PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 6 October 2010

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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

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

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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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP
Davis, Mr David McLean	Southern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats
Eideh, Mr Khalil M.	Western Metropolitan	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP
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Guy, Mr Matthew Jason	Northern Metropolitan	LP
Hall, Mr Peter Ronald	Eastern Victoria	Nats
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP
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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Lenders, Mr John	Southern Metropolitan	ALP
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Madden, Hon. Justin Mark	Western Metropolitan	ALP
Mikakos, Ms Jenny	Northern Metropolitan	ALP
Murphy, Mr Nathan[2]	Northern Metropolitan	ALP
O'Donohue, Mr Edward John	Eastern Victoria	LP
Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Peulich, Mrs Inga	South Eastern Metropolitan	LP
Pulford, Ms Jaala Lee	Western Victoria	ALP
Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
Tierney, Ms Gayle Anne	Western Victoria	ALP
Viney, Mr Matthew Shaw	Eastern Victoria	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

CONTENTS

WEDNESDAY, 6 OCTOBER 2010

PETITIONS
City of Casey: rates 5125
Centre Dandenong Road, Dingley: bus lane 5125
Planning: Armadale development 5125
Housing: Bentleigh 5125
Police: Neighbourhood Watch 5126

SUPREME COURT JUDGES
Report 2009–10 5126

MAGISTRATES COURT OF VICTORIA
Report 2009–10 5126

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION
Departmental and agency performance and operations: child protection program 5126

DRUGS AND CRIME PREVENTION COMMITTEE
Impact of drug-related offending on female prisoner numbers 5128

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE
Adequacy and future directions of public housing in Victoria 5132

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE
Farmers markets 5136

LAW REFORM COMMITTEE
Arrangements for security and security information gathering for state government construction projects 5137

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
Alert Digest No. 14 5143

PAPERS 5143

DEPARTMENT OF HEALTH: PRODUCTION OF DOCUMENTS 5143

MEMBERS STATEMENTS
Habitat 141: funding 5143
Werribee Park: equestrian facilities 5144
Northern Roosters Football Club 5144
Vietnamese community: rally 5144
Prison Pet Partnership program 5145
Rail: Epping–South Morang line 5145
Bellfield: special school 5145
Robyn Murray 5145

BUSINESS OF THE HOUSE
Standing orders 5146, 5168, 5188

QUESTIONS WITHOUT NOTICE
Ambulance services: response times 5156, 5157
Rail: Epping–South Morang line 5158
Planning: height controls 5159
Bushfires: recovery 5160
Opposition staff: government scrutiny 5161
Regional and rural Victoria: government initiatives 5162
Opposition: policy costings 5162, 5164
Climate change: government initiatives 5165
Ambulance services: funding 5165, 5166
Floods: infrastructure repair 5166, 5167

QUESTIONS ON NOTICE
Answers 5167

DISTINGUISHED VISITOR 5188

GOVERNMENT: CONCESSIONS AND GRANTS 5205

SCHOOLS: FUNDING 5213

CUSTODIAL SERVICES: INDEPENDENT STATUTORY BODY 5225

PLANNING: AMENDMENT VC71 5229

SENTENCING AMENDMENT BILL
Introduction and first reading 5236

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL
Council's amendment and Assembly's amendments 5237

ADJOURNMENT
Roads: Officer 5237
Significant Sporting Events program: applications 5237
Northern Victoria Irrigation Renewal Project: irrigators 5237
Rail: shire of Melton 5238
Clearways: extension 5239
Melbourne-Lancefield Road: safety 5239
Environment: waterways management 5240
Melbourne Recital Centre: Fabric Restaurant and Bar 5241
Planning: radio broadcast tower 5241
Buses: route 536 5242
Responses 5242

Wednesday, 6 October 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:

City of Casey: rates

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 that we the ratepayers of the Brookland Greens estate, Cranbourne, and across the city of Casey oppose the Casey rate hike of 11.6 per cent for payment of the $100 million compensation costs.

The cities of Casey and Frankston, the intervention of VCAT and the EPA as well as PEET, the developer, had contributed to this environmental disaster, with both councils liable for 10 per cent and the state government and PEET, the developer, responsible for 90 per cent of the costs. These high rate hikes will affect our families financially, socially, environmentally and health-wise for the next 10 to 20 years and we seek justice for the removal and/or reduction of these council rates and costs.

It is recognised the Ombudsman's report *Brookland Greens Estate — Investigation into Methane Gas Leaks*, dated October 2009, and the recent Legislative Council report of May 2010 verify the true facts of all parties.

We the undersigned residents and ratepayers acknowledge the contents of this petition in its entirety.

By Mrs PEULICH (South Eastern Metropolitan) (156 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 the 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) (63 signatures).

Laid on table.

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

Planning: Armadale development

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the inappropriate building of a massive development at 590 Orrong Road, Armadale.

The petitioners therefore request that the Minister for Planning, Justin Madden, refuse permission for the overdevelopment of this 2.5-hectare suburban site by the building of multiple high rises ranging from 5 to 16 levels, resulting in the introduction of over 500 new apartments and a new population of more than 1500 residents with predicted additional daily vehicle movement of 2500 vehicles into a busy street, creating significant traffic problems, overwhelming Toorak train station, overcrowding local parks and removing significant trees.

The petitioners request that the Minister for Planning, Justin Madden, allow this development to be decided by the City of Stonnington and the local community.

By Mrs COOTE (Southern Metropolitan) (338 signatures).

Laid on table.

Housing: Bentleigh

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposed high-density social housing development at 973 Nepean Highway and Corbie Street, Bentleigh, situated directly opposite the high-density seven-storey social housing development at the Kingston City Hall. The four-storey project containing 49 apartments will be federally funded and fast-tracked by the state government as part of the social housing initiative and economic stimulus plan.

The petitioners consider the proposed site is not suitable for such a project, noting:

> It is poor planning to have such a concentration of social housing.

It is situated on a busy major highway and intersection experiencing severe traffic problems.

A chronic parking shortage already exists.

There are no recreational facilities in the immediate vicinity.

The petitioners therefore call on the planning minister to reject the proposed social housing development at 973 Nepean Highway and Corbie Street, Bentleigh.

By Mrs COOTE (Southern Metropolitan) (10 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, 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 COOTE (Southern Metropolitan) (79 signatures).

Laid on table.

SUPREME COURT JUDGES

Report 2009–10

Hon. J. M. MADDEN (Minister for Planning) presented report by command of the Governor.

Laid on table.

MAGISTRATES COURT OF VICTORIA

Report 2009–10

Hon. J. M. MADDEN (Minister for Planning) presented report by command of the Governor.

Laid on table.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

Departmental and agency performance and operations: child protection program

Mr VINEY (Eastern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr VINEY (Eastern Victoria) — I move:

That the Council take note of the report.

Regarding this inquiry into the Department of Human Services child protection program, I substituted my position on the Standing Committee on Finance and Public Administration for Jennifer Huppert. Therefore I do not propose to make any comments on this report, but I believe she will make some comments on behalf of the government.

Mr HALL (Eastern Victoria) — As a member of the committee and given that child protection is such a major issue that should be the concern of all of us I want to make a couple of brief remarks, particularly in regard to the Department of Human Services Gippsland region in Eastern Victoria Region, which I represent. It is an issue which has attracted some comments from the Ombudsman in the past. We received as part of this report evidence from the Ombudsman in respect of child protection issues. It is a very worthwhile report. Those who have an interest in this subject should take time out to have a look at some of the comments that have been made by various witnesses, including the Ombudsman and those from the Department of Human Services in response to some of the Ombudsman's suggestions.

The fact that there are child protection notifications which have not been followed up for some considerable period of time is not acceptable. While I accept the government is working on this and has made some significant improvements, particularly in the East

Gippsland region, there is still much more work to be done. The Ombudsman has made some suggestions about what could be taken to be some interim measures to address the fact that these child protection reports have not been followed up. He has made some comments about how we could improve the rate of follow-up and the expediency of undertaking those follow-ups. That is valuable information for the department. It would be remiss of me not to make the comment that the government, no matter what it is beyond 27 November, needs to put more effort into child protection measures to ensure that some of the most vulnerable people in our society are given the attention and protection they deserve.

Ms HUPPERT (Southern Metropolitan) — I rise to make a few comments in relation to the report on the performance of the Department of Human Services child protection program. In doing so I point out that the government takes the issue of child protection very seriously. These people are amongst the most vulnerable in our community. Their welfare sits very high, quite rightly, in the priorities of this government. The government should be congratulated for making sure there is a system of transparency and accountability so the Ombudsman and similar officers of the Parliament have the opportunity to inquire into issues and make recommendations to improve the way in which these most vulnerable adults and children are assisted at the time they are in need of protection.

Very interesting information was raised by the Ombudsman, and the government has responded to the Ombudsman's recommendations. There were a number of reports during this inquiry that the committee had the opportunity to review. We heard evidence from the deputy ombudsman and departmental staff in relation to the total of 63 recommendations in two of the deputy ombudsman's reports. All of those, except for one administrative matter, have been accepted by the department. The Ombudsman is working with the department to ensure that the recommendations are implemented.

I recommend that all members take the time to read the transcripts of the evidence given on 6 September, because they outline the way in which the department is working with the Ombudsman; there are regular meetings and regular reviews. There have been reviews of the department's systems and technology in order to ensure that the Ombudsman's recommendations are implemented in a timely manner.

The government has allocated additional funds for employment. It is encouraging the training of people to work in this difficult area by assisting with funding for training in places such as Gippsland to ensure that there are qualified staff with adequate support to enable them to carry out their very difficult role. We must all accept that it is a very difficult role dealing with children in need of protection.

As the Ombudsman has said in his report and in evidence, Victoria is a policy leader in this area and has made great advances during the time of the Brumby Labor government in completely reworking the child protection system in Victoria. There is still much work to be done, but if members read the evidence they will see the work that is being done, and that work continues.

As recently as yesterday we had the comments of the Attorney-General and the Minister for Community Services in response to the report by the Victorian Law Reform Commission regarding the role of the Children's Court in the child protection system. One of the recommendations made by the Ombudsman was that the role of the Children's Court and the adversarial nature of our system in relation to child protection be addressed. Yesterday it was announced that the government would be implementing many of the recommendations of the Law Reform Commission.

We can see from this report that this is a complex and difficult area, but it is an area that this government takes very seriously. It has revamped the policy framework, it has revamped the system for child protection, it has placed enormous emphasis on removing the need for children to be placed into protection by child and family, information, referral and support teams — or the Child FIRST system — and it is now allocating more resources all the time to employing people and to providing assistance for the most vulnerable people in our community. I commend the report.

Ms HARTLAND (Western Metropolitan) — I want to make a few brief comments, because other members of the committee have gone into some detail about what occurred.

This is obviously an important report. While I have never worked in child protection, I have had a number of friends who have worked in that area, and I know how incredibly difficult the work is and how in many ways it is quite soul destroying for the workers not only when they are dealing with families and children under enormous stress but also where they come across children who have been brutalised.

While I acknowledge that the Department of Human Services has accepted all 63 recommendations from the Ombudsman, the one thing that truly concerned me

about the hearings is what I saw as a fairly inadequate response at times from DHS. I will read from page 65 of the report which contains a letter from Gill Callister, the secretary of the department, in response to a number of questions on notice. It states:

> Response to questions on notice from the Legislative Council Standing Committee on Finance and Public Administration
> …
>
> I am writing in response to your letter dated 13 April seeking responses to the questions about child protection taken on notice at the hearing … on 26 March 2010.
>
> The attached document reproduces the questions listed in your letter, and provides answers to the extent possible. In some instances it has not been possible to answer the question asked because information is either not available, or not available in the precise form requested. Where this is the case, an explanation is provided.

I was quite shocked by that. I would have thought the department that oversees child protection could have answered the very reasonable questions that were listed in this report as having been taken on notice. I think it goes to the fact that there is still a major problem in child protection. While I absolutely acknowledge that the department has tried very hard, and I think the minister has tried very hard in a portfolio that is incredibly difficult, unless we get this right we are going to create a generation of children who have been in care and who will then end up in a lifetime of confrontation with the justice system. It is better to get it right now to make sure that those children get the kinds of services they deserve and that DHS takes some responsibility for its behaviour and makes sure that it supplies the information that is requested.

Mr O'DONOHUE (Eastern Victoria) — I want to make a few brief comments. Whilst I am not a member of the committee, I was part of the public hearings for this inquiry. I agree with Ms Huppert that this is a very difficult and complex area. But I disagree with her saying that the government should be congratulated. As Mr Hall said, whilst improvements have been made and the recommendations from the Ombudsman have been accepted, there is a very long way to go.

The background to this area is strewn with mistakes and errors. That is perhaps demonstrated by the $66 million blow-out in the CRIS, or client relation information system for service providers, IT system that was supposed to cost $29 million — another example of the government's failure to manage IT projects and to deliver them on time and on budget.

Whilst it would appear there have been some improvements, the reality is that there are children who are taken into the care of the state who are then sleeping in caravans, motels and other completely unsatisfactory accommodation and situations. Indeed we still have the situation where children are taken into the care of the state and then subjected to abuse, which is totally unacceptable. We still have a long way to go until the child protection system is adequate and reflects what I think all of us would aspire to achieve in a state such as Victoria.

Finally, it is concerning that the level of reports and notifications continues to rise. Whilst the rate of increase has been less than in some jurisdictions, it is nonetheless concerning that the number of reports to child protection continues to increase.

Mr TEE (Eastern Metropolitan) — I rise to make a few brief remarks on this report. I think there is furious agreement across the chamber about the importance of the work that is being considered and the fact that we are dealing with the most vulnerable people in our community.

What is most telling when you look at the report and the transcript is that while this is an area that in decades past probably did not get the sort of scrutiny, openness and accountability it deserved, thanks to the government and essentially thanks to the work of the Ombudsman — the government put the Ombudsman in place, and the Ombudsman has put the regime in place — we now see an interaction between the Ombudsman and the department which is very welcome. This interaction is lifting the standards and providing openness and accountability. That is writ large when you go through the Ombudsman's reports and the transcript. That is a welcome development that is delivering results, and the outcome is a better system for the most vulnerable in our community. I am heartened by what I have seen of the interaction between the Ombudsman and the department. I put on record my commendation of the government for appointing an Ombudsman and for the way in which this interaction has occurred.

Motion agreed to.

DRUGS AND CRIME PREVENTION COMMITTEE

Impact of drug-related offending on female prisoner numbers

Ms MIKAKOS (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms MIKAKOS (Northern Metropolitan) — I move:

That the Council take note of that report.

I am pleased to make a contribution in relation to this report. It is an interim report of the Drugs and Crime Prevention Committee. The committee did not have the opportunity to complete the final report, but this report is quite substantial even though it is an interim report, and it makes a number of recommendations.

The committee was asked to look into the nature and incidence of drug-related crime and its relationship to the increasing number of female prisoners in Victoria. It embarked upon an extensive research process in order to canvass the issues and receive as much information as possible. It examined data including research and policy literature, statistical reports on offending and demographic data pertaining to the women's prison population in Victoria. There is quite extensive data in the report in relation to short and long-term trends and the various factors that have been leading to a rise in female prisoner numbers.

The committee also received 26 written submissions and conducted public hearings. As part of that it took oral evidence from 30 witnesses, including 17 witnesses who gave evidence in camera. I acknowledge the fact that a number of former prisoners were prepared to give evidence to the committee. They were particularly insightful in sharing their experiences with us. It takes a great deal of courage for people in those circumstances to come before a parliamentary committee, so I particularly want to thank those individuals for doing so. The committee also conducted site visits. It visited the Dame Phyllis Frost Centre, Tarrengower Prison, Thomas Embling Hospital, the Judy Lazarus Transition Centre and a supported community housing program.

The committee has expressed concerns about the number of women prisoners, which has been increasing considerably during the past few years. The committee looked at the linkages involved in women being incarcerated for drug offences. The committee found that from 1997 to 2002 there was a rapid increase in the number of female prisoners, to a total of 250 in 2002. That number stabilised at around that level for the following seven years but has been increasing rapidly since late 2008, reaching 320 in early 2010.

The primary focus of the committee was to look at drug offending. There are quite extensive references in the report to the linkages between offending and drug dependency. Women offenders in particular show much higher rates of drug dependency than non-offenders. Drug offences such as possession, trafficking, importation and cultivation are not solely representative of drug taking because, as we know, other offences such as burglary or shop stealing may well be related to a drug-dependent person seeking to finance their drug habit. There is a clear linkage between drug dependency, drug usage and female incarceration.

The other factor I was quite interested in and want to draw attention to is the alarming growth in the number of women from Vietnamese backgrounds who are being incarcerated. Whilst we did not have clear evidence as to the exact reasons for that, there appears to be anecdotal evidence that some of it is attributable to gambling-related debt. Some of those women are obtaining loans from loan sharks and then being cajoled or coerced into committing drug offences, in particular drug trafficking, to repay those loans. I was alarmed by this evidence. The report contains a number of comments around these issues. I hope specific strategies will be embarked on to support the Vietnamese community around these issues to try to stem that rising tide of women from Vietnamese backgrounds who are being incarcerated.

The committee has drawn upon longstanding research which shows that when women are released from prison they need to have stable accommodation to reduce the risk of reoffending. It is for that reason that the committee made a number of recommendations in relation to housing issues. The evidence before the committee indicated that the lack of sufficient housing and accommodation options for women being released from prison was the most significant problem faced by these women. The committee made a number of recommendations regarding improving the range of housing options upon release, including transitional and long-term accommodation.

These are particularly important issues because, as we note in the report, the needs of women in the prison system are different to the needs of men, in particular given that a very high proportion of female prisoners are parents who have ongoing care of children — young children in many cases — and their great desire upon release to be reunited with their children is very important. That can only be achieved if they have stable accommodation.

It is interesting that just a few moments ago a report about the child protection system was tabled. Sadly many children of female prisoners end up in the child

protection system, and if we are to ensure a decent future for these children and to ensure that they do not follow the path of their parents, then we need to ensure that they have appropriate and safe care and that the family unit is able to be reunited if that is possible. Those things are only going to be possible if there is stable accommodation in place for the mother upon her release. I strongly support the recommendations about housing issues in the interim report.

As I said before, we also visited the Judy Lazarus Transition Centre, which is currently available only for men. I think this is an excellent facility. It is a stepping stone for men who are being reintegrated back into the community at the moment. I think women prisoners would benefit from having such a transitional housing and support centre available to them as well.

There are also a range of other recommendations in the interim report which I do not want to go into in any great detail, but obviously there is appropriate acknowledgement of the importance of employment upon release and the fact that employment opportunities are a key indicator of recidivism. Therefore the committee made recommendations around a comprehensive employment assistance program being established to expand on employment programs that are currently available.

I want to acknowledge that the government has been aware of these types of issues for some time. The government put in place the Better Pathways program to try to deal with the increasing number of women going into prison in the last few years and to try to address the issue of reoffending. Some very good things have come out of that Better Pathways strategy in terms of better facilities — particularly in the Dame Phyllis Frost prison — but I think there perhaps needs to be a refocusing of some of those efforts to look at community reintegration and the needs of women going back into the community.

I conclude by noting that the Drugs and Crime Prevention Committee hopes that whichever committee succeeds it in the next Parliament, or if the committee in fact continues, it will be able to conclude this inquiry and the government will be able to take on board the recommendations in this interim report.

Finally I would like to thank the staff of the committee — the executive officer, Sandy Cook; senior legal research officer, Peter Johnston; and administrative and research officer, Stephanie Amir. We were also very grateful to have the assistance of Dr Bree Carlton from the criminology department of Monash University and Dr Stuart Ross, director and senior researcher at the Melbourne Centre for Criminological Research and Evaluation at the University of Melbourne. I acknowledge all of their contributions.

I also want to acknowledge our chair, Mrs Judy Maddigan, the member for Essendon in the Assembly. As we know, Judy is retiring at this election. She has been a very capable chairperson of our committee for the last four years. I particularly want to thank her for her leadership of this committee. She has made an enormous contribution to this Parliament, but with the way she conducted herself as the chair of this committee she helped to ensure that the committee was able to work in a very constructive and bipartisan way as much as was possible. I think all our reports over the last four years have reflected that. Again, I want to put on record my personal thanks to the staff for their support over the last four years. It has been a real privilege to be a member of this committee. I also want to thank all the other members of the committee for their hard work. It has been great working with all of them over the last four years. I commend the report to the house.

Mrs COOTE (Southern Metropolitan) — I rise to follow the contribution of my colleague Ms Mikakos and commend her for the detail in which she has supported the presentation of this report entitled *Inquiry into the Impact of Drug-Related Offending on Female Prisoner Numbers*. This was prepared by a subcommittee of the Drugs and Crime Prevention Committee. It was a very interesting and in some aspects very challenging inquiry to conduct. As Ms Mikakos suggested, we had many site visits, and we had a lot of very honest and open contributions from former and current prisoners as well as prison staff and people from Corrections Victoria. It was extremely enlightening.

There was much that came out of this inquiry. I, too, would like to see the next Parliament take this up and develop it further. I believe the way in which we deal with our prisoners in this state, particularly female prisoners, reflects on us as a community. It is very important we make quite certain that we have the frameworks in place to enable people, once they leave prison and have literally done their time, to be re-integrated into the community. A number of issues came out of this report that I think we need to look into a little further.

There were some practical issues that we saw firsthand but also some that might be called 'soft issues' about prisoners' rights and the ongoing integration of prisoners into the community once they have left. For

example, one of the things that prisoner officers cannot do at this stage is internal searches of female prisoners entering the prison. They can certainly do strip searches, and that is done on a regular basis for obvious reasons. There is new technology now that we see at some airports where people are in fact X-rayed and you can see exactly what is being brought in and out of this country in the form of drugs, particularly as people tend to swallow drugs — mainly balloons full of heroin, but cocaine and other drugs are also ingested. This is one very good way of getting drugs into the country and also, in this instance, into the prisons.

We have some sympathy for the staff at the Dame Phyllis Frost Centre in particular as they want to do the right job. It is very difficult to do that because a strip search does not show what people had ingested. From a health point of view as well we do not want to see people coming into our system after they have swallowed 20 balloons of heroin, as was the case in one instance reported to the committee. We have to be very careful because we are dealing with a health issue, which not only impacts on the current inmates in light of what might be brought into the prison but also on the person who is entering the system. If this report is taken up, hopefully this issue can be looked at by Corrections Victoria having a closer look at implementing the technology to make certain that our female prison inmates are safe.

The second issue that came out of speaking to former prisoners, and those who were in Tarrengower in particular, is that the women have a limited amount of money available to them, and from that they have to buy their own toiletries, which are quite expensive. They therefore face a choice of having shampoo and conditioner, something we take for granted, or making a telephone call to their children. Keeping in touch with their families and their children, particularly those in Melbourne, is exceedingly difficult when they are at Tarrengower, because every telephone call is a long-distance call. The choice between having deodorant and shampoo or ringing your family is often not as easy as it might seem. It is a very simple thing that we should be looking at.

Another issue which I am hoping is an oversight but which I think needs to be reflected upon and looked into is the provision of medical services for women in prison. As part of the rights of prisoners, the Victorian government needs to recommend to the Council of Australian Governments that medical services for women in prison should be provided and funded by Medicare to ensure that they are comparable with those available to the general public. These women could be experiencing ongoing issues, particularly in relation to drug issues, which was a focus in this report. They need to be addressed so that when the women are released back into the community they do not have longstanding health issues for which they have not been able to afford treatment. This is an important aspect that needs to be taken up with the Council of Australian Governments by the Victorian government, and it could be something that comes out of this report which is a very real contribution to female prisoners and those exiting the system in this state.

Finally, I too want to touch on the housing issue. What came through time and again is that once women leave prison they are seriously on their own. There are some good services available to protect them and to help them integrate into the community, but we found there were loopholes in their administration. In many instances it was not a foregone conclusion that they would be given sufficient support once they were back in the community. Many women have issues with former partners and associates, and they get dragged back into the violent relationships and criminal activities for which they were put into prison in the first place.

It is imperative that we strengthen the services available for female prisoners on their release, and housing is an integral part. Many women have lost contact with their children; many children are put into foster care when their mothers are put into prison. Because women do not have a fixed address, they cannot get social services to interact with them; they cannot get to appointments properly, and therefore they fall behind in the system and the cycle is repeated. We then find these women falling back into the habits for which they were prosecuted, and the system starts all over again.

We have an opportunity to stop this cycle by providing these women with proper housing. I agree with Ms Mikakos about the Judy Lazarus centre which provides programs for men. A program such as that should be implemented for women as well. If we want to help these women to come back into the community, to have productive lives and to re-engage with their children, it is important that we help them to live in the very best way possible.

I strongly recommend this report to the chamber. It is extremely interesting. The committee received some excellent submissions. The report contains some interesting statistics and research. I know everyone is busy with their election campaigns et cetera, but over January, when members are all missing Parliament, it would be a very good time for them to put this report on their bedside table and to read it, because I hope the next Parliament takes it up. We can formulate another

briefing for the committee to make quite certain we follow up on what has been very good work.

I, too, would like to thank the committee staff. These reports are valuable tools, put out not just for all of us but for the community. The research work and the extent of the professionalism amongst our committee staff is first rate. On this committee we truly have had excellent research done by Sandy Cook, Pete Johnston and Stephanie Amir. They prepared a very professional report in a very short time frame with a lot of other work pressures as other reports were being produced as well.

I reiterate how important these reports are: they are very good tools of trade for all sides of this chamber to take forward into the next Parliament. I would also like to put on the record my praise for the chair, Judy Maddigan, the member for Essendon in the other house, who conducted this committee in a very professional and detailed way. She has done a very good job, and I put on the record my support for the work she did as chair of the Drugs and Crime Prevention Committee.

Mr LEANE (Eastern Metropolitan) — As a member of the Drugs and Crime Prevention Committee I, too, want to recommend this report entitled *Inquiry into the Impact of Drug-related Offending on Female Prisoner Numbers* to the house. This is an excellent report, and while I am more than happy to have my name attributed to any great work, I need to be clear that this work was done in a short time under great pressure by an excellent subcommittee of the Drugs and Crime Prevention Committee. Judy Maddigan and Liz Beattie, the members for Essendon and Yuroke in the other place, and Andrea Coote and Jenny Mikakos from this chamber did all the heavy lifting. In saying that, all members of the committee would no doubt urge that these recommendations be seriously looked at and acted on. They are very important recommendations. It would be a shame if this interim report was not followed up by a more detailed report and these recommendations not acted on completely.

In regard to the work of the committee in this parliamentary term, we have had some heavy references. To name a few, they have involved things like addiction to prescription drugs, general assault, juvenile offenders and the trafficking of human beings. We have been able to produce some good reports, and a lot of that comes down to the excellent staff who work on this committee. Sandy Cook, the executive officer; Pete Johnston, the senior research officer; and Stephanie Amir, the administration officer and research officer, have been the pillars and stalwarts which have enabled this committee to do excellent work.

In closing I, too, want to commend our chair, Judy Maddigan, the retiring member for the seat of Essendon in the other place. As a new member of Parliament at the start of this parliamentary term, Judy Maddigan in her stewardship was invaluable in helping to show me the ropes of what a committee member should do and how to be effective. I wish Judy Maddigan all the best in her future endeavours when she jumps the fence and escapes this particular institution.

Motion agreed to.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Adequacy and future directions of public housing in Victoria

Mr SCHEFFER (Eastern Victoria) presented report, including appendices, 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.

The Council asked the Family and Community Development Committee to look into the adequacy of and future directions for public housing in Victoria and to focus on how waiting lists in particular impact on individuals and families seeking public housing. The committee was asked to inquire into the quality, standards and safety of public housing and how they impact on indigenous Victorians, women, older people, those with disabilities, refugees and people who experience mental illness.

The report is comprehensive. It delves into a wide range of issues such as the consequences of a shortage in the supply of housing in both the public and private sectors which compels the housing section of the Department of Human Services to prioritise, according to need, the individuals and families who are seeking social housing. The shortage means that applications need to be prioritised, and this in turn means that the waiting list system needs to be revised. What follows from that is a whole raft of questions around waiting times, flexibility, responsiveness, and tenant mix and tenant choice.

The inquiry was conducted against the reality of the very significant investments made by the Victorian and commonwealth Labor governments to increase the social housing stock and to provide more affordable housing for those in the community who rely on government support. The Victorian government's establishment of housing associations represents a very significant shift in the way social housing is delivered in Victoria. Housing associations, the community in general would agree, offer a real opportunity for the expansion of social housing stock, and that means more people can find housing that they can afford.

Almost exactly 12 months ago — in fact five days before the Legislative Council sent the housing reference to the committee — the Minister for Housing, Richard Wynne, announced that the commonwealth and Victoria were working in partnership to buy or build around 6500 public and housing association properties. In the 2007–08 budget the Brumby government invested some $510 million in public and social housing. That very significant investment was supported by the commonwealth government's Nation Building stimulus plan, and that put another $1.17 billion into some 4500 homes. Every witness to the inquiry acknowledged and welcomed this very significant capital infusion into social housing from the Victorian and commonwealth governments. All agreed that, while that was very valuable, at the same time that boost in social housing supply would not be enough to see us reverse the trend.

One of the clear messages coming out of the inquiry is that we need to do more to ensure that there is an adequate supply of affordable housing in both the private market and the social housing area. Affordable housing means that after paying the rent or the mortgage there is enough money left to cover the costs of food, clothing, transport, medical care and education — those sorts of things.

The committee also noted that there is value in considering housing in the context of human rights. Adequate housing involves more than affordability. It includes security of tenure, a location that allows access to services and a premises that is habitable, dignified, private, secure and, importantly, culturally reinforcing.

Victoria continues to be a state where owner-occupiers dominate the housing market, but data shows that the percentage of private renters is increasing and that the number of people living in public housing is falling. Home ownership is falling, and fewer young people are able to buy homes. The fact is that the younger you are, the less likely you are to own or be buying a home. The reasons for this fall in home ownership amongst the young lie in the current phenomenon of the huge population growth in Victoria and the shortage of houses and apartments. They have worked to push up prices, especially in some parts of the state. The good news, though, is that our economy is doing well, we are increasing the number of jobs and housing construction is growing. The increase in both the purchase price of housing and rents varies from place to place, and this puts huge pressures on young people to get into the market.

Since the 1950s home ownership has been a near universal aspiration in this country. Billions of dollars have been invested in land and houses — and billions of dollars have been borrowed, with interest being paid for the privilege and security that a private piece of real estate brings to the owner.

Private renting and social housing are seen by many, including some members of the committee, as transitional and residual, and much of our public policy has been premised on the idea that eventually people will get their act together and buy a house and land package. In this country private renting is not seen as an entirely grown-up housing option, and social housing often is seen as little more than a safety net for the disadvantaged and vulnerable. I consider that renting in the private market and the social housing space are entirely valid forms of housing and should be developed so that they are more viable for people who choose that housing option. Admittedly, often people make those choices out of necessity, but we should be learning from what people are doing and supporting them to make those choices more viable rather than less viable.

In comparable economies the percentage of social housing is far greater than it is in this country. It is 35 per cent in the Netherlands, 25 per cent in Austria, 21 per cent in Denmark, 20 per cent in Sweden and 18 per cent in the United Kingdom — compared with around 4 per cent in Australia. The type of ownership also varies, with nearly all social housing stock in Sweden owned by the municipality, whereas in the Netherlands, at the other end of the continuum, nearly all social housing stock is owned by housing associations.

This is not to say that the European environment is devoid of stress. When you look at the data, as the committee did, you see that in fact many of the same issues as we have are apparent there, but in this country we have a tiny social housing sector. We have some way to go, but a significant start has been made with the recent Victorian and commonwealth investments I have already mentioned. Over the medium and longer term

more investment will be made in this area, and we will become much more inventive in our approach to encouraging private investment in affordable housing.

The committee visited a variety of social housing sites, and the report acknowledges that some estates face considerable issues in the standard of the stock and the quality of life for many tenants and also a number of issues relating to site management. On the other hand we visited estates where the facilities were excellent. The government should be commended on some of the really fantastic work that is being undertaken to improve the quality of life of people who live in houses and apartments managed by housing and community development and the various housing associations.

Looking to the future, the committee considered that there are opportunities for the state and local government to be more creative in fostering new structures that could deliver more affordable housing. Interestingly the Senate Select Committee on Housing Affordability in Australia flagged one such approach in its recommendation that legislation should be introduced to require more affordable housing, including a proportion of social housing, in all new developments. The committee heard that initiatives are already under way in Canada, South Australia and the Australian Capital Territory and that some Victorian municipalities had developed useful and workable models. A number of participants from the non-government community sector supported the idea, and the committee heard that developers and potential investors felt that they could work with such inclusionary zoning models.

In conclusion I would like to thank the chair of the Family and Community Development Committee, Jude Perera, the member for Cranbourne in the Assembly and to commend my fellow members of the committee, including Mr Finn, on this very important and interesting inquiry. Last but not least, I thank and commend the excellent work of our research team, led by Dr Janine Bush and including Tony Phillips and David Critchley, who did a wonderful and thorough job on what was a very complex and far-ranging inquiry. I have great pleasure in commending the report to the house.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure in speaking to this report. It has to be said that this is a substantial report. A great deal of work has gone into it, including a good many hearings and a number of site visits, as has been mentioned by Mr Scheffer. With an election merely weeks away I have to comment on the degree of cooperation between members of this committee who worked together to find answers to what is a deep problem in Victoria and one that I think each and every member agrees has to be addressed as a matter of priority.

It is not good enough in a civilised state like Victoria in 2010 to have people living on the streets. People are living on the streets because they are not able to access proper or affordable housing. That is something we as a Parliament should not tolerate. We should not be able to sleep at night with the knowledge that there are people who are living and sleeping on the streets, particularly women, children and families who are living in cars or tents or under bits of iron sheeting or something similar — —

Mrs Peulich — Under bridges.

Mr FINN — Under bridges. It is something that we as a Parliament have to take to heart. We have to take this very seriously. I know that we as a committee, during our consideration of this report, in hearing the many witnesses who gave evidence, at the site visits we made and the discussions we had, took this issue very seriously.

As Mr Scheffer has pointed out, waiting lists have been a significant part of this inquiry. The committee has found that waiting lists have grown, particularly for people who were eligible for early or priority housing.

Mrs Peulich — Over the 11 years.

Mr FINN — Over the 11 years, yes, waiting times have also increased. According to official projections for 2010–11, people experiencing or at risk of homelessness will wait an average of eight months to be allocated a public housing tenancy. That is an increase from three months in 1998–99. We have seen a blow-out of five months on waiting lists for those experiencing or at risk of homelessness. I find that quite appalling. Things are getting worse. That is something that this government and the Parliament have to target as a major issue and one to which we have to find a solution.

The committee has recommended that the Victorian government target support programs more effectively to people on the early housing waiting list. This is a group of people experiencing or at risk of homelessness that can be readily identified and targeted for support. Some are linked to homelessness support services already, but others are not. It should be pointed out that there is currently no specific method for targeting people on the waiting list and ensuring individuals and families with identified housing needs have access to homelessness and relevant support.

I find it quite astonishing that we have people who are vulnerable, who are in imminent danger of becoming homeless or indeed who are already homeless and yet we do not know who they are and have no way of finding out. I well remember when I was a member of the other place, representing the area of Tullamarine between 1992 and 1999, that a lot of people who were in this situation came to me during those years, and we were able to help them. I helped a lot of people who found themselves in situations where they were either homeless or about to become homeless. I have to say, 11 years later, that when people come to me, it is not so easy to help them. This is something about which we not only have to express our concern and sorrow but we have to address it as a matter of priority. It is an urgent matter for many people who are faced with the prospect of homelessness.

It is very easy for those of us in this Parliament, because we will get into our cars tonight — or tomorrow night at the end of the sitting week, hopefully — and go to our homes and sleep in our own beds, but there are far too many people in this state who do not have the right — and I believe it is a right — or the ability to do that, because they have no home and no bed of their own. That is deplorable in any civilised society. We as legislators in the Victorian Parliament — and, I believe, members of the government — have a real obligation to address this as a matter of urgency.

Another issue is the maintenance of public housing stock. We have all heard some of the horror stories — indeed the members of this committee heard some — about the appalling maintenance in some public housing in this state. I know there is an attitude of some who say, 'The government is footing the bill, so beggars can't be choosers', as it were. I do not accept that. I do not believe that is a reasonable thing. I think if we are going to provide public housing, and clearly we need to do that, we have to provide a decent standard of public housing, and maintenance issues are clearly a very important part of that.

The committee identified improved approaches and awareness of issues relating to maintenance and noted that the responsiveness of maintenance remains a concern for many participants in the inquiry. I think that is possibly somewhat of an understatement. Throughout the course of this inquiry we heard from a number of people who expressed very strong concerns about the level of maintenance — or perhaps I should say non-maintenance — with regard to public housing in this state. It is something that has to be taken on board by the Minister for Housing, Mr Wynne, and his department.

Mrs Peulich — No win.

Mr FINN — No win indeed, Mrs Peulich! It is a no-win situation for many of those who are living in public housing and are suffering those maintenance problems. It is something that has to be taken on board and addressed for the benefit of those people, particularly families living in substandard public housing accommodation.

I mentioned earlier that there was a great degree of cooperation and goodwill between members of the committee as we worked to find solutions, which it has to be said is not always the case on committees but certainly was on this occasion. However, it also has to be said that Mr Scheffer and I still have not come to a common view as to exactly what the role of the government should be in public housing. I think it would be safe to say that Mr Scheffer is of the view, and I think he expressed this on the committee, that the government should be in open competition with the private sector in terms of providing public housing and cheaper forms of housing.

I certainly do not concur with that view. My view is that public housing should be provided for those who cannot find their own way in the private sector. Housing should be predominantly a role for the private sector, and I do not believe we should see one of these almost Cain-esque or Kirner-esque programs where governments compete with the private sector.

Mrs Peulich — Stalinist!

Mr FINN — Maybe, Mrs Peulich!

If we really wanted to alleviate many of the problems, if indeed not all of the problems, faced by people who are living in public housing or who need to live in public housing, we would encourage, support and help people to buy their own homes. That is the most important thing any government can do to help people live at a standard of living and in a standard of accommodation to which we all aspire. As we know, those who buy or are buying their own homes take pride in that. Quite often they will have that home for as long as they live, and it will permanently solve the problems which this committee addressed.

I congratulate Dr Janine Bush and her team, and whilst I know members should not make reference to people in the gallery, I have a feeling David Critchley may not be far away, so I thank him for his efforts as well. I know the staff situation on the committee was a bit of a movable feast from time to time and was a little bit hard to follow, so I congratulate the full-time team on the committee for the job they have done in bringing this

all together. The role they play is an extraordinarily important one from the viewpoint of the members of the committee.

I congratulate my fellow members of the committee for the work they have put in, and I hope this report is not something that in 10 or 15 years we find gathering dust in a storeroom somewhere in a government building down in Lonsdale Street. This is a report I believe we should take seriously. I urge the house and the government to do just that.

Mr KAVANAGH (Western Victoria) — I would like to make a few comments on the report of the Family and Community Development Committee entitled *Inquiry into the Adequacy and Future Directions of Public Housing in Victoria*. I want to raise an issue about a lady in South Eastern Metropolitan Region who sought my help. She is not from my electorate of Western Victoria Region. She has been on the waiting list for public housing for about 10 years. She is an immigrant lady who is spending about 80 per cent of her pension on private accommodation. The owner is selling the accommodation in question. I think the property has been sold, and she is due to be forced out of that property in the next few weeks.

Making representations on her behalf, my office has been told the public housing authorities will not give her any particular help until she is actually homeless and out on the street. That situation is looming but has not happened yet. It seems absurd to me that there are not provisions within our system of public housing to help this particular lady, and I would urge the government and all authorities to change the policy and help people in her situation before they are actually in crisis.

Motion agreed to.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Farmers markets

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.

This inquiry builds on the Outer Suburban/Interface Services and Development Committee's previous inquiry into agribusiness. The report was tabled in May 2010, and it called on the Victorian government to develop strategies and policies to support agriculture on the city's fringe.

The new farmers markets inquiry report has revealed that Victoria's booming farmers market industry generates around $227 million per year for the state economy. The committee believes that both state and local governments should continue to support this popular form of fresh food retailing. There are approximately 150 farmers markets in Australia, 90 of which operate regularly throughout Victoria. Approximately 20 are in the peri-urban or interface areas of Melbourne.

The committee held a dynamic public forum in July, visited markets in Victoria and travelled to South Australia in August to visit markets at Willunga and Victor Harbor and the Adelaide Showground Farmers Market. The committee findings included that market operators should continue to work towards establishing weekly rather than monthly markets wherever possible.

The industry supports a range of different market ownership and operating arrangements. However, the employment of paid market managers is an important factor in the success of the markets. Start-up grants and other forms of assistance to farmers markets are valuable and help to ensure their longer term sustainability. Farmers markets have significant beneficial impacts for nearby local retailers and can make an important contribution to local economies.

Victorian market operators should consider adopting the membership model used by South Australian farmers markets. The industry should monitor whether the price of goods presents a barrier for people on low incomes and, if so, investigate solutions to overcome this. Farmers markets are proving to be effective business incubators for food producers while also promoting changes in farming practices.

Greater flexibility could be introduced into the Victorian Farmers Markets Association's accreditation criteria to allow more producers and vendors to sell at the markets. There appears to be a shortage of stallholders at some of Victoria's farmers markets, particularly those located outside the inner city. This is likely to limit the growth of the industry in the future.

Local governments can take a more active role in supporting farmers markets. Equally, the Victorian government can encourage local governments in this role by ensuring that food access is included within the state planning policy framework. Ideally farmers markets should be located close to retail precincts, transport hubs or in central locations, which would allow other retailers to benefit from the increase of foot traffic. Recent changes to the food permit registration system will, once implemented, reduce costs for farmers market vendors.

The committee made 12 recommendations to the Victorian government, including the continuation of a government funding program beyond 2011; reducing red tape and making it easier for market organisers to gain planning approvals; ensuring that, wherever possible, markets are located in areas where the increased foot traffic they generate is able to benefit nearby retailers; taking steps to ensure that farmers markets are accessible for people on lower incomes; embedding the principle of access to food into the state planning framework; and making land available to prospective farmers who are seeking to get involved in farmers markets.

Finally, I express my thanks to my parliamentary colleagues on the committee: Mr George Seitz, the member for Keilor in the Assembly, who is the chair — it is his last term in Parliament, and I wish him well; Mr Ken Smith, the member for Bass in the Assembly, who is the deputy chair; Mr David Hodgett, the member for Kilsyth in the Assembly; Mr Don Nardella, the member for Melton in the Assembly; Ms Colleen Hartland and Mr Matthew Guy. I would also like to thank the committee staff, Sean Coley, Keir Delaney and Natalie-Mai Holmes, not only for their excellent work but for their commitment and assistance. I commend this report to the Parliament.

Motion agreed to.

LAW REFORM COMMITTEE

Arrangements for security and security information gathering for state government construction projects

Mr SCHEFFER (Eastern Victoria) presented report, including extracts from proceedings and minority report, 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.

The final report of the Law Reform Committee's inquiry into arrangements for security and security information gathering for state government construction projects consists of a brief statement advising the house that the committee cannot proceed with its inquiry because of the unavailability of the report of the commissioner for law enforcement data security's review of Victoria Police's major project development memorandums of understanding (MOUs). In December 2009 the Minister for Police and Emergency Services asked the commissioner for law enforcement data security to review Victoria Police's major project MOUs, and in March 2010 the Legislative Council required the Law Reform Committee to inquire into substantially similar matters.

As members know, the commissioner's report is now available. The Law Reform Committee called for submissions and found that the material contained in those submissions needed to be tested against the findings of the commissioner. Without the capacity to test the evidence in this way, the committee felt its inquiry would lack integrity.

The Law Reform Committee has in all its inquiries during this term scrutinised and tested the credibility of the evidence presented to it through its own research, through submissions and through hearings. The committee has done this by identifying a range of authoritative sources of information and reliable views that test the evidence, enabling it to draw considered and evidence-based conclusions upon which to base a finding or recommendation.

In the case of this inquiry the submissions presented the committee with very limited evidence on an important, complex and sensitive issue. The only other authoritative piece of evidence that could be available to the committee was the report on the review that the Minister for Police and Emergency Services had asked the commissioner for law enforcement data security to undertake. The committee had no control over when the commissioner would finalise his report and when the report would be made available.

The other reason the committee was unable to proceed with the inquiry is that on 1 September the house moved that the committee inquire into, consider and report — concurrently with the inquiry already under way — on the many MOUs signed by Victoria Police with various organisations in recent years. The committee takes its work seriously and could not

complete this extensive additional work in the 21 working days available to it.

During last sitting week the annual report for 2009–10 of the commissioner for law enforcement data security was tabled in Parliament. By now members will have had an opportunity to peruse that report. As well, a couple of weeks ago the commissioner released his *Review of Victoria Police Major Project Development MOUs* report. I believe the commissioner's report fully addresses the issues the house wanted the Law Reform Committee to inquire into. I commend the Law Reform Committee's report to the house.

Mrs KRONBERG (Eastern Metropolitan) — I rise in a state of extreme disquiet to speak to the minority report that is embedded in the Law Reform Committee's *Inquiry into Arrangements for Security and Security Information Gathering for State Government Construction Projects* report of October 2010. In doing so, as is custom, I will take the opportunity at this point to congratulate the staff of the committee, who formed the backbone of the aggregation of information for the report. I want to thank Kerryn Riseley, Vathani Shivanandan and Helen Ross-Soden. However, I am unable to congratulate the chair, something I would have done in the past, on his work chairing proceedings through the deliberations of dealing with this reference from the Legislative Council, because it was such a shameful exercise.

When we refer to the committee's deliberations and decisions we have to note that decisions about this were split on partisan lines over the construction of the committee, the majority of four coming from the government and the minority of three from the coalition, who held firm our resolve on all votes pertaining to elements of this committee, which we see in the report that has been tabled.

Members of this chamber, people in the chamber this day, people outside this Parliament, people concerned about the desalination plant who will assemble on the steps of Parliament at 1.30 p.m. this afternoon, the media and the people of Victoria should pay very close attention to this document, because this thin offering that makes up the body of the majority report is a very sinister offering to the people of Victoria. It goes to the very heart of the Westminster system of parliamentary democracy that this house is based upon and to the very heart of the freedoms and rights of Victorian citizens. This is a strident example of how out of control, arrogant and disdainful the state Labor government is.

Let me set out the reasons for those statements. As a member of this Parliament's Law Reform Committee it is incumbent on me to outline the reasons for the minority report. I stand before the house today to share as much information as I am able about the writing of the minority report and the shutting down of the Law Reform Committee's inquiry — basically the suspension of democracy in this state in this warped frame of time. The members of the committee in the minority are thoroughly aggrieved that on 16 September the majority terminated the inquiry and also made sure that the public was deprived of the knowledge of just what evidence the committee received to assist it in its deliberations.

The majority relied upon the grounds that the committee could not proceed with its inquiry and hold hearings because it was essential that the committee be in possession of the long-awaited review by the commissioner for law enforcement data security. The committee never received the report to enable it to proceed with its work. However, unbeknown to the minority — and this is a pivotal point that the people of Victoria should listen to and let resonate — the minister had already been provided with the report. The question is: did the four members of the committee, including Mr Scheffer in his role as chair, know the minister was in possession of the report? Was that ostensibly stretched out so it could be said, 'We are unable to proceed, we are unable to hold inquiries and we are unable to let the public and this Parliament know what material we received'? We were just totally gagged in this process.

