in this chamber. To set Mr Viney's mind at rest, I do not think even Mr Davis could have been as quick typing out his letter to the committee as I was on Jon Faine's show that morning, saying that I believed it was the role of the Parliament to look further into this matter.

Mr Leane — He has to stop plagiarising

Mr BARBER — Spot on, Mr Leane. But at the moment we still have the outstanding issue. After finding a want of confidence — if that is what the chamber resolves — we will still have the outstanding matter of confidence in how the planning system operates in Victoria. In order to deal with that, I have proposed a number of things.

We need to talk systematically to the head of the department. We also would like to hear from the adviser, because she has done some things which the minister has then made claims about, and we need to hear from her whether the minister's claims about her behaviour are true and correct.

We also need to hear from the people she included in her correspondence, to further check some claims that the minister has been now willing to put on the record about her behaviour, and that is something that should roll out quite systematically. It goes to the heart of the question of the role of ministerial advisers, which even the government would admit is a hot topic, and has been for a long time.

Our initial rationale, which seems to have been lost on a number of speakers, is that it is the minister's responsibility to maintain the confidence of the chamber, its members and the public at large. Over the

last two weeks we have seen a quite sorry spectacle with no real attempt to answer the deeper questions that were being asked, and therefore as we stand here, and until the minister puts on the sort of performance that we have not yet seen in any of the processes of this Parliament and answers a whole range of questions that I have put on the record that others already had put to him, then we do not have any better information than what we are working on, and our conclusion stands.

Mr JENNINGS (Minister for Environment and Climate Change) — I want to acknowledge something that I implored the chamber to do, which was to consider this matter on its merits. I asked the house to consider the motion on its merits, in terms of its approach to principle, in terms of its approach to process, and its understanding of the politics that surround this debate. I am very grateful that for once when I have implored the chamber on these matters, that there has been a positive response.

I have tried this on many occasions during my political career, and it usually falls on deaf ears. So on the occasion that Mr Kavanagh seems to have responded to those arguments I have put and that were mounted by other people — in fact they are probably principles he is mindful of in his own right, regardless of my imploring him to think about — I am grateful that he has taken some action in relation to that. That is why the government will be very supportive of the approach to defer consideration of the motion before the chamber today to enable another process to take place. That process is not of the government's choosing; it is not necessarily to the government's liking. But the government will be prepared to comply, and the minister has indicated he would be prepared to comply with that other process, because it has an authority and a mandate the chamber has given it to deal with these matters in a more considered and appropriate fashion.

I think it is extraordinary that during the procedural debate the tenor of the contributions and the degree of remembrance of principles, in terms of dealing with matters of process and accountability in a dispassionate way, in the contribution of members on the other side has not been totally consistent with the way in which they mounted their arguments this morning. People on the other side of the chamber today lost sight of those principles when the raw politics, political intrigue and potential for a political scalp became irresistible to pursue. So from the government's perspective we would encourage the chamber's members collectively to take a chill pill and be more dispassionate about the real way we can measure these things, the way we can be accountable to each other and the way we can apply some scrutiny that is consistently mounted on principle,

practice and understanding of our constitutional obligations.

What are the principles of good governance that we are and should be accountable for, and how can we pursue them in the future? If that can be a lesson that we collectively learn — there are things to be learnt on all sides of the chamber in relation to this — and if we can find a discipline that may apply to appropriate scrutiny in the future, we will be a better chamber in terms of acquitting our responsibility to the Parliament and to the people.

These are matters that the government will reflect on and that my colleagues and I will respond to warmly if that is the tone of the scrutiny the chamber brings to bear in relation to these issues. If this can be the last Wednesday when we attempt to have a show trial that prematurely judges matters, and if we stop wasting a disproportionate amount of our time each and every Wednesday in the name of extracting a political scalp or concession that does not come, then — boy, oh boy! — will we have better Wednesdays! Boy, oh boy, will the Parliament have an opportunity to actually do something of substance on a Wednesday! Can we have a bit of a chance for better scrutiny to be brought to bear, maybe scrutiny that the rest of the community will take far more seriously than the scrutiny that has been brought to bear up until this time? I hope that is the lesson we all collectively learn.

The DEPUTY PRESIDENT — Order!
Mr Kavanagh has a right of reply. The time for the procedural debate has expired.

Mr KAVANAGH (Western Victoria) — I would like to repeat that natural justice demands that a person we are to judge, or perhaps condemn, be given every opportunity to explain and every opportunity to answer questions. For a person who is telling the truth, the truth of the matter will become more apparent if he is subjected to questions. That will not happen here, but there will be an opportunity for it to happen in the select committee proceedings due to start on Friday. Mr Hall noted that Mr Madden could speak today, and that is true, but in the select committee we intend to question other witnesses in addition to Mr Madden, as Mr Hall knows. That would be important evidence.

In a courtroom even if an outcome is correct a finding may be turned over on appeal if the process was deficient. In my opinion to rush to judgement, so to speak, today would indicate a process that is lacking in natural justice. Therefore I would like to appeal in particular to my Greens friends with whom I share the

crossbench here: in this case let justice not only be done but be seen to be done by the people of Victoria.

House divided on Mr Kavanagh's motion:

Ayes, 19

Broad, Ms	Murphy, Mr (<i>Teller</i>)
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr (<i>Teller</i>)	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Madden, Mr	

Noes, 19

Atkinson, Mr	Hartland, Ms
Barber, Mr (<i>Teller</i>)	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P. (<i>Teller</i>)	Pennicuiq, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Pair

Mikakos, Ms	Vogels, Mr
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Motion negatived.

The PRESIDENT — Order! Debate will continue on the original motion — that is, the motion that appears as notice of motion 30 on the notice paper.

Mr KAVANAGH (Western Victoria) — As we have just discussed, there are two limbs to this motion. One of these limbs relates to the media plan for the Windsor Hotel development. The second limb seeks confirmation of the decision made in June last year, which expressed no confidence in Mr Madden.

In relation to the Windsor Hotel development media plan affair, I wish to make several observations. Firstly, I think we should be loath to blame somebody for what another person has written to them. However, I think the central question in respect of this matter is: what was this incident that has been reported so widely? Was it an aberration, or was it an indication of a culture within the minister's department?

On the basis of my experience and observations it seems to me that the tone and culture of a workplace is usually set by the person in charge. Pretty early on if somebody makes a joke that is bullying somebody, if the person in charge says, 'There will be no bullying here; we will not get into that sort of behaviour', it comes to a quick stop. Conversely if there is evidence

of somebody seriously proposing tricky deceptive schemes, then it is probably not an aberration.

There must be some evidence that that has been amenable to the person they have proposed it to in the past. I say that only as a matter of suspicion, because I do not think the evidence for that is clear yet. I say it also because I would like to ask Mr Madden about that during the standing committee hearings. If he would like to, he could turn his mind to that question.

We have just had a debate about whether that decision on that first limb should be made now. Indeed, as I have already argued, in my opinion that first limb is premature at this stage. It should have waited until after the standing committee hearings. Indeed I think there is a danger in pushing that at the moment as the people of Victoria may see it as not a very fair process and may not have faith in the outcome of the vote.

The second limb of the motion is to confirm the resolution of June last year in this house. That resolution expressed no confidence in the minister as a result of the Brimbank council actions, particularly by the fact that somebody, somewhat under the control of the minister, was behaving in ways that were quite unacceptable to everybody in this house, including indulging in corrupt behaviour, violence and intimidation for which we should have no tolerance at all. It was on that basis that I supported that motion moved against the minister nine months ago.

In respect of that motion the question would now be: is there evidence that the decision to support that motion was misguided or wrong? I do not see any evidence for that. I am fairly confident that that decision was correct at the time. Or has something changed to make us rethink that the minister has been redeemed in some way since that decision was taken? I cannot see that anything has happened since then to redeem the minister either.

Before concluding, I would like to comment on Mr Hall's observations. It is disappointing that the minister has not been in the house for most of the debate. I think it was Mr Hall who said it was disrespectful of the house, and I think it may even be contemptuous of the house in all of the circumstances for the minister not to be here during a debate on issues which affect him so directly.

The debate we have just had raises some questions in my mind about whether or not we should support this motion in its present form. If I do support the motion, it would be on the basis of the second limb of the motion — that is, on the basis of reaffirming the

decision made last year and not on the basis of a new decision based on media reports of the Windsor Hotel affair, if it might be called that.

As I have already made clear today, in reaching a decision that may adversely affect any person I think a decision-maker, from the point of view of natural justice, is required to give the defendant, so to speak, every opportunity to speak and explain his case, therefore I do not intend to make a final decision until at least we have heard from Mr Madden today.

Mr SCHEFFER (Eastern Victoria) — I rise to oppose the motion. Today's debate has been very wide ranging, and I will confine my remarks to the actual words of the motion as they appear on the notice paper, because I believe that the meaning of the motion and its implications need to determine the way in which one should vote — that is, the way one should decide.

The motion calls for the Minister for Planning to accept responsibility for a document emailed by his media adviser and calls for the minister to resign immediately in the interests of upholding the long-established traditions of ministerial responsibility under the Westminster system.

Mr David Davis, the opposition and the Greens political party assert that emailing a draft document prepared by a junior staffer, noting down her own ideas, constitutes a breach of the edifice of the Westminster system. At the outset I say that I am as committed as anyone in this chamber to upholding ministerial integrity. I understand that ideally, in its pure expression, ministerial responsibility means that a minister is, in the final analysis, responsible for every action of every public servant within his or her department.

The doctrine of ministerial responsibility provides that even if the minister had no knowledge of the untoward actions of a public servant within his or her department, the minister is still responsible. That is Politics 101, but as practitioners, as parliamentarians who operate in the real world, we need to find a way of translating pure expressions of principle or doctrines into the day-to-day practicalities of a real world. Politics is the art of the possible, and we need to find ways of applying time-honoured principles to the exigencies of the moment. We need to look at the ways that the principle of ministerial responsibility is exercised in proportion to the situation at play.

In the doctrine of ministerial responsibility, the premise of Mr Davis's motion is outdated and has been overtaken by the practice of ministerial accountability. Ministerial resignations should only apply where the

issue is of a substantial and serious nature. The UK House of Commons developed a document called *The Seven Principles of Public Life*. It states:

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

In use in the UK is the document entitled *Ministerial Code — A Code of Ethics and Procedural Guidance for Ministers*. It states:

It is of paramount importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister

The test is whether the minister has answered for his actions or omissions, and for those in his office and department, to the Parliament and the public. The other test for the minister's resignation includes whether he has misled the Parliament or failed to take immediate corrective action.

In coming to a view on Mr Davis's motion, I asked myself whether the minister has been properly accountable for the action of his media adviser, to the extent to which the matter is of a sufficiently serious nature to warrant the resignation of the minister and whether he has misled the Parliament. The fact is that the minister's media adviser, a junior staffer with the minister's private office, prepared a draft document of which the minister has said he was not aware. The minister has also said that the language of the document was speculative. That means it was tentative, rough, exploratory and had not been through any evaluation process that would have rejected those parts of the document that were inconsistent with the processes and views of the government.

Keeping in mind the primary question of the extent to which the minister was accountable, he immediately took steps to correct the situation and protect the integrity of the Victorian planning process. The minister announced an independent probity adviser as soon as the issue came to light so that the planning process would be overseen by an independent person. The appointment of a probity adviser ensures that the checks and balances contained in the Victorian planning process are scrupulously implemented in a transparent and accountable way.

As well as that, the minister advised that the staffer who made the error would be removed from the position she had held. I was impressed yesterday with the minister's generous attitude towards his former staffer when he acknowledged her error but refrained from gratuitous

criticism of her. In summary, the minister immediately publicly explained what had happened, set in place probity measures to protect the planning process and dealt with the staffer.

The minister has also responded to questions put to him by MPs in this chamber in question time, and I am sure he will continue to do so over the coming days. The minister also explained the position to journalists and, through them, directly to the public. The minister has agreed to appear before the Standing Committee on Finance and Public Administration to be questioned by his parliamentary colleagues. All these actions on the part of the minister attest to the fact that he has been accountable for the production and release of this roughly prepared document by a junior staffer.

There is also the matter of the seriousness of this particular issue. Any attempt to wilfully subvert the planning process by a minister is extremely serious and that is what the opposition groundlessly asserts. What actually happened is that a junior adviser wrote a rough draft that had not been through those corrective process that I referred to earlier, and it did not reflect the government's position. The minister took immediate action. Seen in this way, the matter does not warrant the resignation of the minister.

Now the opposition, as we have heard today, is hurriedly convening an investigation into the matter by the Standing Committee on Finance and Public Administration. It is a radical departure from convention, in calling for ministerial staff members to appear before the committee. On the one hand the opposition stands on the dignity of the established traditions of the Westminster system in calling for the minister's resignation, but in the same breath the opposition breaches those very long-established conventions by demanding the appearance of staff members. There is virtually no precedent in the Westminster system and it flies in the face of the practice of ministerial accountability where the minister and very senior officers in particular circumstances are ready and able to be accountable through the parliamentary forum — in this instance, the Standing Committee on Finance and Public Administration. This is why the Attorney-General has said very clearly that advisers will not be appearing. In my view it is clear the opposition is using the doctrine of ministerial responsibility to effect what I think is a tawdry political end rather than a defence of the integrity of the Westminster system.

It is incomprehensible that the opposition would call for the resignation of the minister two days short of the inquiry that is being conducted by the Standing

Committee on Finance and Public Administration. The only phrase I can call up that would describe this completely unacceptable approach is that it is 'hypocritical in the extreme'. I would have expected the opposition to have a greater regard for the integrity of the processes of the Parliament.

If there is a single reason for rejecting the motion, it is that the Standing Committee on Finance and Public Administration should be able to do its work on Friday in an independent way, free of a call by this chamber for the minister's resignation. In conclusion I commend Mr Kavanagh for his attempt to have that last principle upheld; very regrettably, it failed.

Ms LOVELL (Northern Victoria) — In the seven and a half years I have been a member of this place this is only the second time a no-confidence motion has come before the chamber. It is not something that is moved lightly by any party. It is something that is only moved when there is a serious issue of a lack of confidence in a minister's behaviour and in his ability to carry out his duties in a fair and appropriate manner as a minister of the Crown. It is unusual that both no-confidence motions moved in my time in this chamber have been about the same minister, and in itself that is telling. This house has already voted that it has no confidence in the minister. This motion is only about reinforcing its opinion of him.

Also in my time as a member of Parliament I have been involved in a number of community disputes where communities have been at odds with the decisions of the government rather than this particular minister. Just a few of those have been in regard to the government's attempt to place a toxic waste dump just outside Violet Town at Baddaginnie; the government's attempt to put a toxic waste dump at Hattah-Nowingi just outside Mildura; and the government's changes to the water laws in the state that changed the sale of water in northern Victoria — it was known as the 80-20 plan. The north-south pipeline is another issue, amongst many others.

What I have seen as part of being involved with a community that is fighting government decisions is that the government enters into sham community consultation processes. Often the processes take an enormous amount out of the community and of the members who are fighting decisions. It engages them in writing submissions, and it takes a tremendous amount of resources and an enormous amount of money for those communities to fight the government's decisions. In being a part of those processes, I have observed that the government is not open and accountable with the community.

When I woke up on Sunday morning I read the first paragraph of Melissa Fyfe's article in the *Sunday Age*, which states:

On Friday afternoon, the ABC did Victorians a favour and posted the now infamous Justin Madden media plan on its website. Reading it is like pulling back a curtain and peering into the heart of the Brumby government spin machine.

I would like to repeat that in part:

Reading it is like pulling back a curtain and peering into the heart of the Brumby government spin machine.

These are not my words but the words of a journalist who watches this government closely. The words struck a chord with me, because as I have said, I have observed very closely the way the government deals with communities. On Friday afternoon when the media plan was first posted on the website I downloaded a copy, and I have to say I was appalled at the way the plan talked about local communities.

In particular I was looking for mentions of issues in my shadow portfolio of housing. I came across the mention of Mr Madden's appearance on the *Insight* program. A briefing note was included, which obviously came from the program itself about what the discussion on it would be. Then there were notes to the minister from his media adviser. One said:

The program also attended public meeting in Geelong that went feral about the development last Wednesday.

I attended the public meeting, but the minister was not there. If the minister had asked me as someone who was in attendance at the meeting, or if he had asked my colleague Mr Koch who was also in attendance, or if he had asked his own colleague the member for Geelong in the other place, Mr Trezise, what happened at the meeting, he would have known the community spoke passionately but rationally about what was going on in Geelong.

The community was not opposed to the social housing development, but it was opposed to the minister calling in the additional 61 units for private housing, because it was an overdevelopment of the site. But the minister's acceptance of the words that the community went 'feral' about the proposals shows he has a very poor attitude towards Geelong.

The comments reflect the minister's and the Brumby government's attitude towards the people of Geelong. They also reveal a culture within the minister's office that treats communities with a complete lack of respect. It is not just isolated to the Geelong incident. The media plan also talks about a housing development in Coburg, and members would have read in the *Age* this morning

how unhappy the community is with the minister's consultation on that project.

I would like to touch on another project the minister has been involved with. It is another social housing project where he has made himself the planning authority. It is a project proposed for the city of Brimbank in Sunshine, which is in the minister's electorate; the proposal is for 30 two-storey townhouses on a very small block of land. I have been there and had a look; I doubt the minister has been there. I met with the residents several times prior to a public meeting, and we had a site inspection, but the residents had been unable to get an audience with the minister.

The City of Brimbank was on the side of its community. It objected to the proposal from the minister. When he wrote to the council and gave it 14 days to comment, it notified its community that this was about to happen; then it held a public meeting, but I was the only member of Parliament to attend it. There are three local members of Parliament who should have been there. In the other place the member for Footscray, Marsha Thomson, in whose electorate the project is located, and the member for Kororoit, Marlene Kairouz, whose electorate adjoins the area and who represents a large proportion of Brimbank, should both have been there.

In fact more than three members should have attended the public meeting; there are several. Certainly the minister, who is one of the upper house members of Parliament for that region, should have been there. It would have been nice if Mr Pakula had been there as he too represents Western Metropolitan Region; but no-one from the government attended, to listen to the concerns of the people of Sunshine.

I attended the public meeting held in the chambers of the Brimbank City Council. I was cheered at the meeting, which is something one of the residents said later they never thought would happen in Brimbank — that a Liberal member would be cheered. But the community was genuine in its appreciation of the Liberal Party standing up for them and at least coming to listen to them, which members of the Labor Party were not prepared to do.

The City of Brimbank wrote a strong letter to the Minister for Planning that outlined that it objected to this planning approval going ahead for a number of reasons; the council believed the proposal failed to meet the planning scheme on many grounds. The council said in its letter:

Council recommends that the application to grant a planning permit for the proposed development should be refused.

The council wrote a second letter to the minister on 11 December outlining further concerns it had with the proposal, particularly to do with parking. In that letter the council stated:

Council reaffirms its recommendation to refuse the application and believes that the enclosed comments, in responses to the traffic report, provide further grounds on which to base a refusal.

We know the residents of Sunshine were against this planning application. They were not against the application because it was for social housing; they were all supportive of social housing. They were against the plan because it failed to meet parts of the planning scheme.

