PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 15 September 2010

(Extract from book 14)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee 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 Elasmar 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 Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, 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 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 — Secretary: Mr P. Lochert

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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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, 15 SEPTEMBER 2010

Wednesday, 15 September 2010

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

PETITIONS

Following petitions presented to house:

Energy: Gherang geothermal project

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council:

(1) Greenearth Energy Ltd's proposed Geelong geothermal power project in the Gherang and Wensleydale communities, comprising 12 power plants and transmission pylon network located within a densely populated residential-rural neighbourhood.

(2) The state government funding of $25 million for this project.

(3) The inherent and unpublicised hazards and effects of geothermal developments including:

carbon dioxide emissions;

groundwater contamination (adjoining Anglesea borefield supplies Geelong's drinking water);

substantial and damaging man-made earthquakes;

toxic chemicals and gases brought to the surface in the hot water;

subsidence of the ground;

industrialisation of residential-rural communities;

destruction of native habitat for threatened plants and animals;

electromagnetic radiation;

noise and light pollution.

(4) The unpredictable, and often short, lifespan of geothermal developments.

(5) The threat of compulsory land acquisition.

Your petitioners therefore request that:

(1) Not allow any geothermal development to proceed in the Gherang and Wensleydale communities or any other populated area in the state owing to the inherent risks.

By Mr KAVANAGH (Western Victoria) (150 signatures).

Laid on table.

Police: Neighbourhood Watch

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria brings to the attention of the Legislative Council our opposition to the misguided state government changes to the accessibility of crime statistics for Neighbourhood Watch.

The petitioners believe that availability of local crime statistics on a street-by-street basis is an essential component of the Neighbourhood Watch program.

Local crime statistics on a street-by-street basis foster ownership of the Neighbourhood Watch program by local communities and enable vigilance and support of community safety activities. We oppose the proposed change to crime statistics only being available on a postcode basis.

The petitioners therefore call on the Legislative Council to urge Premier John Brumby, the Minister for Police and Emergency Services, Bob Cameron, and all local Labor MPs to reverse their decision which ends vital access of Neighbourhood Watch to street-by-street crime statistics, undermining the Neighbourhood Watch program and the ability of the community to support this important and respected program and community safety.

By Mrs PEULICH (South Eastern Metropolitan) (75 signatures).

Laid on table.

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

Dingley Primary School: funding

To the members of the Legislative Council:

The petition of certain citizens urges the Minister for Education and the state government to make good its $5 million state government commitment to undertake a much-needed full rebuild of Dingley Primary School (promised and announced in May 2009).

With only stage 1 of the promised rebuilding program funded, the Dingley Primary School community now calls on the Minister for Education and the state government to deliver the promised funding to complete the rebuilding program of Dingley Primary School without undue delay, inconvenience and uncertainty affecting students, teachers and the school community.

The petitioners therefore respectfully request that the Victorian state government provide the funding promised to fully rebuild the Dingley Primary School.

By Mrs PEULICH (South Eastern Metropolitan) (1083 signatures).

Laid on table.

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

Mordialloc Creek: management

To the Victorian state government and members of the Legislative Council:

The petition of certain citizens of Victoria urges the state government and all its responsible departments and authorities to take action to address as a matter of urgency all matters concerning the state of the Mordialloc Creek, its safety for boat users, the deterioration of facilities and amenity affecting all stakeholders and to improve the general amenity in the Mordialloc Creek precinct.

The petitioners therefore respectfully request that the Victorian state government takes the appropriate action through its departments and agencies and works with the Kingston council to address all issues including funding and management as a matter of urgency.

By Mrs PEULICH (South Eastern Metropolitan) (10 signatures).

Laid on table.

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

Centre Dandenong Road, Dingley: bus lane

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the strong concern at the failure to consult and overwhelming rejection by residents of Dingley Village of the state government's plan to install dedicated bus lanes on Centre Dandenong Road in Dingley Village and calls on the state government to:

1. Reject outright and without qualification any further plans to install dedicated bus lanes along Centre Dandenong Road in Dingley Village;

2. Immediately remove dedicated bus lanes on Centre Dandenong Road in Dingley Village from its 'keep Victoria moving' plan;

3. Remove the arterial rating from Centre Dandenong Road, Dingley Village.

The petitioners therefore request that the Legislative Council of Victoria calls on the Victorian Labor government and Minister for Roads and Ports, Tim Pallas, and Minister for Public Transport, Martin Pakula, to immediately cancel the proposed works for the construction of dedicated bus lanes on Centre Dandenong Road in Dingley Village.

By Mrs PEULICH (South Eastern Metropolitan) (15 signatures).

Laid on table.

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

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2009–10

For Hon. J. M. MADDEN (Minister for Planning) Mr Jennings, by leave, presented report for 2009–10.

Laid on table.

PARLIAMENTARY DEPARTMENTS

Reports 2009–10

Mr ATKINSON (Eastern Metropolitan), by leave, presented reports of Department of the Legislative Council and Department of Parliamentary Services.

Laid on table.

LAW REFORM COMMITTEE

Access by donor-conceived people to information about donors

Mr SCHEFFER (Eastern Victoria) presented interim report, including appendix, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr SCHEFFER (Eastern Victoria) — I move:

That the Council take note of the report.

This interim report is based on 36 submissions the committee received as a result of a call for submissions in July 2010.

In 1984 Victoria became the first jurisdiction in Australia and the world to regulate assisted reproductive technology. As new technologies have developed and community views on families have evolved, new laws have been introduced with an increased focus on protecting the welfare of people born as a result of donor conception. However, an anomaly exists in the current Assisted Reproductive Treatment Act 2008. The act provides donor-conceived people with varying levels of access to information about their donors depending on when the gametes used to conceive them were donated. People conceived using gametes donated prior to July 1988 do not have the right to access information about their donors.

The committee considered the issues relating to providing these people with retrospective access to information about their donors. A key concern is that donors who donated gametes prior to July 1988 were assured anonymity at the time of making donations. On this basis some participants advocated for the need to protect donors' privacy. On the other hand there was significant support from other participants for donor-conceived people to have the right to access information about donors. Donor-conceived people may seek information about their donors for a number of reasons, including helping to understand who they are and where they come from, to obtain information about medical and genetic history and to help identify half-siblings. Many participants advocated for increased access on the basis of protecting the rights of the child. Based on the varying viewpoints presented in the submissions, the committee was aware of the need to carefully balance the rights and interests of donor-conceived people, their families and donors.

Another important consideration for the committee was the poor record-keeping practices in the early days of donor conception acting as a significant barrier to providing greater access to information about pre-1988 donors. These records may have been destroyed or may currently be located with individual doctors or clinics. There were calls in the submissions to locate and protect all donor records.

There was a high level of interest in the inquiry, and a number of complex issues were brought to the attention of the committee in the submissions, so the committee considers that this issue warrants further examination. The committee recommends that the next Parliament should refer the terms of reference to the Law Reform Committee — or whichever committee carries out those functions — for further consideration.

I would like to thank each of the 36 individuals and groups who contributed to the inquiry through providing a submission, especially those who shared their sometimes very personal experiences about their involvement in donor conception. I would also like to thank my fellow committee members, the deputy chair, the member for Box Hill in the other place, Robert Clark; Jan Kronberg; the member for Bundoora in the other place, Colin Brooks; the member for Narre Warren North in the other place, Luke Donnellan; the member for Albert Park in the other place, Martin Foley; and the member for Bayswater in the other place, Heidi Victoria. I also thank the committee secretariat, which undertook this work very speedily and effectively; the executive officer, Kerryn Riseley; research officers Yuki Simmonds, Kerry Harrison and Vathani Shivanandan; and office manager Helen Ross-Soden.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Findings and recommendations of Auditor-General's reports July–December 2008

Mr RICH-PHILLIPS (South Eastern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That the Council take note of the report.

This is the latest report from the Public Accounts and Estimates Committee following up on reports produced by the Auditor-General. The committee has been undertaking a series of reviews of audit reports in order to determine to what extent recommendations made by the Auditor-General are subsequently followed up by the agencies that are the subject of those recommendations.

As with previous reports, the committee has undertaken this inquiry in two tiers, being priority 1 and priority 2 reviews. In the case of priority 1 reviews — in this instance a review of biosecurity incidents, planning and risk management for livestock diseases; and, secondly, managing acute patient flows — the committee undertook hearings with the Auditor-General and then subsequently with the Department of Primary Industries and the Department of Health respectively to understand what initiatives had been taken by the departments following on from the Auditor-General's recommendations of 2008. As a consequence of that process the committee has made a number of recommendations with respect to those two areas of interest.

The committee also undertook a number of priority 2 reviews of audit reports, which were not such extensive considerations of the Auditor-General's findings and did not involve public hearings but nonetheless did involve an integrative process with the responsible agencies to ascertain their follow-up to the Auditor-General's recommendations. In the case of

priority 2 follow-ups the committee considered the Auditor-General's reports with respect to management of complaints against ticket inspectors; enforcement of planning permits; private practice arrangements in health services; and the planning, maintenance and renewal of school buildings. With respect to those four areas the committee also made a number of recommendations for further action arising from the audit report.

On the whole I would like to thank representatives from the departments who appeared and gave evidence with respect to the priority 1 reports and those agencies that responded to our inquiries on the priority 2 matters, though I note that with respect to our follow-up inquiry on enforcement of planning permits the committee encountered a degree of difficulty in obtaining evidence and response from various local government agencies when data was sought as to the enforcement of planning permits. As the committee has emphasised in the report, it is essential that local government be responsive to requests for information from parliamentary committees. Surprisingly the committee secretariat met with a degree of resistance from local government when we sought to obtain data as to the effectiveness of its planning permit regimes. It is a matter of regret that some local government areas were not responsive in supplying the committee with the information it sought without a great deal of follow-up from the committee secretariat.

With those few words I commend this report to the house. It does have an important function in closing the loop on auditors-general reports. As always, I would like to thank the committee secretariat, Valerie and her staff, who do a tremendous amount of work in putting together these inquiries and reports and turning them around in very tight time frames. The committee is extremely well served by its secretariat support and is able to produce a high volume of high-quality information by virtue of the strong secretariat support it enjoys.

Ms HUPPERT (Southern Metropolitan) — I also wish to make a few comments in relation to the review of the findings and recommendations of the Auditor-General's reports from July to December 2008. In doing so I would like to add my appreciation of the work of the Public Accounts and Estimates Committee secretariat; executive officer, Valerie Cheong; senior research officers Vicky Delgos and Leah Brohm; and the other support staff, Ian Claessen, Peter Rorke, Melanie Hondros and Justin Ong.

Secondly, I would like to extend my appreciation to the chair of PAEC, the member for Burwood in the Assembly, and also our other colleagues in both this house and the Assembly who sit on PAEC. Many hours of work by both the secretariat and the members of the committee have gone into producing this document: reviewing the original reports issued by the Auditor-General, preparing questionnaires, conducting public hearings with the agencies that were the subject of the priority 1 reviews and also reviewing the questionnaires provided by the agencies in relation to the priority 2 reports.

As Mr Rich-Phillips has mentioned, priority 1 and priority 2 audits are dealt with. We prioritised some of the Auditor-General's audits, and this year and in this particular instance priority was given to two audits. One related to biosecurity and the other to hospitals and patient flow management. These were selected because of their importance to the community. Health is obviously one of the major services that the state government provides, and security of our agriculture, which is a major industry in Victoria, is also of great concern. That is why these two reports of the Auditor-General were selected for further review.

The importance of this is that it gives the opportunity for the agents who have been subject to audits to provide some evidence as to how they are following up on the implementation of the recommendations of the Auditor-General and, where they have some concerns with the recommendations of the Auditor-General, to explain those concerns but also to let us know what they are doing to express the concerns raised by the Auditor-General, even if they are not following the specific recommendations.

I thank the agencies that appeared before us and completed questionnaires to enable PAEC to carry out this work. We greatly appreciate the assistance of those agencies and their quick responses. It is disappointing that the local government authorities did not choose to give priority to the request of the committee on the two local government areas which have been referred to.

Having said that, I commend the report to the house. It has some important information about how government programs are being delivered and some important recommendations generally for improving the delivery of government services in Victoria.

Ms PENNICUIK (Southern Metropolitan) — I would like to make a few brief remarks on the latest report of the Public Accounts and Estimates Committee (PAEC) *Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008*, which has been released two years after the Auditor-General produced his reports.

One of the functions that PAEC has taken on is to review priority reports. As has been outlined by previous speakers, they are divided into priority 1 and priority 2 reports. Priority 2 reports in particular rely upon surveys and questions put to agencies for them to answer about how they have progressed in the two years since the Auditor-General's report. They are a valuable exercise, and each of the reviews of the reports in this document has certain recommendations for the agencies to follow up. In particular, it was interesting that two local councils — Ballarat and Hume — did not consider it a priority for them to provide information to the committee. There are some recommendations for not only councils but for the Department of Planning and Community Development to put in place processes so that the response of councils to requests by the committee is more timely and also to tighten up some of their planning processes.

Without going through the report, one area that I am particularly interested in is the school buildings planning, maintenance and renewal project, on which the review has some recommendations, in particular, recommendations 35 and 36. Recommendation 35 is:

> To enhance accountability and transparency, the Department of Education and Early Childhood Development publish on its website or in its annual report, maintenance works that have been funded as a result of the rolling condition audit program.

Recommendation 36 is that the department:

> … publicly report how individual schools have been selected to be included within building programs.

These are important accountability measures because it has been the policy of the government not to be too forthcoming with that information about school building and maintenance programs. They are of much interest to the community — and they should be. They should also be open, accountable and transparent. Those are the sorts of recommendations you will find in each review contained in this report by the Public Accounts and Estimates Committee, which is the committee's 99th report to Parliament. With those remarks, I again echo our thanks to Valerie Cheong, Melanie Hondros and the rest of the PAEC secretariat who work very hard and really do the bulk of the work for us on this committee. Their efforts are always much appreciated.

Mr DALLA-RIVA (Eastern Metropolitan) — I also rise to make a few brief comments as a member of the committee, and I too welcome the report. I join with my colleagues in acknowledging the work of the secretariat, but I will extend my acknowledgement to naming them: Valerie Cheong, the executive officer; the senior research officers, Vicky Delgos and Leah Brohm; the research officer, Ian Claessen; the consultant, Peter Rorke; the desktop publisher, Justin Ong; and I always leave her to the last but it goes without saying the business support officer, Melanie Hondros, who has to deal with the paperwork and especially with my office, but enough said about that.

It is important to note, as outlined by the committee chair in the report, that this report is the fifth in the tranche of follow-up committee reports that we have undertaken, and these priority 1 and 2 reports have taken over three years. As indicated by Ms Pennicuik, the reports are a review of the work done by the Auditor-General. To summarise, the committee has prioritised 58 audit reports and held 25 public meetings for priority 1 audit follow-ups. This is in the context of the additional work that the committee does, which is why I singled out each of those secretariat individuals. We always think of Public Accounts and Estimates Committee as being mainly involved with the flurry when the budget is handed down, but there is a lot of other grunt work that goes on behind the scenes. This report is yet another example of re-examining the findings and recommendations of the Auditor-General, and I commend the report to the house.

Motion agreed to.

EDUCATION AND TRAINING COMMITTEE

Potential for developing opportunities for schools to become a focus for promoting healthy community living

Mr ELASMAR (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr ELASMAR (Northern Metropolitan) — I move:

> That the Council take note of the report.

I am pleased to present the report by the Education and Training Committee on the inquiry into the potential for developing opportunities for schools to become a focus for promoting healthy community living. From both the physical and mental perspective, health is an issue of considerable importance for all of us. Childhood and adolescence is the time when we establish the

behaviours and skills essential to a successful, healthy and happy adult life. Schools can play a vital role in supporting the development of these healthy life practices.

The committee welcomed the substantial input to this inquiry from members of the health and education sectors. Their input highlighted the many opportunities for these two sectors to work together to promote healthy community living. During the inquiry I was very impressed to learn about the wide range of activities undertaken within Victorian schools to support and improve the health and wellbeing of school students and the broader school community. Schools take a variety of approaches to health and wellbeing, including physical education and school sports, active travel programs, sun safety programs, healthy school canteen policies, kitchen garden programs and a range of mental health initiatives. Some of the most popular programs include Kids — Go for Your Life, SunSmart and MindMatters.

The committee found that schools may need assistance to better coordinate their programs and to approach healthy community living from a comprehensive, whole-school perspective. The committee found that many countries have achieved this through the Health Promoting Schools approach. The committee has therefore recommended that the Victorian government review the development and implementation of Health Promoting Schools within Victoria. The committee believes this should be supported with a memorandum of understanding between the education and health departments, and an interdepartmental committee responsible for health promotion within all schools. At the school level the committee found that schools could benefit from establishing a health and wellbeing team and having better access to a network of health promotion workers.

This was the sixth and final major inquiry undertaken by the Education and Training Committee during the 56th Parliament. I have thoroughly enjoyed being a member of this committee throughout this parliamentary term, and I thank all my colleagues on the committee — Peter Hall; Nick Kotsiras, Martin Dixon, Alistair Harkness and Steve Herbert, the members for Bulleen, Nepean, Frankston and Eltham respectively in the Assembly — for working well together on many different inquiries to improve education and training in this state. In particular I thank the chair of the committee, Geoff Howard, the member for Ballarat East in the Assembly, for his leadership and guidance.

Finally I would also like to thank the staff of the committee's secretariat for their dedication and high-quality work throughout this parliamentary term. This current inquiry has been a substantial undertaking for Karen Ellingford, Catherine Rule and Natalie Tyler. The staff have worked hard during all of the committee's inquiries to produce high-quality reports and to support the work of the committee members.

Mr HALL (Eastern Victoria) — As a member of the Education and Training Committee I want to say a few words in the debate on the motion to take note of the committee's report on its inquiry into the potential for developing opportunities for schools to become a focus for promoting healthy community living. It is a big title, and health promotion is an important area. Developing and promoting healthy lifestyles is very important, and there is an important role that schools can play in terms of trying to promote and develop healthy lifestyles. However, let us not believe that this report, and therefore schools, should accept total responsibility for promoting healthy lifestyles. It is still predominantly the family and the environment which play an even greater role and have a greater influence on the development of personal approaches to developing healthy lifestyles. Sometimes we expect our schools to do a lot when matters are better addressed through the family. Let us not suggest that schools are going to provide the panacea for all our problems, because the family environment and home lifestyle provided by parents and family members are equally important in developing things such as healthy lifestyles.

I want to take this opportunity to thank those staff members who have contributed to this report, particularly the executive officer of the Education and Training Committee, Karen Ellingford. For those members who do not know, the ETC is only a recently formed committee of the Parliament, having been established during the time of the 55th Parliament. It has only been in existence since early 2003. That may be surprising, given the importance of education in terms of the services and responsibilities of the state government. I have been a member of the committee since it was first formed in 2003, but so has the executive officer of the committee, Karen Ellingford.

Karen has presided over the committee for two parliamentary terms, during which time the committee has put together 10 substantial reports for the Parliament to consider. There were four reports in the 55th Parliament, and as Mr Elasmar has said this is the sixth report in the current Parliament. Karen is leaving the committee to accept a position with the office of the Auditor-General. I am sure members of this chamber

will join me and other members of the committee in wishing Karen well in her new tasks with the Auditor-General. She has served the ETC well, and I am sure she will continue to serve the office of the Auditor-General very well. I thank Karen for her contribution over that period of time.

I also mention that another research officer, Catherine Rule, is leaving the committee in the next couple of weeks. Catherine has been with us for a much shorter period of time, but she has made a valuable contribution to at least the last three reports that the committee has produced. Having said that, we wish both Catherine and Karen well for their futures, and I commend the report to members of the house.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Adult Community and Further Education Board — Report, 2009–10.

Auditor-General's reports on —

Delivery of Nurse-on-Call, September 2010.

Management of Prison Accommodation using Public Private Partnerships, September 2010.

Barwon Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Budget Sector — Financial Report, 2009–10, incorporating Quarterly Financial Report for the period ended 30 June 2010.

Calder Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

CenITex — Report, 2009–10.

Central Murray Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2009–10 report.

Corangamite Catchment Management Authority — Report, 2009–10.

Dandenong Development Board — Minister's report of receipt of 2009–10 report.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

East Gippsland Catchment Management Authority — Report, 2009–10.

Emergency Services Superannuation Board — Report, 2009–10.

Energy Safe Victoria — Report, 2009–10.

Film Victoria — Report, 2009–10.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Glenelg Hopkins Catchment Management Authority — Report, 2009–10.

Goulburn Broken Catchment Management Authority — Report, 2009–10.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Grampians Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Heritage Council of Victoria — Minister's report of receipt of 2009–10 report.

Highlands Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Justice Department — Report, 2009–10.

Mallee Catchment Management Authority — Report, 2009–10.

Melbourne and Olympic Parks Trust — Report, 2009–10.

Melbourne Market Authority — Report, 2009–10.

Mildura Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Murray Valley Citrus Board — Minister's report of receipt of 2009–10 report.

National Parks Act 1975 — Report on the working of the Act, 2009–10.

National Parks Advisory Council — Report, 2009–10.

North Central Catchment Management Authority — Report, 2009–10.

North East Catchment Management Authority — Report, 2009–10.

North East Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

Parliamentary Contributory Superannuation Fund — Report, 2009–10.

Phillip Island Nature Park — Report, 2009–10.

Port Phillip and Westernport Catchment Management Authority — Report, 2009–10.

Residential Tenancies Bond Authority — Report, 2009–10.

Rolling Stock (VL-1) Pty Ltd — Minister's report of receipt of 2009–10 report.

Rolling Stock (VL-2) Pty Ltd — Minister's report of receipt of 2009–10 report.

Rolling Stock (VL-3) Pty Ltd — Minister's report of receipt of 2009–10 report.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2009–10.

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2009–10.

Royal Botanic Gardens Board — Report, 2009–10.

South West Regional Waste Management Group — Minister's report of receipt of 2009–10 report.

State Sport Centres Trust — Report 2009–10.

Trust for Nature (Victoria) — Report, 2009–10.

Victorian Catchment Management Council — Report, 2009–10.

Victorian Coastal Council — Report, 2009–10.

Victorian Commission for Gambling Regulation — Report, 2009–10.

Victorian Curriculum and Assessment Authority — Report, 2009–10.

Victorian Environmental Assessment Council — Report, 2009–10.

Victorian Institute of Teaching — Report, 2009–10.

Victorian Rail Track — Report, 2009–10.

Victorian Registration and Qualifications Authority — Report, 2009–10.

Victorian Skills Commission — Report, 2009–10.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2009–10 report.

Victorian Veterans Council — Minister's report of receipt of 2009–10 report.

VITS LanguageLink — Report, 2009–10.

West Gippsland Catchment Management Authority — Report, 2009–10.

Wimmera Catchment Management Authority — Report, 2009–10.

MEMBERS STATEMENTS

Blue Ribbon Day

Mr DALLA-RIVA (Eastern Metropolitan) — As we head towards the end of September it is important to recognise the Victoria Police Blue Ribbon Day, which will be commemorated on 29 September, and to acknowledge that 151 police officers have lost their lives in the ultimate sacrifice for their community. This is on the back of what we saw yesterday, with a police officer firing a bullet at a 22-year-old gunman, as reported in the papers. The reality is that police are at all stages at risk, and this particular incident — which occurred at around 7.30 p.m. last night, 14 September, and involved somebody who was armed with two firearms — is a timely reminder of the importance of what members of Victoria Police do and the support they necessarily and continually need.

It is important to understand that there are real crooks out there. Some members of this chamber would like to think it is an easy job, that if somebody was standing out there with two firearms, you could just walk out there, hold your hands up and say, 'Look mate, take it easy'. The reality is that there are people who have tendencies to violence and who have a tendency to hate police in particular. This chamber should always provide its support for police, and the Blue Ribbon Day on 29 September is a proper recognition of that.

Public transport: community forums

Mr BARBER (Northern Metropolitan) — I compliment the Metropolitan Transport Forum for the series of meetings it has been organising under the heading 'What moves you? What moves your vote?'. It has organised meetings to discuss public transport with state election candidates in the cities of Whitehorse, Maribyrnong, Melbourne, Port Phillip, Yarra and Moreland — and next up will be the last of those, Glen Eira.

I was a transport activist long before I was a politician, so I am always pleased to see a bunch of politicians in the pressure cooker on a particular issue, and public transport is clearly the central issue of the state election. That puts every single party in this place under a huge strain when they are seeking election.

It is clear to me that the minister is not only having to deal with the usual parts of his job but no doubt has many government backbenchers at the moment putting him under pressure as well. If, through the work of the Metropolitan Transport Forum and a range of other groups, that continues at an intense level for the remainder of the election, I will be very pleased, and I am sure we will get a good outcome from that effort.

Rural Press Club: annual awards

Ms TIERNEY (Western Victoria) — I take this opportunity to congratulate Mr Alex Sinnott, whose excellent work was recently acknowledged and awarded at the Rural Press Club of Victoria annual

awards. Alex, who is a journalist with the Warrnambool *Standard*, was awarded the 2010 Young Journalist of the Year for his series of stories on Peter's project. Alex has been a journalist at the Warrnambool *Standard* for two years, and has already been described as a highly talented young reporter who can look forward to a long future in journalism.

The Warrnambool *Standard*'s deputy editor, Greg Best, said:

> Alex is held in such high regard that he was given the responsibility of leading our federal election coverage.

I would also like to acknowledge and congratulate Mr Nigel Hallett, an international award-winning photographer currently working at the *Colac Herald*. Among a number of awards he has collected in his career, Nigel was recently awarded the prestigious International Federation of Agricultural Journalists Star Prize award for agricultural photography for his photograph of a farmer cooling off while haymaking. This award was contested by more than 150 of the world's leading rural photographers.

Both Nigel and Alex are still aged in their early 20s, with many years ahead of what I am sure will be very successful careers. They represent the talent Western Victoria has to offer. They were both schooled in their local communities of Warrnambool and Colac. Congratulations to Alex and Nigel, and their respective newspapers — the Warrnambool *Standard* and the *Colac Herald*.

Disability services: regional and rural Victoria

Mrs PETROVICH (Northern Victoria) — My office has been receiving literature from the Language Delay Network of Melbourne that says 1 in 10 Victorian students have a learning disability, including dyslexia — which is not currently supported by the Victorian government.

Last week the mother of Daniel, a delightful four-year-old, asked why adequate hours of early intervention programs were not available for children with Down syndrome and other disorders in the Seymour region. There is very minimal time permitted locally, with the closest to adequate time provided in Shepparton. That involves many hours of travel time and expense, which is just about impossible considering the afflictions suffered by some children and the care required for other children in the family.

To use Down syndrome as an example, individuals with Down syndrome tend to have a lower-than-average cognitive ability. Screening for common problems, medical treatment where indicated, a conducive family environment and vocational training can improve the overall development of children with Down syndrome. Although some of the physical genetic limitations of Down syndrome cannot be overcome, education and proper care will improve the situation.

Why are we not providing adequate programs for kids with learning difficulties? I stress that in my electorate they need to be made available locally. There would be no reason why they could not be incorporated with the local school, kinder, hospital or community centre to allow them to operate as soon as possible.

For children with autism it is recommended that 20 hours per week of early intervention can make a significant improvement to their lives. The reality for all these children is that in rural and regional Victoria they are not receiving that amount of time; in fact they receive around 1 hour per fortnight.

Petitions: reform

Mrs PEULICH (South Eastern Metropolitan) — I am a great believer in petitions. They are an important instrument for giving voice to people who are perhaps not engaged in the political process. They assist people in making their concerns known to the government of the day and to local representatives.

Today in the other place a Mordialloc Creek petition containing the signatures of nearly 1800 petitioners called on the government to address 11 years of neglect of water quality, erosion and management of the Mordialloc Creek. It was tabled by the member for Sandringham in the Assembly. Today I tabled a petition for the Dingley Primary School, calling on the government to honour its commitment to rebuild the entire school, even though only stage 1 has been completed and there is no guarantee of funding for the second stage. A petition is also currently being organised to address bungled consultation over the recently announced new route for the Waterways estate — bus route 709 — announced in this chamber by Mr Pakula. Recently a secret petition was instigated by the Assembly member for Carrum. It was tabled in the City of Kingston under some fairly dubious circumstances and kept secret from the local ward councillors, supposedly on grounds of privacy laws.

I believe the commitment the government made in 1999 to reform petitions and to pay much greater respect to the way they are handled has not been honoured, and it is now time to review that promise, especially in the context of standing orders being

revisited. I do not believe that changes are necessary; I think what is required is change on the part of the government.

Hospitals: Bendigo

Mr DRUM (Northern Victoria) — Last Friday the Leader of the Opposition in the Assembly, Ted Baillieu, and the Leader of The Nationals in the Assembly, Peter Ryan, were in Bendigo to announce the coalition's pledge to build a new hospital for Bendigo. The coalition is committing $630 million for the new hospital, which will encompass some 355 acute inpatient beds, a five-bed mother and baby unit and a new cancer centre for Bendigo, integrated into the main campus and the main site. There is also a commitment to a new headspace facility for Bendigo and some expanded educational facilities.

The Nationals candidate for the Assembly electorate of Bendigo West, Steven Oliver, was there to share in the moment — —

Hon. M. P. Pakula — Bush Coleman!

Mr DRUM — Yes, that is right, Mr Pakula; he is the Coleman of the bush. I want to draw special attention to the integrated regional cancer centre that will form part of the coalition's development. Money will be provided to enable the centre to be brought in from where the government plans to site it. It was going to be located on the existing site, connected to the new hospital by a 150-metre walkway or walk bridge, but that will no longer be the case. The cancer centre will be brought closer to all other acute health services, and that will be critically important for cancer sufferers who need radiotherapy and chemotherapy treatment.

PENINSULA LINK: ENVIRONMENTAL IMPACT

Debate resumed from 28 July; motion of Ms PENNICUIK (Southern Metropolitan):

That the Linking Melbourne Authority cease all work on the Peninsula Link project until such time as a final design for the road is publicly available and the preliminary design is altered so as to —

(1) avoid encroaching on any part of the Westerfield property, with reference to the recommendations in the environment effects statement report;

(2) avoid to the greatest extent possible the Pines Flora and Fauna Reserve, either by rerouting the roadway or tunnelling under the reserve;

(3) minimise any impact on the other flora and fauna reserves; and

(4) rehabilitate areas already 'accidentally' destroyed by the contractor, Abigroup.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the motion calling for work on the Peninsula Link project to cease until alterations are made to the preliminary design. Obviously that is a precis of the original motion which I moved on 28 July — some seven weeks ago; it has taken seven weeks for us to return to this motion.

Seven weeks ago I was talking about what has happened since the beginning of the construction of the Peninsula Link project, and about the fact that in the first instance there was no wildlife rescue, little or no attempt to preserve native vegetation as required and the contractor appears to be taking up as much of the road reserve as it likes, even if the particular space it is taking up is not needed. Therefore native vegetation is being lost when it need not be.

I outlined the extensive damage done at Pobblebonk and Willow Road Reserve, and pointed out that the work had commenced without the environment management plan in place, which is actually required. I also mentioned the community picket at Westerfield, which has now been in place for 11½ weeks and is an amazing effort from the supporters of Joyce and Simon Welsh and the Westerfield property.

I would particularly like to make mention of Gillian Collins of the Pines Flora and Fauna Reserve who has been emailing a growing list of supporters with updates from the picket and sharing what has been going on over those 11½ weeks. Hundreds of people have dropped by to spend time on the picket. Many more people in the Frankston area are now aware of the issue and what is about to be destroyed at Westerfield and are supporting the picketers and the call for the Westerfield property to be avoided, which is the essence of my motion before the house.

Local councillors from both the Frankston City Council and the Mornington Peninsula Shire Council have visited the picket, as have local MPs, including the member for Frankston in the Assembly, Dr Harkness, and the Minister for Environment and Climate Change, Mr Jennings. Those people are indeed aware of what is at stake.

Last time I also mentioned that in March the Heritage Council of Victoria had granted a permit to the Linking Melbourne Authority to build part of the freeway through the heritage-listed property, and I mentioned

people's dismay that the granting of this permit proves to us that a heritage listing is virtually meaningless. If a property can be listed as state significant and have a heritage overlay and yet a proponent can be granted a permit to destroy that property by building a freeway through it, it makes one wonder what the purpose of a heritage listing is.

I mentioned the appeal by Joyce and Simon Welsh to the Heritage Council of the permit conditions, and I also mentioned that there is currently — and as far as I know, this is still the case — no final design plan for the roadway in that area, which is why I think it is timely and appropriate that we ask the government and the authority to consider designing the project in such a way that it avoids the heritage-listed Westerfield property.

For the general discussion and for people who may not be familiar with the process that has been undertaken in regard to the Frankston bypass, or Peninsula Link project I think it is worth referring back to *Frankston Bypass EES Inquiry Report* of April 2009. The project was still called the Frankston bypass then. I will read for the record part of chapter 8 of that inquiry report and what the panel had to say with regard to Westerfield. It said:

> There is agreement that the Westerfield property is very important. The ecological experts consider that the bypass should avoid the property if possible.
>
> …
>
> The state government places a high value on preserving all vegetation but an especially high value on preservation of vegetation such as that at Westerfield.
>
> …
>
> In the circumstances of the Westerfield property the following issues need consideration:
>
> > The very high value of the vegetation.
> >
> > The fauna species present on the land.
> >
> > The presence of the existing reservation.
> >
> > The possible impact on adjoining properties including:
> >
> > > the Bayside Christian College,
> > >
> > > the dwelling to the north of Robinsons Road and east of the existing road reservation, and
> > >
> > > Robinsons Reserve north of Robinsons Road and west of the existing road reservation.
> >
> > Vegetation issues including value of vegetation on adjoining properties that may be impacted by changes of alignment.
> >
> > Costs of various proposals.
>
> The right solution lies in the correct balancing of all these issues.
>
> The EES does not include material that demonstrates that this balancing exercise has been undertaken. Rather, SEITA —

I will talk about that in a little while. It continues:

the Southern and Eastern Integrated Transport Authority, which is now called the Linking Melbourne Authority —

> appears to have worked on the premise that the existing reservation is of prime importance. Acquiring land outside the reservation, especially when it may involve an existing dwelling or even school buildings, has been taken as sufficient justification not to investigate matters further.
>
> We do not agree with this approach. It is recognised that the existing reservation is important, and the social implications of house or school acquisitions are high. However, this is not just another piece of bush, and it warrants a consideration comparative to a house or a school.
>
> Schools, houses and sportsgrounds are replaceable. They are not of 'state significance' and they do not have explicit protection in the state provisions of all Victorian planning schemes.

Westerfield does. The report continues:

> The reservation is in place and this is an important consideration … However, at the time the reservation was put in place it is unlikely that the ecological values of Westerfield were considered to be as important as they are today, if indeed, they were considered at all.
>
> In these circumstances it seems appropriate to investigate options for alternative alignments thoroughly and then come to a balanced decision. It may well be that when this is done the best option is through the Westerfield property; however at this stage that cannot, in our view, be reasonably concluded.

The report goes on to talk about the dam. As I outlined in my previous contribution, the dam is an integral part of the heritage-listed property. It was built by Russell Grimwade in an effort to attract bird life and wildlife to the bushlands reservation that he preserved and which has subsequently been preserved in what are basically pre-settlement conditions. It is such a valuable piece of bushland. We have had a lot of rain recently, and it has been reported that over the last couple of weeks the dam has reached near-full capacity and so is obviously attracting a lot of bird life to the area.

Earlier, by way of outlining what will be lost at this property if the road does not avoid it, which can be done, I circulated to all members of the Council some photos. They have been forwarded to me by one of the

supporters of the picket and are of all the wildflowers, birds and animals that are visiting the property at the moment. It was pointed out to me by the Minister for Environment and Climate Change that I made a mistake in my preamble to the photographs, but what I said in the email I sent was, 'This is what needs to be preserved and not destroyed by Peninsula Link being built through it'.

With regard to Westerfield, the inquiry report recommended that there be investigated:

> … further options for avoiding or reducing the need for vegetation removal at Westerfield … including:
>
> > Realignment to the east to varying degrees including total avoidance of Westerfield land.
> >
> > Re-routing of the shared path between Robinsons Road and Golf Links Road to reduce native vegetation removal.
> >
> > Significant reduction of the construction footprint including the use of retaining walls on both sides of the bypass, replacement of the central median by traffic barriers, shortening of ramps and any other feasible measure.

It was very clear in the April 2009 report that it was the view of the panel that Westerfield should be avoided. However, since then the Heritage Council has granted the permit. In my last contribution on this subject I mentioned that the Welshes had challenged the permit conditions. The result of their challenge was that after considering the appeal and conducting a hearing the Heritage Council determined to vary condition 3 of the permit to read as follows:

> Prior to the commencement of works, the environmental management plan (required to be prepared under clauses 5.1 to 5.3 of the Peninsula Link project — incorporated document …) —

which is the one that was not in place when works commenced —

> including details of measures to retain in situ the existing infrastructure on the western side of the proposed retaining wall, being the western dam edge and contours, remnants of the jetty within the acquired land, irrigation piping located within the acquired land, the depth gauge and an area of native vegetation as shown on the plan titled 'Extent of heritage fabric to be retained in situ' attached to this permit, shall be submitted to the executive director for approval in writing.

The Heritage Council made some minor variations to condition 3 of the permit. That would mitigate some of the damage. What I am suggesting is that while the design plan of the road is not finalised there is an opportunity, growing community support and a need, in terms of protecting native vegetation of state significance and biodiversity in the Frankston area, to avoid the Westerfield property.

In another contribution to debate on this subject I mentioned that we could avoid the need for building Peninsula Link at all. Obviously we have not won that argument even though it is still valid. It would include an upgrade to the Moorooduc Highway, putting an over-ramp at the intersection of the Frankston Freeway and Cranbourne Road and removing a level crossing on the Stony Point rail line. That would make a big difference, as would some traffic management activities at the Cranbourne Road intersections, similar to those on Queens Road in the city, where at peak times there are more lanes going one way — either inward or outward — depending on the direction of the peak traffic at the time. All these measures taken together would obviate the need for this expensive and unnecessary road.

However, turning our attention to what can be done at Westerfield, I have had correspondence from Joyce and Simon Welsh. I know they have met with the minister as well as with the Minister for Roads and Ports to raise their concerns about the new conditions imposed by the Heritage Council. What they would like to see, and I agree, is that 'the shared (or bicycle) path should be eliminated'. The bicycle path in the plan should be eliminated because there is already a bicycle path 100 metres to the east along the railway line. Putting in another bicycle path would be adding to the problem. If it were removed from the plan it would allow the road to be moved to the east and away from the Westerfield property. The Welshes have also mentioned:

> … shortening the on and off-ramps from the interchange at Golf Links Road to reduce the footprint of the bypass.

The crude model, which is not a final design plan, of Peninsula Link in that area has very long on-ramps and off-ramps around the Westerfield property.

I also question, as do the Welshes, the need for an intersection with the bypass at Golf Links Road on the western side. I question whether there needs to be an off-ramp there because there is already an intersection north of Cranbourne Road and another to the south at the Frankston-Flinders Road, all within a distance of approximately 5 kilometres. Having three off-ramps within 5 kilometres seems to be unnecessary.

The other issue is that Golf Links Road, on the west of the proposed Peninsula Link, has four schools along it. I question whether it is appropriate or desirable — and I would say it is not either — to run an off-ramp from a freeway straight onto Golf Links Road where there are four schools in a row. That would feed freeway traffic

onto an ordinary suburban road along which there are four schools. There are many examples of freeways with an intersection across a road with only an off-ramp or an on-ramp on one side. I suggest that should be introduced into the design of the road and there should be no off-ramp at Golf Links Road.

These are recommendations of the environment effects statement (EES), which also recommends the relocation of the Bayside Christian College, which is adjacent to and on the east side of the Westerfield property. I know a lot of students and parents from the college have visited the picket and learnt about the property. They are starting to realise what the future may hold for them. As the EES inquiry report points out, schools, buildings and sporting grounds can be replaced but this vegetation of state significance and the heritage property cannot be replaced. While it may cause concern to some in the Bayside Christian College, it is an option that has been put forward, and it should be looked at. The college could be relocated and the road could be moved to the east, thereby avoiding Westerfield as well as eliminating the on-ramp and off-ramp on the west side along Golf Links Road and removing the bike path.

All these things could be done and the road would then avoid the Westerfield property. Those people who think we need Peninsula Link, which does not include me, could still have it and we could still have the Westerfield property with its heritage dam and all the vegetation — the flora and fauna — of state significance left intact for future generations.

The other issue becoming clear to some of the parents and students at Bayside Christian College is that they are now going to be right up alongside a major freeway, so their school will no longer be the tranquil place it is now. At the moment it is adjacent to the heritage property. It is adjacent to the natural bushland and the dam with the Stony Point line on the other side, which is obviously not a very busy railway line now but it may become so in the future. Their future is not going to be the tranquil environment they are enjoying at the moment, because the Peninsula Link will destroy that native bushland and tranquil environment and replace it with a freeway right next to their school.

I urge the state government to seriously consider relocating the college not only for the benefit of the Westerfield property but for the staff and students at Bayside Christian College so it is not jammed up against the freeway with all the impacts that would have on the daily lives of students and teachers, including the health impacts of being located right next to the freeway. Anyone who wants to have a look at the proposed route of the freeway can see that for themselves.

There was another major issue raised with the minister, and that is the reason offsets are not being secured before destruction of the vegetation starts. This was deemed necessary in the EES inquiry, and the Frankston City Council has voted unanimously that offsets be established in the Frankston area before the destruction of vegetation. The minister apparently replied that he could not give assurances that this would happen but said they would secure offsets within one year's time. That is not appropriate. I cannot see where or how offsets could be put in place at all. I cannot see how a property of state significance like Westerfield, which is basically pre-settlement, intact bushland, can be replaced by offsets dotted around the Frankston area. The problem is there is an inability by the proponent to locate any offsets.

I take the opportunity to say that the whole idea of offsets is to some extent a bit of a scam, because it is saying you can replace the irreplaceable with something else, some lesser thing. That is not the case in this particular instance and in many other instances that crop up from time to time around the state when a significant area of bushland is affected. This will be the case with the Banyule Flats, it was the case with Mullum Mullum Creek when the decision was made to tunnel under it because there could not be an offset and it could not be replaced, it is the case with Westerfield, and it is the case with the Pines Flora and Fauna Reserve, which is also under threat from this particular road project. It is a great thing to bandy round that we will use offsets and that will replace what is being lost, but in this case what is being lost will not be replaced by any replanting offset.

We already know that the Pobblebonk Wetland Reserve, the Belvedere Reserve and the Willow Road Reserve lie denuded. The contractor, Abigroup, admitted that it made mistakes. I saw how it went through with a clear-felling approach to the whole issue. Because there is a wide reservation it takes up the whole space, and there is enough room in that reservation for a much bigger roadway than is planned. They are supposed to be preserving as much of the native vegetation as possible. That is not what people are seeing. It has not provided for flora rescue. There has not been an extensive flora and fauna survey of the Westerfield property, which was also required under the EES report. The people of Victoria need to wonder what the point of an EES report is if it makes strong recommendations that are never followed by the proponent or the government.

What I am asking the Council to do today is to support even in principle my proposal that the work on Peninsula Link be suspended. In terms of the Westerfield property, my proposal has been supported by the actions of the community on the community picket there for 11½ weeks. It is a very impressive effort by the Welshes and their supporters. They could not do it on their own. They have had a lot of community support and that support is growing. There have been people on that picket every day for 11½ weeks, which shows the depth and breadth of feeling in the community that this property needs to be preserved for future generations.

My request is that the Council agree to clearly support my call for the final design to put in place measures specifically to remove the unnecessary bike path, remove the on-ramps and off-ramps at Golf Links Road, move the whole route to the east to avoid Westerfield altogether, and consider relocating the Bayside Christian College not only for the benefit of preserving Westerfield but also for the future benefit of staff and students at that school. All these things can be done. But even if the school is not relocated, with the removal of the off-ramp, the removal of the bike path and the moving of the route to the east there can still be significant, if not total, avoidance of the Westerfield property — bearing in mind that the school would still be jammed up against the freeway in that instance.