Mrs Peulich — A cover-up — smelly.

Mrs KRONBERG — A very smelly cover-up, Mrs Peulich. It is amazing that the deliberations to shut down this inquiry occurred on 16 September, a full 24 days — I repeat, 24 days — after the minister himself had received the report. What does this say about the minister? What does this say about the communication between the minister and the committee on this important reference? What does this say about the attitude and mindset of this government? What does this say about procedures? What does this say about the authority of this Parliament? What does this say about the processes as to how information flows around this government? It took 24 days for this report to be disseminated to a committee. We are confident, and I feel quite sure, that people here today and readers of this report are entitled to assume that the committee would have made it clear to the minister that it was seeking the CLEDS (commissioner for law enforcement data security) report in order to proceed with its inquiry.

The long delay in relation to the report and the government's failure to provide it to the committee are not valid reasons for the majority to have not proceeded with the inquiry, held hearings and taken evidence. Once it was clear that hearings could no longer be delayed while awaiting the CLEDS report, those hearings could and should have been scheduled and held. It is the firm resolve of the minority that those hearings should have been scheduled and held. There was time. There was other work, but there was time. Refusing to proceed with the inquiry is in breach of the committee's duty under the Parliamentary Committees Act 2003.

This refusal was the pivotal reason for the minority report being put together by the three opposition committee members. We believe the majority report is a breach of the committee's duty of care under the Parliamentary Committees Act 2003. We also feel it is insulting to those persons who put time and effort into preparing submissions to the inquiry in response to the committee's public advertisement seeking submissions. This causes us a lot of discomfort. We must be on the public record given the level of discomfort and disquiet this has brought about.

We feel the committee majority has by its actions reneged on the terms on which submissions were invited from the community. The majority not only refused to conduct public hearings but also refused to include in the committee's report an account of the submissions received or any assessment of the issues that were raised through those submissions. It is also important to note that the majority deliberately resolved not to make public the submissions received and even voted to excise from the draft report the names of those parties who made submissions.

The committee's secretariat has informed the minority members of the committee that as a consequence of this orchestrated suppression of the inquiry we were prohibited from even mentioning in the minority report either the names of those parties who made submissions or anything contained in those submissions. In our experience this deliberate suppression of the names and evidence of submitters and the consequential gagging of minority members is unprecedented. It is unprecedented gagging of the public of Victoria by fellow members of this chamber.

The conduct of the Labor majority in relation to this inquiry marks a sad end to what has otherwise been a constructive and cooperative four years of work by the committee. The majority suppression of the submissions received by the committee prevents us from reporting to the Parliament the content of the submissions, including anything contained in them that might explain why the government would want to resort to such measures. However, even the publicly available evidence raises many important and unanswered questions about the desalination plant memorandum of understanding (MOU), including, firstly, why the government chose to enter the MOU on the terms it did; secondly, why the government included a provision to enable personal information about Victorian citizens to be handed over to a private company; thirdly, whether it was lawful or appropriate for the government to enter into an MOU on the terms it did; and fourthly, what protections of the rights of Victorians subject to surveillance could and should have been applied to any of these arrangements.

We feel there is a need for a parliamentary inquiry into this matter to allow further consideration of the implications of this issue. Subsequent to the initial report, the government's responses have only added to public concern about the government's surveillance of Victorian citizens and the desirability of having a full parliamentary inquiry into what actually occurred.

My esteemed parliamentary colleague Mr O'Donohue, a member for Eastern Victoria, first raised this issue. On 24 March he moved the reference to the committee and quoted from the memorandum of understanding in doing so. It is worth reading into the record. Mr O'Donohue quotes the memorandum of understanding as saying:

> The use of intelligence will play a significant role in enforcing the law at construction sites or along the construction corridors in relation to the project …

I note that includes the power connections to the plant as well as the connecting pipeline to the Cardinia dam, so if someone thinks that because they have not protested at the desalination plant or do not live in the Kilcunda-Wonthaggi area they are immune to these problems, they should think again. Mr O'Donohue continues his comments about the MOU:

> In other words, Victoria Police will not be the lead agency for intelligence gathering. Much of that function will be given to the state government and AquaSure —

the builders of the desalination plant. This is because, to continue Mr O'Donohue's quoting of the MOU:

> The secretary … personnel, contractors and subcontractors will be relied upon to gather and disseminate intelligence to Victoria Police in a timely manner for the purposes of both proactive response and general enforcement.

Of course the press are across this issue. The minority report, to which I draw everybody's attention, contains ample evidence that goes to swell the report to the size

it is. It is worth bringing in further comments from Mr O'Donohue at the time he moved the motion that resulted in this reference. He told the Legislative Council that the issues raised by the desalination plant MOU required further analysis, including the impact on privacy; how many other MOUs for infrastructure projects are being signed; whether Victorians who protest at an infrastructure project should have the right to know who is gathering information about them; whether the rights of individuals are being compromised; what is the justification; when will the information be used; and whether the information will be passed on to third parties and under what circumstances.

Parenthetically, in the minority report under the heading of 'Further MOUs coming to light', it is interesting to note that a prominent memorandum of understanding was struck between Victoria Police and — dare I say it?— the AFL. What are things coming to?

When the report of the commissioner for law enforcement data security was finally made public on 23 September it revealed serious concerns about the way Victoria Police handles sensitive data. It is important to note when this report was handed down. It was handed down on the eve and in the shadow of the AFL Grand Final. Everyone knows that is an all-mighty distraction in Melbourne and right throughout the length and breadth of this state, and that anything released on the eve of grand final receives less attention.

The CLEDS report makes these points: Victoria Police law enforcement data on policies, procedures and training are inadequate and confusing; the desalination memorandum of understanding fails to adequately cover the key regulatory requirements in relation to human rights, which is something Mr Scheffer has a lot to say in this chamber about information privacy and information security; and there are drafting errors and oversights in the MOU that impose obligations on Victoria that are inconsistent with legal and regulatory requirements and therefore render it legally unenforceable against AquaSure, including its confidentiality and privacy requirements.

These findings only add to concerns about information gathering and handling by Victoria Police that have arisen from previous revelations, including the misuse of the law enforcement assistance program, or LEAP, database, the matters disclosed in evidence given to Victoria Police and the Office of Police Integrity murder leaks inquiry and police access to journalists' phone call records.

The question is: what remains concealed? There is compelling evidence that the government has sought to conceal and prevent public scrutiny of what has occurred at the desalination plant and with other MOUs by withholding the CLEDS report from the Law Reform Committee, shutting the inquiry and suppressing the evidence it has received, and releasing the CLEDS report late on a Thursday evening — I repeat, on the eve of the grand final.

It is important to make mention of the fact the financial and legal exposure of taxpayers is subject to Victoria Police's compliance. The MOU appears to have put on the government a legally binding obligation to the desalination plant consortium without the knowledge or the consent of Victoria Police.

In conclusion, it is both legitimate and desirable for Victoria Police to be proactive in gathering intelligence relating to threats and other risks of criminal activity. However, the steps taken by Victoria Police must be lawful and relevant to and commensurate with the risks to which they respond. Furthermore, the data collected by the police must be used only for purposes for which it was collected or for other purposes authorised by law. It must not be used improperly to advance other interests of government or of private companies, individuals or non-government organisations. These limitations and safeguards are vital to protecting the rights and freedoms of citizens and preserving an open and vibrant democracy.

In the context of a major construction project such as the desalination plant, which is highly controversial and which involves billions of dollars and where the government has both commercial and political interests at stake, there are justifiable grounds for concern that the government's motivation for entering into an MOU and for the use of police and other intelligence gathered under the MOU may be to protect its commercial and political interests rather than for the legitimate purposes of protecting persons or property.

Given the importance of these issues and its duty to do so under the reference it was given by the Legislative Council, the committee could and should have proceeded with the inquiry. The committee could and should have investigated the use by the government and Victoria Police of MOUs such as the desalination plant MOU and whether they have been appropriate, and Victorians should have been provided with the facts about what has been happening. The committee could and should have made considerable recommendations as to whether changes to the law or practice are needed to safeguard the rights of Victorians. The fact that the Labor majority of the committee has shut down the

inquiry and suppressed the evidence it has received means that Victorians are entitled to suspect that there are further aspects of what has occurred with the desalination plant MOU that the government does not want Victorians to know about.

Having been prevented from receiving evidence and gagged on what we can say, the minority members of the committee can only hope that sooner or later the full truth about those aspects of the issue which the government has kept concealed to date will emerge and that a future government will put in place a regime that will ensure Victorians can have confidence that the state and its instrumentalities will collect and use information about them only in a lawful and legitimate manner.

Mr HALL (Eastern Victoria) — This is a cover-up. It is a barefaced, blatant cover-up of an extremely important issue; I would say one of the most important issues brought to the attention of Victorians in this term of government. It relates to the sharing of information compiled by Victoria Police with private companies, in particular AquaSure in this case, and indeed it has since been revealed that there are police files on other private companies. One must question the intention of Victoria Police in collecting data on individuals and then handing it over to private companies; one must question the motivation for doing so.

My colleague Mr O'Donohue rightly raised this issue in this Parliament on 24 March because it was an important matter that needed to be brought to the attention of people of Victoria, and they were outraged that this sort of private information was being shared with private companies. That is why this house universally supported the reference going to the Law Reform Committee, headed by Mr Scheffer, to investigate this particular matter.

The report tabled today is extraordinary. I have to say I have never seen anything like it from a parliamentary committee reporting to the Parliament. If I were a member of this committee, I would be embarrassed to present a report in the way this one has been presented here this morning, particularly as this cover-up represents a major backflip by this government. When these terms of reference were put to the house by Mr O'Donohue in a substantive motion on 24 March the Labor Party was certainly prepared to support the motion. On page 1012 of *Hansard* of 24 March Ms Tierney said:

> I wish to indicate to the house from the outset that the government will not oppose this reference going to the Law Reform Committee.

It was as clear as that, yet the majority government members of this Law Reform Committee have refused to follow through on that and have used every excuse they can find to not progress this inquiry. The committee has used the excuse that the commissioner for law enforcement data security report is a key part of the inquiry. Yes, I agree; it is a key part of this inquiry, but that is no excuse for not allowing the inquiry to proceed. In fact the committee advertised for submissions and went through the process, yet the government members refuse to release even basic information as to how many submissions were actually received, let alone allow public access to those submissions.

Every other committee that I have served on and, I believe, every other committee that has reported to the Parliament, lists basic information as to how many submissions were made and gives access to those submissions unless they are deemed to be confidential. As I understand it from looking at the minority report tabled this morning, the advertising for the submissions indicated all submissions and comments would be treated as public documents unless confidentiality was requested.

As a member of this chamber I think I, like everybody else in this chamber, am entitled to know — because we supported and debated this inquiry and set the terms of reference — that basic information as to how many people made submissions and what they said in their submissions. The committee could have reported on that. The minority cannot report on that because of provisions under the act, but I think it is absolutely incredible and shameful that the committee as a whole is not prepared to release that information to this Parliament and to the people of Victoria. It is a cover-up, and it is a cover-up of the greatest extremes.

On the radio this morning I heard Jan Beer, who has had some active involvement in protesting against the north–south pipeline, questioning the Premier about the collection of a police file on her and the surveillance — 'spying' is the term she used — by Victoria Police on her. We know that a memorandum of understanding was signed with Victoria Police and the proponents of the north–south pipeline. That information has been shared with private developers, so I think it is outrageous that we cannot even see any effort from the majority of the committee to report those matters, as it is required to do under the terms of reference.

I agree with one aspect of this, and that is with respect to the importance of the report of the commissioner for law enforcement data security. That would have been an important thing for the committee to consider, but as

Mrs Kronberg also said in her contribution to the debate on the take-note motion, that report was completed by 24 August unbeknownst to the minority members of the committee at least — they did not even know that the police commissioner had that report in his hand on 24 August. The committee had it until at least 16 September. Members of the committee should have had access to that report and been able to consider it as part of their reporting duties to the Parliament of Victoria here today, but that opportunity was not made available to members of the committee.

Beyond that there could well have been public hearings; there could well have been consideration of the submissions made to the committee and there should have been public access to the submissions people made. Very few submissions to parliamentary committees, I know, actually request confidentiality, so I would have thought that the majority of these submissions could and should have been made available to the public.

This is an important issue. It particularly concerns a project in my electorate — namely, the desalination plant. I dare say the people who will be assembling on the steps of Parliament in half an hour or so will share my outrage that this government, despite all its claims over many, many years about being open, honest and accountable, has again demonstrated that that is only rhetoric and is certainly not the practice of this government. Again government members have demonstrated by this report today that they are not prepared to be honest with the people of Victoria and that they will use every means possible to cover up anything that might be remotely embarrassing to the government. They stand condemned for covering up this inquiry. The presentation of this report certainly reflects poorly on this Labor government. The people of Victoria will not forgive it.

Mr O'DONOHUE (Eastern Victoria) — I also wish to make a few remarks about the report of the Law Reform Committee tabled this morning on its inquiry into arrangements for security and security information gathering for state government construction projects. As has been noted by previous speakers, I moved the original motion that led to the Law Reform Committee investigating this issue. As Mr Hall correctly identified, the motion was moved without opposition from any party, so the 40 members of this chamber endorsed the motion moved on 24 March to investigate this very important issue. Whilst there are memorandums of understanding (MOUs) surrounding a number of projects, the two that principally drove the need for the inquiry concern the north–south pipeline project and the desalination project.

It is worth recounting the history of those projects. Before the 2006 election the government ruled out taking water from north to south, called desalination a hoax and said it was incredibly expensive. It is proving to be incredibly expensive. We have recently learnt that the cost of the project will be $570 million per year, regardless of whether water is taken from the plant or not. We have also seen with the heavy rain in recent weeks that the government does not have the capacity or does not wish to take water from north to south via the north–south pipeline. These are two very expensive projects.

More important than that are the principles that have been identified in the minority report. I congratulate the members concerned on the minority report they have drafted and submitted with this report. The deputy chair, Mr Robert Clark, and Ms Heidi Victoria, both members from the other place, and Mrs Kronberg have submitted a detailed minority report that examines the cover-up and the failure of government members to adequately examine this project. As Mr Hall said, the annual report of the commissioner for law enforcement data security would be an important piece of information to enable this examination to proceed, but it is by no means the only information. It is an absolute disgrace that those who made submissions to the inquiry have not had their submissions made public and have not even been identified in the final report. For the government members of the committee to come up with only one page on this critical issue is a disgrace.

Whilst it is not my practice to attack individual members, it is particularly disappointing that the chairman of this committee is, like me, a member for Eastern Victoria Region, which is where the desalination plant is located. The dislocation, the concern, the angst and the stress that has caused for residents of Kilcunda, Wonthaggi and the entire Bass Coast region within our mutual electorate is a disgrace. The chairman of this committee, with his Labor colleagues, has shut down the debate, has shut down the inquiry and has tabled today nothing more than a farce for a final report. All of us as members of Parliament have to weigh the competing and sometimes different interests of the political parties that we represent and the constituents that ultimately send us here. That is a challenge for all of us. We need to resolve that when issues present themselves.

The Labor members of this committee have in the face of an imminent election chosen political expediency over representing the people of Victoria in what is a critical issue. As I said before, the chairman of this committee, as a member for Eastern Victoria Region, where the desalination plant is located, has failed to

represent his constituents — our mutual constituents — who have been the subject of this memorandum of understanding, some of whom, it is alleged, have been spied upon. He has chosen political expediency. In my opinion that is an absolute disgrace.

This report is incredibly disappointing. It fails to address the issues. As I say, in the face of an imminent election government members have chosen political expediency over representing the people of Victoria and their own constituents. It is something for which they should be condemned.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 14 of 2010, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Albury Wodonga Health — Report, 2009–10.

Ambulance Victoria — Report, 2009–10.

Auditor-General's reports on —

Access to Ambulance Services, October 2010.

Management of the Freight Network, October 2010.

Security of Infrastructure Control Systems for Water and Transport, October 2010.

Melbourne Recital Centre — Report, 2009–10.

Ombudsman — Report on the Investigation into Conditions at the Melbourne Youth Justice Precinct, October 2010.

Parliamentary Committees Act 2003 —

Government Response to the Outer Suburban/Interface Services and Development Committee Report on Sustainable Development of Agribusiness in Outer-Suburban Melbourne.

Government Response to the Public Accounts and Estimates Committee's Report on the 2008–09 Financial and Performance Outcomes.

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the findings and recommendations of the Auditor-General's reports tabled March 2008–August 2008.

Special Investigations Monitor —

Report 2009–10, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

Report 2009–10, pursuant to section 131T of the Fisheries Act 1995.

Report 2009–10, pursuant to section 74P of the Wildlife Act 1975.

Statutory Rules under the following Acts of Parliament:

Children's Services Act 1996 — No. 96.

Environment Protection Act 1970 — No. 98.

Local Government Act 1989 — No. 99.

Prostitution Control Act 1994 — No. 97.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 96 and 99.

Victims of Crime Assistance Tribunal — Report, 2009–10.

Victorian Law Reform Commission — Report on Protection Applications in the Children's Court.

DEPARTMENT OF HEALTH: PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table documents in accordance with the Council's resolution of 5 May 2010.

Schedule of documents at page 120.

MEMBERS STATEMENTS

Habitat 141: funding

Mr BARBER (Northern Metropolitan) — Over 22 organisations across three states are part of Habitat 141, a bold landscape-scale push to restore the ecosystem that once stretched 500 kilometres from the Coorong to the Grampians to the Mallee — literally from the outback to the ocean. To protect and restore this biodiversity hot spot, a real commitment of dollars is needed — $15 million over four years — to build on the successes already achieved in creating what has been one of the largest restoration projects ever attempted in Victoria. The Greens support this call for funding.

Werribee Park: equestrian facilities

Mrs PETROVICH (Northern Victoria) — The issue I raise today relates to the inadequate facilities for equestrian and training use by the burgeoning and largely unrecognised horse sports, which are participated in by thousands of Victorians, young and old, in a variety of disciplines at Werribee Park. The recreational horse industry gives one of the biggest boosts to the rural and regional economy. It supports a range of businesses including produce stores, saddleries, float builders, horseshoe manufacturers, veterinary products, clothing and services including farriers, chiropractors, veterinarians, riding coaches and horse transport.

Those who train and compete include participants from the Pony Club Association of Victoria, which currently has 7015 members; the Equestrian Federation of Australia, which has 4783 members; and the Horse Riding Club Association of Victoria, which has approximately 4000 members. These figures do not include participants in showjumping, eventing and dressage, and there are many more who participate in these events.

The facilities used by our peak equestrian bodies are now tired, and the equipment is inadequate and often borrowed from other clubs. There would be very few sports which would accept such poor standards in facilities. The Werribee Park equestrian facility is currently used 363 days per year, and both the facilities and equipment are tired and in need of updating. I recently attended the Victorian Country Showjumping Championships, sponsored by Prime Equus stockfeeds. There were 870 entries in this competition, which was staged over three days. Competitors ranged in age and ability, and the organisers and sponsors should be congratulated on the event. This event was supported by the Equestrian Breast Cancer Foundation, which has as its aim the support of equestrian families touched by breast cancer. In an industry where 70 per cent of participants are women, we all know someone who has been impacted by breast cancer.

I request that the Minister for Sport, Recreation and Youth Affairs better his understanding of equestrian activities and give them the required assistance.

The ACTING PRESIDENT (Ms Huppert) — Time!

Northern Roosters Football Club

Mr MURPHY (Northern Metropolitan) — On Friday, 1 October, I attended the 2010 Northern Roosters Football Club presentation night. The Northern Roosters represent our Turkish community in the northern suburbs. The Roosters men's side finished on top of the league this year and were successful in being promoted after a disciplined and hard-fought campaign in 2010. The presentation night was fantastic and featured a presentation of awards to all players from the men's and women's sides. Celebrations were held after the presentation, with traditional Turkish music getting many of those in attendance up on the dance floor.

The club plays a role in bringing together members of our community every week, providing much-needed engagement and interaction. Ideas are exchanged, people catch up; it is a great melting pot.

Throughout the season I attended many of the Northern Roosters games and could not help but get caught up in the excitement of the world game. At each game there was a friendly and welcoming atmosphere, with supporters riding the wave of goals scored and conceded. At home and travelling to away games they supported their team, and it was obvious the players were playing for those supporters.

I congratulate the players and club committee members, including secretary Succetin Unal, on working so hard throughout the season to get the Roosters on the park. The hard work was well rewarded this season, but of course it is not whether you win or lose but how you play the game. I wish the Roosters well for next season and look forward to kick off in 2011.

Vietnamese community: rally

Mr FINN (Western Metropolitan) — On grand final day — that is, the day of the draw, I addressed a rally in the Footscray Mall. The rally was organised by the Australian Vietnamese community and was attended by some 2000 people. It was a protest against the Vietnamese government establishing offices in Australia, in particular one in Footscray. The organisers of the rally are concerned about the influence of communist operatives within the local Vietnamese community. But it was a much broader protest against communism and support for freedom, which the Vietnamese community has enjoyed in Australia.

Members of the Vietnamese community know what they are talking about, because many of them risked their lives to flee the totalitarianism of the communist government in Vietnam. I took the opportunity that day, and I do so again today, to express my strong support for the Australian Vietnamese community. It has made, and continues to make, a major contribution to

Australian society. I express my staunch opposition to communism generally and my devotion to the freedom and liberty provided by Australia.

Mr Murphy — How about China?

Mr FINN — Calm down, comrade, we will get to you in a minute. I entirely reject any attempt by the Hanoi government to interfere in local Australian Vietnamese affairs. As I said at the end of the rally — and I was cheered at the end of the rally — I want the communists out of Footscray, the communists out of Australia and the communists out of Vietnam.

Prison Pet Partnership program

Ms BROAD (Northern Victoria) — On Friday, 24 September, I had the opportunity to visit an important facility in my electorate of Northern Victoria Region and to represent the Minister for Racing in the Brumby government, Rob Hulls. The facility is Dhurringile Prison near Murchison, and the reason for my visit was to help celebrate an important milestone for a program which is run jointly by Corrections Victoria through Dhurringile Prison and Greyhound Racing Victoria. The program is known as the Prison Pet Partnership program and it provides positive opportunities for prisoners to work on retraining greyhounds so the greyhounds have a future beyond racing as household pets.

The milestone reached by the program is the 100th greyhound passing through the program at Dhurringile Prison. The program is part of the greyhound adoption program established by Greyhound Racing Victoria. A former president of Greyhound Racing Victoria and former member of the Victorian Parliament, the late Jan Wilson, was acknowledged for her role in establishing the program. It was clear to me from discussions with the handlers of the greyhounds and from observing the dogs that this is a successful and beneficial program. I take this opportunity to congratulate everyone who has been involved in establishing the program and making it such a success. I also thank John Stephens, Terry Jose and Roger Jorgensen for the opportunity to participate in the celebration of this important milestone.

Rail: Epping–South Morang line

Ms MIKAKOS (Northern Metropolitan) — On 4 October I was very pleased to attend, with the Minister for Public Transport and the members for Mill Park and Yan Yean in the other place, the turning of the first sod at the site of the new Epping railway station to mark the start of construction of the rail extension to South Morang. I am also pleased that this project will be completed nine months sooner than anticipated.

The $650 million South Morang rail extension will involve the duplication of 5 kilometres of single track between Keon Park and Epping, a 3.5 kilometre double track extension to South Morang and new stations at Thomastown, Epping and South Morang. It represents the first extension to the metropolitan rail system since the Second World War. As a result of community and stakeholder consultations, the project will now include traffic signals at the busy McDonalds Road–Civic Drive intersection that will significantly improve traffic flow in the area.

South Morang's new station will feature a 450 space car park and will be staffed from first to last train seven days a week. It will also offer a substantial bus interchange facility that will accommodate five bus routes, including the new yellow orbital SmartBus route 901 that has just been expanded to provide a connection between South Morang, Epping, Broadmeadows and Melbourne Airport. There will also be shared use pedestrian-cycling footpaths and through road separations.

I congratulate the Brumby Labor government for its continued commitment to public infrastructure and the benefits that this project will deliver to the people of the northern suburbs.

Bellfield: special school

Ms MIKAKOS — I also welcome construction of a new special development school in Bellfield. As part of the Building the Education Revolution program, construction of the $5 million — —

The ACTING PRESIDENT (Ms Huppert) — Time!

Robyn Murray

Mr LEANE (Eastern Metropolitan) — Today I want to give my condolences to the family and friends of a great community leader in the outer eastern suburbs of Melbourne, Robyn Murray. Robyn recently passed away at a very young age after doing something she loved, which was scuba diving. Robyn Murray was a former manager of the Glen Park Community Centre in Bayswater North and did an amazing job turning the community centre into the fantastic hub it is now. The community centre was recently reopened. It is a fantastic facility that has been incorporated with a number of programs providing scope for people with disabilities, as well as other programs for community members in the Bayswater North area.

Robyn moved to a new job at the Japara neighbourhood house in Montrose. Her death is a great loss, because I am sure she would have made that particular centre a beacon as she did with the Glen Park Community Centre. Once again I express all my sympathy to her family and close friends.

BUSINESS OF THE HOUSE

Standing orders

Mr VINEY (Eastern Victoria) — I move:

30 That the standing orders of the Legislative Council be amended as follows:

1. Omit chapter 24 (standing orders 24.01 to 24.20 inclusive) and insert —

Chapter 24
Standing and select committees

Standing committees

24.01 Appointment of standing committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

(1) Economy and infrastructure

Legislation Committee

References Committee

(2) Environment and planning

Legislation Committee

References Committee

(3) Legal and social issues

Legislation Committee

References Committee

24.02 Functions

(1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.

(2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.

(3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.

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

(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.

(5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of members

(1) Each legislation and references committee will consist of eight members, with four members from the government party nominated by the Leader of the Government in the Council, three members from the opposition nominated by the Leader of the Opposition in the Council and one member from among the remaining members in the Council nominated jointly by minority groups and independent members.

(2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

(b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

(1) Five members of each committee will constitute a quorum of the committee.

(2) Each committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

24.05 Substitute members

(1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.

(2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.

(3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.

(4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Subcommittees

(1) A committee may appoint subcommittees consisting of three or more of its members, and refer to any such subcommittee any of the matters which the committee is empowered to consider.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the committee as soon as practicable on each matter referred to that subcommittee.

24.07 Election of chair and deputy chair

(1) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Council, and as its deputy chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.

(2) Each references committee shall elect as its chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its deputy chair a member nominated by the Leader of the Government in the Council.

(3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.

(4) The deputy chair shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(5) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and privileges committees

24.08 Procedure Committee

(1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the house.

(2) The committee may consider any matter referred to it by the Council or the President.

(3) The committee shall consist of seven members with four members to be the quorum.

(4) The President will be the chair of the committee and the committee will elect another member of the committee to be the deputy chair.

24.09 Privileges Committee

(1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the house referred to it by the Council.

(2) The committee shall consist of seven members with four members to be the quorum.

(3) The committee will elect one of its members to be the chair of the committee and one of its members to be the deputy chair.

Select committees

24.10 Appointment of select committees

(1) The Council may appoint a select committee to consider matters referred by the house.

(2) A motion for the appointment of a select committee will state the object of such committee.

24.11 Appointment of members

(1) A select committee will consist of not less than five nor, without leave of the Council, more than 10 members.

(2) Notice will be given in the Council of the names of the members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of members if that motion immediately follows a resolution that has established a committee.

(3) Members may be discharged from attending a select committee, and other members added, after notice has been given.

24.12 Quorum

The quorum of every select committee will be fixed at the time of appointing such committee.

24.13 Election of chair and deputy chair

(1) Prior to the commencement of any other business, every select committee will elect one of its members to be the chair of the committee and one of its members to be deputy chair.

(2) If the chair and deputy chair are absent from any meeting the members present may appoint any one of their number to be chair for that meeting.

24.14 Subcommittees

(1) A select committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the select committee as soon as practicable on each matter referred to that subcommittee.

General provisions relating to committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and subcommittees established by these standing orders, except where otherwise stated.

24.16 Meetings

(1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.

(2) A committee may adjourn from time to time and from place to place.

(3) If a quorum of members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the chair.

(4) If at any time during the sitting of a committee the quorum of members fixed by the Council is not present, the secretary of the committee will call the attention of the chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

(a) the names of the members who attended each meeting;

(b) every motion or amendment proposed and the name of its mover; and

(c) the divisions and the names of the members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

(1) In a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(2) In a select committee all questions will be decided by a majority of members present.

(3) In a select committee the chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

(1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.

(2) The name of the member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.

(3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.

(4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

(1) A committee may authorise the publication of any documents, papers and submissions presented to it.

(2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

(1) The draft report will be printed and circulated to members of a committee.

(2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put 'That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report'.

(3) A member may move amendments to a paragraph at the time it is under consideration.

(4) After all paragraphs and appendices (if any) have been considered, the question will be put 'That the draft report (or the draft report, as amended), be the report of the committee'.

(5) Any division on a question relating to the adoption of the draft report must be included in the committee's report to the Council.

24.28 Minority report

When requested to do so by one or more members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by chair

The report of a committee will be tabled in the Council by the chair of the committee and may be ordered to lie on the table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of members

A list of members serving on committees must be published in the notice paper.'

2. Omit chapter 16 (standing orders 16.01 to 16.22 inclusive).

3. In standing order 5.02, in subsections (1), (2) and (3), omit 'At 8.00 p.m. Legislation Committee (if ordered)'.

4. Omit standing order 5.03.

5. In standing order 14.11, omit 'Legislation Committee,' and insert 'standing or'.

6. The Clerk be empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

31 That the standing orders of the Legislative Council be amended as follows:

1. Omit standing order 1.01 and insert the following new standing order in its place:

1.01 Opening of a new Parliament

On the first day of the meeting of a new Parliament the proceedings will be —

(1) Members meet at the appointed time and place.

(2) The Clerk reads the proclamation convening Parliament.

(3) The Usher of the Black Rod will then introduce to the Council chamber a commissioner from the Governor appointed to open Parliament.

(4) The Clerk reads the commission appointing the commissioner to open Parliament

(5) The commissioner will then inform members that the Governor will at a future time outline the reasons for calling Parliament together, and request members to proceed to the election of their President.

(6) The Clerk will read the commission for swearing members, issued by the Governor to the commissioner.

(7) After the commission has been read the Clerk will read the returns to the writ for the election of members to the Council.

(8) Members elected pursuant to such writ will then be sworn or affirmed as prescribed by the Constitution Act 1975.

(9) The commissioner will then retire from the Council chamber.

(10) The Council proceeds to the election of a President, following which the President takes the chair and reads the Lord's Prayer.

(11) The Council then elects a Deputy President.

(12) The President informs the Council of the time that the President will present himself or herself to the Governor.

(13) The sitting will then be suspended.

2. Omit standing order 1.04 and insert the following new standing order in its place:

1.04 Assembly summoned

The Governor will direct the Usher of the Black Rod to require the immediate attendance of the Assembly in the Council chamber. Seats will be provided within the body of the Council chamber for the Speaker and such other members of the Assembly as determined by the President. Accommodation will be provided for other members of the Assembly in the lower side galleries of the chamber.

3. Omit standing orders 1.09 and 1.10 and insert the following new standing order in their place:

1.09 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting, the following business will be conducted:

(1) Questions.

(2) Formal business to reassert and maintain the rights of the Council.

(3) The President reports the speech of the Governor to the Council.

(4) A motion for the address in reply to the Governor's speech pursuant to standing order 1.10.

(5) Any other business.

4. In standing order 1.11 —

(a) Omit subsection (1).

(b) In subsection (2) after 'speech' (where first occurring) insert 'of the Governor'.

(c) In subsection (3), omit 'urgency motions' and insert 'motions of urgent public importance'.

5. In standing order 2.09, omit subsection (1).

6. In standing order 4.01, in paragraph (a) of subsection (1), omit 'and at 9.30 a.m. in the final sitting week of the calendar year'.

7. Omit standing order 4.06 and insert the following new standing order in its place:

4.06 Interruption of debate

(1) Unless a motion to adjourn has already been moved by a minister pursuant to standing order 4.05, the President will interrupt the business before the house at 10.00 p.m. on Tuesday, Wednesday and Thursday and at 4.00 p.m. on Friday.

(2) If the house is in committee of the whole the Deputy President will report progress and the President will then interrupt such business.

(3) If a division is taking place when business is due to be interrupted, it will be completed and the result announced before the President interrupts business.

(4) The President will have discretion to extend the time for a maximum of 10 minutes to allow for the completion of a speech on a motion for the second reading of a bill within the allocated time.

(5) The President will not be required to call the next speaker if a speaker completes his or her speech within 3 minutes prior to the time fixed for such interruption.

(6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.

(7) Before proposing that the house do now adjourn pursuant to standing order 4.08 the President will read any messages from the Assembly.

(8) Any bills transmitted from the Assembly will be read a first time and their second reading made an order of the day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.

8. Omit standing order 4.08 and insert the following new standing order in its place:

4.08 Adjournment proposed by President

Unless the sitting is extended under standing order 4.07, the President will propose to the Council 'That the house do now adjourn'. Such question may not be amended.

9. Omit standing order 4.12.

10. In standing order 5.01, omit '1.11' and insert '1.10'.

11. Omit standing order 5.03.

12. Omit standing order 5.05 and insert the following new standing order in its place:

5.04 Formal business defined

Formal business is deemed to include the presentation of petitions, the introduction and first reading of bills, the presentation of papers, giving notices of motion and giving notice of intention to make a statement on a report or paper tabled in the Council.

13. In standing order 5.07 —

(a) in paragraph (a) of subsection (2) omit '1.11' and insert '1.10'.

(b) in paragraph (b) of subsection (2) omit '5.09' and insert '5.08'.

(c) in paragraph (c) of subsection (2) omit 'urgency motions' and insert 'motions of urgent public importance'.

14. Omit standing order 5.09 and insert the following new standing order in its place:

5.08 Special business

Precedence will be given to —

(a) a motion relating to a matter of privilege pursuant to standing order 21.01;

(b) a motion of urgent public importance pursuant to standing order 6.09;

(c) a motion for a vote of thanks of the Council;

(d) a motion for leave of absence to a member;

(e) a motion relating to the qualification of a member;

(f) an order of the day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt standing orders of the Council; and

Any such business will be taken according to the sequence set out in this standing order.

15. In standing order 5.10, omit '22.01' and insert '21.01'.

16. Omit standing order 5.12 and insert the following new standing order in its place:

5.11 Condolences

(1) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of —

(a) a member of the current Parliament; or

(b) a past or present Governor, Premier, Presiding Officer, minister, or party leader in either house.

(c) former members of the Council, subject to the agreement of the party leaders.

(2) Precedence may be given by leave to a motion of condolence in the event of the death of a person who had previous distinguished service in Victoria.

(3) At the conclusion of a condolence motion, members will be asked to rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased.

(4) Unless otherwise ordered, the Council will then suspend its proceedings —

(a) for the remainder of the sitting in respect of a member of the current Parliament; or

(b) for 1 hour, in respect of all other persons referred to in standing order 5.11(1)(b).

(5) The President will announce the death of former members of the Council not referred to in standing order 5.11(1), and members will rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased.

(6) The President shall convey a message of sympathy from the house to the relatives of the deceased.

17. In standing order 6.07, omit '1.11' and insert '1.10'.

18. In standing order 6.08, in subsection (1), omit 'A motion' and insert 'When a motion has been moved, it'.

19. In the heading to standing order 6.09, omit 'urgency motions' and insert 'motions of urgent public importance'.

20. In standing order 6.09, omit subsection (4).

21. In the heading to standing order 6.10, omit 'urgency motions' and insert 'motions of urgent public importance'.

22. After standing order 6.12 insert the following new standing order:

    6.13 Procedural motions

    The time limit for procedural motions is prescribed by standing order 5.04. A procedural motion is defined as:

    (a) a motion for the postponement of an order of the day pursuant to standing order 6.12;

    (b) a motion for the discharge of an order of the day pursuant to standing order 6.14;

    (c) a motion for the revival of a dropped motion or order of the day pursuant to standing order 6.16;

    (d) a motion that the question be not now put pursuant to standing order 7.03;

    (e) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to standing order 8.06;

    (f) a motion that a paper be printed pursuant to standing order 9.07;

    (g) a motion that a petition be taken into consideration pursuant to standing order 10.07;

    (h) a motion that a member be now heard pursuant to standing order 12.04;

    (i) a motion that the debate be now adjourned pursuant to standing order 12.08;

    (j) a motion for the adoption of the report from the committee of the whole pursuant to standing order 14.15;

    (k) a motion to declare a bill urgent pursuant to standing order 14.33;

    (l) a motion that the Chair report progress and ask leave to sit again pursuant to standing order 15.04.

23. Omit standing order 6.13 and insert the following new standing order in its place:

    6.14 Discharge of order of the day

    After an order of the day has been read, the member in charge of the order may move, without notice, that the order be discharged.

24. In standing order 6.14, in subsection (2), omit 'initiated by ministers' and insert 'currently standing in a minister's name'.

25. After standing order 7.15 insert the following new standing order:

    7.16 Multiple amendments

    (1) Leave may be given to a member to move and debate multiple amendments to a question.

    (2) When multiple amendments have been moved, the question on each amendment will be put separately by the Chair unless leave is granted for them to be put together.

26. In standing order 8.02, in subsection (5), omit 'A question cannot be asked again if' and insert 'A question cannot be asked again if during the previous six months of the same session'.

27. In standing order 8.04, omit '2.00 p.m.' and insert 'the time prescribed by standing order 5.02'.

28. In standing order 8.07, omit 'or the papers'.

29. In standing order 8.11, in subsection (3), omit 'on Thursdays'.

30. After standing order 8.12, insert the following new standing order:

    8.13 Reinstatement of questions on notice to the notice paper

    The President may direct that a question or part of a question on notice which has been answered be reinstated to the notice paper, if following a request of the member asking the question, the President is of the opinion that the question has not been fully answered.

31. In standing order 9.09, omit 'the chair or other member of the committee if the chair is absent' and insert 'a member of the committee'.

32. In standing order 9.10 —

    (a) In subsection (1), omit 'following members statements on Thursdays and insert 'at the time prescribed by standing order 5.02'.

    (b) In paragraph (a) of subsection (2), omit 'on a Thursday'.

33. After standing order 12.01 insert the following new standing order:

    12.02 Acknowledgement of Chair

All members when entering or leaving the chamber or passing in front of the Chair will acknowledge the Chair.

34. Omit standing order 12.05 and insert the following new standing order:

12.06 Members' speaking rights

(1) A member may speak once to a question or an amendment to a question before the Council except —

(a) in giving an explanation pursuant to standing order 12.07;

(b) in reply pursuant to standing order 12.08;

(c) at the committee of the whole stage.

(2) The President may participate in debate and speak from a place allocated on the floor of the chamber.

(3) When the President rises to speak in debate, the Deputy President will take the chair.

35. In standing order 12.06, after 'speech' insert 'which has been misquoted or misunderstood'.

36. In standing order 12.08, in subsection (1), after 'member' insert ', unless he or she has already made a substantial contribution to the debate,'.

37. In standing order 12.12, after 'explain' omit 'a' and insert 'how he or she has been misrepresented or explain another'.

38. In standing order 12.15, after subsection (5), insert the following new subsection:

(6) If the President is not satisfied that the preconditions have been met, the President will advise the Council and the matter will not proceed any further.

39. Omit standing orders 12.19 and 12.20 and insert the following new standing order in their place:

12.20 Unparliamentary expressions

(1) No member will use offensive words against either house of Parliament, any other member of either house, the sovereign, the Governor or the judiciary.

(2) No member will make an accusation of improper motives or a personal reflection on any other member of either house.

(3) If the President is of the opinion that words used in debate offend against this standing order, he or she may order the words to be withdrawn and may also require an apology.

40. In standing order 12.21 —

(a) Omit 'orders 12.19 and' and insert 'order 12.20'.

(b) Omit subsection (3).

41. After standing order 12.23, insert the following new standing order:

12.24 Cognate debate

(1) Leave may be given for subjects which are related to be debated cognately.

(2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.

(3) At the conclusion of the cognate second-reading debate on bills, the question 'That the bill be now read a second time' will be put separately for each bill unless the Council determines that a single question be put.

(4) The committee of the whole Council and third-reading stages of cognate bills will be taken separately, unless the Council determines otherwise.

42. In the heading to standing order 13.02, omit 'Withdrawal of members' and insert 'Disorderly conduct — member ordered to withdraw'.

43. Omit standing order 13.03 and insert the following new standing order in its place:

13.03 Disorderly conduct — member named

(1) A member's conduct will be considered disorderly for —

(a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council; or

(b) disorderly conduct; or

(c) using offensive words and refusing to withdraw the same or behaving offensively and refusing to make a satisfactory apology; or

(d) wilfully and persistently refusing to conform to the standing orders; or

(e) wilfully disregarding the authority of the Chair; or

(f) refusing to withdraw pursuant to standing order 13.02.

(2) The President may require any member offending under this standing order to make an explanation or apology.

(3) The President may name any member for disorderly conduct under this standing order.

44. Omit standing order 13.04 and insert the following new standing order in its place:

13.04 Procedure after naming

(1) If any member is named by the President under standing order 13.03 the President will put the question 'That such member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)'.

(2) The motion may not be amended, adjourned or debated.

(3) Any member suspended under this standing order will immediately withdraw from the Council chamber.

45. Omit standing order 13.05 and insert the following new standing order in its place:

13.05 Consequences of suspension

(1) A member who is ordered to withdraw pursuant to standing order 13.02 or who is suspended pursuant to standing order 13.04 will not enter the Council chamber or all its galleries during the period of the suspension.

(2) This standing order does not deprive the Council of any other powers it may have to proceed against a member.

46. After standing order 13.05 insert the following new standing order:

13.06 Discharge of suspension

The Council may on motion without notice and determined without amendment or debate discharge an order of suspension under standing order 13.04 if the member makes a satisfactory apology in writing to the Council.

47. In standing order 14.06, after 'bill — ' insert the following new paragraph (a):

'(a) a minister or member in charge of the bill will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required;'.

48. In the heading to standing order 14.09, omit 'amendment' and insert 'reasoned amendment'.

49. In standing order 14.09, after subsection (2), insert the following new subsections:

(3) When debate on the reasoned amendment is concluded, the question 'That the reasoned amendment moved by (member) be agreed to' will be put.

(4) If the question in subclause (3) is negatived, the question 'That the bill be now read a second time' will be put immediately.

(5) If the question in subclause (3) is agreed to, the bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the Bill.

50. In standing order 14.11, in paragraph (a), omit 'Legislation Committee,' and insert 'standing or'.

51. In standing order 14.12, in paragraph (b) of subsection (1), after 'clauses' insert 'where they occur in the sequence of clauses'.

52. In standing order 14.13, in subsection (5), omit 'has been proposed to the bill the question must be put 'that the amendment', and insert '(or amendments) have been proposed to the bill the question must be put 'That the amendment/s'.'.

53. After standing order 14.20, insert the following new standing order:

14.21 Bill rejected

When a bill which originated in the Assembly is rejected by the Council a message will be sent to the Assembly informing them accordingly.

54. In standing order 14.24, in subsection (2), omit 'acquainting' and insert 'informing'.

55. Omit standing order 14.25 and insert the following new standing order in its place:

14.26 Bill returned to Assembly

When a bill which originated in the Assembly has been passed by the Council and certified by the Clerk it will be returned to the Assembly with a message informing the Assembly that the Council has —

(a) agreed to the bill without amendment; or

(b) agreed to the bill subject to the amendments contained in the schedule attached and the Assembly agreement to such amendments is requested.

56. After standing order 14.25, insert the following new standing order:

14.27 Assembly's consideration of Council amendments

(1) Where a bill is returned from the Assembly with a message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be printed and a time fixed for taking the message into consideration.

(2) When the Council considers the message from the Assembly it will —

(a) insist or not insist on its amendments;

(b) agree or not agree with any further amendments made by the Assembly; or

(c) defer further consideration of the bill indefinitely, in which case the bill lapses.

57. In standing order 14.27, omit '14.26' and insert '14.28'.

58. In standing order 14.31, omit subsection (4).

59. In standing order 14.33, in subsection (2), omit '14.35' and insert '14.37' and omit '14.34' and insert '14.36'.

60. In standing order 14.34, in subsection (1), omit '14.33' and insert '14.35'.

61. In standing order 14.35, in subsection (1), omit '14.34' and insert '14.36'.

62. In standing order 14.37, omit '14.32 to 14.36' and insert '14.34 to 14.38'.

63. In standing order 15.01, omit subsection (1).

64. In standing order 15.04, in subsection (5), omit 'Chair' and insert 'Deputy President'.

65. In standing order 18.06, in subsection (1), omit 'Clerk' and insert 'chair or secretary'.

66. In standing order 20.04, in subsection (1), omit 'at least 10 years earlier'.

67. In the heading to chapter 21, after 'broadcasting' insert ', recording and photography'.

68. In standing order 21.01 —

    (a) in subsection (2) after 'stations' insert ', internet and other electronic media'.

    (b) in subsections (2) and (4), omit '20.04(3)' and insert '19.04(3)'.

69. In standing order 21.02 —

    (a) in subsection (4), omit 'conclusion of the prayer and must conclude on the adjournment of the Council' and insert 'commencement of the prayer and must conclude on the adjournment of the Council or as soon as the chair is vacated for a suspension of proceedings'.

    (b) In subsection (6), after 'recordings' (where second occurring) insert 'and still photography'.

    (c) After subsection (8), insert the following new subsection:

        '(9) Any filming or photography of the public gallery is strictly prohibited at all times'.

    (d) In subsection (9), after 'operators' insert 'and still photographers'.

    (e) Omit subsection (10).

70. In standing order 22.02, in subsection (1), after 'person' insert 'or organisation'.

71. In standing order 22.03, in paragraph (b) of subsection (1), after 'person' insert 'or organisation'.

72. In standing order 22.04, in paragraph (a), after 'person' insert 'or organisation'.

73. In standing order 22.05, in subparagraph (ii) of paragraph (b), after 'person' insert 'or organisation'.

74. In standing order 25.04, in subsection (1), omit '1.11 or 25.03' and insert '1.10 or 24.03'.

75. The Clerk be empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

I will be continuing my contribution after question time, but I will start by saying that it has been quite a process to get to this position on making some changes to the standing orders. There has been an interim report to the house outlining the proposed changes to the standing orders so that we can establish some new standing committees for the Legislative Council in the next Parliament.

The Standing Orders Committee report outlined the work that had been done by the committee to get to this point, including meeting with people in the Australian Senate and the New South Wales Parliament. I also visited the Parliament of Western Australia to look at its committee structures.

This has been a process in which I have long had an interest. Some seven years ago, after reform to this place, I started looking at the possibility for changes to the committee structures in the Legislative Council. One of the early initiatives was the establishment of the Legislation Committee, which in effect would cease with this proposed change. What would be established in its place would be three committee areas with a Legislation Committee and a References Committee in each area.

The first committee area would cover economy and infrastructure, the second would cover environment and planning and the third would cover legal and social issues. In the case of the Legislation Committee, the chair would be nominated by the Leader of the Government and a deputy chair would be nominated by the Leader of the Opposition or by a minority group or Independent member. In the case of the references committee, the chair would be nominated by the Leader of the Opposition or by a minority group or Independent member and the deputy chair would be nominated by the Leader of the Government.