We also know that the City of Brimbank was against the proposal. Yet on 22 December the minister approved that application; so much for community consultation. The government action of writing to councils asking for recommendations towards the planning application was just a sham process, because this minister, on 22 December, issued a press release saying that he had approved the housing development and said it would 'be of great benefit to the community'. Did the minister approve the application or was it just a press release? Was it someone else in his office? Does he really know what is going on in his office? An article in the *Sunshine*, *Ardeer*, *Albion Star*, written by local journalist Belinda Nolan, spoke about this development. This was probably the 'sit down with local journalist' approach that is referred to in the minister's media plan. He had one on Friday, 26 February:

10.30 a.m. meet with local ... journo ... get to know you session discussing local issues ...

No doubt if we went back to the minister's media plan for the first couple of weeks of January, we would find there was a 'sit down with a local journo' note in it. When Mr Madden sat down with this local journalist, she asked him about his decision to approve the planning application. What was the minister's response? The minister told the *Star* that he did not know about the development but suspected it was a local matter:

'I am not conscious of the details of that', Mr Madden said.

This is a very serious matter. The minister is the planning authority. He said in a press release that he had approved the planning application and just 10 days later he told a journalist that he had no conscious knowledge of the details of that application. Who approved it? Was it someone in his office who just signed off on it? Are we to believe the minister did not

take any interest in it? That is a very serious issue. If the minister is just signing off on planning applications without being conscious of the details, it just shows that once again there is a problem with the minister knowing what is going on in his office.

We certainly know that that is what he claimed when we had the last no-confidence motion with respect to him. He claimed he had no knowledge of the activities that were being carried out in his electorate office. Now he claims that he has no knowledge of what is going on in his ministerial office; he had no knowledge of this media plan despite the fact that it was prepared for him. This young adviser had been working in his office for some time preparing media plans every week. Now we read in the *Star* that Mr Madden had no knowledge of a planning application that was supposedly approved by him. It really does make you think that the minister has no knowledge whatsoever of what is going on in his office.

I think this does bring into serious question every decision that has been made by this minister on planning applications, particularly when it comes to the social housing planning provisions he has put in place; he has made himself the authority for all of these. I know that in many communities there has been great concern about the minister's lack of consultation with the community and about communities not being able to have input into these issues. There are residents with these problems in Sunshine and Geelong. There are several sites in Geelong. There are the Moorabool Street and Newtown sites, which have both had public meetings about them, but there are probably about eight or nine other sites where there is community concern about this kind of development. There are concerns in Coburg, Moorabbin, Bentleigh, Ringwood, Ferntree Gully, Bendigo, Highett and Ashwood. We could go on and on naming communities that are concerned about the activities of this minister.

Mr Pakula, the Minister for Public Transport, claims that if all media plans were released, it would be embarrassing. I think it would be embarrassing for this government because these media plans obviously show a culture within this government of sham consultation, trickery, failing to listen to communities and failing to have any respect for the people of Victoria. Today the government has resorted to attack whenever it is questioned. Whenever government members' opinions are questioned, they attack the opinions of others. Whether it be the Liberal Party, The Nationals, the Greens or members of the community, the government will always go on the attack and call into question the opinions of others to cover up for its own failings.

The language that is used in this media plan is appalling. As Mr Kavanagh rightly pointed out, it would not be written in this tone unless the minister was receptive of that tone of language in which it was written. This media adviser was assigned to the minister for quite some time. She would have been writing these media plans on a weekly basis. I am quite sure that if they are released or when they are released, we will see that they have been written in that tone for the entire time she had been working for the minister. It is a tone that shows complete contempt for the people of Victoria.

Members of the opposition — of the Liberal Party and The Nationals and even the parties whose members sit on the crossbenches, the Greens and the Democratic Labor Party — have been raising concerns about members of this government and their contempt for the Victorian community. Some of us have been doing so for the past almost 11 years, since this government has been in power, and others more recently, since they were elected to this place.

Access to this media plan, as Melissa Fyfe rightly points out, is like pulling back a curtain and peering into the heart of the Brumby government's spin machine. Certainly this minister against whom we seek this vote of no confidence today has shown the Parliament and the Victorian people that he does not deserve their confidence.

Mr LEANE (Eastern Metropolitan) — Mr David Davis, as the Leader of the Opposition, has moved a motion stating that he does not have confidence in a government minister. I suppose if there is one thing that Mr Davis should be congratulated on, it is that he is finally actually getting a grasp on and is cottoning on to the two-party adversarial parliamentary system which we have worked under for a very long time. Under that system it is no surprise — I thought it would be in the job description — that an opposition leader does not have confidence in every minister and in not having that confidence to question ministers.

Hon. M. P. Pakula — To disagree with them.

Mr LEANE — And disagree with ministers — and, as part of this parliamentary process, question decisions they have made and actions they have taken. We all understand that wacky Wednesday, as we call it, or general business on Wednesday, is an opportunity for opposition members —

Ms Lovell — On a point of order, Acting President, the member referred to the non-government business day on Wednesday as 'wacky Wednesday'. I think that

that is unparliamentary language and I ask him to withdraw it.

The ACTING PRESIDENT (Mr Eideh) — Order! There is no point of order.

Mr LEANE — Thanks, it is nice to win one from time to time.

Today is general business Wednesday — I will not refer to it as wacky Wednesday. The idea is that we could spend from 9.30 in the morning until 10 o'clock at night debating these matters brought in by the opposition. I suppose the goal of opposition members is not that those discussions are held within just the four walls of this chamber but to get some political mileage out of these debates and in gaining that political mileage to grab some newspaper headlines or news coverage on the debates we have on these days.

I do not know that it is a huge headline, that an opposition leader does not have confidence in a government minister. I think Mr Davis wants a huge headline for just following his job description. You would have to be surprised if that was the end goal. I know that a number of members in the chamber have been through this before; this is the second motion of this kind that has been debated here. The theme of these debates on both occasions has been to bring a minister to account for the actions of other people.

On the first occasion, the basis of the argument put by opposition members was an Ombudsman's report in which the name of the minister against whom they moved the motion was not even mentioned. The report mentioned the activities of one of his electorate officers. I know that opposition members love to yell out his name. If his name was John, Peter or Paul Suleyman, it would not be as attractive as yelling out 'Hakki'. The reality is that his name is Hakki and maybe they think that is a dodgy name — I am not too sure what they are thinking.

The other reality is that that particular person was never charged with anything as a result of that Ombudsman's report. As I said, the actions of that particular individual in Mr Madden's office were the basis of the last motion.

Now we have a motion about the actions of an adviser who has conceded that the wording of a particular email probably was not appropriate, that it did not have the language it should have had. The minister has conceded that as well, no doubt to his chagrin because this particular adviser was, as Mr Madden said, a good adviser who made a mistake.

Mr Vogels interjected.

Mr LEANE — The motion states that the chamber does not have confidence in a minister because of the actions of others. As I said, this is the second time a motion of this kind has been debated in this place. It is interesting that Mr Vogels talks about pressing the wrong button, because I know that opposition members believe that if this motion is carried, the minister should stand down from his ministerial duties.

As much as I understand the standing orders, there is nothing in them to require that. I understand also that people say this is a house of review. Legislation is reviewed here; it can be and has been amended in the three and a half years that I have been a member of this chamber. In reviewing legislation here, it can be and has been defeated. That is the work of this house, but also for the majority of the time legislation has been passed by a majority; there has been a bipartisan or tripartisan or greater position. The standing orders allow for that, but there is nothing in them to say that if we have 50 per cent plus 1 of the members of this chamber voting that they have no confidence in the minister, that that minister is stood down from his position.

I will use the words of the opposition leader when referring to Minister Madden. This morning the opposition leader said, 'He ought to have known what was going on in his office'.

Mr Guy — On a point of order, Acting President, as I understand it, the member is quoting directly from this morning's *Hansard*, which, as I also understand it, is against the standing orders.

Mr LEANE — On the point of order, Acting President, I have not accessed this particular quote from *Hansard*. I actually wrote it in my handwriting when the member was speaking in the debate this morning, so that I could refer to it.

The ACTING PRESIDENT (Mr Eideh) — Order! There is no point of order.

Mr LEANE — That is two from two, Acting President; you must be a lucky charm!

Mr Atkinson — I might move to the chair!

Mr LEANE — It would be great if you stayed where you are, Mr Atkinson.

Honourable members interjecting.

Mr LEANE — These are the words and they are the basis for saying that the chamber should vote that it has no confidence in the minister. On the opposition's argument, the minister should cease to be a minister on the basis that, 'He ought to have known what was going on in his office'.

Let us turn our minds back to not too long ago and talk about the alternate Premier, Mr Baillieu, and the goings-on in the Liberal Party headquarters, where a couple of young men — —

Mr Vogels interjected.

Mr LEANE — Mr Baillieu is the leader of the Liberal Party in Victoria. Not long ago two young men set up a website in Liberal Party headquarters — his office — with the theme 'Ted Baillieu must go'.

Mr Koch — On a point of order, President, the information being portrayed by the member is inaccurate. I seek his withdrawal.

The ACTING PRESIDENT (Mr Eideh) — Order! There is no point of order.

Mr LEANE — The alternative Premier ought to have known what was happening in his office. If members used the principle of the argument the opposition is using today, how can members of the Assembly have confidence in Mr Baillieu? Why does the Assembly not have a motion of no confidence in the Leader of the Opposition? He ought to have known what was happening in his office.

As I just said, two young guys set up a website entitled 'Ted Baillieu must go' at the Liberal Party headquarters; Ted Baillieu is the leader of the Liberal Party in Victoria, so he ought to have known what was happening in his office. That is the principle the opposition is using to argue that the minister should stand down from his position — that is, a vote of no confidence should be passed because the minister ought to have known what was happening in his office.

The minister is in charge of a large department, and a number of advisers and people answer to him; other people in peripheral positions in other sections of the government and other departments answer to him.

In Mr Baillieu's defence, it is hard to sit next to the computer of every adviser when they are about to push the send button or when they are about to update a website which says 'Ted Baillieu must go' — it is very hard for anyone to be in that position!

If this argument that the minister should have known what was happening in his office was used in the instance of a vote of no confidence against Ted Baillieu, the Leader of the Opposition and alternative Premier, the Liberals in this chamber and the other chamber would laugh. They would say, 'We have a process where we select our leadership and leaders. You can have your vote, you can use your numbers and you can say whatever you want, but we will determine whether or not we have confidence in our leader.'

In this chamber there is no standing order that says if there is a vote of no confidence carried by 50 per cent of all members plus one member then that particular minister stands down. In the instance of an Assembly motion moved by government members that Mr Baillieu should stand down because he ought to have known what was happening in his office, we would say to the opposition that we have a process where we as government members of Parliament, elect to go to the executive. If this motion before the house is carried, I know our process will be the same as it always has been in terms of who is in the executive. I can tell members that Mr Madden would still be in the executive.

The last time we had one of these motions, I remember the playacting of the opposition on the following day when Mr Madden was still part of our executive in accordance with the way we elect our executive members. I remember a question was asked by a member from the government side of the chamber. The Liberals pretended not to pay any attention to him. Mr Finn stood up, turned his back and pretended he was looking at his mobile phone. It was the worst bit of acting I had seen since Warwick Capper had a cameo role in *Neighbours*. It was terrible, but we were aware of it.

But there is a reality with this motion. As Mr Pakula said, we could get to the point — and the 50 per cent-plus-one-member rule could be used — where no confidence was shown in every minister. Would the opposition expect that to be some sort of strategy so that every minister would stand down, one after another? It is not the position of this government. Government members decide who will be the executive. I am sure that if there is a change of government the MPs who sit on the other side of the chamber will come to this side of the chamber, use the process and vote on who will be in the executive.

Mrs KRONBERG (Eastern Metropolitan) — I think it is time to push the refresh button on this debate, because it has been grinding on. It is a little bit like an unstable ship at the moment, because the debate has

gone away from the central core of what Mr Davis's motion is all about.

Mr Davis's motion is one of the most important motions brought before this house. For the convenience of people who might be listening to this address through the internet, I am going to repeat the wording of the motion, because we have not heard its content for some time. Mr Davis moved:

- (1) That the Minister for Planning no longer possesses the confidence of this house in view of his failure to accept ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment; and
- (2) That, as the house has already supported a motion of no confidence in the minister on 3 June 2009, the house now calls on the minister to resign immediately, in the interests of upholding the long-established traditions of ministerial responsibility under the Westminster system.

I ask members of the government on the other side of this chamber: where do you think you are? What sort of system prevails as you govern this state? Is it not the Westminster system? Does the Westminster system not have very clear enunciations of what ministerial responsibility is and when in fact it needs to be taken into account? From my perspective it beggars belief that they would challenge that. This is central to the core of this motion.

Hon. M. P. Pakula — You do not even know what the Westminster system is.

Mrs KRONBERG — I can tell you, Mr Pakula, that the Westminster system, in terms of attaching to ministerial responsibility, goes back to the time of King Charles I. When the king challenged the authority of the Parliament, people who, in reverse, challenged the authority of the king were impeached. They might have had the *Braveheart* experience of being hanged, drawn and quartered, they might have languished in the tower or they might have had their head stuck on a pike on London Bridge. However, there has been an unbroken history of ministerial responsibility that has transmogrified into what we adhere to in this system in this sovereign state of Victoria today.

I remind government members that Mr Madden is a minister of the Crown, and I would also remind the minister himself that he is answerable to this Parliament, which in turn is answerable to the electorate. We, in our answerability to the electorate, act as trustees of the electors' expectations of the system of parliamentary democracy we are all here to uphold. This matter goes to the very heart of the responsibility of the Parliament to be accountable to the

electorate. The concept of ministerial responsibility identifies the very point of responsibility for governmental action. It is the final and critical element in the chain of responsibility. I understand Minister Madden's discomfort on this matter, but unfortunately the buck stops with him.

Sincerely, even if the minister believes that much of the public scorn and the cavalcade of criticism that flows from his conduct currently drawn into question is in some way unwarranted, what is now expected of him under the Westminster system of governance is that he take responsibility and resign. He is the minister principally responsible. There is no way to avoid this stark reality. There is nowhere to hide. I say to the minister that this is an egregious event and it is a flagrant abuse of his station in life as a sworn minister of the Crown. The minister's stance buttresses the belief that the accountability of a minister of the Crown is a matter subject to their whimsy and state of mind. The danger, of course, of such a mindset is to shift the blame to non-elected individuals serving the government, thus fostering a climate of behaviour that is inconsistent with the Westminster system. For me that strikes at the very heart of our democratic process. That in turn sets up a slippery slope that threatens to undermine what we stand for in this chamber.

A useful definition of 'ministerial responsibility' goes to the heart of how the debate has coursed today. I quote a gentleman by the name of Andy McSmith, who wrote in the 'Telegraph.co.uk' on 9 May 2002 the nice, succinct definition that I now quote:

Ministerial responsibility is the notional idea that a minister takes the blame if something goes wrong in his department, even if it is not his fault.

What we are all about here today is that we are experiencing a consistent theme of a minister who either is not telling the truth or is thoroughly incompetent because he does not know what is going on around him within the ambit of his responsibilities. We have to underscore the fact that there was a vote of no confidence in him on 3 June 2009 and he did not resign at that point.

I say to the minister that this is a sham of a process. It thoroughly undermines public confidence in the state of Victoria's planning process and it simultaneously chases investment dollars out of this state. This is a contagion that must be stopped.

Ms BROAD (Northern Victoria) — I rise to oppose the motion before the house and to outline my reasons for opposing it. In the contributions made to date, particularly from a number of members on the other

side of the house, there have been extensive references to consultation strategies, sham consultations and similar issues.

In a public statement the Standing Committee on Finance and Public Administration has resolved and reported to the house that it intends:

To inquire into and report on Victorian government decision making, consultation and approval processes, and any knowledge and/or involvement of ministers, ministerial staff and/or Victorian government officers since 1 December 2006 and in particular issues arising from media plans prepared within the Victorian government since 1 December 2006.

I think all members of the house could agree that that is a very broad resolution in relation to matters concerning decision making, consultation and approval processes by the government. I am being very careful here to not refer to any matters of privilege that are before that committee. I emphasise that these are public statements by the committee and emphasise the references to consultation in contributions on this motion before the house.

I want to make some statements about consultation. In particular I want to underline the commitment by Labor to providing a more accountable government that listens and responds to issues which are important to local communities, including planning issues, and to support that commitment by referring to just a few actions the government has taken since it was elected in 1999 in honouring that commitment to consultation.

Firstly, I would like to refer to community cabinet. Community cabinet is an initiative by Labor and did not exist in Victoria until Labor was elected in 1999. There have been around 90 community cabinets held in Victoria since then. I can assure the house that Victorian communities actively participate in and welcome the opportunities that community cabinet presents them to meet and to discuss their issues not only with ministers but with senior government officers and the like.

I can also indicate to the house that members of the Liberal Party, members of The Nationals and their supporters say that they have never had so much access to government ministers and senior government officers as they have had through community cabinet under the current government, and they certainly see a lot more of government ministers and senior government officers under this government than they ever saw under the coalition Liberal-National government led by Jeff Kennett.

How do I know this? I know this because they volunteer this opinion to me unsolicited. Community

cabinet is one example of not just words but the actions of the current government in implementing its commitment to consultation and being accountable in person, face to face with members of the Victorian communities across the length and breadth of the state.

Secondly, let me refer to another initiative by the current Labor government, and that is regional sittings of the Parliament. As far as I can recall they never happened until the current Labor government was elected.

Honourable members interjecting.

Ms BROAD — I will not be distracted by the interjections. Former Labor Premier Steve Bracks announced this initiative by the current government, and since he made this public commitment there have been, I am pleased to say, a number of regional sittings of the Parliament in the interests of taking democracy to the people. These were certainly not actions taken by the former Liberal-National party government.

Let me refer to a third initiative by the current Labor government: the annual statement of government intentions. This is another action taken by the current Labor government to set out to all Victorians the government's legislative and non-legislative agenda for the year ahead. This year the Premier has delivered the third annual statement of government intentions, and there is a very long list of commitments in relation to legislative actions that the current government intends to take as well as non-legislative actions that the government has committed to, and along with those commitments are listed many opportunities for Victorian communities — —

Mr Koch — On a point of order, Acting President, the motion before the Chair is listed as notion of motion 30 on the notice paper, not the statement of government intentions. I am wondering when the member might address the motion before the Chair.

The ACTING PRESIDENT (Mr Finn) — Order! There is some validity to the point of order that Mr Koch has raised, and I ask Ms Broad to come back to the terms of the motion.

Ms BROAD — I welcome this opportunity to refer again to the statements that I made in commencing my contribution on this motion. In those opening statements I referred to the extensive contributions, not to say lectures, from members opposite about consultation strategies and processes, sham consultation processes and the like, and I also referred to the resolution by the Standing Committee on Finance and Public Administration about government decision-

making consultation and approval processes as they relate to this motion.

I am advancing an argument not just about commitments that the current government has made in relation to consultation processes, to accountability and to opportunities for members of Victorian communities across the length and breadth of the state to participate in consultation processes, but also that the argument which the motion makes and which has been led by members opposite on consultation processes is not correct.