I mentioned Gillian Collins, who sends out updates by email on a regular basis to a growing list of supporters. I will take a little time to read out some of the things she has sent out. On 10 August she sent out an update about being visited by a local person who brought along historical information about the peninsula, called *The Peninsula Story — Sorrento and Portsea — Yesterday*. The introduction of that book, which is published by the Nepean Historical Society, says:

> Nature has dealt indulgently with the Mornington Peninsula. There is a benign and tranquil atmosphere in this very small area — located almost on the southerly part of Australia — that is completely different in character to the rest of the continent.

On page 20 Lieutenant Tuckey of the ship *Calcutta* is quoted. In 1803 he wrote:

> The face of the country bordering the port is beautifully picturesque, swelling with gentle elevations of the brightest verdure, and dotted with trees, as if planted by the hand of taste, while the ground is covered with a profusion of flowers of every colour.

That is what we are seeing at the Westerfield property right now in springtime; the plants are growing and the latest deluge of rain has filled the dam.

Gillian has made mention several times of the many yellow-tailed black cockatoos visiting the property as well. Yellow-tailed black cockatoos have to be my favourite birds; everyone would love them. She also mentioned on 27 July that one highlight was finding out that supporters were part of the plot of the Australian TV police series *Rush*. In that week's show one of the characters, a police officer, was asked if things were quiet in Melbourne and he responded, 'Yes, except for those people protesting the freeway in Frankston'. They have even made their way into a TV series.

I would urge the Council to support my motion calling for the Peninsula Link works to be suspended until strategies to avoid the Westerfield property are undertaken — and I have put some suggestions forward on what they could be — so that the property is preserved for future generations.

Mr SCHEFFER (Eastern Victoria) — Ms Pennicuik's resolution invites the house to request the government to require the Linking Melbourne Authority to cease all work on Peninsula Link until a number of conditions have been satisfied. These conditions include that the final design of the freeway be made publicly available and that certain changes be made to the preliminary design. Ms Pennicuik believes the work on the freeway should avoid affecting any part of the Westerfield property, that the construction work should avoid affecting the Pines Flora and Fauna Reserve and that could be achieved by changing the alignment of the carriageway or by tunnelling underneath the reserve, as I understand it. Finally, Ms Pennicuik believes construction of the freeway should minimise any other impacts on flora and fauna reserves and should rehabilitate the areas that she says have been harmed by the contractor, Abigroup.

The motion that Ms Pennicuik brought forward seven weeks ago and that we are continuing to discuss today is similar to a previous motion she brought to the chamber some time ago that also called on the government to abandon plans for Peninsula Link and instead implement alternatives such as upgrading public transport and upgrading some of the roadways. I think the Mooroodoc Highway was one of those.

In my contribution to the debate on that previous motion I noted the importance of the Westerfield bushland and recognised its heritage value. I acknowledge this morning Ms Pennicuik's email which I think furnished all members with some pictures of flora and fauna on the Westerfield estate. If it were ever true that a picture is worth a thousand words, it certainly is in this instance, so I thank Ms Pennicuik very much for that. However, the fact is that a section

of the Westerfield property is needed for Peninsula Link, and as I understand it that section of that property has been reserved for this project for some 40 years and is now in government ownership.

Particular attention was paid to Westerfield during the planning, including the inclusion of a retaining wall and a change of design along Robinsons Road to save nearly a hectare of land. Peninsula Link has already been shifted as far east as the new Robinsons Road bridge would allow and, as I understand it — and Ms Pennicuik mentioned this — moving it further east would require relocating Bayside Christian College, which is a move which is not supported.

Ms Pennicuik also raises the very important matter of the Pines Flora and Fauna Reserve, and there is no dispute with anyone over the importance of the reserve in terms of its environmental values as well as its cultural heritage value. I understand that the planning panel noted in its report that there is scope for an overall positive environmental outcome for the Pines.

The Peninsula Link route has been moved from its original location to avoid most of the environmentally sensitive bushland. A wildlife crossing has been incorporated that will allow animal movement under the freeway from one side to the other, and around 16 hectares of land at the Pines Flora and Fauna Reserve will be revegetated and local creeks will in some cases be realigned to achieve a more natural flow. As with the Westerfield property, retaining walls will be built through the Pines to minimise the amount of bushland that will be affected by the project.

I am advised that the Melbourne Linking Authority and Parks Victoria will also implement an extensive predator control program to help protect the native animals that exist in those reserves or those areas. As an example, one of Victoria's most well-known bandicoot experts has been engaged to work on the monitoring and management program. This program started around 12 months ago, in September last year, and as far as I know I do not think any bandicoots have been found so far. That is not because of a poor or inadequate effort on the part of authorities, but because the monitoring is extensive. It includes laying hair tubes and using infrared cameras, looking for droppings or diggings, and examining the contents of the stomachs of foxes to find out whether or not they have eaten any bandicoots, so it is a very thorough study that is being undertaken.

I am aware of community concerns over the accidental clearing of land that should not have been effected in that way, but to be fair when Abigroup discovered it had accidentally made an error with clearing which had impacted on a small section of land, it immediately admitted this to the Frankston City Council and to the Department of Sustainability and Environment. I believe Abigroup also launched an investigation to determine what went wrong and to make sure that this kind of thing does not happen again. Abigroup continues to work with Frankston City Council with a view to establishing the best ways to identify the solutions.

I do not agree with the measures proposed in Ms Pennicuik's motion. It seems to me to be out of proportion to the facts. The construction of this $759 million Peninsula Link project is providing local jobs and, when it is completed, it will slash travel times.

A major new toll-free 25-kilometre road will connect the EastLink-Frankston Freeway junction at Carrum Downs down to the Moorooduc Highway at Mount Martha. It is a road that I frequently travel, and having that corridor opened up would certainly improve access to the peninsula. Once completed — and that is estimated to happen in 2013 — Peninsula Link will cut travel times down to something like 40 minutes along that route, so it is a significant reduction in the time taken to travel that distance.

The project is a key transport initiative that is identified in the Brumby government's $38 billion Victorian transport strategy. It is estimated it will create about 4000 jobs during its construction. It will improve connectivity across Frankston and connect that suburb, which is one of the state's major activity centres, to the peninsula itself, so it is important from that perspective, and it will boost the accessibility of the peninsula to tourism and local businesses.

In April 2007, shortly after I was elected to represent Eastern Victoria Region, the then Southern and Eastern Integrated Transport Authority wrote to the Minister for Planning seeking his advice on whether the Frankston bypass, as it was called then, would require an environment effects process to be undertaken. That was fairly shortly after I was elected. Since that time I have followed the processes and the development of the project, and I have to say that very few individuals have registered with me complaints about the freeway itself. I attended some of the exhibitions and some of the public events around the freeway, and people were concerned about particular parts of it and how it should be aligned, which is all part of a normal process. They talked about their concerns about natural flora and fauna — the kinds of things I have mentioned in my contribution. Overall I would have to say there was widespread support for the freeway itself. A process such as the one we have undertaken brings to light

some of the difficulties people have, and that is all part of good major project development.

I believe the government does understand what is important to Victorians. Just because the Brumby government constructs freeways where they are needed does not mean it does not understand the importance of public transport, and it certainly does not mean the government has no interest in massively investing in public transport infrastructure, which it does.

Roads and public transport are complementary in a transport network; they are not mutually exclusive. You do not have one or the other. You have both at the appropriate places and for appropriate functions and community needs. This government is investing in the road network because it understands the important role that roads play, both in freight and in commuting and linking economies and communities. I believe the transport plan will deliver the best transport network in Australia, and Peninsula Link is part of that.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make a few remarks on Ms Pennicuik's motion this morning. At the outset I express my surprise that the house is even dealing with this matter in 2010, because it is our view that the Frankston bypass should have been under construction and completed long ago. It was in fact the Liberal Party that first committed to this project prior to the 2006 election when the Leader of the Liberal Party in the Assembly, Ted Baillieu, announced a commitment of $250 million towards the construction cost of what was then the Frankston bypass. We recognised it was an important piece of infrastructure for Melbourne and the peninsula — important in linking the peninsula to EastLink and important in providing traffic relief through central Frankston.

As a representative of the South Eastern Metropolitan Region I know that traffic congestion in and around Frankston, particularly through traffic, is one of that community's most significant concerns. We announced that project in 2006 as a way of assisting in relieving that traffic congestion in central Frankston. I might add that at the time that announcement was made it was derided by the government. Peter Batchelor, who was then Minister for Transport, opposed the announcement of the commitment to the Frankston bypass. It was not until almost three years later that the current government belatedly got on board with its announcement of what we now know as Peninsula Link, so I say up front that the coalition parties, and at that stage the Liberal Party, are very supportive of the Peninsula Link-Frankston bypass project and see it as an important piece of infrastructure for Melbourne, Frankston and the peninsula.

To turn to Ms Pennicuik's specific motion, which was listed on 27 July, it states that the Linking Melbourne Authority should cease all work on the Peninsula Link project until such time as the final design for the road is publicly available and the preliminary design is altered to give effect to four qualifiers that Ms Pennicuik has listed.

I say at this point that the coalition will not support Ms Pennicuik's motion, not because we do not have concerns about the way in which this project is proceeding, but in addressing the specifics of the motion there are a couple of points I wish to make. The first is the very nature of the motion, in that it moves, 'That the Linking Melbourne Authority cease all work on the Peninsula Line project', et cetera. I personally have a concern with the structure of the motion. I believe it gives rise to unreasonable expectations in the community that were this house to support the passage of that motion, then work on the project would cease in accordance with the motion.

The reality is if the house were to pass Ms Pennicuik's motion as it is listed for debate, it would have no practical impact on the project whatsoever. I am concerned, having had some involvement with some of the people associated with or opposed to the project or aspects of the project in Frankston, that motions of this nature create false hope among those people who are seeking to have aspects of the project stopped. I do not suggest that is Ms Pennicuik's intention, but I believe seeing a motion before the house in this form of words creates false hope and false expectations among people who support the project or elements of the project being stopped. I can say that with some degree of certainty, having received representations from parties that are opposed to the project and that believe passage of this motion will bring about the effect they are seeking, and therefore I have some concerns that it creates false expectations.

As to the substance of the motion, the coalition parties cannot support a motion that seeks to cease work on the project because we believe this project is well overdue and should be completed as quickly as possible. However, that is not to say we do not have concerns with the way the project has proceeded.

Up front one of the biggest concerns is the cost. As indicated by Mr Scheffer, the government announced the project as $759 million for a 25-kilometre stretch of freeway. The community is being told we will pay $30 million a kilometre for the delivery of this road

through a public-private partnership model which will have associated with it ongoing maintenance from the contractor. Compared to the delivery of some of these projects through traditional procurement, when the headline figure is $750 million it raises questions as to whether the project as put together by the government is going to deliver value for money, as opposed to the cost if it had been a straightforward traditional-build procurement. There are questions over the cost of this project.

More particularly, and in relation to Ms Pennicuik's motion, there are questions over the process the government has followed with respect to this project. Like Ms Pennicuik, I have taken particular interest in the Westerfield property. I have had the opportunity to visit Simon and Joyce Welsh and tour the property and the section of the property that would be impacted by the Peninsula Link development, as well as having exchanged voluminous correspondence and numerous telephone conversations with the Welshes about the project, and so increasingly I have taken an interest in the situation with which they are faced.

From my point of view, the key question in my mind, and increasingly that question has been answered in the negative, is whether the Welshes have been afforded due process throughout the development of the Peninsula Link project. In her contribution Ms Pennicuik spoke about the heritage process that surrounded the Westerfield property, and that is a matter I have raised with the Minister for Planning on previous occasions in this house and indeed in a motion debated by the house in February. Having observed the way that heritage process unfolded and the way a decision was made in support of the project with the barest of information supplied at the time the application was made with respect to the form the project would take. It would not be unreasonable to say that the heritage process was little more than a rubber stamp.

I understand the concern of the Welshes and other opponents to aspects of the project. Understandably they believe the processes put in place by this Parliament to ensure that heritage and environmental concerns are given appropriate weight when a project is under consideration are treated as little more than rubber stamps when the government is the proponent.

It seems to be a recurring theme when we look back over a number of projects, whether it is channel dredging, the north–south pipeline or the desalination plant, where environment effects or heritage matters, as they apply in this case, are handled and ticked off with incredible speed. Whether it is by the Victorian regulatory framework or pursuant to commonwealth requirements, when the government is the proponent these matters seemed to be dealt with with extraordinary haste and delivered in favour of the government, which gives rise to understandable concern as to whether the processes are little more than rubber stamps rather than genuine considerations of the matters at hand.

It has certainly been my concern and observation, having followed the heritage process associated with Westerfield in particular, that it was little more than a rubber stamp given the paucity of documentation provided by the Linking Melbourne Authority with respect to its plans for development on the Westerfield site. It is regrettable that this Parliament has put in place this mechanism which the government is obliged to enforce. Delivering on those requirements imposes a substantial burden on projects where the proponent is a private-sector proponent, and yet when it comes to the government those requirements can be ineffective waved aside very quickly in order to ensure that a project is delivered notwithstanding community concerns. In saying that we strongly support the Peninsula Link project, we do have concerns about the way in which a process has been followed.

In a similar vein, I pick up Ms Pennicuik's comment about the works reservation that has been gazetted and the way the contractors have used the entire reservation. Again it goes to the issue of whether the processes that are being followed in a practical sense are the most appropriate. In his contribution Mr Scheffer spoke about the bandicoot expert who had been brought in to count bandicoots and their droppings and all the rest of it, which is fine; you can do all that, but it has little effect if the works are not being carried out in a common-sense way.

Frankly if the reservation is twice the size needed for the project, from a common-sense point of view there is no reason for the full reservation to be used. Ms Pennicuik has made a valid point in raising that particular concern. You can have all the bandicoot experts and the bureaucracy surrounding it that you like, but if it is not approached with a common-sense perspective, then I think you get a suboptimal outcome.

A number of valid concerns have been raised about the way in which this process has unfolded, the way in which the works are proceeding and the way in which due process largely seems to have been waved aside in certain respects simply to expedite the project. Having said that, the coalition parties will not support Ms Pennicuik's motion, because we do support the completion of this long-overdue project. However, we

are equally concerned that a number of people are being denied their rights in terms of due process and the way in which the government has gone about completing this project.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr Scheffer and Mr Rich-Phillips for their contributions to the debate on my motion. Mr Scheffer couched the motion in terms of my beliefs, as if it is only what I believe that is being put forward. I have put forward the facts of the matter, and I have also brought this motion to the house because of the concerns of many in the community.

Mr Scheffer yet again raised the issue that the road reserve has been there for 40 years, which it may well have been, but the world has moved on in 40 years. It does not necessarily follow that the road should be built just because the road reserve has been there for some time.

I will not go into the detail but, as we pointed out, we do need to rethink the whole roadbuilding frenzy that goes on in Victoria and around the country. We should shift our focus towards public transport and the upgrading of existing roads rather than building freeways. It is the view of the Greens that there should be a halt and a moratorium on the building of urban freeways. Instead there should be a focus on public transport. Mr Scheffer said that just because the government focuses on building freeways does not mean the government is not interested in public transport; he said we need both. However, the problem is that we are focusing on freeways and not on public transport. That is the situation, and it needs to be turned around.

Mr Scheffer also said there was no dispute over the importance of Westerfield and that most of the significant bushland on the Westerfield property has been avoided. That is not the case; in fact the most significant part of the property is the part that is going to be destroyed, including the dam. That statement is just not correct.

Mr Scheffer mentioned that Parks Victoria and the Linking Melbourne Authority have a predator control program in place to preserve the bandicoots in the Pines Flora and Fauna Reserve. There has been a bit of discussion about bandicoots in that reserve during this debate even though the motion is really directed at Westerfield. However, I also mentioned that the Pines Flora and Fauna Reserve is under threat. Locals have reported to me, and it is worth putting it on the record, that the predator control fences are not fully in place, that gates are left open and that the contractor is not fulfilling its obligations in that regard, and neither is Parks Victoria in terms of making sure that the predator control measures are in place. If, as Mr Scheffer has said, no bandicoots are being found, it might be because the predators are already in the reserve. The community was assured that those precautions would be in place.

Often the community is given assurances that there will be a predator control program and a minimisation of loss of native vegetation, but that is not what the community sees on the ground right next to them in their local area. They see that the predator control program is not being enforced and that the minimisation of the loss of vegetation is not being enforced. As I said, and Mr Rich-Phillips agreed with me, nobody is watching what the contractor is doing. It accidentally clears swathes of land and bits of wetland that should not be cleared, but once it is done, it is done. It is a bit hard to fix it up, even though the contractor said it was going to, and my motion calls for the contractor to do that. This shows a lack of care in the first place, and it is only because the local community is confronting the contractor, confronting the Linking Melbourne Authority and going to the minister that anything gets done about their behaviour.

Mr Scheffer said the freeway will be completed in 2013 and will reduce travel times by 40 minutes. I have mentioned in other contributions that I do not believe those predictions or the predictions of the amount of traffic that will be on the road.

People should take the time to look at an article headed 'The toll roads that turn into money pits' by Matt O'Sullivan, which appeared in the *Age* of 1 September. The article states that investors are shunning greenfields projects, and it is not hard to see why this is happening. I will not read out the full article, but it mentions New York and Brisbane and forecasts of the numbers of vehicles that will be using roadways. The article states that Maunsell, the same company that conducted the environment effects statement (EES) for Peninsula Link, including the traffic study for that project, predicted that 91 000 vehicles would use the Clem7 tunnel this month, but as it turns out only 30 000 vehicles have used it. The article states:

> So how did traffic forecasters, charging millions for their expert opinions, conclude that thousands more motorists would use the …

tunnel than actually do.

> Such forecasts do not properly relate to the interaction of land use and transport, and it is not surprising that they are not fulfilled. Moreover, the forecasts usually correspond to congested conditions during the peak periods.

That is a point I have made before. The article finishes by saying:

> One option now on the lips of industry leaders is the so-called availability model used for the $750 million Peninsula Link highway in Melbourne. Unlike toll-road projects under the public-private partnership arrangement —

which we have serious concerns about anyway —

> the Victorian government will make periodic payments to the builder to maintain the 25-kilometre Peninsula Link once it is operational, regardless of traffic volume.
>
> It also means that if motorists fail to use the Peninsula Link after it is completed in 2013 the Victorian government, rather than the private sector, ends up with a white elephant.
>
> What is happening is that the patronage risk is being pushed back onto government. Capital markets are saying, 'We don't want to guess what the traffic is' —

which has been my point all along, and public transport experts agree with me. The whole thing is smoke and mirrors. Trotting that out again is not advancing the argument at all.

Mr Scheffer also mentioned that few individuals made complaints during the process, although those who did mentioned the flora and fauna. That is not surprising, because most of the EES inquiries for projects we see before us are badly advertised. Often a community does not know they are going ahead. Inquiries are conducted in such a way that people are precluded from actively participating in any meaningful way. It is a common theme that the community does not get involved in the EES because it is very difficult for it to do so. Many technical documents have to be waded through to understand the process, and community members have to find the time to appear at the inquiries and to make submissions in response to the technical documents.

It is a huge effort for community members to do that, especially as compared with the effort required by the well-paid consultants who work for the proponents. That is therefore totally unsurprising, and it does not mean there is not community concern about the project. I admit there is support for the freeway, but now that people are seeing what it will mean in their backyard a lot of opposition is coming out. That often happens as well, because people are initially not alert to what the building of a freeway right next to them means.

In his contribution Mr Rich-Phillips said the freeway should have been built long ago. He went through a bit of argy-bargy about who supported it and who did not support it and said the Liberals were always fully supportive of it. He also raised a concern about the structure of the motion and suggested it would produce an unreal expectation in the community but would have no practical effect.

I will respond to that by saying I understand that some people in the community may have an unreal expectation, but I have made it clear to the main people who are involved with the Westerfield property, such as the Welshes, that even if this motion were to pass — and I have also made it clear to them it is probably not going to pass, and I know Mr Rich-Phillips, other members of the Liberal Party and government members have also indicated to them it is probably not going to pass — it would not necessarily have any practical effect. I have also indicated, however, that it is a chance to raise the issues in the public arena and to put some pressure on the government as opposed to saying and doing nothing about it.

This is an opportunity where I can raise the issue and put on the record the options that are not on the public record at the moment as a result of it not being in the interests of the proponents to say, 'Actually, we could take away the off-ramp at Golf Links Road. We could not do the unnecessary bike path because there is another option 100 metres to the east, and that way we could avoid more of the Westerfield property'. The proponents seem not to want to do that even though I do not think it would be a great impost on them. In the grand scheme of the cost and scale of the project, to make those few adjustments and move the roadway further to the east would not be a great impost on them. They do not necessarily want that on the record, but I think it is important it be put on the record that this could be done.

Mr Rich-Phillips raised concerns about the cost. I again direct people to that article of 1 September which goes into the whole issue of the costs of these sorts of projects and in particular the costs of Peninsula Link. For $759 million, which is the price tag on Peninsula Link at the moment, we as a community in the Frankston area could easily upgrade the Moorooduc Highway, put a flyover over Cranbourne Road, lower the Stony Point railway line so there is not a level crossing, put in a station and rail link to Baxter, upgrade some of the Western Port Highway and make some other adjustments to local roads — all for less than $759 million. Then you would not need Peninsula Link. That would be my answer to that cost issue — that there are much better things that could be done for $750 million. We could throw in a few more bus services that link in with the Frankston line as well. All of that would come in, as I said, at under $750 million, so that is my answer to that, and that is what we should be doing.

I agree with Mr Rich-Phillips that the Welshes have not been accorded due process and that the whole Heritage Council permit and appeal process has been a disgrace. I mentioned that people in the community are just gobsmacked at how a heritage listing is virtually meaningless. This particular example shows that a heritage property listed by the National Trust of Australia to be of state significance can just have a road built over the top of it.

Mr Vogels interjected.

Ms PENNICUIK — When the government is the proponent — indeed I agree — and in other cases as well. The point is that a heritage listing is worthless.

I understand that there is no support from the government or the coalition for what I have put forward, but even if there is no support and the motion is lost today, I am publicly asking the proponent to consider the adjustments to the design that could be carried out to avoid Westerfield, which would, as I say, in the scheme of things not be too much to do and would result in the preservation of the Westerfield property. It certainly would not do the proponent any harm in terms of public relations too.

I would like to finish by saying to the Council that I know we have spent a lot of time on this Peninsula Link issue. We debated my first motion, which was to abandon the project, in February. On 28 July we started debating this present motion to change the design of the project on the basis that we could still do so — there is still time to do that and avoid the damage — and we are debating it again today. However, I say that this issue warrants the time, not only in and of itself but for all the reasons I have outlined. I see this issue as iconic in terms of where we need to go as a community. We need to stop building freeways, to rethink our transport options in the state of Victoria, to move to public transport, to upgrade local roads and to bring in other types of traffic calming measures. That is why I think, not only because of its own inherent values but because of its iconic status in terms of representing what we should not be doing, this matter is worth the time spent on it. I thank Council members for their contributions to the debate on the motion.

House divided on motion:

Ayes, 3

Barber, Mr
Hartland, Ms (*Teller*)
Pennicuik, Ms (*Teller*)

Noes, 36

Atkinson, Mr
Broad, Ms (*Teller*)
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr (*Teller*)
Guy, Mr
Hall, Mr
Huppert, Ms
Jennings, Mr
Kavanagh, Mr
Koch, Mr
Kronberg, Mrs
Leane, Mr
Lenders, Mr
Lovell, Ms
Madden, Mr
Mikakos, Ms
Murphy, Mr
O'Donohue, Mr
Pakula, Mr
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Rich-Phillips, Mr
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr
Tierney, Ms
Viney, Mr
Vogels, Mr

Motion negatived.

GOVERNMENT (POLITICAL) ADVERTISING BILL

Second reading

Debate resumed from 1 September; motion of Mr D. DAVIS (Southern Metropolitan).

Mr DALLA-RIVA (Eastern Metropolitan) — I am very pleased to rise to speak on the Government (Political) Advertising Bill 2010 as introduced by my parliamentary colleague the Leader of the Opposition in the Council, Mr David Davis. This is an important piece of legislation, a private members bill, which we do not often get to see in this chamber, and obviously there will be the opportunity for debate on the bill in the chamber.

The bill is very important because it is about preventing the government from misusing taxpayers money on political advertising and so-called information campaigns. This bill is not directed at a particular government but at any government. It aims to ensure there is a capacity for a level playing field, particularly during election periods. The government has been very slow in dealing with the issue of government advertising. The then opposition leader, now the Premier of this state, said back in 1995:

> I make it absolutely clear to the Parliament and the people of Victoria that we will not tolerate the sort of abuse of taxpayers money that has been occurring in the funding of political advertisements under the government. We will introduce this legislation when in government. It will be the first piece of legislation we put through.

Of course that was the current Premier, John Brumby, from the Legislative Assembly *Hansard* of 8 March 1995 — and Labor went on to form government in 1999.

We are now in 2010 — for those who are not following the time line of life — yet we have had no 'first piece of legislation' introduced by the then opposition leader, now Premier. The reason is the blatant abuse of political advertising. There is a significant crossover in the way the government undertakes its supposed advising of Victorians about certain government issues.

Without question we note that certain programs are important — the Treasurer often raises that fact in question time and at other times — and there is a need for the government to advise the community of certain programs or activities that are in the best interests of the community. However, when you see some of the blatant advertising from the government, 10 weeks out from an election, it throws into doubt what the government's intentions really are.

We make it clear that there will be advertising principles, as set out in clause 4, which states:

> (1) A government agency must —
>
> (a) ensure that a government advertising campaign is —
>
> (i) accurate and truthful;.
>
> (ii) not misleading or deceptive;
>
> (iii) not party political;
>
> (iv) compliant with this Act …

and so on. Clause 4(1)(b) states that a government agency must:

> not use public funds for a party political and untruthful government advertising campaign …

The policy will ensure that an independent government advertising campaign review panel will be established. That is set out under clause 5 of this private members bill. The functions of the panel, which are set out under clause 5(2), are to ensure that there is the capacity:

> (a) to review government advertising campaigns for compliance with the advertising principles;
>
> (b) to issue Notices of Compliance for government advertising campaigns that are consistent with the advertising principles;
>
> (c) to review the Exemption Certificates for compliance with this Act;
>
> (d) any other functions conferred on the Panel by this Act.

The government would say there are guidelines in place, that the Auditor-General has set some guidelines and the government has its own guidelines. In fact the Auditor-General, on a number of occasions in 2006 and a bit later, was critical of the way the government either snubbed the guidelines that he recommended or breached its own government guidelines in terms of government advertising. We will make this clearly outside the control of any government. It is not directed at the current government; it could well apply to us after 27 November. It is important to understand that we are introducing this measure to bring some impartiality to the process.

In terms of the panel, we will ensure that there is, obviously, a chair who must be a former judge of the Supreme Court or the County Court; a member who is a former public sector auditor; a member who is a former senior public service employee; a member who is an independent senior academic whom the minister considers has relevant experience; and other members appropriate for sitting on that board. They will be appointed for three years, as outlined in clause 6, and there are a whole range of other provisions that apply.

Clause 7 allows for a review of the government advertising campaign. I do not propose to go into that area as it was outlined in the second-reading speech, and I know other members will probably pursue it.

Clause 8 involves government agencies providing relevant details, and the exemption certificate, which I mentioned earlier. This is important.

As we head into an election, clause 10 of the bill is relevant in that it concerns when, in the period before an election, a government advertising campaign is not permitted. In terms of process that is 60 days before the date of the Assembly expiring; it ends on election day. If the Legislative Assembly is dissolved, a government advertising campaign is not permitted for the period commencing on the date of issue of the writs for a general election.

In addition, we have also had concerns about some of the campaigning undertaken by governments, and in particular this government. Recently in the Kororoit by-election the government did some blatant government electioneering. It still did not get the government over the line — it had to go to preferences — but it showed the impact it can have on swaying voters. Clause 11 deals with the issue of by-elections.

The bill is significant in the sense that it may have an impact on us as well as on the current government. All political parties talk about it; the former opposition leader — now Premier — spoke about it, but he did nothing about it because his government has been a do-nothing government over many years. Therefore, so

that the necessary actions will be taken to deliver appropriate and responsible political governance of the state, I commend this bill to the house.

Mr KAVANAGH (Western Victoria) — It would be fair to say that over a long period I have had discussions with the Liberal Party and The Nationals about the desirability of a bill along the lines of the Government (Political) Advertising Bill. It would be fair to say also that the Democratic Labor Party perhaps contributed towards initiating the bill. For quite some time it seemed the bill would be officially co-sponsored by Mr David Davis for the Liberal Party and me for the DLP.

I acknowledge that Mr Davis did make a reference to me in his contribution when he introduced this bill. Frankly, however, I am rather disappointed that the coalition decided not to fully recognise the DLP's contribution. Nevertheless, I will support the bill because there are even bigger issues than my feelings and my ego — even bigger — and in saying those words I will try to use the emphasis that Mr Lenders sometimes uses.

There are important reasons of principle involved in supporting this bill. First, taxpayer money should not be wasted. People have a right to the wealth that they themselves create. Necessity demands that sometimes governments take a share of that wealth, but they must do it carefully. Forcibly taking money from those who create it, and then wasting it, amounts to a breach of the rights of those people.

The taxes and charges that are collected by Victorian governments are taken from the earnings of hardworking people. Just one example is stamp duty. Stamp duty does not just appear magically when people come to pay it; it takes some people years of hard savings just to pay the stamp duty on an average house in Victoria. Governments should be spending money only on necessary measures and getting the best value possible from that expenditure when they do so.

Respect for the rights of people and compliance with ordinary standards of decency demand that political parties do not misuse their power over government purse strings and force people to contribute through taxes to the political ambitions of that political party. Political advertising at government expense does even more, however, than offend the rights of people by denying them the fruits of their own labour. It is also an offence against democracy. In a democracy elections should not be rigged to favour one political party, and of course the entire point of political advertising is to do just that, to favour one side in an election — the government side, of course. Government political advertising distorts the electoral process and degrades our democracy.

Of course there are many other deficiencies in our democracy, and I think one of them is the power of the press to decide whom the voters will know about before an election. We saw that happen in the federal election campaign a couple of weeks ago during which my party, the Democratic Labor Party (DLP), was entirely ignored by the *Age* — there was not a mention in the *Age*, not a mention in the *Herald Sun*.

Ms Mikakos — It probably helped the DLP in the Senate, don't you think?

Mr KAVANAGH — It did not hurt us too much by the look of it, but I do not think it was actually a help. There was not a word on any of the television stations either. Actually they did say 'DLP' on SBS once, but there was nothing on anything else. That is a huge deficiency, but so too is this bias in favour of a government being able to use taxpayers money to advertise itself during election campaigns and in the period leading up to election campaigns.

It should be noted that both sides of politics are guilty of misusing taxpayers money and degrading our democracy by misusing their power over government finances in this way. Even the conservative side of politics, which is probably naturally averse to excessive government spending, has been guilty of this practice on occasion. For example, during the last years of the Howard government we saw advertising for the WorkChoices campaign which was an inappropriate use of taxpayers money and undemocratic, I think. Furthermore, we have just seen an even worse example with the current federal government running a campaign to promote the mining tax. Fortunately I think the pro-mining tax advertisements were so bad that every time I watched one I felt that it cost votes for the government. In retrospect, I am pretty sure that it did, and that is a good thing too.

In Victoria political advertising by the government seems to have worked. Before the last election we had, ad nauseam, advertisements in which the then Premier, Mr Bracks, talked about our water and promoted the government's water policies. Just a couple of nights ago I saw on television an advertisement promoting the Victorian government's regional development policies. Perhaps one of the differences is the scale in Victoria. According to some people, up to $200 million of taxpayers money was used on government advertising before the last election.

Mr Dalla-Riva read a promise made by the current Premier, Mr Brumby, 15 years ago when he was the Leader of the Opposition. I have no doubt that Mr Brumby meant every word he said when he said it, but he has not kept that promise. When you win government and have power over all those billions of dollars it is no doubt a great temptation to put aside a couple of hundred million dollars for your campaign chest, and that is what the government has done. It is a huge temptation that presents a dilemma, and the dilemma is that the government knows it can be advantageous to do it, but it also knows that it should not do it.

Mr Barber — It can resist anything except temptation.

Mr KAVANAGH — Like me, the government can resist anything but temptation, indeed!

The bill that is before us proposes a workable way to avoid that dilemma and eliminate that temptation for any government by providing a workable mechanism for ensuring that the advertising that is paid for by government is not political in nature.

For the rights of Victorians to the wealth that they themselves create through their own efforts and for the integrity of our democratic system, I urge all members to support this bill.

Mr BARBER (Northern Metropolitan) — Previous speakers have talked about the nature of this problem, and it hardly needs further elucidation, but here is just a little bit from me. We know the problem of government-funded political advertising is a corrosive force, and we know that it is a growing problem. We know that oppositions oppose it and governments support it, and that is where we find ourselves today.

Mr David Davis talked about a number of different advertising campaigns that he found objectionable, but there is also common ground in that a large part of government advertising is what you would call routine advertising like job advertisements, regular campaigns such as those of the Transport Accident Commission and so forth. It is common ground here, and that is not really what we are arguing about or seeking to regulate.

The problem arises when the government of the day finds itself in political hot water and suddenly decides at that moment that there are matters the public needs to be better informed about so they can simply understand what it is the government is trying to do. We have had some striking examples of that here in Victoria, but one of the most offensive examples was of course the WorkChoices advertising. That was an advertising campaign designed to tell people that a government policy was coming and that it was going to be good for them. It did not really contain a lot of amazing information, and in fact it could not have, because the bill to introduce WorkChoices had not even been brought into Parliament at that time. As an information campaign it was never going to be particularly informative.

It is interesting to go back over that issue. In particular I found it very interesting to read the High Court of Australia case of *Combet v. Commonwealth* in which Greg Combet and Nicola Roxon sought a High Court judgement on statutory interpretation as to whether the appropriation bill — the budget bill — authorised the government to spend this money in this way. It is a depressing read because, despite all the effort that the learned High Court judges went through, they more or less concluded, to the dismay of parliamentarians and obviously oppositions, that once the government has an appropriation it can do pretty much whatever it wants. Therefore it seems likely that the Parliament will not be able to control, through the budget process, how and where those sorts of government moneys are expended and possibly even more generally.

There is a bit of a history to this issue, specifically in Victoria. As far back as 1996 the Auditor-General's office recommended some broad conventions be adopted, and it is my understanding that the then Secretary of the Department of Premier and Cabinet dismissed the need for such measures. But lots of complaints kept coming in to the Auditor-General, who did another audit and published a report in 2002 strongly recommending the guidelines. That was well into the first, if not the second, term of this government. He pointed out that New Zealand and the United Kingdom, as well as other jurisdictions, had guidelines and submissions in favour of this kind of instrument.

Guidelines were introduced, and members can find them on the website of the Department of Premier and Cabinet. The guidelines provide that:

> Public funds should not be used for government communications where:
>
> > government programs or initiatives intentionally promote a political party …

We also see the words:

> Dissemination of information may be perceived as being party political because of any one of a number of factors, including:
>
> > …
> >
> > the reason for the campaign — why it is communicated

> the purpose of the campaign — what it is meant to do
>
> the choice of media — how, when and where it is communicated
>
> …
>
> the effect it is designed to have.

Despite that, we see the government continuously running advertisements that in my view breach the spirit of those guidelines. During the committee stage it may be interesting to ask Mr Davis to tell us exactly which campaigns that are running currently he believes would be blocked if the bill was to come into law.

The Auditor-General found that six of the eight government advertising campaigns from 2005 that he had assessed did not comply with the government's own guidelines. These campaigns were found to combine fact with opinion, and websites advertised as containing substantiating information — that is, 'If you go to our website, you will find more' — were found to be deficient. Some of the Auditor-General's findings in the two reports carry on in that vein.

I would now like to move on to the bill itself and what it does.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Public transport: myki ticketing system

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Public Transport. I ask: is the Transport Ticketing Authority paying for the skyrocketing increase in fare evasion due to the introduction of myki out of its existing budget?

Hon. M. P. PAKULA (Minister for Public Transport) — I reject the premise of the question. Mr Davis asserts that there is skyrocketing fare evasion as a consequence of the introduction of myki. As is normally the case when he makes these bold assertions, he presents no evidence to support his contention. It is not the case, and the premise of the question is rejected.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for that. I am not sure I am fully reassured by the minister's comments. I therefore ask — —

Honourable members interjecting.

Mr D. DAVIS — No, in fact I therefore modify it. Are there any legal impediments that would stop authorised officers from issuing infringement notices against myki card holders?

Hon. M. P. PAKULA (Minister for Public Transport) — As I indicated, I thought fairly fully yesterday, in fact infringement notices have been issued against myki card holders. Again not only is the premise of the original question wrong, but the premise of the supplementary question is wrong.

Mr D. Davis — Are there?

Hon. M. P. PAKULA — Mr Davis interjects by saying, 'Are there?'. I would have thought it was self-evident. Given that there are infringement notices being issued against myki card holders he could deduce from that that there are not legal impediments to infringement notices being issued against myki card holders. I would have thought he could deduce from that that the basis of his question is incorrect.

As I indicated to the house yesterday, we have taken what I think most people would accept to be a fair and common-sense approach, which is that in the initial take-up of myki, authorised officers, as a matter of practice and in conjunction with the operators, are providing people with information about how they ought to deal with their myki card: how they should top up, where they can top up, what they need to do before they travel and the process for touching on and touching off. As I also indicated to the house yesterday, what we have seen from the time we went live on trams and buses, when there were something like 25 000 to 30 000 individual cards being validated each day, is an increase to something north of 70 000 now. These are all people who, as they touch on, are validating and paying for their journey. In those circumstances, as I said, the premise of Mr Davis's question is just misguided.

As I indicated yesterday, had we started with a heavy-handed approach from day one, I have no doubt the opposition would have been saying in this place the government was more interested in revenue than it was in the interests of customers, that it was all about the money rather than education and that it was all about revenue collection rather than what was in the best interests of passengers. As I indicated yesterday, it is not a situation that will endure indefinitely. We will be moving to a situation where we start issuing reports of non-compliance and where people will start receiving both warnings and fines. I think it is entirely appropriate that when people are becoming familiar with a new system which is a marked change in

behaviour for them from the previous system they have a period of grace when authorised officers, instead of being heavy-handed, are providing people with guidance and information. But as I indicated yesterday, there is a limit to how long that will last.

Economy: housing

Mr LEANE (Eastern Metropolitan) — My question is to the Treasurer, John Lenders. Will the Treasurer update the house on the performance of the housing sector in both housing starts and other construction?

Mr LENDERS (Treasurer) — I thank Mr Leane for his question and for his ongoing interest in housing and the jobs that are associated with housing. I am happy to share with him and the house that this morning at 7.00 a.m. — which is sparrows' time during a parliamentary sitting week, let me assure the house — I had the privilege of addressing a Housing Industry Association outlook conference comprising 450 builders on the future of housing, the future of the Victorian economy and where things are going. I think it is fair to say that there was an extraordinary level of optimism and that the industry is very upbeat about the future of housing, the future of construction and where Victoria is positioned vis-a-vis other jurisdictions.

I think it is fair to say that the statistics show that Victoria has the largest number of housing starts of any state, and that has been consistent. It has the strongest housing finance of any jurisdiction. In the last two years supply has exceeded demand, which is a very good outcome. Part of this is because the state's policies, whether they be in land supply, in speeding up the planning process or in the decentralisation incentives that Victoria offers, are all assisting to boost housing construction in the state of Victoria. As Mr Leane will know, it is not just about jobs in the trades, it is also greater housing availability and more stock which assists far more generally.

What we see now in Victoria is growth in the outer suburbs, there is urban infill and there is strong growth in the regional cities and regional areas, which helps to take the pressure off the housing market.

There is a lot more to be done, but what this government is proud of is that by focusing on supply and focusing in the demand section on delivering opportunities for new construction — whether it be by the very generous first home buyer grant for new construction or by the off-the-plan stamp duty concession — Victoria has managed to generate growth that no other state or territory has been able to. There is more to be done, but I was delighted to be at a conference where people were positive about Victoria, positive about construction jobs, positive about availability and positive about Victoria as a good place to do business, a good place to generate jobs and a place where more effort is made on making housing available than in most other places in this environment. All these things assist in making Victoria an even better place for people to live, work and raise a family.

Buses: services

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Public Transport, Mr Pakula, and it is on this continuing theme of needing to change our attitude to buses. In the government's attitudinal survey of customer satisfaction on buses, recently released to me, frequency on weekends was the lowest satisfaction factor reported in the survey — down at around 55.4 per cent satisfaction and generally declining over time. Around half of Melbourne's bus routes do not run on Sundays and about half of those do not run on Saturdays either, and yet many of those five-and-six-day-a-week services have high patronage. Can the minister tell me whether there is any time line or plan in place to upgrade each of these services to six-and-seven-day-a-week services?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Barber for the question. I seem to be his favourite at the moment. When Mr Barber refers to 'these services', obviously I cannot divine which particular services he is referring to. What I can say is that we have released a whole range of bus reviews as part of — —

Mrs Peulich — You've really bungled those, haven't you?

Hon. M. P. PAKULA — Well, Mrs Peulich — —

Hon. J. M. Madden — Don't go there; leave her alone.

Hon. M. P. PAKULA — As Mr Barber would know, we have conducted something like 16 bus reviews across a whole range of municipalities. Those bus reviews are very valuable because as part of the process of consultation with the community they enable us to understand community expectations about the bus services in their area, not just for improvements that we can make now but for improvements that we can make in the future, as funds become available. The normal process with the bus reviews is that they identify a whole range of bus routes that could be improved, and

because there is an amount of funding available at any given point in time we are able to announce some of those improvements now and we are able to have, if you like, a blueprint for the sort of changes we can make in the future as funds become available.

We have already made 183 bus route improvements as part of those bus reviews. A large number, in fact, of those bus route improvements include the extension of services to 9.00 p.m. seven days a week. Something like 124 of the bus route improvements that I have referred to already do what forms the basis of Mr Barber's question, which is about extending those services to 9.00 p.m., Monday through to Sunday. But they do a whole lot more than that. They include route extensions and they include extensions into places where buses have not gone previously, places like Epsom and Waterways and a whole lot of other places in between.

I suppose it is a long way of saying to Mr Barber that the improvements to which he refers have already been announced on a whole range of bus routes — over 120 routes — that will now run until 9.00 p.m. seven days a week, and we will continue to extend routes both in terms of their location and also in terms of the amount of time they run and the days of the week on which they run, as further funds become available.

Supplementary question

Mr BARBER (Northern Metropolitan) — I was looking around on the Department of Transport's website but could not immediately find it. Is there any document that analyses what proportion of Melbourne is covered only by bus transport and therefore which parts of Melbourne effectively have no transport when they do not have Saturday and Sunday services?

Hon. M. P. PAKULA (Minister for Public Transport) — Mr Barber might not be surprised to know that the spatial analysis to which he refers is not at my fingertips, but let me say that what we are doing as a consequence of the bus improvements is extending buses into a whole range of places where they have never been before. These things are always difficult — there have been some interjections from Mrs Peulich — and there has been some unhappiness in parts of Melbourne, I have to say, when we extend bus routes. They often become a focus of some controversy in certain local areas, where people are pleased to have a bus going to their area for the very first time but they might not want it in their particular street or their particular location. These things are always complex. The Department of Transport always has to weigh up the amenity of residents with the need and the genuine and appropriate desire of people to have bus services extended into their areas.

In the period since I have been Minister for Public Transport we have extended buses into parts of Hobsons Bay and Wyndham, where buses had not previously been, and places around Point Cook. We have extended buses out through Craigieburn. We made a whole range of extensions to bus routes to parts of Melton as part of the bus reviews and, as I have indicated, to parts of Mordialloc, places like Epsom Estate and Waterways.