This will be a positive reform to the operations of the Legislative Council. It is part of the evolution of this chamber to becoming a genuine house of review, which was the intention of the government under former Premier Steve Bracks when the initial reform of this chamber took place. It will be a good development for the operation of the Parliament. There will be committees chaired by both the opposition and the government, with in each case the deputy chair being from the alternate side. The committees will cover all of the broad areas of state government policy and state government service delivery and will have all of the powers of investigation of parliamentary committees. This will be a good reform that I hope will serve the Parliament well into the future. The Standing Orders Committee, with the assistance of the clerks, did a lot of very good work to get to this point.

When we return to this debate after question time I will make some comments about the process by which we got to this point. I will say now that there was the capacity in this instance for the committee to reach a consensus on a whole raft of changes to the standing orders and that those things that are before us at this stage of the debate and in special business are those things that have ultimately been agreed between the parties by consensus. There was an opportunity to do even more work on reform by consensus, but unfortunately that did not occur. It did not occur because at the last minute the Leader of the Opposition put proposals to the committee that might be called the actions of a bomb-thrower at a birthday party.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ambulance services: response times

Mr D. DAVIS (Southern Metropolitan) — My question is for the minister representing the Minister for Health, and I refer to the Auditor-General's report *Access to Ambulance Services* tabled today following this chamber's request in June for an examination of Victoria's failing ambulance services. The Auditor-General says that performance data shows that ambulance performance in relation to response time in both metropolitan and regional areas over the last six years has declined. He says these rises in response times can make an important difference to those urgent cases where hospital care is vital to recovery and that the effectiveness of emergency ambulance services directly relates to patient outcomes. He further states with respect to increasing hospital transfer times:

> The main reason for the increase in time spent at hospital has been the increase in transfer time, which is the time from arrival at hospital until the patient — —

An honourable member interjected.

Mr D. DAVIS — This is an important point. This is a very important report —

> is handed over to hospital staff and transferred from the ambulance stretcher.

He says the average case time has increased by 39 per cent from January 2006, from 55 minutes to more than 75 minutes. The minister and every member of the chamber have heard case after case of failed ambulance response or unacceptably long response time, and I therefore ask: after 11 years in government and with Victorian lives at risk, does the Brumby government accept full responsibility for the crisis at Ambulance Victoria and the loss of life directly resulting from its mismanagement of our ambulances?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Davis for the majority of his question in terms of the content without the spin and accusation and the political benefit he seeks to derive from issues around the health care of Victorian citizens. If he sticks to the analysis of what the Auditor-General has actually said, the government's response and the way in which we could improve service provision generally, I will be grateful. I think the chamber, and in fact the people of Victoria, would be grateful if he would focus on the main game, which is providing quality care and responding appropriately to the recommendations of the Auditor-General.

On behalf of the Minister for Health, I am reliably informed that the Minister for Health has already responded today by saying that we welcome the scrutiny and the recommendations that the Auditor-General has brought to bear, and we intend to act in accordance with the recommendations. I have been shown some extracts from the Auditor-General's report that demonstrate that there is some recognition within the report itself of the fact that Victoria is comparatively well placed, notwithstanding the challenges and difficulties that may confront it in terms of resource allocation, response times and quality of service. The Auditor-General himself says in the report that 'no other jurisdiction reports higher quality care to patients'.

In relation to the widening of the time gap that has occurred and that the Auditor-General has responded to, the report acknowledges:

> The task of providing a timely service throughout the state is challenging, given the travel distances, the unpredictability of when and where emergencies occur and the numbers of paramedic staff available in smaller communities.

It goes on to say:

> A new strategic planning model recently developed for rural and regional resource allocation will enable better allocation of resources.

The Auditor-General has recognised that in the report.

Beyond this, certainly the government recognises that in terms of the resource allocation required by ambulance services in Victoria, additional support beyond the model is required. Recently we have added to our track record of more than tripling the funding available to ambulance services in Victoria and doubling the number of paramedics who operate within the services by adding $137 million to provide for the recruitment of over 400 additional paramedics across the state, with 234 to commence work in the regions this year; to establish 10 mobile intensive care ambulance single responders in some regional towns; to introduce 8 dedicated non-emergency crews in regional Victoria; to provide 40 scholarships for students and graduates wanting to become paramedics in rural and regional Victoria; to deploy 34 additional nurses in 14 key metropolitan emergency departments to reduce hospital handover times; and to deliver 16 new and upgraded services in the outer suburbs.

President, as you would realise, it is very rare in the chamber that I would actually read from material in question time, but you would appreciate that as the minister representing the Minister for Health this is outside my normal responsibilities. Nonetheless, the fact that the health minister has furnished me with that information so I could provide that advice to the house is a demonstration of the government's commitment to respond appropriately and fulsomely to the recommendations of the Auditor-General, and in particular to dedicate significant resource allocation and additional effort to try to deal with the substantive issues that have been identified in the report, both in terms of resource allocation and through systems. The government has responded and will continue to respond to those issues.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — In 1999 the opposition, now the Brumby government, promised 10-minute response times, but instead the government weakened the response to 15 minutes — a diluted target that the government has never met. I note that the Ambulance Victoria board minutes from November 2009 show — —

Mr Lenders — How does this relate to the substantive answer?

Mr D. DAVIS — It relates exactly to it.

Mr Lenders — You're reading.

Mr D. DAVIS — I'm going to read a quote.

Mr Lenders — You're not responding to it.

Mr D. DAVIS — I am responding to it. I am reading a quote. You may not be concerned about ambulance services, Treasurer, but I am.

The Ambulance Victoria board minutes of November 2009 state:

> Noted comments from the CEO that recruitment has been delayed due to finance discussions with —

the Department of Health —

> wherein they advise AV to cut staff numbers rather than recruit.

I therefore ask — —

Mr Lenders interjected.

Mr D. DAVIS — It is a quote, Treasurer. I therefore ask: does the minister now accept that after 11 years the Brumby government has failed to fix this ambulance service and a dangerous spiral of deterioration that places lives at risk has begun?

Mr JENNINGS (Minister for Environment and Climate Change) — I know you, President, were listening to my substantive answer and will recall that I indicated that the Labor government has increased funding for ambulance services threefold during its term of office and has doubled the number of paramedics who operate within the service. That is consistent with our commitment to recognising the dimensions of the problem in terms of service provision and the appropriate response and support that our community deserves. Through the life of this government we have continually provided — and we will continue to do so — increasing resource allocation and support to this service. We have done so and will continue to do so in the name of providing good quality ambulance and health care to Victorian citizens.

Rail: Epping–South Morang line

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister inform the house of the revised anticipated completion date of the South Morang rail extension project and provide an update on the commencement of major works?

Honourable members interjecting.

The PRESIDENT — Order! I assume the minister understood the question.

Hon. M. P. PAKULA (Minister for Public Transport) — Indeed I did. I thank Ms Mikakos for her question. This week I was pleased to go to the site of the South Morang rail extension works and announce that the project is now due for completion in late 2012, nine months earlier than we had previously anticipated. I am pleased that Ms Mikakos was able to join me to turn the first sod at the site of the new Epping station. That marked the start of major construction at this $650 million South Morang rail extension project. This is a comprehensive package of infrastructure works — —

Mrs Peulich — You could have bought one of those every year for the cost of the desal.

Hon. M. P. PAKULA — Mrs Peulich, it is a comprehensive package of infrastructure works. It involves — —

Honourable members interjecting.

Hon. M. P. PAKULA — I have got all day. It involves the duplication of 5 kilometres of single track between Keon Park and Epping. It involves a 3.5-kilometre double-track extension to South Morang and new stations at Thomastown, Epping and South Morang. When it is completed communities in Melbourne's north are going to have significantly improved access to vital rail services whether they are travelling to work or school or to visit family and friends.

As members know, the Whittlesea corridor is fairly booming, and the project is about bringing in much-needed rail and road infrastructure to deal with the demand that is currently being placed on our public transport system in that area.

Local residents might have noticed some construction already under way to build the second track between Keon Park and Epping. That is work that paves the way for the extension of the double track to South Morang, and that work is happening concurrently.

Mr Finn interjected.

Hon. M. P. PAKULA — Just to take Mr Finn through some of the features of the project that he might be interested in — —

Mr Finn — Tell Mr Guy about it when he gets back.

Hon. M. P. PAKULA — I would tell Mr Guy about it, Mr Finn, if he were here, and I am sure he would be participating in this cross-chamber banter.

Mrs Peulich interjected.

Hon. M. P. PAKULA — I am aware of that. I did not bring him up, Mrs Peulich; Mr Finn did.

Commuters who use Thomastown station will receive the benefit of a full station upgrade there. The existing station building will be demolished and rebuilt. There will be an additional platform and a safe pedestrian rail overpass, and it will become a civic landmark in the area. It is also going to revitalise the Epping education precinct with significant input from the City of Whittlesea and from local education institutions.

The new South Morang station will have a significant bus interchange facility that is going to accommodate five bus routes when it opens with scope to expand and cater for future growth. The new South Morang station will also include a 450-space car park that will be staffed from the first to the last train seven days a week. As part of the community consultation the project team has also listened extensively to the community feedback. One of the little extras that will be provided as part of this project is traffic lights at the Civic Drive–McDonalds Road intersection, which is something the community was really demanding as part of this project. It is good that the project team has been able to include that as part of the scope.

This is a project that is not just about extending the railway line to South Morang; it is a project that is going to involve eight new railroad and pedestrian bridges and three new grade separations, because this government's policy is no new level crossings when we extend rail, unlike the opposition's. This is a project that is going to have significant benefits for the community of Melbourne's north in the Whittlesea corridor. As I have indicated, there will be new stations at Epping, Thomastown and South Morang.

Planning: height controls

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Justin Madden — my parting gift to him. Recently and belatedly the minister introduced height controls for the Moreland council area, and in doing so he noted that he did it, in his words, 'reluctantly and on an interim basis'. I am wondering, therefore, if it is the season for that sort of thing, whether he will be acceding to Darebin council's request to introduce a series of heritage amendments to protect currently unprotected heritage properties, particularly in the Alphington area.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Barber's question in relation to the introduction of controls in any location, whether they are heritage controls or height controls or whether they are mandatory controls or discretionary controls. The important component of the way we interact with local governments around these sorts of controls is that there must be strategic justification, in the sense that the councils have to do their homework to prove it up.

From time to time we find that whilst the ambitions of the councillors or the community might be for certain controls, the strategic work or the homework that has been done is sometimes insufficient at a technical level. It is not to say that we do not agree with the proposed controls or the ambitions of the community for those controls, but we do look to the technical presentation by the officers to justify what those controls should or should not be. From time to time we are not necessarily enthusiastic about introducing controls until councils can prove up the justification for those controls.

The example that we currently have is, as many of these are, around housing. We all know there is a great demand and a need for housing — I talk about it at length — and that the provision of housing improves affordability. I am also conscious, as Mr Barber and no doubt members of the opposition would be, about the sensitivity of where you might locate that housing. Whilst we are enthusiastic about the housing being located in either strategic brownfield sites, particularly former industrial sites, or around activity centres, we tend to be in favour of discretionary heights or preferred heights rather than mandating those heights unless the local councils can identify the likelihood of being able to locate sufficient housing stock around their communities without undermining the sensitivities of those local communities.

Whilst I do from time to time introduce controls, either interim controls or long-term controls, it is important that local councils can justify those controls at a technical level and also complement those controls with their ambitions for housing supply over the long haul.

I wait for Mr Barber's questions in relation to when or where I might introduce controls, but I am always open to introducing controls and having a broad discussion with local government around these matters, but there has to be sufficient justification, or at least work heading towards that justification, for me to be enthusiastic about introducing any particular controls.

Supplementary question

Mr BARBER (Northern Metropolitan) — In response to the minister's commentary about the council actually doing the work, it appears that through amendments C107 and C108 Darebin council has in fact done the work to identify a number of individual buildings and precincts, notably in the Alphington area, that are currently unprotected but worthy of heritage protection. Can the minister tell me if he is aware of how many of those properties that would otherwise have been protected have actually been demolished over the period when the council has been asking him for these controls?

Hon. J. M. MADDEN (Minister for Planning) — I do not have any specific numbers in front of me in relation to those particular amendments or those controls, but I am happy to get that information and provide it to Mr Barber. Importantly, as I said, we often receive requests from councils for controls of various forms. From time to time we introduce interim controls, but at the end of the day the justification has to be provided by those councils and sometimes, unfortunately, the councils' ambitions are such that they have not resourced or do not seek to resource the justification. I look forward to — —

Honourable members interjecting.

Mr D. Davis interjected.

Hon. J. M. MADDEN — I take up the provocative interjection from Mr David Davis from the other side of the chamber. I think it was something like, 'What don't you like about local government?'. We love local government; we love working with local government, as opposed to the opposition. We know what the opposition, when it was in government, did to local government; its track record speaks for itself.

But to return to the question asked by Mr Barber in relation to this area, I am happy to seek further information on his concerns, particularly the concerns about whether some properties have been demolished whilst these matters have been under consideration.

That would be a concern, of course. But what I point out to Mr Barber is that the justification has to be there. The strategic justification should not be an ambit claim, and it should be legitimised by sufficient homework resourced by the councils — not just because they have ambitions to protect the area — in a way which complements the strategic work that needs to be done.

I am happy to look at that in some detail. I am glad Mr Barber has brought that to my attention. If he feels it needs further — —

Mr Barber — It slipped under the radar, did it?

Hon. J. M. MADDEN — No. I am happy to give this matter further attention if Mr Barber believes it merits that. I am happy to give it another look.

But as Mr Barber would be aware, there are always amendments coming into the system. There are some amendments we are going to debate today. I am sure he will have views on them. I look forward to the views he might present to this chamber, but let me reinforce that we are committed to providing local governments with the controls they need to contribute to housing supply, to protect the sensitive areas in their communities and to reflect the community views of their local areas. But those councils have to make sure that there is sufficient justification and that the homework is done; it cannot just be an ambit claim. If Mr Barber believes this matter warrants more attention, I am happy to have another look at it and ask for more detail and to provide Mr Barber with any information he might seek in relation to it.

Bushfires: recovery

Ms DARVENIZA (Northern Victoria) — My question is for the Treasurer, John Lenders. Can the Treasurer update the house on the progress of the Brumby Labor government's bushfire rebuilding projects and how these projects are helping communities that have been affected by the Black Saturday bushfires get back on track?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question on progress on rebuilding in bushfire communities. I also thank Mr David Davis and Mrs Petrovich for giving me the opportunity yesterday afternoon to spend time with Ben Hardman, the member for Seymour in the other place, and Rob Mitchell, the federal member for McEwen, in visiting bushfire-affected communities.

Honourable members interjecting.

Mr LENDERS — Actually I would like to thank Mrs Peulich as well for giving me time to spend with Janice Munt, the member for Mordialloc in the other place, in Mordialloc last evening.

But regarding the bushfires, what I would say to Ms Darveniza is that, as I said, I had the privilege yesterday afternoon of spending time with Ben Hardman and Rob Mitchell in Yea, where we had a round table with a series of people — businesses and community leaders — and we had a progress report. We heard their views on how the communities are recovering from the bushfires of February last year and, equally importantly if not more importantly, heard about their visions on how to go forward.

As we all know, these communities have gone through significant trauma over what has happened. In a lot of ways it is a conundrum for these communities because for most of the state the bushfires are over and the state is rebuilding, but for a lot of individuals they are still very live and very real. Part of the dilemma is that if you talk about the bushfires, much as with the recent floods, it has an effect on these communities because some of their tourism stops.

Mrs Petrovich interjected.

Mr LENDERS — Mrs Petrovich may think it is funny to score political points because she think it helps her get votes, but yesterday I spent time with people from bushfire-affected communities — —

Mrs Petrovich interjected.

The PRESIDENT — Order! Mrs Petrovich's comments and description of the Leader of the Government are unacceptable to me, and I ask her to withdraw.

Mrs Petrovich — I withdraw.

Mr LENDERS — These community representatives in Yea were going through what it was to them to deal with this trauma, with the rebuilding and — —

Honourable members interjecting.

Hon. J. M. Madden — On a point of order, President, in deference to you, you instructed Mrs Petrovich to withdraw her remark, and I heard the same remark repeated by Mr Finn only moments later.

Honourable members interjecting.

The PRESIDENT — Order! On the point of order, I did not hear the remark referred to by the minister;

however, that is not to say that it did not happen or that the remark was not voiced. While I did not hear it, I accept that the minister may have heard something. I remind the house that once I make a ruling on a remark I expect the house to respect that. If Mr Finn did make that remark, I can only warn him that if he were to repeat it, he would be out.

Mr LENDERS — In Yea at a round table of business and community leaders who essentially came from the shires of Mitchell and Murrindindi — —

Mrs Petrovich interjected.

Mr LENDERS — It is interesting that Mrs Petrovich says the shire councils of Mitchell and Murrindindi should have been sacked because they were Labor mates. It just goes to the point made by Mr Madden before, that the opposition views local governments with such contempt that it sacks them if it disagrees with them. If Mrs Petrovich's response to my comment on the shires of Mitchell and Murrindindi is that they should be sacked because they are Labor mates, she should hang her head in shame.

Mr D. Davis — On a point of order, President, the Treasurer is not entitled to verbal a member in this chamber, and he is misquoting the member. He knows the opposition supports councils, unlike the minister, and he has misquoted the member.

Honourable members interjecting.

The PRESIDENT — Order! It is the second-last question time. On the point of order, it is correct to say that it is inappropriate for anyone to verbal another member in the house. Again due to the interjections from both sides it was impossible for me to hear what was said, but I remind the house that it is not appropriate for a member to verbal another member.

Mr LENDERS — At the round table meeting in Yea yesterday there were representatives from the shires of Murrindindi and Mitchell. There were good people from the economic development unit, a councillor and a number of other people from the Shire of Murrindindi, and I have no hesitation in saying to the house that they are good citizens. Unlike others such as Mrs Petrovich, who says they should be sacked, what I say is that they are good individuals who are working as part of their communities to try to rebuild.

I am happy to report that the advice I have is that since the fires — and each person has to respond to these in their own individual way — 2100 building permits have been issued for rebuilding or reconstruction, including more than 600 new home permits that have been approved by the municipalities. Resources have been put out to assist individuals and municipalities going forward. What I can say, though, is that the message I got from these communities was very clear: people wish to have support going forward and people wish to work in partnership with government so they can move forward in their own time.

I think it is also fair to say that these communities would appreciate some bipartisanship in this assistance and support, but most importantly these communities have a very strong positive vision going forward for how, with the support of their colleagues in the rest of the state — particularly tourism and economic development support — they can move forward and rebuild their communities.

I urge everybody in this house to do their bit to assist by going up to Murrindindi and Mitchell and spending a weekend at a bed and breakfast — spending time up there supporting the local tourism industry and the local restaurant industry — because if there is a single message coming out it is, 'Come back to our areas. Bring business back, bring investment back, so we can rebuild going forward'. I was delighted to be there, and I look forward to going to Murrindindi and Mitchell many more times.

Opposition staff: government scrutiny

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Treasurer in his capacity as the Leader of the Government in this chamber. I refer to today's revelations of the hacking of the opposition's email system — —

Hon. M. P. Pakula — Hacking!

Mr DALLA-RIVA — Hacking. In particular I refer to the hacking of the email of media adviser Simon Troeth. I note the Treasurer's explicit and unsolicited reference to Simon Troeth when I asked him yesterday about the Brumby government's dirt unit, in which a member of his staff is a key player. I ask the Treasurer why he referred to Simon Troeth in his response to that question? Was it because he knew there had been hacking of Simon Troeth's emails?

Mr Viney — On a point of order, President, what I know from my reading of the *Age* article is that this is a matter that relates to the Department of Parliamentary Services, and therefore it is not within the minister's portfolio responsibilities. It actually fits within the responsibilities of the presiding officers of the Parliament.

Mr D. Davis — On the point of order, President, the minister answered a question yesterday about the government's dirt unit. He also referred explicitly to Mr Troeth. He should answer further questions about the government's dirt-digging activities, and he should answer further questions about how he knew.

The PRESIDENT — Order! It is my view that Mr Viney is correct in his point of order in that this matter does not relate directly to the minister's area of responsibility. I believe the matter raised yesterday is different to the extent that it cannot be answered in the same way. Therefore I uphold the point of order.

Regional and rural Victoria: government initiatives

Ms TIERNEY (Western Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on how the Brumby Labor government is supporting regional Victoria through the creation of jobs and better retail choice?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Tierney's interest in this matter because I know she has been particularly active in her local community in trying to guarantee and generate more jobs and economic growth in her region.

We are committed to rolling out key projects not only across metropolitan Melbourne but also across our regional centres. I have approved planning permits recently for the development of two supermarkets in Cowes and for the expansion and redevelopment of Warrnambool's Gateway Plaza shopping centre. These approvals are significant not only in terms of the retail offering and competition but also in particular for job creation in those communities.

The approval for Cowes provides for a 4175-square-metre Woolworths supermarket project and a Morgan and Griffin development, which includes the construction of a 2330-square-metre supermarket and specialty shops. These two projects in Cowes alone will provide a more than $36 million boost to the local economy and create up to 440 jobs during construction and development. More importantly they will create 200 ongoing jobs in the local community.

The planning approval for Gateway Plaza provides for the extension of the shopping centre to the north and north-east, including a supermarket of approximately 3350 square metres and new specialty stores, including mini majors. I was not exactly sure what a mini major was. I was informed it is not Mr Guy, it is not Mr David Davis and it is not Mr Dalla-Riva; it is in fact apparently a smaller shop rather than one of the larger majors. There will be a total of 8560 square metres of additional floor space, and it will provide something of the order of a $50 million boost to the local economy and create something of the order of 400 jobs during construction and development. More importantly it will create 260 ongoing direct and indirect jobs in the local community.

I will say that again because I know my colleague the Treasurer is always enthusiastic about jobs, particularly ongoing jobs that come out of the construction field. We can look forward to 260 ongoing direct and indirect jobs in the Warrnambool community because of this project.

All three projects were called in from the Victorian Civil and Administrative Tribunal because they were being delayed. They were referred to independent advisory committees, which heard from the respective interested parties. The independent advisory committees assessed the proposals, considering issues such as appropriate land use for sites, retail floor space, design and access, car parking, vegetation, landscaping and respective heritage significance. On reviewing the recommendations of the advisory committees I determined that each project should be granted a planning permit subject to conditions. The Governor in Council has accepted my recommendations, and I understand the construction of these three developments is due to commence in early 2011.

We as a government have a track record of supporting investment in our regions. Our regional blueprint will assist and drive a new era of opportunity in investment and prosperity in regional Victoria. Victorian families are a key priority of our government. It highlights our commitment to supporting the creation of jobs and better retail choice and competition as well as industry confidence in our community, which goes to show — and is another reason to say — that Victoria is and will remain the best place to live, work and raise a family.

Opposition: policy costings

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Treasurer in his capacity as Leader of the Government in this chamber. I refer to his answer yesterday where he confirmed that his office and not the Department of Treasury and Finance had costed the opposition's policies. I further understand that at his press conference at 1.30 p.m. today he will be releasing his office's costings of what — —

Hon. J. M. Madden — What did they cost? Do you know what they cost?

Mr DALLA-RIVA — Calm down, Petal! The minister will be releasing his office's costings — —

Honourable members interjecting.

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

Mr DALLA-RIVA — Yes, I think Mr Lenders would like to hear it as well. I further understand that at the Treasurer's press conference at 1.30 p.m. today he will be releasing his office's costings of what he claims to be the opposition's secret policies, and I ask: will the Treasurer now table in the chamber the costing analyses of what he claimed yesterday as well as the costings of the opposition's supposed secret policies today?

Mr LENDERS (Treasurer) — I thank Mr Dalla-Riva for the opportunity. My only regret is that he did not ask this question three and a half years ago, because he has actually invited me to comment in detail on opposition policies and costings. I said yesterday that I had not heard a good Dorothy Dixer until I heard Mrs Peulich's question, but this beats every question I have had in this house in eight years as a minister. The opposition shadow minister has asked me on the floor of Parliament to comment on opposition policy and the costing of opposition policy. I genuinely thank Mr Dalla-Riva; as I said, my only regret is that he did not ask this question the day he came into Parliament. It would have made my life a lot easier.

Let me begin. I am happy to go through the costings of what the opposition has said. To use but one example, on the Liberal Party website it says, 'We will abolish suspended sentences'. That is categorical. The Labor Party is abolishing suspended sentences for serious offences. I am not commenting on the merits of the opposition's policy, but on the simple statement, 'We will abolish suspended sentences' without a costing. It means 7500 more Victorians a year will go to prison — that is, with the abolition of suspended sentences. That is the fact.

As I said, I am not commenting on the merits of the policy; I am commenting on the merits of the costing of the policy. Putting 7500 more Victorians a year into prison, most of them because they have been driving after they have lost their licence — as I said I am not commenting on the merits of the policy; I am commenting on the fact that 7500 more Victorians going to prison — each of them spending on average six months in prison, will mean 3750 more prison beds, which is almost the size of the prison population at the moment, and would cost $550 million a year; plus you would need to spend $2 billion on building new prisons.

Honourable members interjecting.

Mr Leane interjected.

The PRESIDENT — Order! Mr Leane! Clearly the question has been of some interest to the Treasurer, and I get the feeling it is touching a bit of a nerve on the other side of the chamber. However, the question was asked, and the answer is relevant. I for one, and I am sure Hansard likewise, would like to hear the actual answer. Even Mr Dalla-Riva is not interjecting, so he is clearly interested. I ask the chamber to tolerate the answer that has been given, because it is in fact in accordance with our guidelines.

Mr LENDERS — I will not go through all 72 items on the Liberal Party website. Nor will I go through the 100 more items not on the website, some of them going into the billions of dollars, but I will continue to speak on the costings of prisons.

The policy proposal is not one that I am contesting. What I am contesting is the ability of the opposition to actually cost. Opposition members go out to communities and say, 'We will keep our budget in the black'. This policy alone would cost $550 million a year to implement, plus $2 billion in borrowings to build the prisons. If opposition members think that is the most important policy — as they are entitled to — then they should also say to the Victorian community, 'Okay, we think spending $550 million a year, recurrent, on prisons and $2 billion in borrowings to build some more is more important than schools, roads, water infrastructure, teachers, nurses, police, paramedics, ambulance services and any of the other areas we say are important to Victorian communities'.

Honourable members interjecting.

Mr LENDERS — The second part I will answer in my substantive answer, and then I can wax lyrical in response to Mr Dalla-Riva's supplementary question, is that the opposition has one area where it says it will make some savings.

Hon. J. M. Madden — What is that?

Mr LENDERS — I touched on this yesterday, Mr Madden. They have one area. They say, 'We will cut $35 million out of government advertising'. They say that, and they are entitled to say that, and if they want to cut out tourism in fire areas, if they want to cut

out WorkCover and the Transport Accident Commission, if they want to stop advertising for jobs, that is their prerogative. That is absolutely their prerogative.

Honourable members interjecting.

The PRESIDENT — Order! Once again I am getting a heads-up from the Hansard reporters that they are struggling, and I would ask the house to respect the job Hansard is attempting to do and give them the opportunity to do it. I am demonstrating, I think, extraordinary levels of tolerance today, but I hope members do not take advantage of that because the mood can only last so long.

Mr LENDERS — In the one bit of savings the opposition has proposed in its costings it talks of $35 million in government advertising. It ignores the fact that most government advertising is for things such as safety campaigns by WorkCover, safety campaigns by the TAC and safety campaigns in relation to beaches or notices about fire prevention. It is about re-attracting tourists to bushfire or flood-affected areas and recruiting nurses, police, teachers and people in other important areas. Let us assume that opposition members wish to cut that out. They cannot, at the same time, then go out — —

Mr Hall — On a point of order, President, the Treasurer is clearly debating the answer to this question when he starts to make comments like ‘let us assume’. That is going further than giving a factual answer to a question; that is debating, which is out of order.

The PRESIDENT — Order! Mr Hall’s point of order is correct. There is no capacity for a minister during the course of an answer to debate the answer.

Mr LENDERS — On the factual matter of the costings that Mr Dalla-Riva asked me about and asked me to table, on one side there is a $35 million saving in government advertising and on the other side of the ledger there are 20 — I told the house 19 yesterday; I found another one today when Mr O’Brien, the member for Malvern in the Assembly, was demanding more advertising about problem gambling — areas where the opposition has said, ‘This woeful, negligent government has not spent enough on advertising’. The opposition has listed on its spreadsheet 20 areas where it will spend more money on advertising and called on the state of Victoria to do so.

In response to Mr Dalla-Riva, I look forward to his supplementary question. I am not going to pre-empt whatever announcement he thinks I might make this afternoon, but if he wishes to ask me about that tomorrow, I will look forward to that also.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — The Treasurer makes some flippant comment about suspended sentences without being specific about the policy. Is it not a fact that the reason the Treasurer is not releasing the detail of the costings is that they have been undertaken by the dirt unit the government has got running and therefore these supposed costings that the Treasurer has just outlined — claimed either yesterday or today — have no credibility whatsoever?

Mr LENDERS (Treasurer) — Without being cantankerous or getting into a big, emotive debate, my simple response to Mr Dalla-Riva is this: if he does not accept the data that I have shown — and I gave him one clear example with the suspended sentences — he should submit his policies to the Department of Treasury and Finance like every decent, transparent political party in the country is doing now. He should submit them to the Department of Treasury and Finance and let it make an assessment.

Despite his colleague Mr Clark, the member for Box Hill in the Assembly, making sniping assertions about the Department of Treasury and Finance, I am absolutely convinced that the Department of Treasury and Finance, like the federal Treasury, will report on the costings. It will report on its website on government, opposition, Greens, Democratic Labor Party or Nationals costings — whoever will submit policies to it. It will report on its website, and if Mr Dalla-Riva is concerned that my figures are not correct, then he should submit the policies to the Department of Treasury and Finance — unlike his gutless federal leader, Mr Abbott.

The PRESIDENT — Order! The Treasurer’s reference to the federal Leader of the Opposition is inappropriate, and I ask him to withdraw it.

Mr LENDERS — I withdraw.

Mr Dalla-Riva — On a point of order, President, in reference to the previous question that I asked — the one that was ruled out of order — I seek your guidance in clarifying the ruling. Further to the point of order, there was a period previously when Minister Madden — —

The PRESIDENT — Order! Mr Dalla-Riva does not have any capacity to go down the road he is going down with regard to my previous ruling. His point of order is ruled out.

Mr Dalla-Riva — Further on the point of order, is it not the case, President, that we have the situation that Minister Madden is compelled to answer questions yet Minister Lenders is not?

The PRESIDENT — Order! Mr Dalla-Riva may want to debate my ruling, but I am telling him for the last time that he has no capacity to do that.

Climate change: government initiatives

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Innovation, Mr Jennings. Can the minister inform the house of what action the Brumby Labor government is taking to help cut emissions and raise community awareness about the effects of climate change?

Mr JENNINGS (Minister for Innovation) — I am going to do my best to stay with the mood that Mr Tee is trying to evoke in the chamber; this will be the chill-out session. I want to take the opportunity to thank Mr Tee — —

Mrs Peulich interjected.

Mr JENNINGS — Chill-out session; Mrs Peulich has obviously never heard of the concept. The idea is to take a bit of a breath, actually catch your mood and replenish.

The idea that I want to respond to is the opportunity Mr Tee has created for me to talk about a great partnership between the Victorian government, the local government sector — in this case the City of Manningham — and the federal government. They all came together as a true partnership to support improved community facilities in the city of Manningham. This was something we celebrated last week — Mr Tee, Ms Mikakos and Minister D'Ambrosio from the other place. And yes, in the spirit of bipartisanship, even the member for Doncaster was there.

Mrs Coote — Name her!

Mr JENNINGS — Mary Wooldridge, the member for Doncaster in the Assembly, was there. In the afternoon shadow of Doncaster shopping town we gathered on Doncaster Hill to celebrate breaking the dirt. So in fact there was some digging, there was some dirt and when I looked up Mary Wooldridge was at my side in a hard hat.

An honourable member interjected.

Mr JENNINGS — Absolutely! The dirt was broken in establishing this precinct, which will be a sustainable precinct. This is why this great partnership exists: not only will it bring together the community hub, the arts centre, community services and municipal offices, it is sustainable. It is a precinct that has been designed to achieve great environmental outcomes. Whether it be local government, the state government or the commonwealth government, we all see great value in bringing together infrastructure to support community engagement and social inclusion in the Manningham community — and in doing it on a sustainable basis. Through its design and construction and the way it generates and uses energy on site this precinct will save something of the order of 2360 tonnes of CO_2 emissions every year.

I reckon there are people on the other side who know the value of holding a breath for a second and how much that will contribute to the collective effort of the Victorian community to save greenhouse gases — and this one precinct alone will save 2360 tonnes of CO_2. It will have trigeneration capacity that will deal with heating, cooling and energy on site. There will be a microgrid as part of the development that will achieve that result. That is the equivalent of 47 million black balloons of CO_2 being saved annually. That is quite an achievement within the one location.

When we were breaking the dirt with Mary Wooldridge in her hard hat, on the other side was Charles Pick, the mayor of Manningham. He is a man with a mission to create this precinct for his community and to bring community facilities together. It was a great day to celebrate a collaboration between state agencies, the commonwealth and local government. It is a demonstration of the love — if not the love, the care and the partnership — that we create with the local government sector.

Honourable members interjecting.

Mr JENNINGS — I have tried to create the chill-out factor, but it is not working for the other side because its members are a little bit more concerned about conflict rather than bipartisanship. This is one of those occasions when opposition members could have celebrated, but no, it has been an opportunity lost. Nevertheless, we are committed — state government, federal government and local government — to achieving these community benefits.

Ambulance services: funding

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to Mr Lenders in relation to his portfolio of Treasury and as Leader of the Government in this house. Given the enormous service failures and

the almost $6 million official deficit in Ambulance Victoria identified by the Auditor-General, will the Treasurer now close down the taxpayer-funded Brumby government dirt unit and direct those funds towards saving lives instead of his own political self-interest?

The PRESIDENT — Order! I have some reservations about the question in relation to the Treasurer's responsibilities. However, I am more than confident that the minister is capable of answering it.

Mr LENDERS (Treasurer) — Thank you, President. In response to Mrs Peulich's question, the Minister for Health yesterday or the day before announced a $100 million-plus package of support for the ambulance service to deal with emerging issues. If Mrs Peulich wishes to suggest further funding by the reprioritising of, as she would put it, political funding, I point out that the Leader of the Opposition and the Leader of The Nationals in the Assembly have a $2.8 million fund from taxpayers to fund their research staff. If she wishes to volunteer that as a reprioritisation, I am sure the government would be willing to look at it.

The significant issue here is that the government has reprioritised more than $100 million of resources for the ambulance service, which was announced this week, and if Mrs Peulich wishes to add a further $2.8 million, in consultation with Mr Baillieu and Mr Ryan, I am sure the government would be delighted to accept it.

Mr D. Davis — On a point of order, President, the question was clearly about the government's dirt unit and the fact that the minister's staff are involved in this, and he could reprioritise — —

The PRESIDENT — Order! Mr Davis knows full well he cannot debate any point of order, and I have just about had enough. The answer to the question was clearly relevant to the question asked. I have no qualms in saying the point of order is out of order.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Apart from the little bit of debating that came from the Treasurer, my supplementary question is: is it not a fact that the government failed to adequately resource Ambulance Victoria and the preceding ambulance authorities for the transition into a merged body and that this led to a running down of reserves and the operational budget in Ambulance Victoria, affecting its ability to treat vulnerable patients, and instead chose to fund its dirt unit?

Mr LENDERS (Treasurer) — In the tone used by my colleague Mr Jennings in answer to an earlier question from Mr David Davis, the disappointing thing here is that we have serious policy responses to the protection of lives and dealing with the vital services Ambulance Victoria offers. The government put a very large ambulance package in place at the start of this term. Earlier this year it put significant resources into rural ambulances, and this week it put more resources into metropolitan ambulances. We are taking action in a measured way by putting resources in. It is very disappointing that Mr Davis and Mrs Peulich, in this last week of Parliament, wish to make political capital out of that.

Floods: infrastructure repair

Mr DRUM (Northern Victoria) — My question is directed to John Lenders in his capacity as the chair of the flood recovery ministerial task force, which is investigating the extent of the damage caused by recent floodwaters to communities throughout Victoria, and I ask: once this investigation is complete and the cost of the damaged assets has been totalled, will the Treasurer give an undertaking that these costs will be paid for by the government as set out in the state disaster plan?

Mr LENDERS (Treasurer) — I thank Mr Drum for his question. There are a number of parts to the question. In the floods that hit Victoria close to 300 houses were flooded, something of the order of 1500 hectares of farmland was flooded and there was obviously damage caused to critical infrastructure, whether it be roads, bridges or other essential infrastructure.

The government has responded in three ways. The immediate response was the Minister for Police and Emergency Services activating the emergency services measures so that families who had to flee because the floods made their houses unlivable received a grant of the order of $1000. There was also the activation of various flood control, prevention and mitigation measures.

The second response is the one I announced last week in Creswick, which was the epicentre of where the floods affected housing — in fact the shire of Hepburn had approximately half the houses that were inundated in Victoria — and it dealt with rebuilding community infrastructure.

Mr Drum interjected.

Mr LENDERS — Mr Drum, I am answering your question in a measured manner: you asked the question,

and in good faith I am answering it. That is why I am doing this.

The second part of that second package was to deal with business, whether it be business itself or farming business in particular, with a support package from the Rural Finance Commission. There was also a third component of that package, which was to assist tourism, in particular with individual events that needed to be re-advertised. The fourth part of that was some specific support to municipalities, particularly those that were recovering from dealing with fires and then experienced floods, to give them the resources for the work they needed to do. That was the second response.

The third response is one where a number of Mr Drum's colleagues have been calling for answers, and I can say to Mr Drum that the state government will honour the obligations it has under part B of the national disaster relief regime for municipalities where local roads that are critical infrastructure are repaired.

I say to Mr Drum that I will certainly report on that. However, I can let him and the house know that the reason we do not have figures is that I am not in the business of hassling CEOs of municipalities who are seeking to deal with rebuilding after floods, who are seeking to work with their communities, who are seeking to get quotes from various road construction contractors and who are seeking to do the work. I am not in the business of hassling them to give me exact estimates of it at this stage. When their bids come in, VicRoads and the Office of the Emergency Services Commissioner will do the normal work they do and we will turn them around. Sometimes it can be in as short a time as three weeks.

As I have said in this house before, my colleagues Mr Philip Davis and Mr Viney have taken me through with Wellington shire a way we could speed up this process. We are not going to hassle these people for their bills. I would like to know, as Mr Drum would like to know, exactly what it will cost, but I am not about to start hassling municipalities to get paperwork in to the state government. They have to fix the roads; they have do the work, and similarly with VicRoads.

The first stage was the immediate release of what was needed. The second was the reconstruction so that businesses and communities can get on. The third will be the refunding of government bodies, and when we have the information we will deal with that. The state of Victoria is not going to let critical infrastructure remain unfixed. We want it to be fixed quickly. It is good for communities and good for the economy, and it is a sign of faith in those communities.

Supplementary question

Mr DRUM (Northern Victoria) — We already have critical infrastructure that is unfixed at the moment which is the responsibility of VicRoads. I do not know who the minister expects will fix that other than VicRoads. All I can ask the Treasurer now is: when does he expect to have these figures at his disposal, and what type of turnaround can we expect for those agencies to be refunded?

Mr LENDERS (Treasurer) — I thank Mr Drum for his question, but I am somewhat puzzled by his question on VicRoads. I was with the Minister for Roads and Ports and the Minister for Local Government at Euroa two or three weeks ago where a whole series of municipalities from his electorate in north-eastern Victoria came together and were talking to us about flood recovery. I know my colleague Mr Pallas said to the people present, 'Are there any particular roads that are main roads — VicRoads roads — that need fixing?', because Tim Pallas is a man of action and he was determined to get these things done.

That group of municipalities from north-eastern Victoria, not all flood areas, alerted him — I think it was Alpine shire, but I would stand corrected on what shire it was — to the Mount Buffalo Road that needed fixing. They also alerted him to a number of ski roads that needed fixing to assist with the recovery. My understanding is that VicRoads has dealt with those. I am happy to take offline from Mr Drum any VicRoads roads that he believes have not been fixed.

I can say to Mr Drum that I have met with municipalities in the west of the state, the north of the state, the east of the state and in Melbourne — others who have come here. Whenever a municipality has said a road, a VicRoads road in particular, needs fixing, we have, to my knowledge, addressed it. If there are any areas we have not addressed, I would welcome hearing about them from Mr Drum, and I will certainly speak to my colleague Mr Pallas. Our objective is fix the critical infrastructure as fast as possible, which is an important thing for a state government to do.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 9995, 10 026, 10 028, 11 046, 11 060–1, 11 459–60, 11 501–2.

Ms HARTLAND (Western Metropolitan) — I have a number of questions outstanding: 11 678 to Mr Wynne, 11 839 to Mr Pakula, 12 077 to Mr Pakula, 12 285 to Mr Wynne, 12 286 to Mr Pakula, 12 287 to Mr Wynne and 12 319 to Mr Pakula. I have faxed their offices and rung them and I have not had any responses. Some of these have been outstanding since March.

Hon. M. P. PAKULA (Minister for Public Transport) — If Ms Hartland says she has sent that information through to my office, I will certainly follow up the responses to those questions.

Sitting suspended 1.07 p.m. until 2.18 p.m.

BUSINESS OF THE HOUSE

Standing orders

Debate resumed.

Mr VINEY (Eastern Victoria) — As I was saying before question time, the Standing Orders Committee has done a lot of very good work to get us to the point of having an agreement on a new committee system that will well serve this Parliament into the future. Committee members were close to agreement on many other things. Very early in the process we adopted an approach that it would be a consensus model. Everyone signed up for the consensus model, but I am not sure Mr David Davis understands what a consensus model is, because at the 11th hour and 59-minute mark it was, as I said earlier, as though Mr Davis was a bomb-thrower at a birthday party. Everyone was having a good time and then suddenly we had new propositions brought before the committee at a point when it was really too late to be dealing with those matters.

I said before that it was like a bomb-thrower at a birthday party, but it was probably more like a bomber who came in with a whole bunch of grenades strapped to himself, pulled the pins and forgot to throw them. Mr Davis was proposing a range of things like the incorporation of the sessional orders into the standing orders, which is a separate motion he will move later today. The government had made it clear that his propositions were unacceptable and therefore could not be part of a consensus agreement.

The committee reached consensus agreement on a raft of things, including the new committee system, some reforms to the adjournment debate and quite a considerable number of technical changes which are the subject of my motion 31. There were some significant areas of agreement in terms of modernising and reforming the standing orders, but we were not able to implement them in the way we had hoped by bringing forward a final report of the committee to the chamber that could have been adopted. We were not able to do that because Mr Davis's view of consensus is totally different to everyone else's. On 28 September Mr Davis wrote to the Leader of the Government proposing that everything — —

Mr D. Davis — At the request of the President.

Mr VINEY — Yes, it was, because Mr Davis arrived at the last meeting of the Standing Orders Committee 45 minutes late, threw his bombs into the meeting and then proposed a meeting at 8.00 a.m. the following Monday. Mr Davis could not come to the normal meeting, but he wanted to call a special meeting, which frankly was completely unacceptable. If Mr Davis cannot organise his diary to get to the meetings that everyone else can get to, that is a matter for him. The rest of the committee should not have to suffer as a result.

The government asked that Mr Davis document what he was proposing. What was unacceptable was that he proposed that we would adopt all the things that the committee had agreed on and then he would push on with his own changes. How is that a consensus model? How can he say, 'Oh, well, we'll go through a consensus discussion, we'll get all the concessions that we can out of the government, and having done that we'll ram through the other stuff that we want to do anyway'? That is not a consensus model. No other member of the committee considered that to be the consensus methodology that we were approaching.

What the committee has now been able to rescue, pretty much thanks to some of the work done by Ms Pennicuik, Mr Hall and me, are those significant points that are agreed. They include the new committee system that will be of great benefit to this chamber. My motion 30 is all about implementing the new committee system for the chamber. My motion 31 proposes adopting a range of changes to the joint standing orders of this house and the Legislative Assembly and a number of other modernisations and technical amendments, if you like, to the standing orders, in particular including in the standing orders things that are really common practice in the house. Motion 31 is really about modernising and updating the standing orders.

As this is a cognate debate, I will comment on Ms Pennicuik's motion 141, which is about the adjournment debate. For some time it has been my view that the adjournment debate in this chamber could

benefit from being a little freed up. In the final stages of the discussions I put that to the Standing Orders Committee, and the committee agreed with it, but because we ended up not getting a report and not having agreement, that proposition was dropped off. In her motion Ms Pennicuik has effectively put back into the discussion making that change to the standing orders, and I thank her for that.

The government was a little reluctant to do that, because it was considered that the whole model of consensus had been breached. The government did not want to go beyond the essential modernisation of the standing orders and the introduction of the new committee system. In the spirit of trying to progress this thing the government has agreed to support Ms Pennicuik's motion 141 on the adjournment debate and the changes to the order of business for the Council essentially to accommodate the new committees and to bring statements on reports and papers on on Wednesday afternoon.

Under the changes, about an hour before dinner the Council will go from considering general business to statements on reports and papers. Then after dinner on a Wednesday time will be made available for the new committees to meet on Wednesday evenings. If they do not need to meet, then the option remains for the house to reconvene after the dinner break on a Wednesday night. That is the essence of the changes proposed by Ms Pennicuik's motion, and the government has agreed to support those changes.

Just to complicate things a little more, Mr Hall will propose an amendment to Ms Pennicuik's motion. Although it has not been tabled in the house I want to make just a few remarks on the government's view on this. Rather than coming back and making another contribution I seek the indulgence of the house to allow me to make a couple of remarks on an amendment that is not yet before the house.

The effect of Mr Hall's amendment will be to increase from 15 to 20 the number of adjournment matters raised each evening by members. The government will not support Mr Hall's amendment but will not seek a division on it. In other words, the government is expressing its disagreement with it, but government members accept that the house will probably vote a different way.

The reason we do not support Mr Hall's amendment is that we consider it to be beyond what was agreed by consensus. In fact committee members were extremely close to agreeing to this in the committee meeting. I think the words were about to come out of my mouth to say, 'Yes, we'll accept that', when Mr Davis decided to enter the room 45 minutes late and throw around his bombs. That is why the government is not prepared to support Mr Hall's amendment. At the same time the government accepts that it is a change that the committee was very close to agreeing on in any case.

What will happen is that in the adjournment debate a member will be able to raise for the attention of the minister a matter within the minister's portfolio rather than requiring a specific action by the minister. Sometimes that has caused significant difficulties in this chamber, with points of order and other problems with matters raised in the adjournment debate. In the adjournment debate a member will be able to pose a question, a query or a call for action or just draw something to a minister's attention.