I have advanced just a few instances of actions that the current government has taken to back up that commitment to ensure that all Victorians have the opportunity to participate in consultation processes, including in relation to planning issues and consultation processes that the planning minister participates in. The planning minister is a participant in community cabinet. The planning minister is a participant in the annual statement of government intentions. The planning minister is a participant in regional sittings of the Parliament. These are not fictions. These are real, live opportunities for all Victorians to participate, to express their views directly to government ministers, including the planning minister, on a whole range of issues, and to receive a response, if not at the time, as a follow-up to the issues they have raised through these processes, because the government takes consultation very seriously. The government is very willing to be held accountable in relation to all of the information it makes available through documents like the annual statement of government intentions and through community cabinet meetings. The government, having opened up these opportunities for consultation, having provided detailed documentation about the commitments that it is entering into, is then able to be held accountable by all Victorians in relation to the progress it has made in delivering on those commitments.

I move on to contrast those commitments to consultation and the actions taken by the current government in backing up that commitment to consultation and being held accountable for its commitments with the opposition. Earlier Mr Finn made a reference to Yogi Berra, but I must say, in listening to contributions from those opposite, it is hard not to feel a little like Alice in Wonderland when members on this side are lectured by members opposite about consultation and being held accountable. After all, members opposite will well recall the actions of the former Liberal-National government in sacking every council in Victoria bar one, Queenscliffe, summarily removing a tier of government in this state, which removed the opportunity for Victorians to have any say

whatsoever on local planning issues through local government processes. That was just one action by the former government.

I also recall that the planning minister under the former Liberal-Nationals coalition was certainly not exactly regarded, by local government at least, as a great example when it came to consultation processes, without going to the issue of the Auditor-General and the actions of the former Liberal-Nationals coalition government when it came to being held accountable by the Auditor-General.

It is important to underline not only the commitment but also the actions of the current Labor government, including the planning minister, in relation to real, resourced consultation processes which give Victorians opportunities to be heard and provide Victorians with responses to the issues they raise.

I also wish to turn to the matter of the upper house inquiry into Victorian government decision making, consultation and approval processes. I am very conscious of the rules in relation to what it is permissible to refer to here, so I will only refer to matters which are on the public record. The press release issued by the chair of the committee, Mr Rich-Phillips, refers to the matters I have already mentioned on which the committee has met and resolved to inquire into. The release also details the witnesses that the committee has resolved to call to take evidence from, including the minister.

Outside the house the minister has referred to communications on behalf of the committee which he received indicating to him that, having been previously advised he was scheduled to give evidence on Friday this week, he was no longer scheduled to appear and give evidence before the committee on Friday, notwithstanding his already having indicated in writing his willingness and availability to respond to the request and to give evidence to the committee.

Here we have an extraordinary situation where the house is dealing with this motion and in parallel with it a standing committee of this house is to inquire into these matters. The minister was called to appear, and now he has been told he is not being called because the committee does not wish to hear from him at this time. I think my earlier comment — that given the circumstances it is a little like being Alice in Wonderland — is not an overstatement in any sense of the word.

Opposition members need to go away and rethink its strategies here — if you could call the actions of the

opposition in relation to this motion and the inquiry it has instituted through a standing committee of this house a strategy. I urge members to vote against the motion before the house.

Mr ATKINSON (Eastern Metropolitan) — It gives me absolutely no joy to participate in this debate, particularly given it is just nine months or so since there was a similar debate involving the same minister or that minister's judgement and competence. On that occasion the house found that it had a want of confidence in this minister. On this occasion we will test the house's want of confidence in the minister again.

It is unprecedented. The vote of no confidence last year was the first ever for a minister in this house. To have two no-confidence motions in 12 months — even proposed votes, irrespective of whether or not today's motion is passed — is totally without precedent and is a matter of some alarm to me as somebody who has great faith in the parliamentary system and in the processes of government which ought to be beyond reproach in terms of their integrity for the people of Victoria.

Whether or not the minister survives this vote of no confidence today is immaterial to the fact that he needs to realise that in having every one of the members of the government front bench being brought to his defence today — some of them perhaps not with the enthusiasm and commitment I might have expected, but nonetheless every one of them rose to their feet to defend this minister — an extraordinary amount of capital has been spent. The minister ought to be wary of that.

The minister ought consider very carefully the fact that he has relied on his colleagues to support him in this debate because he has been unprepared to speak in this debate himself.

Hon. M. P. Pakula — He will.

Mr ATKINSON — I hope he will, and I hope he has listened to the debate and will respond to it rather than stand up and read from a prepared script — perhaps a *Neighbours*-style script, as Mr Leane would have it.

This minister really needs to provide the people of Victoria with an explanation for why the processes in his department seem on a number of occasions to have run counter to what would be the Victorian people's expectation and their anticipation as to the integrity of those processes.

Mr Pakula and some members of the government in speaking to this motion have referred to the fact that

this motion is a second bite at this minister and have suggested that it is a political stunt, that it is really just a media beat-up and that the opposition trying to have a go at a minister without any real substance to what the opposition's position is.

This is not about decisions of the minister per se. We can all have disagreements about decisions that ministers make. Clearly a minister will make a decision from time to time and that decision will be contested and be a matter of conjecture and debate, both in this place and publicly on many occasions, but a decision of a minister, no matter how wrong the opposition might think that decision is, will not bring the opposition to this place proposing a vote of no confidence except in the most extraordinary circumstances.

What brings an opposition to this place to move a vote of no confidence is the opposition's concern about process and about the failure of a minister and the failure of a government represented by that minister to observe a due and proper process. That clearly has happened in this instance given the leaked document, which clearly establishes that there was a proposed sham consultation in respect of the Windsor Hotel project. Why is that important? Maybe the minister could get away with it by being dismissive and using extraordinary words, such as 'speculative document'. There is nothing speculative in the document at all. It is a very deliberate, very determined, very well thought through piece of work established by a media unit and not just by the fall guy or, as it happens, the fall girl. The media plan is not an isolated document that was created by one person, because that is not the way this government works. This government has legion media advisers and political advisers. This document could not have been concocted by any individual in this government as a piece of their own work or as a speculative piece of work, because that is not the way this media-obsessed government operates.

The fact is this document is part of a coherent plan across government, with similar plans for every minister as part, as Mrs Peulich said in her contribution, of a re-election strategy. It is not simply a good governance strategy or simply a communication strategy to keep the people of Victoria informed, involved and consulted on issues, but indeed it is a strategy for re-election. This document is just one piece of a puzzle right across government. That is accepted. We understand that the government would have such documents, and that is not a problem. But where this document is at fault is that it indicates very clearly that this government, this minister, this minister's advisers and the people that this minister is involved with in terms of determining what are to be the planning

outcomes of this state have very little regard for Victorians and are prepared to run through a shambolic process of consultation simply to make the government and the minister look good.

You cannot isolate it and say, 'This Windsor issue is a single issue', because already we have had people out at Mallacoota questioning whether or not a planning process was executed properly by this minister, his advisers and his department in respect of a marina development. It is fair enough that they should raise the question, because who knows?

What about the city of Whitehorse, which is part of my electorate? The City of Whitehorse decided to reject a 38-storey tower in Box Hill as an overdevelopment and a development which posed a number of problems in a planning sense for that municipality. The minister was pretty quick to call it in. You have to wonder why he would call it in without already having a predetermined position, and whatever processes he puts that development through now are muddled by the Windsor decision. It is clear that the minister is pursuing a decision that is already made as far as he is concerned in respect of that 38-storey development in Box Hill, but again a process is gone through to try to camouflage the fact that the minister already knows what he wants.

There was the decision on the Barwon Heads bridge project, where the minister went against his own panel. The people down there have every right to say, 'What was the process? Did the minister also corrupt this process in terms of reaching a decision on the Barwon Heads bridge against the evidence of the panel he appointed and against the interests expressed by the local community?'. You can go right across all of the communities — and some of them have been represented today in the debate by different speakers — that are now all in a position of saying, 'What is the integrity of the planning process that arrived at a particular decision in our community or is part of a decision that is currently before the minister?'.

There are a great many decisions facing the minister at this point in time. This minister is fond of deriding the previous planning minister in the Kennett government. I might say that yesterday he exaggerated and tried to put on the record a position in regard to the number of call-ins made by that minister which was absolutely fictitious and exaggerated. The fact is this minister has gone out of his way to call in developments.

The excuse is that the economy has gone south. The excuse is that this is important and necessary to keep Victorian development kicking over. It is an interesting proposition, because Mr Stevens at the Reserve Bank of

Australia says that we have seen off the recession in Australia and that we are on a very strong recovery curve in Australia, and Victoria is supposed to be a state that is performing quite well in terms of the recovery. Certainly that is the Treasurer's view of life when he comes to this place and discusses a range of questions that are put to him in Dorothy Dixers by members of the government. He says, 'We are doing famously; we are leading the pack'.

If we are doing so well, why does the planning minister keep intervening in these development applications and why does he keep calling them in in the name of jobs and trying to keep the economy ticking over? This is the real danger when you start trying to pick winners and you try to be selective about the developments that you call in and the ones that you leave out there in local government. Is it because some people have bigger chequebooks when they come to Progressive Business functions and sit down next to the minister for a little chat over their oysters and red wine?

Mrs Peulich — Access for cash!

Mr ATKINSON — Access for cash! And it has been widely reported. The Premier seems to be reluctant to cut off most of the access that people might have; in fact he defends it. As Mr Barber said, there are some real dangers when you open up these processes and particularly when you have a minister who demands, ahead of powers from this Parliament, as he has through legislation of recent date, to actually determine so many of these development applications and then consistently and aggressively goes about calling in the applications that he favours so that he can fast-track them.

Last sitting week the minister talked about how he was fast-tracking the developments of Aldi and Woolworths, but what happens when Bunnings comes to him? Will it get the same fast-track as Woolworths is getting with its hardware stores? What happens when Mitre 10, Coles or IGA come knocking on the door? Will all those businesses get the same sort of fast-tracking of their developments, or is this minister wedded to some developments over others because he believes they are better developments or because perhaps some of these people have been prepared to support Labor through organisations like Progressive Business with its fundraising?

This debate is about the integrity of the planning processes of this state. This minister is now consistently calling into question the integrity of those processes. This particular document at issue today, as has been discussed by other speakers in this house, is simply the

telltale sign of what has been this government's absolute disregard for proper planning consultation processes.

Government members might suggest that community cabinets have provided that opportunity for consultation and that ministers circulating around the countryside opening fetes, buildings and swimming pools and having a chat over a lamington is all the consultation necessary. In fact this minister in particular is rather a stay at home sort of fellow who very seldom goes to any public meeting on any contentious issue. He is not prepared to meet community groups that have views on planning issues contrary to his own. This minister has made an absolute mockery of consultation in terms of the way he approaches the planning schemes. This minister seldom meets with local government. Basically this minister only tends to meet with people when he is required to attend a fundraising lunch for the Labor Party and somebody has paid a cheque to sit next to him. The level of consultation is actually very low.

Ms Pulford interjected.

Mr ATKINSON — Ms Pulford suggests that I am wrong. Let the record show where this minister has actually been out and consulted on contentious issues all the way from Cranbourne to Sunshine; in the growth areas infrastructure contribution-affected communities; from the city of Whitehorse to the city of Boroondara; through the southern suburbs to Frankston; and all the way to Mallacoota. Where is the minister? This minister is not racking up many FlyBuys points, even in his ministerial vehicle. He seems to move between this place, his city office and his house in the inner suburbs of Melbourne, and that is about the circle of his travel, because he is not really interested in getting out and talking to other people. Instead he sends out other panels and so forth, usually with riding orders in terms of what they have to deliver to him, and if they do not support his position, then he overrides them anyway. He certainly overrides local government.

As I said, when you undermine the integrity of the processes, the confidence in the processes of government, you have real problems. Ms Broad says that she has people coming up to her rejoicing at the access they now have to ministers. They might well see some of the ministers. There are ministers like Mr Pakula, who is out and about talking to people and doing the job that he has been appointed to do and for which he has taken an oath as a minister. Mr Jennings gets out and about and is prepared to discuss issues with people who have contrary opinions to his own. There are some other ministers who are also prepared to

engage in debate, but Mr Madden is not amongst those who listen to people.

When it comes to the call-in process, why is there a need to call in at all? Either the system is not working properly, although the government suggests it is such a great system, or the minister is simply keen to advance particular projects for other reasons. It is my view that if the system is not working, if that is the reason why we have to pull out a Woolworths development program and say, 'Okay, we will send that off to another apparatus to try to fast-track the decision making on this one' or 'We will pull out a 38-storey development at Box Hill to fast-track some decision making and to overrule the council's decision', then the government and the minister ought to be looking at fixing the system, getting the processes right, streamlining them, and making sure that the consultation processes are effective and that the system is protected in terms of its integrity.

Once you start picking winners then you leave other projects stuck in the system and you are distorting the planning process. As I have warned previously in this sort of debate, once you start picking winners you are only one step away from brown paper bags and corruption, because really the temptation is far too great when you have to decide who you are going to pull out of the system and fast-track and who you are going to leave stuck in the system. That is the problem the people of Victoria have. It is not just an opposition position, and the government needs to understand that this goes a lot further than the opposition. There is an increasing groundswell of concern across communities right throughout Victoria about the government's planning processes, about the minister's propensity to call in developments and about the legitimacy of the consultation processes.

I have concerns, and I know some of my constituents have concerns, about the laziness of the minister as well. There is a competence issue here. So often the minister comes into this place and has to read his answers even to Dorothy Dixers because he does not know his stuff. The other ministers are capable of standing up and answering a question without reading word for word the answer to a Dorothy Dixer, but not this minister — because he does not do his homework. When we come to the committee process the minister is seldom familiar with the legislation we are dealing with and is unable to answer some of the most basic questions on that legislation. As I said, for the same reason the minister seems to be disinterested in going out and engaging with Victorian communities.

The issue of respect has been raised by a number of speakers, and it is a relevant point. If a minister does not respect the processes, then he does not respect Victorians. Very clearly this minister is prepared to short-circuit processes, and he has been found out through this memo. I feel a bit sorry for him. I think one of the reasons why some of the other ministers are very competent in terms of their performance in this place is that they have grown up in politics and because they understand what politics is about and the hard work you have to do before you get to the spot on the front bench. This minister was not a bad footballer; he was a celebrity and a celebrity candidate recruited by the Labor Party to garner votes for the party at an election.

Ms Broad — He was also a practising architect.

Mr ATKINSON — The minister had more than one degree; he also had a background in education. But the reality is that this minister did not come with a party pedigree. In my view this minister does not understand what politics is all about. This minister comes in here and still rejoices in the fact that he is a celebrity politician and that he can simply go away, do a camera shoot and smile and all will be well. But the minister refuses to accept that the oath he took requires him to do a lot more than appear at photo shoots. It requires him to do a bit of work. It requires him to uphold the integrity of the processes we have for planning in this place, which are the responsibilities with which he is charged. From my point of view that clearly does not happen.

I am coming to the end of the contribution I want to make to this debate, but I was particularly interested in Ms Broad's speech today. She went back to the Kennett government and to the restructuring of local government. I do not want to go over that. Obviously that is an argument we have had in this place many times before. What I want to say is that time and again in the last Parliament Ms Broad told us how important she thought local government was, that local governments ought to be making their decisions, that the government ought not to be intervening in local government decisions, that they were capable of prosecuting decisions and that they were democratically elected under this government. She must sit there in horror when she hears about the sort of legislation the minister presumably reports upon to the party room and then to the Parliament and which on so many occasions actually takes away those very responsibilities and powers from local government. She must cringe when she sees the minister intervening in so many projects.

She was gallant today in defending the minister, as the rest of the front bench has been, with the minister

spending an extraordinary amount of political capital in the debate today. But what has really happened here is that the minister has been found out through this memo, and this debate has fairly pursued some very important issues. They are not issues that are related to ministerial decisions; they are issues related to misusing the process and destroying the integrity of the process which is central to the confidence of the people of Victoria in the minister and the government and I say central to the confidence of this house in the minister.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate. We all know that politics can be a nasty game, but to be fair to the Minister for Planning, Justin Madden, this is an example of how a hardworking and honest minister can be attacked unjustly by the opposition. I always like to listen to Mr Atkinson, but tonight I think he went too far by denying the hard work that the Minister for Planning does. This afternoon I believe Mr Madden mentioned he was at a community function with Mrs Peulich, although members have said he has not been seen anywhere else. I do not have to go through everything said in contributions by other members in this house. I understand the principle of the buck stopping with the minister, but for goodness sake, sanity should prevail, because as I understand it Minister Madden took immediate action to sanction the author of the leaked document.

Consultation is a key factor in and the cornerstone of the Labor government's philosophy. Every day countless hours are spent in briefing stakeholders about the government's implementation plans for Victoria. Minister Madden has always conducted himself in the most proper, open and respectful manner towards the constituents and residents of Victoria. There are matters of supreme importance before this house that will significantly affect the lives of everyone, and here we are once again with another example of political gain.

The media adviser was grossly mistaken in her assumption that the Brumby Labor government is anticonsultation. The very foundations of the Labor movement are grounded in the principle of ensuring that any new plan has the support of everyone involved in its successful implementation, because the surest path to failure is ignoring the very people who can make it happen. In other words, the success of any major planning project is dependent on the active participation of informed people who are confident that all the required information is given prior to any project's commencement. The transparency factor is hugely important and never underestimated by Minister Madden.

To line up a minister and fire poison darts is not acceptable. I understand this is what political parties in opposition believe they should be doing, but believe me it is not. I believe the minister took immediate action as soon as he was told about this preliminary draft and an independent probity adviser was appointed to investigate the circumstances and to supervise the evaluation process to ensure transparency and accountability. I am satisfied that Minister Madden was as horrified as everyone else including members of the opposition about the content of the draft.

In relation to calling ministerial advisers before a parliamentary committee, I understand that is not the protocol. I do not support the public humiliation or interrogation of ministerial employees, because one expects them to act in good faith and with propriety.

I am sure the secretary of the department and the minister will appear before the inquiry to answer questions about how this situation arose and where we go to from here as regards proper consultation with all key stakeholders in the planning portfolio.

Mr VOGELS (Western Victoria) — I will make a few brief comments on the motion moved by Mr David Davis, that the ‘Minister for Planning no longer possesses the confidence of this house’. I will not go through the reasons behind the motion, because we have heard them canvassed many times already today.

I want to take up Ms Broad’s contribution. I sat here and listened to her talking about how this government is unlike the Kennett government because it consults, has regional cabinet meetings and regional parliamentary sittings, and how everybody has an opportunity to participate; and they do — I am not saying members of the public do not have the opportunity to participate, but does the government actually listen? In my experience as a member of the Rural and Regional Committee, it does not.

Members of that committee have travelled around Victoria for about three years. It seems to me that the brief of the Labor members is that anybody who criticises anything that the Bracks and Brumby governments have achieved or have not achieved will get pretty short shrift.

Last week the Rural and Regional Committee was in Mildura. I quote from an article by Graeme O’Neill — I believe it is completely unbiased — of 6 March in the *Sunraysia Daily*. He says:

This week’s inquiry into rural disadvantage, chaired by former Geelong footballer Damian Drum, now MLC for

northern Victoria, was guaranteed, if not actually intended, to discomfit the Brumby government.

That is probably true.

Two of the Labor parliamentarians on its panel were clearly there to limit any electoral fallout.