I can assure Mr Barber that in those places and in other places like some of the new communities around Pakenham and Beaconsfield, where people have never previously had public transport available within a short distance of their homes, we are continuing to extend bus services throughout all of those communities. It is a situation that we will continue to monitor as the bus review process continues and as further funds become available. We will continue to extend bus services into those new communities as funds allow, and as we have been doing throughout the course of our government.

Innovation: government initiatives

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Innovation, Mr Gavin Jennings. Can the minister outline to the house how Brumby Labor government programs and investments in innovation are supporting the work of researchers and their institutions?

Mr JENNINGS (Minister for Innovation) — I thank Mr Tee for his question and the opportunity to talk about what has been a big week in Victorian science. Every week is a pretty big week in Victorian science, but in the last week I have had the opportunity to celebrate and support that in a couple of ways.

Last week at the Austin Hospital branch of the Ludwig Institute for Cancer Research I took the opportunity to announce a $25.7 million operational grant to our medical research institutes across Victoria which do great work on behalf of our community, the Australian community and the international community in rising up to some of the major health challenges confronting people all around the world.

We took time to note the very important work being undertaken by the Ludwig Institute to support research and clinical practice in urological cancer. Mr Glenn Ford, who is a patient of the Ludwig Institute, was at the event and was brave enough and courageous enough to share with us his journey as a patient. He has

been part of a program to develop new treatment for kidney cancer, and he shared with us the great breakthroughs in terms of the world-leading research that has been undertaken by the Ludwig Institute out at the Austin Hospital in Mr Tee's electorate. It was a very moving experience to witness with Mr Ford his journey as a patient and to celebrate the capacity of the Ludwig Institute but also more broadly to understand the importance of how our operational infrastructure grants provide ongoing support for institutes such as the Ludwig Institute and other medical and research institutes which work in collaboration with teaching hospitals and the university sector to have the best science and the best application of clinical practice in Victoria.

If that was not enough in its own right, on Monday night of this week I was joined at Government House by a number of members of Parliament who came to the announcement of this year's Victoria Prize. The Victoria Prize is the Brownlow Medal of scientific endeavour in Victoria. It has been going for 12 years and recognises the leading scientists and the achievements as a result of their scientific endeavours in the last year. The winner of this year's Victoria Prize, which is a $50 000 grant from the Victorian government, goes to Dr Wojciech Gutowski, who works at the CSIRO. He is doing world-leading work not in medical research but in industrial application of coatings to various surfaces, which include coatings of plastics, that may lead to improved uses of non-solvent-based coatings that could be then applied to these plastic applications and other fibrous surfaces. They could then replace heavy metallics and other applications that are only currently available to resource-intense allocations of resources in terms of products and services around the world, particularly in the automotive and aeronautical industries. It is world-leading research being undertaken by the CSIRO that will have a direct and immediate industrial application not only here but around the world.

Our Victoria Prize was supplemented by a grant of $100 000 from the Smorgon family trust, which does great philanthropic work across our community and continually supports the Victoria Prize by providing $100 000 in fellowship support for the work being undertaken by the CSIRO in this instance. We appreciate the involvement of the Smorgon family in the Victoria Prize.

We took the opportunity to award six other emerging scientific leaders in the Victorian community by providing them with fellowships to enable further research and development of their capability. They were a very young-looking set of world-leading scientists, and they represented the faces of multicultural Victoria. Mr Kavanagh, who was at the event, commented to me subsequently that he was surprised to see the cultural diversity of the emerging scientific leaders in our community. This is a measure of what makes Victoria great not only in terms of our science but in terms of the culture and involvement in the broadest aspects of our scientific endeavour and educational opportunities of the broad nature of the Victorian community, so the Victoria Prize is a great event for Victorian science and the Victorian community.

Geelong: aged-care facility

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Environment and Climate Change, Mr Jennings, in his capacity as representing the Minister for Senior Victorians. I refer to the former Barton Street campus of Western Heights Secondary College in Geelong and to the Greater Geelong City Council's decision to support Victoria's Croatian aged-care community in its application for a small portion of public land to build a badly needed aged-care facility on this now vacant school site, and I ask: will the government support this important aged-care provider and the community it services by making some of this land available for community uses to advantage Geelong's seniors?

Mr JENNINGS (Minister for Environment and Climate Change) — Not only would we be setting a precedent by my answering the question in the terms that Mr Koch asked me, but it would be a very unusual precedent because not only does he acknowledge that he is asking a question of me representing another minister but he asks me to make a commitment on behalf of that other minister, which is quite different from the normal reporting regime. If ministers in this chamber are receiving questions on behalf of other ministers, we would usually expect to account in some shape or form within our knowledge base for existing programs, existing responsibilities and existing actions and the quality of the administration of that minister's portfolio in some shape or form if we are going to accept the question. To go beyond that and start making pre-emptive commitments on behalf of a minister would be a very slippery slope in terms of ministerial accountability, and one that I am not going to traverse.

The PRESIDENT — Order! I am of the view that there is no opportunity for a supplementary to be asked.

Broadmeadows: central activities district

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Planning, Justin Madden. Melbourne @ 5 Million identifies Broadmeadows as an important part of the activities centre network. I ask the minister to update the house on planning for the future of the Broadmeadows activities centre and the community consultation to date.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Elasmar's interest in these matters because I know that as a member for Northern Metropolitan Region, and particularly within that the Broadmeadows activities centre, he is particularly interested in what is taking place in that neck of the woods.

Just to remind the chamber, Melbourne @ 5 Million elevated the Broadmeadows activities centre to what is known as a central activities district (CAD) one of a handful of CADs which are part of a polycentric city. It is about trying to deliver more jobs, more services closer to people's homes and have those CADs develop CBD-type functions in those areas.

It is also worth reminding the chamber that this government has been able to see hundreds of thousands of jobs delivered right across the state but tens of thousands of jobs delivered in the heart of Melbourne. What we also need to do as part of our ongoing strategy is deliver more jobs closer to people's homes, and these CADs give us an opportunity to deliver those jobs and services closer to homes.

The location of the Broadmeadows central activities district in terms of its operation as a transport hub and its interaction with not only the metropolitan rail system and the road network but also the SmartBus network and its ability to link into the radial network right across Melbourne particularly means that Broadmeadows is well located as a prime renewal and redevelopment site that can lend itself to such a substantial investment. In this budget we invested $80 million in the Broadmeadows central activities district, and Broadmeadows will in a sense become the northern capital of the Melbourne metropolitan area over the next 20 to 30 years.

There is another important component of what we are seeing there. We have seen a lot of investment already. We have seen a lot of work rolling out, whether in terms of education, in terms of recreation or investment in transport in this particular location, but we are also working collaboratively with Hume City Council and the broader Broadmeadows community to inform the long-term structure plan for growth in this location in Broadmeadows.

The structure plan will guide growth and development for the next 20 years and beyond. It is an important document that ensures land use and development are undertaken in a planned and, particularly, coordinated manner. That probably stands in stark contrast with and difference from other parties in this chamber that do not seem to have a specific plan but make it up as they go along. An important component is that our leadership in partnership with Hume City Council will mean that the future growth and development of the Broadmeadows central activities district is assured. Part of the community feedback we have received from inquiries we have recently undertaken has been collated and used to inform what is known as the 'Emerging strategic directions' document, which is the next step in the planning process for Broadmeadows.

Earlier this month I had the pleasure of releasing this document and inviting further community comment on issues such as planning for jobs, further open space provision and planning for new homes, education and training facilities. People have the opportunity to comment on this until 24 September. If members of this chamber or members of the communities they represent have strong views, they should make a submission rather than sit on their hands, as is often the case with the opposition. I encourage that interaction with this process for those who want to assist in planning for the future. If others have a strong view, a strong commitment, they should put that view forward as part of the piece of work that is complementary to this work in Broadmeadows.

Mr Barber interjected.

Hon. J. M. MADDEN — I take up the interjection from the other side of the chamber. Mr Barber said that should be done through local government, and it should, but also there will be divergent views, and we are not ruling those out. Often some of those divergent views provide innovation in such a space. We welcome further views beyond those presented by local government as an opportunity to either enhance its views or maybe complement them in some way.

This proves again that long-term future planning of Melbourne's central activities districts complements the transport, road network and other services being provided right across the state, as well as in Melbourne, to make Victoria the best place to live, work and raise a family.

Catchment management authorities: funding

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Minister for Environment and Climate Change. I refer to the Victorian Catchment Management Council's annual report, tabled today, which details the financial pressure that catchment management authorities are under, including the Glenelg Hopkins CMA, which says, 'We have reduced capacity to work with our local government partners and to provide support to the region's Landcare groups'. Goulburn Broken CMA says in the report that Goulburn Broken CMA continues to support Landcare despite continued reduced commonwealth funding. Port Phillip and Westernport CMA states that the CMA 'also faced changes to the funding priorities of the Victorian and Australian governments that led to a significant reduction in the organisational workforce'. I ask: given these damning statements, what steps has the minister taken to restore this important funding following the cuts to CMAs?

Mr JENNINGS (Minister for Environment and Climate Change) — Ms Lovell's analysis of the words she read onto the record just a minute ago ignores the funding realities on behalf of the Victorian government. In fact not only has our funding to support Landcare been maintained but our funding has increased. The Victorian government has increased its allocation to support Landcare in the last 12 months.

Mr D. Davis — What have you done about the federal cuts?

Mr JENNINGS — I am invited to comment about what we have done since the change in funding priorities of the commonwealth government. What we have done is we have added an additional $9.9 million to our funding allocation to support Landcare for the various reasons implied in the question: the importance of Landcare and the importance of maintaining that network of activity that we in Victoria are very proud of, Victoria being the home of Landcare. We have had a great track record of community engagement and participation by volunteers and land-holders in the Landcare movement over more than two decades, and we will continue to support it.

We have also made it very clear to the commonwealth that we would encourage it to revisit decisions it has made in relation to the funding allocation for the Caring for Our Country program, to share with us our enthusiasm for the program and to give some degree of priority to future funding rounds to support those efforts in the years to come. The answer to the supplementary that was asked by Mr Davis of Ms Lovell's question is that we have added additional funding. We have advocated the position to the commonwealth and encouraged it to revisit its funding decisions and join us in providing enhanced support for these activities into the future.

Supplementary question

Ms LOVELL (Northern Victoria) — I thank the minister and welcome the minister's request that the commonwealth revisit its funding commitment. Can the minister confirm that the size of Labor's overall funding cut to Victoria's CMAs, including the federal cuts, is at least $10 million?

Mr JENNINGS (Minister for Environment and Climate Change) — The contorted way in which that supplementary question had to be delivered is interesting to witness, because Ms Lovell has recognised the support of the Victorian government and the advocacy of our position. On the way through I volunteered the information that the Victorian government has put in an additional $9.9 million to support Landcare during the course of this year. Beyond that, in terms of the net position of the program going forward, that is something that we will keep an eye on, and we will continue to advocate the position as I have outlined.

V/Line: maintenance contract

Ms TIERNEY (Western Victoria) — My question is to the Minister for Public Transport, the Honourable Martin Pakula. Can the minister update the house on the recently awarded contract to maintain Victoria's V/Line train fleet?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Tierney for the question. The Premier and I were pleased recently to announce that the transport company Bombardier is now responsible for the maintenance, repairs and management of the V/Line classic fleet, which includes Sprinters, locomotives and the locomotive haul carriages. Bombardier was awarded that maintenance contract after a tender process carried out by V/Line. The contract will run till the end of 2012. Bombardier will also continue to construct and maintain the V/Locity fleet, which it has done since the first carriage rolled off the production line in 2005.

This is an important decision by V/Line because the appointment of Bombardier to maintain these V/Line trains means that the maintenance of all of the V/Line fleet is under the one banner for the first time. Bombardier employs more than 500 people across

Australia. It has something like 350 employees in Victoria. Its major maintenance base is at the West Melbourne depot, but importantly — and I know Ms Tierney is also very excited by the prospect — Bombardier also has a maintenance facility in Geelong. This will mean more jobs in Geelong as well.

The main maintenance facility operates 24 hours a day, seven days a week. It is an excellent example of both the successful manufacturing and the rail maintenance facilities we have in the state. As members would know, Bombardier is currently in the process of rolling out another 32 new V/Locity carriages to meet the unprecedented growth in patronage we have seen across country Victoria. We have ordered 134 V/Locity carriages for the regional rail network, and 110 of them are in service. We are expecting all the rest to be rolled out by October next year. Once that rollout is complete we will have added just under 10 000 extra seats and almost doubled the total number of seats on the network since 1999.

These investments are part of our commitment to investing in regional public transport projects — projects that improve services, accessibility and connectivity for families who live and work in regional Victoria. This announcement also provides Bombardier employees with job security and delivers security for all those people in Bombardier's local supply chain, which includes something like 90 Victorian businesses.

Industrial relations: casual employment

Mr VOGELS (Western Victoria) — My question is to the Minister for Industrial Relations, the Honourable Martin Pakula. I refer to the recent decision by the fair work Victoria tribunal, which rejected an appeal by two Victorian students against 3-hour minimum shifts for teenagers, and I ask: given the government's statement that it is a long-term priority of the government to support opportunities for young people to benefit from employment, can the minister advise whether it is the Brumby government's policy that students should have their work opportunities restricted in this way?

Hon. M. P. PAKULA (Minister for Industrial Relations) — Let me first of all deal with what was either a misstatement by Mr Vogels or a fundamental misunderstanding of the industrial relations system. The decision to which he refers — —

Mr Finn — Here we are going to be lectured by Comrade Pakula!

Hon. M. P. PAKULA — Mr Finn might want to listen, because — —

The PRESIDENT — Order! Mr Finn knows it is totally inappropriate to address a member on their feet by anything other than their name or title, and I ask him to withdraw.

Mr Finn — I am surprised, but I withdraw. I thought that was the way you referred to each other over there.

Hon. M. P. PAKULA — Yes, but I am not about to be called 'Comrade' by you, Mr Finn.

The PRESIDENT — Order! If Mr Finn wants to test my patience, he should keep going.

Hon. M. P. PAKULA — The decision to which Mr Vogels refers was not a decision of fair work Victoria; there is no such body as fair work Victoria. It was a decision of Fair Work Australia, the national industrial relations tribunal. As Mr Vogels may or may not know, as a consequence of that decision there is now an application before Fair Work Australia being led by the Victorian Employers Chamber of Commerce and Industry (VECCI) and others to vary the modern awards. It is an obvious matter for debate. There is going to be without question some rigorous debate before Fair Work Australia between VECCI and others on the one hand and various representatives of employees across a range of awards. At the moment the VECCI application encompasses many awards. It may well be the case that ultimately VECCI winnows down that application to deal with fewer awards. That matter, as is properly the case, will be heard before Fair Work Australia, and Fair Work Australia — the independent arbitrator — will make a decision on whether it varies the modern awards or not.

The sort of condition to which Mr Vogels refers has been a feature of awards and industrial arrangements for decades; there is nothing new about it. Minimum hours of engagement for casual employees has been a feature of awards and industrial instruments for decades, but the application for the variation of the modern awards will have its day in the independent tribunal that the Labor Party supports and has always supported, unlike those opposite.

Supplementary question

Mr VOGELS (Western Victoria) — Can the Minister for Industrial Relations give the chamber a ballpark figure of how many teenagers will lose their jobs as a result of this Fair Work Australia ruling, what advice he would give to those young people going forward in relation to work experience et cetera, and will he be supporting the Victorian Employers

Chamber of Commerce and Industry if it is appealing against this decision?

The PRESIDENT — Order! I am of the view that it is at best lineball to ask the minister for a ballpark assessment or figure on anything, but in deference to Mr Vogels and his remaining time here, I am going to let it go.

Hon. M. P. PAKULA (Minister for Industrial Relations) — As I indicated in my answer to the substantive question, this particular provision, which provides minimum hours of engagement for casuals, is not a new provision; it has existed in awards and the vast majority of collective enterprise agreements for many decades. In regard to the other part of the supplementary question, again Mr Vogels characterises what is occurring before Fair Work Australia as an appeal. What is in fact occurring before Fair Work Australia is an application by VECCI to vary a range of awards, the vast majority of which are private sector awards, the parties to which do not include the Victorian government.

Floods: levees

Mr DRUM (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. The flooding in central and northern Victoria has highlighted the importance of well-built and properly maintained levee banks. For those levee banks that are on Crown land, is it the responsibility of the Department of Sustainability and Environment to ensure that they are properly maintained?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Drum. I understand there is quite some degree of concern in the Victorian community, notwithstanding the report of my colleague the Treasurer yesterday about the travels of the ministerial task force as it discusses with Victorian communities the impact of the flooding. Overwhelmingly it seems there is a positive aspect coming through community engagement. There is enthusiasm about the change in the prevailing weather conditions that has led to more rain being evident in the landscape than has been the case for the last decade. Notwithstanding that, there are some concerns in the community about the certainty of town protection, household protection and some impact on agricultural land that relates to the adequate provision and maintenance of levees along rivers and stream sides.

I do not want to sound evasive, but it is inevitable that I will be interpreted as being a little evasive, because the circumstances of levee creation and maintenance vary from location to location. It is not one size fits all in relation to who is responsible for the creation and maintenance of levees, and I do not want to start giving specific answers to Mr Drum that may lead to a certain interpretation or knock-on consequences. My department and agencies in the water portfolio will be very happy to work through with the community the roles and responsibilities for establishing and maintaining levees as part of ongoing community engagements and considerations in the weeks and months to come.

I think there will be quite some public commentary about these matters, and they will vary from location to location. Therefore I am reluctant to give a one-size-fits-all answer. In some instances levees are the responsibility of agencies that I am associated with, sometimes they are associated with local government and sometimes they are the responsibility of private citizens. The situation varies in a variety of circumstances. I do not intend to be evasive, but that is the truth of it. To be more specific would probably be a clumsy thing for me to do.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for that answer. In the event of levee bank failure and under threat of extreme inundation, does the Department of Sustainability and Environment have operational responsibility for the management and repair of levee banks? If so, how is that responsibility incorporated into the control of a flood event and, if not, which agency does? Or do the farmers, the management and the DSE just fight each other? What happens?

Mr JENNINGS (Minister for Environment and Climate Change) — The answer about emergency response is pretty much the same as my substantive answer plus the fact that there is involvement of the State Emergency Service and other emergency agencies working in cooperation with the bodies which would be responsible for the establishment and maintenance of levees and for the way localised emergency responses would be organised.

Mrs Peulich interjected.

Mr JENNINGS — I do not know that that is quite the case. These are increasingly rare events. In many ways we would hope they were more a feature of what we witness across Victoria. Not that we would want to see any damage done, but in terms of the incidence of rain and flows within our water system across Victoria we would like a more regular inflow and availability of

water supply rather than the lack of it that we have been sorely subjected to for more than a decade.

Within that, some ongoing scrutiny will be brought to bear, and the task force my colleague the Treasurer is chairing is engaging communities about these various matters to see what degree of emergency response occurred and to look at the effectiveness of that and at what actions should stem from the events both in terms of the recovery effort and any preventive measures in the future. That will be part of the conversation as the Victorian government invites commentary from the Victorian community in the weeks to come.

GOVERNMENT (POLITICAL) ADVERTISING BILL

Second reading

Debate resumed.

Mr BARBER (Northern Metropolitan) — In terms of the mechanics of the bill, it establishes a panel appointed by the Governor in Council to assess whether the government's advertising campaigns comply with those principles in clause 4 in the bill.

The purpose is twofold: to prevent public funds being used for, one, advertising for party political purposes, and, two, untruthful or misleading government advertising. The review panel will be comprised of a minimum of five members and must include a former judge of the Supreme or County Court, a former public sector auditor, a former senior public service employee and an independent senior academic who the minister considers has relevant experience. The government agency, which can be a minister, public service entity or public body, must submit various information such as the campaign's costs, content, purpose, time, frequency and so forth in order for the panel to be able to do its job.

Amongst other things, the principles set out that the campaign must not directly or indirectly affect the political opinions of Victorians. That is pretty interesting, because it is quite common for government advertising to have an 'authorised by' line at the bottom, which I had always assumed was for the purpose of compliance with the Victorian Electoral Commission guidelines. The VEC's act says that anything intended to influence someone's vote must carry an authorisation, yet we will be legislating that we cannot have government advertising that is intended to influence or has the effect of influencing someone's vote. Presumably this will then be covered by only one of the two acts. I cannot see how it could be covered by both. I am being a bit pernickety about that; I am just pointing it out as a legal principle. Of course the government will try to comply with both acts, but that in itself suggests that we are in a very grey area.

Mrs Peulich — When in doubt, stick it on.

Mr BARBER — We would be doing that if we were in a very grey area, and I did not think that creating another very grey area was the purpose of the opposition's bill, but we will talk about that a little when we get to it.

In the bill 'party political' is defined as:

> … material designed to promote the policies, past performance, achievements or intentions of a program or the government in a politically partisan manner or with the purpose of advancing or enhancing a political party's reputation rather than informing the public.

That being a continuous statement also creates a somewhat convoluted test, which I will be trying to dig into when we go to the committee stage of the bill.

The bill will also prevent advertising campaigns running in the pre-election period, being 60 days before the last sitting day of the Assembly. A government agency does not need a compliance notice to run a campaign where the costs are not expected to exceed $50 000; where the campaign is about disseminating information about public health or safety, the routine administration of government functions or emergency circumstances; or where it is a job or a tender advertisement.

However, clearly someone is going to go through a process of exempting or ensuring that something is exempt. That brings us to the comparison with the Australian Capital Territory legislation and the commonwealth guidelines. We recently had a similar scheme brought into the ACT Parliament. It is amazing what you can do when there is a minority government and a unicameral system. In that jurisdiction, the Greens and Liberals simply got together and worked on a bill. The bill was initially introduced by the Liberal Party, and the Greens got involved in taking it through a committee stage.

For that matter, all sorts of interesting things can also happen in a bicameral system of government when there is a minority in both houses. It could be very similar to the US Congress, where ultimately no-one is the boss. The President does not sit in that house; he cannot even introduce his own bills. Sometimes there might be five or six bills that are all trying to achieve the same or similar objectives. They all get introduced

and swirl around for a while until eventually one of them clearly gets the numbers and then that bill becomes the bill. In the situation of a minority government with no clear agreement between the government and its supporting parties about a legislative agenda, anything is possible. We are seeing that in Tasmania at the moment with poker machines.

The main difference between this bill and those in the jurisdictions that I mentioned, the ACT and federal governments, is that the minister or responsible person or an agency seeking to conduct an advertising campaign must seek the advice of an independent committee before they proceed. In the ACT it is the reviewer who gives the advice, and the reviewer is appointed by a two-thirds majority of the Legislative Assembly. At the commonwealth level, there is the Independent Communications Committee. In both cases the government receives advice on whether the advertising campaign complies with the relevant act or guidelines, but responsibility for deciding whether to proceed with the campaign continues to rest with the minister. While this bill might have the same mechanics in it, it operates in a different way. In the ACT a minister can be named and shamed if they are putting out advertising that does not comply, whereas the proposition behind this bill is that this body would be able to block it.

The ACT has reporting mechanisms in its system. I am not clear whether this bill — and I will ask when we get to the committee stage — provides for any reporting mechanism or how we would find that out. In terms of the content that is considered to be appropriate for government advertising, the ACT and commonwealth guidelines are similarly worded to the coalition's bill that we are dealing with today. In the ACT the guidelines make it clear that the costs that are to be considered include those costs that relate to the early stages of the campaign design, right from the market research agencies and throughout the campaign.

It is clear that the assumption that the ACT and commonwealth schemes are based on is that the cost of public exposure for running non-compliant campaigns will deter governments from doing so. Mr Davis's bill is upping the ante. He is going one further and suggesting that we will not just be having after-the-fact scrutiny. The independent panel will have the final say as to whether the campaign can run. I still think it would be good to have a reporting mechanism. Even though the reporting mechanism would not be part of name and shame, it would simply be a way of telling us afterwards what the outcome was, even in the sense of reporting what the government applied for and got knocked back on.

As I have said, I do not consider this a perfect bill, but we have a major democratic deficit with the ability for the government to keep ordering up campaigns. The last one I saw for the transport plan informed us that the government was maintaining the tracks.

Mr D. Davis — As if that is new!

Mr BARBER — That is like me loading the dishwasher and then saying, 'Look what I did! Everybody come and look at me — I loaded the dishwasher!' I would not have thought that that aspect would have survived these particular guidelines, but I will ask the proponent of the bill how he believes these things would play out in the mechanics of his legislation. The Greens will be supporting the bill.

Sitting suspended 12.59 p.m. until 2.04 p.m.

Mrs PEULICH (South Eastern Metropolitan) — I wish to join the Leader of the Opposition and other members in supporting this private members bill, the Government (Political) Advertising Bill, which is a replica of the parameters of the intent enunciated by the Premier when he was Leader of the Opposition. The reason he indicated he was going to introduce this bill then — more than 11 years later we are nowhere near it — goes back to Labor's policy document entitled *Integrity in Public Life — Labor's Plan for Proper Standards*, which dates from the time when Steve Bracks was the Leader of the Labor Party. If you go through that document, it identifies a number of reforms which the government has either failed to introduce or has acted contrary to. One of them is political advertising. It says, and I quote:

> The Kennett government has never understood that there is a clear line in between public duty and their own private political advantage. The public's money is to be spent for the public's benefit, not for the benefit of the Liberal and National parties.
>
> Labor will end the current government's practice of misusing taxpayers money for disguised political advertising and for market research that is clearly party political.

The policy document goes on to outline how the Labor Party would do that. It also talks about promotional expenditure and how the Labor Party was going to end that, depoliticising the public service, transparency in making senior appointments, supposed improvements in freedom of information, improving parliamentary standards and restoring the credibility of the Parliament.

The government has fallen very short on all those commitments — and indeed has acted contrary to the policy in most instances — and shows an increasingly secretive nature, which is demonstrated by the manner

in which ministers do not respond with answers to questions without notice, questions on notice and adjournment matters. I served in the Assembly for 10 years, and government ministers actually stayed for the adjournment debate and answered questions, where they could, from the floor.

In addition to the decline in individual ministerial responsibility, I think there is also a disturbing change of culture — for example, we have seen the Attorney-General intervene to stop witnesses appearing before all-party committees. That all makes it much more difficult for the public to have access to accurate information. Coupled with that are some concerns about the culture of our fourth estate, the media. Most journalists are of a younger age, so it is much easier for the government's public relations specialists — and we have seen the rise of that particular culture — to be more effective in getting across only the positive spin, which is then reported as news across the media. There is a declining level of education in terms of political education and financial and economic literacy, and there is a chiselling away of freedom of speech through various forms of legislation.

There is a growing concern about being able to access accurate information and therefore the critical role played by government advertising. Clearly this government has abused that. It has invested enormous amounts of money in advertising campaigns to address specific areas of weakness when it comes to its performance, whether it is water and the government's failure to act on the drought that has existed for some time, its failure to invest in infrastructure or its failure to invest in public transport, roads, education through the Shine campaign or law and order.

This government substitutes words for action. Therefore it places a high priority on advertising and also on buying good favour through buying space in local media. There has always been a legitimate role for the advertising of various processes, appointments and consultations, and I support that. I support anything which gives the public greater access to information, a greater ability to scrutinise and to make government accountable and transparent and where there is meaningful consultation and not just pretend consultation.

It is of enormous concern when the government or government departments purchase media space specifically for advertising in local media with a view to compromising the level of scrutiny and vigour with which news is reported locally — important local news — especially when very expensive advertising campaigns are then directed towards Labor mates — for example, Shannon's Way, which has been a beneficiary of an enormous amount of money for government advertising. It is for that reason that I support this bill, and the fact that when in opposition the Premier said in the Legislative Assembly some years ago:

> We will put an end to the practice of governments misusing taxpayers money to fund blatantly political party advertisements. I will table in the house today a full draft of the bill —

which, of course, he failed to do. I support this mechanism, which would make governments more accountable for advertising. On all levels I disagree with public money being used for blatant party-political purposes which party organisations should fund themselves.

With those few words, I support the intent of the bill and look forward to the government being shamed in some measure into acting on what both the Victorian Auditor-General and the federal Auditor-General have recommended. No action has been taken on those recommendations, because it is clearly of political benefit to this increasingly secretive government which has chiselled away at democracy and has become less transparent and less accountable over its 11 years of government.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! As I understand it, there are no proposed amendments to the bill, but it is the wish of some members to pursue some questions.

Clause 1

Mr BARBER (Northern Metropolitan) — In relation to the overall purpose of the bill, obviously there has been a lot of commentary about various government advertising campaigns. In relation to those recent and memorable campaigns, does the member have a view as to which of the campaigns, which we are quite familiar with, would have been prohibited by the bill if they had turned up in that form?

Mr D. DAVIS (Southern Metropolitan) — I thank Mr Barber for his question. There is a long list of political advertising campaigns that have been run over the recent period. The so-called transport

advertisements would fit the sort of campaign that was largely political. Mr Barber made reference to one aspect of it in his second-reading contribution, indicating material which showed that sleepers were being maintained as part of a government advertising campaign. That seems to me to be beyond the pale. Equally, the Working Victoria advertisements would struggle under this regime, because fundamentally they were about spruiking the government rather than achieving the best results for the community.

Mr BARBER (Northern Metropolitan) — How about, for instance, regional Victoria being a great place to live? Would any aspects of that generally offend any of the principles — and I know it is a clause 4 matter — thereby leading to the campaign having to be modified or scrapped?

Mr D. DAVIS (Southern Metropolitan) — It depends where regional Victorian ads were run. First of all, I take the point that the committee would be independent and therefore not party political in nature. It would make detailed judgements on the material put forward by particular agencies that were seeking to run advertisements, and in doing so it would have the benefit of research and material that might be put forward. Equally with the example Mr Barber gave of regional ads, you would not want regional advertisements that were purely party political in their focus and which simply spruiked the government. But as to the specifics of each and every campaign, the campaign would want targets; it would want to achieve something that was relevant for the community and it would want to be proportionate and within the objectives of the other principles that are laid down. As to each campaign, it would be a matter for independent judgement by learned people on the panel.

Mr BARBER (Northern Metropolitan) — I wanted to establish that what the proponent of the bill is saying is that he has not been through these major campaigns — although they have been referred to many times in this debate and similar debates — looked at the elements of them and seen which ones would trigger his bill. I have not done that exercise either, quite frankly, but it leaves me with a lingering concern that 76 days from now, with a new government, under this piece of legislation many of the same ads might still be on our screens. We do not know as we deal with this bill, but the member made his point, which is that it will not be us deciding anyway; it will be an independent panel.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Ms BROAD (Northern Victoria) — I would like to take Mr Davis to clause 4(1)(v), the reference that a government agency must ensure that a government advertising campaign is 'relevant and proportionate to the responsibilities of the government agency', and I invite him to define both 'relevant' and 'proportionate', neither of which are listed in the definitions.

Mr D. DAVIS (Southern Metropolitan) — I am just being clear. That would be a matter for the panel to decide, and the common words 'relevant' and 'proportionate' would be defined in the normal way those words are used.

Ms BROAD (Northern Victoria) — We do not come to the clauses of the bill on the panel until further on. Am I to take it from Mr Davis's response that, despite these terms being used in the bill and proposed to be legislated, they would not be defined in legislation, and it would be up to some subsequently appointed people to determine these matters?

Mr D. DAVIS (Southern Metropolitan) — I can answer it in this way. We have listed a number of subparagraphs at clause 4(1)(a) as follows:

> (i) accurate and truthful;
>
> (ii) not misleading or deceptive;
>
> (iii) not party political;
>
> (iv) compliant with this Act and any other laws in force in Victoria;
>
> (v) relevant and proportionate to the responsibilities of the government agency …

These are reasonable and common-sense principles. The community can understand those words, and it would be up to the panel to sensibly interpret what the words 'accurate', 'truthful', 'party political' and 'relevant and proportionate' mean. I can think of many examples of advertisements that are not 'relevant and proportionate', but that would be my judgement rather than the judgement of an independent panel.

Ms BROAD (Northern Victoria) — Mr Davis has referred to other parts of this clause rather than the one I have actually asked him about, and I note that he has also referred to matters which he believes would not meet this test. What I am asking him to specify is what he believes is in accordance with this test — what he would rule in rather than rule out. It is not a trick question.

Mr D. DAVIS (Southern Metropolitan) — I know it is not a trick question, and my answer was not a trick answer. In using those other subparagraphs I was trying

to give Ms Broad some context and examples of those other words. The words are used in their normal common dictionary sense, and they would be interpreted by the panel.

Ms BROAD (Northern Victoria) — Since we are not making any headway here, perhaps one way to proceed is for me to invite Mr Davis to indicate where he would stand in relation to some well-known government advertising campaigns and whether he would consider these campaigns to be 'relevant and proportionate'. These are not hypothetical examples: they are actual government advertising campaigns. I refer to campaigns to encourage parents to enrol their children in government schools, campaigns encouraging smokers to quit smoking, campaigns encouraging women to seek screening for cervical cancer, campaigns encouraging Victorians to join the Ambulance Victoria membership scheme, campaigns for the recruitment and retention of nurses in the public health system, campaigns warning Victorians of the dangers of bushfires, campaigns in relation to Victorians who may have problems with gambling urging them to seek help from the Gambling Help Online service and campaigns informing Victorians about new penalties for carrying knives. That is a fairly substantial list, and hopefully Mr Davis has noted them down. Is Mr Davis able to indicate whether he considers any or all of those campaigns would meet a 'relevant and proportionate' test?

Mr D. DAVIS (Southern Metropolitan) — The first thing to say here is that Ms Broad has given me a very long list, and in my judgement many of those campaigns are worthy, but it would be the judgement of an independent panel with the evidence in front of it that would result in a decision. The key thing here is whether the campaigns are promoting government policy rather than a party-political agenda and whether they are accurate and truthful and not misleading or deceptive and, as I say, party political. They need to be compliant with relevant acts and be relevant and proportionate. These principles are a fair test of these issues.

I note that I made some commentary on the gambling campaign Ms Broad referred to in the second-reading debate and I indicated that there was a place for advertising about problem gambling and related matters. If the committee wants my personal reflection — not sitting, as a panel would, with particular information and materials in front of me — certainly I think there is a role for advertising enrolment and antismoking messages and public health campaigns. If properly structured, these would fall well within the gamut of the advertising that governments ought to do. Nothing in this bill would prevent those campaigns occurring. Indeed this legislation would increase the credibility of many of the important advertising campaigns that governments run by ensuring that only those important campaigns were undertaken.

Let me provide a practical example. The government is on a frolic of government advertising at the moment, yet a very important public health campaign that I have looked at in great detail and that the Heart Foundation is seeking to run is being stymied because of a lack of government money. My point to Ms Broad is that these principles are sensible principles. A panel would make those judgements. It would do so in the light of the evidence. There might well be additional resources for campaigns like the one the Heart Foundation is seeking to run now, which is being starved of money by this government, if the party political and inappropriate advertising that is currently indulged in were stopped.

Mrs PEULICH (South Eastern Metropolitan) — Further on the same point, could I probe whether the Leader of the Opposition believes the panel that has been put forward in this particular piece of legislation could then also say, 'Three-quarters of this campaign is legitimate because it promotes a legitimate purpose. However, it does overstep the boundaries because it begins to promote the interests of the political party in an attempt to secure political support'? Does he envisage that the panel may also enter into that sort of discussion, and does he see some of the campaigns that have been enunciated as being very legitimate except that from time to time they step into that party political domain?

Mr D. DAVIS (Southern Metropolitan) — Again, these matters are to be decided by the panel with evidence and material in front of it as to the design and objectives and so forth of campaigns and against the criteria laid out in the advertising principles. I would like to see campaigns targeting at the things that are important for government policy and the things that are party political properly dealt with by political parties.

Mr HALL (Eastern Victoria) — I just want to make the point in terms of the way in which debate is heading here that it is almost irrelevant that questions be asked to this extent, in that clearly this legislation, this bill, sets out a process by which an independent panel may make a judgement as to whether an advertising campaign is appropriate or inappropriate. When we are debating clause 4 we are talking about the principles by which that judgement is assessed, so the question should really be about whether the principles are appropriate as an assessment tool or not. To be asking

the shadow minister for scrutiny of government whether he believes that this program or that program is appropriate or not is completely irrelevant to the principles of this bill, which sets out a process that would enable an independent panel to make those judgements, not any single one of us. The debate on clause 4 should really be about the appropriateness of those principles rather than about pulling out an example of a program and asking for a member's personal opinion.

Ms BROAD (Northern Victoria) — I want to respond to Mr Hall's remarks, but then I will leave it at that. As Mr Hall is very aware, any panel or person appointed to carry out requirements under legislation must have regard for a whole range of matters specified in the legislation, matters that might have been referred to in the second-reading debate. Those will have a bearing on what a panel or person appointed in furthering the legislation then does and what interpretations and judgements they make. Given the fact that this bill specifies certain matters as principles and criteria, I think it is entirely relevant for members in the committee stage of the bill to seek interpretations of it from the responsible member. Indeed on other bills we frequently have questions for government ministers along the lines of what is envisaged in terms of interpreting those references in the bill which are not defined anywhere in it.

Mr BARBER (Northern Metropolitan) — I would just like to ask where these principles came from.

Mr D. DAVIS (Southern Metropolitan) — These principles were derived by the opposition looking at a number of similar arrangements around the country. They are not from any single source, but they are certainly what I believe to be a reasonable description of what the panel should be focused on. I think they relate to the reasonable issues that the community would expect a panel to consider when it is undertaking those sorts of judgements.

Mr BARBER (Northern Metropolitan) — It is fine when you read them as advertising principles, and they do read like principles, but of course when you get to clause 5 it becomes an issue of compliance with the principles, so words do become very important. Under clause 4(1)(a) we see that government advertising has to be accurate and truthful and not party political. Under (b) we see that government agencies should not use public funds for party political and untruthful government advertising.

In (c) we get virtually the same formulation in that you cannot conduct a government advertising campaign that is party political or for the purpose of influencing public support for a political party or its members, which I would have thought was the very definition of 'party political', but confusingly in subclause (2) we have a definition of 'party political'. We have that definition of 'party political', which I would like to unpack a little bit, and also (1)(c), which seems to describe what party political means, or perhaps add to it, but the addition says, 'or for the purpose of influencing public support for a political party or its members', which I would have thought was a textbook definition of 'party political'.

I am not sure what is going on with clause 4(1)(a), (b) and (c), which seem to be repetitive, but all refer to 'party political', which is then defined at subclause (2). If there can be any elucidation of how all that gets separated out or how the panel would separate that out, I would be keen to hear it.

Mr D. DAVIS (Southern Metropolitan) — The panel would do that in the context of material presented to it by a government agency or entity seeking to run a campaign. It would do that in the light that there is an objective of the campaign, and obviously matters of proportion and so forth would come in there. There is a question of timing in terms of influencing public support. That could apply, for example, to a proximate election. There is also the fact that these clauses just simply seek to elucidate the types of steps that might not be appropriate or that are not appropriate, and we just wanted to be quite clear about that. We obviously have a definition of 'party political', but we did not want to leave any shade of that to chance.

I reiterate the point that ultimately it would be up to the panel to make those decisions. Partly in response to Ms Broad's earlier point but also to Mr Barber's, we are quite sincere about the panel being a body of independent people, and I believe that an independent and fair-minded person with relevant skills would have no difficulty in making those judgements campaign by campaign as the material is brought forward. It might be that in relation to the transport ads referred to in debate here, that as that material was brought forward it would be seen in the light of what the agency was trying to achieve and whether those criteria were met or the criteria for the prohibitions were met.

Mr BARBER (Northern Metropolitan) — Let us go to the definition of 'party political', which goes over about eight lines without a break. It means:

> … material designed to promote the policies, past performance, achievements or intentions of a program or the government in a politically partisan manner or with the

> purpose of advancing or enhancing a political party's reputation rather than informing the public.

This is a definition that the panel has to interpret. I certainly agree with the part that says 'material designed to promote the policies, past performance, achievements or intentions of a program or the government'. Certainly if it was the policies, past performance or achievements of the government, that would be off. But by adding the words 'in a politically partisan manner' it kind of implies that there would be ways to do it that were not politically partisan and therefore that would be okay. Then we get an 'or', so a second test, if you like, separate from the first, not relying on the first, 'with the purpose of advancing or enhancing a political party's reputation rather than informing the public'. I really do not know how they would interpret that one because you have to look into the purpose of doing it. Rather than simply looking at the outside of the black box, you have to look inside the black box and say, 'What is the purpose?'.

Mrs Peulich interjected.

Mr BARBER — The means and the purpose I believe are two separate things. Then it says 'rather than informing the public', which raises the question of what would happen if something was a bit of both or a bit of one and a lot of the other, and where would there be a point where one purpose, advancing a political party, overrides the other purpose of informing the public. It seems to me this is the kind of thing you would want to have sorted out yourself rather than simply making it a balancing act, because as I have said earlier, in clause 5 the function of the panel is to review compliance with the advertising principles, and if you have ever been anywhere near a planning scheme or what-not, you would have often found situations where people wrote you reports saying, 'Well, it is generally compliant', which in practical terms means non-compliant with some sections but on balance compliant with more than it is non-compliant with, and that makes it very difficult.

Of course there will be, as Mrs Peulich says, something like, I would imagine, an iterative process, between the panel. The member at the table would have to confirm this. Does he envisage an iterative process between the independent panel and the government where the government puts something in and the panel looks at it and says, 'If you knock off that, that and that, you get over the line', or will it simply be provided to the panel, which then accepts it or rejects it? Will it publish reasons for its decisions and so forth?

Mr D. DAVIS (Southern Metropolitan) — I thank Mr Barber for his comments. It was not designed fundamentally as an iterative process. I guess to the extent that the panel might say no to a particular campaign and state X, Y and Z as the reasons that a government agency may then resubmit it, it might be iterative, if not in specific design. I note again that this is about the quality, independence and fairness of the panel in being able to work these things through very effectively.

I note, picking up a couple of earlier points, that the structuring of these points was in large measure in response to discussions with parliamentary counsel, and we worked through a large number of versions of the bill as we sought to come to a reasonable position.

Perhaps an example one might look at is where we have said a photo of the Premier's head might not be appropriate on certain advertisements. It might not be relevant to communicating a government objective or message. That would, I guess, depend on the particular campaign, but very often messages can be communicated without the presence of politicians.

Mr BARBER (Northern Metropolitan) — Could an annual report fall under the aegis of a government advertising campaign? I will look that one up later!

Mr D. DAVIS (Southern Metropolitan) — As to the aegis of a government advertising campaign I guess it would depend on the scale of the government's production processes, the distribution and the quality of the production. If the government was to spend millions of dollars on an annual communication of that type, it might start to fall under that. I note that requirements to report to Parliament are separate from the publication of massive numbers of glossy documents for broad distribution.

Mr HALL (Eastern Victoria) — In responding to Mr Barber's question, the way I read it the definition of 'exempt government advertising campaign' means in part a government advertising campaign where the campaign costs are not expected to exceed $50 000. If an annual report from any government department exceeded $50 000, the public would rightfully ask why an annual report exceeded that amount of money.

Clause agreed to; clause 5 agreed to.

Clause 6

Ms MIKAKOS (Northern Metropolitan) — I note that there is a six-page second-reading speech for this bill but only one paragraph in it relates to the operations of the panel, and the panel is obviously quite critical in terms of how this legislation would operate in practice. In terms of clause 6, which provides that the panel will

consist of not less than five members appointed by the Governor in Council on the recommendation of the minister, could Mr Davis advise which minister that would be?

Mr D. DAVIS (Southern Metropolitan) — That would be the Premier.

Ms MIKAKOS (Northern Metropolitan) — In relation to clause 6(2)(c) and the reference to 'a member who is a former senior public service employee', would that public servant be required to be a Victorian public servant, or could it be a public servant from any jurisdiction?

Mr D. DAVIS (Southern Metropolitan) — The point is that this clause seeks to lay out some of the qualifications and skills that would be required of members of the panel. We thought it was important to have someone on that panel who had experience in the public sector. We have not been prescriptive in that sense. It is a genuine effort to have somebody on the panel who understands the workings of the public sector, and for that reason the bill is not prescriptive.