In essence, they are the changes. There will be a new committee system which will be held in good stead by the Parliament, particularly the Legislative Council. As I said earlier, about seven years ago I attended a parliamentary conference in the United Kingdom where I gave a paper on proposed new committee systems for the Legislative Council of Victoria, so it is something I have been focused on for a considerable time. Whilst this is not exactly where I was originally headed in terms of committee systems, I consider it a good development. It is very close to the model in the Australian Senate. Given that history and that precedent, we will be able to move into the new committee system reasonably smoothly. We can look at and use or adapt systems already operating in another Parliament.

There will be a new committee system, upgraded joint standing orders, modernisation of the standing orders themselves to bring in some of the things that are common practice and use of more modern or current language, a freeing up of the adjournment debate and a new timetable that will allow the new committee system to work. That will also give the government of the day in the next Parliament a little more government business time to get through the legislation program.

In the end these are very positive developments. The means by which we got here was unfortunate and unnecessary. We could have got here in a much smoother way and with a clear consensus. We would then have been able to have a relatively smooth transition.

However, we have had to get here in a tortured way. The responsibility for that sits with just one person, and that is the Leader of the Opposition, Mr David Davis, who at the 11th hour decided that he would behave in a

way that was absolutely counterproductive to the direction in which we were going. He came into the room, as I said, throwing bombs at a birthday party; everyone was having a good time, was in furious agreement, and then suddenly everything was thrown up in the air.

My lesson from that is I think Mr Davis has a lot of difficulty saying the word ‘Yes’ to anything. It is unfortunate that we have got to this point in such a tortured way and in such an unnecessary manner. Nevertheless, what we have achieved is very significant and is a very positive development for this house. I believe it will stand in good stead not only the operations of the Parliament in terms of the proposed new standing orders but also our role as representatives of the Victorian people, enabling us to look after their interests in a way that will be more efficient and effective, more open and accountable.

I think these are good changes and developments, so I ask the house to support these motions. As I said, the government will not support the amendment proposed by Mr Hall to change the number of members able to raise matters on the adjournment from 15 to 20. Nevertheless, we accept that that will pass; we were very close to accepting it in any case. I commend my motions 30 and 31 to the house and indicate that, with the exception of the changes to the adjournment from Mr Hall, we will accept and support Ms Pennicuik’s motion 141.

Ms PENNICUIK (Southern Metropolitan) — I move:

138 That the standing orders of the Legislative Council be amended as follows:

1. Omit standing order 1.01 and insert the following new standing order in its place:

1.01 Opening of a new Parliament

On the first day of the meeting of a new Parliament the proceedings will be —

(1) Members meet at the appointed time and place.

(2) The Clerk reads the proclamation convening Parliament.

(3) The Usher of the Black Rod will then introduce to the Council chamber a commissioner from the Governor appointed to open Parliament.

(4) The Clerk reads the commission appointing the commissioner to open Parliament

(5) The commissioner will then inform members that the Governor will at a future time outline the reasons for calling Parliament together, and request members to proceed to the election of their President.

(6) The Clerk will read the commission for swearing members, issued by the Governor to the commissioner.

(7) After the commission has been read the Clerk will read the returns to the Writ for the election of members to the Council.

(8) Members elected pursuant to such writ will then be sworn or affirmed as prescribed by the Constitution Act 1975.

(9) The commissioner will then retire from the Council chamber.

(10) The Council proceeds to the election of a President, following which the President takes the Chair and reads the Lord’s Prayer.

(11) The Council then elects a Deputy President.

(12) The President informs the Council of the time that the President will present himself or herself to the Governor.

(13) The sitting will then be suspended.

2. Omit standing order 1.04 and insert the following new standing order in its place:

1.04 Assembly summoned

The Governor will direct the Usher of the Black Rod to require the immediate attendance of the Assembly in the Council chamber. Seats will be provided within the body of the Council chamber for the Speaker and such other members of the Assembly as determined by the President. Accommodation will be provided for other members of the Assembly in the lower side galleries of the chamber.

3. Omit standing orders 1.09 and 1.10 and insert the following new standing order in their place:

1.09 Business after the suspension of the sitting

When the Council meets after the suspension of the sitting, the following business will be conducted:

(1) Questions.

(2) Formal business to reassert and maintain the rights of the Council.

(3) The President reports the speech of the Governor to the Council.

(4) A motion for the address in reply to the Governor’s speech pursuant to standing order 1.10.

(5) Any other business.

4. In standing order 1.11 —

(a) Omit subsection (1).

(b) In subsection (2) after ‘speech’ (where first occurring) insert ‘of the Governor’.

(c) In subsection (3), omit ‘urgency motions’ and insert ‘motions of urgent public importance’.

5. In standing order 2.09, omit subsection (1).

6. In standing order 4.01, in paragraph (a) of subsection (1), omit ‘and at 9.30 a.m. in the final sitting week of the calendar year’.

7. Omit standing order 4.06 and insert the following new standing order in its place:

4.06 Interruption of debate

(1) Unless a motion to adjourn has already been moved by a minister pursuant to standing order 4.05, the President will interrupt the business before the house at 10.00 p.m. on Tuesday, Wednesday and Thursday and at 4.00 p.m. on Friday.

(2) If the house is in committee of the whole the Deputy President will report progress and the President will then interrupt such business.

(3) If a division is taking place when business is due to be interrupted, it will be completed and the result announced before the President interrupts business.

(4) The President will have discretion to extend the time for a maximum of 10 minutes to allow for the completion of a speech on a motion for the second reading of a bill within the allocated time.

(5) The President will not be required to call the next speaker if a speaker completes his or her speech within 3 minutes prior to the time fixed for such interruption.

(6) Providing no further debate is proposed, the remaining questions in relation to any business subject to interruption may be put.

(7) Before proposing that the house do now adjourn pursuant to standing order 4.08 the President will read any messages from the Assembly.

(8) Any bills transmitted from the Assembly will be read a first time and their second reading made an order of the day for the next day of meeting unless the Council grants leave for the second reading to be proposed forthwith.

8. Omit standing order 4.08 and insert the following new standing order in its place:

4.08 Adjournment proposed by President

Unless the sitting is extended under standing order 4.07, the President will propose to the Council ‘That the house do now adjourn’. Such question may not be amended.

9. Omit standing order 4.12.

10. In standing order 5.01, omit ‘1.11’ and insert ‘1.10’.

11. In standing order 5.02, in subsections (1), (2) and (3), omit ‘At 8.00 p.m. Legislation Committee (if ordered)’.

12. Omit standing order 5.03.

13. Omit standing order 5.05 and insert the following new standing order in its place:

5.04 Formal business defined

Formal business is deemed to include the presentation of petitions, the introduction and first reading of bills, the presentation of papers, giving notices of motion and giving notice of intention to make a statement on a report or paper tabled in the Council.

14. In standing order 5.07 —

(a) in paragraph (a) of subsection (2) omit ‘1.11’ and insert ‘1.10’.

(b) in paragraph (b) of subsection (2) omit ‘5.09’ and insert ‘5.08’.

(c) in paragraph (c) of subsection (2) omit ‘urgency motions’ and insert ‘motions of urgent public importance’.

15. Omit standing order 5.09 and insert the following new standing order in its place:

5.08 Special business

Precedence will be given to —

(a) a motion relating to a matter of privilege pursuant to standing order 21.01;

(b) a motion of urgent public importance pursuant to standing order 6.09;

(c) a motion for a vote of thanks of the Council;

(d) a motion for leave of absence to a member;

(e) a motion relating to the qualification of a member;

(f) an order of the day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt standing orders of the Council; and

Any such business will be taken according to the sequence set out in this standing order.

16. In standing order 5.10, omit ‘22.01’ and insert ‘21.01’.

17. Omit standing order 5.12 and insert the following new standing order in its place:

    5.11 Condolences

    (1) Precedence will ordinarily be given by courtesy to a motion of condolence in the event of the death of —

        (a) a member of the current Parliament; or

        (b) a past or present Governor, Premier, Presiding Officer, minister, or party leader in either house.

        (c) former members of the Council, subject to the agreement of the party leaders.

    (2) Precedence may be given by leave to a motion of condolence in the event of the death of a person who had previous distinguished service in Victoria.

    (3) At the conclusion of a condolence motion, members will be asked to rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased.

    (4) Unless otherwise ordered, the Council will then suspend its proceedings —

        (a) for the remainder of the sitting in respect of a member of the current Parliament; or

        (b) for 1 hour, in respect of all other persons referred to in standing order 5.11(1)(b).

    (5) The President will announce the death of former members of the Council not referred to in standing order 5.11(1), and members will rise in their places for 1 minute's silence as a mark of respect to the memory of the deceased.

    (6) The President shall convey a message of sympathy from the house to the relatives of the deceased.

18. In standing order 6.07, omit '1.11' and insert '1.10'.

19. In standing order 6.08, in subsection (1), omit 'a motion' and insert 'when a motion has been moved, it'.

20. In the heading to standing order 6.09, omit 'urgency motions' and insert 'motions of urgent public importance'.

21. In standing order 6.09, omit subsection (4).

22. In the heading to standing order 6.10, omit 'urgency motions' and insert 'motions of urgent public importance'.

23. After standing order 6.12 insert the following new standing order:

    6.13 Procedural motions

    The time limit for procedural motions is prescribed by standing order 5.04. A procedural motion is defined as:

    (a) a motion for the postponement of an order of the day pursuant to standing order 6.12;

    (b) a motion for the discharge of an order of the day pursuant to standing order 6.14;

    (c) a motion for the revival of a dropped motion or order of the day pursuant to standing order 6.16;

    (d) a motion that the question be not now put pursuant to standing order 7.03;

    (e) a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to standing order 8.06;

    (f) a motion that a paper be printed pursuant to standing order 9.07;

    (g) a motion that a petition be taken into consideration pursuant to standing order 10.07;

    (h) a motion that a member be now heard pursuant to standing order 12.04;

    (i) a motion that the debate be now adjourned pursuant to standing order 12.08;

    (j) a motion for the adoption of the report from the committee of the whole pursuant to standing order 14.15;

    (k) a motion to declare a bill urgent pursuant to standing order 14.33;

    (l) a motion that the Chair report progress and ask leave to sit again pursuant to standing order 15.04;

24. Omit standing order 6.13 and insert the following new standing order in its place:

    6.14 Discharge of order of the day

    After an order of the day has been read, the member in charge of the order may move, without notice, that the order be discharged.

25. In standing order 6.14, in subsection (2), omit 'initiated by ministers' and insert 'currently standing in a minister's name'.

26. After standing order 7.15 insert the following new standing order:

    7.16 Multiple amendments

    (1) Leave may be given to a member to move and debate multiple amendments to a question.

    (2) When multiple amendments have been moved, the question on each amendment will be put separately by the Chair unless leave is granted for them to be put together.

27. In standing order 8.02, in subsection (5), omit 'A question cannot be asked again if' and insert 'A question cannot be asked again if during the previous six months of the same session'.

28. In standing order 8.04, omit '2.00 p.m.' and insert 'the time prescribed by standing order 5.02'.

29. In standing order 8.07, omit 'or the papers'.

30. In standing order 8.11, in subsection (3), omit 'on Thursdays'.

31. After standing order 8.12, insert the following new standing order:

    8.13 Reinstatement of questions on notice to the notice paper

    The President may direct that a question or part of a question on notice which has been answered be reinstated to the notice paper, if following a request of the member asking the question, the President is of the opinion that the question has not been fully answered.

32. In standing order 9.09, omit 'the chair or other member of the committee if the chair is absent' and insert 'a member of the committee'.

33. In standing order 9.10 —

    (a) In subsection (1), omit 'following members statements on Thursdays and insert 'at the time prescribed by standing order 5.02'.

    (b) In paragraph (a) of subsection (2), omit 'on a Thursday'.

34. After standing order 12.01 insert the following new standing order:

    12.02 Acknowledgement of Chair

    All members when entering or leaving the chamber or passing in front of the Chair will acknowledge the Chair.

35. Omit standing order 12.05 and insert the following new standing order:

    12.06 Members' speaking rights

    (1) A member may speak once to a question or an amendment to a question before the Council except —

    (a) in giving an explanation pursuant to standing order 12.07;

    (b) in reply pursuant to standing order 12.08;

    (c) at the committee of the whole stage.

    (2) The President may participate in debate and speak from a place allocated on the floor of the chamber.

    (3) When the President rises to speak in debate, the Deputy President will take the chair.

36. In standing order 12.06, after 'speech' insert 'which has been misquoted or misunderstood'.

37. In standing order 12.08, in subsection (1), after 'member' insert ', unless he or she has already made a substantial contribution to the debate,'.

38. In standing order 12.12, after 'explain' omit 'a' and insert 'how he or she has been misrepresented or explain another'.

39. In standing order 12.15, after subsection (5), insert the following new subsection:

    (6) If the President is not satisfied that the preconditions have been met, the President will advise the Council and the matter will not proceed any further.

40. Omit standing orders 12.19 and 12.20 and insert the following new standing order in their place:

    12.20 Unparliamentary expressions

    (1) No member will use offensive words against either house of Parliament, any other member of either house, the sovereign, the Governor or the judiciary.

    (2) No member will make an accusation of improper motives or a personal reflection on any other member of either house.

    (3) If the President is of the opinion that words used in debate offend against this standing order, he or she may order the words to be withdrawn and may also require an apology.

41. In standing order 12.21 —

    (a) Omit 'orders 12.19 and' and insert 'order 12.20'.

    (b) Omit subsection (3).

42. After standing order 12.23, insert the following new standing order:

    12.24 Cognate debate

    (1) Leave may be given for subjects which are related to be debated cognately.

    (2) At the conclusion of the cognate debate, the questions will be put separately, unless the Council determines that a single question be put by the Chair.

    (3) At the conclusion of the cognate second-reading debate on bills, the question 'That the bill be now read a second time' will be put separately for each bill unless the Council determines that a single question be put.

(4) The committee of the whole Council and third-reading stages of cognate bills will be taken separately, unless the Council determines otherwise.

43. In the heading to standing order 13.02, omit 'Withdrawal of members' and insert 'Disorderly conduct — member ordered to withdraw'.

44. Omit standing order 13.03 and insert the following new standing order in its place:

13.03 Disorderly conduct — member named

(1) A member's conduct will be considered disorderly for —

(a) wilfully and persistently interrupting or making a disturbance during the sitting of the Council; or

(b) disorderly conduct; or

(c) using offensive words and refusing to withdraw the same or behaving offensively and refusing to make a satisfactory apology; or

(d) wilfully and persistently refusing to conform to the standing orders; or

(e) wilfully disregarding the authority of the Chair; or

(f) refusing to withdraw pursuant to standing order 13.02.

(2) The President may require any member offending under this standing order to make an explanation or apology.

(3) The President may name any member for disorderly conduct under this standing order.

45. Omit standing order 13.04 and insert the following new standing order in its place:

13.04 Procedure after naming

(1) If any member is named by the President under standing order 13.03 the President will put the question 'That such member be suspended from the service of the Council during the remainder of the sitting (or for such period as the Council may think fit)'.

(2) The motion may not be amended, adjourned or debated.

(3) Any member suspended under this standing order will immediately withdraw from the Council chamber.

46. Omit standing order 13.05 and insert the following new standing order in its place:

13.05 Consequences of suspension

(1) A member who is ordered to withdraw pursuant to standing order 13.02 or who is suspended pursuant to standing order 13.04 will not enter the Council chamber or all its galleries during the period of the suspension.

(2) This standing order does not deprive the Council of any other powers it may have to proceed against a member.

47. After standing order 13.05 insert the following new standing order:

13.06 Discharge of suspension

The Council may on motion without notice and determined without amendment or debate discharge an order of suspension under standing order 13.04 if the member makes a satisfactory apology in writing to the Council.

48. In standing order 14.06, after 'bill — ' insert the following new paragraph (a):

(a) a minister or member in charge of the bill will lay on the Table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, if required.

49. In the heading to standing order 14.09, omit 'amendment' and insert 'reasoned amendment'.

50. In standing order 14.09, after subsection (2), insert the following new subsections:

(3) When debate on the reasoned amendment is concluded, the question 'That the reasoned amendment moved by (member) be agreed to' will be put.

(4) If the question in subclause (3) is negatived, the question 'That the bill be now read a second time' will be put immediately.

(5) If the question in subclause (3) is agreed to, the bill will be regarded as having been rejected unless the reasoned amendment seeks to delay the passage of the bill.

51. In standing order 14.11, in paragraph (a), omit 'Legislation Committee,' and insert 'standing or'.

52. In standing order 14.12, in paragraph (b) of subsection (1), after 'clauses' insert 'where they occur in the sequence of clauses'.

53. In standing order 14.13, in subsection (5), omit 'has been proposed to the bill the question must be put 'that the amendment', and insert '(or amendments) have been proposed to the bill the question must be put 'That the amendment/s'.'.

54. After standing order 14.20, insert the following new standing order:

14.21 Bill rejected

When a bill which originated in the Assembly is rejected by the Council a message will be sent to the Assembly informing them accordingly.

55. In standing order 14.24, in subsection (2), omit 'acquainting' and insert 'informing'.

56. Omit standing order 14.25 and insert the following new standing order in its place:

14.26 Bill returned to Assembly

When a bill which originated in the Assembly has been passed by the Council and certified by the Clerk it will be returned to the Assembly with a message informing the Assembly that the Council has —

(a) agreed to the bill without amendment; or

(b) agreed to the bill subject to the amendments contained in the schedule attached and the Assembly agreement to such amendments is requested.

57. After standing order 14.25, insert the following new standing order:

14.27 Assembly's consideration of Council amendments

(1) Where a bill is returned from the Assembly with a message disagreeing with the amendments made by the Council, agreeing to the amendments with further amendments or making new amendments on the amendments, the amendments will be printed and a time fixed for taking the message into consideration.

(2) When the Council considers the message from the Assembly it will —

(a) insist or not insist on its amendments;

(b) agree or not agree with any further amendments made by the Assembly; or

(c) defer further consideration of the bill indefinitely, in which case the bill lapses.

58. In standing order 14.27, omit '14.26' and insert '14.28'.

59. In standing order 14.31, omit subsection (4).

60. In standing order 14.33, in subsection (2), omit '14.35' and insert '14.37' and omit '14.34' and insert '14.36'.

61. In standing order 14.34, in subsection (1), omit '14.33' and insert '14.35'.

62. In standing order 14.35, in subsection (1), omit '14.34' and insert '14.36'.

63. In standing order 14.37, omit '14.32 to 14.36' and insert '14.34 to 14.38'.

64. In standing order 15.01, omit subsection (1).

65. In standing order 15.04, in subsection (5), omit 'Chair' and insert 'Deputy President'.

66. Omit chapter 16 (standing orders 16.01 to 16.22 inclusive).

67. In standing order 18.06, in subsection (1), omit 'Clerk' and insert 'chair or secretary'.

68. In standing order 20.04, in subsection (1), omit 'at least 10 years earlier'.

69. In the heading to chapter 21, after 'broadcasting' insert ', recording and photography'.

70. In standing order 21.01 —

(a) in subsection (2) after 'stations' insert ', internet and other electronic media'.

(b) In subsections (2) and (4), omit '20.04(3)' and insert '19.04(3)'.

71. In standing order 21.02 —

(a) in subsection (4), omit 'conclusion of the prayer and must conclude on the adjournment of the Council' and insert 'commencement of the prayer and must conclude on the adjournment of the Council or as soon as the chair is vacated for a suspension of proceedings'.

(b) In subsection (6), after 'recordings' (where second occurring) insert 'and still photography'.

(c) After subsection (8), insert the following new subsection:

'(9) Any filming or photography of the public gallery is strictly prohibited at all times'.

(d) In subsection (9), after 'operators' insert 'and still photographers'.

(e) Omit subsection (10).

72. In standing order 22.02, in subsection (1), after 'person' insert 'or organisation'.

73. In standing order 22.03, in paragraph (b) of subsection (1), after 'person' insert 'or organisation'.

74. In standing order 22.04, in paragraph (a), after 'person' insert 'or organisation'.

75. In standing order 22.05, in subparagraph (ii) of paragraph (b), after 'person' insert 'or organisation'.

76. Omit chapter 24 (standing orders 24.01 to 24.20 inclusive) and insert the following new standing orders in their place:

Standing committees

24.01 Appointment of standing committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

(1) Economy and infrastructure

Legislation Committee

References Committee

(2) Environment and planning

Legislation Committee

References Committee

(3) Legal and social issues

Legislation Committee

References Committee

24.02 Functions

(1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.

(2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.

(3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.

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

(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.

(5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of members

(1) Each legislation and references committee will consist of eight members, with four members from the government party nominated by the Leader of the Government in the Council, three members from the opposition nominated by the Leader of the Opposition in the Council and one member from among the remaining members in the Council nominated jointly by minority groups and independent members.

(2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

(b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

(1) Five members of each committee will constitute a quorum of the committee.

(2) Each committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

24.05 Substitute members

(1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.

(2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.

(3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.

(4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is

incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Subcommittees

(1) A committee may appoint subcommittees consisting of three or more of its members, and refer to any such subcommittee any of the matters which the committee is empowered to consider.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the committee as soon as practicable on each matter referred to that subcommittee.

24.07 Election of chair and deputy chair

(1) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Council, and as its deputy chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.

(2) Each references committee shall elect as its chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its deputy chair a member nominated by the Leader of the Government in the Council.

(3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.

(4) The deputy chair shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(5) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and privileges committees

24.08 Procedure Committee

(1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the house.

(2) The committee may consider any matter referred to it by the Council or the President.

(3) The committee shall consist of seven members with four members to be the quorum.

(4) The President will be the chair of the committee and the committee will elect another member of the committee to be the deputy chair.

24.09 Privileges Committee

(1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the house referred to it by the Council.

(2) The committee shall consist of seven members with four members to be the quorum.

(3) The committee will elect one of its members to be the chair of the committee and one of its members to be the deputy chair.

Select committees

24.10 Appointment of select committees

(1) The Council may appoint a select committee to consider matters referred by the house.

(2) A motion for the appointment of a select committee will state the object of such committee.

24.11 Appointment of members

(1) A select committee will consist of not less than five nor, without leave of the Council, more than 10 members.

(2) Notice will be given in the Council of the names of the members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of members if that motion immediately follows a resolution that has established a committee.

(3) Members may be discharged from attending a select committee, and other members added, after notice has been given.

24.12 Quorum

The quorum of every select committee will be fixed at the time of appointing such committee.

24.13 Election of chair and deputy chair

(1) Prior to the commencement of any other business, every select committee will elect one of its members to be the chair of the committee and one of its members to be deputy chair.

(2) If the chair and deputy chair are absent from any meeting the members present may appoint any one of their number to be chair for that meeting.

24.14 Subcommittees

(1) A select committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the select committee as soon as practicable on each matter referred to that subcommittee.

General provisions relating to committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and subcommittees established by these standing orders, except where otherwise stated.

24.16 Meetings

(1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.

(2) A committee may adjourn from time to time and from place to place.

(3) If a quorum of members is not present within half an hour after the time fixed for the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the chair.

(4) If at any time during the sitting of a committee the quorum of members fixed by the Council is not present, the secretary of the Committee will call the attention of the chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

(a) the names of the members who attended each meeting;

(b) every motion or amendment proposed and the name of its mover; and

(c) the divisions and the names of the members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

(1) In a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(2) In a select committee all questions will be decided by a majority of members present.

(3) In a select committee the chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

(1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.

(2) The name of the member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.

(3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.

(4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

(1) A committee may authorise the publication of any documents, papers and submissions presented to it.

(2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

(1) The draft report will be printed and circulated to members of a committee.

(2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put 'That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report'.

(3) A member may move amendments to a paragraph at the time it is under consideration.

(4) After all paragraphs and appendices (if any) have been considered, the question will be put 'That the draft report (or the draft report, as amended), be the report of the committee'.

(5) Any division on a question relating to the adoption of the draft report must be included in the committee's report to the Council.

24.28 Minority report

When requested to do so by one or more members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by chair

The report of a committee will be tabled in the Council by the chair of the committee and may be ordered to lie on the table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of members

A list of members serving on committees must be published in the notice paper.'

77. In standing order 25.04, in subsection (1), omit '1.11 or 25.03' and insert '1.10 or 24.03'.

78. The Clerk be empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

141 That the standing orders of the Legislative Council be amended as follows:

1. In standing order 4.11, omit subsections (1) and (3).

2. After standing order 4.11 insert the following new standing orders:

4.12 Responses to matters raised on the daily adjournment debate

(1) When a member raises a matter which requires a response from a minister that response must be given at the time the matter is raised or provided in writing within 30 days.

(2) When a response is provided in writing, before the daily adjournment debate is concluded, a minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the member who raised the matter.

(3) A copy of the response will be given to the member who raised the matter, and all responses will be incorporated in *Hansard*.

4.13 Procedure when responses to daily adjournment debate matters not provided

(1) If a required response is not provided within 30 days of the matter being raised and the relevant minister does not, within that period, provide to the member who raised the matter an explanation satisfactory to the member as to why a response has not been provided —

(a) at the conclusion of the daily adjournment debate the member may ask the minister for an explanation; and

(b) at the conclusion of any such explanation the member may move, without notice, 'That the Council take note of the explanation'.

(2) If a minister does not provide an explanation, notice may forthwith be given of a motion regarding the minister's failure to provide either a response or an explanation.

3. Omit standing order 5.02 and insert the following new standing order in its place:

   5.02 Order of business

   Unless otherwise ordered by the Council, the order of business will be —

   (1) On Tuesday —

   Messages

   Questions

   Answers to questions on notice

   Formal business

   Members statements (up to 15 members)

   Government business

   Adjournment (up to 15 members)

   (2) On Wednesday —

   Messages

   Formal business

   Members statements (up to 15 members)

   General business

   At 12 noon questions

   Answers to questions on notice

   At 5.30 p.m. statements on reports and papers (60 minutes)

   At 8.00 p.m. standing committees (if meeting) or general business or government business (if standing committees not meeting)

   Adjournment (up to 15 members)

   (3) On Thursday —

   Messages

   Formal business

   Members statements (up to 15 members)

   Government business

   At 12 noon questions

   Answers to questions on notice

   Government business (continues)

   Adjournment (up to 15 members)

   (4) On Friday —

   Messages

   Formal business

   Government business

   At 12 noon questions

   Answers to questions on notice

   Government business (continues)

   Adjournment (maximum 30 minutes).

4. In standing order 5.08 omit subsections (3) to (6).

5. In standing order 8.01, in subsection (1), omit paragraph (a) and insert the following new paragraph in its place:

   (a) Ministers of the Crown relating to public affairs for which the minister is directly connected, or has responsibility when representing a minister from the Assembly, or to any matter of administration for which the minister is responsible; and

In moving those motions I note at the outset that my motion 138 could be regarded as identical to Mr Viney's motions 30 and 31. It is with great pleasure that I speak on my motion 138 because it was on 10 September 2008 when I moved a motion in the house to send a reference to the Standing Orders Committee asking to investigate the establishment of standing committees for the Legislative Council. During that debate I said — and I will not rehash my contribution other than the main point — it was not enough to just reform the way the upper house in Victoria was elected, which is what happened prior to 2006 and was implemented in the 2006 election, but subsequent to that the upper house needed to be reformed in the way it operated so that it would operate in a similar way to the upper houses in the other states of Australia and the federal Senate.

It has taken 25 months for us to get here but we are here on the second-last day — we hope it is the second-last day anyway — and I am very pleased that we are able to speak to these motions today about the establishment of new standing committees in the Legislative Council of Victoria. As Mr Viney said, there will be three committees which will each have both a legislative and a reference function. One will be entitled the Economy and Infrastructure Committee, another the Environment and Planning Committee and the third the Legal and Social Issues Committee. Their operation will be based on the operation of Senate committees.

I think this is a great development for the Victorian upper house. I am very pleased that we did not go through the first session of the new Parliament with a new electoral system and that we have not established a new committee system. It means that when we go into the second session of the newly constituted upper house we will have that committee system. The new

committee system will mean that virtually every person in the upper house will be a member of a committee. It will focus the work of the upper house on the committees and the legislation and the matters of public interest that are referred to them.

This chamber will start to operate like the Senate and the upper houses in New South Wales and Western Australia do. As Mr Viney said, and I agree, I think that is a great development for the Legislative Council in Victoria. I am very pleased to be able to speak to these motions and to urge the house to support them so that when we come back — we all hope to come back next year — we can start working through these committees.

A lot of work went into this. People can read the interim and final reports the Standing Orders Committee produced on the work involved in establishing the committees. Our work included visiting the Senate and the New South Wales upper house. Much research was also undertaken by committee staff to help us come to the final model. It took a while because there was not always agreement. There were different points of view, and there were even some members who did not think it was a good idea at the start. To get to a point where everyone was very supportive of the final model — a model based on one that works in the federal Senate — I think is a great achievement. We are now in the position of not tabling a final report of the committee, partly because, as Mr Viney said, at our last meeting of the committee we were not able to table a final report because we ran out of time and did not come to final agreement.

Once we produced our report on committees, the committee itself decided that it needed to amend the standing orders to incorporate committees. We decided at that time that we should also look at other things that have become practice or need to be changed in terms of modernising the standing orders and that those things should also be incorporated while we were going about the process of incorporating committees into the standing orders. We might as well take the opportunity to modernise the standing orders and also the changes to the opening of Parliament that have been negotiated through the joint standing committee. All of these things could be incorporated.

We then talked about some other things that were put in sessional orders that could also go into the standing orders because they have been practised during this session of the Parliament. We have come to some agreement on some of those issues, and they are the issues that are in motion 141, which proposes to incorporate into the standing orders the changes to the daily adjournment debate.

Members would remember that an addition was made to the sessional orders so that when a minister responds to an adjournment matter raised by a member the answer is incorporated into *Hansard*, similar to what happens when a minister responds to a question on notice. I am proud to say that that was my initiative, because it seemed to me very odd that a member would raise an adjournment matter that would go into *Hansard* but the answer would be sent to the member by letter and never be there for the public to see. It seemed a bit of an anomaly given that questions on notice, which are not put into *Hansard* by the member, do appear in *Hansard*.

Mr Dalla-Riva — When they have been answered.

Ms PENNICUIK — When they are answered. I thought it was a very good idea for members of the public who are following these issues to be able to read the answer when it appears in *Hansard*. That has happened this session. It seemed to me that it was a good idea to put that in the standing orders, and we were able to agree to that. As Mr Viney said, we almost agreed to that at the last meeting.

Because we are incorporating the committee structure into the standing orders, there are also some changes to the order of business to allow committees the time to meet on a Wednesday evening. That was a proposal put forward by Mr Hall that we debated over a couple of meetings of the Standing Orders Committee: how to rejig the order of business to accommodate the standing committees.

We have decided, and we are proposing to the house, that that should be on a Wednesday evening, and of course those committees can meet out of session. They do not have to meet on Wednesday evening; they can meet at any other time as well as, or instead of Wednesday evenings. However, on Wednesdays we are already here together in the Parliament, particularly regional members. It is good to have the time set aside. If it happens that no committees are meeting on a particular Wednesday evening, then changes to the order of business would allow us to go back to general business, or government business if there was no general business.

The time for statements on reports and papers is Thursday morning at the moment. Under motion 141, that is being moved to 5.30 p.m. on Wednesday. I am not actually in love with that, but in the spirit of consensus that Mr Viney was talking about I agreed to that pattern. I think statements on reports and papers is an important feature of our parliamentary week that gives members an opportunity to make statements on

important reports from the Auditor-General and all sorts of bodies around the state — annual reports or other reports et cetera — that are tabled.

The reason I think it is better to have it on Thursday is that the Auditor-General tends to table reports on Wednesday, and it is a bit much to expect members who have busy schedules to have read the Auditor-General's report and then make a statement on it that afternoon. At least giving them until the following day is a better idea. However, given that there had to be a bit of give and take, I have agreed to that.

The other part of the sessional orders we have incorporated, and we have used it over the last session, is enabling members in the upper house to ask a minister in the upper house a question that is really the province of another minister they represent. That is a practice in other parliaments and was not a practice before the upper house was reformed. Obviously it is important for parties like the Greens and people like Peter Kavanagh, who do not have representatives in the lower house.

An honourable member — He's working on it.

Ms PENNICUIK — So are we. Those members cannot ask those questions. That is standing practice in other parliaments.

Even though we did not have the final report and did not have these recommendations in the final report, I am very pleased that over the last couple of weeks we have been able to come to the agreement that we could put these recommendations forward today by way of special business motions. These changes will be made to the standing orders and they will assist with the business of the house and the raising of matters of public interest.

I would like to thank Mr Viney for working with me over the last couple of weeks to get this through, because I was very concerned. I have to say I am very attached to this committee system, given that it was my motion to put it up. I really felt that we should not let that opportunity go, so I am very happy that we are able to be here proposing that these committees be incorporated into the standing orders. I would like to thank all the other members of the Standing Orders Committee too; working with them over the last session of Parliament has been good. I would also like to thank the staff and the clerks for the work they have done in putting together these motions, which are just so detailed and technical, whilst under a lot of pressure. Thank you to them. I commend the motions to the house.

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

142 That the standing orders of the Legislative Council be amended as follows:

1. Omit chapter 24 (standing orders 24.01 to 24.20 inclusive) and insert —

Chapter 24
Standing and select committees

Standing committees

24.01 Appointment of standing committees

At the commencement of each Parliament subsequently, legislative and reference standing committees shall be appointed as follows:

(1) Economy and infrastructure

Legislation Committee

References Committee

(2) Environment and planning

Legislation Committee

References Committee

(3) Legal and social issues

Legislation Committee

References Committee

24.02 Functions

(1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances and transport.

(2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, coordination of government, environment, and planning the use, development and protection of land.

(3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice.

(4) (a) Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports, estimates of expenditure or other documents laid

before the Legislative Council in accordance with an act, provided these are relevant to their functions.

(b) References committees may inquire into, hold public hearings, consider and report on other matters referred to them by the Legislative Council.

(5) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Council allocating departments and agencies to the committees.

24.03 Appointment of members

(1) Each legislation and references committee will consist of eight members, with four members from the government party nominated by the Leader of the Government in the Council, three members from the Opposition nominated by the Leader of the Opposition in the Council and one member from among the remaining members in the Council nominated jointly by minority groups and independent members.

(2) (a) The committees to which minority groups and independent members make nominations shall be determined by agreement between the minority groups and independent members, and, in the absence of agreement being notified to the President, representation on a committee shall be determined by the Council.

(b) The allocation of places on the committees amongst minority groups and independent members shall be, as near as practicable, in proportion to their respective numbers in the Council.

24.04 Quorum

(1) Five members of each committee will constitute a quorum of the committee.

(2) Each committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

24.05 Substitute members

(1) Members may be appointed as substitutes for other members on the legislative and reference standing committees in respect of particular matters before the committees.

(2) On the nominations of the Leader of the Government in the Council, the Leader of the Opposition in the Council and minority groups and independent members, participating members may be appointed to the committees.

(3) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.

(4) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

24.06 Subcommittees

(1) A committee may appoint subcommittees consisting of three or more of its members, and refer to any such subcommittee any of the matters which the committee is empowered to consider.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the committee as soon as practicable on each matter referred to that subcommittee.

24.07 Election of chair and deputy chair

(1) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Council, and as its deputy chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member.

(2) Each references committee shall elect as its chair a member nominated by the Leader of the Opposition in the Council or by a minority group or independent member, and as its deputy chair a member nominated by the Leader of the Government in the Council.

(3) Members nominated as chairs and deputy chairs by the Leader of the Opposition or members of minority groups or independent members shall be determined by agreement between those groups and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Council.

(4) The deputy chair shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(5) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

Procedure and privileges committees

24.08 Procedure Committee

(1) At the commencement of each Parliament the Council will appoint a Procedure Committee to consider any matter regarding the practices and procedures of the house.

(2) The committee may consider any matter referred to it by the Council or the President.

(3) The committee shall consist of seven members with four members to be the quorum.

(4) The President will be the chair of the committee and the committee will elect another member of the committee to be the deputy chair.

24.09 Privileges Committee

(1) At the commencement of each Parliament the Council will appoint a Privileges Committee to consider any matter regarding the privileges of the house referred to it by the Council.

(2) The committee shall consist of seven members with four members to be the quorum.

(3) The committee will elect one of its members to be the chair of the committee and one of its members to be the deputy chair.

Select committees

24.10 Appointment of select committees

(1) The Council may appoint a select committee to consider matters referred by the house.

(2) A motion for the appointment of a select committee will state the object of such committee.

24.11 Appointment of members

(1) A select committee will consist of not less than five nor, without leave of the Council, more than 10 members.

(2) Notice will be given in the Council of the names of the members that are proposed to be appointed to committees. Notice is not required of a motion for the appointment of members if that motion immediately follows a resolution that has established a committee.

(3) Members may be discharged from attending a select committee, and other members added, after notice has been given.

24.12 Quorum

The quorum of every select committee will be fixed at the time of appointing such committee.

24.13 Election of chair and deputy chair

(1) Prior to the commencement of any other business, every select committee will elect one of its members to be the chair of the committee and one of its members to be deputy chair.

(2) If the chair and deputy chair are absent from any meeting the members present may appoint any one of their number to be chair for that meeting.

24.14 Subcommittees

(1) A select committee may appoint a subcommittee of two or more of its members to inquire into and report to the committee on any matter which the committee is empowered to examine, but may not take evidence unless the committee so decides in relation to each proposed witness.

(2) At a meeting of a subcommittee two members constitute a quorum.

(3) A subcommittee will report to the select committee as soon as practicable on each matter referred to that subcommittee.

General provisions relating to committees

24.15 Application of provisions

These general provisions relating to the operation of committees apply to all committees and subcommittees established by these standing orders, except where otherwise stated.

24.16 Meetings

(1) A committee may not sit while the Council is actually sitting unless specifically empowered to do so by the Council.

(2) A committee may adjourn from time to time and from place to place.

(3) If a quorum of members is not present within half an hour after the time fixed for

the meeting of any committee, the meeting will lapse and the next meeting of the committee will be called by the chair.

(4) If at any time during the sitting of a committee the quorum of members fixed by the Council is not present, the secretary of the committee will call the attention of the chair to the fact, who will suspend the proceedings of the committee until a quorum is present, or adjourn the meeting to some future day.

24.17 Record of proceedings of committee

Minutes of proceedings must be taken of each meeting of a committee and must record —

(a) the names of the members who attended each meeting;

(b) every motion or amendment proposed and the name of its mover; and

(c) the divisions and the names of the members voting for each side on a question, which must also be included in the committee's report to the Council.

24.18 Questions

(1) In a standing committee, in addition to exercising a deliberative vote, when votes on a question are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(2) In a select committee all questions will be decided by a majority of members present.

(3) In a select committee the chair can vote only when there is an equality of votes.

24.19 Power to send for persons, documents and other things

A committee may send for persons, documents and other things.

24.20 Deliberative meetings

Committee deliberative meetings will always be conducted in private.

24.21 Advertising of terms of reference

Each committee will advertise the terms of reference for an inquiry and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.

24.22 Evidence

(1) Unless otherwise determined by the committee, a transcript will be taken of all formal evidence.

(2) The name of the member asking each question of a witness under examination by any committee will be shown in the transcript of evidence.

(3) Unless the Council or a committee otherwise determines, all evidence will be taken in public and may be published immediately.

(4) A committee may take evidence in private.

24.23 Disclosure of submissions, evidence and other documents

(1) A committee may authorise the publication of any documents, papers and submissions presented to it.

(2) Evidence not taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

24.24 Unreported evidence

Where a committee lapses or ceases to have legal existence before it can report to the Council, the evidence can be considered by any other committee appointed in the same or next Parliament inquiring into the same subject matter.

24.25 Interim reports

A committee may report on its deliberations and present its minutes, evidence or other documents from time to time.

24.26 Chair to prepare draft report

The chair of every committee will prepare the draft report for consideration by the committee.

24.27 Proceedings on consideration of draft report

(1) The draft report will be printed and circulated to members of a committee.

(2) The report will be considered paragraph by paragraph or groups of paragraphs and a question put 'That the paragraph [or paragraphs] or the paragraph or paragraphs (as amended) stand part of the report'.

(3) A member may move amendments to a paragraph at the time it is under consideration.

(4) After all paragraphs and appendices (if any) have been considered, the question will be put 'That the draft report (or the draft report, as amended), be the report of the committee'.

(5) Any division on a question relating to the adoption of the draft report must be

included in the committee's report to the Council.

24.28 Minority report

When requested to do so by one or more members of a committee, the committee will include with its report to the Council a minority report.

24.29 Report presented by chair

The report of a committee will be tabled in the Council by the chair of the committee and may be ordered to lie on the table.

24.30 Resources

Each committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

24.31 List of members

A list of members serving on committees must be published in the notice paper.'

2. Omit chapter 16 (standing orders 16.01 to 16.22 inclusive).

3. In standing order 5.02, in subsections (1), (2) and (3), omit 'At 8.00 p.m. Legislation Committee (if ordered)'.

4. Omit standing order 5.03.

5. In standing order 14.11, omit 'Legislation Committee,' and insert 'standing or'.

6. The Clerk be empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

I reiterate some of the points that have been made and make some different ones. As Mr Viney and Ms Pennicuik have outlined — —

Mr Lenders interjected.

Mr D. DAVIS — And make some additional ones as well; that is the point. As Mr Viney and Ms Pennicuik have made clear, the committee changes, as far as I can tell, have been agreed on by all. They are modelled on the Senate changes. We have had discussions in this chamber. There have been two reports tabled by the Standing Orders Committee that deal with the changes to set up a new committee structure. This will be a structure that has the capacity to be durable and to apply to both references committees and legislation committees. It has been said that it is modelled on the Senate, and the Standing Orders Committee spent some time looking at a number of other parliaments and systems, which was instructive. We began to see there was a useful model where expertise could be developed by members of Parliament. There would be the capacity to shadow all the areas of government to build up that expertise through dealing with legislation and have the capacity to undertake references as required.

The dual chair system, where a government member would chair the Legislation Committee and an opposition member would chair the references committee, is also a good mechanism to provide a way forward. There will be some resource issues as we go forward and some gentle rebalancing in the Parliament of the resources of some of the current joint committees. In no way do I diminish the work those joint committees have done. There are very important committees, like the Road Safety Committee, that have made enormous contributions over a long period.

Clearly there will be committees like the Public Accounts and Estimates Committee that will have the role of oversight of important independent officers like the Auditor-General but also a role in scrutinising the budget in a systematic way each year.

I think the role of these committees can complement the joint committees and act in a more forensic way that is able to turn this chamber into a true house of review. This is the key reason the opposition is determined to support these changes. I note the motions Ms Pennicuik and Mr Viney have moved and the extraordinary similarities among the three motions that have been harmonised over the last four days as we have worked our way through this.

I want to make some brief comments on Mr Viney's somewhat intemperate reflections. It needs to be said carefully but clearly that just because the opposition has a different view from the government — —

Ms Lovell — More than intemperate; they were petulant.

Mr D. DAVIS — No, I do not want not to dignify the importance of these matters, because the changes to the standing orders are important. It is important we get it right. It is better if we can go forward with agreement and consensus, but that is not always possible. From time to time in politics there are some disagreements and divergences of views. My next motion, which will be dealt with under general business rather than special business, will deal with some areas where there is a divergence of views regarding time limits and the government business program. I will put on the record my point about those matters at that time. But for the

purposes of this part of the debate, there is a high degree of consensus.

I note the changes that the clerks helpfully worked through with Mr Hall, Mr Dalla-Riva and me last night. Like Ms Pennicuik, I thank the clerks for their forbearance, wisdom and preparedness to step carefully through these matters item by item. I want to pay tribute to Mr Hall's contribution when working through some of these issues and Mr Dalla-Riva, with whom I worked in the coalition party room. We consulted each and every person. The opportunity was there to ensure that people were able to contribute to important changes that need to be made. That was an important series of steps.

Mr Hall has a minor modification that is important and concerns the adjournment. Like Mr Viney, I will indicate my view about that issue, and Mr Hall will speak more fully on that issue. It is a sensible modification. I put on record my personal view that I prefer no restrictions on the number of members who can raise adjournment matters, but I think the level of 20 is a reasonable compromise. It means that in reality most members will be able to get up most nights and do something in this chamber.

The prism through which I view all of these changes is what is in the interests of the public and community and what enables members of this chamber to most properly represent their community. I start with the position that the capacity of members to make contributions to debates within a responsible framework or raise matters on behalf of their community or broader matters across the state in a way that is not excessively restricted is an important starting spot.

If an issue were to occur on any particular day in my electorate of Southern Metropolitan Region, I would want the opportunity in the adjournment debate that night to seek action from the minister. This is the ancient role of the adjournment debate — that is, the capacity for members to stand up and confront the minister with facts about urgent matters in members' electorates and ask the minister to act, in some cases with great swiftness. That important and ancient right in this chamber needs to be protected. Those who understand the mechanics of other chambers, like the House of Representatives and the Legislative Assembly, will understand those ancient rights have been removed by procedures that have been put in place by successive governments. I pay no particular heed to which party may have introduced them, because all parties have limited and controlled debate, in my view, in a way that is not ideal in those lower houses.

That is why this house, as a house of review, plays an important role in operating as a vent and an opportunity for democracy to function in an unfettered way by enabling the local member of Parliament to be able to stand up and make points on behalf of their community. Earlier in this Parliament we saw the government take a shabby attitude to the adjournment debate. When it became public through the media that the capacity of members to raise matters in the interests of their electorates was being stymied, the government was soon brought to heel. That was a favourable outcome for the community and for democracy.

I shall make some points about some of the innovations that have occurred in this Parliament through sessional orders, which I think are important and which are incorporated in the various iterations of motions here today. The capacity to ask questions of a minister representing a minister in the other place is particularly important for the minor parties — or the smaller parties, I should say — and I understand that if they are not represented — —

An honourable member interjected.

Mr D. DAVIS — No, I am trying to be very fair. The lack of a representative in the lower house means they are not able to raise matters with a minister who is in that chamber. The capacity to raise matters here is very important, and that issue has to be respected.

I also make a point about the requirement to answer on adjournment matters and the publication of that information. That is an important innovation as well. There are also other matters about documents, precedence with questions on notice and adjournment matters and the follow-up of those matters which are important, and I will seek to talk about those at greater length later.

At this juncture I want to indicate the coalition's support for the new committee structure, in large measure without ticking off on every minute detail, as being our ideal way forward. In the spirit of compromise we support most of the changes that are listed in the various motions — the minor changes to standing orders and the incorporation of some matters out of sessional orders, and I will come to those other matters later.

Debate interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I would like to recognise in the gallery Senator Marshall from Victoria. Welcome, Senator.

BUSINESS OF THE HOUSE

Standing orders

Debate resumed.

The PRESIDENT — Order! I announce that debate will now be on all five of the motions.

Prior to that debate I have a small announcement — a very little announcement: Matthew Guy and his wife at 12.55 p.m. today welcomed a little boy to their family. I am sure you will join with me in congratulating both of them.

Ms Lovell — Samuel Vincent.

The PRESIDENT — Samuel Vincent. Who is he going to vote for?

Mr HALL (Eastern Victoria) — It would be something of an understatement to say that this is a complex debate, given that we now have a cognate debate on five motions, some of which seek to do the same things and some of which seek variations. It is indeed a complex debate. I guess those who have not been part of the Standing Orders Committee process that has got us to where we are today might justifiably be somewhat confused.