Labor MLC for northern Victoria, Kaye Darveniza, and Don Nardella, the ALP member for Melton district, sat on either side of Mr Drum and made no secret of their disdain for the proceedings.

Ms Darveniza seemed less interested in what witnesses had to say, than in reminding them how much the Brumby government had done for them.

Mr Nardella was designated Doberman, unchained to attack the motives and credibility of any ungrateful wretch who ventured to complain about the government’s neglect of north-western Victoria.

...

Mr Nardella rounded on Ms Riedl, and proclaimed his right to question — —

Ms Pulford — On a point of order, Acting President, previously the Acting President provided some advice to other members about the question of relevance. I think Mr Vogels has strayed a fair way off course.

Mr VOGELS — On the point of order, Acting President, the previous speaker, Ms Broad, brought up community cabinet meetings, the regional parliamentary sittings and other examples of how the government has been listening. I am describing my own experiences.

The ACTING PRESIDENT (Mr Finn) — Order! I am listening very carefully to Mr Vogels; if he does stray, I shall jump upon him, quite figuratively of course, and redirect him to where he should be going.

Mr VOGELS — It was my experience, I was there. The article continues:

Mr Nardella rounded on Ms Riedl, and proclaimed his right to question her, until Mr Drum told him he was wrong, and closed the meeting.

During the lunch break, I chatted to Kaye Darveniza on the similarities between Mildura and her hometown, Shepparton, and Mildura’s economic distress.

She was pleasant, polite, intelligent and thoughtful, with a sense of humour. But as soon as the hearing resumed, she put her politician’s mask on, and continued spruiking her party’s generosity and achievements in a region that has probably suffered more than any other in Victoria for its remoteness and political hue.

Members of this government have been telling us how they are out there listening, but they are doing exactly the opposite.

You are born, you go to school, you marry — or hopefully you marry —

An honourable member — Some marry more than once.

Mr VOGELS — Some marry more than once. I have heard that women born today have on average more husbands than children. That is probably very true, but that is another story!

What you do is you get educated and then you actually plan for the future.

Ms Pulford — On a point of order, this is beyond the pale! Ms Broad related her comments to the motion at hand, but Mr Vogels has not. I would urge you, Acting President, to consider reining in Mr Vogels.

The ACTING PRESIDENT (Mr Finn) — Order! I would like Mr Vogels to explain to the house how his comments relate to the motion before the Chair; that would be greatly appreciated by all.

Mr VOGELS — Life is about planning. It is the most important thing that happens to you in your life — you plan to buy a property and you decide where you are going to live. Do you want to live in the country? Do you want to live in the city? When you have planned to build a house somewhere — if you want to build in Barwon Heads, for example — the last thing you need is the Minister for Planning overruling local councils, local government and local communities and deciding what will and will not happen in your area.

I find it amazing that since we have had this Minister for Planning, local government has basically lost its ability to plan. That is why you have local government — to plan for your local areas. The minister has overridden that. We need to make sure that the Minister for Planning actually listens to local communities. Surely that is the most important thing that happens.

Mr Viney interjected.

Mr VOGELS — I think Mr Viney may have been out having a few drinks; he is getting quite excited.

Honourable members interjecting.

Mr VOGELS — I know it is only just 6 o'clock. There is obviously a culture in the planning department which the poor woman who was the media liaison

officer, or whatever, basically understood and thought, 'This is the culture in this office; we put up sham processes'. If you are a member of a footy club or some other organisation and it is acceptable to tell sexist jokes, for example, that becomes the culture and people do it. If it is not acceptable, you do the right thing.

The culture in Mr Madden's office is obviously, 'How can we get out of this; what sham process can we go through so that we can fool the public that we have actually had a process when not really having one?'. I feel sorry for the media liaison officer, or whatever her title was, who accidentally pushed the wrong button and let the cat out of the bag. If she had not pushed the wrong button and sent this sham process to the ABC, none of us would be any the wiser, and this government would be doing what it has been doing for quite a long time — that is, going through sham processes and disrupting people in planning their lives.

As I said earlier, years ago people might have planned to build a house in a particular area or do some other thing, but then the government came along and, without due process, put a new stroke on a boundary line somewhere, taking local government right out of the equation. All I can say at the end of the day, because I know that time is on the run, is that I fully support the motion moved by Mr David Davis.

Ms DARVENIZA (Northern Victoria) — I will make a croaky and very soft contribution to the debate. I am always pleased to make a contribution to debate on opposition business. I rise to oppose the motion that is before the house. I want to take up a few of the comments Mr Vogels made, when he strayed far and wide. He spoke on marriage, talking about how many we might plan for and how many we might not plan for. The only planning we did not get to was family planning — and I do not know how much of that he was involved in!

An honourable member interjected.

Ms DARVENIZA — You are probably right, but we will not go there.

In referring to planning, Mr Vogels also talked about the Kennett government. I want to pick up and reiterate some of the comments that my colleague Candy Broad made. She was so right in her comments when she said that what the Kennett government did was actually do away with local government. Members of the Kennett government wiped local government off the face of the earth. In his contribution Mr Vogels talked about there not being enough consultation about planning with local government any more. In fact, Mr Vogels, when

your lot was in government they had no consultation with local government; they just wiped out elected local government.

The ACTING PRESIDENT (Mr Finn) — Order! Ms Darveniza will address the Chair.

Ms DARVENIZA — When opposition members were in government they in fact wiped out elected local government, so there certainly was not any consultation around planning then. Whilst that lot over there are prepared to put on this political stunt today — which opposition is often all about — they do not go to the fact that they had no consultation at all with planning departments within local government, which they are so concerned about and on which Mr Vogels waxed lyrical. They did not care about it when they were in government, because they did away with not just the planning sections of local government but of all elected local government. So it is a bit of a sham — that is really all that the motion before us today is.

Members opposite want to have another of their kangaroo courts, with their gerrymandered committee of two to five members. As Mr Viney put it, the gerrymander on the Standing Committee on Finance and Public Administration would make Joh Bjelke-Petersen blush. The committee has not even met on this matter. Members opposite have brought this motion before the house today, yet the committee will meet on Friday to deal with this matter. Any decisions that might be made today on this motion would only preempt any evidence that might be received or any deliberations that might take place among those committee members in reaching their conclusion.

Members know that all shadow ministers and ministers are involved in forward planning. What we are talking about today is a document that was prepared by a junior staffer within the ministerial office. It was not something that the minister was privy to. It was not something that had been through any sort of process of evaluation by him.

We know also that the document was very much a draft document; it was not something that had been considered by the minister and it was not the type of document that a minister would see in any draft form. Anybody who has been involved in government, whether in government or as a shadow minister, understands the forward planning that goes on and the drafting that might be undertaken by officers and staff within their office which is not necessarily undertaken at their specific direction and which they may not even be privy to.

The minister took immediate and decisive action on finding out about this draft document. Not only has the staff member been moved but the minister has also ensured that an independent probity adviser has been appointed. He did that as soon as this matter came to hand and he was aware of it. That person will be responsible for overseeing the evaluation of the process to ensure that all the parties involved will be able to feel confident about and have absolute faith in the independence of that process.

The minister was very decisive in taking action once he was aware of the circumstances of what had taken place in his office. Not only did he take action in relation to the staff member who was responsible for generating this draft document but he has also taken action to ensure that an independent person was put in charge of the process to ensure that the process is properly adhered to. We want to make sure that all our planning processes are in fact processes and that all the appropriate checks and balances that should be in place are in place, so that the decisions that we make are good ones — and ones that people are involved in and aware of.

Government members do consult widely. Often it has been opposition members who have been very critical of members of this government, under not just John Brumby but previously under Steve Bracks, that we in fact consulted too much. The continual criticism of this government was that we were out there talking to people all the time, listening to what they had to say — that is, consulting far too much. In fact I have stood up here on Wednesdays during opposition business when we have had debates around the same thing — that is, the whole issue of consultation. Opposition members have said that there is too much consultation and that government members are too interested in engaging the community.

Everybody on that side of the chamber knows that members of our government have been very keen, from the time we were elected in 1999, to engage the community and all levels of the community, whether that be working with local government, federal government, business and industry, community groups or people in rural and regional Victoria. I have been very much involved in the consultative processes that have taken place in rural and regional Victoria.

But it is not just our community cabinets and community parliaments. There is a whole range of processes that this government uses regarding policies and bills which are brought to Parliament, including this chamber, which make sure that interest groups and stakeholders are involved.

As I said, we do not want to pre-empt the kangaroo court, the Standing Committee on Finance and Public Administration, which will look into this issue. It is an absolute sham of an inquiry. It is an absolute and complete cheap shot by the opposition. We know it has never been appropriate for ministerial staff or advisers to be called to appear before committees. That has been the practice in the past when the opposition was in government. It has been the practice since we have been in government. It is appropriate that ministers and secretaries attend inquiries and be issued invitations. Hopefully they will be able to attend committee hearings and make submissions.

I do not support this motion. It is a cheap shot involving a set of circumstances which involve a junior staff member who was preparing a draft document that the minister had never seen. I do not support this motion.

Mr P. DAVIS (Eastern Victoria) — This evening I am pleased to have the opportunity to make a few brief remarks on the motion before the house. I will remind members of the motion, because I think some government members have lost sight of what the motion deals with. It is a motion about the significance of governance and the way in which governance in this state is undertaken — that is, by a process of democratic representation involving two houses of Parliament, the delegation of authority to the executive by the Parliament and the effective administration and management of portfolio responsibilities by ministers within the government.

I particularly want to pick up comments made by some members of the government. I will refer to comments made by members on this side of the house as well. But I particularly note that Ms Darveniza made a point in relation to the inquiry being undertaken by the Legislative Council Standing Committee on Finance and Public Administration. She is not the only government member to refer to this inquiry. Several members of the government, including Mr Pakula, Ms Broad and others, have referred to it.

The matter and nature of an inquiry undertaken by a committee of this house is inevitably a separate and different process of the Parliament than the consideration of the performance of the minister or any other matter by the whole of this house. The consideration of a public policy issue or an administrative issue by the Legislative Council on its own account involves all members of this house, including ministers and, in this case, the minister who is the subject of the motion before the house.

The matter before the Standing Committee on Finance and Public Administration, which is the new inquiry which the house was formally advised of yesterday, is a matter that relates in particular to the committee's resolution of 3 March to inquire into and report on Victorian government decision making, consultation and approval processes and any knowledge and/or involvement of ministers, ministerial staff and/or Victorian government officers since 1 December 2006 and, in particular, issues arising from media plans prepared within the Victorian government since 1 December 2006. The advice to the house acknowledges that initially the focus of the inquiry would be on the Hotel Windsor redevelopment. This is a detailed examination of processes within the government which will necessarily involve detailed and forensic inquiries of various administrative processes of the government. The matter before the house today is not that matter. I remind all members that the motion before the house is:

That the Minister for Planning no longer possesses the confidence of this house in view of his failure to accept ministerial responsibility for a media plan document transmitted by his media adviser outlining a sham consultation strategy regarding the Windsor Hotel redevelopment ...

The second part of the motion refers to the no-confidence motion carried by this house on 3 June 2009 whereby the minister should have then resigned immediately but did not; so the house is now calling for the minister to resign.

The minister cannot tie these two matters together. They are separate matters and separate accountabilities, and they will involve different parties. The opportunity is afforded to the Minister for Planning to come before this house today and give a full and comprehensive explanation for his actions or his failure to act. The fact he has shown contempt for the proceedings of this house by being absent from the consideration of this matter for the duration of the debate on this day reflects on his stewardship of his ministerial duties. It is a reflection of his cavalier approach to what is the most serious motion that Parliament can bring before it in regard to the performance of a minister.

As is well understood by members of this place, this is only the second time that such a motion has been brought and, if it is carried, passed in the period since we have had responsible government in Victoria. More relevantly, it is an unusual occurrence in any state upper house.

To my knowledge there has been only one case in the New South Wales Legislative Council of a no-

confidence motion having been put and carried in respect of a minister, and that related to the then Leader of the Government and Treasurer, Michael Egan, who had issues to do with failing to provide documents in New South Wales in 1996. This is very much a matter of high principle, and I deal with it in those terms.

It is important to note that the opposition sought to bring this matter to resolution at the earliest possible time by way of an urgency motion yesterday so the matter could be treated with the seriousness and urgency it requires. For reasons he outlined by him the President chose to not accept that the matter was urgent, in effect because the opportunity was afforded to the opposition to deal with the matter today. We are now dealing with it.

The substance of the concern in reference to the Windsor Hotel planning process is contained in the media plan of the Minister for Planning, Justin Madden, as provided to the media — in fact, the ABC — on the Thursday of the last sitting week. This week is the first opportunity to consider that issue. There is reference in that document — which has been referred to before and I do not intend to waste time quoting it — to what clearly was a public roting of proper process and a misleading of the community about significant issues of governance.

I wish to make the point that the government has failed to acknowledge the basis of the Victorian Constitution Act, as set out in Greg Taylor's *The Constitution of Victoria* dissertation, which says in part:

The Constitution Act 1975 also makes the point that each house shares one characteristic which is an important component in the moral authority lying behind its constitutional power. Each consists of 'representatives of' the electors ...

In other words, Greg Taylor makes the point strongly that responsible government vests in both houses in a bicameral system and that the accountability of a minister to this house is complete.

For members who are interested, the recently published volume *New South Wales Legislative Council Practice* makes clear at page 457:

These finding by the High Court seem to imply judicial recognition of the existence of the convention of ministerial liability to resign on a parliamentary vote of no confidence.

What I refer to there in particular is the fact that a minister, having been found to be accountable or responsible to either house of Parliament, as inferred in High Court decisions previously, has an obligation to behave honourably in any respect.

I go to the issue which seems to be the defence by the government and by the minister, although the minister has not explained himself in this house as yet; but I invite him to do so at this point. He claims in effect that an action on the part of his staff is not in any way his responsibility. He claimed that as a defence in regard to the Brimbank matters. He appears publicly at least to be running the defence — and I have heard him on radio running it; I have not heard him in the chamber running it — that an action on the part of his own staff is in no way a matter for him.

I therefore refer, because it is the most significant comment on this matter, to that useful volume *Constitution of New South Wales* by Anne Twomey. It says:

... in many cases ministers now actively seek to transfer any responsibility for mistakes to public servants and attempt to shield themselves from responsibilities by claiming not to have been informed. This, of course, does not absolve the minister of responsibility for the actions of his or her departments or agencies. Such an attempt to shift responsibility is not only contrary to tradition but undermines the system of responsible government imposed by the Constitution Act. It is the elected minister who is responsible to the Parliament, not the unelected public servants. Attempts to shift or avoid responsibility could be described as 'unconstitutional' in the broader sense of this term. However, the courts cannot enforce the principle of responsible government. It is up to the Parliament and the electors to do so.

I make the point that the purpose of this motion is clearly to ensure that the Minister for Planning acts with proper regard to his obligations as part of government to be accountable to this house, and in my view he has suffered from a want of confidence from this place for some nine months since the original motion was carried.

The opportunity exists for the minister to behave honourably, but if he does not behave honourably in regard to the carrying of a previous motion or the motion before the house, it is inevitable that the obligations he seeks to discharge will become mired and in doubt, and there will be concern about the validity of the actions he takes. The fact is that he has proven himself to be unworthy to hold the office of minister of the Crown.

As has clearly been set out in the information I have laid before this house, the choice is his and the Premier's as to whether he continues as a minister. However, the opprobrium that he will have reflected on the government as a whole and the impossibility of his being seen to be making objective decisions in the planning portfolio will limit his capacity, and therefore the government's capacity, to perform a function in

terms of the government's estate, and clearly planning policy is one of the most critical economic areas.

With that I conclude my remarks. I call on all members of this house to support the motion and understand that this motion is quite a different matter to the matters which are being examined by the Standing Committee on Finance and Public Administration.

Sitting suspended 6.26 p.m. until 8.04 p.m.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this motion, which at one level purports to deal with that very important issue of ministerial responsibilities. This is an important issue and it is rightfully the cornerstone of our democratic system. Ministerial accountability at its heart is about ensuring openness, it is about transparency, and I have been proud of the way in which the Minister for Planning, Mr Madden, has accepted this responsibility and the way in which he has conducted himself throughout this debate. He is always available in this house to answer questions. He has recently indicated his willingness to attend the standing committee on Friday to publicly give evidence, to answer the questions that members of that committee might have. Again in doing so he has demonstrated his willingness to be responsible for his decisions and to be accountable. The minister continues to be available; he continues to answer questions; he continues to respond to concerns. What is flawed about this motion, as has been said repeatedly in this house, is that it pre-empted the outcome of that public hearing on Friday. The minister is condemned before the trial, he is condemned before the hearing, and this house is being asked to express a view on the confidence of the minister before the minister has had an opportunity to address the concerns or the allegations that have been raised.

What we have is a motion which is about expressing a view before the committee has heard the evidence. It is a motion that is about expressing a view before the parliamentary committee has deliberated. It is about asking this house to express a view before the committee has expressed a view and before this house has considered any findings that might come out of the committee process. It is hard to draw from that that the motion is something other than a sham. In addition it is clear that the hearing on Friday is a sham. What is the point of having a parliamentary committee hearing, calling witnesses and taking evidence when the outcome of that hearing has already been determined, two days before the hearing? Where is, as Mr Kavanagh has said, the due process? Where is the fairness? Where is the fair go? In good conscience how can this house vote on a matter before the committee

charged with dealing with that matter has had an opportunity to consider all the material?

It is not a legitimate motion. It is a pre-emptive strike. It is a pre-emptive strike before the evidence has been heard and before the matter has been considered. Why not wait for the outcome of the hearing? Why not wait the two days? It is not, as Mr Jennings has suggested, that this committee is something which this side of the house supported in terms of its constitution. The need for the hearing and the calling of witnesses are not matters which members in this house have had an opportunity of expressing a view on. The greatest concern is that the committee process is a sham because the minister whose conduct is being investigated by that committee, the minister who is at the centre of the matters being considered by the committee, has not been given the opportunity of giving evidence on Friday. The minister has been told by the committee that he is not required to give evidence.

The parliamentary committee is to consider the actions of the minister without having the benefit of the minister, without giving the minister the opportunity to put his case. What a sham. There is no procedural fairness. There is no natural justice. There is no opportunity for the minister to put his case. It is not a process. It is certainly not a fair process. What is occurring on Friday is a charade. It is a farce. It is a witch-hunt!

Here we have a motion pontificating about ministerial responsibility, and at the very same time we are told that in the public hearing dealing with the minister's conduct we will not be hearing from the minister. We are not able to ensure that there has been ministerial responsibility or accountability, because the minister has been told he is not required to give evidence.

This is an outrageous position the house finds itself in. How can those opposite seriously support a motion which pre-empted the outcome of a hearing? The only way you can pre-empt the outcome of a hearing is if you know the public hearing is itself a sham, which it is because it will not allow the minister to appear or respond.

We have a parliamentary committee that has been stacked — a parliamentary committee on which this side of the house has two out of the seven representatives. We have an opposition that has declared a predetermined view, that is prepared to ride roughshod over due process and that has been prepared to ride roughshod over the democratic processes that have been put in place.