Ms MIKAKOS (Northern Metropolitan) — Further to that, there is clearly no stipulation about things like which public service or minimum grade or classification. I come then to the issue in paragraph (d) which relates to an independent senior academic. Similarly, what type of academic qualifications would that person need to have? Would they need to have a particular university degree, for example?

Mrs Peulich — Is Ms Mikakos applying?

Mr D. DAVIS (Southern Metropolitan) — There may be a career for Ms Mikakos. Again, we have not sought to be prescriptive here but to indicate that academic qualifications are perhaps relevant to the disciplines that are under examination, perhaps marketing and advertising may be very relevant, so that people understand these points. But we have not been prescriptive, and it seems somebody who had a focus on ensuring the integrity of the panel would be sufficient.

Ms MIKAKOS (Northern Metropolitan) — I will move on to paragraph (e) which relates to the minister being able to appoint as many other members as the minister — or the Premier as you have explained — considers necessary for the operation of the panel. How many other such members would you envisage would be appointed to the panel? What would the selection criteria be for the appointments? Also, in relation to issues such as political membership, would that preclude someone from being appointed?

Mr D. DAVIS (Southern Metropolitan) — The issue here is that the panel would have to be sufficiently large to undertake the work that is required, and again we have not been prescriptive as to the number of members, but a key selection criteria would be their independence.

Ms MIKAKOS (Northern Metropolitan) — Clause 6(4) of the bill stipulates:

> The Governor in Council may in the instrument of appointment of a person as a member of the Panel specify terms and conditions of employment.

But then I note in paragraph (c) the bill states that a member of the panel 'is not entitled to any payment or reimbursement in respect of their appointment'.

Those two paragraphs seem to be contradictory in nature, and I query essentially whether someone would be entitled to sitting fees, given that there is a reference to terms and conditions of appointment.

Mr D. DAVIS (Southern Metropolitan) — No, they are not entitled to payment or reimbursement, and a clear reason for that is that the bill is being introduced in this chamber. The advice we have from parliamentary counsel is that because that would have financial implications no bill introduced in this chamber could have remuneration associated with it. I dealt with that matter in the second-reading speech.

The DEPUTY PRESIDENT — Order! The government may well consider amending the bill when it goes to the lower house.

Ms MIKAKOS (Northern Metropolitan) — One further point in relation to terms of appointment, I query whether there will be any ability for the Premier in appointing such members of the panel to discipline a member or seek their resignation, for example if they were found to be acting inappropriately, and what sanctions, including criminal sanctions, could be open to that person.

The DEPUTY PRESIDENT — Order! I will let Mr Davis answer Ms Mikakos's question, but frankly most of the elements that are in this part of the bill are quite consistent with clauses that the government includes in quite a range of its own bills. Therefore I would think that the established practices that apply to those clauses in respect of other appointments would surely be the same in this bill. I am not sure that the prescriptive nature of Ms Mikakos's questioning is consistent with what occurs in government bills. Nonetheless, Mr Davis will answer as he wishes with respect to this question.

Mr D. DAVIS (Southern Metropolitan) — The Deputy President is quite correct. Normal arrangements and laws across the whole of the public sector would apply here, and the common law would also apply. Ms Mikakos, as a person with a legal background, would understand the duties of people on boards to discharge those duties with good fiduciary focus that would apply.

Clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Ms HUPPERT (Southern Metropolitan) — I have a number of issues I wish to clarify with Mr Davis. Firstly, clause 9(2)(b) talks about an exemption certificate for a government advertising campaign for a stated job. Obviously I know that all government appointments are advertised in the appropriate manner to ensure there is fairness in government appointments, but does this mean that just a single job would attract an exemption, or does Mr Davis expect that under his definition the campaigns we talked about previously — for example, to recruit nurses or a particular class of public servants — that might be more extensive would be exempt under this clause?

Mr D. DAVIS (Southern Metropolitan) — I suspect that a single job would generally would be implied here, but I think it would be rare that a single job would reach the $50 000 threshold that is elsewhere in the bill, but that is what is intended.

Ms HUPPERT (Southern Metropolitan) — I invite Mr Davis to give us some further assistance on the interpretation of clause 9(2)(d). Could Mr Davis assist us by telling us what he anticipates being included in the 'routine administration of government functions'? What is included within that descriptor?

Mr D. DAVIS (Southern Metropolitan) — We have left that quite wide so that procurement and other arrangements would not be interrupted. There are many things. We have left that deliberately broad so that the government is able to undertake its normal functions, but procurement would be one example.

Hon. M. P. PAKULA (Minister for Public Transport) — I was not intending to ask a question, but given the nature of that response I could not help myself. I want to see if I am understanding Mr Davis correctly. Under clause 9(2) a minister may issue an exemption certificate, and the minister may do so if the campaign is defined as being in relation to the routine administration of government functions. Mr Davis has just said that that is deliberately broad, so I take it he means it could include all manner of things. Who determines what is in the routine administration of government functions and is therefore exempt?

Mr D. DAVIS (Southern Metropolitan) — The panel would ultimately be able to make commentary on that, and a government that used a clause in inappropriate ways would pay a political price.

Hon. M. P. PAKULA (Minister for Public Transport) — I understand that Mr Davis is now suggesting that the remedy is a political remedy. The member states that the panel would have something to say about it, but do I understand correctly that matters do not go to the panel if the minister has issued an exemption certificate? I ask Mr Davis if that is correct.

Mr D. DAVIS (Southern Metropolitan) — No, they go to the panel.

Hon. M. P. PAKULA (Minister for Public Transport) — Could the member please point to where it says that?

Mr HALL (Eastern Victoria) — Maybe I can help Mr Pakula. If he looks at clause 5 of this bill, 'Establishment of independent government advertising campaign review panel', it says:

> (2) The functions of the Panel are —
>
> …
>
> (c) to review Exemption Certificates for compliance with this Act.

Hon. M. P. PAKULA (Minister for Public Transport) — What does that mean?

Mr D. DAVIS (Southern Metropolitan) — Exactly what it says.

Ms HUPPERT (Southern Metropolitan) — Following up on the response to the minister's query, we have got a provision that says that the panel can review, but that is the extent. Is it to issue a statement, to table something in Parliament or to have any other sanction? I am trying to clarify the effect of the review. Perhaps Mr Davis could explain what the effect of that review would be.

Mr D. DAVIS (Southern Metropolitan) — The panel has the functions listed at clause 5(2), which include reviewing campaigns, issuing notices of compliance for campaigns and reviewing exemption certificates for compliance with this act. The panel would be able to say that an exemption certificate was not compliant with this act.

Hon. M. P. PAKULA (Minister for Public Transport) — Could Mr Davis tell us whether the panel could overturn an exemption certificate following a review?

Mr D. DAVIS (Southern Metropolitan) — It could indicate that it was not compliant with the act.

Hon. M. P. PAKULA (Minister for Public Transport) — I ask Mr Davis again: could the panel overturn the decision by the minister to grant an exemption to a particular campaign?

The DEPUTY PRESIDENT — Order! I think Mr Davis has answered that. He has said that the panel basically would say it was not compliant, and then it would be on the government's head to proceed if it was in contravention of that ruling.

Mr D. DAVIS (Southern Metropolitan) — As I said, the panel would be in a position to review the exemption certificates for compliance with the act and to indicate if any were not compliant with the act.

Ms HUPPERT (Southern Metropolitan) — I think the relevance of that comment, and the assistance from the Deputy President that was given to Mr Davis, is that it becomes a political decision as to what happens. On my reading of this bill there does not seem to be any legal impact of such a decision by the panel. There is no legal impact at all of such a decision, and I invite — —

The DEPUTY PRESIDENT — Order! It is open to amendment.

Ms HUPPERT — I am asking questions at this stage.

The DEPUTY PRESIDENT — Order! But the bill is open to amendment.

Hon. M. P. Pakula — You are very helpful, Deputy President.

Ms HUPPERT — You are very helpful, Deputy President, I must admit.

Moving on, I think we have a similar issue. I invite Mr Davis to assist us again in relation to definitions. I refer to clause 9(2)(e)(iii) and the term 'extraordinary circumstances'. Could Mr Davis provide some assistance — and this could be assistance for the community generally as well as any panel — on what would or would not be included within that definition?

Mr D. DAVIS (Southern Metropolitan) — It is a very fair question about extraordinary circumstances. That again would be in light of the principles in the bill, but extraordinary circumstances would include flood or fire or all manner of similar natural disasters as just one set of examples.

Ms HUPPERT (Southern Metropolitan) — To expand on the answer Mr Davis has given, a government advertising campaign, for example — going back to some of the examples we heard of earlier in the committee stage today — that was seeking to inform members of the public about responses that had happened to extraordinary circumstances in the past as well as possible future extraordinary circumstances would be covered by that?

Mr D. DAVIS (Southern Metropolitan) — I am not sure that a trip down memory lane would necessarily be covered as an extraordinary circumstance. Perhaps a history lesson is not an extraordinary circumstance, at least on a reasonable presumption of it, but a fire and a serious natural disaster would seem to me to fit the description of extraordinary circumstances.

Clause agreed to; clauses 10 to 12 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

SCHOOLS: FUNDING

Mr KAVANAGH (Western Victoria) — I would like to begin my contribution by reading my motion, because in the case of the last motion I proposed, in late July, it became apparent that some members who vociferously opposed that motion had not actually read it. I therefore will read the motion. I move:

> That this house acknowledges the responsibility of all Victorian governments to provide for and contribute towards the education of all school-age Victorians regardless of who owns the schools that they attend and that the level of government support for all Victorian school students should be reflective of student need and not the proprietorship of the educational institution.

I add that this motion has recently been modified at the request of the opposition.

I have been motivated to move this motion for two primary reasons. Firstly, the education funding system we have today and to an even greater extent the education funding system that preceded it — that is, the

one before around 1970 — represent an injustice to many Victorian schoolchildren who attend schools not owned by the government, and their families. In my view fairness demands that the system of funding education should be changed to eliminate this injustice.

Secondly, I believe a fundamental change to the way we fund education to remove the discrimination against children who attend schools not owned by the government holds the potential to greatly improve the quality of education in Victoria and that it would do that by expanding the educational choices available to schoolchildren and their parents in this state.

As a member of Parliament — and even if I am a member of Parliament for only one term — I have no cause at all to complain about what I have received personally from the state government. However, most people who attend schools that are not owned by the government do not become members of Parliament, and the lack of support for their education that they sometimes receive from the government is not made up for later in life by their receiving a parliamentary salary. In my opinion injustice has been done over generations to hundreds of thousands of Victorians who have been denied equal support for their education.

I believe no government, state or commonwealth, contributed to my primary education. When I attended primary school, for a while the school was distributing a magazine that was distributed to most schoolchildren in Victoria. It was only a little booklet of a few pages, but it came out every month or so and contained stories of interest to schoolchildren. I used to enjoy it and started to look forward to reading it. However, I was told in about grade 4 that the decision had changed, and the government would no longer supply the children at my school with that magazine, because the school was not a government one.

Surely there should be two principles that apply to funding the education of children in Victoria: need and fairness. It certainly seems to me that denying any Victorian child support for his or her education or even providing a lower level of funding on the basis of who owns his or her school constitutes an injustice. On the question of need, although a lot of the public debate assumes that non-government schools are inevitably wealthy, that they exist in elite areas and that they cater to the upper echelon of our society, most non-government schools do not. A very large number of them exist in poorer parts of Victoria and cater to children from families of lower socioeconomic status, as was the case in the last school I taught at, Caroline Chisholm Catholic College out in Braybrook, near Sunshine. Bordering the two poorest municipalities in Melbourne, this school nevertheless did a great job for those children and is doing a better job by the day, as I believe, having just had lunch with the principal, who is proud of the achievements of that school.

If we say to some children that their education is not to be funded equally with others, it raises the question of what the responsibilities are of those children as taxpayers when they are older. If you say to someone, 'We are not going to fund your education', do you really expect that person later in life to contribute equally with other people to the education of others?

Traditionally attempts at justifying the lack of state support for children in non-government schools — or at least the lower rate of support by the government for children in non-government schools — have rested on the basis of the proprietorship of the school that they attend. It seems to me that this argument is hollow. The point of this motion is that the state of Victoria has an obligation to support perhaps not all educational institutions but certainly all children in Victoria in their education.

As I have indicated, until about 1970 children who attended schools that were not owned by the government received very little in the way of any support from any government in Australia. Today children in such schools still receive less support than their equivalents in schools that are owned by the government.

Ms Pennicuik interjected.

Mr KAVANAGH — I think it is true, Ms Pennicuik, that a student who attends a school that is not owned by the government receives less support from the government than a child who attends a school that is owned by the government.

I think this has become confused in Australia because the teacher unions have put out a lot of information emphasising the role of commonwealth funding. Commonwealth funding is substantial and it does help non-government schools, often even more than it helps government schools. However, in Australia most funding for schools comes from state governments and, in terms of state government funding, non-government school students receive far less per student than those in schools that are owned by the government.

Funding the education of children on the basis of need and equality would give children and their families a much greater choice in their education in Australia. It would allow them to choose a school that they think is best for them. It would prevent them from being forced to choose a government-owned school for financial

reasons. This could only benefit educational standards which, for all the resources put into state schools, are in many cases not as high as they should be. I am not running down state schools. Some of them do a great job, but some of them, despite very high levels of funding, do not achieve what that funding should achieve.

Equal funding of students would create a more diverse educational system, and diversity seems to be one of those virtues that the government sees as being extremely useful in our society generally. The government encourages, promotes and celebrates diversity. Equal funding would achieve diversity by preventing people from being forced into state schools because of financial imperatives. A diversity of school cultures in education could bring benefits, with different school cultures catering to students with different needs. Those of us who have had recent experience in schools would see that there is potentially a great benefit in having a range of different school cultures for students who have different attitudes to school and different ambitions in what they want to achieve. In short, the point of this motion is to promote fairness in our education funding system and to also encourage better outcomes from our education system.

Ms PULFORD (Western Victoria) — As has been said in this chamber many times previously by government members, education is our government's no. 1 priority. It seems important to restate that on this occasion. Mr Kavanagh said that his motion, which I have read, is about promoting fairness. Fairness in education is certainly a most important consideration because we believe that every child in Victoria needs to be supported to reach their utmost potential. That is why we provide a high level of support for children in the early years and continue to support them when they get to the later years of their education and start to make choices about higher education and vocational education.

Mr Kavanagh and I represent a large rural and regional electorate. There are many schools in the area that we both represent in the Parliament, including some schools that are in very small and in a number of cases quite isolated communities. It is essential that we do whatever we can to ensure that children in remote areas of Victoria have the same opportunities as children in large population centres in terms of access to subjects and breadth of studies. That is not just important for those students whose key objective is academia and great scholarship; it is also important for ensuring that our schools and our education system support the development of wonderful, well-rounded, happy individuals who can participate fully in our society.

Since 1999 the government has restored public confidence in public education by investing $8.65 billion in our education system. This is a significant area of government expenditure and our no. 1 priority. For government there is nothing more important than investing in our young people. Our investment in the Victorian schools plan has been an important part of that. As members would be aware, our commitment to rebuild, renovate or extend 500 schools has been surpassed; 553 schools will benefit from this program during this term of government.

That is just part of the story, because the commitment under the Victorian schools plan is to fund the rebuilding, renovation or extension of every Victorian government school by 2016–17. Of course all school communities in the state are well aware of this program and the opportunities that it presents to Victorian schools, and everybody wants to be at the front end of that program, but it is an absolute commitment to provide those benefits to every Victorian government school in the state.

A great deal of work is also being undertaken as part of the rollout across the state of the federal government's Building the Education Revolution program, fulfilling those dual purposes of providing a stimulus to the economy and state-of-the-art education facilities. I had occasion to hear the Honourable Mark Arbib, in his previous role as a minister in the Rudd government charged with rolling out the economic stimulus, describe this as a pretty unapologetic effort to turn every school in the country into a building site, and that was at a time when we were looking at a horrific economic situation coming our way from over the oceans.

The government has also embarked on a five-year school improvement agenda through the Blueprint for Education and Early Childhood Development. In addition there is a Koori education strategy which is part of the work of the government to close the gap in educational outcomes between indigenous and non-indigenous students. This is particularly important if ultimately we are to close the gap in employment and health outcomes as well, because education is often the key to so many other things.

The government has also employed 70 expert regional network leaders, who work closely with schools and through the system to improve school performance. We have encouraged and promoted excellence in school leadership because we understand strong school leaders are important to the success of our schools.

Our collective agreement between government and Victorian teachers has ensured that our most experienced classroom teachers have become the highest paid in Australia. Teaching is an important profession. It is a wonderful job they do, and it is important that their skills, expertise and professionalism are recognised and appropriately rewarded and remunerated.

Record funding of $2 billion has also been provided under our historic new Victorian non-government schools funding agreement. This is over four years — from this year to 2013 — and has funded a great many additional administrative and teaching staff for our schools.

Students at all schools — government and non-government alike — have been assisted by the government's introduction of the $300 School Start bonus, which will help families experiencing the hardship of the start of the new school life of uniforms, books and equipment. There is also the provision of the education maintenance allowance for eligible families.

Broadband, we now know, is the most important issue in the country. It was the deal breaker in the recent federal election — —

Mr Lenders — Just ask Tony Windsor.

Ms PULFORD — Yes, just ask Tony Windsor; that is right. Tony Windsor understands what is important to regional communities, that is for sure. But high-speed broadband was the deal breaker in the recent federal election, the result of which was as close to a dead heat as you can get. Tony Windsor and other rural members in state and federal parliaments around the country know that providing broadband is essential to narrow the gaps in opportunity for those people living outside the big cities as distinct from the people who live in the big cities.

This government has provided almost $90 million through the VicSmart initiative to ensure that every school is connected up to high-speed broadband. Like Mr Windsor, I look forward to when it is not just schools but everybody else who is accessing it so that we can grab those economic benefits that will come our way.

The ultranet is also supporting our schools, our students, our teachers and the families of our students in transitioning into this new high-tech era in which we live. There will be a greatly enhanced interaction between school and family through the ultranet. That will provide fabulous benefits. I know the school my children attend is frequently updating us through its newsletter about how this will work and about the various stages of it coming online so that people can start to access up-to-the-minute information on how their children are going at school.

Mr Kavanagh's motion talked about the role of government in providing and contributing towards the education of all school-aged Victorians regardless of who owns the schools. This is of course about a distinction between government schools and non-government schools. Mr Kavanagh is keen to ensure that government funding and support provided to schoolchildren is based on need. His motion is specifically concerned with student need and not the proprietorship of the school.

I suggest the motion might be enhanced a little by acknowledging that the federal government plays a significant role in funding non-government schools. The Victorian government is the predominant provider of funding to state schools and the federal government is the predominant provider of funding to non-government schools.

In the end what matters is that we provide the best possible educational opportunities for our schoolchildren. It would be better if the motion reflected in some way the extent to which the federal government plays a role in providing funding to non-government schools. Specifically in relation to non-government school support, last year the government indicated it would be providing $2.1 billion over four years through the Victorian non-government schools funding agreement, which will provide funding certainty to Catholic and independent schools.

We absolutely recognise, respect and understand there is a need to support parents' right to choose the most appropriate education option for their children. It is horses for courses because the things that people look for when they are making that all-important decision about where the kids are going to go to school are many and varied, and these are often very personal considerations. Everybody wants the best for their children, but everybody's idea of what that is might vary depending on what they see as the most important thing.

This Victorian non-government schools agreement is on top of $3.3 billion in recurrent and targeted program funding provided by the government to support non-government schools over the past decade. Some $670 million will be provided across more than 200 independent schools. There are a great many Victorian children in non-government schools; this

money will support more than 120 000 young Victorians.

The funding commitment includes a boost of $401 million to established funding levels over the four-year period, including $162 million in annual indexation and enrolment growth funding, acknowledging that, as for every other organisation, costs go up and enrolment growth is a feature in a society like ours with a rapidly growing population in which the number of kids needing to go to school is constantly on the increase. In addition there is $239 million of new investment, which includes $100 million to support students from disadvantaged backgrounds, $62.5 million for students with disabilities, $56.5 million to be distributed to schools on the basis of their capacity to support the needs of their students — that is pretty broad, but again different schools in different communities will have different needs, and this is a recognition of that — and a further $20 million to facilitate and reward school improvement. In addition to this recurrent funding the government has provided $83.5 million in support for capital projects in non-government schools as well.

There is a role predominantly for the state government with input from the federal government in supporting our government schools, and of course there is a big role for the federal government but also an important role for the state government in supporting our non-government schools.

Again I come back to where I started and stress to Mr Kavanagh that education is our no. 1 priority and that need is a particularly important consideration, as is ensuring that every Victorian child has the opportunity to fulfil every bit of potential that they have. That occurs in a number of different ways in different schools and communities.

In saying all that, I also want to stress that many families in Victoria send their children to a non-government school because of a desire, most commonly, to have them educated in a faith-based school where the values and beliefs that are part of that faith are provided to the children in a way that is consistent with those families choice to bring up their children within that faith or in sympathy with its central tenets. We certainly respect people and their choices in a number of ways.

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

Debate adjourned until next day.

PUBLIC TRANSPORT: PASSENGER SAFETY

Debate resumed from 28 July; motion of Mr DALLA-RIVA (Eastern Metropolitan):

> That this house expresses its serious concern at the terrible series of incidents of unprovoked violence on, or in the vicinity of, Victorian public transport and believes that after 11 years in power the Brumby Labor government should have done more to prevent this violence and further believes that —
>
> (1) Victorian commuters have a right to travel on public transport in safety;
>
> (2) increased numbers of Victoria Police must be deployed to patrol public transport;
>
> (3) increased numbers of Victoria Police protective services officers have a key role in ensuring the safety of commuters; and
>
> (4) Victoria Police protective services officers should be on each and every metropolitan and major regional railway station from 6.00 p.m. until the last train at night, seven days a week.

Mr GUY (Northern Metropolitan) — I rise to make a couple of comments on Mr Dalla-Riva's motion in relation to violence on Melbourne's public transport system. In doing so I note that the public transport system in Victoria today is one that has seen significant patronage growth since the Liberal-National government was in power in the mid-1990s. It is interesting to note those patronage growth figures and that the current government when in opposition regarded any talk of patronage growth of above 40 per cent as a hoax at the time of the mid-1999 franchise agreements. Today it presides over a system that has seen little infrastructure investment in that time and is now suffering under the weight of a decade of underinvestment in infrastructure in the public transport network, particularly the metropolitan network and more particularly the metropolitan rail network.

Mr Dalla-Riva's motion is important and notes the growth in patronage levels on the public transport network and the number of incidents that have been reported on that network over recent times. Melburnians are sick and tired of turning on the television to see news of more attacks on rail staff and patrons on the public transport network by people who are either intoxicated or simply have a clear problem dealing with the rest of society in terms of social interaction or whatever you want to call it. The reality is that we have a problem getting people onto our public transport network because of crime. It is dangerous after dark.

That was how it was in North American cities before they moved towards putting greater levels of staff and guards, in particular, on some of the public transport networks, particularly around the north-eastern cities in the United States. Patronage has risen, and after-hours service has become quite a bit more user-friendly than it was before.

That is why the coalition has pledged to put protective services officers (PSOs) — over 900 of them — on every metropolitan and major regional railway station from 6.00 p.m. until the last train. That is one of our key incentives to get people to come back to the public transport network and to make railway stations safe places so people do not need to be afraid to catch trains after dark. Why should we not provide a secure incentive for people to catch public transport after dark rather than them getting cabs into town? If we want to get people back onto the public transport network, and not just in peak hours, there needs to be an incentive of safety and security.

In a number of forums I have spoken at, indeed on Sunday in Richmond and on Monday night in Brunswick, I have been quite dismayed by some of the arguments put by members of the Labor Party and the Australian Greens, particularly the Greens who seem to believe that more people on the network equals more security on the network. Anyone with any level of common sense can understand that more people on the network does not increase security on the network. What increases security on the network is someone who is a law and order official — a protective services officer — who can step in if there is a brawl or a fight or some kind of antisocial behaviour on a train.

That is why we have put forward a policy of providing more than 900 protective services officers to make railway stations safe places and to provide an incentive for people to get a train and go into the city at night. We want them not to look at a taxi or a road trip as being an option but to come back to the public transport network after hours. That is what our promise will do.

My electorate office borders a railway station, and I can tell members from firsthand experience that the railway station is not a safe place at night. I know that because the traders who are neighbours of my office have had to hire a security officer to escort their patrons to their cars at night because they feel unsafe due to the people who congregate on the railway platform which abuts my electorate office and those other shops. Members of the government, and indeed the Greens, run around saying, 'Let us look at the world through rose-coloured glasses. There is no problem with violence on the public transport network', or indeed, as the Greens say, 'You can solve public transport crime by creating an enormous bureaucracy like VicRoads to manage the system'. What kind of lunacy is that in terms of a policy on safety and security? But that is what is being advocated. The way to solve safety and security problems is to put someone on a railway platform who has the power, the skill base and the knowledge to intervene when there is a commotion or antisocial behaviour, and that is what the coalition has said it will do.

Late on Friday night I went to Southern Cross station to catch a train home. Walking over the bridge from Etihad Stadium to the station I saw a bunch of teenagers tagging — graffitiing — the station and the awnings that come down on the shopfronts. I went to a staff member at the station and pointed it out to him. I pointed to the four teenage guys on the platform and I said, 'These guys are wearing jackets for a reason. It is because they are loaded full of pens. They have just tagged the walkway along the top of the station near Etihad Stadium, and they are going to get on a train and do it to the inside of the train'. I felt deeply sorry for the poor old station staff member as there was not much he could do. He held up a phone and said, 'Have you got a mobile?'. I said, 'Yes'. He said, 'If you call the police, I will too'. That was all he could do to stop what was clearly going to happen with this bunch of youths. The station staff member and I watched them get on a Frankston line train and off they went to Flinders Street and no doubt further down to the southern suburbs. No doubt they tagged the inside of the train, and it will cost hundreds of dollars in man-hours and cleaning agents to remove it. They will have vandalised public property.

This is the kind of incident that can be solved with the coalition's promise to put protective services officers on every railway station. That is why we have put it forward as a policy — to encourage people back to the network, to put sworn officers back on the beat and to provide PSOs to manage our rail network. That is why we have made that announcement, and that is why we stand by it, because it is the right thing to do, and it is the best thing to do for safety and security, for the protection of public property and, more importantly, to catch people who vandalise our public transport network and who can find nothing better to do than to tag trains, kick out windows, harass and harangue people on the network or, as we saw at Flinders Street station this week, commit a crime against a young woman in the middle of the station, which was quite brazen.

We are hoping our promise to put PSOs on stations will discourage people from conducting those activities so railway stations and their platforms become safe places.

There is nothing better for encouraging people back onto our railway network after hours than them knowing the network will be safe, and that is why we have made our announcement. As I said, the Labor Party opposes it. For whatever reason it thinks that putting PSOs on railway stations is a bad idea. Earth to the Labor Party: the world is not flat. There is a problem with crime and antisocial behaviour on our public transport network.

I am sure many people could tell stories — indeed I can from where I live in the inner city — about getting a tram home on New Year's Eve and seeing a brawl on the tram. Two years ago I was on a tram that was packed and there was a brawl on it. The number of people on the tram did not stop the antisocial behaviour. Alert bubble to the Greens: just because there are a large number of people it does not mean that will stop violence. Fights do not break out during demonstrations in the city just because there are 10 000 people around. It does not stop violence, but if you stick your head in the sand, you will not solve the problem.

I commend Mr Dalla-Riva for moving this motion. It highlights the importance of maintaining safety and security on our public transport network. The coalition views it as being one of the most important aspects of transport policy coming into the election, and we see it as a very clear point of difference with the government. The opposition takes safety and security on trains seriously, and it is going to put its money where its mouth is. We have committed to more than 900 more PSOs on the network. Labor does not take this seriously, and the Greens believe the world is flat. We have an answer to the problem, and we are trying to put it forward. If we are elected in November, we intend to put it in place.

Ms MIKAKOS (Northern Metropolitan) — I begin by saying that government members agree that Victorian commuters have a right to travel on public transport in safety, and that is why the government has put in place a range of measures in the time it has been in office to ensure exactly that. I will come to what those measures are.

We do not have a problem with paragraphs (1) and (2) of the motion; we are seeing an increasing number of Victoria Police being deployed to patrol public transport. We certainly do not believe that the points suggested in paragraphs (3) and (4), which relate to Liberal Party policy in this area, will work. It is on that basis that the government will oppose the motion.

If the opposition saw this as an urgent issue, it would have brought on the debate quite some time ago. I believe Mr Dalla-Riva moved the motion several weeks ago. In fact it has been on the notice paper for 12 sitting days and, finally, in the second-last week of Parliament before the election, we have come to the debate.

The government takes the view that all crime is appalling. We are seeking to ensure that patronage on the public transport system is supported through improved services and also improved security. As a member for Northern Metropolitan Region, I have welcomed many improvements — which I am sure Mr Guy would also welcome — to some of our local train stations that are now staffed from first to last train. A significant boost for those train stations was announced in this year's budget. Those types of improvements create greater safety for rail commuters, as do all the additional front-line staff employed across the rail network.

At the moment we have employed across the rail network more than 1220 front-line staff, which is an increase of more than 35 per cent since 1998. They include around 350 authorised officers. The government has also committed to employing an additional 50 transit police on the network, bringing the total transit force to more than 250 full-time officers. The government also recently announced the staffing of a further 22 stations under the new franchise agreement with Metro Trains Melbourne and 100 additional customer service staff to be introduced from 2010. We have seen more CCTV (closed-circuit television) security cameras installed at train stations and they have been upgraded to digital format. Safety zones have also been established at more than 60 sites across the network.

In the 2009–10 state budget and as part of the Victorian transport plan the Brumby government committed an additional $19 million for Victoria Police to increase the number of transit police by 50. In addition to that, the government recently announced that it will fund another 120 police over and above previous commitments to further boost police numbers, so there will be more front-line police than we have had before. Metro also works closely with Victoria Police to target hot spots across the network.

In TV news coverage just in the last few days we have seen Victoria Police taking action on alcohol-fuelled violence, targeting particular locations in the Melbourne CBD and particular locations on our rail network. I am sure that is something everyone would welcome.

It is important of course that we have a rational debate on any law and order issue. The Liberal Party is

behaving true to form. Before every election it tries to whip up law and order scare campaigns, and we are seeing that again on this particular issue. It is important that we do not scare people away from using our rail network. We want to encourage people to use public transport and to feel confident in doing so.

It is important that any debate is framed around what is actually occurring in terms of statistics and crime trends. I am a member of the Drugs and Crime Prevention Committee which recently tabled in this house a report on alcohol-fuelled violence. In that report we made some comments about assaults on the public transport system, noting that the number of assaults has actually fallen in recent years. My understanding is that Victoria Police statistics show that the number of crimes committed on public transport has in fact decreased by 15 per cent over the last 10 years — that is, since 1998–99. This is despite an increase in public transport patronage of 50 per cent. So we have a 50 per cent increase in patronage and a significant decrease in crimes committed.

That is not to say that those crimes being committed are not a serious matter. They are serious, and we in the government take them very seriously. I am appalled when I see CCTV footage — as we have all seen in recent times — of terrible assaults on our train stations, and I certainly welcome Victoria Police taking action in this area. That is why I really welcome police commissioner Simon Overland's recent comments on these issues and his commitment to increasing the number of police operations across the rail network to curb antisocial behaviour and alcohol-related problems. This operation involves 200 uniformed and plain-clothes police on problem rail lines over a protracted period which commenced in late July.

Those types of measures actually work, and they are measures that this government supports. We do not believe that the Liberal Party policy of more PSOs (protective services officers) would work. The police have a lot more powers available to them and they are the appropriate people to be working in this area. I welcome the fact that the police commissioner is seeking to do that. The transit safety police officers are important. They are sworn police officers who have all those powers and they can deal with these kinds of issues in a very capable way.

In relation to the kinds of programs the government has put in place, in this year's budget we saw initiatives including an upgrade of 20 stations to premium status, with 100 additional station staff. We saw funding for an additional 1966 front-line police officers over five years from 2010–11 and also $22 million to employ 55 on-the-ground youth workers to introduce a new behavioural change program for young people. These youth workers will also support police dealing with young people in targeted areas. That is a particularly important initiative.

Whilst we want more police on the beat, and a greater police presence at railway stations and other crime hot spots, we also want to tackle the causes of crime. We want to tackle antisocial behaviour, look at the roots of those kinds of problems and work with troubled teenagers and other young people to turn that kind of behaviour around. Metro Trains has also committed to providing a staff presence at 22 currently unstaffed stations and to reducing crime by 10 per cent across the metropolitan train network.

We have a range of programs in place. Victoria Police has a unit with over 200 transit safety police officers to maintain safety and security across the Victorian public transport network. Victoria Police was on track to boost transit police numbers to 250 by the middle of this year, increasing the police presence on the network. There are over 500 authorised officers patrolling the train, tram and bus networks to ensure the safety of patrons, and in March of this year Victoria Police's operational response unit commenced an operation to crack down on assaults, the use of weapons and alcohol-related street crimes. There are 190 police officers in this unit, and this number will increase to 220 by the end of this year.

The Victorian transport plan announced in December 2008 also included a range of measures aimed at improving passenger safety. These included an additional 50 transit safety police officers, additional platform staff at key stations, $50 million to upgrade train stations to provide better customer amenities and $4 million for a taxi rank safety program to deliver infrastructure upgrades at nominated taxi ranks. That was in response to evidence that there have been problems around taxi ranks. I guess the lack of availability of taxis in the early morning hours when people are leaving nightclubs and other venues can cause problems. All of those measures have been very important.

In addition, there are 3000 CCTV cameras across our metropolitan train network to provide added passenger security. Recently the government upgraded the CCTV recording from analogue to digital to provide improved image quality that has helped police better identify offenders. We are seeing the benefits of that already when we see coverage on our nightly news of particular

incidents, and that of course helps the police to identify potential offenders.

The government has taken many measures to deal with this issue, and that is why we do not believe the measures contained in the latter parts of this motion are appropriate. The police have the appropriate powers to deal with these issues — far more powers than PSOs have — and we have seen a range of commentators come out in the media in recent weeks and disparage the opposition party's policy in regard to this and point out the holes in this policy. As I said before, this is typical of the Liberal Party trying to run a scare campaign before a state election, particularly whipping up the law and order issue, and I believe it is important that we look at this issue in the context of the facts, and the facts show that crime rates are falling across our public transport system, and this is something I am sure all of us would welcome.

It is important we get the message out to the community that they do not need to feel unnecessarily alarmed about these issues and they can continue to use public transport while taking appropriate safety precautions when it comes to their travel, as is the case not only for public transport but also any other travel or pedestrian movements we might make as we get around our city.

I make the point again that the Liberal Party has sought to bring this motion back on for debate today but in fact Mr Dalla-Riva moved the motion on 28 July, so there has been a long time between the motion being moved in the house and our having the debate today. That is pretty typical of the Liberal Party, seeking to bring on debates at the 11th hour to try to promote its policies, but we know they are failed policies. Most commentators who have looked at the Liberal Party's policies have come to the conclusion that this is a failed policy and it would not work. It is on that basis that the government will be opposing this motion.

Mr KAVANAGH (Western Victoria) — I would like to say a few words about Mr Dalla-Riva's motion. The first observation to make is that really it involves two primary issues. The first is public transport, and the second is violence. Public transport raises particular issues of personal security and so on. I recall about 10 years ago asking a police officer who was visiting my school, 'Where are the most dangerous places in Melbourne?', and he listed about six places and added to that, 'And any train station'. Indeed we are seeing more and more reports of problems at train stations.

Ms Mikakos says that violence is decreasing in our society on the basis that, she says, there are fewer crimes committed, but it seems to me that there are not fewer crimes committed. What we are seeing is that people now realise that it is generally a futile exercise in many situations to even inform the police. It seems to me that the rate of reporting to police has decreased. I have had personal experience of this. At the end of last year somebody at a pedestrian crossing deliberately drove his car at me to intimidate me. I reported this to the police. They have investigated and said that they will do nothing. It is little wonder that in similar circumstances many people would decline to call the police again.

As far as the decrease in violence goes, within a couple of days about three weeks ago we had two shocking reports of violence, I thought. A nine-year-old deliberately threw acid over babies, and a couple of days later a young man who obviously had some mental issues said he was attacked by two people who held him down and one threw acid over him. This is just outrageous. Surely even in the past — and people did not always behave well in the past by any means — there were lots of bad things happening, but did we actually reach this level of depravity? It is hard to imagine that we did.

On the general issue of violence, not particularly on public transport but in general, I have said in this house before that if you really want to protect people, you have to try to protect everybody, people in every category. Differentiating between different categories of human beings and deciding to protect some and not others is not going to be effective in the long run. You need to have a culture which respects life and respects the rights of other people, and you cannot do that while you are doing away with respect for the lives of some.

In my opinion that is what this Parliament has done in relation to the unborn, for example, and on 28 July this year in respect of the newly born. As I have said before, when you eliminate respect and do away with protection for some lives, you inevitably weaken protection for all lives.

There is a lot to commend in this motion, but in a sense it is an advertisement for the Liberal Party policy of putting police and Victorian protective services officers in stations, so on the basis of those two points, I think I would rather vote for the Democratic Labor Party's policy than the Liberal Party's policy here. I do not feel I can support the motion.

Ms LOVELL (Northern Victoria) — I am disappointed to hear that Mr Kavanagh cannot support a motion designed to improve safety on public transport. I note that in her contribution Ms Mikakos

said she did not think the Liberal Party thought this was an important issue, because if we did, we would have brought this motion forward earlier. As Ms Mikakos quite rightly pointed out, this motion was introduced on 27 July and was debated on that day. It was then deferred to allow other members to make a contribution to debate on the motion, and many of us are doing so today.

In saying that things have sat on the notice paper for a while, Ms Mikakos points out that this motion has sat on the notice paper since 27 July. I point out to Ms Mikakos that the Water Amendment (Critical Water Infrastructure Projects) Bill was introduced in December 2006. This government thought the bill was so important it had to recall the entire Parliament before Christmas to introduce it, but the bill is still sitting on the notice paper in the lower house. The Liquor Control Reform Amendment Bill of 2008 still sits on the notice paper in this house.

The annual stunt of government intentions — sorry, did I say 'stunt'? — that is, the annual statement of government intentions for 2010 — —

The ACTING PRESIDENT (**Ms Pulford**) — Order! Ms Lovell should return to the subject of the motion.

Ms LOVELL — It has been on the notice papers since February this year and has not been debated, because it is a stunt, not a statement.

I make a short contribution to the debate today about a particular incident which happened to a constituent of mine, Mrs Kate Leak, and her partner, Athol Reynolds. The incident took place on 9 August when they had been in Melbourne for the day and were travelling back on the evening V/Line train service from Melbourne to Shepparton. After they got on the train three young people boarded: one boy and two girls. At the time they thought the young people were drunk or affected by some other substance. The young people were drinking from a Sprite bottle, but Kate and Athol felt there was obviously more than Sprite in the bottle.

The three young people then proceeded to sing some very rude songs. The conductor asked them to quieten down, but it did not work. Another passenger who was an off-duty police officer complained to the conductor, who warned them again, but that did not work. The conductor told the passengers on the train that he had no authority to throw those three young people off the train.

The three young people then started to pick on a young Middle Eastern boy. Apparently their taunts towards him were extremely racist. Yet another passenger complained to the conductor, but again the conductor said he had no authority to remove these young people from the train. However, the boy in the trio then jumped off the train at one of the stations. I hope the train was stationary although from what I heard, I do not think it was.

After that, one of the girls spat at the young Middle Eastern boy. There was an altercation between the off-duty policeman and the two girls. The girls then raced through the train, and as they did so they ran into Kate and broke her arm. That was a fairly painful incident for a lady in her 60s to go through. When you get on a train to travel from Melbourne to Shepparton you do not expect to have your arm broken by three young rabble-rousers on the train.

The two girls then left the train when it stopped at Epping station, and the police and the ambulance were called to assist Kate. The train was held up for three-quarters of an hour while Kate was taken away to the Northern Hospital where she had her arm set and then had to proceed on the rest of the trip home by taxi. Kate's partner, Athol, was extremely upset by this incident, as was Kate.

There are three things that Athol would like to see happen as a result of this incident. Firstly, he would like an inquiry into the incident; secondly, he would like to see a solution to solve this type of occurrence, such as transit police travelling on trains; and thirdly, he would like clarification as to why a conductor does not have the power to remove passengers from the train when they are causing a disturbance and their behaviour is obviously affected by a substance. Police who attended the incident at Epping station said they believed conductors have the power to remove people, but the conductors wait for police to do it.

As Ms Mikakos said, the Liberal Party has a very good policy for solving problems on public transport. Our policy is to have 940 protective services officers stationed on platforms in metropolitan Melbourne and in major regional centres from 6.00 p.m. until the last train at night to ensure that there is safety at public transport stations. We also introduced a policy earlier this year to recruit an additional 100 transport police to ride on the trains to provide additional safety. The government thought this part of our policy was so good that it copied it along with our proposal for an additional 1600 front-line police officers and 100 transport police. For Ms Mikakos to say we do not take these matters seriously is a joke. The Liberal Party takes safety on public transport very seriously. We have

introduced the policies to prove that, and the government has done nothing but copy our policies.

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to reply to the contributions to debate on the motion moved in this chamber a while back, which process will conclude today. I thank the various members who have spoken, whether they have agreed with the motion or not. I think it was important to have the debate. The contributors were Mr Tee, Ms Hartland, Ms Pulford, Mrs Peulich, Mr Guy, Ms Mikakos, Mr Kavanagh and Ms Lovell.

It is always good to have a robust debate that allows for a high level of contribution, although I note that the government thinks everything is fine in terms of public transport in relation to violence and rejects outright the proposal that Victoria Police protective services officers should be on every station, as outlined in the motion.

It is interesting to note that, although we cannot see them, I am led to believe there are protective services officers for the purposes of protecting members of Parliament in this chamber. It seems odd that this government says on the one hand, 'You cannot have them out on railway stations protecting Victorians from being continually bashed and feeling victimised', and yet the very same people are around Parliament House protecting not only the Premier but each of us as members of Parliament. Clearly there is a bit of hysteria on the part of the government in trying to undermine the policy position of the opposition.

There is a perception out there, and rightly so, about violence on our streets and in particular on the transport system. It was interesting to note that in their contributions to this debate Labor members made no mention about their constituents being assaulted or victimised, while members from this side of the chamber, whether they agreed with the motion or not, were able to give real-life experiences and examples of what has occurred.

Ms Mikakos outlined the government's agenda. That is all good and well, but at the end of the day there still needs to be some level of law enforcement. It seems to have got to the point where we seem to be saying, 'Let's look at other mechanisms'. The bottom line is you still need a level of enforcement. It is the old police mentality approach that if people see coppers — police — on the road, they will slow down. It is the same notion with protective services officers on railway stations.

Ms Hartland's statement that there would be only two protective services officers at Southern Cross station is nonsensical, because the operational requirements of the protective services officers would be such that they would be deployed as necessary around the area.

I will refer to an example in which I was involved when I was a member of the police force. If you have an issue that requires additional support, such as you need to deal with a gang, you will not have two protective services officers at that particular station trying to deal with 20 youths. You may end up finding that an operational decision will be made to deploy protective services officers to that location with additional support from the local police, whatever the operational need may be, to deal with that issue. Those PSOs will then return to wherever they need to be. That is the notion of operational policing. Those on the other side do not know that and do not understand it, and that is why we have a police minister who has no understanding of the issues of law enforcement in this state.

Government members think that having protective services officers after 6.00 p.m. on every metropolitan railway station and every major regional railway station until the last train at night, seven days a week, is not a good idea. Members of the coalition think it is a good idea, and that is why we have brought this motion to the house.