Let me make a couple of opening comments to help with an understanding of why we are debating the five motions that are before us today. The Legislative Council, like any good organisation, needs to have a set of rules under which to operate, and it has what are called the standing orders of the Legislative Council. They provide, if you like, a base-rule document by which, essentially, this house functions. We also have an additional document called the sessional orders of the Legislative Council, which provides some rules by which the house operates as an organisation.

One might ask why there are two documents. Why are there both standing orders and sessional orders, and why are they not combined into a single document, especially given the fact that the sessional orders apply only for a single term of the Parliament? I make the comparison between these documents by regarding the standing orders as being essentially the statute by which the rules are set and the sessional orders being regulations which are made under that statute. It is not all that often that we go back and amend the statute — in this case, the standing orders. In many cases it is much easier to adopt sessional orders, a regulation-type outcome, from the standing orders themselves. From time to time we see the standing orders amended, but every time a new Parliament is established a new set of sessional orders is adopted.

What has happened over a period of time now is that the Standing Orders Committee of the upper house, in conjunction in part with the Standing Orders Committee of the Legislative Assembly, has met and made some recommendations to change standing orders. There are also some agreed recommendations where the committee believes some of the sessional orders should be incorporated into the standing orders. As has been said by other speakers, there is a fair degree of consensus as to some of the base material that we believe should be incorporated into the standing orders of the Parliament. That will happen when at least some of these motions are agreed to this afternoon.

Why there will be some changes has been explained by some other speakers. I believe as an organisation we need to have sets of rules that provide for the efficient operation of this house. One of the great frustrations experienced by members, and I guess by people who might from time to time come to watch the Parliament and expect certain business to be transacted at certain times, is that there is no certainty as to when the business will be transacted. From the government's point of view often it faces a week with some expectation of getting through a legislative program, but because of unforeseen matters or unexpected occurrences that business is not transacted.

A classic example is what is happening today. Primarily Wednesdays would be given over to opposition business, but here we are at just after 3 o'clock in the afternoon and we have not even started opposition business yet. It has been of great frustration to those who are seeking to move amendments and who are looking forward to learning the outcome of those amendments that such a timetable is rarely adhered to.

In terms of trying to make this place more efficient, that was one of the baseline approaches and the premise that the Standing Orders Committee looked to when it was considering changes to the standing orders. As other speakers have said, essentially there is a new timetable for business that is incorporated in the new standing orders. I have some strong views about that, particularly as we are adopting a new committee structure that will involve a lot more committee work being undertaken by this house. It was my personal view that committee

structures would best work if an allocation of time during the week was set aside for that committee work. The new standing orders provide for that, so that if on a Wednesday evening of a parliamentary sitting week committees have work to do, the Parliament will not sit and those committees will do their work free of any responsibility for their members to also be in the chamber. That will be necessary if there is to be a greater focus on the committee work of the upper house. Some of the changes in the timetable seek to provide for more certainty as to when business will be transacted during the course of the week. I am pleased that will occur.

As has been indicated by others I will have one amendment, which will be to motion 141 moved by Ms Pennicuik. I move:

> In amendment 3, in proposed standing order 5.02, in subsections (1), (2) and (3), omit 'adjournment (up to 15 members)' and insert 'adjournment (up to 20 members)'.

I want to explain why I have moved this amendment, particularly as the government has indicated that it does not accept it but will not divide on it. We are changing the standing orders — that is, the base rules for the operation of this Parliament — in respect of the types of matters that can be raised on the adjournment. Currently members are required to call for an action from the minister, but we are broadening the definition of those matters that can be raised on the adjournment. Members will be able to ask a minister a question or make a statement without calling for a specific action, so long as it relates to a ministerial portfolio. The scope and opportunity to raise matters on the adjournment is being broadened.

It is important for people to understand that under the current sessional orders there is no limit on the number of members who can raise an adjournment matter on any one night. All members, apart from ministers — that is, 34 or 36 members, depending on the number of ministers — could in theory raise a matter under the current sessional orders. However, under the standing orders a maximum of 15 members can raise adjournment matters. When the sessional orders expire at the end of this Parliament we will by default revert to the requirement that only 15 members may raise a matter on the adjournment on any one night. Given the broadening of definitions, there may be an increase in the number of members who wish to exercise the opportunity to raise a matter on the adjournment.

The adjournment debate is one of the important forums of this Parliament. In that prescribed time everybody is given the opportunity to stand up and raise a matter, and that is part of our responsibility in representing our electorates. I would not like to see that opportunity diminished in any way. However, I seek what I think is a reasonable compromise. If we are inserting into standing orders a broader definition of an adjournment item and potentially increasing the number of members who will wish to raise matters on the adjournment, I think a compromise position would be to increase from 15 to 20 the maximum number of members who can raise an adjournment item. That is what my amendment seeks to do.

In conclusion, while I will not detail or comment on all the different committee structures and the various changes that have been outlined by other speakers, I want to say this: it does not matter what the standing orders or the sessional orders for any Parliament are; they will only work if they are applied responsibly by the members of this chamber. We need to reflect on how we can make sure reasonable opportunities are provided for members and other people to contribute to all aspects of the work of the Legislative Council. We can do our best by setting a framework — which is what the standing orders do and what the sessional orders for the next Parliament will do — but its effectiveness will be largely determined by how responsible we are as members in using those orders. We should all think about that.

I am pleased to be able to support the motions that are before the house given that there is a lot of commonality between them, and I urge members to support the very small amendment I have moved.

Mr KAVANAGH (Western Victoria) — This house is a house of review, and its raison d'etre is largely to hold the government to account. In my experience over the last four years the committee system that we have developed here has been the single most effective mechanism for achieving the aims of reviewing the government and holding it to account. That might explain why the government has not always been very cooperative when it comes to committee work. I say that in the most mild and restrained language possible in the case of the Standing Committee on Finance and Public Administration in particular.

The motions before the house have many elements and diverse parts to them, but the most important part seems to be to institute regulations concerning our committee system in this house and furthermore to attempt to improve and clarify the standing orders that govern this house and its activities. These are worthy objectives.

In my opinion all sides of the Parliament deserve commendations on working together to achieve this

outcome. Perhaps it is not just a matter of sides but of the house itself. This house as an institution warrants admiration and praise when members work together like this to improve the way the Parliament operates. I would like to add that as, in effect, a single member here, although I am representing a party — a party of one — I would like to see the standing orders explicitly recognise the rights of individual members of this house and not only their rights as members of a larger group.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased, as a member and deputy chair of the Legislative Council Standing Orders Committee, to make a contribution to this debate. As has been pointed out, this was a laborious, ongoing process where consensus had to be reached. Whilst I understand the concerns Mr Viney raised in his contribution to the debate, at the end of the day when you go through the five motions we are discussing, plus the amendment, you can see that a level of consensus has been achieved. I appreciate the contribution of coalition members in providing their input in the process. A series of consultations were held during the process, and that was to ensure that members were engaged in the process and to help them understand what was going on.

The simple fact is that when you try to explain to members the importance of the standing orders it is not high on their priority given they are out there dealing with day-to-day issues and there are reports coming up. Members of the committee would agree that you have to have an understanding of the processes. As Mr Viney pointed out, he presented a paper — I did not know that — on how a house of review like this ought to operate. We need to reflect on the fact that, as Mr Viney and only a few others here would know, it was only after the 2002 election that changes were introduced and then again in 2006, and we are now in 2010. That shows you how long the period has been, and it will not come into operation until either December this year or 2011. Essentially it has taken nine years since the intended change to the make-up of the chamber was introduced to get to where we are now. It shows how the Parliament drags its heels in terms of bringing about innovative change. That is because you need to bring people along with you, and we do not always have consensus on a range of issues.

I note that Mr David Davis, Mr Viney and Ms Pennicuik have moved identical motions in terms of the arrangements for the committees. My only concern is whether Mr Lenders, or whoever the future Treasurer will be from either side, will provide adequate funding as part of that process. Perhaps there is an intention to look at how we structure committees more generally with the other chamber. That is for the future government, which will come from this side. We will obviously have a look at that. I give no commitment but make the observation that if you are setting up six committees of this chamber the process will by nature require a review.

I note that the opening of the new Parliament will include an opportunity for members of the other place to come into this place. For the two previous openings of Parliament — members who have been here longer would know — the Assembly members were shunted out along the corridor. That may be appropriate for some, but it is important for them to be able to gain an understanding of the government's agenda as the Governor reads it from the chair presently sitting behind the Acting President.

There are procedural matters. There is also a general tidying up, including a tidying up of the procedure for condolences. As Mr Viney indicated, to some degree there is some codifying of past practices. For example, the new standing orders set out the process for procedural motions a lot better. There is also the inclusion of a procedure for recording, photography, broadcasting proceedings and bringing the chamber up to speed.

I do not think any members have put on the record — unless Mr Viney did so — the procedures for standing committees. In terms of the economy, infrastructure, environment, planning and legal and social issues, there are three major standing committees, which will have reference and legislation committees. As has been indicated, the make-up of those committees is set out. There is a general tidy up.

There has been much discussion on one of the motions moved by Ms Pennicuik, motion 141, and the adjournment debate. Mr Hall has moved an amendment, and there have been some counter propositions. Mr Viney spoke about that, and I think he realised the writing was on the wall. The amendment moved by Mr Hall is intended to speed up the process. As I indicated, it is important to have it codified. I have personally found the adjournment debate to be frustrating. This measure will free it up to a degree. David Davis has further issues about that, which we will go to later on. It is important for us to realise that the procedure needs to be strengthened more than has been proposed. That will be outlined when Mr Davis moves his motion 139.

As of Tuesday members had given notice of motions on standing orders covering 44 pages. They have come

from all parties represented in the chamber except Mr Kavanagh. It is a bit daunting. There are some realities about members trying to understand what we are intending to do. I want to put on the record the work we have done, because I do not intend to speak on this issue again — I will not be able to even with the new standing orders. It has been extensive; it has been right across Australia. We have taken a lot of evidence from other chambers in other states and federally. It is important to recognise the following people, in no particular order; I am just following one of the minutes: the President, who was the committee chair; Mr Lenders, the Leader of the Government; Mr David Davis, the leader on this side; Mr Hall, the Leader of The Nationals; Ms Pennicuik — there is no leader of the Greens — —

Ms Pennicuik — It is the Greens team.

Mr DALLA-RIVA — It is the Greens team; we are all cuddly — we will cuddle together!

Ms Pennicuik — It is a leadership team.

Mr DALLA-RIVA — It is a leadership team — excellent! I am feeling warm and fuzzy already! Mr Viney was involved as well. Mr Wayne Tunnecliffe, the Clerk, has had to battle with the paper. Talking about the Greens — he has probably slaughtered about 400 million tonnes of trees in terms of the reports that have come back and forth.

Mr Viney interjected.

Mr DALLA-RIVA — I do not know if Hansard got that. I also want to acknowledge Dr Stephen Redenbach as the assistant clerk, committees, and secretary of the Standing Orders Committee. The work has been extensive. I am pleased that we have at least moved towards some consensus. I look forward to operating under the new standing orders. There will be some members here who will not be operating under the new standing orders because they will not be back. Certainly many of us will be back.

Mr Lenders interjected.

Mr DALLA-RIVA — I will not name them. I do not want to point over to your side of the chamber, but needless to say they will not be back. Having said that, it has been an interesting process. Thanks again to the Clerks and others who have been part of it.

Mr LENDERS (Treasurer) — I would advise Mr Dalla-Riva not to point to Mr Madden: we farewelled him last time and he came back! I also endorse the proposals for some new standing orders for the next Parliament that have come forward from individual members of the Standing Orders Committee.

Talking about standing orders is something that probably does not engage most of the community, but what we have seen is that the items on which there is consensus are ones that will provide a good process and are a tribute to a group of members of Parliament from across the spectrum who have tried to make this house a better functioning house.

I take great pride as a member of the Labor Party that we introduced legislation and eventually prevailed in bringing this house into single, four-year fixed terms with proportional representation, a concept which was very much modelled on the Australian Senate. I am pleased that we have achieved across all parties a consensus on the Senate committee system model as a good fit for the Victorian Legislative Council. Each of us came to it in our own way, but what is important is that we have acknowledged a system that has worked certainly since the late 1960s when the late Lionel Bowen and the late Vince Gair — an interesting Australian Labor Party-Democratic Labor Party combination from back then! — agreed on a set of procedures in the Senate which recognised that a house that had been elected by proportional representation since 1949 should also reflect proportionality in its internal dynamics.

The genesis of the Senate committee system from those original Murphy-Gair motions have pretty well endured. There have been the odd three years when a group had control of the Senate and eased off on it, rather than throwing it out, but it has prevailed. It has prevailed because it acknowledges that in the dual system in the Senate there are some committees that the government of the day chairs, but only by a casting vote. They do some of the chamber's work. Everybody is represented, and no-one has a substantial majority, but business does proceed — much as the Senate has established a system where the President of the Senate is from the government and the Deputy President is from the opposition.

It also recognises, though, that in those same committees the non-government parties, in a similar vein and wearing another hat, chair the committees and, again, have a casting vote, so if things are close, on the reference component of Senate committees the non-government parties have control.

In the end what that reflects is a shared responsibility for scrutiny, a shared ownership of the process and no-one having significant enough majorities to act in a capricious manner. The proposal, which has

quin-partisan support in this place, essentially replicates that Senate system. I think that is a very good outcome for the Victorian Parliament because it will mean a more enduring system. The government's objections to the current standing committees procedure in this house, with the numbers, is addressed, but the non-government parties' concerns about committees — on which they will always have a majority — is also addressed. It is the nature of these matters that it is an issue of proportionality, power sharing and compromise, and we have seen in the Senate that that has worked. That establishes a system of proportionality.

From the government's perspective government members were very unimpressed about the process of standing orders review until that principle of proportionality was adopted. We are delighted to say that issue has been adopted, and as the government has compromised on some areas, the non-government parties have compromised on others. Probably what is more significant is that it is not so much a matter of compromise but a matter that we have all accepted that a model actually works more effectively for this chamber than what we started off with at the start of this Parliament.

We looked at the Australian Senate, we looked at the New South Wales Legislative Council and some members also looked at other parliaments. My observation would be that we need to be wary as we go forward — and I think we have got the balance right — about setting up committees and inquiries for the sake of setting up committees and inquiries. We have an option with the standing orders that the standing committees can do the work that is required of them. The message from some of the other jurisdictions was that often work was simply referred to them to give them something to do rather than there being an urgent need to do it. We need to take that on board. Reference committees are clearly in the hands of this house, and whoever the non-government parties are at the time can seek to do further investigative work on that basis. I think that is a very good balance.

From the perspective of the Labor Party, it campaigned for reform by promoting the abolition of the Council in 1985, and in the 1992, 1996, 1999 and 2002 elections it campaigned to bring in a system of proportional representation. We have seen that come in and will shortly see the house itself embrace that next level of proportionality, which is bringing in the standing committees. What we have agreement on is that we need to move forward into that space.

I am in an unusual position in that I have been a member of three parliaments — the 54th, 55th and 56th — and in all three I have always been a member of a Standing Orders Committee. I was a member of the Standing Orders Committee in the Assembly and am now a member of the Standing Orders Committee in the Council. It is interesting watching the standing orders progress. It is not something many people are particularly excited about, but it is interesting. When we started the reform of standing orders in these two houses, to bring this place into the 21st century — or the 20th century — we used to have provisions in standing orders which were arcane, such as: if you wanted to sit down, you had to put your glove on the seat to claim the seat. That was an arcane procedure from the House of Commons in 1855 which we incorporated into the standing orders of both houses. We got rid of that, and appropriately so. Not many people wear gloves anymore, let alone come in and put them on a seat.

We got rid of the arcane provision that if you wanted to get up and speak during a division you had to cover your head. What is the relevance of that in the 21st century? Fortunately we got rid of the covering-of-the-head provision in the last Parliament. What we are seeking to do with these standing orders is bring them into the 21st century so they are a set of principles and guidelines that govern this chamber, and I think that in the 55th and 56th parliaments we got that pretty right.

I guess the area of contention in the debate today really comes to foreshadowing a motion from Mr David Davis later on to incorporate the remaining areas of the sessional orders into the standing orders which are not part of the consensus. That is something for a separate debate, and we will vigorously oppose that when it comes. The importance of where we have come to with the motion from Mr Viney and relatively similar motions from Ms Pennicuik and Mr Davis, which ultimately morph into a single motion is that we have consensus. It is a tribute to the Standing Orders Committee that despite the slings and arrows and challenges it has had during these three years of its work we have achieved consensus on the things that matter.

I happily support the motion. I think it will be a good step forward for the Victorian Legislative Council and will be one that both manages the demands on members' time and deals with how some of the committees can find the time to meet in the later part of Wednesdays. There is also a series of other minor technical issues that other members have dwelt on, but the key issue is proportionality — copying the Senate, a

system that works — and that will be a good move for the Legislative Council.

Mr Viney's motion 30 agreed to.

Mr Viney's motion 31 agreed to.

Mr Hall's amendment agreed to.

Ms Pennicuik's motion 141, as amended, agreed to.

Ms Pennicuik's motion 138 withdrawn by leave.

Mr D. Davis's motion 142 withdrawn by leave.

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

139 That the standing orders of the Legislative Council be amended as follows:

1. In standing order 4.06, omit subsection (3).

2. In standing order 4.08, omit subsection (3).

3. In standing order 4.10, omit subsections (2) to (5) inclusive.

4. In standing order 4.13, at the end of subsection (2) insert:

   and precedence will be given to such a motion on the next day of meeting in accordance with standing order 5.09.

5. Omit standing order 5.04, and insert:

   Time limits

   The following time limits will apply to business before the Council —

   Adjournment debate (standing order 4.10)

   Total time for members to raise matters

   On Tuesday, Wednesday and Thursday, maximum 20 members
   On Friday, 30 minutes

   Each member

   3 minutes

   Statements by members (standing order 5.13)

   Total time

   No limit (maximum 15 members)

   Each member

   90 seconds

   Statements on reports and papers (standing order 9.10)

   Total time
   60 minutes

   Total time (final week of sitting period)
   30 minutes

   Each member
   5 minutes

   Procedural motions

   Total time
   30 minutes

   Each member
   5 minutes

   Mover, in reply
   2 minutes.

6. In standing order 5.08, insert the following subsection after subsection (2):

   (3) Government business may only be taken on Wednesday when general business is concluded before 10.00 p.m.

7. In standing order 5.09, insert the following new paragraph after paragraph (d):

   (e) motions regarding the failure of a minister to provide either a response to a matter raised on the daily adjournment debate or an explanation of the minister's failure to provide a response pursuant to standing order 4.13 or an answer to a question on notice or an explanation of the minister's failure to provide an answer pursuant to standing order 8.11.

8. In standing order 5.14, omit subsections (5) and (6).

9. In standing order 8.11, omit subsection (2) and insert the following subsection in its place:

   (2) If a minister does not provide an explanation, notice may forthwith be given of a motion regarding the minister's failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with standing order 5.09.

10. After standing order 9.10, insert the following new standing order:

   9.11 Production of documents

   (1) The Council may order documents to be tabled in the Council. The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.

   (2) An order for the production of documents must specify the date for the documents to be provided.

   (3) When returned, the documents will be laid on the table by the Clerk.

(4) A return under this standing order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.

(5) If at the time the documents are required to be tabled the Council is not sitting, the documents may be lodged with the Clerk, and unless executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.

(6) Where a document is claimed to be covered by executive privilege —

(a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of executive privilege; and

(b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —

(i) made available only to the mover of the motion for the order; and

(ii) not published or copied without an order of the Council.

(7) The mover may notify the Clerk in writing, disputing the validity of the claim of executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

(8) The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge.

(9) A report from the independent legal arbiter is to be lodged with the Clerk and —

(a) made available only to members of the Council; and

(b) not published or copied without an order of the Council.

(10) The Clerk will maintain a register showing the name of any person examining documents tabled under this standing order.

11. Omit chapter 11 (standing orders 11.01 to 11.10 inclusive).

12. In standing order 12.07, omit, a motion for the government business program.

13. In standing order 14.10, omit subsection (4).

14. The Clerk be empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

I note the modification of the motion to take account of matters that were passed in the earlier motions of Mr Viney and Ms Pennicuik. This is an important motion. I want to start by saying that there are matters on which we have now agreed, and those matters have been changed in the Legislative Council standing orders. The next step in general business today is to look at this motion of mine that deals with those matters that were not agreed to. There are a number of important matters — matters of principle and matters on which different parties have different views. I do not propose to make this a long debate, because the Standing Orders Committee has had the debate in one form or another and this chamber has debated it on a number of occasions. I simply propose to put a number of the key points on the record and explain why the opposition wishes to proceed.

There are a number of key points that I wish to move in this amended form of my motion. They concern, first of all, the issues of time limits, which are important to the opposition. The opposition has had a long-term position that under general business the ability of MPs to debate bills ought not be unreasonably restricted, and there ought to be proper recognition of smaller parties and Independents.

The current standing orders that govern the Parliament go back to the period of 2002 to 2006. The government, when it had a majority in this chamber, put those standing orders in place. It is not my proposal to relitigate, as it were, all those matters on which the government has a view and the opposition has a view, but it is sufficient to say that at the start of this Parliament the non-government parties put in place a set of arrangements through sessional orders. The sessional orders overrode those standing orders and put in place a different set of arrangements. They were fairer and allowed MPs to have a proper say. While cumbersome in the sense that the sessional orders were an overlay on the 2002–06 standing orders, they essentially returned the operation of the chamber in most respects to the period prior to 2002. It allowed a reasonable arrangement in terms of the opportunity for MPs to speak.

The issue of time limits has been debated at length. People know the arguments, but I want to put a number of them on record here. People will have heard me say this, they will have heard my predecessor, Mr Philip Davis, make these similar points, and they will have heard others in this chamber make similar points.

The opportunity for members to speak at length on some occasions is important. I have used the example in this chamber of the period of the last Liberal-Nationals coalition government, when our side of politics had control of the chamber in the sense we had 34 members and there were 10 non-government members in this chamber. Through that period we never restricted the rights of the opposition members in general business.

Mr Lenders interjected.

Mr D. DAVIS — No, let me say that during government business MPs were able to speak for as long as they wished, and they did. Many of us were here for long periods. I have to say we maintained general business, but we certainly worked hard to make sure that MPs were given the right to speak on bills that changed the law of the land in a way that reflected their principles. Theo Theophanous, known to all of us in this chamber, spoke for many hours on a WorkCover bill; he spoke for many hours on the bill to do with the Auditor-General. It may well be that allowing that democratic opportunity, that demographic vent, he was able to make political points that were of relevance to the community. In a sense I am defending the actions of a set of Labor MPs in making this case. It was not our side of politics that restricted the opportunity for members to speak on legislation that changed the law of the land. We will defend that right. It may be that the government disagrees with it; that is its right. We are in favour of ensuring that there is that right.

This amended motion to amend standing orders will restore the opportunity for MPs to speak. I think it is important to put on record precisely what is said in the time limits sections. I invite people to turn to item 5.04 in the 2006 edition of the standing orders, headed 'Time limits'. The following time limits apply to business before the Council. There is the address in reply: lead speakers for the government and opposition, 60 minutes; lead third-party speaker, 45 minutes; remaining speakers, 15 minutes.

Ms Pennicuik interjected.

Mr D. DAVIS — That is exactly my point: these standing orders do not recognise the role of Independent MPs, and they do not recognise the role of a number of smaller parties that may exist in this chamber. After all, MPs are here to represent their electorates, and if it takes more than 15 minutes to make a contribution, then so be it. If the democracy of this state takes more than 15 minutes, so be it. I will not be the one responsible for restricting the opportunity of an MP to legitimately get up and make a contribution that is longer than 15 minutes to defend their electorate against a bill that is going to change the law of the land and impact on their electorate.

They have every right to stand up, they have every right to get up on their hind legs, and they have every right to say, 'I want more than 15 minutes, Mr Leader of the Government', or Mr Premier or Mr Whoever is on the government side of the chamber. I think this is an important point of principle and I will stand on it, and I know many in the opposition will also stand on that point.

Then there is the adjournment debate. We have dealt with this successfully in terms of a compromise arrangement that will allow up to 20 members to speak each night. I lay on the table my personal view that I would prefer an unlimited arrangement on the adjournment debate so that any member can speak. However, a reasonable compromise has been worked through by Mr Hall and members of the Standing Orders Committee — that is, 20 members, and I am prepared to compromise on that.

In terms of government business, the total time for a minister and lead opposition speaker is 60 minutes, for a lead third party speaker it is 45 minutes and for remaining speakers, 15 minutes. That is what it says. That is what is clear.

The total time for general business is 3 hours. The total time for government parties is 60 minutes, and for non-government members it is 2 hours. The maximum time for the mover is 60 minutes, and there are 5 minutes for right of reply, and so it goes on. My point is that this is anathema — certainly to me and to many on our side of politics. It is fundamentally an unreasonable restriction, particularly when it comes to matters around changing the law of the state in a way that impacts directly on MPs' electorates and on their communities. They ought to have the right to stand up and say, 'No, I need to speak for longer', and I will defend that important right.

There are other matters in this set of changes that I will now draw to the attention of members. Precedence is necessary when a minister fails to provide a response to an adjournment matter. I can see that many of these precedence matters may not have to be used. Their very existence is a significant indication to the government of the day, whoever that may be. It may well be that the Liberal-National coalition is in government; it may well be that the Labor Party is in government. Either way, the fact of precedence for a failure to provide a response pursuant to standing order 4.13 or an answer to a question on notice or an explanation of a minister's

failure to provide an answer to standing order 8.11 is important.

It makes it very clear that, if required, a back-bench member, a smaller party member can get up and say, 'This matter will take precedence' to force an answer, to force a minister to account for a non-answer or a failure to answer. This is an important piece of leverage which every MP ought to have. Those points about precedence on adjournment responses and questions on notice are quite clear in my view.

I turn now to the issue of production of documents. I know the government does not like the mechanisms for the production of documents that were put in the sessional orders at the start of this Parliament. Notwithstanding that, they are a very important feature of the chamber, and the opportunity is there for members of Parliament to request documents and to ensure that the scrutiny role — the house of review role — of this chamber is enhanced. That ability to provide for a production of documents motion will increase the review role of the house and scrutiny of any government in future and will enable this house to perform its role, in my view, much more strongly.

Finally, I come to the government business program matters which are points 11, 12 and 13 in the motion. Essentially these amendments omit the program. Again, the government business program has fallen into disuse because sessional orders have in effect overridden it. Those sessional orders will expire with the Parliament and the standing orders will reassert themselves at the beginning of the new Parliament. I think we should make a clear statement to the new Parliament that the way we do business in this chamber is often more collaborative, but without a government business program.

We see how it works in other chambers around the country. We have seen how it works in the lower house, and again I make no particular point to either party here because both parties have used business government programs in the lower house. My distrust of them is equal in both respects there. Mr Lenders made a good point before: debates on standing orders are arcane and are not understood in the community. He is absolutely right. But nonetheless it is our role in this chamber to stand up as defenders of the community's rights, even if it is a little arcane and difficult for the community to see the technical detail that may be below what occurs in the actual chamber.

For those in the community who do not understand precisely how the government business program works, bills are designated at the start of the week, and at 4.00 p.m. on Thursday they are crunched through. They are on the list, and they go through no matter what. That is the way the government business program works.

Mr Viney interjected.

Mr D. DAVIS — I have to say in the lower house, and again I pay no heed to party here, the reality is that on many occasions the government business program has been used to crunch through legislation that has not been debated. There could be 10 things on the list — —

Mr Lenders — That is an absolute and complete falsehood.

Mr D. DAVIS — It is not a falsehood. In the lower house that has happened. Debate is truncated, debate is wound down — —

Mr Lenders interjected.

Mr D. DAVIS — I have to say the opportunity for members to speak is crunched and curtailed in the lower house. Mr Lenders has been in the lower house, and so has Mrs Peulich.

Honourable members interjecting.

Mr D. DAVIS — I said I paid no heed to either party on this misuse and abuse of government business programs. I do not defend them. I am making the point here that this is about our business in this chamber and our responsibilities to our communities — and our responsibility is to ensure that members of this chamber are able to speak on a bill if required. If it impacts on their community and their electorate, they ought to have the opportunity to speak.

Of course all these privileges and opportunities to represent your electorate have to be used responsibly, and there is an onus on MPs to use them responsibly. But that does not mean in any way that we should be putting in place mechanisms which will prevent MPs from being able to fight for or represent their communities and speak on a bill that impacts on their communities.

I am against the government business program. I want to be quite clear about that. We seek to remove that; we do that on principle. I accept that the government has a different view. It is entitled to that different view and it is entitled to put its case, and I respect the fact that it has a different view. Equally, I am putting the case that the opposition is putting here in favour of removing the government business program.

This is a modest but important list of changes. I welcome the collaborative outcome on the parliamentary committees and the other minor changes to standing orders, but I seek the support of the smaller parties and others in this chamber to ensure that these important changes are put into the standing orders for the future.

Mr VINEY (Eastern Victoria) — I am afraid Mr Davis is one of the worst historical revisionists to come into this chamber, because much of what he put to the chamber is simply not true. Firstly, the first time in the history of the Legislative Council that the general business program was reduced to 3 hours was not a decision made by this government after the 2002 election. It was Mark Birrell, a former Leader of the Government, who reduced opposition business to 3 hours. All that this government did was continue that decision after the 2002 election. That is what took place.

Secondly, Mr Davis knows full well that the position we took in the Standing Orders Committee, and that everyone including him signed up to, is that the committee would only introduce into this place changes to the standing orders that were agreed to by consensus. That was the position the committee signed up to when we undertook this process; if any other changes were to be made to the operation of the house, it would be left to the next Parliament to make by sessional order. The changes Mr Davis may or may not want to bring into the place would need to be negotiated with the parties in this chamber in the new Parliament. That was the position we all signed up to. Mr Davis is the one who came into the Standing Orders Committee and decided to blow up that agreement and the whole consensus. It was not the government, because the parties were working well together.

On the matter of time limits that Mr Davis has referred to, I indicate that the position I took in the meeting that Mr Davis did not turn up to until 15 minutes before its scheduled close was that I was more than happy to tweak the time limits if members of the Standing Orders Committee wanted to make suggested changes. The government was more than happy to discuss whether something should be 10 minutes, 15 minutes, 20 minutes or 30 minutes. The threshold question for the government was that the principle of time limits to create some order in this place should stand. Everyone understood that position right from the beginning, but the government said it was more than happy to tweak those time limits to accommodate all sorts of things, like the development that occurred in this Parliament where there are now four parties in this chamber.

Mr Lenders — Five.

Mr VINEY — Five? Have I miscounted?

Mr Lenders — When you put the coalition together.

Mr VINEY — Yes, of course. The government was more than happy to make those changes, and I expressly said that about 30 seconds before Mr Davis walked into the committee room. It is just not true that we were inflexible in any way. We were more than happy to try to accommodate some changes in time limits, but the principle of time limits is something the government has always adhered to. Everyone understood that, and there was no difficulty. In the next Parliament after the election I am sure there will be a sessional orders debate, as there always is, about introducing or making changes to standing orders based on whatever the numbers and structures of this house are. We have no objection to making accommodations for additional parties in the chamber or Independent members if they happen to be elected. We have no objection to any of those potential changes to the standing orders.

We were not able to proceed with those changes because Mr Davis exploded the whole process, and it was the only reason we were unable to proceed with those changes. We came to this position with a clear view. As the previous debate demonstrated, the government thought it had a clear commitment to work in a cooperative way. The first thing that Mr Lenders, the Leader of the Government, put to the committee was that we wanted the principle of proportionality to apply, and the committee signed up to that principle pretty early on in the process.

Mr Drum — Let us just sit down and relax now. We’re all happy now. Let us just sit down and get it done. We all agree.

Mr VINEY — I am not going to engage with Mr Drum. I do not think he understands the standing orders. We were more than happy to establish a process that had two basic principles. The first threshold question for the government was that to make progress in the standing orders we had the simple requirement that the principle of proportionality be upheld. The committee agreed to that requirement, and once we got to sign up on that we were able to make considerable progress on things like committee structures and so on. That was a fundamental threshold question that everyone signed up to.

The second threshold question we made clear was that in the government’s view the question of time limits

needed to stay in the standing orders. If the next Parliament wants to alter that by sessional order, we understand that will be a process it will deal with. We did say we were happy to tweak those time limits in a way that accommodates change or gives members additional opportunities.

I want to come to the opportunity for members to speak in this place. The government introduced 90 second members statements to create an opportunity for any member in this place to get up and make a comment on almost anything they like, except an attack on another member of the Parliament. That was about the only thing they could not do, because that would have to be done by a substantive motion. That was an initiative of this government.

The next thing we have just agreed to is a freeing up of the adjournment debate. That was an initiative of mine, but it was a government proposition which the house in the previous motion accepted. I cannot think of a time during my time in this chamber, or indeed in my 11 years as a member of Parliament, when a member of Parliament has not had an opportunity to get up and make a contribution on a substantive issue.

Some people may say, 'You should be able to talk for 6 hours'. I do not think that is necessary. I think most of us ought to be able to say what we want to say in the first 10 minutes; after that it is padding. There was one occasion when I spoke for an hour on a general business motion.

Mr Koch — You are on 8 minutes.

Mr Hall — You have 2 minutes left.

Mr VINEY — I am close, I know. I am nearly finished. I said that you should be able to do it in 10 minutes — and if you stop interrupting me, I will be able to do it in 10 minutes.

I cannot think of a time when a member has not been able to make a contribution on a matter that is particularly important to their electorate. It has never happened; it has not happened in here. Even with time limits, people are not prevented from making a contribution; they just need to do it in a sensible way.

The last thing I want to deal with is the government business program. Where Mr Davis is simply wrong is that you require 21 votes to pass anything in this place. Firstly, you cannot have a government business program unless 21 people vote for it. Secondly, you cannot ram legislation through in the way that Mr Davis has suggested because you have to have 21 votes in here to get it passed. My understanding of political reality these days is that with the reforms we made to this place — bringing in the minor parties in the way we have through a proportional representation system — it is extremely unlikely that any single party will have 21 votes in this chamber again. It would take a massive landslide victory for that to occur. It is not impossible, but it is extremely unlikely. That is a reform that we introduced: if you do not have 21 votes in this place, you cannot ram anything through; that is a fact.

The government business program is designed to try to create some order and a system so that all of us know how to deal with the legislation before us. As manager of government business I say to the house that I have faced many incredibly stressful instances in my job because the opposition has used all of Wednesdays and all sorts of other tactics to delay and prevent the government from dealing with important legislation. There have been many times when we have had bills that have had very limited debate because members of the opposition have filibustered and misused the time in this house. I have seen times when we have passed bills in about 5 minutes because everyone decided they needed to be out by 4.30 p.m. on Thursday — that is the reality — when the fact is that half of the previous three days have been filled with nonsense debates about documents. That is what we have faced in this Parliament.

We do not support the incorporation of these sessional orders into the standing orders, but we acknowledge that after the election and in the new Parliament the parties can negotiate and introduce sessional orders. I suspect that will happen. What we do not agree to is incorporating these sessional orders into the standing orders. So far we have done great work in getting to where we are by consensus. This is a second bite of the cherry by Mr Davis in breach of the position that we all took, which was that we will deal with what we can by consensus and the rest will be done by sessional orders in the next Parliament. Mr Davis is breaching the basic starting point that we all had in the standing orders process. Therefore the government will not support this motion.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the motion. I must indicate from the start that the Greens will not support the motion. This is not because we are not sympathetic to what is outlined in it; we are. However, I take up from where Mr Viney left off, or what he repeated many times: we did agree in the committee that we would go to the chamber with items on which we had reached consensus.

Notwithstanding what Mr Viney has said, I think we essentially ran out of time as well. We were not able to spend enough time on the changes to the time limits in particular, which I support; we ran out of time to be able to tweak those. I would prefer that the time limits that are in the current sessional orders be incorporated into the standing orders because — as Mr Davis said in his contribution — if you look at the time limits for the address in reply, government business and general business, you will see it is 60 minutes for the government and the opposition, 45 minutes for the lead speaker of the third party — whatever the third party is — and 15 minutes for remaining speakers. That is pretty archaic and does not reflect the make-up of this house as it is now.

For a start, there are five parties and there is one person who is a member of a party that only has one member in the chamber, so if we refer to those standing orders, it means that Mr Kavanagh can never speak for more than 15 minutes on anything. That is not fair.

I think it is worth talking about the speaking limits. I think it has been a good thing to remove speaking limits from general business and from debate on bills. I do not agree with those who say it has not worked well. In general it has worked well. People might look at me and think I tend to speak for a good length of time on a matter that I think is important; I freely admit that. On a motion that I have put to the house I can speak for 40 minutes or 45 minutes. On one or two occasions I have spoken for up to an hour; Mr Viney mentioned that he has too. We often get large government bills that we have to deal with, and we can speak for a while on them. However, I would draw to the attention of the house the fact that usually only one Greens member will speak on a motion or a bill. We do not all get up and speak on every bill and every motion. If I have spoken for half an hour or 35 minutes on a bill or a motion, that is all you will hear from the Greens; I will have gotten it all out. Often that will be outlining amendments to bills et cetera. It is not true that you can always get it out in 10 minutes. If you have a huge omnibus bill that the government has put down in front of you amending several acts of Parliament to which you want to make some amendments, it is impossible to get that out, do justice to it and to raise the issues in 10 minutes.

Sometimes we have had to extend business on Thursdays. That is the most frequent thing that has happened. We have had to extend business until 10 o'clock on Thursday night if there have been important motions on the Wednesday or important bills before us that everybody has wanted to say something about, and I agree totally with Mr Davis, that everybody should be able to say something about them. There should not be some hierarchy of speakers where the government's lead speaker gets 60 minutes and the next person gets 15 or 30 minutes. That is completely unjust, inequitable and anachronistic. I would urge whoever forms government in the next Parliament to sit down with the other parties and work through that, because it is not appropriate to leave that in the standing orders, given where we have moved to in terms of membership of the upper house.

I think it has been a good development, because on the other side of the coin, as Mr Viney himself admitted, sometimes when there are bills that are fairly straightforward people have stood up for less than 5 minutes or even 2 minutes and said, 'There are no issues we can identify in this bill. Therefore we support the bill'. That can happen. In our discussions on standing orders I raised with the government a procedure that happens in the Senate when they have a large amount of legislation to go through: they identify what they call non-controversial bills that can be dealt with in a very quick manner where there may be a 5-minute speech by one person in each party outlining their view on the bill. Because there are no amendments or controversial issues with the bills, they go through. That is a way of managing the time.

I do not think restricting people's ability to speak when they may have a very important issue in front of them, where it will take time to outline the issues or amendments they want to put forward, is the way to go. Obviously you need speaking limits on things like adjournment matters, members statements et cetera, but I think the rest of it can be worked through the way it has been. Generally over the last four years only on the rarest occasions when there have been conscience votes on issues of great public interest, for example, have there been long speeches that have gone into the night. However, that is not the general rule.

Mr Hall mentioned before that it has taken a long time to get to general business today, but we had five big committee reports tabled. That does not happen every day. There is give and take on that. I think we will be well able to get through the business before us in good time this week with cooperation and good management, which in my experience here has been the rule rather than the exception. The exceptions have been when exceptional things have happened, like very important reports tabled or conscience votes held on issues of public importance where people have taken the amount of time that is allowed to them by not having speaking limits.

I say again that I think the Greens have used that time fairly by always having just the one speaker except on conscience votes et cetera. We have just the one speaker on a bill or motion. While that might take 40 minutes, if you have the coalition with five or six speakers, that takes up a lot more time. That is okay. I am not saying there is anything wrong with it; I am just saying it needs to be kept in perspective.

I would suggest that most, if not all, of the suggestions that Mr Davis has included in this motion should be incorporated into the standing orders. I think there are some other things that need to be done. I was fortunate enough to be asked to speak to the Australasian Study of Parliament Group, where I outlined a few more things that I think need to be done, and the committee system will assist with this. One of these things is slowing down the passage of bills. At the moment bills come flying up from the Legislative Assembly. The Greens never know what bills are going to come from where, because the first we ever know of them, and the first Mr Kavanagh ever knows of them, is when they appear on the Legislative Assembly's notice paper. We do not get any forewarning about bills. As soon as they appear there — and they can be first read and we will not see them for a while — we are supposed to get around them with our limited resources and be ready to debate them when they come here.

In other parliaments around the country, and in other jurisdictions around the world, it is routine for bills to go to committees and be examined, for the public to look at bills and for legislation to go through the Parliament at a much slower rate than it does in the Victorian Parliament. It is not de rigueur for a bill to appear in the Legislative Assembly and be passed in the following sitting week in the Legislative Council. That is not how it works around the world, and I think that has been a problem here. I hope that one of the benefits of the new committee system will be that a lot of legislation will be looked at and improved instead of the argy-bargy that often happens here now with bills.

The other thing that needs to be reformed is question time. The way question time is run in this house and in the lower house is not the way it is run in other parliaments. For example, the New Zealand Parliament allows for a lot more supplementary questions and a different way of running question time. There was an excellent presentation to the Australasian Study of Parliament Group on the different ways you can run question time, and I think that is something that could be reformed for the benefit of members of Parliament and for the benefit of members of the public, who everybody in the chamber must know greet Dorothy Dixers with much disdain. Dorothy Dixers should be removed from question time in my view.

There are many more things to do. That is the reason we did not reach consensus on this in the Standing Orders Committee. Even though I agree with the items that Mr Davis has put forward and his arguments in favour of them, we did not reach consensus, and when I signed up I said I would not support anything we did not have consensus on. I am keeping my word with regard to that, and the Greens will not support the motion, reluctantly.

Mr HALL (Eastern Victoria) — I just want to make a couple of comments in support of this motion. First of all I am delighted that the Standing Orders Committee reached consensus on a large number of issues. I welcome that we are able to agree on some changes to the standing orders on that basis. But it should never apply that a member, whether they be a member of a standing orders committee or not, is prohibited from raising other matters. Therefore we have a motion moved by Mr David Davis where, as is his right, he has proposed further changes to the standing orders, albeit that that has not got the consensus of the whole number of members of the Standing Orders Committee. He has a perfect right to do so. I believe his motion should be — —

Mr Viney — That is not what we signed up to.

Mr HALL — Mr Viney said that is not what we signed up to. The Standing Orders Committee made an effort to come to some agreements on what could and should be incorporated into the standing orders. We did that. Beyond that there were some areas of disagreement. I do not think there was a signed agreement, nor should there have been, that any other member of that committee or any individual should not further seek to amend the standing orders in the way she or he thinks fit. It is now non-government business time. It is Mr Davis's right as a member of the opposition to choose to use some of that time to further advance an argument that he wants to put in respect of further changes to the standing orders. He has that right.

In terms of the merits of these proposed amendments, Mr Davis is seeking to change standing orders in largely three broad areas — that is, time limits, the production of documents and also matters about the government business program. As I said before when debating previous motions, to me the standing orders should be a framework document that provides for basic standing orders and provisions which can be changed more frequently by way of sessional orders. If there are changes to the standing orders, as a matter of

practice we should be aiming to keep those standing orders as simple as we possibly can; secondly, if there are going to be significant changes to the standing orders, they should be at least trialled for a parliamentary session of at least one term as sessional orders before being incorporated into standing orders.

I can apply those two principles to the three primary matters of Mr Davis's motion. In terms of the first area, if any member looks at standing order 5.04 about time limits, they will see they are very prescriptive in these standing orders and cover almost three pages in length. Mr Davis's proposed amendment 5 seeks to reduce those three pages of prescriptive time limits to probably one page or less than one page. In terms of simplicity and functioning, the reduced time limits is more appropriate to be incorporated into the standing orders document which, as I said, should essentially be a framework document as simple as it can possibly be formulated.

The second area is about the production of documents. This is something I understand the government has not enjoyed over this session of Parliament, but it has been part of sessional orders now for the current Parliament. It has proved to be something that opposition parties have used. Whether it has been used effectively or not or whether it is an effective tool or not is a matter of debate, but it has been trialled for a period under the sessional orders of this Parliament. Therefore under the two principles I espouse, it is quite appropriate for a member to argue it should now be incorporated into the standing orders.

Finally, the third main area is the government business program. As I recall it, the government business program was unilaterally inserted into these standing orders without any trial period whatsoever when the Brumby government formerly had a majority in this chamber. Not trialling the government business program was an inappropriate way for it to be inserted into standing orders. It has proven to be a mechanism which is rarely used. It was used for the first couple of weeks when Mr Lenders became the Leader of the Government in this chamber during the 56th Parliament, but after that it was soon realised that this house works best if there is cooperation and goodwill on behalf of all members. I do not think it has been used since then.

At least in terms of this Parliament and the previous Parliament, this has been a rarely used provision. It is now a redundant part of the standing orders that should not have been inserted into standing orders in the first instance. It is appropriate for it to be removed. Mr Davis wants to make amendments to the standing orders in relation to those three broad amendments. Given that standing orders should be a framework document and that any major change should be at least trialled for one Parliament, I think the three major areas of change that Mr Davis proposes fit those principles. That is why I am urging members to support the motion.

Mr KAVANAGH (Western Victoria) — This issue of time limits on speaking was addressed almost four years ago at the beginning of this parliamentary term. This house decided to eliminate time limits for most kinds of contributions to the house. In my opinion it has generally worked pretty well overall. Mr Viney said that after members speak for 10 minutes they are just padding. The longest speech I gave in this chamber went for about 3½ hours. I do not believe there was one moment of padding in that speech at all.

Mr Viney — I said in most cases.

Mr KAVANAGH — I thank Mr Viney for that. I know what a lot of Mr Viney said was true. On the whole this idea of letting members speak as long as they think appropriate has worked pretty well. In spite of that particular speech, I have always been conscious of not wasting the time of the chamber. I have generally given succinct speeches. Apart from that one very long speech I gave, I do not think I have given a speech that has gone for as long as 1 hour; all of them have been of a lesser time. The vast majority of the approximately 335 times I have spoken in this chamber have been much less than 1 hour, and the majority of speeches would have gone for much less than 10 minutes.

To the extent that the privilege of speaking without a time limit has been abused in this chamber, I would have to say in all honesty that my memory of the last four years is of government speakers doing that as a deliberate strategy to waste the time of the house to avoid votes on certain issues that the government did not want voted upon. In America that is known as filibustering. I cannot recall anyone who was not on the government benches doing that over the last four years. It has been pretty clear to me that the abolition of time limits has worked very well on the whole. Sometimes people have spoken for long periods but, as Ms Pennicuik said, with good reason. Members have generally spoken for long periods because they thought it was appropriate to do so and they had something to say.

In the case of the standing orders and the proposal to give particular privileges in terms of speaking times, that is something I was getting at in my last

contribution not long ago when I said that all members ought to be treated as members and not as members of a larger group. All members, if they feel there is something to be said, should have the opportunity to say it and, generally speaking, to take the time they feel is appropriate to do so.

This house is intended to be a house of review and a house of debate, and it seems to me that that is a good thing. This house will not bring down the government, and it should not be able to bring down the government, but it should be able to say whatever it thinks should be said. It should be a forum for unrestricted debate on important matters — unrestricted by time limits as well as in terms of content. In my opinion the time limits we have are to some extent excessive. For example, in my experience with 90-second statements just as you begin to make the statement you have to stop making it. It would be better if that period was a little bit longer.