As I just said, those opposite are happy to pre-empt the committee process because they know the committee process is itself fundamentally flawed. They already have an outcome in mind, and they are going through the motions. That is why they do not want to wait until Friday. That is why they do not want to call the minister to give evidence. They know this is nothing but a show trial for the benefit of the media. They do not want to call the minister, because they do not want that imagery on television; and they do not want the minister to have the opportunity to defend himself, because that does not fit into the media stunt.

This house should as a matter of principle insist on a proper process. As a matter of principle this house should insist that the minister attend and that there be a process that allows the minister to put his case and that does not have an outcome predetermined by the opposition and by this house.

What have we been told about the committee process on Friday? We have been told the minister is not invited. However, the committee proposes — and I think there is a media release to this effect — to call the minister's adviser, Ms Duke. We have a motion pontificating about ministerial responsibility, and at the same time we have a committee that will not allow the minister to appear before it but demands the appearance of the minister's adviser.

As we know on this side of the house, ministerial responsibility requires that the minister be responsible for the actions of his department, yet this committee is completely disregarding that convention. It will not allow the minister to appear; it will not allow that accountability. Instead it wants the minister's adviser — it wants to bully, threaten and harass the adviser.

This process is a sham. It disregards those principles of ministerial responsibility that the motion pontificates about. What we see before us is a smokescreen, an attempt by those opposite to create colour and movement to fill a void and to cover the fact that there is no policy, no plan and no way forward. The smokescreen, the sham process and the disregard of those opposite for ministerial responsibility are no substitute for policy and hard work. The kangaroo court is no substitute for their failures in terms of a policy and a vision. They have not done the work, and the colour and movement they are creating through this will not paper over those cracks.

Mr GUY (Northern Metropolitan) — That reminds me of Khrushchev in the 1950s when he went to the United Nations and spoke for 4 hours just to waste

everyone's time. I noticed the crux of Mr Tee's speech was the claim that the minister would not be able to appear before the committee to defend himself. I am very sure the minister will be appearing before that committee.

Mr Tee interjected.

Mr GUY — If Mr Tee will just let me finish, I understand the committee will not be meeting for one day.

Mr Tee interjected.

Mr GUY — Not for one day! I understand it will actually be meeting for more than one day. I am very surprised, because if you look at the public statement from the committee, you will see that it says its first hearing — first! — will be on Friday.

Mr Tee — What a shambles!

Mr GUY — I put this to Mr Tee: what other committee has taken evidence for one day, closed its case and made its judgement — after one day of hearings? Give me an example!

Honourable members interjecting.

Mr GUY — Hang on! So the man who was so vocal before has now gone quiet! Of course the committee is going to meet on more than just one day to take evidence! I hear the galahs over the other side of the chamber squawking away, but they have not done their homework, they have not considered the evidence and they have not looked into the facts. The committee has stated it will be meeting on more than one day.

Honourable members interjecting.

Mr GUY — Can you get that into your heads? Have you been to dinner for too long? More than one day! The first day you gain evidence; the second day you might gain more evidence; the third day you might gain more evidence; and then you present that evidence to the person who is in this case the accused. They then have the chance to defend themselves and state whether it is the truth or not. Surely that would be the case if you were to look at any situation, in any committee of inquiry.

But what we have is a situation at the moment where the Australian Labor Party has come into this chamber all over again and has deliberately tried to muddy the process on this motion and deliberately tried to —

Honourable members interjecting.

The ACTING PRESIDENT (Mrs Peulich) — Order! I believe Ms Huppert is out of her seat and interjecting, which is disorderly.

Mr GUY — What you have is a situation where the Australian Labor Party is doing its bit to completely mislead people about what the motion before us is about and what the actual motion for the inquiry put forward and passed by the committee and made public was about. One is narrow cast, focusing on one particular aspect and focusing on a document that forms the basis of possible corruption of the planning system. The other is an all of government inquiry. Did opposition members realise this? Did any of those jokers realise this? Do they actually want to read it?

Honourable members interjecting.

Hon. M. P. Pakula — You are grasping at straws.

Mr GUY — Let me tell Mr Pakula that the committee — —

Honourable members interjecting.

Mr GUY — I wonder if someone could identify the word ‘Windsor’ for me in this resolution, which states that the committee is to:

... inquire into and report on Victorian government decision-making, consultation and approval processes, and any knowledge and/or involvement of ministers, ministerial staff and/or Victorian government officers since 1 December 2006 and in particular —

in particular, but not only —

issues arising from the media plans prepared by the Victorian government since 1 December 2006.

That is a very broad inquiry. That is an inquiry that will focus on the heart of the government and the government’s — —

Honourable members interjecting.

The ACTING PRESIDENT (Mrs Peulich) — Order! I believe Ms Darveniza is out of her place and interjecting, which is disorderly.

Mr GUY — What we have is a committee of inquiry that clearly has a very broad scope, and clearly you would expect with a very broad scope to conduct an inquiry that focuses upon that. The motion we have today very clearly looks at the planning — —

Ms Darveniza interjected.

Mr GUY — Ms Darveniza has been very quiet for most of the day; I ask her to be a little polite and listen for a moment.

Ms Darveniza interjected.

Mr GUY — Just calm down!

Honourable members interjecting.

The ACTING PRESIDENT (Mrs Peulich) — Order! Interjections at a reasonable level are acceptable, but I am now in the chair.

Honourable members interjecting.

The ACTING PRESIDENT (Mrs Peulich) — Order! A reasonable level of interjection is acceptable; however, given that this issue relates to the member’s shadow portfolio, he deserves an opportunity to state his case.

Honourable members interjecting.

Mr GUY — I hear the word ‘credibility’ coming from the C grade over there. I am wondering if it extends to their speeches.

As I said, what we have is a very clear issue before us — that is, the requirement for this planning minister to accept responsibility for his actions of fact. What we can see from this document is a clear statement of fact — a fact of knowledge of a planning process that was not finished. Those jokers opposite have gone silent, but this is the truth. Did the Halim Group know about this outcome? It was a process that was not finished and here it is thrown into the public domain — the knowledge of a panel report on a quarter-of-a-billion-dollar project which has appeared before the department and which the minister’s office has knowledge of. The minister has said, ‘I don’t know anything about it’. He said on the ABC:

I’m still to receive the independent panel’s report in relation to one project in particular.

He went on to state that he had knowledge that:

... the department has it, but I haven’t been provided specifically directly to me with that report.

The point is that the minister first stated he had no idea of the status of the report. He later stated, ‘Actually I do know the status of the report; it is with the department’ — and these fools have all gone quiet for a reason. This is a quarter-of-a-billion-dollar project.

Hon. M. P. Pakula interjected.

The ACTING PRESIDENT (Mrs Peulich) — Order!

Hon. M. P. Pakula — I withdraw.

The ACTING PRESIDENT (Mrs Peulich) — Order! That is unparliamentary, and I ask that the member desist.

Hon. M. P. Pakula — When we interject it is no good, and when we don't interject it is no good.

Mr GUY — I hope you are not reflecting on the Chair again, Minister!

The ACTING PRESIDENT (Mrs Peulich) — Order! Through the Chair.

Mr GUY — What we have is a situation where the decision on a quarter-of-a-billion-dollar project has been manipulated. It has been corrupted. Four Labor members of Parliament went to see the minister about this project. None of them mentioned that, did they? I heard Mr Tee talking about shams and conspiracy theories all the way through his contribution — he was probably going to say we are hiding unidentified flying objects — but Mr Tee never talked about the fact that four of his colleagues went in to see the Minister for Planning to lobby him about this issue. That was because they had made a submission on this very issue, the panel was making a report, it was known by the minister's office and very clearly put — in fact sent as a media plan by the office of the minister, in writing, to the head of the Premier's media office, in fact the head of the government media unit.

It was not a junior staffer. I heard one of these people from the Labor Party up there today saying, 'The media officer is a junior staffer'. Let us be absolutely frank here. This is not to scapegoat a staff member, but the truth of the matter is she was not a junior staffer. The media officer of a minister — the media adviser — is one of the senior staff of a minister, and anyone who has worked in a ministerial office knows. I know because I have worked in one. I have worked in a Premier's office, an opposition leader's office and a minister's office, and I know the status of a media officer at that level, and that person is not a junior adviser. This is someone who knows details of how this material was formed.

Mr Madden said very clearly, 'It is a draft; it is a working document'. Suddenly it is a working document, a speculative piece, an operations document and an internal document. He said it was the work of the media adviser by herself — 'by herself' said the minister. He believes and has said publicly that this

material was formed by the media officer by herself. It is very interesting if that is the case that not a single other government staff member would have taken part in forming this document. You just have to go through it and have a look. It states on the first page, 'Night before Liberals will announce preselection ... for Frankston'. She is a pretty well-informed media adviser if she is up to knowledge of Liberal Party internal preselections, would you not say?

The media plan also states, 'New advertisement campaign to stop dodgy builders. CAV' — that is, Consumer Affairs Victoria — 'to put out the campaign and Robinson has done a story on it in the past'. A pretty good media adviser operating by herself. The plan also states, 'March 11 ... will be marked by the release of new advertisements' — on World Plumbing Day — 'and Kenny will speak at first one'. A pretty good media adviser operating by herself, is she not?

I turn to page 4 of the media plan. Here we go. It states in relation to the Windsor advisory committee that the 'report is expected to recommend that development go ahead'. A quarter-of-a-billion-dollar project! What do we reckon the officers of the Halim Group are thinking of this? They are investing a quarter of a billion dollars into Melbourne.

The media plan then says the government will 'then use these responses' — that is, the public comment responses — 'as reasons to halt it as we have listened to community views'.

Again, if we are going to talk about shams and sham consultations, this document proves, says and shows that there is clearly a sham in relation to the Windsor Hotel redevelopment process. If there were not, why has a probity officer been appointed to manage and oversee the project? Why was the staffer sacked — or demoted or moved? Why did the minister come out and deny for two days he had anything to do with it? Why did John Brumby scapegoat the staff member? If it was all a work of fiction, why has the government responded with such fact? The government has done so because the media plan is fact and the government has compromised the process, and it is very clear what has occurred here.

I turn to the section of the media plan labelled 'Kite flyers'. The minister says this is the media officer operating in isolation. The media plan says:

World Heritage Listing MCG — have now received info and am looking into it.

Providing incentives for developers to provide affordable housing — JM flagged this with —

the *Age*! A pretty good media adviser operating by herself! She has even talked to the minister. The media plan has material about speaking to the minister. It states:

Stopping car parking being built for inner city dwellings, free bikes and bike racks provided instead.

Does that sound like a work of fiction? Time will tell whether or not it is announced by the government.

The next plank is 'new centre of Melbourne' provided the new UGB (urban growth boundary) is approved'. These are all policy initiatives put in place by a document that is fact. Mr Pakula and other members have said, 'You are judge and jury, you have convicted him'. The truth of the matter is that a quarter-of-a-billion-dollar process has been corrupted. If it is not true, why appoint a probity auditor to manage it? Why sack the staffer? If it is all pie in the sky, why is there such a response from the government?

There is a massive response from the government because it is fact, because the planning process has been corrupted, because the man who said, 'The buck stops with me' has done nothing about it, and it is the second time in 12 months that we have the issue of this minister presiding over a corrupted planning system in Victoria. The government has washed its hands and said it is all the work of one individual and that she will be moved on. That is it, scapegoat the staff, and get her out!

When we debated the growth areas infrastructure contribution (GAIC) legislation last year in this chamber it was all very interesting. Last year and into the start of this year as well, as we know, we were all talking about this. There was a consultation phase when the government issued a draft bill on the GAIC. Members may remember that, because the two weeks of public consultation closed on the Monday before Melbourne Cup Day. That was followed by Melbourne Cup Day on Tuesday, then Wednesday, Thursday and Friday. Then, lo and behold, on Monday what went to cabinet to be approved? A draft GAIC bill, and on Tuesday the draft GAIC bill was first read in the lower house.

One would have to ask about the sincerity, honesty, decency and transparency of the process of consultation that occurred for two weeks on that draft bill up to the Monday before Melbourne Cup Day. The department went off for Melbourne Cup Day, came back on Wednesday, sifted through a couple of hundred reports, sifted through all the submissions, looked at the submissions, made some recommendations, put them into a document and sent them to the minister's office.

The minister looked at them, checked what he wanted, approved them and sent them back to the department. The department put them into a draft bill. The draft bill went back to the ministerial office, the ministerial office checked the draft bill and then sent it back to the department for final submission to cabinet on Monday. All that occurred within three working days. A government that takes 11 years to build 3 kilometres of railway line takes three days, apparently, to do a massive consultation phase on the GAIC bill.

Mr Tee interjected.

Mr GUY — One has to ask: does Mr Tee think the word 'sham' might apply to the GAIC bill consultation? I think it might, and every single business that made a submission to that inquiry has every right to be furious with the lot of the members in the Labor Party who wasted their time, money and business hours when they submitted to a process where there was a preconceived outcome.

The truth of the matter is that this document shows it occurred for the Hotel Windsor redevelopment, and it is there in black and white. What the committee is looking at is obviously the broader process beyond that. It might look at the GAIC, it might look at a lot of other things. Mr Tee is on the committee and so am I. We will have to decide that in camera and at a later time, but at this point in time this motion relates to the behaviour of a minister who has presided over a system that is clearly corrupted.

It is so corrupted that the minister himself has appointed a probity auditor. The minister is yet to tell us what the terms of reference are, who is the auditor, what will be looked into, who will be monitored from his office, who will be monitored from the department, who will be spoken to, who will be the responsible authority — but none of that is made clear. The minister is going to appoint a probity auditor on a trust-me, wink-wink basis, a 'Brimbank basis', a case of, 'Trust me, I will fix it' — and this is the same minister.

The truth of the matter is that the process has been corrupted, and that is what this motion is about. It is not about what is going on in the committee. It is not about weasel words, coming in here and using the words 'sham' or 'kangaroo court' as many times as you can get them into *Hansard*. The truth of the matter is that the process has been corrupted, the minister has presided over it, and this house should have no confidence in a minister who presides over a corrupted system when material like this exists, is produced and is clearly fact within this government.

Mr LENDERS (Treasurer) — I rise to speak in the debate today on the motion of no confidence in my colleague Justin Madden, the Minister for Planning. I concede Mr Guy is a charismatic speaker, gets a bit excited and revs people up, but the motion before the house today is an extraordinarily serious motion. I open my opposition to the motion by stating clearly on the record that I believe Mr Madden is an honourable man. I put that straight on the record to start off with.

Also, partly in response to comments from Mr Kavanagh and Mr Hall, I draw to members' attention that when you are under a sustained personal attack in the chamber, it is not unreasonable for you to listen to the debate from your room, without actually sitting in this chamber. A number of members have questioned why Mr Madden is not in the chamber. I say to those opposite that if they were going to have a day of sustained personal attack — and that is what it has been from many members opposite — preceded by a sustained media attack on your character and on every motive you have, it is not unreasonable to listen to this debate from your room rather than sit in the chamber and be subjected to that.

I put that on the record because I think Mr Madden is an honourable man and his conduct, as an honourable man offering service to his community, deserves a lot better. It is legitimate for a house to scrutinise, it is legitimate for Parliament to make comments on an individual's performance, but when you have an honourable man — and I am delighted my colleague is now in the house — it is not unreasonable to give the person the dignity and the space to sit back from an extraordinarily charged debate and comment on it separate from that.

I also dissect the motion and rebut some of the issues put forward in the debate. Firstly, we have had an extraordinary debate throughout the day on what the Westminster system is. I understand there is a lot of hyperbole around. People want to make political points, and people get a bit excited, but fundamental to the Westminster system is that governments are decided by who has the confidence of the Legislative Assembly, and there is no question about that. The Legislative Council having a view as to whether or not a person is appropriate to be a minister is fine; it is entitled to a view. But this extraordinary tirade about the Westminster system and the effect of the Legislative Council having a view totally ignores the Westminster system.

There is only one bicameral Parliament on the planet that I am aware of that requires the confidence of both houses of Parliament to form a government — that is,

the government of the Republic of Italy. There is no other government in the world with a bicameral system that requires such support. Ministers are appointed either by the lower house of Parliament or by the person who commands the confidence of the lower house of Parliament. Before we go too much further on the Westminster system, let us understand it.

I was interjecting vigorously when Mr David Davis was talking this morning about the Canadian system. If he is picking the Canadian system, he is picking bits and pieces — —

Mr D. Davis interjected.

Mr LENDERS — I say to Mr Davis that the Canadian upper house he refers to is appointed for life by the Prime Minister of Canada. If we are starting to talk about systems and the role of governments, let us get some of our facts right, because we may find that has some greater benefits.

If we start with the Westminster system, under that system a minister remains a minister while they have the confidence of the lower house of the Parliament; while they have the confidence, they are a minister. What happens in our system is that in every fourth year, on the last Saturday in November, the public comes to choose. Let us remove the hyperbole of a majority shrieking that they have decided someone is suitable or not suitable for office, and shrieking it often enough and loud enough and as many times as they can in an extraordinarily disrespectful fashion. That is not the Westminster system; it is a house of bullies.

I move on to the issue of the significance of this Legislative Council passing a motion attacking someone. Mr David Davis got to his feet and came out with the extraordinary statement that it is significant that twice in 100 years this house will pass a motion expressing no confidence in someone. I say to Mr Davis that just two weeks ago within a 20-minute period this house censured me eight times in a row. If it is the ultimate sanction of the Legislative Council to censure one, and the opposition puts such hyperbole in place to say that somehow or other, twice in a year the Legislative Council is going to pass a motion and that there is something significant about it, then let us look at a bit of history, because two weeks ago I was censured eight times in less than half an hour.

The interesting thing is that I was censured — and this shows the extraordinary hypocrisy of the opposition — for upholding my oath of office as a minister. My oath of office as a minister is to uphold the law of this state, and it means you protect the secrecy of documents. The

opposition argued and censured me because I did not break my oath. This time it has a new interpretation of what Mr Madden's oath is. There is no consistency and no logic from members of the opposition.

To conclude on how overblown and disproportionate this house has been historically in exercising its right of review in the Westminster system, I ask the house to stretch its mind back to 1947 when, in its wisdom and as part of the Westminster system, it blocked supply and defeated the Cain Labor government, which, Mr Kavanagh would have a great attachment to, given his connection to a minister in that government.

That government was thrown out of power by the Legislative Council. The Council blocked supply, not for anything this house did and not for anything the Cain government did but because the Chifley Labor government federally was contemplating nationalising banks. So this Legislative Council blocked supply and threw out a state Labor government.

The history of this place, and Mr Davis's great cant and hypocrisy about the sanctity of the Legislative Council passing a sanction, is that it blocked supply and got rid of the Labor government in 1947. It was a political ploy and a tactic by the conservative parties to get a referendum on the Commonwealth Bank nationalisation, which had nothing to do with the Cain government in Victoria. What we are seeing is extraordinary cant and hypocrisy.

I will refer to a couple of other issues from Mr Guy's contribution. He went on endlessly about the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. It would be fascinating to know how Mr Guy would feel if the Legislative Assembly set up a select committee which called the Leader of the Opposition in the other place and half the Liberal Party and asked them, 'Where are your land-holdings on the edge of the urban growth boundary?', put in place an extraordinary scare campaign, went to every media unit alleging all sorts of things and called it before the committee.