I turn to the comments made by Mr Kavanagh from the Democratic Labor Party, and also those of Ms Hartland from the Greens. Ms Hartland announced that she was not going to support this motion, as did Mr Kavanagh. I decided I would have a quick look at the Greens website to see their transport policy. Guess what? It ain't there, so whose policy is going to be applied? It is all well and good for Ms Hartland to stand up in here and say the Greens want to take a warm and fuzzy sort of approach, but they have got to have a policy to back it up. The coalition has a policy on the issue.

The government has other agendas, as its members stated today — and fair enough. We may have a point of difference here, and that will be an issue at the election. It is all well and good for the Greens to sit in here and bark, as they do week in, week out, but when you look for their policy position on transport it is pretty hard to find.

The motion is about ensuring that we have protective services officers on railway stations and that consideration is given to the rights of Victorians to travel on public transport. I am disappointed that the minor parties are not supporting this motion. It is clear that they do not believe in dealing with the violence on our streets. The coalition — The Nationals and the Liberal Party — will be the only party that stands up for

the rights of Victorians travelling on our public transport system 7 days a week, 365 days a year. The coalition will deliver that in its entirety. I believe in and strongly support this motion, and I urge the members of this chamber to do so as well.

House divided on motion:

Ayes, 16

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr (*Teller*)	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	Petrovich, Mrs (*Teller*)
Drum, Mr	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr

Noes, 18

Broad, Ms	Murphy, Mr
Eideh, Mr	Pakula, Mr
Elasmar, Mr	Pulford, Ms
Huppert, Ms	Scheffer, Mr
Jennings, Mr	Smith, Mr
Leane, Mr	Somyurek, Mr
Lenders, Mr (*Teller*)	Tee, Mr
Madden, Mr (*Teller*)	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

O'Donohue, Mr	Darveniza, Ms

Motion negatived.

GOVERNMENT: PRODUCTION OF DOCUMENTS

Debate resumed from 1 September; motion of Mr D. DAVIS (Southern Metropolitan):

That this house —

(1) notes the continued failure of the Leader of the Government to provide documents sought by the Legislative Council under sessional order 21;

(2) notes in particular the failure of the government to fully comply with:

(a) the Council's resolution of 28 May 2008 and subsequent resolution of 5 May 2010 seeking access to the document used by the Auditor-General in his report on planning for water infrastructure in Victoria;

(b) the Council's resolution of 29 October 2008 seeking a copy of ministerial briefings on transport and subsequent resolutions of 11 March 2009, 24 February 2010 and 5 May 2010;

(c) the Council's resolution of 11 March 2009 seeking a copy of information relating to renewable energy feed-in tariffs and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;

(d) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the impact of the carbon pollution reduction scheme on the Victorian economy held by the Department of Premier and Cabinet, the Department of Sustainability and Environment and the Department of Primary Industries and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;

(e) the Council's resolution of 1 April 2009 seeking a copy of documents relating to the Victorian state government's policy of extending clearway times and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;

(f) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the impact of the carbon pollution reduction scheme on the Victorian economy held by the Department of Treasury and Finance and subsequent resolutions of 11 November 2009, 24 February 2010 and 5 May 2010;

(g) the Council's resolution of 6 May 2009 seeking a copy of documents relating to the company Better Place and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;

(h) the Council's resolution of 3 June 2009 seeking a copy of all submissions made to the review of alpine resorts and subsequent resolutions of 14 October 2009, 24 February 2010 and 5 May 2010;

(i) the Council's resolution of 24 June 2009 seeking copies of all gateway review documents related to the desalination plant project and subsequent resolutions of 24 February 2010 and 5 May 2010 and notes the dispute over the number of documents relevant to the request;

(j) the Council's resolution of 24 June 2009 seeking copies of all documents and communications held by the government in relation to the extension of licence for the number of gaming tables at Crown Casino and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;

(k) the Council's resolution of 29 July 2009 seeking copies of all documents relating to the placement of carbon trading institutes or institutions in Victoria and subsequent resolutions on 14 October 2009, 24 February 2010 and 5 May 2010;

(l) the Council's resolution of 12 August 2009 seeking a copy of all meeting notes, minutes of meetings and diary notes of government ministers and senior bureaucrats in the departments of Treasury and Finance, Sustainability and Environment (including the Office of Water) and Innovation, Industry and Regional Development (including Major Projects Victoria) concerning tenders for the desalination project and lobbyists including staff of Hawker Britton, including Mr David White, and

InsideOut Strategic, including Mr Philip Staindl, and including briefings on water projects and desalination (including speech notes for ministers appearing at or visiting the Progressive Business organisation) and subsequent resolutions of 24 February 2010 and 5 May 2010;

(m) the Council's resolution of 14 October 2009 seeking copies of all documents relating to the Working Victoria and Shine advertising campaigns and subsequent resolutions on 24 February 2010 and 5 May 2010;

(n) the Council's resolution of 11 November 2009 seeking copies of all documents relating to government consideration of proposals for the export of brown coal and subsequent resolutions on 24 February 2010 and 5 May 2010;

(o) the Council's resolution of 25 November 2009 seeking copies of minutes and agendas of financial/audit and/or investment committees of Victorian health services and subsequent resolutions on 24 February 2010 and 5 May 2010 and rejects the government's claim that they do not hold any relevance;

(p) the Council's resolution of 24 March 2010 seeking a copy of all documents relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation's payment of bonuses to executives; and

(q) the Council's resolution of 5 May 2010 seeking a copy of several reports commissioned by the Department of Human Services;

(3) accepts that genuine cabinet documents should remain with the executive government but is of the view that the government's continued refusal to release many key documents is a deliberate attempt to cover up negative or damaging information;

(4) notes that the Leader of the Government has already been censured by this house for not complying with a number of the Council's resolutions;

(5) demands that the Leader of the Government, as the representative of the government in the Legislative Council, lodge with the Clerk by 12 noon on Wednesday, 8 September 2010, for assessment by the independent legal arbiter a copy of —

(a) Water infrastructure documents — PricewaterhouseCoopers, DSE Water Industry Governance Review, draft report, prepared for DSE, Melbourne, 2006;

(b) Solar feed-in tariffs documents —

document listed as number 9, "Brief to Minister for Energy and Resources (16 April 2008)";

document listed as number 15, "Briefing to office of the Minister for Energy and Resources (18 November 2008)";

document listed as number 16, "Brief to Minister for Energy and Resources (21 November 2008)";

document listed as number 17, "Briefing to the office of the Minister for Energy and Resources (15 December 2008)";

document listed as number 38, "Brief to Minister for Energy and Resources (6 June 2007)";

document listed as number 39, "Brief to Minister for Environment, Water and Climate Change (6 June 2007)";

document listed as number 40, "Brief to Minister for Environment and Climate Change (2 October 2007)";

document listed as number 41, "Brief to Minister for Environment and Climate Change (31 January 2008)";

document listed as number 42, "Brief to Premier (16 October 2007)";

document listed as number 43, "Brief to Premier (9 November 2007)";

document listed as number 44, "Brief to Premier (19 December 2007)";

document listed as number 58, "Briefing by DIIRD";

document listed as number 63, "Brief to Treasurer (6 February 2008)"; and

resource documents, assessments and analysis used in the preparation of document listed as number 6, "Business Impact Assessment prepared for and considered by Cabinet";

(c) Ministerial transport briefings documents —

document listed as number 1 (Schedule A: Public Transport Tender Documents), "Tender Returnables — Melbourne Metropolitan Train Franchise";

document listed as number 2 (Schedule A: Public Transport Tender Documents), "Tender Returnables — Melbourne Metropolitan Tram Franchise";

document listed as number 3 (Schedule A: Public Transport Tender Documents), "Melbourne Metropolitan Train Franchise Interactive Tender Guide for ITT process";

document listed as number 4 (Schedule A: Public Transport Tender Documents), "Melbourne Metropolitan Tram Franchise Interactive Tender Guide for ITT process";

document listed as number 1 (Schedule B: Ministerial briefing documents), "(a) 'Taxi policy initiatives' (MBN011023) dated 2 April 2008";

document listed as number 2 (Schedule B: Ministerial briefing documents), "(c) 'Registration

and licensing system funding options' (MBN011037) dated 3 April 2008";

document listed as number 3 (Schedule B: Ministerial briefing documents), "(d) 'EastLink-ConnectEast DRP Underwriting Agreement-Novation' (MBN011047) dated 3 April 2008";

document listed as number 4 (Schedule B: Ministerial briefing documents), "(f) 'To advise the minister of the status of AusLink 2 projects identified as candidates for the commencement of expenditure ahead of 2009/10 2013/14' (MBN011055) dated 8 April 2008";

document listed as number 5 (Schedule B: Ministerial briefing documents), "(g) 'Metropolitan rail franchising (MR3) Market Engagement Trip' (MBN011059) dated 10 April 2008";

document listed as number 6 (Schedule B: Ministerial briefing documents), "(h) 'Media interest and progress with grade separation study' (re Springvale Road Nunawading level crossing) (MBN011065) dated 10 April 2008";

document listed as number 7 (Schedule B: Ministerial briefing documents), "(i) 'Meeting with the CEO of the bus proprietors' (MBN011091) dated 15 April 2008";

document listed as number 8 (Schedule B: Ministerial briefing documents), "(j) '2009 Fare Changes Strategy overview' (MBN011116) dated 22 April 2008";

document listed as number 9 (Schedule B: Ministerial briefing documents), "(l) 'Geelong an Frankston taxi depots' (MBN011141) dated 28 April 2008";

document listed as number 10 (Schedule B: Ministerial briefing documents), "(m) 'Status of the regional pilot of the NTS' (MBN011146) dated 29 April 2008"; and

document listed as number 11 (Schedule B: Ministerial briefing documents), "(n) 'M1 Heads of Agreement' (MBN011159) dated 30 April 2008";

(d) Carbon pollution reduction scheme (DPC, DSE, DPI) documents —

document listed as number 1, "Brief to Minister for Energy and Resources (21 January 2009)";

document listed as number 9, "Brief to Minister for Energy and Resources (March 2009)";

document listed as number 10, "Brief to Minister for Energy and Resources (March 2009)";

document listed as number 11, "Briefing note (19 March 2009)";

document listed as number 12, "Brief to Minister for Energy and Resources (6 March 2009)";

document listed as number 13, "Brief to Minister for Energy and Resources (27 February 2009)";

document listed as number 14, "Brief to Minister for Energy and Resources (27 February 2009)";

document listed as number 15, "Brief for Minister for Energy and Resources (9 February 2009)";

document listed as number 16, "Brief to Minister for Energy and Resources (15 January 2009)";

document listed as number 17, "Brief to Minister for Energy and Resources (November 2008)";

document listed as number 18, "Brief to Minister for Energy and Resources (25 November 2008)";

document listed as number 19, "Brief to Minister for Energy and Resources (20 November 2008)";

document listed as number 20, "Brief to Minister for Energy and Resources (14 November 2008)";

document listed as number 21, "Brief to Minister for Energy and Resources (21 October 2008)";

document listed as number 22, "Brief to Minister for Agriculture (11 September 2008)";

document listed as number 23, "Report by KPMG (August 2008)";

document listed as number 24, "Brief to Secretary, Department of Primary Industries (DPI) (13 February 2009)";

document listed as number 25, "Brief to Minister for Energy and Resources (29 September 2008)";

document listed as number 26, "Brief to Minister for Environment and Climate Change (17 July 2008)";

document listed as number 27, "Brief to Minister for Environment and Climate Change (25 July 2008)";

document listed as number 28, "Brief to Minister for Environment and Climate Change (4 August 2008)";

document listed as number 29, "Brief to Minister for Environment and Climate Change (5 August 2008)";

document listed as number 30, "Brief to Minister for Environment and Climate Change (28 August 2008)";

document listed as number 32, "DSE Discussion Paper";

document listed as number 33, "Brief to Minister for Environment and Climate Change (4 September 2008)";

document listed as number 34, "DSE Discussion Paper";

document listed as number 36, "Brief to Minister for Environment and Climate Change (14 October 2008)";

document listed as number 37, "Brief to Secretary, Department of Sustainability and Environment (DSE) (24 October 2008)";

document listed as number 39, "Brief to Minister for Environment and Climate Change (31 October 2008)";

document listed as number 40, "DSE and DPI comments on Draft Climate Change Green Paper";

document listed as number 41, "Brief to Minister for Environment and Climate Change (25 November 2008)";

document listed as number 42, "Brief to Minister for Environment and Climate Change (10 December 2008)";

document listed as number 43, "Paper on CPRS White Paper (19 January 2009)";

document listed as number 44, "Brief to Secretary, DSE (22 January 2009)";

document listed as number 46, "DSE Discussion Paper";

document listed as number 47, "Brief to Minister for Environment and Climate Change (11 March 2009)";

document listed as number 48, "Brief to Minister for Environment and Climate Change (10 March 2009)";

document listed as number 49, "Brief to Minister for Environment and Climate Change (18 March 2009)";

document listed as number 50, "Brief to Minister for Environment and Climate Change (23 March 2009)";

document listed as number 51, "Brief to Minister for Environment and Climate Change (24 March 2009)";

document listed as number 52, "Internal DSE Briefing (25 March 2009)";

document listed as number 53, "Brief to Minister for Environment and Climate Change (26 March 2009)";

document listed as number 54, "Internal DSE Briefing (26 March 2009)";

document listed as number 56, "Internal DSE brief (21 August 2008)";

document listed as number 57, "Briefing on natural resource management (December 2008)";

document listed as number 58, "Report by George Wilkenfeld and Associates (March 2009)";

document listed as number 59, "Internal DSE Evaluation (13 February 2009)";

document listed as number 60, "Report by Deloitte (March 2009)";

document listed as number 61, "Brief to Premier (19 August 2008)";

document listed as number 63, "Brief to Premier (4 August 2008)";

document listed as number 65, "Brief to Premier (15 August 2008)";

document listed as number 66, "Brief to Secretary, Department of Premier and Cabinet (25 August 2008)";

document listed as number 67, "Brief to Premier (29 August 2008)";

document listed as number 68, "Brief to Premier (9 September 2008)";

document listed as number 69, "Brief to Premier (4 September 2008)";

document listed as number 71, "Brief to Premier (13 October 2008)";

document listed as number 73, "Brief to Premier (2 January 2009)";

document listed as number 74, "Brief to Premier (12 December 2008)";

document listed as number 75, "Brief to Premier (16 December 2008)";

document listed as number 76, "Brief to Premier (2 January 2009)";

document listed as number 77, "Brief to Premier (29 January 2009)";

document listed as number 78, "Brief to Premier (30 March 2009)";

document listed as number 79, "Brief to Premier (29 October 2008)";

document listed as number 80, "Brief to Premier (12 December 2008)";

document listed as number 81, "Brief to Premier (2 September 2008)";

document listed as number 82, "Brief to Minister for Environment and Climate Change (undated)";

document listed as number 83, "CPRS paper (September 2008)";

document listed as number 85, "Report by Victoria University of Technology (February 2009)";

document listed as number 86, "Brief to Premier (3 March 2009)";

document listed as number 103, "Council for the Australian Federation (CAF) Senior Officials Meeting speaking points (8 April 2009)";

document listed as number 104, "CAF Senior Officials Meeting speaking points (8 April 2009)";

document listed as number 105, "Council of Australian Governments (COAG) Senior Officials Meeting speaking points (19 March 2009)";

document listed as number 106, "CPRS Paper (August 2008)";

document listed as number 107, "CAF Paper (28 August 2008)";

document listed as number 108, "CAF speaking points (11 September 2008)";

document listed as number 109, "CAF meeting speaking points (3 September 2008)";

document listed as number 110, "CAF meeting speaking points (9 September 2008)";

document listed as number 111, "CAF Senior Officials Meeting speaking points (8 September 2008)"; and

document listed as number 112, "COAG Senior Officials Meeting speaking points (12 November 2008);

(e) Clearways documents —

document listed as number 1, "Brief to Minister for Roads and Ports (undated)";

document listed as number 2, "Memorandum of advice to VicRoads (undated)";

document listed as number 3, "Briefing on Keeping Melbourne Moving (17 April 2009)";

document listed as number 4, "Brief to Minister for Roads and Ports (29 August 2008)";

document listed as number 5, "Brief to Minister for Roads and Ports (17 June 2008)";

document listed as number 6, "Brief to Minister for Roads and Ports (undated)";

document listed as number 7, "Brief to Minister for Roads and Ports (12 November 2008)";

document listed as number 8, "Report by Meyrick and Associates (2008)";

document listed as number 9, "Letter from the Victorian Government Solicitors Office (VGSO) to Department of Infrastructure (27 March 2008)";

document listed as number 10, "Brief to Minister for Roads and Ports (1 March 2008)";

document listed as number 11, "Email from VicRoads to the Office of the Minister for Roads and Ports (15 April 2008)";

document listed as number 12, "Brief to Minister for Roads and Ports (9 May 2008)";

document listed as number 13, "Ministerial Briefing (23 May 2008)";

document listed as number 14, "Brief to Minister for Roads and Ports (21 May 2008)";

document listed as number 15, "Memorandum of Advice to Department of Transport (DOT) (4 June 2008)";

document listed as number 16, "Brief to Minister for Roads and Ports (5 June 2008)";

document listed as number 17, "Email from DOT to Auspoll (22 July 2008)";

document listed as number 18, "Brief to Minister for Roads and Ports (12 September 2008)";

document listed as number 19, "Memorandum of advice to VicRoads (29 September 2008)";

document listed as number 20, "Legal advice from VicRoads (13 October 2008)";

document listed as number 21, "Email from VicRoads (13 October 2008)";

document listed as number 22, "Brief to Minister for Roads and Ports (2 October 2008)";

document listed as number 23, "Brief to Minister for Roads and Ports (9 November 2008)";

document listed as number 24, "Brief to Minister for Roads and Ports (9 December 2008)";

document listed as number 25, "Brief to Minister for Roads and Ports (29 February 2009)";

document listed as number 26, "Brief to Minister for Roads and Ports (31 December 2008)";

document listed as number 27, "Email from VicRoads to DOT (19 January 2009)";

document listed as number 28, "Letter from VicRoads to DOT (10 February 2009);

document listed as number 29, "Letter from Moreland City Council to DOT (2 February 2009)";

document listed as number 30, "Brief to Minister for Roads and Ports (10 February 2009)";

document listed as number 31, "Brief to Minister for Roads and Ports (18 February 2001)";

document listed as number 32, "Letter from VicRoads to DOT (5 March 2009)";

document listed as number 33, "Internal DOT email with attachment (2 November 2007)";

document listed as number 34, "Email from Department of Premier and Cabinet (DPC) to DOT (1 February 2009)";

document listed as number 35, "Brief to Minister for Roads and Ports (9 September 2008)";

document listed as number 36, "Brief to Minister for Local Government (17 June 2008)";

document listed as number 37, "Brief to Minister for Local Government (24 July 2008)";

document listed as number 38, "Email from Department of Planning and Community Development (DPCD) to VicRoads (1 September 2008)";

document listed as number 39, "Email from VicRoads to DPCD (3 September 2008)";

document listed as number 40, "Email from VicRoads to DPCD (4 September 2008)";

document listed as number 41, "Internal DPCD email with attachment (5 September 2008)";

document listed as number 42, "Email chain from DPCD to VicRoads (25 September 2008)";

document listed as number 43, "Brief to Minister for Local Government (1 October 2008)";

document listed as number 44, "Brief to Minister for Local Government (22 October 2008)";

document listed as number 45, "Internal DPCD email with attachment (5 November 2008)";

document listed as number 46, "Brief to Minister for Local Government (28 November 2008)";

document listed as number 47, "Ministerial Debrief (5 December 2008)";

document listed as number 48, "Brief to Minister for Local Government (21 January 2009)";

document listed as number 49, "Brief to Minister for Local Government (17 February 2009)";

document listed number 50, "Brief to Minister for Local Government (5 March 2009)";

document listed as number 51, "Brief to Premier (19 February 2009)";

document listed as number 52, "Brief to Premier (19 February 2009)";

document listed as number 53, "Brief to Premier (25 January 2008)";

document listed as number 54, "Project Review Committee business case (25 January 2008)";

document listed as number 55, "Brief to Premier (15 January 2008)";

document listed as number 56, "Brief to Premier (11 January 2008)";

document listed as number 57, "Brief to Premier (28 December 2007)";

document listed as number 58, "Brief to Minister for Roads and Ports (9 November 2007)";

document listed as number 59, "Brief to Premier (28 December 2007)";

document listed as number 60, "Brief to Premier (13 August 2008)";

document listed as number 61, "Email from DOT to DPC (26 May 2008)";

document listed as number 62, "Brief to Premier (17 August 2007)"; and

document listed as number 63, "Brief to Premier (30 March 2009)";

(f) CPRS (DTF) documents —

document listed as number 1, "Brief to the Treasurer (15 August 2008)";

document listed as number 2, "Brief to the Treasurer (3 September 2008)";

document listed as number 3, "Brief to the Treasurer (21 November 2008)";

document listed as number 4, "Brief to the Treasurer (11 December 2008)";

document listed as number 5, "Brief to the Treasurer (16 January 2009)";

document listed as number 6, "Brief to the Treasurer (5 April 2009)";

document listed as number 7, "Brief to the Treasurer (9 April 2009)";

document listed as number 8, "Brief to the Treasurer (13 February 2009)";

document listed as number 9, "Brief to the Treasurer (15 December 2008)";

document listed as number 10, "DTF Presentation (10 December 2008)";

document listed as number 11, "Briefing to the Treasurer (undated)";

document listed as number 13, "Briefing to the Treasurer on a cabinet submission";

document listed as number 14, "Brief to the Treasurer (4 August 2008)";

document listed as number 16, "Paper for Heads of Treasury Intergovernmental meeting (undated)";

document listed as number 17, "Paper for Heads of Treasury Intergovernmental meeting (undated)";

document listed as number 18, "Briefing to the Treasurer (undated)";

document listed as number 19, "Brief to the Treasurer (1 October 2008)";

document listed as number 20, "Brief to the Treasurer (5 September 2008)";

document listed as number 21, "Briefing to the Treasurer (undated)";

document listed as number 22, "Brief to the Treasurer (25 August 2008)";

document listed as number 23, "Brief to the Treasurer (2 October 2008)";

document listed as number 24, "Briefing by DTF (undated)";

document listed as number 25, "Brief to the Treasurer (6 April 2009)";

document listed as number 26, "Brief to the Treasurer (16 July 2008)";

document listed as number 27, "Brief to the Treasurer (15 July 2008)";

document listed as number 28, "Brief to the Treasurer (15 December 2008)";

document listed as number 30, "Brief to the Treasurer (18 July 2008)";

document listed as number 31, "Brief to the Treasurer (undated)";

document listed as number 32, "Report commissioned by the Department of Innovation, Industry and Regional Development (March 2009)";

document listed as number 33, "Brief to the Treasurer (undated)";

document listed as number 34, "Brief to the Treasurer (10 February 2009)"; and

document listed as number 35, "Brief to the Treasurer (13 February 2009)";

(g) Better Place documents —

document listed as number 1, "Outcomes of CAF Meeting (12 September 2008)";

document listed as number 2, "Background Briefing/Report prepared by motor vehicle company for Minister for Sustainability and Environment";

document listed as number 3, "Brief to Minister for Innovation (2 February 2009)";

document listed as number 4, "Report of Alternate Vehicle Fuel Technologies IDC containing Cabinet Material";

document listed as number 8, "Handwritten notes from meeting with commercial motor vehicle company (undated)";

document numbered 9, "Company application for funding (14 September 2007)";

document numbered 10, "Company business plan (14 September 2007)";

document numbered 11, "Departmental internal email chain (26 November 2007)";

document numbered 12, "Draft Brief to Minister for Industry and Trade)";

document numbered 13, "Presentation prepared by commercial company (11 July 2008)";

document numbered 14, "Internal departmental email (14 August 2008) attaching notes of meeting with commercial company (11 July 2008)";

document numbered 15, "Handwritten notes from meeting with commercial company (11 July 2008)";

document numbered 16, "Brief to Premier (22 July 2008)";

document numbered 17, "Brief to Premier (13 August 2008)";

document numbered 18, "Summary of meeting between government and commercial company (13 August 2008)";

document numbered 19, "Brief of commercial company (September 2008)";

document numbered 20, "Speaking points and brief for CAF SOM Meeting (3 September 2008)";

document numbered 21, "Speaking points and brief for CAF Meeting (3 September 2008)";

document numbered 22, "CAF Meeting submission (4 September 2008)";

document numbered 23, "Handwritten notes from meeting with commercial company (20 October 2008)";

document number 24, "Draft media release from Minister for Environment and Climate Change (23 October 2008)";

document numbered 25, "Brief to Minister for Energy and Resources (28 October 2008)";

document numbered 26, "Draft report prepared by commercial company (17 November 2008)";

document numbered 27, "Departmental email chain containing commercial information (3 December 2008)";

document numbered 28, "Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008)";

document numbered 29, "Minutes of Alternate Vehicle Fuel Technologies IDC (4 December 2008) attaching cover email (5 January 2009), 2. Document reference list";

document numbered 30, "Handwritten notes from meeting with commercial company (19 January 2009)";

document numbered 31, "Brief to Minister for Innovation (23 January 2009)";

document numbered 32, "Departmental email chain (29 January 2009)";

document numbered 33, "Departmental email chain (10 February 2009)";

document numbered 34, "Departmental email (23 February 2009) attaching draft agreement";

document numbered 35, "Draft version of agreement (16 March 2009)";

document numbered 36, "Draft version of agreement with annotations (16 March 2009)";

document numbered 37, "Draft version of agreement with annotations (16 March 2009)";

document numbered 38, "Departmental email chain containing information provided by commercial company (17 March 2009)";

document numbered 39, "Departmental email attaching department newsletter including cabinet material (March 2009)";

document numbered 40, "Departmental email containing information from commercial company (25 March 2009)";

document numbered 41, "Departmental email (1 April 2009) attaching excerpt from brief to minister";

document numbered 42, "Departmental email chain containing information from commercial company (8 April 2009)";

document numbered 43, "Letter from motor vehicle company (20 April 2009)";

document numbered 44, "Handwritten notes from meeting with commercial company (27 April 2009)";

document numbered 45, "Handwritten notes from meeting with commercial company (27 April 2009)";

document numbered 46, "Email attaching Final Agreement with annotations (27 April 2009)";

document numbered 47, "Email containing information from dealings with commercial company (3 May 2009)";

document numbered 48, "File note attaching email and draft brief containing information from commercial company (6 May 2009)";

document numbered 49, "Final Grant Agreement (10 May 2009)";

document numbered 50, "Departmental email chain containing information regarding CAF Meeting (12 May 2009)";

document numbered 51, "Email listing applicants for funding (27 April 2009)";

document numbered 52, "Email from commercial company (21 April 2009)"; and

document numbered 53, "Brief to Premier (21 October 2008)";

(h) Alpine Resorts documents — Mount Baw Baw Alpine Resort Management Board Corporate Plan 2007–2010;

(i) Carbon trading institutes and institutions documents —

document listed as number 1, "Business Case prepared by the Victorian Government (April 2009)";

document listed as number 2, "Brief to Minister for Financial Services regarding carbon market option with attachments (June 2009)";

document listed as number 3, "Brief to Minister for Financial Services regarding carbon market option with attachments (March 2009)";

document listed as number 4, "Brief to Minister for Financial Services regarding carbon market option with attachments (December 2008)";

document listed as number 5, "Brief to Minister for Financial Services regarding carbon market task force with attachments (December 2008)";

document listed as number 6, "Brief to Minister for Financial Services regarding carbon market task force (December 2008)",

document listed as number 7, "Report by KPMG regarding carbon market options (July 2009)";

document listed as number 8, "Report by Allens Consulting regarding carbon market options (November 2008)";

document listed as number 9, "Report by Allens Consulting regarding carbon market options (December 2008)";

document listed as number 10, "Report by Point Carbon regarding carbon market options (23 March 2009)";

document listed as number 11, "Brief to Minister for Financial Services regarding carbon market task force (14 May 2009)";

document listed as number 12, "Presentation by Farrier Swier Consulting regarding carbon market options (13 February 2009)";

document listed as number 13, "Presentation by Farrier Swier Consulting regarding carbon market options (11 March 2009)";

document listed as number 14, "Brief to Minister for Financial Services regarding carbon market options (June 2009)";

document listed as number 15, "Internal DIIRD file note regarding carbon market options (April 2009)";

document listed as number 16, "Internal DIIRD report regarding carbon market options (21 April 2009)";

document listed as number 17, "Internal DIIRD file note regarding carbon market options (April 2009)";

document listed as number 19, "Brief to Secretary, DIIRD regarding carbon market options (25 December 2008)";

document listed as number 20, "Internal DIIRD file note regarding carbon market options (17 April 2009)";

document listed as number 21, "PPQ prepared for Minister for Industry and Trade (undated)";

document listed as number 22, "Internal DIIRD presentation regarding financial services strategy (15 January 2009)";

document listed as number 23, "PPQ prepared for Minister for Financial Services (17 April 2009)";

document listed as number 24, "PPQ prepared for Minister for Financial Services (27 January 2009)";

document listed as number 25, "PPQ prepared for Minister for Financial Services (2 June 2009)";

document listed as number 26, "Internal DIIRD briefing notes regarding carbon market options (29 December 2008)";

document listed as number 27, "Presentation by the Premier regarding carbon market options (18 December 2008)";

document listed as number 28, "Brief to Premier regarding carbon market task force (20 October 2008)";

document listed as number 29, "Brief to Premier regarding carbon market task force (17 December 2008)";

document listed as number 30, "Brief to Premier regarding carbon market task force (17 December 2008)";

document listed as number 31, "Agenda, 'Premier's Carbon Market Meeting', with attachments regarding carbon market options (18 December 2008)";

document listed as number 32, "Premier's presentation regarding carbon market options with speaking points (18 December 2008)";

document listed as number 33, "Brief to Secretary, DPC regarding carbon market options (23 December 2008)";

document listed as number 34, "Draft letter to Prime Minister from Premier (January 2009)";

document listed as number 35, "Draft Brief to Premier regarding carbon market options (January 2009)";

document listed as number 36, "Draft letter to Prime Minister (29 January 2009)";

document listed as number 37, "Draft letter to Prime Minister (February 2009)";

document listed as number 38, "Internal DPC file note regarding carbon market options (February 2009)";

document listed as number 41, "Draft business case prepared by Victorian government (25 February 2009)";

document listed as number 42, "Draft messages from Premier and Minister for Financial Services for business case (27 February 2009)";

document listed as number 43, "Brief to Premier regarding carbon market options (2 March 2009)";

document listed as number 44, "Brief to Secretary, DPC regarding carbon market options (4 March 2009)";

document listed as number 45, "Presentation to Premier regarding carbon market options (13 March 2009)";

document listed as number 46, "Brief to Secretary, DPC regarding carbon market options (13 March 2009)";

document listed as number 47, "Brief to Premier regarding carbon market options (16 March 2009)";

document listed as number 48, "Internal DPC evaluation regarding carbon market options and time lines (24 March 2009)";

document listed as number 49, "Draft Media Release (April 2009)";

document listed as number 50, "Draft letter to Prime Minister from Premier (April 2009)";

document listed as number 51, "DIIRD Work Plan regarding carbon market options (27 March 2009)";

document listed as number 52, "Brief to Premier regarding carbon market options (7 April 2009)";

document listed as number 53, "Agenda and action notes from carbon market task force meeting (16 April 2009)";

document listed as number 54, "DIIRD Draft Questions and Answers document regarding carbon market options (16 April 2009)";

document listed as number 55, "Brief to Premier regarding carbon market options (21 April 2009)";

document listed as number 57, "Draft brief to Premier regarding carbon market options (28 April 2009)";

document listed as number 58, "Brief to Premier regarding carbon market options (28 April 2009)";

document listed as number 60, "Draft Brief to Premier regarding carbon market options (5 May 2009)";

document listed as number 61, "Brief to Premier regarding carbon market options (7 May 2009)";

document listed as number 62, "Internal DPC file note regarding carbon market options (18 June 2009)";

document listed as number 63, "Brief to Premier regarding carbon market options (9 July 2009)";

document listed as number 66, "DIIRD Presentation regarding financial services strategy (3 April 2009)";

document listed as number 73, "Internal DPC Meeting Notes from carbon market task force (16 April 2008)";

document listed as number 74, "Internal DPC Meeting Notes from carbon market task force (17 October 2008)";

document listed as number 75, "Draft message from Premier regarding carbon market options, for business case (2009)";

document listed as number 76, "Draft message from Minister for Financial Services regarding carbon market options, for business case (2009)";

document listed as number 77, "Draft DIIRD Discussion and Consultation Paper regarding carbon market options (November 2008)";

document listed as number 78, "Draft Report from Allens Consulting regarding carbon market options (November 2008)";

document listed as number 79, "Agenda 'Melbourne Carbon Market Taskforce' with attachments and annotations (10 December 2009)"; and

document listed as number 81, "Draft PPQ prepared for the Treasurer (October 2008)";

(j) Working Victoria and Shine documents —

document listed as number 4, "Research Report (9 September 2009)";

document listed as number 6, "Brief to the Secretary, DPC (13 August 2009)";

document listed as number 8, "Brief to the Premier (23 July 2009)";

document listed as number 9, "Brief to the Secretary, DPC (20 July 2009)";

document listed as number 10, "Research Report (July 2009)";

document listed as number 11, "Research Summary of Results (July 2009)";

document listed as number 12, "Brief to the Secretary, DPC (17 June 2009)";

document listed as number 13, "Research Presentation (6 June 2009)";

document listed as number 14, "Advertising Brief (4 May 2009)";

document listed as number 15, "Letter and Advertising Brief Response (4 May 2009)";

document listed as number 16, "Advertising Brief Response (4 May 2009)";

document listed as number 17, "Advertising Brief Response (4 May 2009)";

document listed as number 18, "Advertising Brief Response (4 May 2009)";

document listed as number 21, "Research Report (1 May 2009)";

document listed as number 22, "Research Report (1 May 2009)";

document listed as number 23, "Research Report (1 May 2009)";

document listed as number 24, "Research Report (1 May 2009)";

document listed as number 25, "DPC Advertising Brief (1 May 2009)";

document listed as number 26, "Brief to the Premier (21 April 2009)";

document listed as number 27, "Research Report Presentation (1 April 2009)";

document listed as number 28, "Draft Research Report (undated)";

document listed as number 29, "Research Report (undated)";

document listed as number 30, "Brief to the Minister for Regional and Rural Development (15 August 2009)";

document listed as number 31, "Briefing to the Minister for Education (31 July 2008)";

document listed as number 33, "Advertising Application (1 June 2009)";

document listed as number 34, "Research Presentation (1 July 2009)"; and

document listed as number 35, "Advertising Application (undated)";

(k) Brown coal documents —

document dated 22 January 2009, "Presentation by Exergen";

document dated 20 February 2009, "Ma prepared by Exergen";

document dated 5 February 2009, "Email from Exergen to DIIRD";

document dated 6 February 2009, "Email from DIIRD to Exergen";

document dated 20 February 2009, "Further draft time line";

document dated 24 February 2009, "Brief from DIIRD to the Minister for Industry and Trade";

document dated 25 February 2009, "Presentation by Exergen";

document undated, "Notes by DPI";

document undated, "Hand-drawn diagram by DPI";

document undated, "Internal presentation by DPI";

document dated 15 April 2009, "Draft DIIRD brief to Minister for Industry and Trade";

document dated 21 April 2009, "Presentation by Exergen";

document dated 21 April 2009, "Brief from DIIRD to the Minister for Regional and Rural Development";

document dated 1 May 2009, "Email from Exergen to DIIRD";

document dated 7 May 2009, "Email from Exergen to DIIRD";

document dated 12 May 2009, "Internal DIIRD email";

document dated 25 May 2009, "Email from DPI to DIIRD";

document dated 26 May 2009, "Interdepartmental brief by DPI";

document dated 29 May 2009, "Letter from Exergen to DIIRD";

document dated 29 May 2009, "Presentation by Exergen to DPI";

document undated, "Time line, prepared by DPI";

document dated 2 June 2009, "Brief to Premier by DPC";

document dated 26 June 2009, "Legal advice from external legal provider";

document dated 7 July 2009, "Presentation by Exergen";

document dated 10 July 2009, "Brief from the Energy Sector Development Division to Minister for Energy and Resources";

document dated 13 July 2009, "Outline re 'Coal Allocation Options — Exergen' by DPI";

document dated 16 July 2009, "Legal advice by external legal provider";

document dated 16 July 2009, "Letter from Exergen to Minister";

document dated 20 July 2009, "Internal DPI brief";

document dated 20 July 2009, "Legal advice by internal legal advisor";

document dated 20 July 2009, "Letter from Exergen to DIIRD";

document dated 30 July 2009, "Email from Exergen to DPI";

document dated 4 August 2009, "Internal email chain from DPI to DTF";

document dated 14 August 2009, "Internal DTF email";

document dated 17 August 2009, "DIIRD Ministerial Brief";

document dated 20 August 2009, "Presentation by Exergen to Minister Pakula";

document undated, "Presentation by Exergen";

document dated 3 September 2009, "Email from DSE to DPC";

document dated 7 September 2009, "Brief to Premier";

document dated 7 September 2009, "Internal DSE email";

document dated 9 September 2009, "Legal advice by external legal provider";

document undated, "List of questions for Exergen and DPI";

document dated 11 September 2009, "Internal DTF email";

document undated, "Draft questions prepared by DPC with annotations";

document dated 14 September 2009, "PPQ by DIIRD";

document dated 15 September 2009, "Email chain between DTF, DPI and DPC";

document undated, "Brief for Premier re meeting";

document dated 20 July 2009, "Email from DPI to DTF";

document dated 25 September 2009, "Draft Discussion Paper by DIIRD";

document dated 26 September 2009, "Brief from Energy and Resources to the Minister for Energy and Resources";

document dated 28 September 2009, "Letter to Exergen from Minister for Energy and Resources";

document dated 30 September 2009, "Email from DPI to DTF and other government representatives";

document dated 2 October 2009, "Letter from Exergen to Minister";

document dated 2 October 2009, "Emails between DPC and other government representatives";

document dated 2 October 2009, "Emails between DPC and other government representatives";

document dated 6 October 2009, "Emails from DTF to DPI and other government representatives";

document dated 8 October 2009, "Letter from Exergen to DPI, attaching responses to Minister's further questions";

document dated 8 October 2009, "Internal DSE email";

document dated 9 October 2009, "DPC brief to Premier";

document undated, "Draft answers by DPI to questions prepared by DPC";

document undated, "Further draft answers by DPI to questions prepared by DPC";

document dated 13 October 2009, "DSE internal email chain";

document dated 14 October 2009, "Draft PPQ by DIIRD";

document dated 14 October 2009, "Email chain between DSE and EPA"; and

document dated 9 November 2009, "Draft PPQ by DIIRD";

(l) Desalination plant gateway review documents —

report from gateway review team to Department of Sustainability and Environment, 'Gateway review 2 — business case' (23 May 2008); and

report from gateway review team to Department of Sustainability and Environment, 'Gateway review 3 — readiness for market' (23 May 2008);

(m) Reports commissioned by the Department of Human Services —

document listed as number 1, "Evaluation — quality of life outcomes following Kew Residential Services redevelopment";

document listed as number 2, "Respite provision for people with disability in southern metropolitan region";

document listed as number 3, "Respite provision for people with disability in Gippsland region"; and

document listed as number 4, "Development of a strategic plan for respite services".

(6) insists that the Leader of the Government, as the representative of the government in the Legislative Council, provide for assessment by the independent legal arbiter by 12 noon on Wednesday, 8 September 2010 —

(a) the documents demanded by the resolution of the Council of 12 August 2009 seeking documents surrounding lobbying and lobbyists and meetings for the desalination plant tender and demanded also in subsequent resolutions and referred to in correspondence from the Attorney-General tabled on 8 June 2010;

(b) the documents demanded by the resolution of the Council of 24 March 2010 relating to the review completed by Dr Mike Vertigan into the Victorian Funds Management Corporation payment of bonuses to executives and referred to in correspondence from the Attorney-General tabled on 8 June 2010; and

(c) the documents demanded by the resolution of the Council of 25 November 2009 and subsequently on 25 February 2010 and 5 May 2010 relating to the spending of public moneys by public hospitals and health services and rejects the government's view that it does not have these documents;

(7) requires the Clerk, upon receipt of the documents, to —

(a) provide all documents on which the government claims executive privilege to the independent legal arbiter for assessment; and

(b) notify all members of the Council of the receipt of the documents, or if no documents are received by 4.00 p.m. on Wednesday, 8 September 2010, to

notify all members that no documents have been received; and

(8) suspends the Leader of the Government from the service of the Council from 3.00 p.m. on Tuesday, 14 September 2010, until 12 noon on Wednesday, 15 September 2010, if he fails to comply fully with this order and lodge with the Clerk all the documents contained and reiterated in this order for arbitration by the independent legal arbiter, provided that if the documents are subsequently lodged with the Clerk at any time during the period of suspension, the suspension will immediately cease to have effect.

Mr SOMYUREK (South Eastern Metropolitan) — The matter and the motion before the house are very important, because they go to the heart of the way our Westminster system of parliamentary democracy functions or ought to function. The opposition claims the Legislative Council has the power to require the production of documents. The government concedes that this is correct and acknowledges that under section 19(1) of the Constitution Act 1975 the powers of each house of the Victorian Parliament are equal to those of the House of Commons as at 21 July 1855. However, the government is of the opinion that in the case before us today there are three applicable exceptions that justify the non-production of these documents.

I will not go through all the three, but one of those exceptions is the convention of executive privilege. Executive privilege and the convention of cabinet in confidence are important concepts in the governance of today's complex globalised world, where increasingly mobile businesses are courted by governments competing with other governments both in the rest of the country and in other parts of the world. The government contends that the undermining of the conventions of executive privilege and cabinet in confidence will precipitate a collapse of confidence among the business community in the ability of the government to protect sensitive commercial information of business, thereby adversely impacting on the governance of the state.

It is not only government-business relations that may suffer as a result of the erosion of executive privilege. The government contends that the ability of the government to receive frank and fearless advice may also be undermined through the lowering of the standard of advice given to government.

In concluding, I reiterate that the matter before the house is an important one worthy of consideration, considerable investigation and sensible debate going forward. The right balance needs to be struck between the house's legitimate power to scrutinise the executive and the responsibility the executive has to ensure that sensitive documents are protected and that the interests of the state are not compromised. The opposition needs to engage in this discussion in goodwill and free of political posturing. The mouthing of high principles of accountability and transparency whilst engaging in a stunt to suspend a democratically elected member is not acting in goodwill.

Hon. M. P. PAKULA (Minister for Public Transport) — My remarks will be brief. I will reflect very broadly the comments of Mr Somyurek, comments made by Mr Viney in this debate and comments made by me in similar debates over the last few years. For those reasons I do not think I need to speak for very long.

On numerous occasions I have indicated that it is my view that this house should only suspend a democratically elected member of this Parliament in cases of the utmost seriousness. That case has not been made out. It has not been made out on this occasion and it has not been made out on previous occasions when the opposition has sought to suspend the Leader of the Government. It is important to reiterate that the electors of the Southern Metropolitan Region elected the Leader of the Government to serve in this place on their behalf, and what the opposition seeks to do in this motion and has done previously is to effectively subvert the democratic will of the people of Victoria by changing the numbers in this chamber on the basis of a bare majority of votes.

I do not think I need to indicate to the house at any great length my arguments against that. I have done that previously. I have done it consistently in this place. The practice of the opposition, in effectively ignoring the nature and notion of executive privilege which has been properly claimed by the government in this regard and on previous occasions, is an unfortunate one. I will be interested to hear in his summing up whether Mr Davis is prepared to undertake — —

Mr D. Davis — We've given that commitment already.

Hon. M. P. PAKULA — I want to hear if the Leader of the Opposition is prepared to give that undertaking in the Parliament, but even so — —

Mr D. Davis — Your argument is gone.