In terms of improvements and reforms to question time, we all know the story of the observer who complains, 'Those ministers didn't answer any of those questions', and is told, 'Well, this is not answer time; it's question time'. Perhaps it might be worth changing the name to 'answer time' and actually expecting answers sometimes — if not 'answer time', then perhaps at least 'question and answer time'.

Ms Pennicuik — Q and A.

Mr KAVANAGH — Q and A, indeed, Ms Pennicuik. In short, I would not be in favour of time limits and would support their continued abolition. However, the government has asserted that there is an agreement that this kind of proposal would not be made today. Therefore before deciding how to vote I would like to clarify that issue, even though I understand that, given the position of the Greens, my vote on this will not have a material effect on the outcome. Nevertheless, the way I vote will depend on whether there is an agreement with the government not to propose precisely what is being proposed by this motion.

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased, as a member of the Standing Orders Committee, to also make a brief contribution. It was always known that the government was never going to accept the removal of time limits. The notion was that there was going to be some general consensus towards that being the case; hence the motion before the chamber was listed on the notice paper outside of 'Special business' and under 'General business to take precedence'.

I have been through the time limit process, as have many, and the surprising thing for us in the opposition is that the smaller parties would not support the issue of time limits, because they will be the most disadvantaged in this process. They will be totally and utterly disadvantaged. They make the assumption that post the election they will have the numbers to bring in sessional orders. If they do not, for four years they will be at risk of restrictive time limits. After one year they will be saying, 'Why didn't we change it?' after two years they will be pulling their hair out; and after three years they will be saying, 'Why, why, why?'. It will be to their detriment, because we will have more members here and we will be able to stagger the speeches. It will be to their detriment.

I will give one example: the presentation of committee reports. The mover of a motion to take note of a committee report will have only 5 minutes to speak, and members of a committee will have only 2 minutes each. Today we had tabled in this chamber six committee reports. What that in effect means is, for example, if you were a member of the Standing Committee on Finance and Public Administration, which reported on the performance of the Department of Human Services child protection program, as it currently stands you would have only 2 minutes to speak to that. You might have done that investigation for 12 months, and the time you will have will be 2 whole minutes. As I said, this will be to the detriment of the smaller parties. We will have more members, as will the government, or vice versa. It is important they understand that.

On supplementary questions, a member will have 1 minute — 1 minute to ask and 1 minute for a response. Mr Kavanagh was concerned about members statements being 90 seconds long. With 60 seconds for a minister to answer a supplementary question, a member will get absolutely nothing. They will become useless. You will have 1 minute to ask the question and the minister will give 1 whole minute of his time to respond to what might be a very detailed question.

On just one of the issues on page 14 of the current standing orders in relation to committee reports we have now introduced six standing committees. You may be on a committee and do an investigation for six months, but because you are not the mover of the motion you will have 2 whole minutes to talk about that committee report. That is how it will be. The smaller parties have not been through the process. This was not about a consensus. It was always the government's view that it was never going to support the issue of time limits being amended.

On either side the government and the opposition, whichever form they may take, will have sufficient numbers to be able to raise an issue. Let us say we are in government. We might have an agreement that if we have only 2 minutes each, one member might talk on one section, another member might talk on another section and another member might talk on another section. We might have six members talking about a committee report and covering the whole report. That still gives us only 12 minutes. But the smaller parties will have only 2 minutes. I use that as just one example in the whole process.

There are the other issues that Mr Davis has put forward in terms of some further amendments — obviously they will not be supported — and the production of documents. In my view that was really trying to codify the issue so there is a clear process where there is a dispute, because at the moment there appears to be a lack of understanding about that. I think this was sensible, but it will be to the detriment of whoever is in opposition to a degree and a benefit to the government, whatever it may be.

I did not want to take more than my time limit. I could ask Mr Viney what it would have been.

Mr Viney — Fifteen minutes.

Mr DALLA-RIVA — I would have been all right. I will leave it at that.

Mr D. DAVIS (Southern Metropolitan) — I will be brief in reply. As I said, this is an important debate that goes to the principles on which this chamber operates. As Mr Hall correctly said, the standing orders govern what occurs in this chamber. Our job in this chamber is to reflect our communities and represent them without fear or favour.

The government has said there was some agreement; I disagree. There was not any formal agreement that we would not proceed with any arrangements other than those on which there was a consensus. There was certainly an understanding that we would proceed on the basis that there would be a number of items on which we could find commonality, and that is what we have done. However, the opposition never gave a commitment that it would not pursue anything other than consensus matters, because a number of the key points in the standing orders are ones on which it understands the government has a different view.

Mr Viney interjected.

Mr D. DAVIS — No, it is not.

Mr Viney — It is; we said the rest can be done by sessional order.

Mr D. DAVIS — It may be; it depends on the shape of the chamber and which parties are represented in the chamber in the future — —

Mr Viney — How can you expect the government to agree to go down a consensus path when you will change whatever else you want anyway?

Mr D. DAVIS — No, we went down a path to try to find points of consensus, but that does not mean that we would never do anything else.

Mr Viney interjected.

Mr D. DAVIS — No, that is not true, Mr Viney. My point is that there was an understanding that we would proceed to find points of consensus, but that in no way counted out that there may be other members of the chamber, including members of the committee, who wish to pursue other points regarding the standing orders. It was not a matter of consensus alone, and the government's view — thereby acting as a veto on any other change with which it disagreed — —

Mr Viney — That is not true.

Mr D. DAVIS — That is potentially true, Mr Viney. That is exactly what you are arguing: that no-one else in the chamber can make a change other than the ones that have been agreed to.

Mr Viney — What do you think consensus is?

The ACTING PRESIDENT (Mr Elasmar) — Order! Mr Viney!

Mr D. DAVIS — Consensus is finding points of commonality, but that does not mean there are no points on which there are disagreements which cannot be debated, cannot be voted on and cannot be arranged — —

Mr Viney — We said that could be done in the next Parliament by sessional order.

Mr D. DAVIS — I have to say it was not a matter — —

Mr Viney interjected.

Mr D. DAVIS — No, it was not; it was that we would pursue points of consensus and leave the other points aside. That is what we have done; we have pursued the points of consensus in the earlier debates and we have come to a remarkable degree of consensus

on a number of issues. There are some things in Mr Viney's motion with which I disagreed, but I supported the general thrust of those changes.

Mr Viney interjected.

Mr D. DAVIS — Indeed, but equally there are matters of broad principle which the Leader of the Government clearly said were off the table at the start. We will pursue those. At the start Mr Lenders said we would not pursue time limits.

Mr Viney — We actually said there was no point in doing all this unless it was on the basis of consensus — and the rest by sessional order in the next Parliament.

Mr D. DAVIS — No, what we said was that we would find points of consensus and move forward from there. If there were points on which there was not agreement, we reserved the right — and we still strongly reserve the right — to go forward and bring forward the changes we think are appropriate.

I have to say the government's implacable opposition and petulant behaviour at the committee was simply a matter of it spitting the dummy as soon as an issue on which it would not agree was brought up. Dummy spitting of that type is not satisfactory.

Let me be clear. The clear-eyed view is that these are important changes to the rules of the chamber that could make it work better and enable members to represent their electorates in a fairer and better way. On a number of these matters it is on a point of principle that the opposition stands. We have always stood on those principles. My predecessor stood on those principles, and leaders of the opposition in the chamber prior to that stood on those principles too. We have never deviated from those arrangements; we have been consistent. That is what we are doing today. We are standing on a series of important principles about how the chamber should operate.

I for one think it is quite unfair that people are treated differently because of their party. Members of this chamber ought to be able to speak because of the people of the electorate they represent. They ought to be able to make those views known. That would lead to a better democracy. That is why we are trying to make these changes and why we are standing so strongly on them.

The government has had long-term and implacable opposition to time limits and the business program being removed. Today we heard some convoluted argument from Mr Viney. If the business program is not important, which he sought to argue, it should go — just take it out. As Mr Hall said, if it is redundant, let us get rid of it. Why argue about it? The points of precedence on questions on notice and arguments about adjournment matters not being responded to are absolutely critical. If the government, whatever brand it is, can get away with not answering a question on notice because it knows members will not be able to stand up and bring that matter to the fore through precedence arrangements — —

Mr Viney interjected.

Mr D. DAVIS — No, this is quite important, Mr Viney.

Mr Viney interjected.

Mr D. DAVIS — We did talk about it, actually. The reality is that Mr Hall brought to that committee a list of points in the sessional orders. Mr Viney is quite wrong to say it was not discussed; it was discussed. They are matters of major principle to the opposition, and that is why we are standing on them. We have reached those points of consensus. We welcome the points of agreement across the chamber and we have supported those, but that does not mean we will not stand on principle on these other points.

Nobody knows the shape of this chamber into the future; it is a matter for the people of Victoria to make their decisions on the next Parliament. The basis on which a future chamber builds its new sessional orders — and I absolutely agree with the point that the new Parliament has the right to put whatever sessional orders it wants in place — is the standing orders, and if those standing orders are flawed or shoddy or antidemocratic, as these standing orders are, they ought to be changed. We ought to give the new Parliament a clean slate, a fair slate and a democratic slate. If Mr Viney wants a slate for the new Parliament that is flawed and antidemocratic, he should vote against this motion because it is democratic. I call him directly on that. He is quite wrong. These are points of principle, and we are standing on them.

House divided on motion:

Ayes, 16

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

Noes, 21

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

Pair

Guy, Mr	Pakula, Mr

Motion negatived.

GOVERNMENT: CONCESSIONS AND GRANTS

Ms HARTLAND (Western Metropolitan) — I move:

> That this house calls on the government to ensure that key services are affordable for aged pensioners in Victoria by —
>
> (a) undertaking a review of concessions for property rates, utilities, education, transport and recreation facilities; and
>
> (b) immediately expanding the Home Wise grants program to include repair, maintenance or replacement of cooling appliances for people most at risk from heatwaves.

Just to start off, I remind people that this week is Seniors Week. The objective of the state government's concession program is to ensure that key services are affordable to concession holders. I am sure that every member of Parliament would agree this is a worthy aim, so the first part of my motion should not be too controversial:

> That this house calls on the government to ensure that key services are affordable for aged pensioners in Victoria …

The problem is that some essential services are not affordable for aged pensioners. Paragraph (a) of my motion asks the government to undertake a review of concessions to see what changes need to be made to meet the policy aim of making essential services affordable.

This request is on behalf of a number of groups such as the Fair Go for Pensioners Coalition, which is a well-organised group of pensioner clubs and retired union members, the Council on the Ageing (COTA) and also representatives from the combined pensioners association. They have been asking the government to undertake that review. I am simply opening the door of Parliament to them and asking Parliament to give the government a nudge in the right direction. Opening the door of Parliament to community groups is what I came here to do four years ago, and I am glad to finish the term as I started it. But of course I intend to be back, and I will be bringing lots more of these kinds of motions to the Parliament.

Paragraph (b) of my motion calls for more urgent action to prevent seniors from dying during heatwaves. With summer coming on I do not think there is time for a lengthy review in relation to cooling appliances. I think the government should act right now.

I will start with a review of concessions, and I will not talk long because I am sure everyone in this place would be ashamed to vote against such a modest and reasonable request from seniors. I think members should all remember that for those of us who are now no longer 21 it is not going to be all that long before we are seniors and may need to use a range of these concessions.

Hon. J. M. Madden — Speak for yourself!

Ms HARTLAND — It may be in 30 or 40 years time. Time goes very quickly, Mr Madden, although perhaps not in this place sometimes.

There are a range of concessions available to seniors, like the winter energy concession that keeps people warm in the winter. A review would pick up whether this is adequate and also whether it is fair to limit energy concessions to the winter — for example, people with qualifying medical conditions such as Parkinson's disease or multiple sclerosis can apply for a medical cooling concession. A review might pick up whether it would be appropriate to extend that concession to all seniors.

One concession that definitely needs a review is the rates and property concession. Housing is obviously an essential service. The council rates concession is presently fixed at 50 per cent of council rates to a maximum of $184, which would be some sort of joke if it was not so serious. If the government can find me a local council where there are council rates of less than $368 per year on a property with a house, I will be very surprised. My rates in West Footscray are about $1600 per year. If I were a senior citizen on a pension, I would be faced with the decision of whether to move house or eat; $1400 out of a pension each year is a huge amount of money, and I believe it is absolutely shameful.

We hear a lot about the big rush of young people moving to the inner western suburbs, to places like Yarraville, Seddon and Footscray. Some of that rush of

properties coming onto the market was the result of elderly people being forced out of their homes because they could not pay the rates. Quality of life for seniors is linked with being connected to a community, feeling safe and being close to friends and family. Nobody should be forced out of their family home because their rates are unaffordable, especially when we have a concession that is meant to make their rates affordable. If the concession is not enough to make rates affordable, then it is overdue for a review. I could go on through all of the government concessions, but I am sure I have said enough for members to understand the purpose of this very reasonable request from the Fair Go for Pensioners Coalition and COTA, which is supported by the Greens.

I will move on to the issue of including cooling appliances in the Home Wise grants program. The program is one that provides assistance to concession card households that cannot afford to repair or replace faulty essential appliances in their homes. Basically the department arranges for the appliance to be repaired, and where it cannot be repaired the department selects a replacement appliance, which is required to be a very energy-efficient and appropriate appliance. It is only available to the most needy who do not have the savings to repair or replace the appliance themselves.

Appliances covered by the Home Wise program include hot-water services, water tanks, water pumps, heaters, generators, toilets, leaking gas or water pipes, stoves, ovens, fridges and washing machines. My motion calls on the government to include cooling appliances. This might seem a little strange from a Greens MP because we want to save the world by cutting energy use, but pensioners are usually very modest users of gas and electricity. If everybody used resources like seniors do we would not have such a greenhouse gas crisis. If you want to cut greenhouse gas emissions you start with the biggest, baddest polluters. You shut down Hazelwood and replace it with alternative base-load power generator technology.

We sit in this building in air-conditioned comfort while denying cooling systems to elderly pensioners — the ones who actually need them. There were 374 deaths attributed to the big heatwave in late January 2009 that preceded the Black Saturday bushfires. Many more people died as a result of the heatwave than from the bushfires. An assessment by the Department of Human Services in January 2009, *Heatwave in Victoria — An Assessment of Health Impacts*, found that the greatest number of heatwave deaths — 248 of the 374 heatwave deaths — were of people who were 75 years old or older. There were also a very high number of elderly people reporting with heat-related illnesses. The report summarises it as:

> … a snapshot of a significant impact on mortality, morbidity and health service utilisation with the greater burden of illness and death falling on the elderly.

Why did so many elderly people die? The report tells us that the elderly are especially at risk from heatwaves because they have a reduced thirst response and a reduced ability to sweat. They are more likely to have a chronic disease of the cardiovascular, respiratory, renal and endocrine systems. They are more likely to have problems with thermoregulation. They are more likely to have impaired mobility. The report also indicates that reduced social connectedness and support was a factor in elderly people being less able to protect themselves from the effects of extreme heat.

The report concludes:

> As the predictions in relation to climate change are that extreme weather events are going to become more frequent and severe in the years to come, we have a duty to ensure that Victorians are well prepared to protect the most vulnerable members of our communities during such events.

I am not actually saying that providing a cooling appliance would have saved all those lives, but a modest low-energy-use appliance in a household which for whatever reason needs one and an appropriate energy concession might have saved a lot of lives and reduced the stress on older people.

I am aware that there have been problems with the Home Wise grants program. Mr Hall has raised it with me, and before moving this motion I read the Auditor-General's report. I believe the issues about the program have been addressed by the Auditor-General's report earlier this year. It listed a range of management problems and possible rorting of state concessions, including the Home Wise grants program.

Some of the reported issues had already been picked up by the Department of Human Services — for example, it found that sometimes the appliances were not faulty, were not on the premises or were owned by someone else. The Auditor-General also found that it was too easy for members of households to get more than the upper limit of two grants in 10 years, especially if they had moved home. However, the Department of Human Services has put in place measures to prevent rorting. I think we should proceed on the basis that those measures are in place and are likely to be working.

I would like to add a couple of other things for the sake of completeness. There have been several recent reviews of state concessions but they have largely

focused on system design and options for limiting costs. There was a review in 2003 leading to changes in 2004. They were about a perceived lack of rationale for most concessions. Reforms were examined in 2007 but they were about excluding pensioners or new part-pensioners, asset tests and so on. In 2008 there was a joint departmental report on a new option to reduce eligibility via means testing and asset and income thresholds. But as far as I know there has been no review of whether the concessions program is actually meeting its objective — that is, to make basic services affordable to pensioners.

It is the minister who has the power under the State Concessions Act 2004 to create and change concessions. We are simply sending the message that this house is calling for the minister to use those powers in a particular way. I think it is a strong message we send, and I think it is a necessary message. As an upper house MP, this is the most I can do because I am not permitted to introduce legislation that carries a financial burden for the government. Therefore I call on members of this house, including members of the government, to show respect for our elders in Seniors Week by supporting this motion. I thank the Council on the Ageing, the Fair Go for Pensioners Coalition and the Combined Pensioners Association of Victoria for assisting and approaching me on this issue.

I am delighted that my final act in Parliament for this term — of course I will be coming back to move more of these kinds of motions — is to open the doors of Parliament to these groups. I ask every member of this house to support a motion that seeks to make essential services affordable for seniors.

Mr HALL (Eastern Victoria) — As it is Seniors Week, I agree that this is a more than appropriate motion moved by Ms Hartland for the chamber to be giving consideration to this afternoon. The topic of concessions for older people in our communities is a very important one, and it is one that I know is the subject of much debate at seniors meetings around the state. When you go to the weekly or sometimes monthly meetings of senior groups, invariably the discussion returns to the issue of concessions. That is because many of our seniors are on fixed incomes. Whether they are pensioners or self-funded retirees does not matter much. With a fixed income and forever increasing prices for a whole range of goods and services, the issue of concessions is important to older people in our communities and also to those from low-income families. I do not for one minute suggest that concessions are only relevant to older people. Certainly many people on low incomes in our communities are reliant on concessions as well.

I am well aware that many of those concessions have not kept pace with increases in the costs of goods and services. Ms Hartland pointed out the classic example of municipal rates where concessions, described as up to 50 per cent of the rate payable on the property, are available to a maximum of $184 in total. It is a joke, as has been said already — I would think $184 could never equate to 50 per cent of a council rate nowadays.

Mr Koch — Even a vacant block!

Mr HALL — Not even for a vacant block, as Mr Koch points out. That has been a significant issue, because when people are faced with rates typically well in excess of $1000, then $184, although it is something, is not a great amount. People on fixed incomes still face financial hardships to meet those costs.

There are a range of other concessions, as listed in the first part of this motion. Again the Auditor-General has done the Parliament a service by providing in February of this year a report entitled *Management of Concessions by the Department of Human Services*. Some of the content of this report is very instructive and relevant to the debate we are having here this afternoon. For example, in the audit summary, by way of background the Auditor-General points out that the government pays for concessions through direct funding or foregone revenue at a cost of more than $1 billion per year. Those concessions impact on 1.3 million Victorians and over 700 000 households in Victoria.

The Auditor-General also makes the point that the Department of Human Services has both operational and policy units that are responsible for monitoring and reporting on all state government concessions and talks about the Department of Human Services (DHS) administering around 27 per cent of all state concessions — the cost of which was $329 million in 2008–09.

You can get an idea of the magnitude of the cost of concessions in Victoria from the Auditor-General's report. For example, he cites the fact that the winter energy concession in 2008–09 was worth $109.1 million; the water and sewerage rates concession $96.3 million; the municipal rates concession $75.6 million; the Home Wise appliance and infrastructure grant scheme, the subject of the second part of this motion and which I will talk specifically about soon, $16.8 million; the utility relief grant scheme and non-mains utility relief grant scheme $5.4 million; the non-mains winter energy concession $2.6 million, and other subsidised services $23.2 million — a total of $329 million.

Some of those concessions, I might add, are relevant to country Victoria, particularly those concessions which apply to the non-mains utility relief grant scheme. While people in Melbourne and some of the bigger towns might get a winter energy concession because of their connection to natural gas, often those who are reliant on wood heating as their only form of heating, for example, are able in a small way to get access to some of those grant schemes. They are important for some of the people in the rural part of Eastern Victoria Region whom I represent.

The Auditor-General's report also highlights the amounts that are expended on other concessional areas; for example, in the area of education. In 2008–09 — to keep the base year consistent for the comparison of figures — concessions for education services amounted to $71 million. In the area of health, concessions amounted to $522 million, and in the area of transport, one that is particularly important for both country Victorians and those who live in the city, they came to $256 million.

Concessions represent a significant budgetary allocation by governments from either budgeted revenue or foregone revenue. They are in excess of $1 billion per year by the time you add in the previously mentioned concessions for energy, municipal rates, water and sewerage and the like.

I speak on behalf of the coalition when I say it is time we had a good look at those concessions to see whether they are delivering the benefits to pensioners which the community would think appropriate. I mention the anomalies, for example, in public transport concessions and highlight the fact that this week, being Seniors Week, will see many people in my electorate not receive the full seven days of free travel on public transport available to those in metropolitan areas. People who live in the country do not have access to the same range of public transport. Not only do they not receive the same level of concession but they do not get the same level of free travel during events like Seniors Week. That is something that needs to be addressed. Free travel on Sundays for seniors is also an issue. Because of the lack of public transport services in many country regions, country seniors do not always have the opportunity to benefit from free travel on Sunday.

Although this motion calls for a review to ensure that key services are affordable for aged pensioners in Victoria, it should include the impact on seniors per se, not just on pensioners. The eligibility criteria to access some of these concession schemes vary — some are available to seniors and some are available to pensioners only, and self-funded retirees are not included in the same way pensioners are in terms of the eligibility for some of those concessions.

I would strongly argue that a review of concessions should apply to all seniors in Victoria — pensioners and self-funded retirees. Many of these concessions are also extended to people other than seniors, but I suppose they are encompassed by the term 'pensioners'. The coalition wholeheartedly supports the first part of Ms Hartland's motion which calls on the government to undertake a review of concessions for property rates, utilities, education, transport and recreation facilities.

The second part of the motion talks about immediately expanding the Home Wise grants program to include repair, maintenance or replacement of cooling appliances for people most at risk from heatwaves. We are not so enthusiastic about immediately expanding that particular scheme because we are not entirely satisfied that it is working efficiently and is free of abuse. As Mrs Peulich said, we would argue that the scheme should be the subject of an immediate review, and there is no doubt whatsoever about that. We also say that part of that review should be to consider whether the scheme should be extended to include the repair, maintenance or replacement of cooling appliances.

We have no problem with seeing the Home Wise grant scheme reviewed and potentially expanded to include the provisions contained in the motion. In his report on the management of concessions, to which I referred before, the Auditor-General says on page ix that:

> Weaknesses in controls over the Home Wise grants scheme need priority attention given the growth in the cost of this scheme from $1 million in 2006–07 to $16.8 million in 2008–09. Checks now being undertaken on Home Wise applications are demonstrating the likelihood that ineligible applicants have been provided with Home Wise grants in the past.

The report does say that:

> DHS has taken, or plans to take, several steps that should start to address many of these issues.

What we say in response to that is if DHS has taken or plans to take steps, we would like to see the outcome of those undertakings by DHS before unilaterally agreeing to an expansion of the scheme. We would also like to see some sort of review of the cost of the scheme so we can have some estimate of how much the extension of this scheme might eventually cost Victorian taxpayers.

DHS responded to the above comment by the Auditor-General and was reported on page xii as having said:

> DHS acknowledges the significant community support and demand for the Home Wise program and had already moved in April 2009 to strengthen the program procedures before the audit had commenced. Significant improvements have already been made to financial controls for the Home Wise program.

DHS went on to say what it has done and the report then states:

> Further, DHS will conduct a public tender for the appliances and services required for the Home Wise program in 2010, in order to ensure the best possible value-for-money purchasing arrangements are in place.

We have no further knowledge about the outcome of that public tender, whether it has been undertaken, and if so, what the outcome was.

I am absolutely convinced that the Home Wise grants scheme is a program with great merit and is much welcomed by pensioners in Victoria. We would like to ensure that it is working effectively and providing assistance to those whom it is designed to provide assistance. As I said, with respect to the second part of the motion it would be our view that rather than giving our total support to immediately expanding that program, our preference would be to see an immediate review of that program and how it is applied to make sure it is working properly now and to have a good look at the potential to expand that into the areas mentioned in this motion.

As I said, in terms of the motion as a whole, the sentiment is supported by the opposition. We agree that people in our society do it hard, whether they are pensioners, self-funded retirees or on fixed incomes. Concessions are an important balance in their life to assist them with the financial management of the many demands on their money. We are absolutely committed to providing an appropriate level of concessions in Victoria, and where possible we will be extending those schemes. But it would be prudent of us to say that before further expansions are put in place we need to see further work to assure ourselves that existing schemes are functioning well now and serving the means for which they were intended.

Mrs PEULICH (South Eastern Metropolitan) — I rise to support Mr Hall's comments and to respond on behalf of the Liberal-Nationals coalition to Ms Hartland's timely motion, which states:

> That this house calls on the government to ensure that key services are affordable for aged pensioners in Victoria by —
>
> (a) undertaking a review of concessions for property rates, utilities, education, transport and recreation facilities …

Ms Hartland's motion proposes in subparagraph (b) to expand the Home Wise grants program to:

> … include repair, maintenance or replacement of cooling appliances for people most at risk from heatwaves.

As Mr Hall mentioned, subparagraph (b) should be part of the review as well, not because the opposition believes older people should enjoy the comfort of cooling, especially when they are at risk in a heatwave, but that that benefit should be delivered effectively and efficiently.

The motion is timely, especially given that Seniors Week is being celebrated across Victoria from 3 October until 10 October. Some councils expand those celebrations for the entire month of October. Many of my local seniors celebrations are very full. There is a very full program across the city of Kingston in particular. It is a great opportunity for seniors to take part in a wide range of classes and events. The Victorian Liberal-Nationals coalition fully supports programs that promote healthy and active lifestyles. Events like Seniors Week enable seniors to engage in their community, while promoting health and wellbeing and providing opportunities for people to meet friends and stay connected. All those things keep people active and healthy for a long time.

The corollary of that situation is being disconnected and suffering poor health, which is not only undesirable for the individual and their families, who often have to provide many of the services and support, but also for the community at large. The cost of medical services and the cost of treating people is much more expensive than the cost of providing preventive measures to keep people healthy and active for longer.

One oversight in this notice of motion is predicated on the opening paragraph, where it states:

> That this house calls on the government to ensure that key services are affordable for aged pensioners …

You need to make sure that key services are as affordable and as efficient as possible for everyone. The cost of essential services such as water, electricity and gas have skyrocketed in Victoria. This not only harms pensioners and self-funded retirees who live on their own but it affects entire families and takes huge chunks out of the family budget. Other areas of expenditure cannot be met. Holidays need to be sacrificed and the quality of food the family or individual may purchase suffers. Unfortunately a lot of people eat very unhealthy diets.

It is a sad reflection on our society that there are a lot of communities where the regular serving of breakfasts,

lunches and dinners — even from soup vans — is a rare opportunity for certain segments of our community, especially those who are older, to get a well-balanced meal. I note for example in Carrum near Chelsea that one of the local churches runs a breakfast every morning. It feeds something like 70 people at any one sitting. A St Vinnies van in the city of Casey does the rounds twice a week providing sandwiches and fruit for those who come out of the woodwork. Unfortunately it is often their only balanced meal. The cost of living — which is a subject addressed by an opposition notice of motion we will debate later — and the pressure on families and individuals makes the importance of concessions less valuable in the benefits they deliver.

I have some figures I wish to quickly convey to the house. Between 1999 and 2010 — and the opposition will cover this later in a notice of motion — the increase in the average gas bill was 104 per cent, the increase in the average electricity bill was 90 per cent, the average metropolitan water bill increased by 77.6 per cent and the average council rate increased by 59.4 per cent. Looking further down my list, the ambulance membership fee for a family for one year increased by 119.1 per cent. These are astronomical increases. The income of self-funded retirees and pensioners cannot keep pace with the increase in the cost of essential services that many pensioners, self-funded retirees and families struggle now to meet.

We must make sure that less money is wasted by governments on wacky, ill-costed plans like the desalination plant, which is going to cost us nearly $600 million every year, whether we get a drop of water out of it or not. That amount of money would cover a lot of concessions and benefits, and there could be a lot of road construction carried out every year for the duration of that contract. There is also, for example, the waste we have seen with the myki ticketing system and with smart meters. These are all forgone benefits for our population and communities.

If I was drafting this motion, I would add another part to it, that we keep the cost of essential services as affordable as possible — for example, we must also discourage shifting costs to local government, which is a common practice. Often now the Labor-dominated councils are picking up state government responsibilities to extricate their Labor colleagues, their local Labor MPs, from difficult political situations, and they are doing so by jacking up rates to a much higher level than is acceptable to or affordable for the community. I am looking at Ms Pulford across the chamber. I know that today she had lunch with the mayor of the City of Kingston, where there was an increase of some 8 per cent in council rates. That is an unacceptable level of increase that has occurred to pick up the cost of something the state government has failed to fund — that is, the development of the green wedge.

As a general principle any instrumentality or agency that receives the benefits of government funding or support subsidies should be providing some sort of concession to seniors. This week I had a woman called Magda Moorhouse visit my office. She comes from a family of very passionate athletes. She went to the Stawell Gift and was complaining that she could not get a seniors concession for entry to a council facility supported by council rates and state government funding. Recently the organisers received some additional funds to keep the Stawell Gift where it is run. In principle those types of government-funded and government-supported activities and facilities should as a general rule be providing some sort of benefit to seniors.

Some principles need to be developed, and the call for a review is timely. Mr Hall covered some of the major points, and I will not cover them again. Suffice it to say it is very important that we support our seniors and self-funded retirees as much as we can and do that constantly through a range of means. Recently all members will have received a submission from self-funded retirees who came up with about six or eight dot points on policy that should be reviewed by government if we are to develop policies that are sympathetic to seniors.

I am not suggesting that this should be adopted, but scrapping stamp duty for senior Victorians who are downsizing — moving from a large property to a smaller one — in preparation for ageing should be considered. That is the sort of policy initiative we need to be thinking about constantly and reviewing. This call for a review is one part of it, and I certainly support it.

We need to value the contributions made by older persons, whether or not they were born here. They are a repository of wisdom, often they are unpaid child carers and they give an enormous amount of support to their own working families. The least we can do is continue to support them in remaining active and being able to access decent services that they deserve as important citizens in this community.

Mr KAVANAGH (Western Victoria) — I would like to give cautious support to Ms Hartland's motion in which she is seeking a review of concessions available to and an increase in the level of support for pensioners to improve their access to heating and cooling appliances and maintenance of those appliances, for

example. The motion calls for a review of a range of concessions, including rates, transport and utilities charges. I point out that it seems to me that there is something of an inconsistency in the case presented by Ms Hartland in that she simultaneously wishes to have Hazelwood power station closed down and yet to provide more electricity to pensioners. That is not impossible, but it would come at a very large cost, particularly given how electricity-intensive cooling is — and heating to a lesser extent as well.

On this topic I mention, by the way, that I have some experience of evaporative cooling which uses a lot less electricity than air conditioning. It occurs to me that we have not promoted this very much in Victoria where it is much more applicable than it would be in other places, including other parts of Australia. That is because of the dryness of our heat. Unlike Sydney and parts of Queensland where the heat tends to come with high levels of humidity, in Victoria we have dry heat, so evaporative cooling is very appropriate. It can be done at a much lower cost than air conditioning, and perhaps we should be promoting that much more.

In terms of public transport I point out that my party, the Democratic Labor Party, argues that all public transport travel should be made free for all people, for the kinds of environmental reasons that Ms Hartland was referring to and indeed for economic reasons. If people could get around without having to buy a car, that would make them effectively much wealthier and would greatly increase their standard of living. That is so particularly when you consider the costs to be saved by making public transport travel free. They include the costs of printing, selling, inspecting and checking tickets. Costs could also be saved on building highways, for example. With those considerations, the costs of making public transport travel free may not be very high, and making public transport travel free for pensioners might be a very good start.

I point out also that it is not only aged pensioners who can be quite hard up and find it difficult to pay their rates and for utilities, transport and so on. Mrs Peulich made that observation. I know when I was much younger my parents found it quite difficult to pay for all those things. They did pay for all of them, but it was quite a struggle over a long time, and that was probably because they had a fairly large family. As I said, not only aged pensioners have difficulties with these kinds of costs, and we should consider others as well.

In addition to those observations I would like to endorse Mrs Peulich's comments about new ways of helping older people, including a stamp duty scheme she mentioned to help people to move into smaller accommodation when it becomes appropriate.

Mrs Peulich — Outlay is reduced.

Mr KAVANAGH — Outlay is reduced. Currently we have huge stamp duty costs in changing residences, which must serve as a strong disincentive to older people to make the change to live in a dwelling more appropriate for their age, lifestyle and family size. That would be a very good reform. It seems to me inappropriate that in Australia many elderly people are living in very large homes that have only one or two people in them. Young families with many children cannot afford to buy such homes. One of the reasons for that is the problem of the cost of stamp duty. If we could address that problem with the aged, it might improve the whole accommodation situation in Australia.

With those few words I would like to indicate cautious support for Ms Hartland's motion to review concessions and to help older people with energy costs.

Ms PULFORD (Western Victoria) — I, too, am pleased to have the opportunity to participate in this debate on Ms Hartland's motion, particularly as it is Seniors Week. It seems the perfect time for us to have a discussion about how we can assist and support vulnerable people in Victoria, particularly seniors who have contributed so much to our community, society and economy over the many years of their lives.

The Brumby government is committed to assisting vulnerable Victorians. Many of the comments previous speakers have made in their contributions about how we can best do this are sentiments that all members share. We have a group of comprehensive concessions and hardship programs to assist low-income households to manage their expenses, and we seek to ensure that those concessions are as effective as they can be in reaching those most in need.

As Mr Hall indicated, the state of Victoria contributes around $1 billion each year towards concessions, which is not an insignificant sum of money. Therefore it is particularly important that this contribution made by the state of Victoria to support our most vulnerable people hits the right places so that it provides assistance where the need is greatest.

Many of our concessions are regularly adjusted or indexed, and some are designed to expand and contract with things like the weather. For example, the winter energy concession provides a 17.5 per cent discount on gas and electricity bills between May and November.

Being from Ballarat — the second-coldest place on earth, as my daughter describes it — —

Ms Pennicuik — Where is the coldest?

Ms PULFORD — Antarctica. I can absolutely confirm that our winter runs every single bit of that period from May to November, though there are glimpses of sunshine appearing every now and then as we find ourselves in October.

Since 2004 the government has also made significant investments to assist low-income and vulnerable water consumers by increasing and indexing the water and sewerage concession program and the Waterwise program. In 2009–10, $112.4 million in concession support was funded through those initiatives. We continue to review these initiatives and to seek to identify opportunities to improve assistance to low-income and vulnerable Victorians, and we welcome the opportunity to have a further discussion about these issues today.

For many pensioners cooling homes in summer is just as important as warming them in winter. We in Victoria live in a climate of extremes greater than many other parts of the world. Our winters are pretty cold and our summers, as we know, can be exceptionally brutal. The medical cooling concession has been extended from 3 months to 6 months over summer. That provides a similar discount to the winter energy concession on electricity and air conditioning costs from November through to April for concession card holders with multiple sclerosis and other qualifying medical conditions including Parkinson's disease, motor neurone disease, scleroderma and lupus. We are working with the Victorian Council of Social Service to review electricity concessions in 2011. We are working with groups like VCOSS that advocate strongly and effectively for all consumers, including those who are vulnerable.

In a context where we are frequently talking about the impact of climate change — our friends and enemies in federal Parliament are grappling once again with the question of a price on carbon — and as we all seek to reduce our energy use, this is also part of the equation in terms of reducing costs. If people can be assisted to implement more energy-efficient homes and practices — many of which are quite simple and inexpensive but are really effective, things such as zoning rooms, shutting a few doors and changing those light globes — that will assist in reducing consumption, which is very clearly related to the cost of energy.

In August this year the government released *Ageing in Victoria — A Plan for an Age-friendly Society 2010–2020*, which indicates support for a range of actions to build age-friendly homes, workplaces and communities. One of the recommendations in the Victorian Bushfires Royal Commission's final report was to provide a 50 per cent concession on a fire levy to pensioners and other low-income earners; that is a recommendation that has been accepted by the government.

We are committed to continuing to improve concession programs to address disadvantage as an important part of building a more inclusive society. We need to balance these affordability and equity objectives against the state's capacity to support these initiatives. I note that Mrs Peulich in her contribution talked about concessions for access for entry to sporting events. Previous speakers have talked about public transport and other types of concessions that can be provided or supported by government, but we need to balance these so that that $1 billion or so is hitting the right mark and providing relief to people where it matters most. We always need to be mindful of this.

Previous speakers have made mention of other types of concessions. I know we are mainly talking in Seniors Week about seniors and some of those household expenses; that is particularly the focus of Ms Hartland's motion today. However, we have extended the public transport concession to an additional 230 000 health care card holders so that it is the same as school students. We are also working with consumers on ways to reduce water and energy use.

We make no apology for taking a fiscally responsible approach to these issues. I note that Mrs Peulich was talking about myki and desalination and then got rather distracted by the question of Labor-dominated councils — one of her favourite subjects. It is of course the role of government to balance many competing considerations, many very worthy calls on the taxpayer dollar. I would suggest that securing water for Victoria is and has been an important priority of this government and that the myki smart ticketing system will provide a modern mechanism that will ensure that public transport users are charged the cheapest possible fare to which they are entitled.

In terms of the role of local government, though I should be resisting the urge to go down this garden path with Mrs Peulich, we work with local councils to provide concessions and relief to communities in great need. In my electorate I am particularly mindful of the types of support we provide in partnership with the

federal government in relation to rate relief for those people who have been most affected by drought.

For us, there are a great many things that need to be supported with the taxpayer dollar. We are unlike Mrs Peulich and the Leader of the Opposition, who have this magic pudding view of how the Victorian budget works where they can promise all things to all people and sight unseen endorse royal commission recommendations on bushfires no matter what the cost. Mr Lenders had a bit to say in question time today about the blank cheque on mandatory sentencing and the many billions of dollars worth of things promised to people and organisations throughout Victoria. The numbers just do not stack up, and all the while the opposition is talking about cutting costs, cutting stamp duty and cutting the magic pudding that is government advertising and those public safety campaigns.

We will manage the budget in Victoria in a responsible manner, and we will do this for many very important reasons, including to ensure that the state has a strong capacity to support our seniors through a comprehensive concessions program, to support those carers and those volunteers who work hand-in-hand with government agencies and to provide our seniors with the support they need so they can fully enjoy their lives.

Ms HARTLAND (Western Metropolitan) — I thank all the other speakers. A number of interesting issues were raised. I think one of the interesting issues Mr Hall raised was about having public transport concessions as long as there is public transport that you can take. I think that is a really important issue because it is one that has been raised with me by a lot of seniors. There are no buses running on Sundays when they could actually use a free service.

The referral and the review also needs to be broadened. I think this would be the perfect kind of referral to a committee in the new Parliament. Hopefully the government will take it up this year, but if it does not, I will certainly bring it forward as a committee reference next year. A number of ideas that were put forward would be worth taking to a review or referring to a committee to look at how they would work. I take up Ms Pulford's point about being fiscally responsible, because that is what a review could do: make sure that the $1 billion currently being spent on concessions is going to the right place and is configured in the right way.

With those few words, I thank everybody for their contributions and hope that the government gets the review straightaway.

Motion agreed to.

SCHOOLS: FUNDING

Debate resumed from 15 September; motion of Mr KAVANAGH (Western Victoria):

> 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.

Mr HALL (Eastern Victoria) — On 15 September, in the previous sitting week of this house, Mr Kavanagh invited the chamber to acknowledge the responsibility of governments to contribute towards the education of all Victorian schoolchildren. He also made the suggestion that that support should be reflective of need rather than the proprietors of the school which that child might attend. From the outset I have to say that the coalition agrees with the sentiment in respect of both of those parts of Mr Kavanagh's motion.

Let me say also from the outset that one of the great strengths of the Victorian education system is the choice that is made available to parents. In Victoria we have a great blend of both government and non-government schools, where about two-thirds of children attend government schools and around one-third attend non-government schools.

In terms of the number of schools which those students attend, yesterday I had a quick look on the government website www.liveinvictoria.vic.gov.au and noted that it lists 1598 state schools in Victoria, 484 Catholic schools and 218 independent schools — that is, private, non-denominational or associated with a religious organisation. In terms of this debate and funding it is important to acknowledge that around two-thirds of Victorian schoolchildren choose to attend government schools and one-third of Victorian schoolchildren choose to attend non-government schools.

It is far from simply a choice between a government and non-government system, because within those systems themselves there is great diversity. Programs that are offered through all Victorian schools, including government schools, are diverse and complex. If you look at the range of subjects and the types of programs offered in schools and the areas in which schools concentrate resources, then the choice within both government and non-government systems is immense. When we are talking about choice we need to take into account that the choice is not simply between one

school system and another; the choice is within those systems as well.

There is no doubt that the government has a responsibility to contribute to the education of all students, but I do not think that simply means that funding should be provided to a level which makes all schools exactly the same. I do not think Mr Kavanagh was implying that in his motion or comments, because one of the great attractions is diversity and choice. Therefore it is very healthy that we have schools offering different curriculum programs and providing different levels of studies that students might undertake. No program should seek to make all schools the same or to create elite schools or poor schools. That is where the second part of Mr Kavanagh's motion comes into play in that we should be reflective of need but not have the intention of making all schools the same.

The main education act in Victoria is the Education and Training Reform Act 2006. It is interesting to see what legal obligations it places on the Victorian government in terms of funding commitments in relation to government and non-government schools. It is also interesting that while specific provisions in the act require the government to provide and maintain a government education and training system, the act is silent in terms of the government's funding commitment towards government and non-government schools. Section 1.2.2, 'Principles underlying the Government education and training system' says at subsection (1):

> The State provides universal access to education and training through the establishment and maintenance of a government education and training system.

That says nothing about funding, maintaining or supporting the non-government system. At the same time section 1.2.1(b), under the general heading of 'Principles underlying the enactment of this Act' says:

> all Victorians, irrespective of the education and training institution they attend, where they live or their social or economic status, should have access to a high quality education that —
>
> (i) realises their learning potential and maximises their education and training achievement;
>
> (ii) promotes enthusiasm for lifelong learning;
>
> (iii) allows parents to take an active part in their child's education and training.

In terms of that principle, the act and the Victorian government say there is some responsibility to ensure that education systems, whether they be run by the government or non-government sector, need to provide opportunities for children to fulfil their full potential.

In terms of obligations under this act there is no specific obligation for governments to provide funding and support to non-government schools, but there are requirements of non-government schools contained within the act. According to the registration requirements under the Victorian Registration and Qualifications Authority, a school needs to be registered. Non-government schools and government schools need to comply with certain standards to become a registered school. There are certain things expected of a registered school. One of them is the delivery of an education to those who choose to attend that school. There is a requirement for all children to attend school. They can choose between government and non-government schools. There is a requirement for certain schools to provide certain principles within the programs they offer, and they are outlined in the act.

Right throughout this act there is a recognition that although there are no specific funding commitments made by the government to non-government schools, there is an implicit argument that one could make that because there is a requirement of non-government schools to provide certain things, there is a strong argument for the government to provide a level of funding to non-government schools. Therefore, it comes down to the choice of what that level of funding support should be. It is there that you probably start to get a few differences between governments and political parties from time to time.

Funding, for example, in non-government schools has long been a contentious issue. There have been repeated claims by some that non-government schools get more funding than government schools. Others claim that government schools get far less funding than non-government schools. It is a matter of balance, and one seeks to achieve the right balance. In Victoria I have had discussions over the years with the Catholic Education Office regarding its request to government for a fair level of funding. Requests have been made to coalition parties in recent years based on the Catholic Education Office's belief that a fair level of funding would be 25 per cent of the average cost for children attending a government school.

The coalition has made that commitment. Our shadow minister, the member for Nepean in the other place, Martin Dixon, in a press release dated 2 July 2008, made a commitment to funding Catholic schools to that extent. Non-government schools also get some funding through the federal government. However, that commitment was seen by Catholic education to be a

fair and reasonable contribution from the Victorian government. I do not think the current government has made that commitment, but the coalition certainly has.

On the issue of funding, a real disparity exists not only with per student funding but also when you get down to areas like disability, where you live, your socioeconomic background and particularly your special learning needs. That is what Mr Kavanagh went to when he talked about funding needing to be reflective of the needs of students. For example, with disability there is always a big issue about whether the state provides sufficient funding for students with disabilities. I know of examples between school systems. A child with a disability in the government system gets on average, it is claimed, about three times more in funding than a child in the non-government sector. That is because disability funding in the government system in Victoria depends on the disability of a child who attends school, but the grant made to the non-government sectors — be it either independent schools or schools in the Catholic education sector — is more of a block grant, and the money is spread between those students with disability needs within that system.

In the government system a disability of a child attending a government school is assessed and they are funded at a level the government deems appropriate to the needs of that child with the disability, whereas in the non-government and the Catholic sectors there is a block grant which is disbursed among the total number of students with needs in that system. For a long time the non-government sector has claimed that under that sort of arrangement students with disabilities in its system get far less funding than those in the government system.

Where you live is also a determinant of the need for funding — for example, if you live in country Victoria you are far less likely to complete year 12, and if you live in country Victoria you are far less likely to participate in higher education. That applies to some of the lower socioeconomic suburbs of Melbourne as well as in the outer metropolitan areas. On the issue of need and outcomes, if we are to get equality in outcomes we need to address that disparity in funding and base the funding more on need.

Many young people in this state have special learning needs. That is an area of major underfunding in this state. I refer to the Education section of the *Age* of Monday, 4 October, and an article by Denise Ryan headed 'Concern over teen funding'. It says that while the government has pledged $11 million to help troubled teenagers, some are still worried about where the money will go. It spells out that that $11 million — over three years, I might add; it is not a significant amount — will be used:

> to establish a secretariat within the education department to coordinate agencies that work with young people.

If funding over a three-year period is used purely to establish a secretariat, it seems that the money is not going to where it should be going — that is, to on-the-ground provision of services to students with special needs. The article highlighted a couple of programs that were established particularly to address school dropout rates and provide programs for those students most likely to abandon formal education, and therefore provided an alternative approach to education. It mentions two of those programs. One is called Hands On Learning, which it describes as:

> a practical building and support program for at-risk students operating in 23 schools.

There was some later criticism that this is only a trial of the program and that the government should be funding the trial so that it can be directed to more areas than those it currently funds. The article mentions specifically that it should be directed to the Latrobe Valley, an area where I live and where I know there is a need for such programs. The article also highlights another program called Pavilion, which is for teenage dropouts. It states:

> The Pavilion has grown from 68 high school dropouts to 126 … in 18 months —

and that the waiting list in that same time has grown from 20 last year to 45 this year. Pavilion provides hands-on programs for students who are at risk of dropping out of the system, and yet its students are funded at exactly the same rate as any other student — $6600 per student. The cost of delivery for the programs suitable for the needs of those students is far in excess of the cost for children who are in mainstream education.

They are just a couple of programs. I am sure all members would be well aware of a number of alternative school programs and programs established to address the particular needs of students in their electorates. I can talk about Reading Recovery and those sorts of programs. They are essential for students who have special needs, but they do not always see the appropriate funding for the needs of those students.