The opposition would be extraordinarily aggrieved, but that is exactly what it is doing here. It has accused a person of doing something and then set up an inquiry to investigate it, and until Mr Kavanagh intervened today it was not even shamefaced about the hypocrisy of trying to convict someone of an offence. Mrs Petrovich let the cat out of the bag. She was outraged at Mr Kavanagh's comments and said, 'Because the minister is guilty' before we have even had the inquiry.

While we are talking about Mr Guy's contribution, he got up here and said very eloquently that the select committee was not even looking at the Windsor Hotel item, but he conveniently forgot the third paragraph of the terms of reference which the President read out yesterday, which states:

The initial focus of the inquiry will be on the Windsor Hotel ...

Mr Guy came in here — —

Mrs Petrovich interjected.

Mr LENDERS — Mrs Petrovich says I should read on. The minutes of her party meeting show the caucus collectively ganged up on everybody and said they were going to go for the minister, and the only reason its plan has become somewhat derailed is because Mr Kavanagh wanted natural justice in here today.

I move to a couple of other areas I would like to touch on before I conclude as to why I think this process, in what could be a legitimate scrutiny of the Parliament, has turned into an absolute sham in an electoral year. Firstly, I will go to the issue of caucusing. A number of people have gone on piously about the sanctity of the Parliament. It is interesting to see the blue-green algal alliance. So much for the sanctity of the Parliament!

I take from the Greens website a note that its candidate for Melbourne is calling for Justin Madden to face an inquiry. We have gone from the Parliament, with great sanctity, dealing with this to the Greens candidate for Melbourne having a view. It is no coincidence that when Mr Kavanagh moved his motion, the first person Mr Davis went to for counsel was not his deputy leader, it was not his whip, it was not the Leader of The Nationals and it was not the Deputy President. The first person he went to for counsel was Mr Barber, the same man — —

Hon. M. P. Pakula interjected.

The ACTING PRESIDENT (Mr Leane) — Order! Mr Pakula!

Mr LENDERS — It is the same person who simultaneously released an almost identically worded press release on the Friday of the last sitting week. He could not even wait. He worked with Mr Davis — the Liberal Party and the Greens together — to set up a process that calls for the conviction and the hanging — —

Hon. M. P. Pakula interjected.

The DEPUTY PRESIDENT — Order! The Acting President gave the minister a nod and suggested he desist. I reinforce his ruling.

Mr LENDERS — What we have is a process where a minister, who is an honourable man, has had a two-week protracted period of character attack. It has not been a measured, deliberative debate in a parliamentary chamber; it has been a sustained from-breakfast-onwards media campaign with accusations and members opposite throwing words around at every juncture about corruption and about a whole range of other things.

They throw in allegations about who Mr Madden may once have met or known. They do not talk about their own sons, about people who are absolutely compromised councillors in local municipalities, but they will have a go by discussing the individuals that have been associated with Mr Madden, wherever they are. They will have public meetings on the growth areas infrastructure contribution —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mrs Peulich and Minister Pakula will stop interjecting. The reference that Minister Lenders made to the son of Mrs Peulich was a bit provocative. I suggest that he keep to his basic argument on this matter.

Mr LENDERS — My proposition is that we have an honourable man who has sustained an extraordinary personal attack day after day, week after week. The assumption of the opposition at every juncture is that there is not the slightest pause for natural justice. The absolute irony of the motion by the Leader of the Opposition that was supported by the leader of the Greens through the public media for the calling of this hearing has been to actually come in here and vote for a no-confidence motion in a person before the inquiry into the fact has even met. I congratulate Mr Kavanagh for seeking to slow that down.

I will conclude on this. We have an opportunity to vote today. Let us not for one moment kid ourselves that there is anything unique about this opportunity. As I said in my opening remarks, you can go back to 1947 when the opposition in this place used its numbers to get referenda on federal Labor by blocking supply for the Cain state Labor government. You can find many instances when the opposition in this place has shamelessly used its numbers for political advantage. If members of the opposition want to do that, let them do that. The voters will judge them for it. Let us not come

in here and pretend we are seeing anything other than a brutal use of numbers for a political outcome.

Honourable members interjecting.

Mr LENDERS — For those who are saying that I am defending a corrupt process, I am actually highlighting to this house a totally corrupt process which says that you come into this house, trash the reputation of an honourable man and then judge and execute the individual before you have even heard the evidence. As Mr Viney said, it is like Salem all over again. It makes Joseph McCarthy's House Committee on Un-American Activities seem like a dose of natural justice!

I would urge the house to look at this motion for what it is. This is not a measured form of a legislature passing an informed view on an individual. This is a politically motivated attack. If the legislature were serious about review, it would not put forward multiple motions condemning governments for everything, every single Wednesday. If it were serious, the opposition would be selective and once or twice a year form a view that something is extraordinary. I will repeat: in the last sitting weeks, eight times within half an hour this house has voted to censure me. This same house sacked a government because it did not like what that party's government was doing federally —

Mrs Peulich interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Mrs Peulich

The DEPUTY PRESIDENT — Order! Under standing order 13.02 I ask Mrs Peulich to have a rest for 15 minutes. She can vacate the chamber for that period.

Mrs Peulich withdrew from chamber.

MINISTER FOR PLANNING: WANT OF CONFIDENCE

Debate resumed.

Mr LENDERS (Treasurer) — The motion is in two parts. The first part is to censure a minister for what it says are unacceptable activities. I think the motion should be rejected in general terms, but certainly in the interests of natural justice you cannot pass such a motion before the committee actually seeking to find

evidence has even met to consider this point, Mr David Davis's proposition is quite preposterous for that reason. The second part of the motion does not link the sanction to any of that; it just notes and states some information from a motion passed by this house last year. I think the motion should be defeated. We have an honourable man who is being trashed from dawn to dusk in a personal way. This is not a measured debate about ministerial office. It is a personal attack and this motion should be rejected.

Hon. J. M. MADDEN (Minister for Planning) — It is not my intention to speak for too long tonight, President. First of all I will express what I believe is appropriate disappointment not only from my point of view but also from the point of view of all Victorians. There are many important issues that we confront today. Unfortunately this Legislative Council has spent an entire day focused on me. I do not mind if the house focuses on me, but I think there are more important issues for the Legislative Council to debate, and particularly more important issues that the opposition should be dealing with. I say that because we may be a government that is more than 10 years old, but we also have an opposition that is more than 10 years old. What we have seen in the last year is an increasingly more desperate opposition. It is desperate because, as we have heard from the Treasurer, the censure motions have considerably ramped up in the last 12 months. Other motions have been ramped up in the last 12 months. This is the second no-confidence motion made with respect to me in the last 12 months.

I have got fairly broad shoulders. I am very grateful my colleagues have defended me throughout the day. I am not unacquainted with being in the rough and tumble in more ways than one. I entered this arena from another arena because at the end of the day one thing I do enjoy is a contest. It is important to note that after more than 10 years in opposition the best thing that this opposition can offer in terms of policy are censure motions, no-confidence motions and the voting down of bills. There has been not one policy commitment in the planning portfolio area.

Honourable members interjecting.

Hon. J. M. MADDEN — I hear Mr Guy and I take up his interjection without probity. We know what the record of the Liberal Party was in opposition and we know of the Maclellan style of politics when it came to the planning portfolio. I take up Mr Guy's interjection about probity; I will speak to that in a moment.

If Mr Guy believes it is the vital component in this debate, then I look forward to a policy announcement

from Mr Guy in this space. Since the time of Maclellan, more than a decade in opposition has not only not changed the minds of opposition members or resulted in the transformation of one single policy in the planning area of the Liberal-National Party coalition but the decade has also not seen one pronouncement about probity other than a call for it.

Mr Guy interjected.

Hon. J. M. MADDEN — There has not been a policy commitment in the planning portfolio, Mr Guy, not one; I wait for him to introduce it. I have been listening from my office to the debate today. I did not want to sit here, because physically it is not good for my posture, and it is probably not good for my mental health to hear some of the diatribe that came from the opposition. I was listening closely, with the volume turned down but up on some occasions — depending on how the debate was proceeding — to hear the views put today.

One thing that there is no doubt about, regardless of whether people in this place have confidence in me, is that the opposition has put the cart before the horse. Opposition members have called for an inquiry, and the inquiry will take place on Friday. Before the inquiry has taken place, opposition members want to vote no confidence in this minister in this place today.

I thank Mr Kavanagh who I believe is the only person on the opposition side or the crossbenches who did not bring into this place the cynicism displayed by opposition members today. The same criticism that those opposite make of me, of pre-empting one result before the other, can be made of what they have done today: they have pre-empted one decision before a thorough investigation. They cannot see that they criticise me for exactly what they have done today.

Honourable members interjecting.

Hon. J. M. MADDEN — I can see Mr Davis nodding his head. Did he not hear Mr Kavanagh's contribution, in which he sought to defer debate on the motion until the inquiry was completed, so that a fair and reasonable process had been undertaken and natural justice could be complied with? I thank Mr Kavanagh for his contribution.

One thing I must say is that after today, opposition members have just reinforced that after 10 years or longer in opposition, they are desperate and sceptical.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Interjections by Mr Guy and Mr Finn should not be quite so incessant.

Hon. J. M. MADDEN — Opposition members are so desperate and sceptical that they must rely on only the cynicism that we have heard today.

No doubt my colleagues have replied in relation to what a sham process this is. Not only is this a sham process, but while I will not be as cynical — I am not cynical yet, even after 10½ years in this place — I am sceptical about the opposition, because yesterday I was invited to attend at an inquiry but today I was uninvited from attending the same inquiry. I was asked to attend at 2 o'clock on Friday afternoon and I understand that I have been uninvited because Mr Rich-Phillips does not want me to attend on Friday afternoon.

If members opposite are to establish a conspiracy theory about what this minister does, they should at least get their operation right. After 10½ years members of this opposition could not run a bath! This is not rocket science.

Honourable members interjecting.

Hon. J. M. MADDEN — This is politics 101 and those opposite have failed on all counts!

In relation to some of the specific commentary around the document that was made available to the media, and specifically about the Windsor Hotel, you have to not only look at how that media adviser expressed those comments but also consider what I have undertaken, and not only that but also the history of the decisions I have made.

For the relevant planning authority, the public consultation process is the panel process. That is the process by which independent panel members, experts in their respective fields, have public submissions made to them. They then, via the department, provide the report to me. It normally comes to me with advice from the department, and I would expect no less. Sometimes that advice is complimentary of the report, and sometimes it is critical of certain components of the report.

Sometimes the panel report itself allows for commentary on aspects that should or ought be resolved in one form or another, but throughout that process of taking on board the comments from the public, or other agencies or others who have made submissions to that public independent panel process, there is no resolution to some matters, while sometimes the panel suggests methods to have those resolved.

Honourable members interjecting.

Hon. J. M. MADDEN — This is a quite transparent process because at the end of the day, when I release — —

Mr Koch interjected.

Hon. J. M. MADDEN — I take up the interjection about the Barwon Heads bridge. At the end of the day, when I release the report, I also, unlike Minister Maclellan, release reasons for why I have accepted or rejected all or part of that report. It is very transparent. If anyone believes that the remarks I make about the panel process criticise it or do not compliment it, they are there for everybody to see. We account for that; we report on it. I report on it; I publish it. It is there for everyone to read.

I am an elected official. If people do not wish me to remain an elected official, then at some stage they have a chance to vote on that. It is not like some planning processes in other parts of the world that are run by faceless bureaucrats or centralised totalitarian regimes. This is a public process, one of the best in the world, the envy of other states.

Honourable members interjecting.

Hon. J. M. MADDEN — It is a process which is very clear and very transparent.

Honourable members interjecting.

Hon. J. M. MADDEN — I make this point: the comments in that document were, I suspect, the ideas or brainstorming of the media staffer. I also say that if members know their planning processes and how panel reports are released with the decision of the minister, and they look at my history where I have made decisions on the panel report, then they will know that those comments by that media staffer were technically wrong or incorrect. All the conspiracy theories in the world that members have heard come to nothing, because the commentary by that person was technically wrong.

I make this point: that in order to give people confidence before I make any decisions — —

The DEPUTY PRESIDENT — Order! This is the third time I have had to refer to Mr Pakula. I am reluctant to throw out a minister. He is persistent; he is sitting right next to the minister who is addressing the chamber but who does not need Mr Pakula's assistance. Members do not need the crossfire across the chamber. I think he knows better.

Hon. J. M. MADDEN — As I said, the document of that media staffer appears to be a brainstorming-type document. It was not from my office, it was not in my words — —

Mr Guy interjected.

Hon. J. M. MADDEN — It is not in my language and certainly it was technically wrong. That seems to be lost on opposition members, because again not only do they not know how the planning system works but they do not want to know how the planning system works — because it does not suit them.

We have the most robust and transparent planning system in the world; it is the envy of other states. The confidence of the community is paramount. No matter how much the opposition tried to undermine it, I sought that my department implement a probity auditor in the process to guarantee that all probity concerns can be complied with in relation to this matter.

In terms of any other matters before me or before the department, we have a set of probity criteria which have been established by a probity auditor and which can be complied with. That has been guaranteed to me by the secretary of the department.

I say to the opposition it has had 10 years to put in place a probity policy. Before the event, not after the event, it has had 10 years to come up with a planning policy. It has had 10 years to do the heavy lifting. The best it can do is censure motions, no-confidence motions and not one ounce of heavy lifting when it comes to policy. The opposition has wasted the entire day debating about me, when it could have been debating public transport; it could have been debating *Melbourne @ 5 million*; it could have been debating police numbers; it could have been debating knife culture in Melbourne. The opposition could have been dealing with all of these important issues but it did not.

That does not matter so much to me, because I am here and I have fairly broad shoulders, but it matters to this place as a manifestation of the debate around ideas and the future of Victoria. What we have — regardless of whether people want to condemn me or not — is no debate around the future policy of an alternative government on its day to debate those issues.

I want to thank members of this chamber who have supported me; I also want to thank members of this chamber who have at least sought natural justice or to have natural justice considered as part of the process. We know this is a sham. We know that the inquiry on Friday — however long the members of the committee

want it to go for — will be a sham. We know that the opposition, as an alternative government, is a sham.

There is no doubt that an election would be a good thing, because it would force the opposition to think more carefully about its own policies rather than trying to justify its existence by looking for scalps, censure motions and no-confidence motions regarding this government.

I look forward to seeing this issue resolved. I do not expect much from this chamber. Whilst I think a lot of democracy and of this Parliament, I think very little of this chamber, because the opposition has the numbers; I suspect it will have the numbers for the vote.

Whilst I have not been highly critical of the Greens, I think they have fallen for the old card trick as well. The opposition has sought to make out that this is a process which encompasses the whole house. The opposition has put the cart before the horse, and the Greens likewise have put the cart before the horse. They are desperate to get a scalp, because these things literally mean a lot to the opposition but also to the Greens who are desperate to hold onto their third seat in the west. So it suits them to be cynical in this place.

I thank Mr Kavanagh and I thank my colleagues. But I have no thanks for the opposition, nor do I expect anything good to come from the opposition.

Mr D. DAVIS (Southern Metropolitan) — I want to conclude this debate very thoughtfully and by making some clear points to rebut some things that have been said throughout the process.

Firstly, no-confidence motions are somewhat different from a condemnatory motion of, perhaps, a policy. They are very focused on a minister and a minister's performance. They are rare. As members know, one was carried last year, and this minister was the subject of it. He was the subject of that motion for good reason — that is, the Brimbank report and the Ombudsman's statements.

Mr Leane interjected.

Mr D. DAVIS — His staffer's name was in it, Mr Leane. Hakki Suleyman's involvement and the corruption regarding Brimbank City Council were a sufficient base for the no-confidence motion that was passed last year.

The minister at the time gave a defence that he did not know and was unaware despite many warnings that were enumerated in this chamber and in the Ombudsman's report. He said he did not know and he

was unaware that his staffer had behaved in a certain way.

No-one particularly believed him at the time, but even the most generous interpretation was that the minister had lost control of what was happening in his office. He had not overseen that office. A minister has a responsibility for more than just their own personal actions. This is the nub of the problem with the minister's understanding of the concept of ministerial responsibility. It is not just about what he personally does; it is not just about what he intends. It is about an oversight responsibility; it is about a responsibility to ensure that those areas of responsibility that the minister holds — I accept they are large and onerous — are discharged carefully and thoughtfully.

The minister might have a legitimate debate about where he draws the line with regard to that ministerial responsibility beyond his own personal actions. He might draw a line — as some perhaps would — way out which would not hold him responsible for everything that is done by every officer in every department under his control or administration. That might be legitimate.

But when it comes to his personal office and staff who are placed in his office, like Mr Hakki Suleyman, he is responsible for what they do and the tone that is set in that office. Likewise in this recent period, a ministerial staffer, a media officer, Peta Duke — and it is very important to place on record that this is my intuition, and I wait to hear more as later inquiries occur — was discharging her duties in a way that was in the parameters that were set in that office.

Minister, you cannot step away from a measure of genuine responsibility for what occurred inside your office, for documents produced inside your office. You cannot step away from that responsibility. That is not a distant responsibility; it is not an unreasonable or onerous burden to put on a minister of the Crown.

It is important to understand here, as Mr Guy has eloquently outlined, that there have been actual real-world consequences — damage to our confidence in our planning system and damage to planning processes. As Mr Guy pointed out, the appointment of the probity auditor is an admission that there is now a lack of confidence in the probity process around the Windsor Hotel development.

I make the point strongly here that the setting up of a select committee is a separate matter and a separate process. With the greatest and honest respect to Mr Kavanagh, I see that as a very important process,

but it is a separate one from the matter of ministerial responsibility.

Hon. J. M. Madden interjected.

Mr D. DAVIS — Motions of no confidence that are brought in this chamber and in the historical periods that have been brought in this chamber have been debated openly in the chamber.

Hon. J. M. Madden interjected.

Ms Darveniza — Bring him through the Chair.

The DEPUTY PRESIDENT — Order! I am going to, but I do not need assistance from Ms Darveniza. I say to the minister, we do not need again that constant barrage of interjections. We all know the role that interjections play in this place. Where I get uptight as the Chair of the proceedings — and I think also as does the President and no doubt many of the acting chairs — is when it is a constant barrage. I can understand people making interjections and even trying to get the point across on more than one occasion. But when it is a constant, it is not on. I understand the minister's position in this debate and why he might feel frustrated and want to make some further remarks. Mr Davis has the call of the Chair with his concluding remarks, and I do not need that constant barrage.

I say to Mr David Davis that this is an important debate, this is a debate which affects one of the people in this chamber, and it is important that the remarks are directed through the Chair. I would ask him to do so.

Mr D. DAVIS — The point of this motion is about the responsibility of the minister. As I said, one of my concerns — and it has been highlighted by the minister's contribution just now and today in comments on radio by the minister — is that he does not appear to get the fact that he actually has a level of responsibility beyond what he personally does. He does not seem to understand that he has to take responsibility for what happens in his office.

The production of this media plan has done damage. I frankly do not believe that the media plan is not a document that has been closely looked at in that office and a document that has been consulted with regularity, but even if you were to accept the comments made by the government and by the minister on that, that would still not remove the concern that a document produced in the minister's office, subverting the planning process, is simply not an acceptable state of affairs.