Hon. M. P. PAKULA — If Mr Davis will let me finish, I will say that even so, as I have indicated on numerous occasions previously, the suspension of a member should be something reserved for the most serious cases. To take a member of the government,

particularly the Leader of the Government in the Legislative Council, out of Parliament, not just for any sitting week but for the final sitting week of Parliament, is something that should only be done where the most serious offence has been established by the house rather than being done by the opposition on a bare majority of votes that it is able to pull together to exercise what is nothing more than a political tactic in the lead-up to an election.

Ms LOVELL (Northern Victoria) — These amendments to the motion will allow the documents to be presented on the Wednesday of the week before the final sitting week. I move:

1. In paragraph (5), omit "8 September 2010" and insert "22 September 2010".

2. In paragraph (6), omit "8 September 2010" and insert "22 September 2010".

3. In paragraph (7)(b), omit "8 September 2010" and insert "22 September 2010".

4. In paragraph (8), omit "3.00 p.m. on Tuesday, 14 September 2010 until 12 noon on Wednesday, 15 September 2010' and insert '2.00 p.m. on Tuesday, 5 October 2010 until 12 noon on Wednesday, 6 October 2010".

Mr VINEY (Eastern Victoria) *(By leave)* — The government will not oppose the proposed amendments. I just want to make it clear that obviously we will oppose the amended motion, but we recognise that these amendments are a mechanical necessity as a result of the debate on this matter not having been completed in the previous sitting week. However, as Minister Pakula said, the amended motion proposes suspending the Leader of the Government in the final sitting week of this Parliament. That is a very serious matter that ought to be reconsidered by the opposition. We will not oppose the amendments, but we will still oppose the amended motion.

Ms TIERNEY (Western Victoria) — It is Wednesday in the Victorian Parliament, and again we have the situation that continues to be played out time and again on Wednesdays during opposition business, when the opposition is hell-bent on determining that the primary role of the Legislative Council is to provide documents. On this occasion this issue has taken up a considerable number of hours. In the last sitting week, the debate on the motion started prior to question time, continued all afternoon until 6.00 p.m. and then went late into the evening. We are debating it again today, and as I understand it the speaking list is certainly not exhausted.

As we have heard from previous government speakers, this government is not at all opposed to receiving requests for documents. This government considers all requests, and in that consideration the legal advice that we have about executive privilege is taken into account. Where appropriate, documents have been, are and will be provided. Numerous examples of this have been provided time and again during this debate and previous debates similar to this one. Yet when it does not fulfil each and every request this government is accused of behaving in an improper manner and of being arrogant. The opposition creates an illusion that the government is not behaving properly and that the government is deliberately not disclosing information. The opposite is true. The government has presented an enormous amount of documentation, as was outlined by Mr Viney at the beginning of the debate just after 2 p.m. on Wednesday of the last sitting week.

The simple fact is that when the opposition does not get what it wants or its own way it simply determines that it will use its numbers in an attempt to toss the Leader of the Government out of the Legislative Council. Where is the adjudicator now, when the true level of arrogant behaviour is being played out before us in the very nature of the motion before us this afternoon? This is a very sorry state of affairs, particularly given that the person who is the primary subject of this motion is held in very high regard by all in this chamber. Minister Lenders is a member for Southern Metropolitan Region, the Treasurer of this state, the Leader of the Government in the Legislative Council and also the Minister for Financial Services. He is considered by many to be beyond reproach. He adheres to proper processes and is wedded to ensuring that good governance permeates all levels of decision making and government.

I again request, as I have in similar debates, that we move on. Let us reject this motion that does not meet any reality check except the one that allows ordinary voters to develop increased cynicism about the parliamentary process. We should move on and get some substantive work done in this chamber. Given that we continue to have these kinds of motions before the house, it is obviously incumbent upon government members to defend their leader, who is being subject to ridiculous behaviour by the opposition.

I believe I am on particularly safe ground when I say that the vast majority of constituents in Western Victoria Region would be appalled by what goes on in this house on Wednesdays, and in particular with this obsession with documentation, wasting time and attempting to throw the Leader of the Government out

of the chamber. I implore the house to vote against this ridiculous motion.

Ms BROAD (Northern Victoria) — I also wish to contribute to the debate on this motion and to indicate that I believe that members should reject this motion. The Leader of the Government has advised the Council on numerous occasions that he is committed to honouring his responsibilities as a member of the executive government as well as those he has as a member of the Legislative Council. He is continuing to endeavour to meet both those sets of responsibilities. As a member of the executive government he is not able to step outside that role and, as a result, he is not able to comply with the request for documents set out in this motion. He is not able to provide the documents because of the responsibilities he has as a member of the executive.

I also wish to indicate to the Council that I find it quite extraordinary that a matter that traditionally would be dealt with as a matter of privilege — excluding a member of this house who has been elected by Victorians to sit in the Council — should occur by a simple majority vote of whomever happens to have a majority in this chamber from time to time. The proposition before us is that a simple majority should be able at any time, simply by virtue of the fact that a group of members come together, to exclude a member of the Council who has been elected by Victorians to take their place in this Council. It flies in the face of hundreds of years of tradition.

This clearly should be dealt with as a matter of privilege if members of this Council truly believe a course of action should be taken against any member to bring about their exclusion from the house. That is very clear to anyone who wants to study the way matters of privilege have been considered and dealt with by parliaments under the Westminster system not only in Victoria but also around the world.

On both of those grounds, I reject the motion. Firstly, the Leader of the Government has shown a willingness and a commitment to meet his responsibilities to this Parliament as a member of the executive government. Secondly, this matter should be dealt with as a matter of privilege and not by a simple majority vote of members of this chamber, which is clearly open to abuse by whatever group may have a majority in this chamber from time to time. If a majority of the chamber chooses to exclude members simply on the basis of a majority vote, then who knows where that will end in terms of future abuses of power by a majority to exclude properly elected members of this Council. For both of those reasons I urge members to reject the motion.

Ms PULFORD (Western Victoria) — I also wish to speak in opposition to Mr David Davis's motion, which seeks, among other things, to throw the Leader of the Government, Mr Lenders, out of the chamber. There is an election looming in 73 days and everyone is getting pretty excited and edgy, but to deny the people of the Southern Metropolitan Region, who elected John Lenders to this place, the right to have him represent them is an incredibly punitive action and certainly one I will be opposing on this occasion.

Mr Davis's motion is 16 pages long and recaps the opposition's document discovery strategy, which has been a feature of Wednesdays in this place for quite some time. Mr Drum said as I was getting to my feet, 'Make it quick; give it a wind-up' because we have been discussing this for a long time. The reason we are debating this motion today and the reason Ms Lovell had to move amendments to it is that debate on this matter was not concluded last sitting week. Without those amendments we would be retrospectively applying the punishment to Mr Lenders.

I know that in the debate last sitting week some government members were accused of filibustering, but this is a long motion. It canvasses documents across an incredibly wide-ranging series of topics. There have been such debates previously as the opposition has sought to use its position of having a majority when combined with the members on the crossbenches in this place when it has been unhappy with access to documents that are commercial in confidence or cabinet in confidence.

The previous speakers have had a little to say about executive privilege, and it is an important role for the Parliament to provide an appropriate level of scrutiny to executive government, but that said, executive government has a responsibility to make decisions and it needs to do that with frank discussions and comprehensive consideration of all the available information so that the best decisions can be made to serve the people of Victoria, whom we are all sent here to represent. Unfortunately this is not the case with Mr Davis's 16-page motion, which details many documents. We have had debates in this place where documents about matters subject to live tenders have been requested, and again the opposition has expressed with its numbers its dismay at not being able to examine those sensitive processes.

The subjects of this motion, as Ms Hartland said, are incredibly wide ranging and canvass matters of water infrastructure, renewable energy, feed-in tariffs, the carbon pollution reduction scheme — which was about to happen and then did not happen and then was about

to happen again, and of course we have had a federal election since then and there was a great deal of focus on whether we will or will not have a price on carbon in this country — extending clearway times, electric cars, alpine resorts, the desalination plant project, licences for gaming tables, government advertising, which we have already had a debate about today, and the export of brown coal. The list goes on and on; indeed this is pretty much a reflection of newspaper articles over the last couple of years. Basically the opposition has come in here time and again on Wednesdays and sought to debate documents rather than debating policies.

I recall that when Mr O'Donohue made his contribution in the last sitting week he talked about what matters to the people, and I would suggest that on Wednesdays when the opposition parties have the opportunity to set the subject for the day it would be a good opportunity for us to have a debate about ideas and policy rather than just lists of documents generated by newspaper articles from the preceding week. I know that when Mr Elasmar, who is the Acting President on this occasion, made his contribution to the debate he spoke with great passion about the lost opportunity to talk about the things that really matter to Victorians, as so often happens on Wednesdays.

Here I am, well into the second Wednesday of this debate, finally having my opportunity to have a say on this. I know Mr Drum would like me to wrap it up, and we have been accused of stretching it out and carrying on. What I would say to that is that this is a motion that seeks to suspend a democratically elected member of this place, and indeed the most senior member of the government in this place, from the house in the week that immediately precedes the state election. If this is not a dodgy stunt, I do not know what is.

This government has set great standards in terms of accountability and transparency. When this government was elected in 1999 decency in government was a key issue. This government has restored the powers of the Auditor-General and has reformed the freedom of information legislation. We have a constant conversation with the Victorian community through a comprehensive and regular program of community cabinet meetings; that has been going for many years. Not so many weeks ago the Victorian government was consulting with communities that have been affected by the bushfires, and it was rubbished by the opposition for engaging in that consultation. In the time since we commenced this debate the government has been out talking to communities that have been affected by the recent floods.

Frankly it is outrageous that members of the opposition — members who served when Jeff Kennett was the Premier — can come in here and lecture people like John Lenders, who has been a champion of reforms to this chamber, about openness, accountability and transparency in government. The Leader of the Government in this place is a great keeper of the traditions of this Parliament and is respected by members of this chamber, as previous speakers have said. In answer to opposition members asking why we have stretched this debate out a bit long and why we all had to speak, I say that we have all felt a strong desire to speak on this because it is a serious thing to throw out of the Parliament, simply because there is an election in 73 days, a decent person who has been democratically elected by the people of Southern Metropolitan Region. I will be opposing this motion.

Mr LENDERS (Treasurer) — I too will be opposing this motion. In one sense it gives me a sense of deja vu, because for the last four years we seem to have been repeating this debate again and again. As Ms Pulford said, though, this is a particularly serious motion and one which the government takes issue with because it believes that in the end this is not a serious response from those opposite.

Let us go back to where this started. Mr Philip Davis first brought in this motion, or one like it, back in 2007 after the infamous meeting of the non-government parties in which they made their arrangements to do this and quite slavishly copied a plan from New South Wales that has not changed. It is a plan from New South Wales based on the constitution of the state of New South Wales, a system which has a different constitution to Victoria and which bases itself more on common law. There were the court cases of *Egan v. Chadwick & Ors* and *Egan v. Willis*. The grand plan of Philip Davis was introduced and has been slavishly rolled out again and again, and the current Leader of the Opposition has not varied that. He just continues to go forward with it.

The fundamental underpinning of this motion absolutely ignores section 19 of the Victorian constitution. I must admit I am amazed and disappointed, in a sense, that those opposite repeatedly operate on the assumption that if they assert that this chamber has authority, it must have. They assert it again and again, they repeat it to themselves, they mouth it and go through the platitudes and continue to say that because 21 people out of 40 assert something to be the case, it is the case. I suggest to those opposite that they should read sections 19(1) and (2) of the constitution, the document that governs how we operate, before they slavishly follow the set plan which

Philip Davis brought down from New South Wales and which was played out in *Egan v. Chadwick & Ors* and *Egan v. Willis*, cases of another state.

If you think through the proposition whereby 21 members of a body say by self-appointment that they have authority that is not in the constitution, it is perverse. Imagine what would happen if the Victorian cabinet asserted that because it is a body recognised under the constitution, it could get documents from the Legislative Council or from the Liberal Party, The Nationals, the Democratic Labor Party or the Greens. Imagine how aghast those opposite would be. Imagine if the Legislative Assembly were to assert that it has authority because it says so, and because 55 out of 88 people say so that somehow or other is a justification for what those opposite seem to do.

In fairness to Mr Kavanagh, who I am branding with the same brush as the others, he has had the decency in this debate to say that if you are going to boot a person out of the chamber — forget the fact that 110 000 people voted for that person — he will only vote for it if it is agreed to pair, which is in the interests of proportionality. It is interesting to note that only when Mr Kavanagh has insisted on that have the opposition or the Greens grudgingly agreed to pair.

When my colleague Mr Viney in this debate, and others in previous debates, said, 'If you want to make a point, do not distort proportionality', you could not drag it out of Mr David Davis or any others from the Liberals, The Nationals or the Greens — it was like pulling teeth — that they would conceptually agree to a pairing. It was only when Mr Kavanagh got to his feet and made it absolutely clear that the only way he would vote for the motion was if there was a pair that Mr Dalla-Riva agreed to it in this debate, and in the last debate David Davis grudgingly agreed to the same thing.

It is interesting that 20 of the 21 members opposite have no qualms at all about using their numbers to disenfranchise others by just ruthlessly using the numbers. If it were not for the tempering by Mr Kavanagh of this debate, they would — flick — throw people out. They have asserted that they have the authority to do so, and they reinforce it by chanting to each other that they have that authority.

It has been quite interesting to watch how this debate has gone. Following the reforms of this house, the majority of members of the house of review rightly said, 'Let us look at how we can change some of the procedures that are around'. That is a legitimate aspiration for this chamber. On numerous occasions the chamber has required documents from the government, and the government has responded methodically to each and every request. The Attorney-General, on behalf of the government, has responded to each and every request with a measured response, saying, 'This group of documents meets the test of executive privilege', 'This group of documents is either commercial in confidence, subject to legal professional privilege or cabinet in confidence' or for the various other tests of executive privilege, 'These documents do not meet the test'.

The opposition ignores that. Its members get up and like a child having a tantrum say, 'We asked for it; give it to us. If you don't, we will take someone out and deal with them'. Of course, the irony of all this is that as the State Law and Order Restoration Council military junta in Burma — and this is why it amazes me that Ms Pennicuik votes for the motion — would have done, members opposite single out someone who holds responsibility for the actions of others and deals with that person. Opposition members do not even graciously acknowledge in any form that the government has responded to the requests for most of these documents and brought them in; just like a child having a tantrum and jumping up and down, they say, 'We asked for this; give it to us. If not, we are going to take someone out'.

If we look through the motion, we see that the opposition wants to appoint an independent arbiter. One has not been appointed, but assuming the Legislative Council appoints one, we should think through what it means. Going back to my earlier point, the Council will be a body that reaches over and demands something on the basis that it has majority support, but it has no foundation under the constitution or the common law as it is defined in Victoria under section 19(2) of our state constitution. It will just assert that it has the authority, and then the opposition will say, 'Because it is independent thinking, the body will appoint an arbiter to decide whether it is legitimate'. Again using my earlier analogy, it is as if the executive government or the Legislative Assembly were to say, 'We demand certain actions from the Legislative Council or from any other body, and because we have demanded them, we will appoint someone who we say is the independent arbiter to test it'. It is a nonsense argument that would not stand up in a court of law in a test of natural justice. It is one that a mob of people with the numbers assert and move forward with.

There has been long debate on this motion, which contains requests for 17 lots of documents and which the executive government has responded to. In the four years of this 56th Parliament, on 17 occasions the executive government has responded to the Council,

producing documents that did not breach legal professional privilege, were not commercial in confidence and did not breach cabinet privilege. There is not a skerrick of acknowledgement or recognition of that from the opposition; there is just the normal bullying tactics from the opposition — and I use the word 'bullying' deliberately. They say, 'We have got the numbers and we have the might. We are going to insist on it'.

We have gone through this many times. In coming to the end of my contribution, I will draw a couple of conclusions. What a farce this is. The opposition is saying, 'This issue is of such importance that we are going to expel a minister'. However, like the schoolyard bully it says, 'We will expel you from this time. We want to ask you questions, and as soon as we have finished asking questions we will expel you. Then we will call you back to ask you some more questions'. It really is like the schoolyard bully saying, 'Don't cross this line or I will do something'. It is pathetic; that is the only description for it. If opposition members are talking about accountability, they will say, 'We will do the good bits, and we will boot you out for the other bits'. What I say to the house is: thank goodness for Mr Kavanagh. Among the 21 members opposite, he is the one who has some measure of proportionality.

Periodically David Davis gets up in this house, as do most of his acolytes. They get up and carry on about front-line services that need to be delivered by the government in Victoria. If there is one item, such as my colleague Mr Pakula having expenses of $100, the opposition gets incredibly excited. Opposition members come in here day after day requesting thousands of documents involving thousands of hours of public sector time, which could be spent in delivering front-line services. Mr Dalla-Riva asks 7000 questions on notice and David Davis gets excited by his word processor and asks for hundreds of documents, and day after day public servants are called from the front line to process the documents. Then, of course, the opposition carries on endlessly about not enough front-line services being provided. The worst offenders in the state of Victoria are David Davis and Richard Dalla-Riva, who spend hundreds of hours of public sector time that could be put into front-line services. In the Department of Health it could be nurses and in the Department of Justice it could be police. Day after day the opposition asks for documents and then comes into this place and sanctimoniously complains that there are too many public servants, that the public sector is too big and that we are not putting resources into front-line services.

The opposition should have a good look at the 17 lots of documents and at the unstructured nature of the documents they seek which involve departments turning themselves inside out because David Davis has a whim. If the executive government considers it, looks through the documents and there is a measured response from the Attorney-General, those opposite have a little tanty and say, 'We are going to boot someone out of the Parliament'. Forget the fact that 110 000 people voted for that person, and forget the fact that we have proportional representation. The opposition says, 'We have the numbers and we are going to knock out someone because we can'. If it were not for Mr Kavanagh, this bullying would go without hindrance or remorse.

I oppose the motion. I support front-line resources in the Department of Health going to engaging nurses and not to indulging Mr Davis's whims. I support front-line services in the Department of Justice going to police and not to indulging Mr Davis's whims. I support front-line services in the Department of Education and Early Childhood Development going into teaching and not to indulging Mr Davis's whims. And I support front-line resources in the Department of Transport going to moving passengers and making the system safer rather than to indulging Mr Davis's whims and to dealing with this list of documents. I support the house addressing legislation and operating as a measured house of review and paying regard to the constitution of Victoria rather than to indulging the whims of Mr Davis, because he is erroneously carrying out a flawed procedure of Mr Philip Davis which was inherited from New South Wales, which has never been adjusted and which ignores section 19 of the Victorian constitution.

Mr D. DAVIS (Southern Metropolitan) — This has been a very long and exhausting debate running over several weeks. In the last sitting week we had a long period of filibustering from the government. If we put that to one side and focus on the substance of the issues — —

Honourable members interjecting.

Mr D. DAVIS — Let us put that to one side. This is a serious motion, a grave motion, and it goes to the very heart of this government and its accountability. This is a government that in opposition in the 1990s talked at length about transparency, openness and accountability. In its case nothing could be further from the truth. This is a government of secrecy and cover-ups, a government that will not provide information to Victorians. In relation to the series of documents

motions, most of them have been dealt with in detail by this chamber over a long period of time.

The substance of many of these issues has been dealt with in this chamber before. It should not be thought that the government has been generous with the chamber on these points. There has been a series of motions on important issues, whether they be the carbon pollution reduction scheme, the matters surrounding clearways, ministerial briefings on transport matters — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! I ask members on my right to refrain from interjecting.

Mr D. DAVIS — Whether they be matters of transport briefings held in secret by this government, matters that concern carbon trading institutes and government bureaucrats or a series of meetings on matters surrounding the desalination plant — we know about that plant and about the links there — nothing has been provided by this government.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! I know emotions are running high at the moment, particularly among members on my right, but I ask them for a little self-restraint as we attempt to bring this debate to a conclusion, and I ask members to show a degree of decorum as this debate concludes.

Mr D. DAVIS — There are matters that deal with government advertising programs, including the Working Victoria and Shine advertisements. Those advertisements and the details of them have not been provided to the chamber in the way they should have been.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! Interjecting is disorderly, and defying the Chair is very disorderly. I ask Minister Madden in particular to come to order.

Mr D. DAVIS — The opposition has been very generous in the way it assessed these documents. We have not sought to pursue any document that was clearly a cabinet document. But there is no way that documents that are ministerial briefings, documents that are simple, straightforward bureaucratic documents and documents on freeways that have been exchanged between the Department of Transport and other departments should be regarded as secret documents that ought not be made available to the chamber. This government has persistently refused to release those documents.

In conclusion I want to take the chamber briefly through a number of documents that fall into a very specific class. These are the ones the government has persistently refused to provide any detailed advice about.

Mr Lenders interjected.

Mr D. DAVIS — One of them relates to Mr Vertigan and his report. Under the documents order the Treasurer and the Leader of the Government ought to have provided to the chamber the documents the motion sought around — —

Mr Lenders interjected.

Mr D. DAVIS — I have got to say that Mr Vertigan's report should not be secret. The Treasurer may well pay these bonuses, but let me tell the Treasurer, through the Chair, that those documents should not be secret. I also draw the chamber's attention to the documents surrounding the Auditor-General's report from late last year that dealt with investment by public hospitals and the measures and controls put in place by their audit committees to prevent the waste of public money. These are the audit committee minutes this government says it does not have access to. That is patently guff and a nonsense. I have to say the government is covering up because those audit committee minutes are embarrassing.

When it comes to the desalination plant documents, why will the government not provide the details of meetings with lobbyists and others surrounding the desal plant? I want to put on the record some key points. The Treasurer said the chamber has no right to these documents. It is very clear that the privileges of the chamber and thereby the community extend to these documents. Bret Walker in his legal opinion made it very clear that those documents — —

Mr Lenders — He is a goose!

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Lenders!

Mr D. DAVIS — Let it be recorded that the Treasurer thinks Bret Walker, SC, is a goose.

The ACTING PRESIDENT (**Mr Finn**) — I have some recollection that the President on a previous occasion declared that the word 'goose' is unparliamentary. I ask members to refrain from using

such a dreadful, unparliamentary term during the course of this debate.

Mr D. DAVIS — All I have to say to the Treasurer's flippant but foolish interjection is that if it is a question of who is the feathered bird, I would put my money on the Treasurer rather than Bret Walker. In constitutional law Bret Walker knows a great deal more than the Treasurer, who is silly to reflect on him — —

Mr Lenders interjected.

Mr D. DAVIS — He is a very serious and sensible constitutional lawyer. He has great knowledge. It was Mr Viney who sought the opinion, and the President got the opinion from this eminent Senior Counsel who happens to have a lot of knowledge, through the Egan case in New South Wales, so I want to put to one side the Treasurer's silly ideas that the chamber does not have the constitutional authority under the laws of this state to obtain these documents. It is simply the Treasurer's obstruction.

Under sessional order 21 the chamber has tried to create a fair and reasonable process. This motion seeks to employ an arbiter. I want to put on the record that I will not look at these documents. They will be left to the clerks and the arbiter to adjudicate on.

Mr Lenders — Is that independent?

Mr D. DAVIS — I trust the arbiter. In New South Wales the system works quite well. Tony Street is the arbiter in New South Wales, and he is a person of great — —

Honourable members interjecting.

Mr D. DAVIS — I have got to say I do not believe anyone I have yet met has impugned the integrity of somebody like Tony Street. If you do not believe that — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! It would be very helpful to the house and particularly to the Chair if we could cease the conversation across the chamber. Fair is fair; I am very happy to have a bit of healthy to and fro, but I think we are getting a little bit carried away just at the moment. I ask members, as I did before, to show a little bit of restraint as we attempt to get to a vote on this motion.

Mr D. DAVIS — I will attempt not to be provoked, but I do think that impugning the integrity of Tony Street is a very strange defence tactic by the government. I think it is a desperate tactic. I have to say that it is quite possible to find an independent arbiter who is able to make decisions, document by document, in line with the law of the state.

The motion sets up a mechanism and requests as a final step that the Leader of the Government provide the documents by 22 September, on the amended motion. I note Ms Lovell's amendments. That is a fair mechanism. The government has already examined these documents. The government has made a decision that these documents will not be released. It has actually tabulated them in most cases. Bar those three important cases that I have drawn attention to — which are the desalination plant, about which the government has completely refused to provide any documents, the Burdekin report from the Victorian Funds Management Corporation, on which the Treasurer has simply refused to provide documents relating to his own portfolio area — —

Mr Viney interjected.

Mr D. DAVIS — That is not thousands of pages — that is one document that he could provide. The third case is the minutes from those hospital committees that lost tens of millions of dollars in CDO (collateralised debt obligation) investments around the state. That is public money that the scrutiny of this chamber could have prevented the loss of — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order!

Mr D. DAVIS — The Treasurer said that public services would be cut because of the need to provide documents. Let me explain: tens of millions of dollars of Victorian taxpayers money was lost through bad investment decisions by public hospitals and others which invested in CDOs, and according to the Auditor-General their controls were not up to scratch, so we seek information about that. I think that is perfectly reasonable. The government's response is, 'We don't have the minutes of these statutory authority finance and audit committees'. I do not believe it. I think the government has told an untruth in this response.

Mr Drum — I say it's a lie.

Mr D. DAVIS — You say that; I'm trying to be parliamentary here. What I do say about that is it is simply untenable.

As I have said, the opposition would be very pleased to pair Mr Lenders to make sure that if he is not in the

chamber, there is no tactical advantage achieved by the opposition. This is not about achieving tactical advantage; this is simply about indicating the chamber's displeasure with the Leader of the Government for his behaviour in failing to provide documents. He has had very clear indications from the chamber — very clear motions have been moved on a number of occasions — and he has still failed to provide these documents.

The other point the Treasurer sought to make was that in some way we did try to achieve tactical advantage. That is simply untrue; we are not seeking that. We are seeking a fair and clear outcome. I have made the commitment that we will not look at the documents. We have had some bizarre speeches in here over the last few days on this matter, but I think it is clear that the government is not being transparent, it is not being accountable. It is a government of secrecy, it is a government of cover up, and it is a government, in relation to a number of these documents, of untruths. For that reason the mechanism here is that we seek a final opportunity for the Treasurer to provide these documents to an independent arbiter appointed by the President and the clerks.

I look forward to a sensible response from the Treasurer. I hope that he provides the documents by the set time and that the chamber and the Victorian community have the opportunity to see many of these important documents. If he does not provide the documents, there will obviously be a response by the chamber, but this is a point that has been arrived at slowly and he has been given many opportunities. Do not let it be said that the Treasurer is being treated unfairly simply because he is the Leader of the Government. A number of these matters are squarely within the Treasurer's portfolio, and in those areas he himself has been the obstructive person. I have to say this is a sensible motion, it is a motion we have arrived at slowly, and I seek the chamber's support for it.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr David Davis has moved a motion concerning the production of certain documents for assessment by an independent legal arbiter and other associated matters. Ms Lovell has moved a number of amendments to the motion to alter certain dates.

Amendments agreed to.

House divided on amended motion:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs (*Teller*)
Dalla-Riva, Mr	Lovell, Ms (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms (*Teller*)	Murphy, Mr
Eideh, Mr	Pakula, Mr
Elasmar, Mr	Pulford, Ms
Huppert, Ms	Scheffer, Mr (*Teller*)
Jennings, Mr	Smith, Mr
Leane, Mr	Somyurek, Mr
Lenders, Mr	Tee, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

Drum, Mr	Darveniza, Ms

Amended motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE: CHAIR

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

> That in accordance with standing order 18.03, this house requests the Legislative Assembly to grant leave to Mr Robert Stensholt, MP, to appear before the bar of the Council at 10.30 a.m. on Wednesday, 6 October 2010, to answer questions and to explain the circumstances surrounding his role and management of the Legislative Council references to the Public Accounts and Estimates Committee relating to the Public Finance and Accountability Bill 2009.

This is an important motion. It is a motion for which we seek the support of the chamber. It is a very important motion because the Public Finance and Accountability Bill clearly has an impact on the independence of the Auditor-General and the Ombudsman. We are very concerned about the behaviour of Mr Stensholt, the member for Burwood in the Assembly and chair of the Public Accounts and Estimates Committee, in that committee's hearings. I am explaining this step-wise so that the chamber understands fully what our concerns are and why we seek to take this course.

The house initially referred the bill to the Public Accounts and Estimates Committee with a clear understanding that it would be fully looked at in a swift way. It was not our intention to hold up the bill as such, but it was our intention to get a more adequate understanding of what the bill would do in certain areas and to have the committee fully investigate its impacts on a number of people, including the Auditor-General. The chair of that committee appears — and I want to be very clear here — not to have discharged his duty as chair in a way that would have provided a proper

chairing and allowed the matters to be dealt with fully and in the way they should have been.

This is quite a serious matter, and it is obviously impossible for members of the chamber to form a view without having been present at a number of those committee meetings. It is obviously impossible for the chamber to form a definitive position in light of the fact that most members of the chamber were not present on those occasions.

There have been significant media reports and reports have come back from individual committee members as to what occurred at the Public Accounts and Estimates Committee. A report came back to this chamber. It was a very brief report. The report, in my view, was not up to scratch, and as I understand it, the view of most of the non-government members of that committee was that the report was not up to scratch.

The chamber, through a motion, sent the bill back to the committee with a clear indication that it wanted the Auditor-General called, and the committee was forced to do that. The committee — I think for Mr Stensholt it was under sufferance — had the Auditor-General appear, and the transcript of that hearing makes extraordinary reading. It is clear that this bill, the Public Finance and Accountability Bill, would nobble the Auditor-General. Mr Stensholt was one of the Labor Party members elected in 1999 on the back of concerns about the independence of the Auditor-General. He spoke long and loud at the time but appears to have deserted those principles in working with the government to nobble the Auditor-General.

This is a very serious matter: the government is pushing forward with this bill, with the matters that impact on independent officers. Specifically, according to the reports, in the committee Mr Stensholt sought to frustrate the desire of the Legislative Council to have a full accounting of these matters. It is for this reason that under this standing order we move that Mr Stensholt appear before the bar of the Legislative Council. This is an opportunity for him to explain and set the record straight. If the reports and the understanding that has developed in the community are not correct, he will be in a position to explain to the chamber precisely what occurred, precisely why he refused the Auditor-General's initial appearance and why he appears to have this difficult communication issue with the Auditor-General.

I put on the public record some of the media reports that impact directly on these matters. I start with an article that appeared in the *Age* of Tuesday, 14 September, written by Paul Austin, which says:

> The Ombudsman … has joined the Auditor-General in demanding Mr Brumby change the legislation because it could —

be used by cabinet ministers to cut away at their independence. The article continues:

> In a blunt two-page letter to Mr Brumby, dated August 27 … obtained by the *Age*, Auditor-General Des Pearson says the Public Finance and Accountability Bill would 'undermine the role and independence of the office of Auditor-General as it provides the basis for intervention in the operations of an independent accountability official'.
>
> 'This is a threshold issue —

I am quoting from this article because this is quite important —

> which needs to be addressed satisfactorily if the integrity of the accountability system is not to be further eroded,' Mr Pearson tells the Premier …
>
> 'I believe there needs to be an explicit legislative exemption provided in the primary legislation to confirm the continuing independence of the audit function' …
>
> Acting Ombudsman John Taylor has also written to Mr Brumby, saying he shares the Auditor-General's concerns and warning that the bill could significantly erode the Ombudsman's independence.
>
> In a similar letter to Parliament's Public Accounts and Estimates Committee … Mr Taylor says the possible uses by ministers of new powers in the bill is 'anathema' to the independence of the Auditor-General and the Ombudsman 'as they can be used a means of undermining that independence'.

Mr Stensholt has clearly been involved in what on the surface appears to be a cover-up. Clearly he has sought not to pay full heed to the views of these important independent officers. Clearly he has not sought to give full play to the reference to the Public Accounts and Estimates Committee that the Legislative Council sent on two occasions, and that is a great concern. The community would be concerned to think that a member of Parliament was prepared to frustrate a reference that had been sent to that committee by the upper house.

The Public Accounts and Estimates Committee is one of the most important committees of this Parliament. It is a committee that cuts across both chambers; it is a joint-house committee, and it has the role of holding the government and ministers to account on finances. It also has a role of working with the Auditor-General to help set his work program. He is independent, but the committee has the opportunity to make suggestions, to put forward points and to undertake periodic audits of his office. The Auditor-General is free of interference from ministers or bureaucrats. He is able to set his own course. He is able to investigate as he sees fit in

conjunction with discussions with the Public Accounts and Estimates Committee, and he is able to set his own course to scrutinise activities across the public sector.

What is concerning here is that somebody in a position like that of Mr Stensholt would seek to frustrate the will of the chamber and breach what is a special duty and a special responsibility as chair of the Public Accounts and Estimates Committee. On the reports in the public domain, on all appearances, he has sought to frustrate the will of the chamber, to breach the trust placed in the Public Accounts and Estimates Committee and to breach the trust placed in his significant position as chair of that committee.

In my view Mr Stensholt should come and explain this. If there is a reasonable explanation, Mr Stensholt should give it and the community would have its concerns assuaged. But if there is not a reasonable explanation and if, as it appears on the surface, Mr Stensholt has sought to work with the government in a cover-up to block proper process here and proper examination of the bill that the chamber has sought, and to work with the government to set in process a chain of events that would lead to the nobbling of the Auditor-General and the Ombudsman — a diminishing of the independence of those important officers — that is scandalous.

The member for Burwood needs to explain. This motion is an important motion that is not taken lightly, and the opposition is aware of its significance. Having said that, it is important the chamber takes a stand on this and that it stands up for democracy, for the Auditor-General and for the Ombudsman. We need to make it clear that we are not going to tolerate these outrageous attacks and outrageous steps to nobble or diminish the independence of the Auditor-General.

This is a practical step to get to the bottom of what has occurred and to put the issue out into the light of day. It will allow Mr Stensholt to come clean and tell us what he has not done, what he has done and why he has done it. I have some concern about the process, but I want to hear from Mr Stensholt directly about the steps that he took and why he took them. For that reason under this standing order we seek the support of the Legislative Assembly in giving Mr Stensholt leave to appear and to explain.

Ms PENNICUIK (Southern Metropolitan) — This looks like a fairly straightforward motion, but it has a lot of history and complexity behind it. The government has not helped itself with its ineptitude, clumsiness or mismanagement of the Public Finance and Accountability Bill, which has been the subject of two references from this chamber to the Public Accounts and Estimates Committee. The bill languished in the lower house for a long time. There were certain sporadic conversations between the government and the opposition, and on occasions with Mr Barber, who had carriage of the bill on behalf of the Greens. Everything went silent until all of a sudden the bill went through the guillotine and appeared before this house.

The government was notified of problems with and gaps in the bill, and for that reason the Council agreed to refer the bill to the Public Accounts and Estimates Committee. As Mr Davis has said, PAEC is an important committee and has often been described by members of the government as the pre-eminent committee of the Parliament. Certainly PAEC has that role, and the work it does is very important, as is the bill that was sent to it, which is about reporting on the expenditure of public finances and the budget that is prepared every year. That bill is about reporting the state's finances to the Parliament and the people of Victoria, so it is very important.

The fact there were some gaps in the bill was a cause of concern. To send it back to PAEC, which had completed the original report that led to the bill, was the right thing to do. I agree that PAEC is an important committee; however, my experience is that because that committee has a majority of government members, including the chair, it can be very partisan at times. Government members, including the chair, were partisan and obstructive with regard to the reference from the Council on this bill. It is not clear to me why the government embarked on that approach.

I do not want to repeat everything that we said during the tabling of the reports, but I did not support the first report. I was concerned that government members had used their numbers on the committee to prevent the Auditor-General from appearing before the committee to give us his considered view about possible gaps in the bill or possible problems with the bill.

At that time all that happened was a private briefing with the Department of Treasury and Finance, which was enlightening to a certain extent but raised more questions, so we were not able to support the report. The report came back very quickly, and the Council, rightly, sent another reference to the committee instructing the committee to invite the Auditor-General to appear before it. I said in the debate then that the minister should have been invited as well so that we could have gotten to the bottom of the bill and asked the minister questions, but that did not happen.

However, it was enlightening to have the Auditor-General there, and people who have read the report would have noted his remarks. His main concern with the bill is that it potentially undermines his independence and the independence of other independent officers of the Parliament, and I agree with that. That is an issue the Greens and others had been raising for a while, and in his evidence to the committee the Auditor-General confirmed that was an issue.

It is of concern that the government has tried to obstruct at every point any open, transparent and consultative way to fix this bill. I have had some conversations with government members. I have made it clear to them that I am happy to support any measures they want to bring forward to protect the independence of the independent officers of Parliament, but so far the government has said nothing about that. In the process we have now had the Auditor-General writing to the committee and to the Premier, and the matter has been covered in the newspapers, so I have to say it really is the government's mismanagement that has led to this situation. It has been completely unnecessary, because all government members had to do was sit down with us and work things through.

I proposed that we all sit around a table to work out the few problems with the bill and to come to some arrangement on how the problems could be fixed so that the bill could be passed and we could have a new regime for the reporting of public finances. However, we are still in some sort of a holding pattern. That could be a pun, albeit an unintentional pun. We are in a holding pattern on that bill because the minister does not want to come to the table. He has spoken to me — I will give him that much — and I have told him what I think, but still nothing is happening. That is the issue before us.

There also appears to be an issue about remarks the chair of the committee may have made in the lower house on 1 September when he spoke after the report was tabled. Perhaps his comments were not entirely reflective of the way I would have read what has happened. I have looked over what the Auditor-General said, what was in the minority report of the coalition members of the committee and at what Mr Stensholt said. On my reading of it — and I do not want to add fuel to the fire — perhaps the chair made a slight mistake in what he said. If that is so, I think he should clarify that. I am not sure that that requires the chair of the committee to be requested to come to the bar of the Council. However, I am open to being persuaded.

I am concerned about the more substantive issue, which is the difficulty that we had in the committee in opening up the bill to proper scrutiny by the committee and proper examination in concert with the stakeholders who were crucial to the matter — being the Auditor-General the minister and the government members, including the chair, who were very obstructive about that. Therefore on that substantive matter I could be persuaded to support the motion.

The motion requests the chair to come to the bar of the Council and explain himself, which is all it can do, but it is an important matter when what is called the prime committee of the Parliament that deals with public finances and is controlled by the government receives a reference from the Council about a very important issue. Government committee members became very partisan rather than taking the approach, 'Okay, there seems to be an issue here with this important bill. As the committee let us do what we can to flush out those issues and even come up with some recommendations as to how those issues should be fixed'. That is how the committee should have operated.

This is a government-controlled committee that has a government chair and it is looking at the government's budget and appropriation. As I have said many times in this chamber, as has my colleague Mr Barber, that is the fundamental problem we have. In this case I really do not believe the behaviour of government members of the committee, including that of the chair, was helpful. It has left us with unresolved issues regarding the public finance bill.

I will listen to what the government member of the committee in this chamber has to say and what other members have to say. I anticipate that we will send our request, and I presume that the chair will deny the request and probably not attend the Council. However, the point perhaps needs to be made that it is of concern that the Council had to go to the lengths of passing another resolution because what was requested by the non-government members of the committee with regard to hearing witnesses on the bill and trying to get to the bottom of the issues was thwarted and obstacles were put in our way at every turn. I would have to say that at the moment I am open to being persuaded to support the motion.

Ms HUPPERT (Southern Metropolitan) — I rise to make a few comments in opposition to Mr David Davis's motion. We have a theme running through some of the things we have been debating in this place this afternoon, and that is the theme of stunts. We had a stunt earlier this afternoon when the house passed a motion to suspend the Leader of the Government, and we have another stunt now as this house debates a motion which calls the chair of a joint investigatory

committee to appear before the Legislative Council to discuss the operations of that committee.

This motion has a lengthy history, which has been outlined by Ms Pennicuik. It arose after an inquiry held by the Public Accounts and Estimates Committee, which followed a referral from the Council on 27 July. That was a fairly simple referral: that the contents of the bill be referred to the Public Accounts and Estimates Committee for consideration and reported on by 31 August 2010. The committee met, as it is supposed to do in accordance with its establishing legislation, in private.

There is a reason joint investigatory committees meet in private: so that there can be a free and frank discussion about the inquiry the committee members are dealing with. This is one of the cornerstones of what we do here. It allows free and frank discussion of the evidence put before a committee — discussion of the reference it receives. This motion is seeking to overturn that principle.

The committee met and, acting in accordance with its establishing legislation, the Parliamentary Committees Act, resolved to take a particular approach, which is set out on page 7 of the initial report tabled in Parliament. Before that approach was agreed to the committee had looked at how the bill had been dealt with in both the Legislative Assembly and Legislative Council. It had looked at the matters that had been raised during the second-reading debate and decided that the best way to approach the matter was to call certain people to a private briefing to be asked questions about the bill. The committee made a decision in accordance with the provisions of its establishing legislation. It acted on that decision, and a report was tabled setting out the evidence received during those private hearings.

Subsequently there was a further reference to the Public Accounts and Estimates Committee. In that case the committee was required to invite the Auditor-General to appear. The Auditor-General was invited and further evidence was taken. That evidence has been tabled in the Parliament and is available for all members to take into consideration during the second-reading debate and when the bill is considered by a committee of the whole.

In our system we have a means of considering legislation set out for us. There is provision for debate about the legislation, there is provision for members of the house to ask questions about the legislation during the committee stage and there is provision for members of this house to propose amendments during the committee stage. I am not here today to speak about the merits or otherwise of the Public Finance and Accountability Bill, I am not here to speak about the merits or otherwise of different interpretations of the bill as currently drafted which have been put by independent officers of Parliament and I am not here to comment on the evidence given to us in a public hearing.

The point I wish to make is twofold. Firstly, there is a process for considering the bill in which all members of the house have the opportunity to ask questions of the minister representing the Minister for Finance, WorkCover and the Transport Accident Commission and to put forward amendments for debate.

Secondly, there is a format for conducting meetings of the Public Accounts and Estimates Committee, as there is a format for conducting meetings of all joint investigatory committees, which is set out in legislation. That format provides for private meetings which are confidential. To ask the chair of that committee to come before the Council to discuss the manner in which such meetings have been held is not helpful.

The minutes of the meetings relating to the adoption of the reports are attached to the reports, and it is quite easy to see the approach that was taken from those minutes. I am sure members of this house are able to make their minds up from reading the minutes and some of the motions that were moved by various members of that committee from both sides of the Legislative Assembly and the Legislative Council and to form a view about who was most helpful. This is not the place to debate the merits or otherwise of the reports or the bill. I ask all members to vote against what is another stunt in the house today.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased to make a contribution to the debate on the motion before the chamber, which states:

> That in accordance with standing order 18.03, this house requests the Legislative Assembly to grant leave to Mr Robert Stensholt, MP, to appear before the bar of the Council at 10.30 a.m. on Wednesday, 6 October 2010, to answer questions and to explain the circumstances surrounding his role and management of the Legislative Council references to the Public Accounts and Estimates Committee relating to the Public Finance and Accountability Bill 2009.

I read the motion because it was very clear from the contribution by the Labor member Ms Huppert, who talked about process, that there was a process that brought into question how the referrals by this chamber to PAEC (Public Accounts and Estimates Committee) were dealt with. Obviously I will not go into the details of the communications within the committee, but it is

important to note that even according to Ms Huppert's contribution there was a long drawn-out process that really ignored what this chamber had requested of the committee. The chamber, as Ms Huppert correctly pointed out, referred the matter on 27 July, when the following motion was moved and agreed to:

> That the contents of this bill —

being the Public Finance and Accountability Bill 2009 —

> be referred to the Public Accounts and Estimates Committee for consideration and report by 31 August 2010.

In that process, as was indicated by Ms Huppert, there were some private meetings. On 10 August 2010 PAEC tabled its report, to which we attached a minority report. In that minority report we raised — again, this is on the public record and I am exposing nothing about deliberations of the committee — the fact that the coalition was very concerned about the lack of involvement of the Auditor-General. Ms Pennicuik made reference to this in her contribution. We have to follow the process of the events that occurred and the reasons for this motion. This is not about the bill, it is about the process. Reading from the motion again, it is about the management of the role as chair by Mr Stensholt, the member for Burwood in the other place.