The gap extends beyond the school years to post-secondary education. There is a huge gap between country and city students participating in higher education and going on to university. There is a huge

gap between country and city students. It is the same with vocational education. Currently the government is restricting funding by providing one opportunity — you have only a once-off chance of undertaking vocational post-secondary education. If in the early part of your life you choose a vocational course but find it is not right for you, or there is a need to retrain in another area, there is no automatic entitlement to government support to undertake that. There is a great needs disparity in some areas as well.

On this whole issue I could go on and talk about a whole range of matters in the education portfolio, but I choose not to expand. Some of the points I have made today illustrate that I support Mr Kavanagh in his belief that governments have a responsibility to contribute to every child's education. After all, it does not matter where we send our kids to school, whether it is a government or non-government school. We all pay taxes and we are therefore entitled to a return on the taxes we pay in terms of support for our children's education, no matter what school we should choose to send our children to. I believe more regard should be shown to the needs of children rather than the particular schools they attend.

It was said by the government speaker in this debate, and it is a principle espoused in the Education and Training Reform Act of 2006, that education systems should provide for every child to be given the opportunity to realise their full potential. I think that maxim should be extended to adults as well, because you do not stop learning simply when you reach the age of 21. Learning is a life-long experience, and I think the education system and schools in this state should also provide for every adult to be given the opportunity to realise their maximum potential.

Governments should be contributing to education, no matter what sort of school and no matter what the proprietorship of the school. There is an obligation on governments of all persuasions to concentrate on and give more regard to the needs of individual students rather than to the type of school they attend. With those comments I am happy to record the coalition's support for Mr Kavanagh's motion.

Mr FINN (Western Metropolitan) — I rise to strongly support the motion moved by Mr Kavanagh. The motion is well expressed and is one that I believe has considerable merit. I congratulate Mr Kavanagh for having the foresight to move this motion before the house on this occasion.

I will not only support this motion but I will take it a little further. In politics these days we are used to hearing about new paradigms. I am about to put one of my own to the house. It is important that the state government supports children, wherever they may be educated, and I believe it is the responsibility of the state government across the board to do so. I propose that the federal department of education be abolished and that the states have the entire responsibility for all schools, whether they be government or non-government.

Mrs Peulich — As well as the money.

Mr FINN — Indeed, Mrs Peulich, the funding of non-government schools should be entirely the responsibility of the states. You never know, when we get rid of the 20 000 or 30 000 bureaucrats who are sitting around looking out their windows in the morning and then having nothing to do in the afternoon, when we get rid of those office buildings in Canberra and when we have those extra millions of dollars, we might be able to spend more money on education. We might be able to put more money into schools and provide a better education for children, whether they attend government or non-government schools.

I commend Mr Kavanagh on his motion, but we need to take it further. We need to bring education back to the level of government that is closest to the people. I believe we would get a far greater result in education, and indeed in health, transport and a number of other areas, if we did away with the federal department and returned the powers to the states. The sooner we do that the better off we will be.

This motion is very much about justice, because parents of children in non-government schools pay tax too. Over the years we have heard from people like former Premier Joan Kirner, who would close all the non-government schools, particularly Catholic schools — she is not fond of Catholics — in the country. I see the Minister for Public Transport shaking his head. He has obviously forgotten an organisation called DOGS — the Australian Council for the Defence of Government Schools — which Joan Kirner was involved in many years ago. It went to war against Catholic schools in particular but non-government schools generally.

The people in this organisation would take government funding from those schools and completely ignore the fact that the parents of the children attending those schools pay taxes too. Not only do they pay taxes; they actually subsidise the government system. If the Catholic school system, for example, were to close tomorrow, there is no way the government system could cope, because it would be swamped. The state

government is subsidised by parents who send their children to non-government schools, and that is very important.

I go back to the days of the dim, distant past when non-government schools did not receive government funding. I well remember attending a little Catholic primary school in the country. We were very much regarded as second-class citizens. I recall the then Governor, Sir Rohan Delacombe, visiting the local state school. He was visiting the area, and we students of the local Catholic school, St Brendan's School in Coragulac — I am sure Mr Koch knows the area well — lined the side of the road waving our hankies; we were not given flags, which were reserved for the state schools. The Governor was to fly past in his Bentley and wave to us as he went by. Fortunately he stopped, got out, shook our hands, said hello and made a big deal of it, probably throwing his schedule out considerably.

That was the way things were back then. It was a time when there was no government funding for non-government schools, which had class sizes of 60 or 70, and those who were left behind were well and truly left behind. It was not until I went to a government primary school a few years later that I caught up with the rest of the pack — —

Mrs Peulich — Not the same grade?

Mr FINN — I cannot remember, to tell you the truth. It was so long ago! That was the situation then. I would hate to see Victoria return to that situation. I do not believe that would be fair or reasonable. By supporting Mr Kavanagh's motion today we would go some way towards ensuring that the Parliament prevents that situation from occurring again.

Ms PENNICUIK (Southern Metropolitan) — Mr Kavanagh's motion calls on us to acknowledge:

> … 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.

Mr Kavanagh's motion is a statement of fact. The Victorian government supports all students in all Victorian schools. All students in all Victorian schools get some support from the state government; this is a statement of fact.

On the face of it the motion looks highly supportable and reasonable. The primary responsibility of state governments — and Mr Hall quoted the Education and Training Reform Act to this effect — is to support the government school sector. That has been the case, and it is one of the purposes of the act. It is Greens policy that the primary role of the state government in education is to support an accessible, well-resourced, high-quality public education sector. The reason for this is to ensure equity in outcomes for students. If you look at the countries around the world with the best outcomes for students in terms of equity and educational outcomes, you see they are the ones with the strongest public education systems.

It is worth looking at what the facts are. This motion is similar to one we debated just over two years ago in August 2008. Mr Hall moved a motion which went to the issue he raised again today — that is, that the state government should provide funding for each child at a Catholic school to 25 per cent of the cost of educating at child at a government school. That motion and this motion moved today conveniently gloss over the significant commonwealth funding received by non-government schools. Implicit in Mr Kavanagh's motion is the idea that non-government schools do not get enough funding. Both of those motions — and I have read Mr Kavanagh's speech three times — gloss over the issue of commonwealth funding for non-government schools.

If you look at the latest Australian Bureau of Statistics (ABS) figures on government recurrent expenditure on school education for 2007–08, which are the latest available figures, you see in the column marked 'Victoria' that government school funding from the state and Australian governments in that year was $6.142 billion. Non-government schools received $1.832 billion from the state and federal governments, which is 29.8 per cent of the total funding. If you look at the most recent Productivity Commission report on government school services, you will find that the number of government schools in Victoria make up 69.8 per cent of all schools, just about 70 per cent, and the amount of funding that comes from both levels of government, according to the latest ABS figures, is 70 per cent. On the face of it you would have to ask how much fairer than that you can get. How much fairer can it be that the amount of funding that goes from both levels of government to government schools is proportionate to the number of government schools and vice versa?

Mrs Peulich interjected.

Ms PENNICUIK — It is total recurrent funding.

Mrs Peulich interjected.

Ms PENNICUIK — Yes, but let me continue. When we debated Mr Hall's motion on Catholic school funding I referred to an analysis of Australian school funding by Andrew Dowling. That study shows that commonwealth funding and recurrent payments to non-government students has increased over the previous 40 years. We all know that has been the case since the commonwealth started funding non-government schools. The funding spiked up quite a lot in the late 1970s to 1980 and then plateaued. It went into turbo charge in the late 1990s such that the ratio is now 5:1 — there has been $5 spent on non-government school students for every $1 spent on government school students since the 1990s. The latest figures show that funding to independent schools in Victoria was $487 million, and just over $1 billion was provided to Catholic schools.

I spend a bit of time looking at the Save Our Schools website, which is unashamedly in support of government schools. If people look at it, they will see a lot of analysis and many articles written by a range of people about what is going on with school funding. The latest study I have seen is one done by Watson and Ryan this year. It is called 'Choosers and losers — the impact of government subsidies on Australian secondary schools' and was published in the *Australian Journal of Education*. It shows that government funding of private schools in Australia has increased socioeconomic segregation between government and private schools and allowed private schools to improve school quality rather than reduce their fees.

One of the issues implicit in Mr Kavanagh's motion is that if there were more money from the state government to non-government schools, it would mean less cost for parents, but the evidence shows that that is not the case. The evidence is that school fees have not continued to rise in real terms. Catholic school fees increased by 160 per cent in real terms from the early 1970s to 2002, while independent school fees increased by 70 per cent. These increases far exceed increases in real income over the same period. Per capita real household disposal income increased by 46 per cent between 1972 and 2002, while male average weekly earnings increased by 26 per cent. The effect of increased funding has been an increase in private school fees.

The study also found that government funding of private schools has led to much higher concentrations of lower socioeconomic status (SES) students in government schools. This has widened the achievement gap between government and private schools and imposed much higher cost burdens on government schools. The study shows that increasing school fees has meant that higher SES families have been able to take advantage of the improvement in private school quality, and that is because with the increasing funding and increasing fees many private schools, particularly the wealthiest ones, have been able to reduce their staff-to-student ratios, which has not been able to be done in government schools. The study shows that the students who transferred from government schools to private schools between 1975 and 2006 tended to be from the middle to the top SES families. About 60 per cent of the decline in government school enrolments over the period was from the top half of the SES distribution. Moreover, the proportion of government secondary schools with concentrations of low SES students increased between 1975 and 2006.

What we can see is that the funding model that exists in Australia — and I mentioned this during the debate in 2008 — is difficult to get a handle on. The way that non-government schools are funded by state governments is different in every state. It is a movable feast, and it is difficult to get a good handle on it. It requires a lot of delving to get to the bottom of it.

All the independent schools and Catholic schools lumped together get over 41 per cent of their funding from the government. That is the umbrella figure. Obviously some schools will get less and some schools will get more, but it is a significant amount of government funding. Peter Hall read out some requirements for non-government schools regarding registration and certain aspects of the curriculum, but there is no requirement for them to be open and transparent about the use of those taxpayer funds. We are talking about billions of taxpayer dollars going into the non-government sector for which it is not accountable.

Mr Drum — Yes, they are.

Ms PENNICUIK — They do not have to publish their accounts for the public to see, but they should. They receive large amounts of taxpayer dollars. The Watson and Ryan study I mentioned before shows that the low socioeconomic status students tend to be more concentrated in government schools and the high socioeconomic status students tend to more concentrated in the so-called non-government schools — called non-government schools even though most of them get a significant amount of government support. That is part of the anomaly we have, too, in the way that we describe schools — government schools and non-government schools — even though the non-government schools get quite a lot of government funding.

The study also concludes that:

> … the impact of high concentrations of low-SES students on public schools suggests that the cost of educating a student in a public school to an agreed standard will always be higher than in a private school. Public school systems also bear the additional costs of supporting small schools in rural areas and of accepting all students regardless of their attributes or residential location. The clear policy implication is that public school systems should be funded at a higher level per student than private schools.

Also on the Save Our Schools website — and I read this article myself — is an analysis of the latest *National Report on Schooling* by Ken Davidson almost two months ago, on 9 August 2010. It shows that for 2007–08 average total recurrent government expenditure was $12 639 per student in government schools, $10 826 per student in Catholic schools and $15 576 per student in independent private schools and an average of $12 745 per student in all private schools. So that is more in all private schools than for government schools.

Mr Drum — That is not true.

Ms PENNICUIK — It is.

Mr Drum — No, it is not.

Ms PENNICUIK — Read the report.

I wanted to talk a little bit about the SES funding model — a model that is in place in terms of commonwealth funding which has been the subject of much controversy. It is the subject of much controversy because it is so unfair. It is ad hoc and unfair and has resulted in 50 per cent of private schools in Australia being funded above the actual rate at which they are rated on the SES because of things such as ‘funding maintained’ and ‘funding guaranteed’ statuses that exist with that system. When it was first introduced it gave massive increases in funding to the wealthiest schools — those which received least under the previous model.

The 62 wealthiest schools in Australia had a huge windfall gain of $50 million through the increase in their funding rate. Many of the wealthiest schools now get over $4 million a year under the scheme, yet the commonwealth funding continues to increase. Funding per secondary student in 10 of the richest schools in New South Wales increased by 113 per cent between 2001 and 2010, while funding for 12 of the richest schools in Victoria increased by 190 per cent.

What we have in Australia is a very unfair system which is resulting in inequalities in educational outcomes and educational opportunities. I think in that respect Mr Kavanagh and I are in agreement that that should not occur. But it is occurring.

I want to briefly go to some comments made by Ms Pulford in her contribution to this motion. She mentioned the usual — that education is the state government’s no. 1 priority, and I am the first to admit that the state government has lifted its resources to education compared to the 1990s. But if you look at the Productivity Commission’s latest report on government services at figure 4.17, you will see that government recurrent expenditure on staff in government schools per full-time equivalent student is lower in Victoria than in any other state and that Victoria is lower than the national average. Those are the latest figures. If you look at government real recurrent expenditure in dollars per hour in 2008, Victoria is the lowest of all states and is $2 lower than the national average.

While the government is always saying that education is its no. 1 priority, it continues to maintain its status as the lowest-spending state in Australia on education, whether it be to government schools or non-government schools. Ms Pulford also went on in the debate to outline the significant contributions that the state government is making to non-government schools — $2 billion over the next four years, and there will be in-kind support services like broadband et cetera, which I do not oppose. To conclude, we do have an unequal education system that is getting more and more unequal. That is because of the discredited and basically unequal Commonwealth funding system.

Mrs PEULICH (South Eastern Metropolitan) — I wish to also make a few remarks in support of the general principle of Mr Kavanagh’s motion for three clear reasons, and I have spoken about this before. I agree completely with the comment made by Mr Finn that all parents who send their children to school are taxpayers, that education is a universal right and therefore every child deserves a level of support. On that basis I cannot reconcile the position taken by the Greens on the issue of funding for religious and independent schools or the proposal that there be no funding for religious and independent schools.

Let me say that all of those in the religious and faith communities and independent schools concerned, federally certainly, about the Greens-Labor alliance, especially of course when the Greens end up having the balance of power in the Senate and are able to force that agenda through the federal Parliament. Those policies do ricochet throughout the state and I would assume, given that Bob Brown is the leader of the Greens party, that this is a policy position that is shared by all Greens members. As I said, I cannot reconcile in my own mind

the proposition that just because parents choose to send their children to a faith or independent school — even some of the more modestly priced ones — that somehow they do not deserve any level of support.

Every child that goes to an Independent or Catholic school is money saved to the government and to the state education department, because the amount of money that we contribute as taxpayers — whether or not it is combined federal and state funding towards a child's education in the non-government school sector — is still well below that of the contribution that we make for the education of the child in a state school. That means that those who are prepared to make a sacrifice — to make a contribution towards the education of their children over and above that required in the public school system — free up money for children in the state school system.

And boy, do we need more money, especially, for example, for some of the long-forgotten areas such as the provision of education for students with disabilities. Only today I received a plea from a Mr James Breen in relation to the need for a specialist school for Casey and Cardinia. He writes:

> I wish to raise your awareness of the desperate need for a specialist school for children with mild-moderate intellectual disabilities in the Casey-Cardinia growth corridor. As parents of a child with special needs we see firsthand the lack of funding services for our children.

He goes on to explain how those existing schools in other suburbs, to which they travel significant distances at additional transport costs, are absolutely chockers, full to the brim — they are bursting at the seams. The parents have been trying very hard and getting organised in order to have additional services for children with disabilities.

The ability to provide for children in our government system would be diminished by removing or reducing funding to schools in the non-government sector and forcing children and their parents back — and there will be a proportion of those — to government schools. It will reduce the capacity to provide for those people who need that support the most. Firstly, this funding makes good economic sense. Secondly, there is a moral obligation. Equally importantly, I believe in a system of choice — a mixed system of education, a mixed economy of education. It keeps all schools on their toes. It improves the quality of education in our state school system because, if you have a competitive local Catholic primary school or a school of any other denomination that is well regarded, it will siphon off enrolments from nearby underperforming government schools and vice versa.

There are some extremely well-regarded schools in the government school system. Much of this is underpinned by quality education and quality teaching. This government will claim that education has been its no. 1 priority for 11 years. However, if it had not been rescued by the Building the Education Revolution funding through the federal government's economic stimulus package, our schools would still be falling into disrepair. The only way the government has been able to fund some of the much-needed renewal has been to virtually merge and close schools. The maintenance backlog is already nearing $280 million. By forcing schools to merge, selling off sites and freeing up sites, the government has been able to undertake some much-needed renewal, refurbishment and rebuilding that has not been provided on a regular basis.

Capital works money has not been provided adequately, and maintenance has been totally inadequate. We would be able to provide even less of that if we adopted the Greens policy, and in particular the policy that a Labor-Greens alliance would impose upon Victoria should the Greens flex their muscle and influence policy in Victoria after 27 November as a result of the election.

Finally, I would just like to say that 188 000 students in nearly 500 Catholic schools across Victoria are getting a very good education because their parents actively make that choice. More than one in five Victorian students are taught in Catholic schools. Catholic and non-government schools are an essential cornerstone of our education system. They should not be neglected. Catholic schools are funded by a mix of state and federal government grants, fees and donations. The education sector relies heavily on state government funding to lessen the burden of tuition fees on parents and provide the highest quality education possible.

Victorian Catholic schools receive the lowest funding per student of any state. As a result, parents of an average Victorian Catholic school student pay the highest fees of any state except South Australia. The Liberal-Nationals coalition has already committed to restoring funding that has been stripped from Catholic schools by increasing grants, using a needs basis formula, to 25 per cent of the cost of education of a government school and investing $396 million over four years in Victorian Catholic education to ensure a strong and diverse education system and support parents' choice. I support Mr Kavanagh's motion.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased that it is my opportunity to speak to the worthy

motion that Mr Kavanagh has put to us, which centres on the responsibility of Victorian governments to provide for and contribute to the education of all school-age Victorians. The notion of providing government funding for independent and religious schools, or private schools, is a very important principle that goes to the heart of what this country stands for — that is, freedom of religion and freedom of choice. It is certainly one of the platforms of the Liberal Party itself — to make sure that the people of this country always have a choice.

We understand there has been a lot of energy directed by the parties of the left, and quite aggressively so, to move to strip funding from independent and religious schools — private schools — in this state. We know that the stated intention of the Greens in their policy platform, which they are currently putting pressure on the federal Gillard government to comply with, is to completely eradicate a government funding stream to independent schools in a national sense. I can say to the Greens, as I collect information around the state about this policy position, that this is disastrous for their party. I can imagine they will see the effects of people's contempt for that position at the ballot box very soon.

One of the reasons I take great pride in being a member of this Parliament is that I have the opportunity to speak in defence of those who do not have a voice in this place and for rights and freedoms. This concept of supporting independent schools is very central to that argument. I also abhor and, whenever I can, choose to condemn the general left-wing policies of envy. Instead of understanding that the engine room of an economy is built by people who are inspired, prepared to take risks and who work hard and deserve to be rewarded, from this position of the politics of envy come such policies as have been laid out for this nation to see.

I can understand, as the state election is drawing close, Mr Kavanagh's belief in the principle of maintaining funding to independent schools, and a lot of what he has to say about this particular motion is supported by the coalition, particularly by the Liberal Party. It is not rocket science. We need to recognise that people who send their children to independent schools and pay school fees that augment any funding that would come from either the state or federal governments are paying those fees out of their after-tax dollars and that those people who are paying fees to the private or independent school system are taxpayers themselves.

For every child who is in an independent school, a state government — in this instance the hapless Brumby government in Victoria — saves money by not having to provide the extra places and infrastructure to accommodate them. In fact this government has been able to sit back and relax for a long time because people in this state are voting with their feet in terms of choosing where they will send their children to school. Rather than this being something that the independent schools should be under pressure for, it is something they should be applauded for, because they are not only providing choice but providing an optimised learning environment that people who have the discretionary income to send their children to a private school choose.

The growth in this is quite substantial. It is a long and steady gradient in terms of the growth of the independent school sector. The sector growth, according to the website of the Association of Independent Schools of Victoria under the heading 'Independent schools fast facts 2009', between 1996 and 2008 was 43.84 per cent. Clearly the independent schools are not only responding to and providing an optimised learning environment and providing choice for parents in this state but also setting standards. It is a very attractive proposition.

What would we do if these independent schools had to pass on a fee base to parents who are already quite possibly stretching household budgets by paying with their after-tax dollar for places in the government school system for somebody else's child? They are carrying the extra burden of the funding that they have to supplement. To condemn people for making that choice is appalling.

If we have a look at the number of schools by sector in this state, there are 220 schools under the banner of independent schools, 487 schools under the banner of Catholic schools and 1585 schools under the banner of government schools, bringing the total number of schools in the Victorian sector to 2292. If we look at the information from the point of view of the number of students attending schools, 14.3 per cent of Victorian students attend independent schools, or 119 000 students; 21.9 per cent of Victorian students attend Catholic schools, or 183 000 students; and the rest of the school population of 63.8 per cent, or 536 000 students, in the compulsory years of attendance go to government schools. As you can see, a very large proportion of Victorian families are choosing to send their children to independent schools, and I will do everything I possibly can to allow them to continue to do so.

There is quite a shameful number included in this information from the Association of Independent Schools of Victoria. In terms of the funding per student to Australian non-government schools, once again we

are bottom feeders here in Victoria, registering the lowest amount per student allocated to children who attend independent schools. This needs to be immediately addressed with recurrent funding put in place and actively promoted to give parents of students attending independent schools comfort and choice. I commend the motion to the house.

Mr KAVANAGH (Western Victoria) — I would like to make a few comments on some of the observations made by members on this motion. I would first like to note that Ms Pulford spoke on this motion on 15 September. In her contribution Ms Pulford noted that the Victorian government spends a lot on education. That is true. The Victorian government spends a lot of money on education each year and a proportion of that does go to non-government schools. The question is whether that proportion is reasonable and adequate in all the circumstances, and that was not really addressed by Ms Pulford.

Mr Hall spoke on this motion tonight and said that our education system offers choices to people, and indeed it does. He said there is great diversity in all of our education systems — the government school system and the non-government school system, both Catholic and private. No doubt that is true and desirable because students vary tremendously. There is not one kind of approach to education for students, as my good friend Mrs Peulich would probably know as a former teacher. There are lots of different approaches and we need a diversity of responses to student needs.

Mr Hall spoke a lot about funding for schools. This motion is not about funding for schools; it is about funding for students. The point is that students in Victoria deserve the same level of funding depending on their need. It should be varied according to their need and not according to the kind of school they attend. Mr Hall noted that the opposition's policy at the forthcoming election is to fund students in non-government schools at a rate of 25 per cent of the rate of government school students. That is an improvement on the current situation, so it is quite clear from what Mr Hall said that at present students at non-government schools receive from the state government less than 25 per cent of the funding that is given to students in government schools.

Ms Pennicuik — Talk about the commonwealth.

Mr KAVANAGH — We will talk about the commonwealth in a moment — thank you, Ms Pennicuik. In his speech to the house Mr Finn congratulated me, and I thank him for his sterling support of my motion. I thank him for his kind words. However, I will neither endorse nor criticise the comments he made about commonwealth public servants in the commonwealth education department. I do not want to say whether he was right or wrong about that.

Mr Finn noted that this motion is about justice, and I think it is. The motion is largely about the justice of requiring people to pay for an education system while at the same time saying that when that person is a student they may not receive equivalent education funding according to their needs. I think Mr Finn was right about that.

Mr Finn mentioned a former Premier, Mrs Kirner. In my opinion Mrs Kirner was responsible for a perfect storm of bad policy in the sense that every outcome stemming from her policies was wrong. Before Mrs Kirner's time there were two broad streams of secondary education in Victoria: high schools, which were largely academic, and technical schools, which were not so academic but emphasised giving practical skills to their students. As a result of the abolition of technical schools Mrs Kirner simultaneously achieved both the elimination of technical skills in our education system and the degradation of the academic skills in the high school stream of our education system, while at the same time demanding increased funding for the system. It was a perfect storm of a policy. The worst outcome that could possibly be achieved was achieved through Mrs Kirner's reforms to our education system.

As Mr Finn noted, Mrs Kirner was a champion of DOGS, the Australian Council for the Defence of Government Schools, which I can remember as a boy of 11 at the elections of 1970. This amounted to an attack on non-government schools, particularly Catholic schools. Mr Finn told the story of the Governor visiting the Colac region. Unlike students at government schools, he and his fellow students were not given flags to wave; they had to wave their handkerchiefs instead. That rang a bell with me. I recall many people telling me that when they were younger they had to walk to school. As they were walking to a Catholic school or a non-government school the public school bus would rumble past them on the road. It reminded me very much of that situation.

It also reminded me of the situation that I recounted in my argument in proposing this motion, which was that when I was in grade 4 I used to enjoy receiving every month for a few months a government magazine for school students that was full of stories. However, after a few months we were told, 'No, the Ministry of Education has decided that as you are in a Catholic school you will not get this magazine any longer'. Why

was that done? We were told, 'Because you do not go to a government school'.

Ms Pennicuik had a lot to say about this motion. She argued that all students should get the same assistance. If Ms Pennicuik believes all students should get the same assistance, she should vote for this motion, because it says that all students should get the same assistance adjusted to their particular need. I look forward to Ms Pennicuik's fulsome and enthusiastic support of this motion. Ms Pennicuik said that this motion was already in practice because the government already supports all kinds of schools, which it does. However, one element of this motion states that that funding should be based on the needs of the student, and Ms Pennicuik did not talk about that in her contribution.

Ms Pennicuik interjected.

Mr KAVANAGH — All right. Ms Pennicuik said that I glossed over commonwealth funding of non-government schools. However, since her contribution I went to *Hansard* and found I did not gloss over the commonwealth funding of non-government schools in Australia. I said:

> … 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 …

The ACTING PRESIDENT (**Mrs Peulich**) — Order! I ask the member whether he is quoting *Hansard* from within the last six months?

Mr KAVANAGH — Yes.

The ACTING PRESIDENT (**Mrs Peulich**) — Order! Unfortunately that is against standing orders. Perhaps the member could just refer to it by paraphrasing.

Mr KAVANAGH — All right. I clearly referred to the commonwealth's role in funding non-government schools in Victoria. However, today I researched commonwealth funding of government schools in Australia and found that it amounts to 22.5 per cent. In Victoria it is probably lower than that, but the most recent figure I have seen is that commonwealth government funding amounts to 22.5 per cent of total government funding for schools in Australia. About one-fifth of the funding for government schools in Victoria is from the commonwealth. Four-fifths of government funding for schools in Victoria is not from the commonwealth.

Ms Pennicuik also said that since the 1970s Catholic schools have increased their fees by about 115 per cent.

Ms Pennicuik interjected.

Mr KAVANAGH — Sorry, I should not say 115 per cent I am not sure of the amount but it was a rather high figure. Since the 1970s the number of people who work for nothing for Catholic schools has plummeted. Back in the 1970s there used to be lots of nuns and Christian brothers who worked at Catholic schools for nothing, so it is hardly any wonder that the cost of running a Catholic school has increased by more than the inflation rate since 1970.

Furthermore, the standards in Catholic schools have increased greatly. Two different people have told me that when they were Catholic school students back in the early 1960s they had 120 students in their prep class which was run by one nun — 120! That no longer occurs, so it is very little wonder that fees in Catholic schools have increased by more than the inflation rate. Class sizes have gone from about 120 to the state school average of around 25 or perhaps 27.

I would like to mention also that tonight a lot of members have said that Victoria's school funding per student is the lowest in Australia. We have the highest population density in Australia as well, so it is little wonder that we would have the lowest funding per student. Why? Is it because it costs much more money when you have a low population density, as in the Northern Territory, Western Australia or Queensland, than it does in Victoria, which has a very high population density by comparison. This argument has been used in lots of cases, but it does not make very much sense when you are talking about funding between states in Australia.

I would like to thank Mrs Peulich for her support. She supported my motion very fulsomely and enthusiastically. I would like to point out that Mrs Peulich repeated many times that this motion would help students in government schools if it were passed and acted upon. It will take a lot of pressure off government school funding and effectively add to the amount of funding per student in government schools. I thank Mrs Peulich.

I also thank Mrs Kronberg for her support of this motion. She noted that parents of students in non-government schools are not only paying for their own children's education but effectively subsidising the education of children in government schools as well. Thanks to Mrs Kronberg for that very important point she made.

There have been a lot of very expensive campaigns in Australia to convince the Australian public of a falsehood, that students in non-government schools receive more funding than students in government schools. That is a falsehood, and yet it is widely accepted by the Australian population because of very expensive public relations campaigns by teacher unions in Australia. It is not the case. Students in non-government schools receive far less funding per student than students in government schools. In fact students who attend non-government schools receive a fraction of the amount that students who attend government schools receive. It is true that the commonwealth government has traditionally funded students at non-government schools disproportionately compared to students at government schools. It is also the case, which was not acknowledged by Ms Pennicuik. Commonwealth funding for students at non-government schools is about 22 per cent of the total of government funding for schools in Australia. About 78 per cent of the funding for schools in Australia comes not from the commonwealth but from state governments.

We have already heard tonight from Mr Hall his promise on behalf of the coalition that if the coalition is elected at the next election, it will fund students in non-government schools to 25 per cent of the level of funding for government school students. At the moment it is about 19 to 20 per cent. The coalition's promise is to increase that to 25 per cent of the level — one-quarter of the level — of government school students.

Commonwealth funding is a small proportion of the total government funding for schools or students in Australia. This fact is ignored by these very expensive public relations campaigns run by teacher unions in Australia which have given the Australian people the false impression that most funding from the government for schools in Australia goes to students in non-government schools in Australia. The state government provides a very high level of funding compared to the commonwealth government. Just to repeat: the Liberal Party promise is to increase funding to non-government school students to 25 per cent, one-quarter, of the level of funding for students in government schools — to increase it to that level, not to decrease it to that level.

The Liberal Party's policy is to reduce the discrimination against students at non-government schools. The policy of my party, the Democratic Labor Party, is to eliminate discrimination against students at non-government schools — not to reduce it but to eliminate it. That funding should be based only on the students' needs and nothing else but the students' needs. Those who need more should get more funding.

When preparing for this debate I received many communications from students at non-government schools or their families and supporters. They made the point that students who have special needs — that is, those who have a disability or something like that — receive a small fraction of the amount of money that is given to students in government schools. They deserve much better than that; they deserve to be funded according to their needs, not according to the type of school they attend.

There are two reasons for supporting this motion. The first is the cause of justice. As Mr Finn said, the parents of children who attend non-government schools are expected to pay taxes, like everybody else, and when those students grow up they are expected to pay the same level of tax as everybody else. Is it just for those people who were denied equal funding at school to have an equal obligation to pay tax? It seems to me that it is not just in that circumstance to require those people to pay the same taxes as other students who received full funding.

It is not just a question of justice; it is also a question of educational standards. As Mr Hall alluded to, the more options people have in educational systems the better our education system will be. In this respect I acknowledge that people blame the government for everything, and I must say education is not entirely dependent on the government.

The standard that people achieve in their education does not just depend on government policy. It depends a lot on their individual attitudes to education and on their parents' attitudes to education. It is not all about the government. For example, when I was a child it was a great thing when a library got new books. I remember being quite excited: 'Fantastic! The library has new books. We'll go and get some'. It was a great pleasure to think of new books that could be read. There are so many more alternatives now to reading as a pastime or pleasure. For us that is a real problem in our education system, that people are not restricted to reading in terms of entertainment options. That is a large part of the reasons why standards of literacy have fallen quite a lot in recent decades in Victoria.

In my opinion factories and technology mean that material goods are cheaper to produce. In the near future most people are going to have access to material goods. Even poor people in Africa and parts of Asia and Latin America will have access to material goods in the near future. What will really set them apart as being

seen as wealthy, first-world types of people is the standard of education they are able to achieve. It seems to me from looking at lots of people that the only real poverty these days — and this will be the case in the future — is a lack of education. We will start feeling sorry for people who do not have high educational standards and have not had access to tertiary education, for example.

Funding education on the basis of need rather than who the type of ownership of the school that is attended will boost educational standards because it will empower students and their families to, in effect, choose what kind of school they attend. It will enable them to choose a better standard of school. It will enable them to choose the kind of school that does them the most good. It will enable them to choose the school with the highest educational standards. It will enable them to choose the kind of school that benefits them the most.

This is not in any way an attack on government schools. I worked in government schools for years. It seems clear to me that our whole future depends on having the highest educational standards possible in government or non-government schools throughout Australia, including in Victoria. It is really important, especially when the majority of students attend government schools, that the standards of education in government schools are as high as we can make them. This is not about lowering the standards in government schools but about improving them.

We have heard from some members that the current system of funding is unfair to government school students because it is not equal, but the opposite is the case. If they believe that, they should vote for this motion, because it will mean the funding will be equal and adjusted according only to need. If they really believe non-government students are getting a deal that is too good — which I have proved they are not — they will vote for this motion, because it will mean government school students will be treated fairly.

I thank all members for their contributions to this debate. I urge all of them to support this motion.

Motion agreed to.

CUSTODIAL SERVICES: INDEPENDENT STATUTORY BODY

Ms PENNICUIK (Southern Metropolitan) — I move:

> That this house calls on the government to establish an independent statutory body, reportable directly to Parliament, to provide external scrutiny of Victoria's custodial services, to conduct investigations, and to publish information and findings on the standards and operational practices of custodial services in Victoria.

Victoria's prisons are overcrowded. In the last year there was a 30 per cent increase in the imprisonment of women, as we heard about this morning with the tabling of the Drugs and Crime Prevention Committee report on that issue. As the Australian Institute of Criminology notes, for many a period of imprisonment fosters further criminal behaviour. The March 2010 Australian Bureau of Statistics figures are also worrying. The ABS noted that of all prisoners released in Victoria between 1994 and 1997, 37.8 per cent were reimprisoned within 10 years of release.

Yet at the same time as more and more people are filing and refiling through Victoria's prisons and more and more prisons are being operated privately or through public-private partnerships (PPPs), Victoria's limited internal oversight system has remained. The Greens do not support the privatisation of prisons.

The custodial inspector in Victoria, the Office of Correctional Services Review, which was established in 2007, is a small business unit of the Department of Justice. A small amount of very general information is available on the OCSR's website about the work that it undertakes, including that it conducts reviews of operations and services and investigates critical incidents.

My office has sought to obtain more detailed information on the work of the OCSR. The information is very difficult to come by, which should not be the case for such an oversighting body. The OCSR website states that it 'independently oversees the corrections system to ensure that it is fair and accountable by meeting the needs of offenders and staff and minimising risk to the safety and security of the community'. This is a very bold statement, particularly the claim to be independent and the claim that it carries out wide-ranging and effective oversight of Victoria's custodial services. It has to be taken at face value. As little or no information is available, how is the public to know?

This is no reflection on the people who work in the Office of Correctional Services Review, who I am sure take its role very seriously — and it is a very serious role. This motion is about the model rather than the office itself or its staff.

As I said, the OCSR is a business unit of the Department of Justice, the same department that manages the tender process and ongoing contract

management for PPPs across the prisons in our states, such as the prison to be built at Ararat, the Melbourne Remand Centre and the Marngoneet Correctional Centre. I wonder how an internal unit of the very department involved not only in managing many of the state's prisons but also in awarding tenders to and contract management of private operators can reliably and impartially oversee the functioning of these prisons.

The shortcomings of an internal oversight system in the context of PPPs and private prisons are highlighted in the Auditor-General's recent report headed *Management of Prison Accommodation Using Public Private Partnerships*. The Auditor-General noted that the Department of Justice is not performing well in the management of its long-term PPP prison contracts. In particular, due to a failure by the department to properly exercise its contractual rights in relation to ensuring the provision of acceptable service standards by private contractors, there is no assurance that the department is achieving value for money, which is a claimed benefit of PPPs. It is worrying that the Auditor-General noted a reluctance on the part of the department to reduce service payments where service standards have not been met. One could speculate that a contributing factor for this is an inherent conflict in the system.

The OCSR is not an independent organisation on any interpretation of that concept because it is structurally not independent. A body cannot independently oversee the corrections system where that body is structurally bound to the management of that correctional system. The OCSR does not report to Parliament. It is not free of the direction and control of the minister; it does not receive independent funding; it does not produce an annual report and it does not publish details of its work and its objectives and whether it is meeting those objectives, or its achievements.

The OCSR did not even rate a mention in the 2008–09 Department of Justice annual report except that, along with births, deaths and marriages, it had been subsumed into the Department of Justice office of community operations and strategy. The only mention of the OCSR in the 2006–07 annual report is the following:

> … on 13 August 2007, the Department of Justice established the Office of Correctional Services Review … through the amalgamation of the corrections inspectorate and the performance review and development unit within Corrections Victoria.
>
> The OCSR will continue to provide independent advice and strengthen the department's oversight of the corrections system performance.

The OCSR does not publish the outcomes and findings of its inspections or evaluations. Such information is actively kept from the public. This means that crucial information on the effectiveness of our prisons that would be routinely available in other jurisdictions seems to be kept from public view. Why? To access information an application must be made to the department. Too often these applications could result in contested hearings at the Victorian Civil and Administrative Tribunal because the department opposes them for reasons many, including the Western Australian inspector of custodial services — who I will mention in a moment — struggle to understand.

What we do know about the body charged with ensuring accountability, safety and compliance in Victoria's custodial services is that it is a small unit without transparent processes, objectives or outcomes, under the direction of the minister and embedded in a vast organisational structure.

Two highly publicised incidents this year have shed light on the problems and limitations within Victoria's custodial system. Members would recall the incident at Barwon Prison which resulted in the death of inmate Carl Williams. Another incident, which was reported in the *Age* in April, concerned the alleged release of mobile phones formerly belonging to prison officers to prisoners at the Melbourne Remand Centre. These two incidents were unlike the many others that probably occur in Victoria's prisons because they actually made the headlines and the community became aware in a small way of the existence of the problem.

As my motion proposes, Victoria needs an independent body to oversee our prisons and other custodial services. Western Australia has in place a highly effective organisation that acts as a genuine watchdog over the justice system in that state. It is called the Office of the Inspector of Custodial Services. I think that is a model that we in Victoria could look at. I encourage members to look at its website and compare it to that of the OCSR. To begin with, all information relating to prisons and prison management obtained by the inspector of custodial services is openly available for download on its website. The office is required by its act to inspect each prison, detention centre, court, custody centre and prescribed lock-up in Western Australia at least once every three years.

The inspector has autonomous authority to decide which facilities to inspect and in what order, similar to, for example, the discretion that our Auditor-General has. The act also provides that the responsible minister may additionally direct the inspector to conduct an inspection or review of a custodial service. This is the extent of the minister's influence over the office of the inspector. The office publishes and makes readily

available on its website its full reports on both announced and unannounced inspections. These reports include in-depth research and information on important historical factors, systemic issues, particular circumstances and other wider considerations.

For example, in the very comprehensive first *Report of an Announced Inspection of Bandyup Women's Prison* there is a discussion of the history of women's imprisonment in Western Australia, a history of Bandyup Women's Prison in particular, a demographic prisoner profile and a diagram of the physical layout of the prison. The report considers international perspectives on and analysis of women's imprisonment and closely looks at the purpose prisons are intended to serve. It discusses underlying issues at the prison and defines its purpose and culture. It discusses cross-cultural responsiveness and looks at where Bandyup Women's Prison sits in relation to other relevant prisons. It goes into even more comprehensive detail and in-depth analysis and makes a series of recommendations.

All of this is published on the inspector's website, tabled in Parliament and advertised in media releases. The oversight of Victoria's custodial services in the public interest is in need of reform. I have given the example of the independent inspector of custodial services in Western Australia as a model Victoria could follow.

I moved this motion and my earlier motion on the establishment of an independent body to investigate complaints against police and deaths and serious injury of civilians at the hands of police because Victoria needs to improve in these areas where people's health, human safety and human rights are at such risk. My motion on the independent body to investigate civilian deaths involving police, the director, police integrity, has publicly called for the same thing. Late last year the government established the Allen-Proust review into Victoria's integrity system, and that report has been handed down. It makes some good recommendations, although I have some concerns about the recommended structures and the level of independence from the executive in some instances. However, given that in the coming year there will be an overhaul of the Victorian integrity systems, I urge the government to include these two important bodies in that new system.

Mr TEE (Eastern Metropolitan) — I share with Ms Pennicuik recognition of the importance of this issue. People in our prisons are very much in the control of the state, and as such we ought to ensure that their human rights are protected and, as much as we can, that their safety is protected. Despite those endeavours, prisons are dangerous places to be, which places an extra onus on the state in terms of how it manages and oversees the prison system.

Ms Pennicuik raised the fact that our prisons are crowded. It is also fair to acknowledge that Victoria performs very well against national benchmarks. We also have a lower rate of imprisonment and indeed a lower crime rate than the rest of the country. We have also achieved a downward trend in prisoner recidivism rates. There is a good story there in terms of our efforts, but we need to have a monitoring regime in place, and we do.

Ms Pennicuik talked about the Office of Correctional Services Review (OCSR). It plays an important role, incorporating the corrections inspectorate and the Corrections Victoria performance review and development unit, bringing them together. It is overseen by a steering committee that includes the secretary of the department. Importantly it also has two independent, external members. Thus we do have a body that is responsible for overseeing the corrections system, making sure it is accountable and fair and that it minimises the risk to prisoners.

That body investigates serious incidents and conducts whole-of-prison reviews, looking at how they are working. It also coordinates the independent prison visitors' program. That is an important scheme which provides a degree of accountability, because having independent prison visitors is an important mechanism for ensuring that our prisons are operating well. Some 45 independent prison visitors have recently been appointed. They ensure that we receive independent advice about the state's prisons.

I will not spend too much time on the activities of the OCSR, but I note and acknowledge Ms Pennicuik's recognition of its role. It is independent to the extent that it has independent members on the board, but we do not rely exclusively on that body in our assertion that we have an effective external monitoring regime in place, because there are other independent bodies that investigate our prisons. We have an Ombudsman who has the power to conduct own-motion reviews. Where there are incidents of violence or criminal activity in our prisons Victoria Police investigates and reviews them. Where there are unexpected deaths in our prison system the coroner plays an important role in terms of investigating prisons. Of course there is also the role of the courts and the justice health unit within the department.

This is an important issue. It is important that we ensure there is external oversight of prisons, and from a

number of angles there are independent bodies in place including, as I said, the very broad-ranging powers that the Ombudsman has. In addition, as Ms Pennicuik indicated, we had the Proust review, which will continue to ensure that the independent monitoring regime we have across the state continues to evolve.

We support the sentiment in terms of the importance of external monitoring, but we think we have those vehicles in place. For that reason we will not be supporting the motion.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased to make a brief contribution to the debate on Ms Pennicuik's motion 122. As was outlined by Mr Tee, a significant range of independent bodies exist at the moment. My experience in the police force and as shadow Minister for Corrections leads me to the belief that the issue relating to prisons is not so significant as to require a move towards an independent body that reports directly to Parliament. Prisons are a part of society and a part of the justice system, and there is enough oversight of the prison system. Whilst the government may introduce a separate model as recommended by the Proust review, if the coalition is elected, it will establish an independent, broadbased anticorruption commission, which in itself would be a significant independent statutory body with all the powers attached to it in that regard.

I do not know if the purpose of the independent statutory body will be to investigate activities affecting human rights, which is my understanding of Ms Pennicuik's motion, or whether it will be to investigate criminal or corrupt activity. The motion refers to external scrutiny of Victoria's custodial services. What is the process? Does it relate to prison vans? Does it relate to the dealings with prisoners by the courts and the police stations? The motion itself does not lend itself to an understanding of the complexities of the prison system and how it interrelates. If it is about the standards and operational practices of custodial services, what exactly is Ms Pennicuik referring to? Is it in relation to minimum or maximum security prisons, and is it in relation to private or public prisons?

We know the issues that have arisen recently are subject to coronial investigation and oversight by Victoria Police. From my experience Victoria Police does not have a direct connection to the prison system. They operate as two distinct and separate units. There is a suggestion that there might be some link between the two in terms of process, but I do not believe there is. As I said, significant oversights are currently available. On that basis I do not think it is necessary for us to start loading up another authority. The motion does not explain how it will operate or what the process will be. I thought the motion might be a bit more detailed and explain what the authority's terms of reference would be. An argument has not been made by merely saying we need one because we need one. On that basis the opposition will not be supporting the motion.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr Tee and Mr Dalla-Riva for speaking to my motion. I thank Mr Tee for his shared concern for the safety and human rights of people who are in the state's prisons. He added a bit more detail on the Office of Correctional Services Review (OCSR) in terms of the steering committee, the two independent persons and the independent visitor scheme, which I was aware does prison reviews. But the problem is that it is not independent of the Department of Justice, and it is not transparent and open, in contrast to the Western Australian prison inspector, which I outlined. If you are a member of the public and you want to know what is going on in terms of a review of prisons, you are hard-pressed in Victoria to find out anything. In Western Australia all that information is available to anybody on the website. Every single review it does is on the website. That is one of the key differences.

Mr Tee also said that we do not rely just on the OCSR in Victoria but that we also have the Ombudsman, the police and the coroner. Western Australia has all of those bodies as well. It has an Ombudsman — —

Mr Tee — It has more prisoners, or it locks up more prisoners.

Ms PENNICUIK — Yes, perhaps that is so, but my point is that there is not enough openness. I hear that the government is not going to support the motion, so I presume it is not going to look at setting up an office of prison inspector as there is in Western Australia. Given that next year we will have a move towards different integrity systems, I raise these issues to be put into the mix. This is what happens in another jurisdiction, and it would be an improvement in Victoria. At the moment the process is completely secret; it is not open and transparent, and it is not healthy. People are under the control of the state and nobody knows what is going on except the people who are involved in those reviews, which are not made public. It is something that the government should consider in the mix of rejigging the integrity systems, which is going to happen.

I thank Mr Dalla-Riva for his comments. He must have gone off for a micro nap because I did outline what the prison inspector in Western Australia does.

Mr Dalla-Riva — You should have outlined it in the motion.

Ms PENNICUIK — It is too long to outline in the motion. It is okay to outline it in my contribution to the debate on the motion. All I am putting forward is a model, not the model. I am saying that we need an open and transparent model, and I have outlined what happens in Western Australia — how often it has to do reviews and where it does reviews. All the situations put forward by Mr Dalla-Riva as possible areas of investigation for the corrections inspectorate are areas that are investigated by the inspector in Western Australia. It could be about prison vans, it could be about maximum security, it could be about police cells; it involves anything to do with custodial services. I outlined that in the motion.

I did not make a link with the police. The only thing I did was move two motions in the chamber: one about the independent investigation of complaints against police and one about an independent investigation of deaths or serious injury in police custody. I made the comment that the director, police integrity, is calling for the same thing. These two types of bodies would be an improvement on the system of oversight of corrections and police in Victoria. In moving towards an overhaul of the integrity system this process could be an adjunct to that. I commend my motion to the house.

House divided on motion:

Ayes, 3

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

Noes, 35

Atkinson, Mr
Broad, Ms
Coote, Mrs
Dalla-Riva, Mr
Darveniza, Ms (*Teller*)
Davis, Mr D.
Davis, Mr P. (*Teller*)
Drum, Mr
Eideh, Mr
Elasmar, Mr
Finn, Mr
Hall, Mr
Huppert, Ms
Jennings, 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.