The minister has a deep responsibility to oversight the planning system and a deep responsibility as a

custodian of the planning system, a custodian of confidence in the planning system. After the minister had spoken on radio I heard scores of people calling in with examples of where the planning process in the state is breaking down, where consultation is breaking down and where communities are not having their say. This media document sets out a process to subvert that process. It was produced in the minister's office, and the minister must be held accountable for that.

I now want to make one more point — that is, that the minister swore an oath of office to act to the best of his knowledge and ability without fear, favour or affection. I say that the minister has not acted without fear, favour or affection; he has allowed things to occur in his office which are unacceptable. And this is not the first time; this is the second time that the same sin has occurred in the same minister's office.

House divided on motion:

Ayes, 19

Atkinson, Mr	Hartland, Ms
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr (<i>Teller</i>)	Rich-Phillips, Mr (<i>Teller</i>)
Hall, Mr	

Noes, 18

Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr (<i>Teller</i>)	Somyurek, Mr (<i>Teller</i>)
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr

Pair

Vogels, Mr	Mikakos, Ms
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Motion agreed to.

WATER: BULK ENTITLEMENTS

Mr HALL (Eastern Victoria) — I move:

That, pursuant to section 34(3) of the Water Act 1989, the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Further Amending Order (No. 2) 2009 published in *Government Gazette* No. S300 on 1 September 2009 be disallowed.

We have had a lengthy debate today. We have 35 or 36 minutes of debate left for the course of the evening.

There is, I understand, agreement between the opposition, the government and the Greens that the remaining 36 minutes of the sitting today be divided equally between the three parties in order to facilitate a vote on that, so I intend on behalf of the Liberal-Nationals coalition to limit my contribution this evening to just 12 minutes.

I need to say at the start of my contribution that I speak not only on behalf of the coalition but also on behalf of my colleagues representing Northern Victoria Region, they being Wendy Lovell, Damian Drum and Donna Petrovich in particular, who desperately wanted to speak on this motion and express their personal views and those of their constituency with respect to this motion, and who have graciously allowed me to speak as the lead speaker for the opposition parties on this particular motion. I want to make it abundantly clear that I thank them for that opportunity but give them due recognition for conceding their place in speaking here tonight. I thank them for the tireless work they have performed and representations they have made on their constituency in northern Victoria.

This motion that I have moved tonight is very similar to a motion that I moved on Wednesday, 12 August 2009, when again this house considered a disallowance motion on Bulk Entitlement (Eildon-Murray Goulburn) Conversion Order No. 1 of 2009. That was gazetted on 28 May 2009.

The purpose of that order, as is the purpose of this particular order, was to allocate claimed water savings derived from modernisation works in the Goulburn-Murray irrigation district to be reserved for future allocation to Melbourne, to irrigators and the environment. The way in which that was distributed was detailed in schedules to the amendment order.

When moving that motion, debate in the chamber concentrated on five main reasons we felt that particular order should be disallowed. They were, firstly, the priority for water savings was simply wrong. They had them in the order of Melbourne first, irrigation second and the environment third. We believe that was an inappropriate priority order for the distribution of those water savings. Secondly, we strongly believed the accounting for the calculations of water savings was dodgy, to say the least, and we remain firm in our view of that. I will comment about that in a minute. Thirdly, we also claim that some of those so-called savings were in fact environmental reserves intended and allocated for other environmental flows in the Murray and in the Wimmera-Mallee pipeline and others, and again we stand by that. Nothing has changed. Fourthly, Melbourne's water supplies could be supplemented by

other very much cheaper sources of water, and again we are firm in that view. Finally, we moved the disallowance motion because northern Victoria was in more desperate need than Melbourne, and indeed still is, despite some very recent rains at the weekend.

The government responded to the disallowance motion, particularly the success of that disallowance motion, by again gazetting a further amendment order to the bulk entitlement, and they did that on Tuesday, 1 September 2009. It was exactly the same amendment order, apart from the consequential matters arising from the previous disallowance motion, but essentially the same key issues applied. It was an allocation of 75 gigalitres initially, but up to 225 gigalitres from the northern Victoria infrastructure renewal project, stage 1, and points 2 and 3 of the schedule to that particular amendment order set out how those allocations would take place.

Nothing has changed. The view of the opposition with respect to this variation to the bulk entitlement remains firm. Indeed I think the government has not changed in its views either and, as I previously said, simply responded to the successful disallowance motion by this chamber by implementing the same bulk entitlement order. We could go through all of those issues, but I do not have time to prosecute each of those five reasons. However, there have been some significant changes since this matter was last debated in this chamber, and I want to mention quickly some of those.

When we last debated this matter we were hopeful that the Auditor-General, who is looking into the audit of those irrigation savings, might have his report available to the Parliament for its consideration, but I note on the Auditor-General's website that that report is now expected to be tabled in Parliament by the end of June 2010, so unfortunately that is not at our disposal to debate today. Again, I think that would be a very independent audit and the document would be useful for members of Parliament to base their arguments on so we are disappointed that is not available to us today.

But there is another audit of the water savings that has been undertaken since we last debated this particular matter. That was an audit report for the northern Victorian irrigation renewal project, stage 1, and also for the Central Goulburn areas 1 to 4 and Shepparton irrigation districts. That was an audit report undertaken by a firm called Cardno, a Queensland firm, and it was undertaken and prepared for the Department of Sustainability and Environment in Victoria.

It is a very interesting audit report. If members had the time to read right through the reports and make some

comments on them, they would see that the audit reports for each of those projects found there was a litany of errors and miscalculations throughout them. If I look at the first of those reports I see that in the executive summary, it says, for example, that the audit was based on the Victorian government water savings protocol for the quantification of water savings for the irrigation modernisation projects. That protocol was again heavily criticised in the course of the previous debate as being an inappropriate measure for the calculation of water savings.

I have marked in this report at least 10 areas where there were significant errors in terms of how these water savings were actually calculated, but I want to quote only one of these from the report. It is on page 2 of the executive summary where it says:

Some errors in input data (e.g. incorrect lengths of rationalised channel and season duration) or interpretation of the technical manual were identified during the audit and these were corrected and the water savings recalculated by the audit team. We also identified some errors in formulae used in GMW's calculation and these have been corrected and the water savings recalculated. The resultant changes which represent a reduction of 10.4 per cent in the total water savings across CG 1 to 4 and Shepparton irrigation areas are summarised —

in various tables in the reports.

If you look at page 40 of this particular report under the summary table of water saving estimates, although the bottom line is an outcome of a 10.4 per cent variation to the estimated water savings — or reductions, as Mr Drum points out — in some of those areas the variation between what was actually calculated by GMW (Goulburn-Murray Water) and the audited calculation is significantly different. Under 'Water savings leakage' there is a difference in two areas: 75.20 megalitres compared to 15.63 megalitres and 15.83 megalitres compared to 74.23 megalitres. Under 'Unauthorised' there is another difference: 13.64 megalitres compared to 48.25 megalitres.

They are very significant variations between what GMW had calculated and what this audit report found. Although the report has come up with a conclusion that there is just a 10.4 per cent variation in certain matters, the actual line items in this particular savings report suggest to me that the variation could be well in excess of that. It suggests to the opposition that the estimated water savings may be a long way from being at all accurate.

I thought one of the items in the second report was very interesting. On page 18 the report refers to outfall record-keeping — and I might add it mentions on

page 10 that in terms of water savings, outfalls constitute 92 per cent of the estimated water savings for this project. The report says in respect of outfall record keeping that:

In some instances the area supervisor/loss management officers may adjust figures where the original input is considered inaccurate. No record of these adjustments is recorded.

So they can adjust them without record of how much they have actually adjusted. Back in report no. 1 on page 18, again with respect to outfall record-keeping, it says:

Measurement is made of flows over these unmeasured outfalls using a calibrated dipstick and based upon the bailiff's assessment of the likely duration of the overflow.

If the flows are going to be assessed at all by Goulburn-Murray Water and if the government wants accuracy, does the reliance on the dipstick means of measuring water not take us back to the old days of the Romans, who I think invented the dipstick as a device to measure water savings?

Members can well understand why we have continual concern with the accuracy and methods employed in estimating water savings in this project. A very important audit has been undertaken by Cardno for the government in respect of this issue. It is a shame the Auditor-General's office has not completed its work for the consideration of the chamber in terms of assessing its report.

I move to the other and final point I want to make tonight — and there are lots of things I have had to leave out of my contribution. I want to re-emphasise the point that Melbourne does not need to take water from the north of the state to supplement its own water needs. Many of us in this chamber have been continually hammering the fact that there is a vast opportunity to harvest the stormwater that Melbourne simply does not utilise. If you consider the 64 millimetres of rain that fell last weekend in Melbourne — and if you were in Melbourne on Saturday, as I was, you would have seen the streets, gutters and drains overflowing and choking with stormwater that was causing flooding in some situations — you realise that it all ended up in Port Philip Bay.

It is estimated that 500 gegalitres of stormwater falls on Melbourne each year, half of that on impervious surfaces such as roofs, footpaths and gutters, which means 250 gegalitres of water could be captured and utilised instead of the north being robbed of 75 gegalitres, as is proposed. So it was that the

Environment and Natural Resources Committee also recommended the greater use of stormwater.

A comment in a press release by the government today really got up my nose. The release says:

Regardless of what action the opposition parties take, Melbourne will be getting 75 billion litres of water from the Sugarloaf pipeline this year and a one-third share of the stage 1 savings every year after that ...

No matter what the state and conditions of Melbourne's water supply, the government will still take 75 gegalitres from the north of the state. That is arrogant, presumptuous and simply unfair. That is not governing for all of Victoria, when the needs of the northern part of Victoria should be paramount because they are greater than those of Melbourne.

It gives us no joy, but we have to continue to stress our opposition to this and urge the house to disallow this bulk water entitlement amendment order. Melbourne does not need it at the same level of priority as northern Victoria. Northern Victoria needs it for environmental, irrigation and domestic purposes. It is wrong for this government to re-divert that 75 gegalitres as an absolute priority.

The coalition and particularly my colleagues who represent Northern Victoria Region — Wendy Lovell, Damian Drum and Donna Petrovich — stand firm in our opposition, and urge the house to support this disallowance motion.

Ms BROAD (Northern Victoria) — I rise to oppose the disallowance motion. I am also a representative of northern Victoria, and the investment the Brumby government is making in modernising the irrigation system and the jobs that are being created through that massive investment are very important in northern Victoria.

A dangerous game is being played here in relation to this disallowance motion in terms of a vote against water savings going to the environment and to Melbourne. Rivers in northern Victoria stand to be the biggest losers in this game. Disallowing the bulk entitlement means it will not be possible to legally set aside savings from irrigation upgrades so they can be shared as the Brumby government has committed to sharing them — between rivers, which is the environment; irrigators; and Melbourne.

As members and certainly Northern Victoria Region members would know, stages 1 and 2 of this \$2 billion food bowl modernisation project stand to deliver around 425 billion litres of water savings per year; more than 80 per cent of that, according to the Brumby

government's commitments, will remain in northern Victoria to be shared equally between irrigators, the environment and our rivers. The environment's 175 billion litre share is a substantial amount of water — more than Adelaide uses in a year — and it will make a very real difference to the health of the Murray River and to its Victorian tributaries.

Less than 20 per cent of the water savings, or 75 billion litres a year on average, is to be transferred to Melbourne via the Sugarloaf pipeline. In the government's view the bulk entitlement provides the most secure legal protection to ensure that water savings are shared in accordance with the government's commitments. Without the bulk entitlement all the savings stand to go to the general pool for allocation to irrigators.

That means irrigators will pay a fraction of the upgrade costs and get 100 per cent of the savings. These are upgrades which irrigators could not possibly have afforded to pay on their own. Obviously this is unacceptable, and if the disallowance motion is carried, the government will move — and the minister has indicated this publicly — to qualify the rights to water savings so they can be shared in accordance with the government's commitments.

This would be a reluctant step by the government, because the government's preference here, to secure legal protection, is the bulk entitlement option, which the opposition is arguing to disallow. However, the house should appreciate that a qualification of rights is only a temporary measure available at times of water shortages. It will ensure that savings continue to be shared while the government develops an alternative permanent supply agreement to ensure that Melbourne continues to get its share in perpetuity.

However, the environment's share will be protected only as long as the temporary qualification remains in force. That means that it can be revoked in the future by a future water minister. Obviously that is not a step that the current government would take, but perhaps the Greens might like to think about what a future Nationals water minister might do in relation to this matter.

By siding with The Nationals and the Liberals, the Greens will leave the environment without secure legal rights to its share of irrigation savings.

Mr Drum — Fancy rolling you out to talk on this issue!

Ms BROAD — I take up the interjection. It does not make any difference at the moment after more than a

decade of drought, but this government looks to the future. We do not just govern for today, and we do not just govern for the current drought conditions. This government is looking to the future and securing legal protection for all of the shares of these water savings, including the environment, irrigators and our very important metropolitan area.

In the government's view the bulk entitlement provides certainty every year that Melbourne, farmers and rivers will get their fair share of savings. This is about fairly sharing water, and in particular fairly sharing water savings, which have been produced through a very large investment indeed on behalf of all Victorians.

Disallowing the bulk entitlement will not prevent the 75 billion litres of water being transferred to Melbourne down the Sugarloaf pipeline this year, but it will prevent the savings from the 2010–11 irrigation season, and every season after that, being shared equally between Melbourne, irrigators and the environment.

In the time that has been agreed tonight between the parties I want to address the audit process, which has been referred to by Mr Hall. I place on record that all water savings from irrigation modernisation projects in Victoria under the Brumby government, including the food bowl modernisation, must be calculated and audited in accordance with the water savings protocol for irrigation modernisation projects — otherwise known as the water savings protocol.

It is a public set of documents which is easily accessible, and the first audit of water savings from NVIRP (Northern Victoria Irrigation Renewal Project) Shepparton and Central Goulburn 1, 2, 3 and 4 modernisations have been completed and findings publicly posted last month.

That audit covers water savings for the 2008–09 irrigation season, and water savings from the current 2009–10 season have been progressively estimated and put aside under the current bulk entitlement provisions. They will be audited and, just like the previous year, results will be made public before those savings are allocated to Melbourne as part of the 75 billion litres for Melbourne in the second half of 2010.

Savings from the 2010–11 season and beyond will be shared equally — one-third each between Melbourne irrigators and the environment — after also being audited in accordance with the Brumby government's commitments. It is a robust audit process. The auditor has made recommendations for improvements to the audit process, and these improvements are being implemented. This robust audit process has verified

something that the opposition and its supporters want to deny — that is, that irrigation modernisation in northern Victoria is delivering real audited water savings.

You would think that the opposition and its supporters might welcome the investment that has been made and the real water savings that are being produced, but it would seem that this is yet another argument that its members have desperately grasped at in order to continue to oppose these very important projects for Victoria's future — that is, the straw of arguing about audit processes.

This attempt to malign audit processes and the audit report is just the latest straw being grasped at. The fact is that the auditor has signed off on water-saving estimates for the 2008-09 irrigation season. The audit has found the methodology was robust, with actual savings within 1 per cent of the estimates by NVIRP and Goulburn-Murray Water, and these robust audit processes are being improved in line with the auditor's recommendations. Further, the independent auditors — —

Mr Drum interjected.

The PRESIDENT — Order! Is Mr Drum addressing me?

Mr Drum — No, I am not.

The PRESIDENT — Order! It is totally inappropriate for Mr Drum to be addressing me in the fashion that he is. If he has something to say, he should stand up and take a point of order. He should not sit there and try to engage me in the conversation. I assume he has nothing to say. He should sit down until I sit down.

Mr Drum — I was simply engaging the speaker and — —

The PRESIDENT — Order! You were engaging me.

Ms BROAD — I am trying to conclude my remarks in line with the agreements that have been reached.

Further, the independent auditor — Cardno, a Queensland company which has been referred to by Mr Hall — was specifically selected to ensure that there is no conflict of interest regarding any other work for NVIRP or any other Victorian irrigation modernisation project. It would seem that the opposition's worst fears have been realised that investment in irrigation modernisation is delivering the expected returns and

providing greater water security and improved service levels for all Victorians.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this motion at this time. However, we remain hopeful that the government is interested in having a further discussion about the particular ways that water will be treated through and after the completion of this project and its assessment to ensure that there is a genuine net gain for the environment.

Ms Broad sought to lecture me about the benefit of this project and its environmental net gain. Although I always appreciate hearing her perspectives in this chamber, I doubt that she has given the same level of scrutiny as I have to some of the detailed technical documents that relate to this project.

I know Mr Drum and other members of this chamber on the opposition side are very passionate and committed to the issue as well, but I am just guessing, from the amount of time I have expended trying to understand the impacts of this project, that I have got one up on them. The Minister for Planning is sitting over there, and he personally had to sign off on this project as well, but I suspect that the amount of time even he devoted to it in making his decision was not as great as the time I have put into it so far.

Another advantage is that since we last debated this disallowance when there were considerable unknowns about the project — —

Mr Drum interjected.

Mr BARBER — There were known unknowns; that is correct, Mr Drum. And as we stand here today, though, we actually know a lot more about the project. A significant objection I have to getting parliamentary approval for this water at this time is that the project has not yet received an environmental tick-off from the federal Minister for Environment Protection, Heritage and the Arts, Peter Garrett. Next time the federal Minister for Climate Change and Water, Penny Wong, arrives in Victoria and wants to lecture the Greens about what we should do in relation to this project, I suggest that she check in with her parliamentary colleague first.

It is not a matter of mere process that this government has started work on a project and now wants state parliamentary approval for it before it has actually got federal environmental approval in relation to matters of national environmental significance. It is not a mere matter of process; it is actually a matter of the real impacts the project might have on the environment.

We have two important pieces of information that we did not have the last time we debated this issue. First of all, we have the government's own environmental impact statement lite — it is called a public environmental report (PER) — that it has released. Secondly, we have the audited water savings. It is interesting that when you read the PER and ask the question, 'What environmental impacts does this project have?', the PER constantly tells us that it is really hard to understand the impacts, it is not sure about the impacts, it is known that water is moving here and there but it cannot really be sure where it is going, and there may be some environmental impact but it is thought that has been minimised.

Then you go over to the water audit — the one that is meant to demonstrate that an incredible amount of savings has been generated by the project — and what are we being told there? We are being told, 'It is fantastic, there is a huge amount of rigour around these savings, that we are being told it is known exactly where the savings are being made and that it is known exactly that the savings are genuine. In fact all that members need to do is the exercise that I did, which is to transpose the various figures that have been generated in the audit report with some of the assumptions that were put into the environmental assessment report, and then we find there is a real problem.

The environmental report works around some scenarios where it looks at past years of rainfall, whether they be high or low rainfall, and attempts to assess the impact of the project. It does a nice little trick; it is a twostep, actually. The first thing is that what it calls the dry year was not particularly dry; it was drier than previous years but it was not drier than later years. The second thing it does is to chart it so that the impact actually looks really tiny, because at a certain point on the scale the line that demonstrates the difference between pre and post-Northern Victoria Irrigation Renewal Project works almost disappears.