Whilst the report was tabled in the Assembly on 10 August and in this chamber on 11 August, there were documents omitted that should have been provided. In fact there were documents that should have been provided by the Department of Treasury and Finance. If you look at the second report, which was tabled in Parliament and is on the public record, you will see the documents we sought as part of that private briefing were submitted to Mr Stensholt on 9 August, the day before the first report was tabled. It draws the question why, if the chair had received the documents from the Department of Treasury and Finance on Monday, 9 August, he proceeded to table the report in the Assembly on 10 August and allow it to be tabled in this house on 11 August. There are issues there.

On 13 August we came back into this chamber and agreed to the following motion:

> That the contents of this bill —

being the Public Finance and Accountability Bill 2009 —

> be again referred to the Public Accounts and Estimates Committee for consideration and report by 31 August 2010 and that the committee be required to invite the Auditor-General to give evidence to the committee on the contents of the bill.

We had to come back to this chamber and re-debate the issue, and we had to ensure that we were specific about who ought to be invited to PAEC. As part of that process we moved forward. The Public Accounts and Estimates Committee report on that second request by the Council was tabled in this Parliament in August 2010 and is entitled *Report on the Public Finance and Accountability Bill 2009 — Further Considerations*. I note that there is no date on the report; it just says 'August 2010'. I would have to think back to when it was tabled.

On page 7 of the report at chapter 1.2 it says:

> The committee originally did not seek a briefing from the Auditor-General. Five members of the committee voted against this approach and voted in favour of the Auditor-General being invited to meet with the committee.

Again, I will not go into the deliberations of the committee, but if members were to read the first report that was tabled on 10 August in the Legislative Assembly and on 11 August in this chamber, they would infer that that was the reason for the minority report. We wanted to make it very clear that we had sought to have the Auditor-General give evidence. That was the reason for the second reference, which was then referred to. On 24 August there were then two separate public hearings, one with the Auditor-General and another with the Secretary of the Department of Treasury and Finance.

We are now in this detailed, laborious process of trying to extract information. As Ms Pennicuik correctly pointed out, the Public Finance and Accountability Bill had been sitting on the notice paper in the other place, debate was guillotined, it was brought in here and sat around for a while and then all of a sudden there were some moves.

I suggest that, as has been put to me, this is not about what legislation is good for Victoria or for agencies. It would appear that there is an internal tussle between the Minister for Finance, WorkCover and the Transport Accident Commission and the Treasurer. That is where the issues fundamentally lie and why the bill has come in and gone out and then come in and out again, and why there appears to be an ad hoc, clunky approach to the way things are being dealt with.

The clunkiness continued. We then went through the process of the public hearings on 24 August. Page 2 of the *Hansard* report of that hearing with Mr Pearson is worth noting. I have referenced this before. Mr Pearson said:

> It is certainly a pleasure to have this opportunity to appear before the committee. I would like to make a range of comments, to start with some introductory and context comments and then focus directly on the bill in an introductory sense.
>
> I have to record that I was surprised that we were not called prior to finalising the 11 August report. On our reading of the report, it is not evident that the information that we provided to the committee was taken into account. More so, we were particularly disappointed that in the report there was a report of a long outstanding reply from VAGO —

the Victoria Auditor-General's Office —

> and this issue was not pursued. It appears yet again a comment reflecting adversely on the office has been accepted without testing and nor has procedural fairness been afforded, so I do record that disappointment.

These were fairly strong words from the Auditor-General, clearly showing his disappointment with the committee in its deliberations in the initial report. What we see, unfortunately, is that the Auditor-General has become embroiled in something. We do not know what happened but we do know that there was an article on page 3 of the *Age* of Friday, 10 September, titled 'Auditor-General in legislation tussle with Labor'.

It covers the concerns raised in correspondence that appears to have been provided to the *Age*. It is about the chair of the committee, Mr Stensholt, saying some concerns were expressed and that the Auditor-General said they denied him natural justice. Quoting from the *Age*:

> … Mr Pearson indicates his concerns relate to the bill and says Mr Stensholt 'is clearly mistaken'.
>
> 'I did not express those sentiments at all, or use any words to that effect,' he writes.
>
> 'I can confirm that nothing in the minority report has upset me and there is nothing which causes me to conclude that the minority report denied me natural justice.'

Why would he make those comments? On 1 September the member for Burwood in the other place, the chairman of the committee, was making a statement on the report. In the final paragraph, as recorded on page 3430 of *Hansard*, he said:

> What the member for Scoresby said about the Auditor-General is hollow, because he voted during the time of the Kennett government to nobble the Auditor-General.

This is the important bit:

> The Auditor-General was most upset in his evidence recently not because of the report by the committee but because of the minority report which he said denied him natural justice.

In fact if members review what the Auditor-General was quoted in the *Age* as saying, they will see Mr Stensholt was clearly mistaken, which is in contrast to what Mr Stensholt accused the Auditor-General of in Parliament. If members follow the process of what occurred, which I have outlined in the last 11 minutes, they will see that there has been what you would class as some level of systematic approach and management of the references from this chamber that require an explanation to be made to this house. We are not getting that explanation provided in a clear and logical way. On that basis it is important that we as a chamber send a message clearly to those chairs or other persons that where they are misrepresenting or mismanaging their role, they will be brought to account. On that basis, I urge members to support the motion.

Ms HARTLAND (Western Metropolitan) — I will speak very briefly. The Greens have listened quite intently to the debate and Ms Pennicuik has outlined our concerns, and she has done that very well, having been a member of the Public Accounts and Estimates Committee. She has outlined the problems with the operation of the committee, especially the process followed on the Public Finance and Accountability Bill, as referred to the committee by the house. This has had to be done twice due to the obstruction of the government members of the committee. However, the Greens believe that calling a person to the bar of the Council should be reserved for the most serious of matters, and therefore we will not be supporting this motion.

Mr KAVANAGH (Western Victoria) — It seems to me that the passage of this motion would not call anyone to the bar, but merely request the Legislative Assembly to grant leave for that person to appear before the bar, and I cannot see why we should not do that.

Mr D. DAVIS (Southern Metropolitan) — As has been correctly pointed out, this is a serious motion. Through this process we have sought explanations from the chair of the Public Accounts and Estimates Committee. I am concerned that he has sought to subvert the will of the Council and the references that have been sent. If that is not the case, it is open to him to explain these matters.

We certainly are keen to have that explanation, to protect the Auditor-General and the Ombudsman in every way, and to send a very clear signal that the chamber will not tolerate a process whereby our legitimate references are subverted through the actions of the committee chair. If that is not the case, Mr Stensholt could come and explain that matter.

House divided on motion:

Ayes, 17

Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D. (*Teller*)	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr (*Teller*)	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Kavanagh, Mr	

Noes, 21

Barber, Mr	Murphy, Mr
Broad, Ms	Pakula, Mr (*Teller*)
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr (*Teller*)	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Pair

Atkinson, Mr	Darveniza, Ms

Motion negatived.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Treasurer) on motion of Mr Jennings.

ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. P. PAKULA (Minister for Public Transport) on motion of Mr Jennings.

FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Jennings.

CONFISCATION AMENDMENT BILL

Second reading

Debate resumed from 14 September; motion of Hon. M. P. PAKULA (Minister for Public Transport).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to this important debate. Asset confiscation laws are important. They send a clear message that crime does not pay. They are an important deterrent to crime, because they attack the profit motive that drives crime. They make sure that any gains obtained from criminal activities are returned to the community either through victims generally or through the funding of other measures. The bill builds on a regime that is in place currently. It is a regime that has been successful. The bill makes sure that regime is improved by expanding the scope and the application of Victoria's asset contribution scheme, but also by improving the information powers that are currently available.

In terms of the expansion of the scope and application of the regime, perhaps the clearest example is in relation to fisheries, where currently the asset confiscation powers, whether by way of automatic or civil forfeiture, can only be applied where there is an offence to the value of $50 000 or, where there are multiple offences, the threshold is $75 000. The current thresholds cause operational difficulties because it is difficult to establish the market value of fish, particularly where the fish are illegally caught and particularly where the fish are not necessarily available for sale because the catching of the fish is illegal. There are difficulties in establishing the value, and because of those difficulties there are opportunities for offenders to avoid the penalties provided for in the legislation. The bill changes the regime and provides for penalties based on the quantity rather than the value of the fish involved.

In terms of money laundering, the bill simplifies the requirements currently in place. It does so by removing the requirement to demonstrate both an offence and money laundering. It is sufficient for there to be money laundering. Again, this acknowledges the seriousness of the offence of money laundering.

The bill empowers the courts to see through schemes that have been put in place to avoid obligations under the act. A court can declare a scheme or a transaction to

be void if it is satisfied that the purpose was to defeat the operation of the act. This will tackle the anti-avoidance schemes and respond to the increasingly sophisticated efforts of criminals to protect their property from confiscation. As the confiscation regime has become more successful we have seen criminal activity in avoidance measures become more sophisticated. The bill ensures that the courts have powers to see behind those schemes.

There are also changes in the collection of information, and they are twofold. Firstly, anyone who asserts a right to properties that are being confiscated — and this might be a spouse or a creditor — will have to provide information on the nature of that right. This then gives investigators an opportunity to assess the value of the asset they are in the process of seizing. There are also powers in relation to information that financial institutions, like banks, need to make available — for example, under the bill they may be required to provide information about bank accounts held, the securities that a bank may have over a property and also information on what is in a bank account.

These are important and significant changes, which build on the existing regime. This is an important contribution to our fight against crime, because it is an affront to allow criminals to profit from the proceeds of crime. Stolen goods — including goods obtained from money which has resulted from illegal activities — should be returned to the victim or to the community, and this bill seeks to achieve that. In doing so, it acts as a deterrent and, as I said, it improves the regime. It ensures that the law enforcement authorities can stay one step ahead of criminals, and in that sense I welcome it.

I turn briefly to the issues raised by Mr Rich-Phillips and Ms Pennicuik about what information is available, and their concerns about the information that is provided in terms of the value of goods seized. It is important to note that asset confiscation operations — the ACO, which is an agency within the Department of Justice — is the agency responsible for managing and disposing of assets which have been restrained and/or forfeited. It is that agency which collates information in terms of the value of assets. That information is then reported annually to Parliament. I should add that the ACO also reports annually to Parliament on the funds paid to victims, and that information is publicly available by way of annual report.

It is worth noting that the Office of Public Prosecutions Victoria also reports publicly on the value of confiscated assets, and that is contained in its annual report. Of course the OPP is independent of government. It is a statutory authority, and that should alleviate the concerns raised by Mr Rich-Phillips about the veracity of some of the information he has seen.

In terms of the amendments that Ms Pennicuik foreshadowed, which I think she has circulated, we will not be supporting them. I will consider them in some detail when we get to the committee stage. But I indicate that we think it is important that the bill, and the subsequent act, provides a deterrent. That is a core function and should be an object.

In terms of the proposal to identify and value each and every item that is seized, that is a very difficult proposition for us to deal with because of the voluminous nature of the material that is seized. It is a very broad proposal that Ms Pennicuik has put forward in her amendment, covering everything from stolen goods — which might include CDs and microwave ovens — through to goods which are held as proceeds of crime. There is a large volume of material which currently is often not valued because it is often returned to the victim or the person from whom it was taken. It might be that items are restrained but the police discontinue proceedings and they are handed back to the accused. It might be that they are restrained but ultimately the prosecution is unsuccessful and they are handed back to the accused. It is not possible for authorities to quantify the value.

There are a number of other technical amendments which I will go through in the committee stage of the bill.

Sitting suspended 6.27 p.m. until 8.03 p.m.

Mr VOGELS (Western Victoria) — I want to make a few comments on the Confiscation Amendment Bill. I want only to highlight the failure of this bill to correct the miscarriage of justice when it is obvious to everybody that property that has been confiscated should not have been.

I want to highlight where the confiscation regime started. It was originally introduced in Victoria in 1986 and updated in 1997. In 1997 the then Attorney-General, Jan Wade, stated in Parliament:

> Civil forfeiture is clearly targeted to large-scale drug traffickers: the procedure is available only when an offender is charged with trafficking in or cultivating commercial quantities of illegal drugs.

It is interesting that the current Attorney-General, Rob Hulls, said in Parliament in 2003:

> … the new —

automatic forfeiture —

> … provisions are intended to apply only to those people who are involved in the drug trade for profit reasons. There are unfortunately many people who are addicted to drugs, and who traffic in drugs simply to support their own addictions. Such people should not be subject to automatic forfeiture. Rather, for them the focus must be on rehabilitation. Such offenders may be eligible for a drug treatment order from the drug court, which was recently established by this government.

I think we have all mentioned this before, but we have had a fair bit of correspondence from Davies Moloney, the solicitors acting on behalf of Mr Robert Moloney. I want to give a brief history. Robert Moloney of Nirranda was charged with possession and trafficking approximately 50 kilograms of cannabis. The trafficking charge was almost immediately withdrawn. At the hearing of Mr Moloney's matter in the Warrnambool County Court and on the submission of the Director of Public Prosecutions (DPP), Judge Campton found that there was 'no evidence whatsoever of any commerciality in this matter'. Nevertheless, the Director of Public Prosecutions made an ex parte application to the County Court of Victoria and in an incorrectly sworn affidavit by Alexander Kenneth Harris stated that Mr Moloney had been charged with drug trafficking in excess of 50 kilograms of marijuana. There was no suggestion by the Director of Public Prosecutions that Mr Moloney's home was acquired pursuant to the proceeds of crime.

An order was then made ex parte against Mr Moloney, relying upon this affidavit, and shortly thereafter his property was administratively transferred into the name of the Attorney-General. On 8 September, last week, in the County Court, His Honour Judge Saccardo ordered the state of Victoria to pay Robert Moloney $320 000 along with costs of legal proceedings.

When I read about these court cases involving Robert Moloney it reminded me of the movie *The Castle* where, if I remember correctly, Darryl Kerrigan and Dennis Denuto defended the right to just terms of compensation. Here we have had two court cases in the County Court. The last one was last week, where the DPP and the Attorney-General were represented by two senior counsel, two junior counsel and solicitors from the DPP and the Victorian government solicitor. Mr Moloney was represented by lawyers seeking a just result. How can it be fair when you have the state with all its heavies against you? As I said, I think of the scene in *The Castle* when Bud Tingwell was at the High Court representing Darryl Kerrigan. This is serious stuff.

Robert Moloney has lived in his house in Mathesons Road, Nirranda, as long as I can remember. Everybody knows this house was never obtained by selling drugs, and it has been found in the County Court twice now that the government should never have seized Mr Moloney's property; yet there is no possibility under this legislation for the judge to say, 'Give the house back'. We have a ridiculous scenario where the judge has to say, 'We valued the house at about $320 000, so the state has to pay Mr Robert Moloney $320 000'; so in theory he can buy his own house back.

This has been going on for two years. The judge also said the state of Victoria should pay costs in the vicinity of $200 000. We have heard — I checked today, and this has not happened — that counsel for the DPP and the Attorney-General advise that they intend to appeal. If they do appeal, to their shame there will be another $300 000 or $400 000 worth of costs that someone is going to have to pick up. It will probably have to be the taxpayer, because Mr Moloney will not be able to pay it. But there is no appeal, and let us hope the state does not appeal.

I know the Greens, through Sue Pennicuik, tried to move an amendment which would take care of someone when their house, car or boat had been confiscated and it was proved that it should never have been. That would mean common sense could apply and they could say, 'We got it wrong. Here's your house' — or your boat or whatever they have seized — 'back'. I have been told by Ms Pennicuik that the amendment will not proceed because the parliamentary counsel could not work out how it could be done.

In this case, and I am sure this is not the only case where the Department of Justice or whoever charges these people has got it wrong, there should be some mechanism whereby if the government, the Department of Justice, the Director of Public Prosecutions or the police are wrong, you can go to a court and say, 'This should never have happened' and some common sense could apply.

Robert Moloney was found smoking drugs. He should not have done that, but we should deal with him in relation to that matter. If he is a drug addict, take it through the courts, put him in jail if necessary — I am not saying you should do that — but do not start taking people's houses away from them when two judges have now found it should never have happened. This person will be made homeless, and what will happen then? There will be a homeless person in his 50s who has not got a house to live in.

The last time I spoke to Robert Moloney he said, 'On my title it says that this house is now owned by the Attorney-General', and Robert being Robert said, 'When you next see him in Parliament will you tell him to come and cut his lawn; it needs cutting'. He has got a sense of humour, but I find it outrageous, and it is just not good enough. We should be able to do better than that so that when the state has got it wrong we can rectify the wrong. If something has been seized, it should be possible to have it restored.

Mr ELASMAR (Northern Metropolitan) — I rise to support the Confiscation Amendment Bill 2010. The purpose of the amendments in this bill is to continue to severely weaken organised crime in this state by instituting a more rigorous process of asset confiscation. I have spoken before to this house about the need to strengthen our message to the criminal world by seizing the proceeds of illegal activities within this state. The bill before the house will improve and further prescribe Victoria's asset confiscation laws. If we, through legislation, can remove the primary motive for organised crime, the acquisition of assets and money, then I say that this is a good thing for all decent Victorians and provides financial recognition for past victims of crime.

The main object of this bill is to hinder and impede criminal elements from getting started. We are justifiably proud of the success of Victoria's asset confiscation laws, but we must also be more vigilant in the application of this law, and we must seek to further disrupt illegal operations, especially as they pertain to drugs. The backyard manufacture of homemade smack, crack, ice and ecstasy pills is robbing our children of a future, and in some cases actually killing our young people. For this reason this bill amends the Confiscation Act 1997 to expand the scope and application of Victoria's asset confiscation scheme, improve existing information-gathering powers, improve a number of procedural matters relating to the asset confiscation scheme and streamline the operation of the civil forfeiture powers in the act.

The bill also makes the automatic and civil forfeiture powers available for any money-laundering offence that meets the relevant monetary threshold. Currently authorities must establish that the monetary threshold has been met and that the laundered funds relate to a serious criminal offence. This bill makes an amendment to proscribe money laundering as a serious crime in its own right, regardless of how this illicit money was made.

This bill extends the reach of asset confiscation laws and allows the state to strike at organised crime gangs before they can implement their criminal designs. In the past criminals were able to simply transfer their assets to their family members, thus eluding asset confiscation by the Crown. This bill will deny them the satisfaction of enjoying their ill-gotten gains and will in some small way compensate victims, who I am sure if given a choice would rather not be victims at all.

The bill inserts a general anti-avoidance power into the act. This will empower a court to declare a scheme or transaction to be void if satisfied that its purpose is to defeat the operation of the act. Cunning criminals rent properties to carry out their illegal operations thinking they have outwitted the confiscation laws. This bill has news for them. The court will have discretion to substitute an offender's lawfully acquired property for property that is 'tainted' by the offence but which is not available for forfeiture. These strengthened anti-avoidance powers will nullify the capacity of criminals to protect their properties from confiscation. The bill will enable a more efficient administration of Victoria's asset confiscation laws and make forfeiture easier to understand and apply.

In conclusion, this bill contains critical reforms that will not only make Victoria a better place to live but will make our community safer. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Clause 1 of the bill states that the purpose of the bill is:

> (a) to clarify and improve the operation of existing powers and processes in the Act;

From my point of view it appears that the bill goes further than that in that, with the inclusion of objectives, it aims to broaden the aims of the Confiscation Act. I ask the minister to comment on that.

Also, the Moloney case, which is before the courts, indicates there is an anomaly and a flaw in the act. Why has the government not looked at improving the act in respect of closing that gap?

Mr TEE (Eastern Metropolitan) — On a point of clarification in terms of the inconsistency that Ms Pennicuik sees between the purpose and the

objectives of the bill, I am not sure where that inconsistency is. In terms of the Moloney proceedings, I understand that those proceedings are still before the courts, and it would not be appropriate for us to comment on them until they are finalised.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Perhaps following on from Mr Tee's comments the Minister for Planning can explain an aspect of the bill to the committee. In circumstances where an order is made pursuant to this bill and the principal act, in the event that an order is made in error, what mechanism exists for such an order to be reversed? Perhaps I can elaborate on that question. In addition to asking what provision exists for an order to be reversed, can I also ask what provision exists for the confiscated property to be returned to the party from whom it was confiscated?

Hon. J. M. MADDEN (Minister for Planning) — I am informed there are a number of safeguards. Without going into details of anything before the courts at the moment, we do not believe there are any errors in the act, so we do not concede that there are any gaps in it. We believe that the act as discussed is sufficient. If Ms Pennicuik needs to know the details of safeguards, I am happy to try to elicit those for her.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The question did not go to whether there are errors in the act. It went to the question of an order being made in error — incorrectly — and property being seized where property should not have been seized. What mechanism exists for that property to be returned to the person from whom it was seized?

Hon. J. M. MADDEN (Minister for Planning) — I am informed there are appeal mechanisms that can be used in order to have those assets returned.

Ms PENNICUIK (Southern Metropolitan) — Further on that point, it appears that section 35 of the principal act provides that a person's property can be administratively seized ex parte. There seems to be no mechanism in the act whereby, if a seizure made under the section has been a mistake, there can be any redress. There is no administrative way for the property to be returned to the person. Why is the government not moving to improve the act, which is the purpose of the bill, by providing that if such an error is made, the person from whom property has been confiscated is not unfairly treated?

Hon. J. M. MADDEN (Minister for Planning) — There are a couple of things. Basically we are strengthening the act, and strengthening is also a clarifier. If Ms Pennicuik is making the assumption that an error has been made in any sense, I would not necessarily agree with her. Ms Pennicuik is assuming that an error can be made under this act. I do not necessarily agree with her.

Ms PENNICUIK (Southern Metropolitan) — My question also went to the fairness of the administrative seizure of property and the transfer of that property to the Attorney-General after 60 days in an ex parte way so that the issue does not even go back to the court for the court to decide automatically.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

The DEPUTY PRESIDENT — Order! In respect of clause 5, Ms Pennicuik has an amendment. She also has two other amendments, but my view is that her amendment 1 is a stand-alone amendment. I ask Ms Pennicuik to formally move that amendment, and if she wishes, to make any remarks in support of it.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 5, line 5, after "proceeds of" insert "certain".

This is a simple amendment. Where clause 5, inserting proposed section 3A, says:

> (a) to deprive persons of the proceeds of offences and of tainted property …

the amendment would insert the word 'certain' before 'offences and of tainted property'.

This goes to the point I made to the minister before when we were talking about the purposes of the bill. The government states that they improve and clarify the act, whereas I feel the three objects that have been inserted into the act serve to broaden the act. As introduced under the Kennett government I think in 1986, and as further amended in about 2003, the purpose of this regime has been to confiscate property that is clearly the proceeds of crime — that is, property that can be demonstrated to have been acquired through criminal activity. That is basically it in a nutshell. Further, the crimes involved are not just any crimes but are those mentioned in the schedule to the act.

This object that is being inserted into the principal act through this clause does not go to 'certain offences'; it goes to 'offences', which could mean any offences. Given that we already have demonstrated errors, notwithstanding what the minister might say, in the application of this regime, I do not feel that its

application should be broadened to any offence. It should be limited to the offences that are in the schedule to the act. If you look at the principal act and its purposes as they stand now, you will see that the phrase 'certain offences' is used throughout the purposes. For the sake of consistency we should continue to use the phrase 'certain offences', which means the offences in the schedule to the act. That is why I move this amendment.

Mr TEE (Eastern Metropolitan) — In a way the objects clause of the bill provides its overarching objectives, and you then read the bill in order to get the specific provisions. The question is really a technical drafting issue, and I think parliamentary counsel has drafted it in this way. Parliamentary counsel will have drafted it in a way that is consistent throughout the legislation, that being one of their objectives, but also in a way that is consistent with other legislation. I am therefore not sure we would be supporting this technical change without some justification. We would prefer to rely upon parliamentary counsel, whose role it is to provide consistency in drafting legislation — consistency throughout the bill but also consistency with other legislation. We do not want to second-guess parliamentary counsel. We do not think this is a change that is being proposed; it is really a technical drafting issue, and it is properly left in the hands of parliamentary counsel.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition takes some comfort in Mr Tee's view that this is a technical drafting issue and not of consequence to the bill. Given that, and given the argument Ms Pennicuik ran with regard to consistency with the schedule and with the stated objects this bill seeks to insert into the principal act, we are inclined to support this first amendment on the basis that it is of a technical nature and will ensure consistency between the schedule and the objects of the bill.

Committee divided on amendment:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Dalla-Riva, Mr (*Teller*)	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs (*Teller*)
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms	Murphy, Mr (*Teller*)
Eideh, Mr	Pakula, Mr
Elasmar, Mr	Pulford, Ms
Huppert, Ms	Scheffer, Mr
Jennings, Mr	Smith, Mr
Leane, Mr	Somyurek, Mr
Lenders, Mr	Tee, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr (*Teller*)

Pair

Coote, Mrs	Darveniza, Ms

Amendment agreed to.

The DEPUTY PRESIDENT — Order! We now proceed to amendment 2 proposed by Ms Pennicuik, and I indicate to the committee that I consider this amendment to be a test for her amendment 3.

Ms PENNICUIK (Southern Metropolitan) — I move:

2. Clause 5, lines 7 and 8, omit all words and expressions on these lines.

The amendment is to delete proposed section 3A(b) of the bill, which inserts a new object into the bill which — in keeping with what I have said previously — broadens the scope of the bill to very broad. Paragraph (b) of proposed section 3A says:

> to deter persons from engaging in criminal activity.

As I mentioned in my second-reading debate contribution, I am not at all against deterring people from engaging in criminal activity. We should deter people from engaging in criminal activity, but I think this object is really an object of the criminal justice system and not really an object of a bill or an object that should be put in every bill. Wanting to keep the bill, the act and the regime applying to certain criminal activity and certain offences, I feel that this proposed paragraph is not so much bad but unnecessary. It is a statement of the obvious and not really necessary, so that is why I am moving the amendment.

Mr TEE (Eastern Metropolitan) — We will be opposing this amendment. It is entirely appropriate to have deterrence of crime as an object. It sits very comfortably with the rest of the bill which sets out the mechanisms by which the bill deters crime. It is an overarching objective, and when you read through the bill that overarching objective works by making sure that crime does not pay — that is, that the proceeds of crime which motivate crime are not kept by the criminals.

It is not unusual in legislation to have this objective. It is consistent with Australian and international jurisdictions. The commonwealth Proceeds of Crime Act 2002 has deterring persons as an objective. It is an

important signal to the courts as to how they should interpret the act — that is, it is a signal to the courts that when they are considering the interpretation of the act deterring crime is a factor.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I take Ms Pennicuik's point that it is a statement of the obvious that criminal statutes should be about deterring people from engaging in criminal activity. Her view is that it is therefore redundant. Equally, it is our view that it is not inconsistent with the principal legislation or with the purposes of the bill. As such, we are happy for it to remain part of the objects of the Confiscation Amendment Bill and therefore will not support the amendment

Amendment negatived.

Amended clause agreed to; clauses 6 to 63 agreed to.

Clause 64

Ms PENNICUIK (Southern Metropolitan) — I move:

4. Clause 64, after line 16 insert —

'(2) In section 139A(1)(e) of the Principal Act, for "institutions." **substitute** "institutions; and".

(3) After section 139A(1)(e) of the Principal Act **insert** —

"(f) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by or on behalf of the Chief Commissioner of Police and the value of the property that is restrained in each case; and

(g) the number of forfeiture orders made under Division 1 of Part 3 on application by or on behalf of the Chief Commissioner of Police and the value of the property that is forfeited in each case.".

(4) After section 139A(2)(e) of the Principal Act **insert** —

"(ea) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the law enforcement agency and the value of the property that is restrained in each case; and

(eb) the number of forfeiture orders made under Division 1 of Part 3 on application by the law enforcement agency and the value of the property that is forfeited in each case; and".

(5) After section 139A(2) of the Principal Act **insert** —

"(2A) As soon as practicable after the end of each financial year, the DPP must submit a report to the Minister that includes the following information —

(a) the number of restraining orders and civil forfeiture restraining orders made in respect of property on application by the DPP and the value of the property that is restrained in each case; and

(b) the number of forfeiture orders made under Division 1 of Part 3 on application by the DPP and the value of the property that is forfeited in each case; and

(c) the number of forfeitures occurring under Division 2 of Part 3 and the value of the property that is forfeited in each case; and

(d) the number of civil forfeiture orders made under Division 2 of Part 4 and the value of the property that is forfeited in each case.".

(6) In section 139A(3) of the Principal Act, for "(1) and (2)" **substitute** "(1), (2) and (2A)".'.

Amendment 4 inserts five new subsections into clause 64 to amend section 139A of the principal act. The amendment improves the reporting provisions under the act such that there would be a duty of the Chief Commissioner of Police, where appropriate, or of the Director of Public Prosecutions or of another agency — such as Fisheries Victoria, for example — to report on the number of forfeiture orders, restraining orders or single forfeiture orders made under this act. This would allow the Parliament and the community to have a better idea of how the regime was working, rather than having a sum total or global figure put out by the government of the amount of proceeds of crime that have been confiscated in one year.

For example, Mr Tee directed us to the Director of Public Prosecutions where I found the figure that I already knew, which was $15.33 million. Mr Tee suggested in the second-reading debate that we do not need this amendment because we can already get the information from the Office of Public Prosecutions annual report. However, all we can get from that report is the figure of $15.33 million. My amendment will provide the Parliament and the community with the breakdown of the figure from the different agencies. That would be under orders and not, as Mr Tee said, a list of the number of CDs that were collected or anything; that would not be covered by this amendment.

Mr TEE (Eastern Metropolitan) — We are very concerned about the impact this amendment would have in terms of the diversion of resources and the cost of implementation. It is important that the amendment

picks up both the front end — that is, the initial restraining orders — which stops property being dealt with pending the finalisation of proceedings, and that it then picks up the back end. It needs to pick up that interlocutory stage where property is being seized, so that the courts can hear the matter properly and make a final determination. I will come back to some of the details in that.

In that first stage property which is restrained and seized may be stolen goods or it might be in the other category — that is, property which has been bought as a result of criminal activity, from the proceeds of crime. Vast categories of offences are being picked up and they relate to a number of jurisdictions. They include, for example, the Magistrates Court, but also the other courts.

We oppose the amendment because it is administratively burdensome. We think it will require hundreds and thousands of property items to be valued, and that is what it says, 'in each case'.

Mr Barber — So where does the $15 million come from?

Mr TEE — I will tell Mr Barber where the $15 million comes from. I will make a note to talk to him about the $15 million.

Sometimes the orders that are made are broad. Sometimes the courts say to an individual, 'You cannot dispose of and you are restrained from disposing of your house and contents pending a resolution of the matter'. That might take a week, a month or a bit longer and in the meantime the nature of the orders might change. What we are then being asked to do in those circumstances is to go through someone's house and value their CDs, TVs, microwaves, fridges, knives and forks, clothing, jewellery, bikes, cars — all the contents of their homes, including each of their kids' clothes — —

Mr Barber interjected.

Mr TEE — They are not necessarily proceeds of crime. This is at the early stage. At the late stage you have a different equation — and we might come back to that — but at this early stage all we are doing is saying, 'You cannot dispose of anything while we make an assessment'. Then you might find that the goods are returned to their owners. In the ordinary course of events they would not be valued. If they are stolen goods they might be returned to their owners. They might be destroyed if they are things like bongs and other drug paraphernalia, which the amendment is asking us to also find the cost of. It might be that the police or the prosecutor decide not to proceed with the case, in which case the restraining order is lifted. It might not get to the final order, in which case it might not be — —

Ms Pennicuik interjected.

Mr TEE — Yes, you might reach the situation where it does not get to the end stage because the police decide not to continue with the prosecution, or when it comes to the final stage a final order is not made because the prosecution is unsuccessful. In all those cases this amendment requires police to go in and determine the value of those goods. There is no reference in the amendment to whether that is the value as new, the value you will get if you are going to have them sold or the value that is the public information. This comes back to the $15 million. It comes from the price that is ultimately realised for those goods that have gone through the process and have then been disposed of and sold.

Through her amendment Ms Pennicuik wants to front-load that and start it at the first stage, even though as I said it might be that the property is ultimately not kept. That is a significant issue with the amendment and it would involve a significant cost that a number of authorities will be asked to bear. At the moment two authorities, the asset confiscation people and another authority, are doing that. The amendment proposes expanding that so that other authorities, including the Director of Public Prosecutions (DPP), fisheries, asset confiscation and Victoria Police, would also have to do this work. This amendment proposes expanding it so four or five bureaucracies do this work. Our first issue is the amount of work. Our second issue of concern is how you value stuff which is restrained and ultimately destroyed — that is, the drugs, the bongs and other stuff for which there is no licit market.

There are also a number of conceptual and technical flaws if you look through the amendment — for example, new section 139A in the amendment requires the DPP to report on the value of property. Any forfeited property is not vested in the DPP; it is vested in the Attorney-General or Victoria Police. The DPP is not involved in these matters; the DPP's office does not own the property and does not sell the property. The amendment requires the DPP's office to take responsibility for something it has no control over and for which it has no legal responsibility.

The other concern we have is proposed new section 139A(1)(f), which requires the Chief Commissioner of Police to report on the number of civil forfeiture restraining orders made on his or her

application. Again, the Chief Commissioner of Police has no power to make these applications.

The other aspect of concern we have with the amendment is that it will provide a grossly misleading impression, because it picks up some forfeiture orders but not all of them. It does not ask for a report on civil forfeiture orders and it does not ask for a report on automatic forfeiture orders under division 2 of part 3. These have been omitted, so it picks up some orders but not all orders. There is also no requirement for a report on pecuniary penalty orders. Even if you have asked the police to go through and identify, calculate and get the value of goods, at the end of it you are asking them to report on only some of the orders that are ultimately made and not all of them. There is no explanation of why the value of some of the items will be released but not the value of other items that are taken under this process.

We are very concerned about what this amendment proposes because of the cost, the duplication and the diversion of resources that are inherent in it. We do not think it will provide any clarity of the issues. We are very concerned about this amendment.

Ms PENNICUIK (Southern Metropolitan) — I suppose the first remark to make is that obviously Mr Tee does not have as much faith in parliamentary counsel as he was previously professing — because obviously parliamentary counsel have prepared this amendment!

Mr Tee interjected.

Ms PENNICUIK — At some stage Mr Tee said he would go to the $15.33 million that is reported in the Office of Public Prosecutions annual report. Where does that figure come from? If a property is being restrained and forfeited, surely records are being kept of that. You would not think property was being restrained, forfeited and confiscated with no record of it. Is it an added administrative burden to keep a record of something which, I would have thought, would already have been recorded?

The DEPUTY PRESIDENT — Order! Mr Tee is nothing if not flexible.

Mr TEE (Eastern Metropolitan) — Indeed! The $15 million is the end product where stolen goods are either not returned to their owner or are retained as part of the proceeds of crime. They are then disposed of, usually by way of auction, and it is that end product value that is the $15 million. In terms of parliamentary counsel, I think it did a sensational job with the amendments.

Hon. J. M. Madden — Given its brief.

Mr TEE — Given its brief. It has provided some of the outcomes that might arise out of court proceedings. However, not all those outcomes or bundles of goods and proceedings are captured, but I do not think that is a matter for parliamentary counsel. Again I need to get clarification in terms of the detail about the recording of possessions that are covered by some of these restraining orders. It is one thing to have a broad restraining order so that a person cannot dispose of their assets. That might be a short-term restraining order while the courts take days, weeks or months to consider the merits of prosecution; it is just a holding position so that nothing is done pending the courts giving some consideration to the merits of the case. It is another thing to go through and have these items individually valued, which is what is being asked in this amendment.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — As indicated in the second-reading debate, the coalition has concerns about the lack of information that is available with respect to the current asset confiscation regime, and in particular the fact that when there are large-scale confiscation activities you will see a press release by the Attorney-General nominating that property to the value of X million dollars has been seized and there is a photo opportunity and all the rest of it, but subsequently nothing further is heard until an entirely different obscure figure appears in an annual report such as that which Ms Pennicuik referred to earlier. We have concerns about the lack of information that is available about the current confiscation regime, and accordingly have some sympathy for the amendment that Ms Pennicuik has moved.

I have listened with interest to Mr Tee's assessment of the perceived inadequacies of the amendment, particularly with respect to the cost of carrying out the requirements and whether the correct parties have been identified as the parties to present this information pursuant to this amendment. Having looked at section 139A of the principal act, I note that the parties that are identified throughout Ms Pennicuik's amendment — the Chief Commissioner of Police, the Director of Public Prosecutions, the law enforcement agency et cetera — are consistent with the structure of the existing section 139A.

If Mr Tee submits with respect to the proposed insertion of section 139A(1)(f) that the chief commissioner is not responsible for the applicant making an application or applications are not made on the chief commissioner's behalf, then there would be

nothing to report and no problem would arise. If we take at face value what Mr Tee is saying — that the chief commissioner does not have that responsibility and applications are not made in his name — then accordingly no information would be reported under this provision.

Going to the more substantive issue that Mr Tee raised with respect to cost and the need to value individual items — and I would be interested to get further feedback from Ms Pennicuik on this particular point — my reading of Ms Pennicuik's amendment is that it would require a report to be made with respect to individual orders that are made, not with respect to individual items of property that may be covered by a single order. To take Mr Tee's example of property and its contents, if that is covered by one order, that would be one matter that would be reported rather than the individual items of property contained within the property or within the household goods in the property. Accordingly, on a similar basis I assume the intent of the amendment would be that a single figure in terms of value would be disclosed with respect to each order.

Just as a person valuing their personal effects for the purposes of insurance or other purposes does not go around and value individual pieces of clothing or individual pieces of cutlery, I do not expect it is Ms Pennicuik's intention — and it certainly would not be our intention in supporting this amendment — that the chief commissioner be required to value cutlery and individual items of clothing when ascertaining the value of goods that are the subject of orders.

Mr Tee — So how would you do it?

Mr RICH-PHILLIPS — To take up Mr Tee's interjection about how it would be done, I would submit — and it is up to Ms Pennicuik to confirm her intention — that, as with the way people value their household contents for the purposes of insurance, a reasonable estimate be made. I do not expect anyone in this Parliament who has ever submitted an estimate of the value of their household contents has gone around valuing individual items of cutlery in order to obtain an estimate of the value. It would not be our expectation, and I assume it would not be this chamber's expectation, that the chief commissioner, if he were required to report under this provision, would do that either. It would be the same basis, a reasonable basis, on which estimates of value of property are made, but I would welcome the expansion of Ms Pennicuik's intention with respect to this provision.

Ms PENNICUIK (Southern Metropolitan) — I think Mr Rich-Phillips has explained my intention. I did have some conversations with parliamentary counsel about the structure of this particular amendment, and as Mr Rich-Phillips pointed out, it does follow the section in the act as to the responsible parties in terms of restraining orders and forfeiture. It is probably my assumption that a reasonable estimate is made of these properties. We have talked here about a property being a household, but it could be a boat or a vehicle or anything.

The purpose of the amendment is to ensure that we do not just get a global figure, which is all we get at the moment, but that we get some idea of what the regime is actually achieving in terms of confiscation and the objects and the purposes of the act, rather than just at the end of the day a global figure, as Mr Rich-Phillips says. We get a media release which says, 'This was seized', and at the end of the day we just get the global figure and have no idea what it is made up of. My question is: if this is not the way to do it, how is the Parliament to find out the information, which is more than just a global figure?

Mr TEE (Eastern Metropolitan) — I would like to pick up on a couple of the points made by Mr Rich-Phillips. The first one is an absolutely absurd proposition that the Director of Public Prosecutions and the Chief Commissioner of Police, who have no interest in the holding and disposing of a property, or the obtaining of it, under this provision are required to assess the value of that property. What Mr Rich-Phillips is saying is that because they have identified the wrong entity the provision will not work. Because the Chief Commissioner of Police does not bring these applications it will never happen, but he still wants to leave it in even though it is not a theoretical possibility. It seems that either the provision works, in which case we consider its merits, or it does not work, and this one does not work, because it is the wrong entity that has been described, in which case we should not entertain it.

In terms of the value of the property, what has been asked for in the amendment is that it is the value of the property that is restrained in each case. Mr Rich-Phillips's scenario is asking police to walk through a house and make a back-of-an-envelope calculation. You have the police making a back-of-an-envelope calculation in terms of the value of the curtains and the couch, and Mr Rich-Phillips is saying that would meet the statutory obligation. This is not an insurance claim. We know there are difficulties with people undervaluing their insurance claims. Mr Rich-Phillips is asking a police officer, who does not value property, to go into a house and meet the statutory obligations in relation to valuing a property on

the basis of a back-of-an-envelope calculation in each case. We have a statutory obligation, and you would not think a back-of-an-envelope calculation would meet that obligation.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — To take up Mr Tee's points, in the first instance with respect to how this will apply to the chief commissioner, the point I made in my earlier statement was that Ms Pennicuik's amendment is consistent with the current structure of section 139 of the principal act, which relates to the Chief Commissioner of Police. To that extent I do not see any problem with the way in which this amendment is structured. The point I was making is that it relates only to orders which are made on the application of the chief commissioner or on behalf of the chief commissioner. Mr Tee is submitting that no orders are made on the application of the chief commissioner.

Mr TEE (Eastern Metropolitan) — To be absolutely clear, the Chief Commissioner of Police is not empowered to apply for these orders; the police do not have the power to apply for these orders.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Mr Tee is saying that no orders are made on the application or on behalf of the chief commissioner?

Mr TEE (Eastern Metropolitan) — Yes. The Chief Commissioner of Police is not empowered to apply for these orders. The police do not have the power to apply for these orders.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Mr Tee's concerns therefore about the chief commissioner having this onerous obligation to value property and report would in fact not occur — on his own submission.

Mr TEE (Eastern Metropolitan) — They would not in relation to that amendment. In relation to the four or five others relating to other proceedings, which are identified, we are concerned about the massive impost.

Coming back to what is really at the heart of Ms Pennicuik's concern, which is that at the end of the day all the public has is the end product, normally that is the value of an asset at auction. At the start of the process, when a house or car is seized it has a much greater value. Partly that is because of the process, but also in part sometimes it is because there is a spouse, a bank or other parties with an interest, and the value of an asset that is ultimately realised is not the value of the asset that is initially seized. The amendments in the bill go towards fixing that by making sure financial institutions provide more information, but on the day an asset is seized its value is different from the day it is realised, if it is ever realised, when you go through the process. The start of that is the process you need to go through to get to the final orders before you can go through to realise the outcomes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I would like to ask Mr Tee a question with respect to the press statements that are issued by the Attorney-General at times when large seizures are made. What is the basis of the estimated value of assets confiscated? When the Attorney-General releases a press release, how does he determine a value?

Hon. J. M. MADDEN (Minister for Planning) — I do not have that detail before me, but I am happy to make a request that the Attorney-General's office provides us with the basis on which those estimates are made.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his undertaking, but it is my understanding that Mr Tee has had a close association with the Attorney-General's office. I wonder if he might be able to assist the committee on this matter?

Hon. J. M. MADDEN (Minister for Planning) — Mr Rich-Phillips already has the undertaking.

Mr TEE (Eastern Metropolitan) — I cannot add anything to what the minister has said on the matter.

Ms PENNICUIK (Southern Metropolitan) — Following on from Mr Rich-Phillips's question, at some stage it seems that under section 139 of the principal act the agencies are in possession of the facts we are after — —

Mr TEE (Eastern Metropolitan) — But not the Chief Commissioner of Police.

Ms PENNICUIK (Southern Metropolitan) — As we have said, this amendment is structured in terms of the way the act operates in relation to the issuing of orders under sections 139A(1), (2) and (3) of the act. I cannot understand why Mr Tee is saying that when it seems to be what is in the act. Following on from Mr Rich-Phillips, and going to the heart of the matter, if Mr Tee is so concerned about the amendments, how is it that the Attorney-General is able to make statements about the value of things, and how are the Parliament and the community to know where the figure comes from, what they are made up of and what proceeds of crime are making up the global figure?

Hon. J. M. MADDEN (Minister for Planning) — I have given Ms Pennicuik an undertaking to seek that information from the Attorney-General.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Does the minister want to adjourn the committee until he can provide it with the answer?

Hon. J. M. MADDEN (Minister for Planning) — No. The tradition in this chamber when we are in the committee stage of a bill is that ministers undertake to seek to obtain information from the relevant ministers, but that should not necessarily deter the passage of a bill, particularly an important bill like this one.

I make the point too — and it is a very important point at this stage of the proceedings — that the opposition is suggesting we delay the passage of this bill on the basis of a request made by the Greens political party, when my understanding is that briefings have been offered to all parties on this bill. Those briefings offer the opportunity to explain all the technical elements of the bill that might need to be explained and to provide any further information that might be sought by party members. But if party members did not attend those briefings in relation to this bill — I am not saying the Greens did not — then one should appreciate that additional technical requests should not delay the passage of the bill.

The DEPUTY PRESIDENT — Order! I make the point that in my view Ms Pennicuik is not seeking information on behalf of the Greens political party; Ms Pennicuik is seeking information as a member of the house. There is a distinction, and that is how the committee operates. In this house members seek information. It might be of broader interest, but it is an individual member who is seeking information on their own behalf.

I also indicate that whilst a minister can give an undertaking, and it can be acceptable to the house at times that information might come in at a later stage, indeed after a bill has been passed, if a matter is crucial to the decision that members would make in respect of their vote on an amendment or a motion in respect of a bill, then it is quite within the rights of the house or a member of the house to seek that the committee report progress until such information is available. Is there further discussion in respect of the amendment, or should I proceed to put it?

Ms PENNICUIK (Southern Metropolitan) — Firstly, I wish to answer the minister's assertion about briefings. We were offered a briefing on the bill yesterday morning, which was very handy, but we do not always need to have a briefing on legislation to understand it.

Hon. J. M. Madden — It is also a chance to ask questions that we can answer there rather than waste the chamber's time, which seems to be the case more and more in this chamber.

Ms PENNICUIK — Thank you, Mr Madden. Taking up what the minister said, I believe the information we are seeking is crucial because we have been debating at some length the meaning of these amendments. Mr Tee has spoken a lot about the structure and their implications. Mr Rich-Phillips has asked questions about them. I have made my point about what the important information is that we are seeking, and so, Chair, I put forward the proposal that we report progress until we find out the answer to the question, because it is crucial. I move:

That the Chair report progress and ask leave to sit again.

Committee divided on motion:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr (*Teller*)	Rich-Phillips, Mr
Hartland, Ms (*Teller*)	Vogels, Mr

Noes, 18

Broad, Ms	Murphy, Mr
Eideh, Mr	Pakula, Mr
Elasmar, Mr (*Teller*)	Pulford, Ms
Huppert, Ms	Scheffer, Mr
Jennings, Mr	Smith, Mr
Leane, Mr	Somyurek, Mr
Lenders, Mr	Tee, Mr
Madden, Mr	Tierney, Ms (*Teller*)
Mikakos, Ms	Viney, Mr

Pair

Coote, Mrs	Darveniza, Ms

Motion agreed to.

Progress reported.

FIRE SERVICES COMMISSIONER BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL

Second reading

Debate resumed from 2 September; motion of Hon. M. P. PAKULA (Minister for Public Transport).

Mr HALL (Eastern Victoria) — I welcome the opportunity to speak on behalf of the coalition in respect of the Education and Training Reform Amendment (Skills) Bill 2010. This is a substantial piece of legislation which makes some important amendments to the Education and Training Reform Act. I am sure there is interest from all Victorians in respect of this, because some of the changes proposed with these amendments are critical to the future of young people particularly but also older people who wish to undertake training activity in Victoria.

If I were to try to summarise the amendments in this bill, I would say the catalyst for them was a response from the government to two major issues, the first being the government's policy change, which will see from 1 January 2011 a fully contestable, demand-driven training market in Victoria. That involves some significant changes, which I intend to canvass in some detail in the contribution I make to this debate. The second major issue which I believe is a driver for many of the amendments contained in the bill is the very disturbing increase in the number of private providers who are failing financially or failing to deliver training to the standards by which they are registered and which they are expected to deliver. While these two events are not mutually exclusive by any means, the amendments in this bill are in part in response to those two events individually and in part the cumulative effect of both those events.

In terms of some opening remarks I want first of all to talk about what we mean by a fully contestable training market. This terminology is used by the government both in its reform documents and in the second-reading speech. Currently in relation to the way training is delivered in this state we have the Victorian Skills Commission, which on behalf of government enters into contracts with training providers to deliver certain specified levels of training. For example, the Victorian Skills Commission will contract with the various TAFE institutes, being the major public providers around the state, for the delivery of certain levels and quantities of training. Equally, there is an ability for the skills commission to enter into contracts with a range of registered private providers to deliver training programs for which they will receive government funding.

Under the changes announced by the government, which will be fully applicable from 1 January 2011, we will see the training market become a contestable market — that is, there will not be specified contracts with training providers; more so, registered providers of training will be able to notify the Victorian Skills Commission as to the number of eligible trainees they have enrolled to do particular training programs for which that organisation will receive government funding for those eligible trainees. Eligibility is a major issue which I will come back to during the course of my contribution.

However, the impact of a demand-driven uncapped training system will mean we will probably have more private providers registered with the Victorian Registration and Qualifications Authority, and more private providers actually delivering training on behalf of the Victorian government. We will also have a greater level of competition between public and private providers who are competing to sign up students to undertake training programs of their offering.

I note the following comment from the second-reading speech:

> From 1 January 2011, Victoria will move to a fully contestable training market, where allocation of government funds for training are driven not by agency or institutional budgets, but by demand from students. To succeed in this new environment, the institutions, both public and private, that deliver vocational education and training, must operate to the highest standards of efficiency, quality and integrity.

I agree wholeheartedly with the comment about the need for high standards in a contestable market. That is why the opposition will be supporting those amendments that give the Victorian Registration and Qualifications Authority a greater range of measures on which to assess providers when they are seeking registration. VRQA will be given greater powers to step in promptly in the event of failures by that provider. They are particular provisions in the bill to which I will return to make some additional comments.

While we generally support the principle of having a contestable demand-driven market, we are not convinced that the government has in place satisfactory

measures to meet the criteria which the minister in the second-reading speech says are needed in a fully contestable market. We are not convinced that in the move to such a market, the government has in place measures that will bring about the most effective use of taxpayers money in funding training in this state.

I want to substantiate this claim by giving three examples. Where there is public money being expended on training, I believe it is important that that training effort, that expenditure, is matched with employment opportunities and job outcomes. By way of a simple illustration of that statement, I say it is an unproductive and wasteful use of public money if, for example, we have a training provider who signs up 500 students in a country town in Victoria to train at a level of certificate retail 2 and there are insufficient jobs to match that training effort. If there are no jobs for those 500 students or people who may have enrolled, young or old, mature or young, in that course, then it is a waste of their time, their money and the public money in terms of matching that training effort.

What I do not see in the system is a process by which the employment opportunities and the need for training are matched. While we say in principle we support a demand-driven training system, there still need to be checks and balances to make sure that the public moneys that are expended on training have real and positive outcomes for both the state and for the persons who undertake that training. We do not see where the government has put in place measures to match training effort with employment outcomes.

The second important point in terms of some of our concerns in respect of this new philosophy of a demand-driven training system is the need for quality in the system. The minister in the second-reading speech said we need to have quality in the system, but we do not see the mechanisms to ensure that such quality exists. There is no doubt that what we should be doing is more than just compliance auditing. That is virtually what VRQA is doing at the moment — ensuring compliance auditing and that minimum standards are being reached.

We believe we have to do better than that and that what we should be doing is auditing for quality, not just auditing for compliance. I do not see any high-level quality auditing as a necessary requirement and as a necessary process being put in place by the changes announced by the government when moving to a demand-driven training system.

The third and final concern I have with the system is that I do not see any provision which will ensure the ongoing viability of some of the local training providers, particularly in some of our regional and rural towns around Victoria. For example, under a demand-driven training system there are no checks and balances to prevent a large specialist provider from cherry picking the most popular and the most lucrative training programs and undermining the viability of local providers.

Again to cite an example, there is nothing to stop a private provider or another public provider from delivering a popular program in a town like Bairnsdale in East Gippsland where that normal function is being undertaken by the local providers. If that large, popular and profitable training program is being taken by some other provider, then that would have an adverse impact on the existing local provider. That is fine; competition is fine to the extent it needs to ensure that there is still viability for local providers to deliver what the community expects in terms of other programs.

The last thing I would want to see under a demand-driven contestable market is local providers being undermined to the extent that they become unviable, that they become the provider of last choice rather than a provider of equal choice. There need to be some checks and balances so that the local provision of training programs is not jeopardised by somebody flying in and cherry picking the very best of the programs and leaving the local provider with an unviable training workload.

I do not see those checks and balances being put in place by the government when it moves to this demand-driven training system. It is fairly simplistic to say that we will have an uncapped demand-driven training system without those appropriate checks and balances.

We make those comments virtually in an appeal to the government to have a think about those sorts of provisions as we move forward with contestable training markets. I say all this — and it is very relevant to the bill — because it relates in particular to the Victorian training guarantee. The bill inserts the Victorian training guarantee into the principal act as a statement of principle, and I will go to that first of all.

The Victorian training guarantee was first outlined to us in a document entitled *Securing Jobs for Your Future — Skills for Victoria*, published by the government in August 2008. It outlined the government's proposed changes to the training system in Victoria, including what it described as the Victorian training guarantee. At page 15 the document says:

> The Victorian training guarantee — government-subsidised places will be available for training at the foundation skills level and for any qualification higher than the qualifications already held.
>
> For people from the age of 20 years onwards, the eligibility criteria reflect workforce development priorities …

It goes on to say that there will be a guaranteed government-funded, supported position for those who wish to undertake training as long as they are moving upwards — that is, upskilling, undertaking a training qualification at a higher level than they currently hold. This has probably been the issue of most contention with respect to the government's so-called skills reform because it virtually disqualifies people from taking up employment opportunities which require them to do some retraining.

A very simple example is that of a builder who has a building qualification at certificate III level, having completed an apprenticeship to become a registered builder. If that builder wanted to go back to do some plumbing qualifications so they could put a roof on a frame they have constructed as a builder, to complement their vocational building skill with a plumbing skill and enhance their work, they would have to pay full cost for that plumbing qualification, which could be a significant amount of money. When I say 'significant', I am talking about $5000 or $10 000 a year for that additional qualification. There is not a great incentive to encourage workers to acquire additional skills if it will cost them that much.

If a person is retrenched from their workplace, they may be required to acquire additional vocational skills to assist them in gaining alternative employment. If a person who is unemployed has to pay the full cost of acquiring additional skills, there is not much incentive for them to do so, nor perhaps do they have the means to do so.

If a person's work situation has been altered because, for example, they are raising children or perhaps as a result of an accident which may have left them in a physical condition which means they can no longer take part in the vocation for which they have trained and they have to retrain, under this system there is no guarantee that they will get a government-supported position to undertake that retraining.

There was a real example in my electorate of two adult parents who both had degree qualifications but were farming; they were not using the qualifications but held them in their names. They had a daughter who was diagnosed as profoundly deaf, therefore they needed to learn how to communicate with their daughter and had to learn sign language. The only local provider of sign language in the country area in which they lived, just outside Traralgon, was the TAFE institute, and they had to undertake a diploma of Auslan sign language. The institute wanted both parents, who have degrees, to undertake diploma-level study so they could learn how to communicate with their profoundly deaf daughter. It would have cost each of the parents $5000 to undertake that diploma program: a total cost of $10 000 for parents to learn how to communicate with their daughter.

In this situation the TAFE institute offered one of the few exemptions it had available for special consideration. There are very few exemptions that TAFE institutes are able to offer. In this case it helped them, but those parents came to me because, due to these changes, in the first instance they were required to pay $10 000 to learn how to communicate with their daughter. That is a typical example of how these changes impact severely, unfairly and very harshly on some in our communities.

It is also not unusual for people to change careers during the course of their lifetime. Paul Keating was reported just a couple of days ago to have mentioned the impermanency of job opportunities. People constantly move between occupations and to do so they often have to retrain, step sideways or even take a step back before they take a step forward, as Paul Keating was reported in yesterday's *Age* as having said. The government's so-called skills reform and the eligibility rules for government supported places do not allow that to happen, yet we talk so glowingly about the need to have a skilled workforce, and the minister's second-reading speech spoke about how important it is to maintain and improve the skills of our workforce.

The document *Securing Jobs for Your Future* says that by 2015 there will be an estimated shortage of 123 000 diploma and advanced diploma-level qualified workers in the state. We will not address that with the current policies we have in place, and there is no incentive for people to improve or extend their qualifications under the eligibility criteria that the government had associated with its youth guarantee.

When we talk about the youth guarantee and inserting it in the Education and Training Reform Act what is not mentioned is a whole range of other issues associated with the training guarantee — that is, the exemptions I have spoken a little about already. There are very few exemptions. Over four years only $10 million was available for funding exemptions amongst the 500 000 people per year who undertake vocational training in this state. When you have cases like the one I mentioned earlier, where parents were seeking to learn

a skill to communicate with their daughter and $10 000 was absorbed in that one instance, the mathematics will tell you that proportionately very few people will get exemptions under this policy.

The training guarantee in the legislation makes no mention of fee structure. The last few pages of *Securing Jobs for Your Future* sets out the fee structure. It quite clearly shows that fees for diploma and advanced diploma courses have risen. In January 2009 they were $877, and in July that year they went up to $1500. In January this year they rose again to $2000, and in January 2012 they will rise to $2500. Also the training guarantee in this legislation does not mention the fact that no concessions are available for students at diploma and advanced diploma level.

While I concede that VET (vocational education and training) FEE-HELP will be of assistance to many students, for those who come from low socioeconomic backgrounds there of course is an aversion to debt accumulation, which is understandable. If you are doing a two or three-year diploma or an advanced diploma and accumulating a VET FEE-HELP debt of $10 000 per year, there is not much incentive to undertake training at the diploma and advanced diploma level if at the end of the day you come out with a debt in the order of $30 000, because eventually it has to be repaid. Yes, under VET FEE-HELP you only have to repay it once you are working at a certain level of income but, as I said, people have an aversion to debt, particularly those from low socioeconomic backgrounds who understand and realise that the accumulation of debt is going to be difficult for them to manage into the future.

While we talk about Securing Jobs for Your Future being a major reform of training in Victoria and providing great things like training guarantees and the promise of more training opportunities in this state, I must say that increase is yet to materialise, and there are some significant concerns about that. I think that has already been illustrated by way of the enrolment patterns in diploma and advanced diploma courses so far this year.

In respect of this piece of legislation, as is our job, the opposition undertook wide consultation on this bill. We received comments back in a number of areas. In fact I have probably received more comments on this bill than I have received for most pieces of legislation I have sought comment on. There are something in the order of 1200 training providers in this state. Many of them have expressed directly to us their concerns about some of the changes in this bill, and I want to mention a couple of them. These are randomly selected because I did not get a lot of glowing comments welcoming the changes in this bill.

Here is one response I received from Professor Sue Kilpatrick, the pro vice-chancellor, rural and regional, at Deakin University. Her letter states:

> I have concerns about the progression across qualifications provisions.
>
> 1. From a university perspective, many of our graduates require a VET qualification for jobs in the workforce, for example nurses who need mediation endorsement and architects who need a building and construction qualification to practice. Under the bill these new graduates will be up for full fees for their courses.
>
> 2. From my perspective as a member of the RDA Barwon South West Committee I believe the progression across qualifications provisions will inhibit employers in sourcing and upskilling workers who may be changing industries or roles within industries, but have qualifications at the same or a higher level than the competencies required for their new job. There are already many skills shortages in regional Victoria; these provisions will not help develop the nimble and flexible labour force we need for our growing and emerging industries.

That comment probably best describes the concern that has been expressed by many about this requirement for government-funded positions to be only available for those who are upskilling.

Similar concerns were expressed to us by a number of employers. The Master Plumbers and Mechanical Services Association of Australia also wrote to the opposition expressing concern about the guarantee of subsidised training for eligible Victorians. Its letter states:

> The problem is that mature age learners who want to change career and who already have a certificate III qualification in another area cannot get another subsidised training place at the same level.

The letter goes on to talk about that and states:

> The issue is the move to a fully contestable training market which we believe will work against high infrastructure cost training programs such as plumbing and in favour of classroom based theory training.

Concerns have been expressed from all quarters, by both providers and employers, about these provisions and the eligibility criteria surrounding the training guarantee.

I think the government has made a fundamental flaw in this. Those who have heard me speak publicly about this will know that I have quite clearly put on record that the view I share with my colleagues in the coalition is that this is a totally inequitable situation that will

particularly disadvantage people from low socioeconomic backgrounds and particularly those who are forced to change their employment for personal reasons. Moreover, it certainly will not provide for the skilled workforce Victoria needs into the future, and we believe it is fundamentally flawed.

I have said quite clearly on the record that if it is within the scope of the budget and we get the opportunity in government, it would be the first thing that I would seek to change. I acknowledge that abolishing or opening up the eligibility criteria for government-funded supported training positions will have financial implications — it certainly will — and to estimate that cost is a difficult exercise. It seems that the government has not elaborated on that cost, and perhaps its members will during the course of this debate. If it is within the scope of budgetary parameters available to me and I have some responsibility for this in a coalition government, the first thing I would do would be abolish the current eligibility criteria. I welcome the discussion that invariably we will have on this during the committee stage of the bill.

I will leave it at that until we get to the committee stage of the debate in respect of that provision in this amendment bill, being clause 3 of the bill — that is, the insertion of the Victorian training guarantee as a principle underlying the education and training system here in Victoria.

I turn now to part 3 of the bill, which is about education and training providers. Much of this section relates to the Victorian Registration and Qualifications Authority and strengthens its role in the registration and regulation of training providers. I mentioned in my opening comments that I believe one of the underlying reasons many of the changes in this bill are being brought about is because of the large number of providers who have collapsed for financial or other reasons in recent times. I have lost count of the number of institutions that have collapsed. I know at the last count there have been in excess of 20. One of those that occurred recently was reported in the *Age* of Saturday, 28 August, in an article which states:

> An Australia-wide IT training school has collapsed with millions of dollars of debt, leaving more than 100 students with an uncertain future and about 100 employees without a job.

Unfortunately — and I say that sincerely — that has been too regular a story. In recent years we have seen many such colleges collapse. Of course it raises questions about the effectiveness of the regulation system we have in place in Victoria and whether the powers assigned to VRQA are sufficient for it to be an appropriate and effective regulator of training systems here in Victoria. It begs the question of whether the Victorian government has appropriately resourced VRQA.

Coincidently the annual report of the authority was released and tabled in the Parliament today. In a quick look through that annual report I noticed a couple of interesting aspects. First of all — and this is somewhat pleasing — I noticed the total income from transactions over the last 12 months has increased quite substantially from almost $12 million in 2009 to $15 million this year. That is a significant, 25 per cent increase in funding over the last 12 months. That is welcomed and is much needed, because the activities of VRQA are many. I have suggested before in debates in this house that funding has been insufficient to match the functions VRQA has been expected to perform.

The number of training providers that have collapsed in recent years also poses the question whether there is the appropriate structure in place to register, regulate and investigate providers when issues arise. In respect of investigations, I noticed in the annual report tabled in the Parliament today a section about complaints says:

> The VRQA investigates complaints about independent schools and providers of education and training. The complaints unit also handles complaints about the VRQA.

VRQA investigates complaints about itself. This is one of the fundamental flaws in the system of regulation we have in Victoria. It seems to me totally inappropriate for a body about whom a complaint has been made to itself undertake that investigation. One of the necessary and prudent requirements for a properly regulated training system would be ensuring that the regulator itself is subject to the oversight of some independent authority. That in itself is an interesting comment supporting the belief I have always had, that there needs to be some independent oversight of the operations of VRQA.

People have said to me that we have the Ombudsman and the Auditor-General. Yes, they play an important function, but because of the importance of training in Victoria in terms of providing for Victorian, Australian and overseas students, a specialised independent oversight body should be and could well be in place for this industry.

VRQA itself has been criticised by many of the coalition's correspondents in respect of the functions VRQA undertakes. We received many and varied comments in respect of that. One of them came from Graham Shearer, the executive officer of the Shearing Contractors Association of Australia, a registered

provider of wool-handling training. The association expressed its concerns with regard to the audit processes inflicted on registered training organisations. Mr Shearer wrote:

> My concerns are as follows:
>
> The present audit regime lacks transparency;
>
> is costly, especially to small RTOs;
>
> is too complicated;
>
> does not result in quality training.

That view has been spelt out by many others. Mike Riddiford, the executive director of IPEAL — International Private Education Alliance Ltd — says:

> It is IPEAL's view that this bill must, wherever possible, make the audit of RTOs a simpler, more transparent and less costly process for all education providers. Currently the sector is struggling with a significant compliance burden with inconsistencies and lack of transparency, and this burden should not be added to.

There has thus been a whole range of criticisms with respect to the way in which VRQA undertakes its audit functions. I have further comment from group training companies which express concern with VRQA and its processes and pose the question: if we are moving towards a national system, why are some organisations in this state required to register and be regulated by VRQA when that effort of registration is duplicated by a national system?

Finally, with respect to comments about VRQA, I want to cite some comments by Mr Simon Smith of Bayswater, who runs a registered training organisation and who wrote in a letter to me of 27 August:

> The bill allows the VRQA to use a greater breadth of enforcement measures to ensure provider compliance. I would state that the VRQA are not equipped to take on any such powers. The VRQA have consistently failed to comply with the current set of nationally agreed standards, and are currently under scrutiny by stakeholders and the media for this very issue. They have been accused of failing to comply with ministerial policy, such as the AQTF —

that is, Australian quality training framework —

> standards for state and territory registering bodies.

I know Mr Smith has a particular complaint about VRQA that he is pursuing at the Victorian Civil and Administrative Tribunal, but in his correspondence he poses the question:

> How possibly can the VRQA be afforded any more power when they cannot do their job properly now?

There are therefore some criticisms, some of those valid, perhaps some not, in respect of how VRQA has undertaken its functions and duties. Nevertheless, because of the importance of the training industry here in Victoria, on balance given the new powers being assigned to VRQA — designed, I might add, to strengthen VRQA and enable it to do its job better — the opposition will not be opposing this series of amendments, which add to its powers and functions.

I wanted to make mention of the international students in the Victorian industry. This industry, which has been debated in this chamber before, is Victoria's biggest export income earner. It is a very important industry to Australia and particularly to Victoria. It has been estimated to be worth something like $4.9 billion per year. I suspect that that figure will be somewhat less in the 2010–11 year because of the reported decrease in foreign students enrolling in Australian institutions.

I think it was in an article in the *Age* this morning that I read that there were significant decreases in enrolments by international students in higher education courses throughout Australia this year. I acknowledge that this bill contains provisions that seek to improve the system for international students by putting in place things like complaint handling processes, dispute resolution processes, student welfare schemes and fair contract terms.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

> That the house do now adjourn.

City of Greater Shepparton: bus shelters

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Public Transport, and it is regarding the provision of bus shelters in the city of Greater Shepparton municipality. My request of the minister is that he investigate the adequacy of grants from the Department of Transport for the provision of bus shelters in the city of Greater Shepparton with a view to increasing funds to ensure that community demand for bus shelters is being met in this municipality.

This issue was brought to my attention by a constituent who lives in Lenne Street, Mooroopna. According to my constituent, school students often congregate in her street while they wait for their bus, but unfortunately there is no bus shelter to protect them from the sun and

rain. As members know, we have been having a fair bit of rain lately and in summer the sun can be quite scorching. My constituent has found this quite distressing, particularly when she sees very young children waiting in cold, wet conditions. She believes there is a need for bus shelters in Lenne Street near the intersection with Toolamba Road and near the intersection with Albert Street.

My constituent has raised this issue with the Greater Shepparton City Council, which is responsible for the provision of bus shelters in the municipality, but the council relies on grants from the Department of Transport to construct and maintain shelters. My office has spoken to the council about the issue, and the sites my constituent mentioned will be put on a list to be considered in the 2011–12 council budget. However, it is clear that there is a need for additional funds from the Department of Transport to meet the demand for bus shelters. According to the council the annual funding it receives from the Department of Transport for bus shelters has remained at about $20 000 for the past five years and this is never enough. The grants only cover part of the cost of constructing new bus shelters, with council left to foot the bill for the rest.

Last year the city of Greater Shepparton's public bus service was expanded and major changes were made to services and routes. These changes have substantially changed the location of bus stops throughout the municipality, creating a number of new stops which are in need of shelters. While the Department of Transport provided some additional bus shelters at the time of these changes, it is unclear whether these were sufficient. The Brumby government made these changes to Shepparton's bus routes and must ensure Greater Shepparton City Council is not left to shoulder the cost of any new infrastructure that may be required.

The government must also ensure that the concerns of the community in regard to the adequacy of shelter at bus stops are considered and that sufficient funding is provided to meet this need in Greater Shepparton. My request is that the minister investigate the adequacy of grants from the Department of Transport for the provision of bus shelters in the city of Greater Shepparton with a view to increasing funds to ensure that community demand for bus shelters is being met in this municipality.

Water: Werribee irrigation district

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Water, Mr Holding. Last week I met with a number of farmers from Werribee South who produce large amounts of vegetables for Victoria. These farms are about 20 kilometres from the CBD, so they are just on the edge of the city. These are farms that you would think the government would want to keep viable, as they are sustainable and the food they produce has a very small number of food miles. For a number of years these farmers have had an ongoing problem with the water they receive from the western treatment plant because it is simply not fit for their purposes. They need water that has a salinity level of 1000 electrical conductivity units. They do not consider the water they are currently receiving from the western treatment plant fit for use, as it is damaging their soil and crops because of its high level of salt.

One of the things the farmers talked to me about at length was the fact that Southern Rural Water's report on the Western Irrigation Futures project still has not been released, and the minister has not been able to tell them when it will be released. I checked the website tonight. The last information newsletter was from March this year. The action I ask of the minister is for him to meet with these farmers and talk to them about the Western Irrigation Futures report in terms of when it will be released and what the government will do to make sure that they get water that is fit for purpose.

Barwon Health: performance

Mr D. DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Health. It concerns the performance of Barwon Health, the very important health network on the Bellarine Peninsula, which is centred in Geelong. The figures that have come forward this week in the latest *Your Hospitals* report, the government's very much stripped-down report on hospital performance, show a terrible performance at Barwon Health.

The hospital failed seven out of the eight benchmarks set by the Brumby government. There are more than 2000 patients on its elective surgery waiting list; 29 per cent of category 2 emergency patients were not treated in the required 10 minutes; and out of the category 3 patients in emergency 39 per cent, almost 4 in 10 patients, were not treated in the required 30 minutes. In the transfer of emergency department patients to beds in the hospital, 25 per cent were not transferred within 8 hours and 32 per cent of non-admitted emergency patients waited longer than the 4-hour benchmark for treatment.

Barwon Health failed to meet the important category 1 elective surgery benchmark. That is the urgent category — these are very sick patients who need surgery urgently — and a number of patients at Barwon

Health were not treated in that time period. This is the second time this has occurred in recent times. Of category 2 semi-urgent patients — that category is a particular problem at Barwon Health — 37 per cent were not treated in the required 90 days. These are quite sick people who, according to clinicians, need treatment within that 90-day period, and they are not being provided with that treatment. Again, almost 4 in 10 are not getting the treatment in the period required. Indeed 16 per cent of the category 3 patients — that is, the ones required to be treated within 365 days, or a year — are still not getting the treatment required.

This is a crisis at Barwon Health. The government has had 11 years to deal with this. Premier John Brumby promised to fix the health system in 1999. He said he would pay attention to the basics. With 37 per cent of category 2 elective surgery patients not getting treatment within 90 days and 29 per cent of category 2 emergency department patients not getting the treatment required in 10 minutes, he is falling a long way short of this. The Premier should hang his head in shame. It is just outrageous that after 11 years in government the Premier and Labor have so conspicuously failed to deliver on quality health care to the required standard.

I make the point that the staff — the doctors and the nurses — are doing their best with what they have, but Minister Andrews needs to investigate and report to the Parliament. I ask for an urgent investigation.

Barwon Heads Kindergarten: funding

Mr KOCH (Western Victoria) — My issue is for the Minister for Children and Early Childhood Development and relates to Barwon Heads Kindergarten. The existing kindergarten is one of many in the Geelong region that will not be able to meet the state-administered requirement that all four-year-old children receive 15 hours of kindergarten time per week.

The building currently occupied by the kindergarten has not been significantly upgraded since the 1960s. It is landlocked by other buildings and unable to accommodate an expansion. Like many towns in the Geelong region Barwon Heads has experienced significant population growth in recent years, and this has resulted in kindergarten enrolments more than doubling since 2006. It is disappointing that this rise in numbers has not been supported by a growth in government-funded community infrastructure. If the kindergarten is expected to coordinate 15 hours of kindergarten time for each four-year-old child in the area at the current location from 2013, it will need to open Monday to Friday from 8.00 a.m. to 5.00 p.m., plus half a day on Saturday.

It is fair to say the Barwon Heads Kindergarten committee's concerns have been put in the too-hard basket by this government, which is out of touch with small communities. The federal Labor member for Corangamite, Darren Cheeseman, recently told the committee it should apply for federal funding to be administered by the Brumby state government. After the committee had its hopes raised and spent time preparing a submission, this opportunity was denied and evaporated because it does not have land secured for new premises.

Since July the Liberal candidate for South Barwon, Andrew Katos, has been liaising with the Barwon Heads Kindergarten committee to secure a site for a new kindergarten. I congratulate Andrew Katos for the foresight and integrity he has demonstrated on this issue. At a recent public meeting held to discuss kindergarten facilities in Barwon Heads there was community support for the committee's proposal to build a new kindergarten on the same site as the Barwon Heads Primary School. This would be a tremendous result and would allow the committee to vigorously pursue state-administered funding schemes.

The City of Greater Geelong has allocated $30 000 to find an alternative space for the new kindergarten. It is disappointing that thus far not one cent of state funds has been allocated to securing preschool facilities in Barwon Heads.

My request is for the minister to support the Barwon Heads community in its push to secure a site for a new kindergarten facility. This support should be backed up with funds that will allow a new complex to be built on the site in Barwon Heads.

Housing: affordability

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Treasurer, John Lenders, who I am happy to note is in the chamber, and it is to do with affordable housing for young Victorians in the Southern Metropolitan Region.

Members have spent a lot of time in this chamber speaking about low-income affordable housing and social housing, and I think it is well known to this chamber what my feeling is on social housing — that it should be adequate and appropriate — but I was concerned when I read in the *Age* this week an article by Tim Colebatch, who made some very interesting

comments about housing for 25 to 44-year-olds. He said in this article:

> In 1986, 68 per cent of middle-income Melbourne households headed by people aged 25 to 44 owned their own home.

He also said by 2006 only 57 per cent of middle-income households of 25 to 44-year-old Melburnians owned their own homes. This is an 11 per cent decrease in 20 years. For seven of those years the Labor Party has been in power, and for the last several years Mr Lenders has been the Treasurer.

Federally there is no longer a minister for housing. We have a federal Minister for Social Housing, but unless the Prime Minister has changed her mind again, as she did with education, women's affairs and a whole lot of other things, we do not have a federal minister for housing. We know there is a socialist agenda, and now it is being pushed by the Greens as well, so perhaps there is a subplot.

However, in his article Tim Colebatch quotes from a paper that was prepared for the Australian Housing and Urban Research Institute. The article states:

> It appears that the benefit of higher household incomes in the benign decade 1998–2007 went into pushing up house prices and debt, rather than improving home ownership or increasing the stock of housing …

The article continues:

> The country that promised limitless land, cheap housing and near-universal home ownership to all comers now has some of the most expensive housing in the world.

It goes on to say the cost of those prices is that a million or so young and lower and middle-income Australians, including those in the Southern Metropolitan Region, can no longer afford a home of their own that suits them. The action I seek this evening is that as a matter of urgency the Treasurer develop programs to encourage more affordable housing to tackle the rapid fall in home ownership amongst 25 to 44-year-olds in the Southern Metropolitan Region.

Benalla Bowls Club: flood damage

Ms BROAD (Northern Victoria) — The adjournment matter I raise is for the Treasurer in his capacity as chair of the Brumby government's Flood Recovery Ministerial Taskforce, and the matter concerns the Benalla Bowls Club, which is a very active club with around 300 members. It provides enjoyment to residents and visitors alike and has raised substantial funds to invest in club facilities. Last week following the flooding in Victoria's north-east I visited the Benalla Bowls Club to inspect the damage to the grass and carpet greens, and the damage is extensive.

In recent years the club installed two carpet greens to save water, and substantial contributions were made by club members to help meet the cost. Ironically these same greens have been extensively damaged by flood water. The club is working with its insurers to rectify the damage; however, club members will be left with a substantial bill after insurance payments.

The action I seek from the Treasurer is for the task force to consider possible assistance to the club to help meet the expected gap between insurance payments and the cost of restoring the water-saving carpet greens.

Sunbury Road: traffic management

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Ports, and it is a matter that I have raised before — in fact I think I raised it 17 or 18 years ago in another place.

Mrs Coote — That was a good era.

Mr FINN — My word, it was a very good era, and let us hope we return to a similar era very soon.

Mrs Peulich — On the way!

Mr FINN — It is on the way, Mrs Peulich.

I have to say, President, that between the time that I first raised this matter and now the situation has deteriorated enormously; I just cannot begin to tell you. I am speaking specifically about Sunbury Road. I do not wish to intrude upon Mrs Petrovich's territory, but I am particularly talking about the section of that road between Loemans Road in Bulla and the end of the Tullamarine Freeway.

As we know, and as indeed was predicted by a number of people when Melbourne Airport was privatised, the airport has grown into a significant employer. I think there are somewhere between 15 000 and 20 000 employees at the airport, and that has about doubled from where it was 15 or 20 years ago.

Because there is such appalling public transport to Melbourne Airport, all those people have to drive. A majority of those people, I would hazard to suggest, live in the Macedon Ranges or in Sunbury and have to use the road to which I refer.

The road behind the airport is frequently gridlocked and is the cause of enormous frustration for people. I have seen incidents where people have taken their own lives

and the lives of others into their hands as they have tried to move along that part of the road. The bridge at Deep Creek is about as old as this building and almost as functional. It has to be said that it is way past its use-by date and something has to be done.

The township of Bulla, where I am very happily domiciled, is paralysed twice a day, cut in two by the traffic. I can only say to the house that we are in urgent need of the much-talked-about Bulla bypass not just for residents but also for the thousands of motorists who use that road every day.

I ask the minister to immediately begin a traffic management plan for Sunbury Road, particularly for that section of the road between Bulla and the end of the Tullamarine Freeway. It is an absolutely urgent matter for many thousands of people. It is something that is long overdue, it is something that is much needed and it is something that cannot be put off any longer.

Housing: loan schemes

Mr KAVANAGH (Western Victoria) — My matter is for the Minister for Housing and relates to government-provided loans for low-income earners. One of my constituents recently came to see me about a low-interest loan she took out in 1988 through the Department of Human Services. She says that she has been paying what is supposed to be a rate of the consumer price index plus 3 per cent, but the way this has worked out means that she is actually paying up to about 22 per cent per year in interest. Now, 22 years after she took out the loan, she owes approximately 50 per cent more than when she took the loan out.

The action I seek from the minister is to review these loans that have been provided to low-income earners with a view to reconsidering the interest rate and charging what is no more than the present market rate for home loans. If the study of the way that home loans are calculated reveals that people who took out loans for low-income earners are paying more than the current market rate, I seek from the minister a review and an undertaking to require people in those loan schemes to pay no more than what is now the market rate for home loans.

Environment: Bairnsdale development

Mr P. DAVIS (Eastern Victoria) — My matter is for the Minister for Environment and Climate Change and concerns native vegetation retention and the net gain policy. The issue I raise is in relation to the Eastwood Corporation, which is the developer of a residential housing estate in Bairnsdale.

Over a long period I have been familiar with this development and can personally attest to the deliberate approach by the principals of Eastwood in seeking to develop a high-quality housing estate with significant areas of public open space, including parks and walking trails with high-value native vegetation. I am aware that Eastwood has planted more than 5000 trees and shrubs on the estate. As part of the final area of development, it is necessary to remove four senescent trees adjacent to the area marked for development. The required removal of the trees will be more than replaced by an adjacent parkland development involving the planting of an additional 300 trees and shrubs.

Notwithstanding all of the most reasonable efforts of Eastwood to be at the leading edge of best practice in appropriate land management in an urban environment, permit conditions require net gain offsets for the removal of the previously mentioned four senescent trees. The net gain requires that those four trees be replaced with 16 trees, and to give effect to this, BushBroker has proposed that Eastwood acquire the offset trees from Woodside in Gippsland.

There are a number of issues in the proposal with which Eastwood and I take issue. Firstly, no account or credit is given to Eastwood for the efforts it has previously made in re-establishing native vegetation on the development, which was previously cleared farming grasslands. Secondly, the removal of four senescent trees from a landscape which has been significantly enhanced with native vegetation seems to have been given insignificant consideration. Thirdly, the suggestion that the replacement protected trees should be acquired from a location more than 100 kilometres distant from the site appears to totally negate any local benefit from the native vegetation retention policy. Fourthly, the fact that the replacement trees are already established rather than regenerated, as is the case with the development site, seems an obvious contradiction.

I therefore request that the minister act to ensure that a more flexible and balanced interpretation is adopted of native vegetation retention guidelines to better facilitate community participation in projects like Eastwood.

Mental health: mixed-sex wards

Mrs PETROVICH (Northern Victoria) — My matter today is for the Minister for Mental Health, Lisa Neville. Mixed-sex wards were introduced into Victorian psychiatric institutions in the 1960s and I was amazed to find out that they still exist today. This needs

to be changed without delay. Over 60 per cent of women interviewed in a 1994 Melbourne study had experienced or witnessed sexual assault while inpatients in mixed-sex psychiatric wards.

In 1998 the Victorian Women and Mental Health Network (VWMHN) identified a lack of safety for women in psychiatric wards. In 2002 the Victorian government's women's safety strategy noted that women with mental illness are often vulnerable to abuse and violence in hospital. In 2006 61 per cent of women who completed a VWMHN survey identified experiencing harassment or abuse during admissions to mixed-sex wards, with threatened and actual assault including sexual assault and intimidation and bullying by male patients.

In 2007 VWMHN conducted listening events for women, and the key concerns were: 50 to 70 per cent of women inpatients have experienced past physical or sexual abuse, the lack of safety and privacy in mixed-sex wards, the inappropriateness of mixed wards given that sexual disinhibition can be a common feature of mental illness affecting both men and women, and the potential retraumatisation of women with histories of abuse. In 2009 a VWMHN study found that clinical mental health staff identify significant safety concerns for women in mixed-sex wards, with some male patients engaging in predatory behaviour and particularly targeting young women during their first admission.

Women who have been sexually assaulted while inpatients suffer not only the traumatic impact of sexual assault but also a loss of trust in the ability of psychiatric services to care for them. Those women report a significant decline in their mental health as a result. The action I seek is that the minister as a matter of urgency review existing policies and staff practices to prevent the disgraceful situation of continued harassment and assault of female patients in Victorian psychiatric facilities.

Police: South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services about concerns of a perception of decreasing community safety as a result of the underresourcing of our police force. For example, recently somebody contacted me in relation to the staffing at Mordialloc police station where apparently there are 8 vacancies and 5 existing staff are on secondment elsewhere, with the shortfall being about 13 staff. Apparently on the weekend of 14 and 15 August only one police car was on the road, and at one point it was effectively off the road for a number of hours after a sectioned client was taken to the Monash Medical Centre.

In another case a fellow was apprehended after doing something like 200 kilometres an hour. He was taken by police to the Monash psychiatric unit, so there were still no other Mordialloc police cars on the road. I understand that later on that weekend a wild party was attended to in Dingley Village — —

Mrs Coote — Was it your house?

Mrs PEULICH — No, it was not my house. Apparently the crowd was ugly and assaulted one officer and bullied a second officer. The special response group was called for, and it had to come from St Kilda because there was no-one else around.

Clearly there are some real concerns. In particular this is confirmed by the summary of assaults on railway stations. I am told there were something like 70 assaults during 2009 across the South Eastern Metropolitan Region railway stations, with the top numbers being at Dandenong, Frankston and Noble Park as well as at Mordialloc. There are significant concerns about the number of policing hours and response times. People tend not to report matters because they feel they are just not going to get a response. Worse still, just a couple of days ago it was drawn to my attention that there are plans to close the Clayton and the Glen Waverley police stations and to centralise them into a Monash police station. Clearly this is a huge concern to the community because there is a feeling that the thin blue line is going to get even thinner.

I therefore call on the Minister for Police and Emergency Services to review the adequacy of the provision of police in the South Eastern Metropolitan Region and in particular their ability to respond to incidents. There is a well-recorded range of incidents where police have taken several hours to respond, not as a result of their effort and commitment but as a result of understaffing, because of both manning issues and now I fear also in terms of the distance police will have to travel if there is a further closure of police stations and centralisation.

Mr P. Davis — On a point of order, President, I raise a matter for the Treasurer specifically in relation to a matter which I raised with him on 9 March for the attention of the Premier concerning the future of the Melbourne Wholesale Fish Market. I note that I have written to the Treasurer on two previous occasions, most recently on 6 September, and I am yet to receive

any response via the Treasurer from the Premier concerning what is an important matter.

In relation to matters raised with the Minister for Environment and Climate Change in his portfolio, on 23 February I raised a matter in relation to bushfires and community consultation.

I ask that in relation to both these matters the ministers responsible — the Treasurer and the Minister for Environment and Climate Change — use their best endeavours to obtain responses, given that as I understand it we have four sitting days scheduled before the Parliament expires. I think the constituents involved in these issues should reasonably expect a reply.

Responses

Mr LENDERS (Treasurer) — I will certainly raise those matters with the two ministers, as requested by Mr Davis. There are three written responses to adjournment debate matters, which I will table.

Eleven members raised items in the adjournment debate this evening; nine were to other ministers, and I will refer them. Two matters were raised with me.

Ms Broad asked me to take action regarding the Benalla Bowls Club. I will certainly put its case for consideration to the floods task force. I can assure Ms Broad that the bowls club comprises an interesting group of people. Recently at a round table in Euroa, which was attended by me and by my colleagues the Minister for Local Government and the Minister for Roads and Ports, the Benalla Bowls Club came with Cr Bill Hill, who is the mayor of the shire, and presented its case. It will certainly go on the agenda for consideration.

Mrs Coote raised the issue of affordable housing in the southern metropolitan area, and it is a very important issue that she raises. However, I would say to Mrs Coote that if she strolls over to the website www.aph.gov.au and searches the name Jenny Macklin, she will find that Jenny Macklin has been the federal Minister for Housing since November 2007. She is still there, and earlier this week she was resworn as Minister for Families, Housing, Community Services and Indigenous Affairs.

On affordable housing, the matter Mrs Coote raises is obviously a policy issue that governments look at. From this government's perspective the action we are taking is firstly to boost housing stock. The extensions to the urban growth boundary, the urban infill and the efforts on regional housing are all adding to housing stock, and Victoria has had far more new housing starts, far more new housing finance and far more new housing than any other state. Clearly for this to work you need to target, and we are the only jurisdiction to have continuous off-the-plan stamp duty exemptions, which means more construction, and the jurisdiction with the most generous contributions to first home buyers who construct their homes, and these are working in this space.

There are a number of market areas — for example, the abolition or the reduction in stamp duty. Every bit of market testing shows that it puts up the price universally against when you actually target new construction for first home buyers. It is no coincidence that Victoria at 69 per cent has the largest percentage of any mainland state of people who own their own home or who are in the process of purchasing it.

I say to Mrs Coote that this is an issue that governments need to pay full attention to. We have policies in place which are making a difference — more so than any other jurisdiction — but I will be delighted to continue to work with her to find other ways to make housing more affordable, which is an aspiration we on this side of the chamber share and have worked vigorously towards.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.33 p.m.