Fortunately you do not need to rely just on that chart. You can go back and get the same water data that it used, which is available in a water data warehouse, and make your own plot. You can look just at the summer and see what the impact will be. You can see that the impact will be quite significant, because the sorts of volumes it is said have been saved, largely through outfalls, as Mr Hall said, is significant relative to the flows that are occurring in the Lower Goulburn, let us say below McCoys Bridge, during summer. In years like 2008–09 that water was barely a trickle more than the legislated minimum that it has to release, which is 350 megalitres a day. Rarely throughout summer was it

more than 500 megalitres. You can understand that the water that it says has been saved — which it says equates to 17 gigalitres — when you spread it over that summer, if it had leaked from these outfalls and so forth during rainfall events, is actually really incredibly significant.

It actually added to some of the most important characteristics of that stretch of the river at that time of the year, which is deep water, deepwater pools. The very environmental values that turn up as triggers for an assessment of matters of national significance happen to be fish of various sorts, and it is clear from the government's own commissioned report that the survival of those fish in that stretch of the river depends on deepwater pools. If there are genuine savings to be made there, particularly in dry years but in any year, then that is water that would have gone into the river and would have added to the environmental values.

Ms Broad said that I only need to think about what a minister from The Nationals might do if they were in charge, but I do not need to. I only need to go back a couple of years and look at what a Labor Party minister did when it was short of water. The Minister for Water qualified rights to the environmental water in the Goulburn River — the passing flow, if you like — on the basis that unless irrigation entitlements got to a certain level, they were going to further cut back the amount of passing flow. Since in the subsequent year that did happen, that action was taken and the legislated 350 megalitres a day was cut even further in conditions of severe drought.

Scientists say we need a minimum of 610 megalitres a day. I believe this project will possibly have no net benefit, or a net negative, but even that is not good enough to keep it as it is. The government's own commissioned scientists say that we need significantly more water in the Lower Goulburn River, and yet the last time the government had to make a real choice about the Lower Goulburn it chose to cut the legislated minimum back even further, and that itself should have been assessed by the minister.

We have got further concerns about the environmental impacts, and those concerns will be familiar to the government from the last time we debated this. We say, and the government's own expert panel says, that the way it has assessed the possible impact on wetlands is wrong because the government sought to use all sorts of historical data sets on environmental values to minimise the number of wetlands that it says are nationally significant — and never mind the entire landscape-wide effect on migratory birds and other nationally important values. It has minimised it down to a short list of

wetlands, and then it has said, 'Our project does not impact on any of those', so there is another short list down like that.

All of a sudden we have gone from thousands of wetlands across the Goulburn Basin to a few dozen, for which the government then creates environmental plans. Its own expert panel said that is the wrong way to go about it. You should first understand the impacts of your project, and you should then set about deciding where you are going to mitigate those impacts. The more I look at the government's report, the more convinced I am that the mitigation will require a significant amount of water from the get-go.

I am certainly sympathetic to the argument that for a given quantity of water it would be better to have a defined environmental entitlement delivered towards the protection of the proper environmental values and that with this informal arrangement where water leaks into rivers and is sustained obviously over a very long time certain environmental values might be second best.

I am sympathetic to that argument; that is why I am happy to sit down with the government and talk about how it would set up that arrangement. But the government still has the difficulty that that is not the federal environment minister Peter Garrett's test. Peter Garrett does not look legally at the pluses and at the minuses of a particular project. He does not get to say, 'Yes, that is going to cause damage to populations of Murray cod in the lower river, but it is all right; we will take the water up the top and help out the Barred Galaxias or something else'. For a very good reason which the federal Parliament intended, the minister can only look at the negative impacts of a project. He cannot look at what might be the purported positive impacts.

Unfortunately that represents quite a cowboy approach by the government that likes to do everything in reverse. We have had quite a discourse today about sham inquiries, the setting up of fake consultations and so forth. I would say that relative to the Windsor Hotel, the Minister for Water is getting off extremely lightly in this chamber. He started a multibillion-dollar project that affected thousands of square kilometres of Riverina systems and wetlands, and now he has the project under way he is seeking approval from his federal environmental colleague Peter Garrett. That is not the sort of approach the Greens can be seen to be endorsing.

If at some stage Peter Garrett gives an environmental approval with conditions, we will be happy to examine

those conditions and consider what situation it leaves the Goulburn River in. Therefore, as I said in my opening remarks, I will not at this time be supporting the government's changes to the bulk entitlement.

House divided on motion:

Ayes, 20

Atkinson, Mr	Hartland, Ms
Barber, Mr	Kavanagh, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr (<i>Teller</i>)
Drum, Mr	Pennicuk, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr (<i>Teller</i>)	Rich-Phillips, Mr

Noes, 18

Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr (<i>Teller</i>)	Tee, Mr
Lenders, Mr (<i>Teller</i>)	Tierney, Ms
Madden, Mr	Viney, Mr

Pair

Vogels, Mr	Mikakos, Ms
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Motion agreed to.

Business interrupted pursuant to standing orders.

CREDIT (COMMONWEALTH POWERS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Planning).

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Minister for Planning: want of confidence

Mr D. DAVIS (Southern Metropolitan) — My matter for the adjournment is for the Minister for Planning. It concerns the debate in the chamber today and the no-confidence motion that has been passed. I seek from him an explanation as to what will occur. I

would ask him in the circumstances while he is considering his position whether he will disqualify himself from the adjournment and seek a replacement minister. With the support of the President I seek a slight deviation in procedure to seek the minister's response to that before we consider further adjournment matters.

Mr Viney — On a point of order, President, quite simply that is not an adjournment matter. An adjournment matter is something that is raised on which a member asks a minister to take an action. Clearly Mr David Davis does not understand the Westminster system. Any vote in this house about confidence or otherwise in a minister has no relevance whatsoever to the minister's engagement by the Governor on advice from the Premier.

Mr D. DAVIS — On the point of order, clearly the minister's actions as a sworn minister in this chamber include the adjournment. It is certainly within his area of responsibility and within his competence to pause and seek an alternate minister to handle the adjournment tonight while he considers the grave result of today.

The PRESIDENT — Order! I do not believe there is any point of order. I have been advised that the action Mr Davis seeks is not an action at all.

Buses: Port Melbourne

Mrs COOTE (Southern Metropolitan) — My matter for the adjournment this evening is for the Minister for Public Transport. It is in respect of a constituent of mine, Martin Musgrave. He has great difficulty with transport routes to Port Melbourne. My office is in Port Melbourne. Although it is not very far as the crow flies from the city, it is actually exceedingly difficult to travel to various parts of the city by public transport from Port Melbourne. This relates to Mr Musgrave's concerns. I will read part of his letter because he puts it more aptly than I could do. He said:

I recently moved from South Melbourne to Port Melbourne. I paid a large sum in stamp duty upon the purchase of my unit.

I work in St Kilda Road near Toorak Road.

To my surprise, the public transport options to get from Port Melbourne to St Kilda Road (and home again) are terribly inadequate. Most days I catch a bus down Bay Street (sometimes via South Melbourne markets) to Queensbridge Street, then a 55 tram to Domain interchange, then a tram to Toorak Road. This journey can take between 25 minutes and 45 minutes, and sometimes forever because last week I waited an hour for a bus on Queensbridge Street and gave up and walked in the rain.

It takes 40 minutes to walk, 15 minutes to cycle and 10 minutes to drive. Some days I have access to a car space, and I travel by car on these days.

He has written to the minister to explain his concerns, but he wrote to me as well. I ask on his behalf if the minister could speak to the bus services to make certain that a peak-hour bus service that would go from Bay Street in Port Melbourne along Liardet Street to Richardson Street, then down Albert Road to Kings Way and then down St Kilda Road could be implemented as a matter of urgency.

Housing: affordability

Ms TIERNEY (Western Victoria) — The matter that I raise tonight is for the Minister for Housing. As members would be aware, over one year ago the federal government announced its economic stimulus package for social housing, of which Victoria has secured \$1.167 billion. This is a welcome investment from the federal government as there is a real shortage of affordable housing right across the state. This investment builds upon the record \$510 million investment of the Brumby Labor government to increase social housing as well as other programs that are designed to increase housing affordability, such as the national rental affordability scheme.

I note that in my electorate and across rural Victoria we can see very clearly the impact of a booming housing market and an increasingly tight rental market on low-income families. In towns such as Ararat, Ballarat, Colac and Horsham populations are growing and there is a real need for more affordable housing. There are a number of families who are simply being priced out of the private rental market even in rural areas that have traditionally been affordable for low-income families. In addition a range of individuals and families, from those with high needs to those with low incomes, are awaiting public housing. The stimulus investment provides us with an opportunity to provide a real boost to supply.

It is my understanding that one-third of the stimulus funds will be allocated to projects in rural Victoria. I am aware that there are a number of projects in Western Victoria Region. I ask the minister for an update on the progress of the nation building and jobs plan projects in my electorate. In particular I ask for a breakdown of the funds available for social housing in western Victoria.

Planning: Sunbury development

Mrs PETROVICH (Northern Victoria) — My matter for the adjournment is for the Minister for Planning. It relates to 275 Racecourse Road, Sunbury,

which represents approximately 120 acres of open space in the centre of Sunbury and the last remaining piece of open-space land owned by the Hume City Council. The land contains significant grasslands and the remnants of a historical Sunbury racecourse. It currently acts as a buffer between high-density housing and the rural landscape character of Riddells Creek and the Macedon Ranges. There are a number of anomalies in the process. It appears that the Hume City Council is acting as the developer of this land and there are real concerns about probity. I have viewed the development plan and support diversity of block sizes, but to see blocks as small as 200 square metres in this development is totally out of character. This is all about maximum yield and nothing to do with good planning in Sunbury. It is certainly not about preservation of rural amenity or buffers between zones.

Sunbury residents fear that this Labor-dominated council will be directing revenue from this cash grab away from Sunbury where it is needed most and directing profits to the west. This community is growing and needs support and proper planning, not a cash grab by a metro-centric council. The action I seek is that Minister Madden ensure that the Hume City Council is acting in accordance with planning guidelines and that appropriate studies have been carried out to ensure that the infrastructure needs of Sunbury are being met. I would also appreciate a policy outline on how the Brumby government can assure ratepayers that probity will not only be seen to be carried out but is actually carried out.

Drought: government assistance

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Agriculture, Mr Helper, and it relates to his recent decision to end drought assistance for the inland parts of south-western Victoria. I have been approached by south-western farmers, who tell me that on farms in the inland parts of south-western Victoria as distinct from the coast, which is very much better, they are still very badly affected by the lack of spring rains last year, which has dramatically reduced their crops. The result is that some farmers are not even attempting to harvest most of their acreage, which is obviously to their very great cost.

I add my voice to the representations made by the member for Lowan in the other place, Mr Delahunty. The action I seek from the minister is that he urgently reconsider his decision to end drought relief for the non-coastal parts of south-western Victoria and reinstitute drought relief which is very much needed by many farmers in the south-west.

Multicultural affairs: City of Monash guidelines

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Premier in his capacity as the Minister for Multicultural Affairs. It is in relation to a matter that I have raised previously — that is, festival guidelines developed by the City of Monash that I believe are in breach of significant protocols that apply to this state and that this government has committed to in various forms, including the respect agenda, the Multicultural Victoria Act 2004, the Equal Opportunity Act and the Victorian human rights charter.

On 28 February I attended the Glen Waverley Chinese New Year and Lantern Festival after researching it on the Web and locating a running sheet. On that running sheet was listed the state opposition leader or his representative. I had not been extended an invitation and subsequently found out that only one local Liberal MP had been invited. However, two Labor members in marginal seats had been scheduled to speak: the member for Mount Waverley and Minister for Children and Early Childhood Development, Ms Maxine Morand, and the federal member for Chisholm, Ms Anna Burke. Whilst the Monash council is a Labor-dominated council and clearly there is an interest in profiling two key Labor MPs in marginal seats, this is again in breach of the protocols to which the Premier himself has committed.

When I arrived and asked who was representing the state opposition I was advised that no-one was. Whilst that did create an opportunity for me to address the gathering of the community which I and many other members of Parliament were elected to represent, it became abundantly clear that only one local Liberal MP had been invited, and clearly there was a very significant representation of Labor MPs.

After asking Mr Joe Caputo, JP, a commissioner of the Victorian Multicultural Commission, whether there were guidelines or protocols to be followed by those who receive funding through the Victorian Multicultural Commission, he advised that indeed there were none apart from having to acknowledge the funding source.

I was also perturbed that the councillors, in particular Cr Greg Male, in the presence of Cr Stephen Dimopoulos, who is actually employed by the Victorian Multicultural Commission and is therefore an adviser to the Premier, had bullied and tried to intimidate Michael Gidley, the Liberal candidate for Mount Waverley, and act as enforcers for a set of

guidelines that are clearly in breach of these protocols and this legislation.

I ask the Premier what action he will take to ensure that everything that various authorities including statutory authorities do is consistent with the respect agenda, the Multicultural Victoria Act, the human rights charter and the Equal Opportunity Act, amongst others, all of which protect the freedom of individuals to participate in the conduct of public affairs irrespective of their political affiliation or interest. Multicultural affairs has been a bipartisan policy area. Clearly this policy has been breached, and I ask the minister to take appropriate action.

Maribyrnong River, Yarraville: access

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Ports. I have been contacted by a Yarraville resident asking about public access to the Maribyrnong River in Yarraville. He asked me to find out why residents of Yarraville have lost access to their waterfront at the same time as people in other parts of Melbourne have had waterfront access improved. Like many other residents of Melbourne, this person likes to walk his dog along that area every night. Until 18 months ago one of his favourite walks included a walk down Lyell Street to the junction of the Maribyrnong and Yarra rivers. This is a really lovely part of the river. He imagined having a little jetty there or a ferry as there are in Sydney Harbour and being able to catch a ferry to work or up the Maribyrnong.

Then, without warning, access to the river was blocked. There was no consultation with local residents or the council about this. No-one asked Yarraville residents what they thought about having their riverfront access denied. He hoped it was not permanent but it has not been reopened since, and he asked me to find out what happened. I found out that the land between the end of Lyell Street and the river is now owned by the port of Melbourne and is under the port of Melbourne planning scheme. The port has no intention of returning public access to the end of Lyell Street.

It is now more than three years since the port of Melbourne signed a memorandum of understanding (MOU) with the City of Maribyrnong. The MOU talks about the industrial area that Lyell Street is in. It acknowledges that this area will be retained for industrial purposes, including port and logistics activities. However, the MOU also states that:

... aspects of the future use and development of these areas, such as improved landscape treatment of the riverfront ...

and ... local amenity and access ... require further consideration.

The MOU also outlines a commitment by the port to return boats and public access to Footscray wharf by the end of 2007 and to upgrade landscaping and access to the riverfront at the eastern end of Francis Street.

We are now at the beginning of 2010. Footscray wharf is not open to the public. It is neglected, full of weeds and fenced off with barbed wire. A tall cyclone fence blocks access to the riverfront at Francis Street. The one access point to the river that Yarraville residents could enjoy, at Lyell Street, is blocked off, seemingly never to be reopened.

The action I ask of the minister is to direct the port authority to urgently implement the initiatives in the MOU which are now over two years late. I ask him to direct the port authority to work with the community and the council to explore reopening riverfront access at Lyell Street.

East Gippsland: walking tracks

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Regional and Rural Development. I refer to a project involving construction and upgrading works on two coastal walking tracks in far East Gippsland. These are two short walks, one out from the Mallacoota township and the other in the area of the Snowy River estuary at Marlo. They are in effect the bookends to what it is hoped will ultimately be a major walking trail that will traverse uninterrupted the entire East Gippsland region.

The funding mix, mostly from various government agencies, for the two walks adds up to \$2.15 million. I want to canvass two aspects of this. The first is what we are getting for such a substantial amount of money. The answer is: not much. There will be 10.8 kilometres of new walking track and upgrading work on a further 3.2 kilometres, along with a few visitor facilities. A basic calculation will demonstrate that over the total length of track in question the cost will be in the order of \$155 000 per kilometre, which I would have thought was equivalent to the cost of building a new road.

I draw a comparison with the 5 kilometres of the Sale Common walk developed by the Wellington shire and the Sale Rotary Club, which involved a combination of elevated boardwalks and a bridge as well as paths at ground level and was completed at an all up cost of \$320 000 — that is, less than \$55 000 per kilometre.

With the East Gippsland project, work to be undertaken by Parks Victoria will absorb \$1.4 million, or 65 per

cent of the total budget. On the basis of the Sale project, in which Parks Victoria was also involved, I am convinced far better value for money could be achieved through greater local community involvement.

The second aspect is that completion of these two short stretches of walk over the next 20 months, a long lead time, still leaves major gaps. For there to be a genuinely great world-class walking trail spanning East Gippsland from the rail trail starting at Bairnsdale to Mallacoota and even into the network of trails across the state border, an urgent planning exercise is needed for the gaps to be filled in. The missing link from Orbost to Marlo, one of the features set out in the Orbost and district community development plan that was launched last week, is the most urgent. Once completed such a walk would create an experience of outstanding scenic value. This is of critical importance to the development of nature-based tourism and the consequent diversification of the regional economy.

I therefore ask that the minister act to provide a firm commitment to the full East Gippsland walk concept and initiate planning to bring it about expeditiously.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have 11 written responses to adjournment debate matters raised between 29 July 2009 and 4 February 2010.

Andrea Coote raised the matter of peak hour public transport services in the Port Melbourne area and specifically referred to a request made by Martin Musgrave. I will refer this matter to the Minister for Public Transport.

Gayle Tierney raised a matter regarding social housing and the \$1.6 billion federal government contribution across the state, and she requested a breakdown of funds regarding her region. I will refer this to the Minister for Housing.

Donna Petrovich raised a matter regarding 275 Racecourse Road in Sunbury, which, I understand, is part of a former racecourse. She raised issues about compliance with relevant planning schemes. I am happy to have advice provided on those matters. I note Mrs Petrovich raised the different densities in regard to the redevelopment. I must recognise that whilst there will be some issues around the type of housing stock in a region like this, what is important is whether there is a shortage of housing stock — as we have seen in Sunbury.

Anecdotally people have indicated to me that people, including young families, young individuals and those who want to retire and downsize and who have grown up in the Sunbury area are finding it somewhat difficult to find slightly different housing stock from what is the traditional stock in the area. Whilst there is a shortage of land supply around Sunbury — and there might be adjustments in the short to medium term — it is important we recognise that different housing types or different housing sizes are also important components of any development.

I half suspect that if the Hume City Council is the developer in this situation, it might be addressing some of those needs by matching specific housing densities to the sorts of needs of the community. But I will be happy to follow that up and reply to Mrs Petrovich with details from the department.

Peter Kavanagh raised the matter of drought assistance in the south-western region of Victoria, specifically those areas in the more northern parts of the south-western region. He identified the difference in those people's needs as opposed to those who are in the southern part of the south-western region. I will refer this matter to the Minister for Agriculture.

Inga Peulich raised the matter of the Monash Festival guidelines. I will refer this to the Minister for Multicultural Affairs.

Colleen Hartland raised a matter regarding Maribyrnong River waterfront access in and around Yarraville and the memorandum of understanding related to the Port of Melbourne Authority and the Lyell Street area more generally. I will refer this to the Minister for Roads and Ports.

Philip Davis raised the matter of coastal walking tracks in East Gippsland and value for money regarding expenditure. I will refer this matter to the Minister for Regional and Rural Development.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.25 p.m.