PLANNING: AMENDMENT VC71

For **Mr GUY** (Northern Metropolitan), Mr Atkinson (Eastern Metropolitan) — I move:

> That pursuant to section 38 of the Planning and Environment Act 1987, the following item no. 8 in amendment VC71 to the Victoria planning provisions be revoked:
>
> 8. In state planning policy framework — replace clause 16 with new clause 16 in the form of the attached document.

Notice of this motion was given by my colleague Mr Guy in October. The motion has sat on the notice paper since that date, in part because the government was, I think, being rather cute in terms of its approach with VC67, which was a very similar proposal. In fact in respect of the matters that we would be pursuing by way of this motion it was a virtually identical provision. I do not intend to speak for very long tonight in regard to this. I think members understand the circumstances surrounding the proposal by Mr Guy to have this particular provision deleted from the position put by the government in terms of the planning scheme.

Interestingly, earlier today I had a discussion with the Minister for Planning who said, 'Oh, well, this is just one of those things where we happen to disagree on the policy'. From our point of view this goes a lot further than simply a disagreement on a policy of the government, because our concerns on this particular matter relate not just to the policy but also to the limited consultation by this government in respect of what is a very significant change proposed for our suburbs in Melbourne. For us it also goes to the context of what is proper planning for the metropolitan area.

The opposition is not opposed to higher density development; it is not opposed to strategies that would enable Melbourne to better cope with the burgeoning population of this capital city and it is not opposed to increasing the population. The opposition is not diametrically opposed to development. Indeed we on this side of the house have been very strong supporters of development projects that we recognise contribute significantly to the economy of this state, provide housing choices, deliver affordable housing in some cases and certainly provide significant opportunities for Melbourne to realise some of the improved lifestyle advantages that we enjoy and that we wish to further in this city.

We are not opposed to some of the objectives the government had in arriving initially at its Melbourne 2030 policy — a policy that became discredited in the community and needed to be re-badged as Melbourne @ 5 Million. We are not opposed to some

of those objectives. The concern we have is with this government and particularly this minister's approach going into an election. We do not know who would be the minister if this government were to be returned or what sort of administration or interpretation they would bring, and I might tell you that I do not think even Mr Madden wants the gig a second time. We are not sure what sort of interpretation a future minister would bring to the statutes, the planning schemes and the various machinery that has been established by this government.

Some of that machinery is very interventionist machinery. Some of that machinery is designed to take away from councils and communities opportunities to comment and to participate fully in processes that might arrive at better developments than what the government might believe it is achieving in its first brush in terms of the discussions that it seems to have with developers as part of this minister's interventionist style.

What concerns us about the government's approach in planning amendment VC71 is not higher density development per se, but the fact that this particular provision is indiscriminate. This provision would suggest that higher density development could run along every major railway, every major bus route and every major tramline throughout the metropolitan area. It could conceivably involve development along those major transport corridors to a level of five, six, eight or nine storeys and at a significant depth, some 400 metres in, from those transport corridors — bus routes, tramlines or train lines. That is a very significant change to the character of Melbourne and its suburbs. It is a very significant change to the density of those suburbs in terms of how the services in those suburbs cope with meeting the needs of such an increase in population.

In a local government context I have always been mindful of the fact that when an extra development of flats is put in an area, unless some of that hidden infrastructure is considered, such as sewerage and drainage and even power and gas supply, there is the real prospect of causing significant deterioration of service levels to the community going forward. Too often these developments proceed with very little recognition of that infrastructure demand. We understand it when we go out into the urban growth boundary areas or to new areas; in fact we put a cost on it.

This government has put a cost on it, particularly in terms of its new tax in the urban growth boundary. It is understood that infrastructure costs money and that there needs to be that infrastructure if there is to be any sort of development, but particularly higher density development. When we come back into the metropolitan area it seems that there is a thinking, amongst some people at least, that it is all just a free kick, that it can all happen, that you can increase densities in these areas without having to worry about those services underground and somehow they will just cope.

The opposition's position on density is that it believes there are opportunities to have higher density housing, and that in some areas it is a good thing. This morning, during a personal conversation with the minister, I was talking about the suburb of Nunawading, which happens to be where my electorate office is. It is where the government has just completed the undergrounding of the railway station. It is an area that is ripe for urban renewal. You could easily go to five, six, seven storeys in that Nunawading area, and I dare say you almost would not get an objection because that area is well situated in terms of its proximity to other residential areas.

There is an opportunity to beef up that area in terms of density, where people would drive the revitalisation of that shopping centre, where they would be able to use that public transport infrastructure that is there now with the new railway station and with the SmartBus network the Minister for Public Transport has put through that area. It is an ideal place for high-density residential development.

We are not opposed to that in the appropriate places, but what we would like to see is some consistency in the planning approach. We would like to make sure that developments go to the right sorts of areas and that they are not simply opportunistic because a developer is able to buy up land in a particular area and then rely on this catch-all provision in VC71 to put up a very significant development that is out of context and character with the urban environment in which it is situated and perhaps is putting an added stress on services that in some cases already are overdue on maintenance but in other cases are starting to break down in some areas. We are concerned about that, and we believe this government ought to be concerned about that.

From that point of view we believe clause 16 ought to be taken out of these provisions. These came to us, as I said, as part of VC67, and the government played games with that amendment, particularly over urban growth boundary issues. Those other matters have been resolved; certainly the opposition is happy enough about central activities districts, although the irony of that — and I am not sure how long Mr Barber was in

local government — is that I was talking about those in the 1980s. The government has not suddenly invented this policy. Central activities district areas have not suddenly presented themselves. The ones we have today are almost identical — in fact they are identical — to the ones we were talking about in the mid-1980s: Frankston, Ringwood, Dandenong, Footscray, Box Hill and Broadmeadows.

This government seems to boast that it has brought enlightenment to planning, but it has not in the sense that those areas were already designated as areas that could sustain higher density activity of a commercial, retail and residential nature. In terms of government policy and services provision we ought to have ensured that they were transport hubs and that they had other services available to cope with that higher level of development. That is an appropriate policy, and it is one that the opposition does not shy away from.

When it comes to clause 16, which deals with development along major transport corridors, we are concerned about the fact that this is a catch-all provision from a government that has shown its colours as being very interventionist on planning matters in terms of picking winners with developers as well. That is of major concern to us. We believe it is important to support those transport corridors with further development, and it has always seemed to me that one of the reasons why some transport systems work so well overseas is because they tend to be serving much more heavily built-up areas. Therefore there are more people to drive those transport systems. People are going in more directions, there are more origin and destination points within those systems and therefore they are more economically viable.

We need to recognise the importance of that in our transport planning. As I said, we support higher density development to support those transport lines. Which comes first, the chicken or the egg? We will take both. We think they are both important elements. They are partner elements rather than a choice of one or the other. At the same time, what we do not say is that right along those corridors are areas that are ripe for development, areas that ought to be developed indiscriminately and areas that ought to be developed to a very high density irrespective of their character and irrespective of the services that are available at a municipal level and the government services that are available to support higher density development.

I intend to wind up on this point, because no doubt there will be other members who will want to make remarks in regard to this. But I want to emphasise that the opposition is very concerned about any situation which would end up with developments being indiscriminately decided based on this Victorian Civil and Administrative Tribunal provision. Precedents could be set in different areas without their being clear definitions and without the community being given the opportunity to participate in consultations on those developments and make suggestions where it sees issues that need to be resolved in a planning sense and to determine the constraints that ought to be applied to high-density development in some areas in the better interests of the broader community.

That is not to say that we cannot achieve higher density living, as I have indicated. The opposition's position is that it wants to see higher density living properly developed and planned in the interests of the people who live in those developments going forward. It wants the best and most efficient transport system possible to support those developments, systems which are driven by those developments and in the interests of the community more broadly, which has already invested significant funds of its own as well as a lot of time and involvement, only to see what it has tried to achieve to establish the character of the area derided by a indiscriminate and interventionist government policy. It is a catch-all policy and likely to be misused because of the interventionist policies of this government, certainly in the past two years, and particularly of this interventionist minister.

I urge members of this house to support the opposition's position on this, recognising that it does not attack some of the basic tenets of Melbourne @ 5 Million but seeks to ensure that the policy is a lot more responsive to community need.

Ms MIKAKOS (Northern Metropolitan) — The government will be opposing Mr Guy's motion because it is lazy, ineffectual and misguided. I will come back to the problems with the motion before the house shortly, but first I want to give a little bit of background as to what VC71 is seeking to achieve and what it means at a practical level.

Amendment VC71 has the effect of changing the structure of the state planning policy framework. It is a policy-neutral translation of existing adopted government policies with a new structure and themes, and updated references to various policy documents. The state planning policy framework is part of every planning scheme, and all planning decisions, whether they are for rezonings, new controls or planning permit applications, have to have regard to the state planning policy framework as well as relevant zones, overlays and local policies. Back in 2007 the Victorian government made a commitment to update and

modernise the state planning policy framework to make it easier to use and to better reflect current day planning issues. This commitment was the outcome of the acclaimed *Making Local Policy Stronger* report.

I note that Mr Atkinson made some brief remarks in relation to issues of consultation, but he did not elaborate further. I put on the record that the revised state planning policy framework has undergone a thorough and extensive consultation process. The consultation included the release last year of a draft of the revised document for public comment. Local councils were consulted extensively, and representatives from local government were involved in the working group.

Whilst it is a policy-neutral document, the revised state planning policy framework does include updated references to various documents, some of which Mr Atkinson referred to, such as Melbourne @ 5 Million and the Victorian transport plan. Adopted government policies such as these are required to be taken into account in all planning decisions anyway, regardless of whether they are in the state policy planning framework, and I refer members in particular to section 60 of the Planning and Environment Act. It is for this significant reason that this motion is misguided. The Melbourne @ 5 Million policies, including the multicentre city structure and employment corridor policies and the existing tram corridor policy, are not going to be changed by this motion.

The key thing to emphasise here is that there is a difference between planning policy and planning provisions in planning schemes. The changes to the state policy planning framework are not planning provisions and do not automatically approve certain developments or specify building height. Despite the assertions made this evening by Mr Guy and his media release of a few weeks ago, things like height limits, heritage overlays, third-party rights and all other planning controls which mandate what can be built where are not changed by this motion.

I want to draw attention to what the consequences might be of this motion passing, because what Mr Guy has sought to do is to replace new clause 16, the state policy planning framework, with the old clause 16, which would entrench old formatting language terminology, and references in the new framework would be inconsistent with other clauses in the new document. This revocation would produce confusion and a lack of clarity. Mr Atkinson referred in his contribution to the CAD (central activities district) and its role. If this revocation were to occur and we lost reference to CADs in clause 16, there would still be references to CADs elsewhere in the state policy planning framework, such as in clause 11.

If this motion is passed and we go back to the old clause 16, we would lose formal recognition and references to the Victorian integrated housing strategy. We would lose references to issues around energy efficiency and social housing. The Victorian integrated housing strategy is a really important document referenced in the state policy planning framework. It contains a number of strategies with actions to improve housing affordability and accessibility for all ages, to meet the immediate needs of people facing homelessness, to support social housing and to give renters more security and stronger rights, to make new homes safer and more sustainable and to support homebuyers. These are all laudable objectives, and I would be amazed if anybody in this house would be opposed to those objectives. It is a positive thing to have references to this document in the planning framework.

We would also lose references to strategic redevelopment sites, including the role they play in providing new opportunities for housing. Strategic sites such as the Pentridge site, the Kodak factory site, Kensington Banks and the former Maribyrnong defence site are all projects which will rejuvenate established areas in Melbourne and also provide employment opportunities. We would lose references to state policy for housing diversity that will give people more choices for other types of housing in order to remain in their communities. We would weaken references to permanent applications for rural residential redevelopment. New provisions that give communities a greater voice in relation to brothels would also be lost.

Importantly, the deletion of all those things from the state policy planning framework is misleading to the community, to permanent applicants and to decision-makers, because as adopted government policy, under section 60(1A)(g) of the Planning and Environment Act, they must be considered by a decision-maker when considering permanent applications anyway. Deleting them from the state policy planning framework would therefore be ineffectual and misleading.

As I said at the outset, the government will be opposing this motion. It does not achieve the objectives the opposition is claiming it achieves. It is misguided and will cause a lot of problems for planners in the future, in terms of entrenching inconsistent and out-of-date policies in the state planning policy framework. We urge all members of the house to oppose this motion.

Mr BARBER (Northern Metropolitan) — It is amazing. It has taken four years and I never thought it would happen, but Ms Mikakos and I agree on something in relation to planning. Ms Mikakos described this proposal by the government as policy neutral, which is a very post-modern Labor way of saying, 'The document actually does nothing' — and I agree. This document, which appears to update and make changes to the highest level decisions and aims of our planning scheme, does nothing. We all know with the sorts of environmental, social and economic pressures on our city that doing nothing right now is not really an option. In a way, doing nothing is making a decision. It allows the invisible hand of the market to have its way, and when you intervene it is usually at the ministerial level, site by site, favour by favour.

Let us have a look at this policy-neutral document in front of us. If we take Ms Mikakos at her word, it is policy neutral in relation to the supply of urban land, but in fact having just voted on an expansion to the urban growth boundary (UGB), which the Greens opposed, this material anticipates the next extension of the urban growth boundary. It is policy neutral in the sense that we will continue to have the oxymoron known as a growth boundary, which really means sprawl for ever. It is policy neutral in relation to planning for growth areas. When we debated the UGB and the growth areas infrastructure charge the Greens knew the major issue then was the failure of planning for growth areas, not just in the sense of structure planning but in all the matters that go along with a livable community on a greenfield site.

It is policy neutral — that is to say it does nothing in relation to structure planning, a phrase that first popped up when Melbourne 2030 landed on our city like a group of lost aliens and said, 'Take us to your leader', or more importantly, 'We are in charge now'. Structure planning was meant to indicate that councils would take control of how development was to occur in activity centres.

The amendment is policy neutral in relation to open space, which is to say that the government will continue to chip away at it where it is most needed, where it is already underprovided. Nothing in this will protect open space, particularly when even what we think of as open space turns out not to be zoned for public purposes. Nothing in this suggests that land used as open space and essential to the community must have an appropriate zoning, let alone the kind of zoning that can just be wiped away in an instant by the minister with the stroke of a pen. That is exactly what happened in relation to the Abbotsford convent until we fought the government back.

The document is policy neutral in relation to activity centre hierarchy because we just do not have one. Sure, we have different forms of activity centres listed in a document, but it does not tell us what will then be the fate of each of those activity centres.

The amendment is policy neutral in relation to employment corridors. At hearings with the Growth Areas Authority I asked the minister what the idea of the employment corridors was, and he could not really explain it to me. Mr Guy is not here and I do not want to verbal him, but I had the same conversation with him. What does it mean? It says:

> Develop the following employment corridors:
>
> > Avalon Airport to Werribee, Melton, Melbourne Airport and Donnybrook (Hume-Mitchell).

Who will work there and what will they do? Who said that that will be a great place for a set of industries? Under this same section transport networks are being provided that will allow circumferential in addition to radial movements. That means that you can be a metalworker living in Werribee and working in Warrandyte and every day on the Western Ring Road you can pass another metalworker who does the opposite and you can wave to each other on the freeway. The amendment is policy neutral in the sense that the government will just keep on building roads and people will just keep on driving on them. The government will not ask us about how we want the city to develop. We will just follow the cars that have an asphalt truck in front of them.

The document is reasonably policy neutral in relation to central Melbourne because there does not seem to be a vision for central Melbourne. Between the two census periods, central Melbourne added 25 000 jobs. Some of the CADs (central activities districts) have only about 25 000 jobs each. If in one census period central Melbourne added the equivalent number of jobs of a CAD, why did that happen? Is that what was intended? What will the government do about it? Why did the government not buy enough trains to get those people to work? If the government could not make provision for even those sorts of things, what chance does it have with other CADs in other locations across the landscape?

We absolutely know that the amendment is policy neutral in relation to green wedges because the government has done nothing for green wedges, either to protect them and their values, since it has been in power. The green wedges have been there forever. As Mr Atkinson said, the city has always been there and the green wedges have always been there. The

government has recognised them in policy occasionally. As with the CADs, the test is what the government did and what this document does to protect and enhance the values of the green wedges. The fact is that they are chipped away every year. Land values, in farming, the landscape and biodiversity, are in decline in the green wedges.

The document is certainly policy neutral in relation to wildfire. That in itself is a minor scandal given that members of this place have spent an awfully long time talking about wildfire and the Victorian Bushfires Royal Commission and its recommendations. I go back to what the recommendations in relation to planning are so that we can remind ourselves that they are not being implemented, at least not through this exercise. The bushfires royal commission wanted a number of tasks done. In terms of actual strategic planning, these were the specific recommendations:

> The state amend the Victoria planning provisions relating to bushfire to ensure that the provisions give priority to the protection of human life, adopt a clear objective of substantially restricting development in the areas of highest bushfire risk — giving due consideration to biodiversity conservation — and provide clear guidance for decision-makers. The amendments should take account of the conclusions reached by the commission and do the following:
>
>> outline the state's objectives for managing bushfire risk through land use planning in an amended state planning policy for bushfire, as set out in clause 15.07 of the Victoria planning provisions —

It is not there in this effort —

>> allow municipal councils to include a minimum lot size for use of land for a dwelling, both with and without a permit, in a schedule to each of the rural living zone, green wedge zone, green wedge A zone, rural conservation zone, farming zone and rural activity zone;
>>
>> amend clause 44.06 of the Victoria planning provisions to provide a comprehensive bushfire-prone overlay provision.

The commission then goes on to talk about a number of other changes in rules for various decision-makers and referral authorities, including the Country Fire Authority. It suggests some considerable changes to those, changes that cannot be seen in the document that is being considered here.

It is possible that the government is working on this and it will bring forward another document, but there is no alacrity. There must have been some kind of momentum behind this particular document, which is a complete review, if you like, of the overarching state planning policy framework, but it seems to have overtaken the efforts that we are making in relation to bushfire, which I would have thought were urgent. I spoke about that at length in various responses to the bushfires royal commission report, and I have spoken about it in relation to particular planning decisions that have been made since February 2009. I do not really need to speak to it much more but simply point out that the government has failed at that particular hurdle.

In relation to the continuing chipping away of productive agricultural land, which is a problem at the urban fringe but also in those leapfrog growth areas such as the Macedon Ranges, again there is nothing in the amendment from the point of view of protecting productive agricultural land, which we can expect to shrink over time under the climate change scenario.

Members of the coalition are looking very worried. On a matter of procedure I just want to tell people not to despair because there are two possibilities when we come back here in February. One is that the coalition parties are in government and Mr Guy is the planning minister, in which case they can rewrite this amendment however they want. The second possibility is that we are back here and where we started, at which point this amendment is still a disallowable instrument. The capacity to disallow this or any part of it, including the small part that Mr Guy is going after today, will still be there when we get back here in February, and no doubt in our first sitting week in March, because the clock will not have run out on it. There is plenty of time; there is no shortage of time. I know that some members are looking at the clock. There is no shortage of time, firstly, for the coalition to put out an alternative vision to what is here and, secondly, for Mr Guy to become planning minister, if the planets line up.

The worst-case scenario is that if the opposition is fair dinkum about what it is saying tonight, it can come back and make the same motion in February, and it will not have run out of time. It is policy neutral in relation to Aboriginal cultural heritage, but of most concern, I would have thought, to people thinking years down the track is the impact on our rural landscape, which has been under pressure ever since this new form of planning scheme has been in place.

Having addressed Ms Mikakos's issues I now want to pick up on what Mr Atkinson, the mover of the motion, said. He said he is worried that this provision is indiscriminate. Everything in the planning scheme is indiscriminate. 'Nothing' means 'nothing' under this planning scheme, and that is the way the Liberals, when last in government, designed it. That is the way that Labor, for 11 years, has kept it. It loves it. What we are really debating here is a by-law. There is the Planning and Environment Act, and then there is a by-law to the act, which this thing is. However, what we are told is

that it is a wonderful form of law because it is performance-based; it is objective-based.

The very things that Mr Atkinson is objecting to today, on behalf of Mr Guy, are in fact objectives; that is all they are. They are objectives to be achieved. We would never vote for an objective-based traffic law. Would we come in here and say, 'We're passing this new law and there will be some by-laws worked out later by the minister, but effectively what they will say is that the objective of the traffic law is 'Don't kill people', and here is a table of preferred maximum speeds'. It would be like these preferred maximum heights that the Liberal-Labor coalition is so keen on when it comes to every other aspect, including the Windsor Hotel, which we could have had a crack at if we had had our chance.

Preferred maximum speeds are designed to achieve more objectives. As a driver you can consider the different factors at play. There will be a list. There will be decision guidelines underneath that you have to check off. If someone says you are doing the wrong thing, you go to the Victorian Civil and Administrative Tribunal, spin the wheel of fortune and argue about whether or not you were speeding. At VCAT you can bring in various road consultants, perhaps physicists, mechanical engineers and so forth to prove that on balance — not as a matter of law, but on balance, when all the different parts of the decision-making guidelines are considered — that you were generally compliant with the preferred maximum speed on the Geelong Road.

That is an extremely contrasting example, I have to say, but this is an extremely important issue. We are trying to do some really important things here — maybe not as immediately important as road safety, but important for the entire fate of all the people who live in Melbourne. It is sometimes their physical wellbeing, sometimes their access to buildings, if the question is accessibility, and sometimes their ability to afford a house, if the question is affordability, which we can come back to when we debate this motion a bit further. It is very much their direct and daily welfare, but it is also our shared welfare. It is our social, economic and environmental future. It includes things such as biodiversity, which we want to pass on to generations to come and which in a way are not really ours to mess with.

We might think we are the Parliament, that we are elected and that people gave us the job to make a lot of decisions, but there are certain decisions that I think should be virtually out of bounds because they are for future generations. We might pride ourselves on being in a liberal democracy, but it was a reasonably democratic liberal democracy that sat down and made the very considered decision to kill all the Tasmanian tigers. Unfortunately today's Tasmanian Parliament does not get to vote them back into existence. When it comes to matters of biodiversity, environment and the future legacy we leave to our children and grandchildren for many generations to come we have to be extraordinarily careful in the way we exercise that power.

Mr Atkinson said he was worried about consultation in relation to the way planning schemes were amended, if I understood him correctly. The mechanisms for consultation and having your say under amendments to the planning scheme I would say are fundamentally the same as they always were under the Kennett government that created this architecture. The bigger question, though — and there is no doubt that Mr Atkinson thinks very deeply about these things — is the proper planning of the city. He said it is the major issue. He said the opposition is not opposed to high density; he said it is not opposed to a number of other things as well. Unfortunately over the four years I have been here I have discovered to my cost that the opposition is not opposed to development assessment committees. It was opposed to them for a while. Then it got scared and decided they were all right.

The opposition is not opposed to urban sprawl. It is not opposed to the growth areas infrastructure charge. It is not opposed to raking in the same sorts of donations from developers that the government of the day does, but the opposition thinks the donations are a bit cleaner in its hands simply because it is not the government writing these planning schemes at the moment. However, the opposition is writing them because ever since the Greens have been here we have been bringing these matters up for debate, and the opposition was never opposed to Mr Madden's intervention on the Yarra River down there at Richmond or down there on the bay — —

Mr P. Davis — Yes, we were, actually; some of us were opposed to that.

Mr BARBER — No, you may have been opposed, but you did not vote that way, Mr Davis. And you were not opposed to Mr Madden's intervention down there in Williamstown, despite the fact that the entire community, Joan Kirner, Steve Bracks and the local council were all opposed to that intervention. The Greens were opposed to it too. The coalition and the Labor Party were not.

There is a certain point when you need to be opposed to a few things. It is a good start to say what you are

against, what you are not for. If you can go on from that, you can start talking about what you are in favour of. I am in favour of all the things the government lists in its table here. That is what planning is for — it is to allow for changing things we want to change and protecting things we want to protect. Unfortunately Ms Mikakos's policy-neutral document does not give those sorts of things the protection they need, and therefore I am against it. I am against the lack of protection in Ms Mikakos's planning scheme, inherited from those guys.

Mr Atkinson quite rightly pointed out that in established areas we need infrastructure. He was talking about drains and sewers, but there is a lot more to that when you are running an inner city or even middle suburban municipality. It is very important. That is why the Greens support enhanced developer contribution plans, not just out in the greenfield areas where you have the growth areas infrastructure contribution now but also in established areas where the question of infrastructure provision is a lot harder. The densification builds up very quickly. You cannot simply create new open space. You cannot always shoehorn in community infrastructure such as child-care centres; it is very expensive to do so. What you are really doing is site-by-site development. You are supposed to be giving the money to councils so they can provide something for all of the residents, both established and new, but the trigger is new.

If you have ever tried to deal with one of these developer contribution plans, you know it is an absolute nightmare. The way it is structured under the planning scheme and under the Planning and Environment Act makes it not worth doing. It is hopeless. Some councils have looked at doing them. I know the City of Darebin did one and it has barely collected any money from it so far. It probably has not even paid back the cost of going through the exercise, which the government forced it to do.

Business interrupted pursuant to standing orders.

SENTENCING AMENDMENT BILL

Introduction and first reading

Received from Assembly.

For **Hon. J. M. MADDEN** (Minister for Planning) Hon. M. P. Pakula (Minister for Public Transport) — I move:

That the bill be now read a first time.

House divided on motion:

Ayes, 35

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

Noes, 3

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

Motion agreed to.

Read first time.

Hon. M. P. PAKULA (Minister for Public Transport) — I move:

That the second reading be made an order of the day for the next day of meeting.

House divided on motion:

Ayes, 35

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

Noes, 3

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

Motion agreed to.

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL

Council's amendment and Assembly's amendments

Returned from Assembly with message agreeing to Council's amendment with an amendment and seeking agreement with further Assembly amendment.

Ordered to be considered next day.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Roads: Officer

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Roads and Ports. The Shire of Cardinia has been developing the Officer structure plan for several years. Once completed it will facilitate the transformation and growth of Officer from a quiet country town to a bustling outer suburban hub. An important part of this plan is the north–south road alignment to facilitate traffic movements on the Princes Highway, in the Officer town centre and on the Pakenham bypass. Not surprisingly this has required the involvement of VicRoads.

The most recent iteration of the structural plan, version U, for the first time has Tivendale Road dogleg just north of the Princes Highway. This new design, if implemented, will wipe out the third-generation business of Van Steensel Timbers, which currently employs 15 locals and has plans to grow as Officer grows. This wanton destruction of a longstanding business as well as some other businesses in that same vicinity makes no sense. At a public meeting last week — attended by both me and Brad Battin, the Liberal candidate for Gembrook, together with 150 local residents — the Officer community resolved unanimously to call on the council and the state government to review the most recent structural plan so it does not destroy these local businesses.

I call on the minister to respect the wishes of the local community and to develop an alternative road alignment that will not destroy jobs and longstanding, respected local businesses.

Significant Sporting Events program: applications

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs, James Merlino. It is in relation to the Significant Sporting Events program. As detailed on the Department of Planning and Community Development's website, the Significant Sporting Events program will assist sporting, community and event organisations to deliver significant sporting events in Victoria. The program will provide funding to support events that are regionally significant or national or international in focus and are recognised by the relevant sporting authority.

Members may be aware of such events in their own electorates. In the Western Victoria Region an event called the South West Games has been running for 27 years and has grown to become an integral part of the south-west region's sporting culture. The South West Games is a regional multisport event that has in recent years involved over 6000 participants aged between 6 years and 100 years. It is recognised that the event generates in excess of $600 000 in direct economic benefit to the south-west region and provides a club development program for participating clubs.

The continuation of and support for these events is vital for community development and grassroots sport and vital for providing opportunities to interact and stay healthy for people of all ages and abilities. I congratulate the minister on making this grants program available. Applications for the Significant Sporting Events program are closed and are now in the process of being considered.

The South West Games are held in early November each year, and thus planning is well and truly under way for the event. I am also aware that other applications are in for other events that will be held shortly. Therefore I ask the minister if applications can be sorted to identify imminent events and if the consideration of these applications can be fast-tracked. This will help organisations running the events that will be held in the near future to be aware of the result of their applications as soon as possible so they can plan around the outcome.

Northern Victoria Irrigation Renewal Project: irrigators

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the Minister for Water, and it is regarding the Northern Victoria Irrigation Renewal

Project (NVIRP) and the future provision of irrigation water to farmers who are not positioned on the system's backbone. My request is for the minister to immediately clarify how irrigators in the Goulburn-Murray irrigation district who are not connected to the main backbone of the system will continue to receive their irrigation water in the future.

I recently met with dairy farmer Alison Couston, whose dairy farm is near Stanhope in the Goulburn Valley. The Coustons milk about 110 cows and have a productive and viable dairy business. Unfortunately the Coustons are on a spur channel which is approximately 14 kilometres from the backbone of the irrigation system. This is very unfortunate, given that the Brumby government's irrigation modernisation project focuses on those farmers on the backbone and seeks to disengage and disconnect those farmers who just happen to be positioned on a spur.

Whilst I wholeheartedly support improvements to make our irrigation system more efficient, it is very disappointing that the government is assuming the role of fortune-maker and basically closing down viable irrigated agriculture businesses like the Coustons's dairy farm. Modernisation should not mean closing down vast areas of irrigated agriculture and leaving farmers on dry, non-productive land.

The Coustons have been given three options to move forward. One of those options is to leave irrigation and be partially compensated to do so. Another option is to exit irrigation but gain a stock and domestic pipeline — a pipeline that will not have the capacity to deliver enough water to sustain stock, let alone grow any pasture or feed. The third option the Coustons have been given has only been offered to them verbally by NVIRP — that is, to stay on the system until the Water Act is invoked and their water supply is eventually cut off.

The Coustons do not believe any of these options are realistic, because they are productive dairy farmers and their livelihood relies on access to adequate irrigation water. They have a high-reliability water share of 183.5 megalitres, so they are entitled to this water based on irrigation allocations.

I believe the minister has indicated in previous correspondence on this matter that NVIRP stands by the statement that 'no-one who wants irrigation water would be denied it'.

As things stand now it appears the Coustons are being denied future access to irrigation water. They have been given just weeks to decide their fate — a decision that might already be made for them by a dryland neighbour who owns the majority of their spur's delivery shares.

This situation is not acceptable, and people with profitable dairy farms in the Goulburn system, such as the Coustons, should not be forced out of business. The government should be supporting our primary producers and finding solutions to problems such as these, not ignoring them like this lazy Labor government does.

My request is for the minister to immediately clarify how irrigators like the Coustons, who are not connected to the main backbone of the Goulburn-Murray irrigation system, will continue to receive their irrigation water in the future.

Rail: shire of Melton

Mr KOCH (Western Victoria) — My issue is for the Minister for Public Transport, Martin Pakula. It relates to the lack of car parking facilities and the provision of general infrastructure to support rail services in one of the busiest and fastest growing areas in the state.

The Shire of Melton anticipates that the increasing population growth experienced in recent years will continue into the future. The new suburb of Toolern, being established south of Melton, will accommodate more than 24 000 dwellings and 60 000 people within a decade. Many Melton residents rely on train services to commute to and from work and to access nearby suburbs. It is disappointing that over the last 11 years government investment in infrastructure around Melton has continually lagged behind the needs of the current community, let alone being able to accommodate future population growth.

During the past six months my office has received correspondence and phone calls from residents and correspondence from the Shire of Melton outlining concern about the inadequate parking and lighting provided to commuters who use the Melton railway station daily. I have been advised that the car park is only partially sealed and is poorly drained, and as a result it is subject to flooding, with patrons forced to walk through water to access the station. Further, I have been told that the lighting at the station is so poor that it threatens the safety of station users late at night.

The parking provisions at the station are inadequate, which results in the overflow of vehicles being parked on nearby vacant land and in surrounding residential streets. Without the proper parking infrastructure in place, people wishing to use this service will be

discouraged or left with little choice other than to park illegally. Under Labor infrastructure across the state, particularly in interface councils, has seen little investment. The Shire of Melton has written to V/Line, which has acknowledged that providing parking at this busy station is an issue for the area but it is dependent on funding from the Department of Transport. To date, after many requests, no funding has been forthcoming.

The growth of the area and the future establishment of Toolern will require that a new station be built to accommodate commuter demand. Given the poor state of the existing railway station, a new station at Toolern should be planned for immediately.

My request for the minister is that he make resources available to ensure that a workable strategy is in place to support rail infrastructure and services for growing communities such as Melton, allowing easy, proper and safe access to trains and thus meeting this ever-increasing demand of known needs and community expectations.

Clearways: extension

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Ports, Tim Pallas, and is to do with clearways. The idea of clearways was mooted several years ago — —

Hon. M. P. Pakula — Get out of here!

Mrs COOTE — I am having one last go at this. Just to remind members, clearways were imposed within a 10-kilometre radius of the central business district, and in most instances the times for existing clearways were extended by up to 2 hours. There was a huge public outcry from traders, councillors and residents generally. There were demonstrations in the streets, public meetings and demonstrations on the steps of Parliament House. I presented a petition containing approximately 40 000 signatures to the Parliament.

The clearways were implemented in some municipalities — for example, in Boroondara. Six months after the establishment of the clearways in Boroondara the feedback shows that about 60 per cent of businesses have been severely impacted upon, while there have been only very small time savings for cars getting through the municipality.

In the Yarra city council area, which covers the Assembly seat of Richmond held by the Minister for Local Government, it appears that a very strong case is being mounted against the minister and that he could lose his seat at the next election over this issue. I commend Herschel Landes and the Richmond traders for their professional and diligent campaign. The people are talking, and they will be voting in November.

In the Stonnington city council area the mayor, Cr Tim Smith, is to be applauded for his stance on the clearways issue, and the council is to be commended for mounting a vigorous campaign against the implementation of the clearways. It covered the clearways signs and supported its residents and traders. The council listened to the people. It has taken VicRoads to the Supreme Court over the way the clearways process was implemented, and we await the outcome of the case.

The Toorak traders are close to my heart. Toney Filedes and his team are to be congratulated on raising awareness of the impact of the clearways on the Toorak Road shopping precinct. The member for Prahran in the other place, Tony Lupton, has been totally missing in action. He has ignored his constituents. He would not come out and address a rally held outside his office, and he has been very arrogant in his approach to this issue. In contrast, Clem Newton-Brown, the Liberal candidate for Prahran, has been visible, open, involved and proactive, supporting the residents and traders in the anti-clearways campaign. He has been instrumental in getting the Liberal Party to agree to scrap the clearways policy when it wins government.

Eugene Notermans has been simply inspirational in his approach to the issue of clearways among the High Street traders. He has run a fantastic campaign. He has been out ringing bells in the afternoons to warn people before their cars are towed away. The member for Malvern in the other place, Michael O'Brien, has been exceedingly proactive in getting the Liberal Party to scrap clearways.

I ask the minister, as a matter of extreme urgency, to copy the Liberal Party policy and agree to scrap his unacceptable and discriminatory clearways policy and allow businesses to do what they do best — that is, to serve residents.

Melbourne-Lancefield Road: safety

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Roads and Ports, Tim Pallas. Once again I would like to remind the minister of the appalling state of the Melbourne-Lancefield Road, as it appears that continued requests from the Macedon Ranges Shire Council and the Macedon Ranges safety committee

and delegations from police and emergency services and the community are being ignored.

Last Sunday morning motorists driving a convoy of vehicles met at Lancefield park to protest about the dangerous condition of the road. The rally was organised by Cr Joe Morabito and attended and supported by his colleagues Crs Donovan, McLaughlin and Letchford, all from Macedon Ranges Shire Council. Hundreds of angry residents were there to highlight the government's reluctance to acknowledge this problem. Unfortunately the member for Macedon in the Assembly was unable to attend.

The Liberal candidate for Macedon, Tristan Weston, and I were overwhelmed by the stories of tragedy and near misses experienced by locals. The councillors articulated the safety concerns caused by a proliferation of potholes and called for the construction of overtaking lanes and the widening of road shoulders. It was highlighted that over the years there have been 22 deaths on this road, which is 0.8 of a person dead for every kilometre of road. I doubt that there are any worse statistics in relation to any of our other roads.

I highlight an excerpt from a notice of incident prepared by a woman called Kiera Staley, who suffered damage as a result of the potholes on this road. It reads:

> I was driving northbound along the Melbourne-Lancefield Road on 4 July at 12.15 a.m. My cruise control was set at 100 kilometres per hour and both hands were on the wheel. I hit the large pothole at the Gisborne-Kilmore Road intersection with both left wheels. Instantly I lost control of the car as it pulled to the left. The two very loud bangs left me shaking. I managed to stop the car about 30 metres down the road … half in the grass and half on the roadside. Two cars stopped to offer assistance, but I only had one spare wheel. My brother came to the rescue with his spare and changed both wheels.

The damage sustained included a front left wheel cracked three-quarters of the way around, a back left wheel cracked and left fog lamp clips broken because they fell out.

The action I seek of Minister Pallas is that he remove himself from the government's cone of silence, ditch his driver and head north to Lancefield so he can experience the challenges that those who drive on the Melbourne-Lancefield Road experience every day — and then tell the community that he needs to collect more statistics!

Environment: waterways management

Mrs PEULICH (South Eastern Metropolitan) — I would like to raise a matter for the attention of the Minister for Environment and Climate Change in relation to the ongoing uncertainty regarding the obligations for the maintenance of inland waterways in my electorate, in particular Mordialloc Creek, Kananook Creek, Patterson River and Quiet Lakes in Patterson Lakes, which I have mentioned on previous occasions.

I came across an issue of the *Government Gazette* dated 24 February 1988 that outlines, chapter and verse, the then state environment protection policy, which makes it quite clear that under the policy state agencies were obliged to protect the various beneficial uses of those waterways. It says:

> The overall goal of this policy is to attain and maintain acceptable levels of water quality which are sufficient to protect the beneficial uses of the surface waters of the policy area valued by the people of Victoria.

It continues:

> This policy shall be observed with respect to all surface waters within the Dandenong Valley —

as shown in a map —

> … including the surface waters of the catchments of Mordialloc Creek, Kananook Creek and Dandenong Creek-Patterson River. Hereafter these catchments shall be known as the policy area.

It goes on to say there is an obligation to remove sediment and protect water quality. Provision 21 says:

> This policy is binding on all government departments, agencies and instrumentalities and all such bodies shall observe and implement this policy in so far as it relates to their powers, duties and responsibilities.

There has been enormous neglect and degradation of those inland waterways. The dilemma is that following the legislation passed in 2003 many of the obligations outlined in this policy may somehow have vanished. I ask the minister to ask his department where those obligations have been preserved and where they are at the moment. If they have fallen through the cracks, then clearly we need some sort of legislative reform that picks up the obligations that are beyond the capacity of local councils to meet.

These waterways are very important natural assets and have been appreciated for decades by the local communities. They are inadequately protected and are degraded. As a result of there being too many agencies involved, responsibilities have been fragmented and there is every convenient opportunity not to fund these important works. There is significant community outrage.

I ask the minister to use the resources in his department to get to the bottom of this matter, because the longer this uncertainty exists, the more degraded those natural resources and inland waterways will be. If those provisions have fallen through the cracks following the 2003 legislation, then this government needs to take action.

Melbourne Recital Centre: Fabric Restaurant and Bar

Mr HALL (Eastern Victoria) — Tonight I raise a matter for the attention of the Minister for the Arts and it concerns the business arrangement between a company, Fabric Restaurant and Bar Pty Ltd, and the Melbourne Recital Centre. The action I seek is for the minister to agree to meet with directors of Fabric to discuss this arrangement and particularly the unsatisfactory outcome which has led to a severe financial loss for the company.

Essentially this is about the fact that Fabric entered into the arrangement in good faith with the Melbourne Recital Centre to supply food and beverage services at the centre. A food and service agreement was developed, a Crown land lease for the restaurant was drawn up and a tripartite agreement between the company, the Melbourne Recital Centre and the National Australia Bank was also developed. I have seen written evidence to the effect that all those parties agreed to such documents, but they were never signed due to delays first of all, in the government appointing the management committee, which was to be the legal body through which such documents could be signed, and also initially some confusion as to which government department was responsible for the Crown land lease of this facility.

The relationship between Fabric and the Melbourne Recital Centre appeared to deteriorate over a period of time, and when the projected number of events and attendances appeared to be unrealistically high, the Melbourne Recital Centre seemed to be looking for excuses to find its way out of the agreement. Again I have seen some documentary evidence to suggest that conveniently but illogically the Melbourne Recital Centre argued that there was a breach of agreement in one area and then a lack of an agreement in another area and that it put these illogical reasons to terminate the relationship between Fabric and itself. As I said at the outset, the deterioration of the relationship and the fact that there was an arrangement in principle but no legal document was ever signed have led to some severe financial losses by Fabric.

The action I seek from the minister is that arrangements be made for him to meet the directors of Fabric to achieve a more satisfactory outcome for both the company and the recital centre.

Planning: radio broadcast tower

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the attention of the Minister for Planning, Mr Madden, and it relates to Mr John Howard of western Victoria. I have raised this matter in this house on several occasions. Mr Howard's situation, as I have related to the minister, is that several years ago he went on holiday and came back home to find that a communications tower was being built opposite his home. Retrospectively the Moyne Shire Council decided to issue a planning permit to change the original basis of the permit for the construction of the transmission tower and give permission for the constructor to build that transmission tower opposite his home. Mr Howard has been extremely distressed by the construction of this transmission tower, and it would be reasonable to say that he is in very bad way because of it.

The action I seek from the minister is to encourage the Moyne Shire Council to compensate Mr Howard for the construction of this transmission tower to redress the retrospective permit that was given for the construction of this tower which has caused him so much injury. I ask the minister to redress this situation and help Mr Howard. In the past Moyne Shire Council proposed some compensation for the construction of this tower, but Mr Howard refused.

I ask the minister to work with Moyne Shire Council to put Mr Howard back in the situation he was in and to compensate him for the construction of this tower right opposite his home — to make the situation right for Mr Howard, who is in a bad way because of this tower. He has been treated outrageously, and I ask the minister to make it right for Mr Howard.

The PRESIDENT — Order! I am of the view that this matter has been raised as an adjournment matter in the last six months. That being the case, it will be ruled out. To ensure that I am correct in my view, I will, before the minister deals with responses, ascertain whether or not the matter was exactly the same and was raised within the last six months.

Mr KAVANAGH — If I may say, President, it has not been raised as an adjournment matter in the last six months. It has been raised as a question — —

The PRESIDENT — Order! Thank you, Mr Kavanagh. I said and I reiterate that I will ascertain whether it has or has not been.

Buses: route 536

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport. It is relation to the route 536 Gowrie–Glenroy bus. As the minister is aware, since May I have held 11 community meetings throughout the western suburbs to discuss transport problems and solutions. The latter two meetings looked at issues in the inner north-west and were held in Moonee Ponds and Glenroy. Key problems identified by the community at those meetings include a lack of staffed stations, a lack of public transport infrastructure, inaccessibility and infrequency.

One particular issue identified by the community is the immediate need for the route 536 Gowrie–Glenroy bus to increase its impoverished frequency. At present one stop on this route receives a service only once per hour, which is stretched to every 1 hour and 20 minutes on Saturdays. The remainder of the route runs at 30-minute intervals on weekdays and 40 minutes on Saturdays. The route finishes its last weekly service at 5.50 p.m. on Saturdays and does not begin again until 6.00 a.m. on Sundays. Those wishing to attend religious, sporting or entertainment facilities or just to go about their shopping on a Sunday have no transport, not to mention senior — 60-plus — residents being disadvantaged by an inability to access free travel on Sundays on this route. I am also advised that wheelchair-accessible buses are not available on all services except by prior arrangement.

In addition to leaving commuters stranded for more than half the weekend, services are non-existent on public holidays and after 7.20 p.m. on weekdays. I will table petitions from concerned residents in the Parliament tomorrow and have been advised that previous petitions were submitted to Mr Brumby's electorate office in 2008 and 2009, such is the level of need and distress among residents in this area, who are often elderly, have low incomes and are socially isolated.

The action I request of the minister is that he prioritise increasing the frequency of the route 536 Gowrie–Glenroy bus and announce a timetable for implementation of this.

Responses

Hon. M. P. PAKULA (Minister for Public Transport) — The first matter was raised by Mr O'Donohue for the Minister for Roads and Ports. He asked that the minister review the structure plan for the road alignment in Officer in order to avoid disadvantaging certain businesses. I will convey that to the Minister for Roads and Ports.

Ms Tierney raised a matter for the Minister for Sport, Recreation and Youth Affairs in regard to the Significant Sporting Events program. She is seeking that consideration of applications for that program be fast-tracked. I will convey that to the Minister for Sport, Recreation and Youth Affairs.

Ms Lovell raised a matter for the Minister for Water in regard to the Northern Victoria Irrigation Renewal Project and seeking that he clarify how irrigators not connected to the main backbone will get water in the future. I will convey that to the Minister for Water.

Mr Koch raised a matter for me in regard to car parking at Melton railway station. In the course of his comments he talked about what he claimed to be the government's paucity of car parking at various stations, particularly in the interface suburbs.

Mrs Peulich interjected.

Hon. M. P. PAKULA — I should point out to Mr Koch and perhaps to Mrs Peulich that in terms of matters undertaken, announcements that have been made and construction that is under way at various stations either in the interface areas or in some cases slightly further out, there is an enormous amount of work being done in car parking. I am talking about areas like Berwick and Marshall, which is in Mr Koch's electorate. I have talked to date about South Morang, and I have talked recently about numerous other stations. Mr Koch would probably know that as part of the Sunbury electrification — —

Mrs Peulich interjected.

Hon. M. P. PAKULA — Mrs Peulich would be well aware of some of the land constraint issues around Frankston station. Mr Koch would also know that as part of the Sunbury electrification we are building a substantial new and large car park at Diggers Rest, which is not very far from Melton.

Having said that, Mr Koch asked that a strategy be put in place to deal with some of the issues around Melton station and the Melton line, and I advise him that we have indicated in the Victorian transport plan that we

will be electrifying the line to Melton. Major works have taken place as part of the electrification of the Sydenham line to Sunbury, and major works will take place, no doubt, as part of the electrification of the Melton line. I trust that that deals with some of the concerns raised by Mr Koch.

Mrs Coote raised a matter for the Minister for Roads and Ports about clearways in Boroondara. Her request was that the minister copy the Liberal Party's clearways policy. I am always reluctant to speak for other ministers, but I think I can speak for the Minister for Roads and Ports on this matter and say that will not be happening. I consider that matter disposed of.

Mrs Petrovich raised a matter for the Minister for Roads and Ports regarding the Melbourne-Lancefield Road. As I understand it, her request was that the minister go to Lancefield. I will convey that request to the minister.

Mrs Peulich raised a matter for the Minister for Environment and Climate Change in regard to inland waterways, seeking that the minister ask his department to investigate where obligations for the management of inland waterways reside, particularly in regard to Patterson Lakes, Mordialloc Creek, Kananook Creek and the like. I will convey that to the Minister for Environment and Climate Change.

Mr Hall raised a matter for the Minister for the Arts, seeking that he meet with the proprietors of Fabric Restaurant and Bar in regard to its contract with the Melbourne Recital Centre. I will convey that to Minister Batchelor.

Mr Kavanagh raised a matter for the Minister for Planning about Mr John Howard of western Victoria and a communications tower, a matter which has been previously raised in question time. He asked the minister to take action to encourage the Moyne Shire Council to compensate Mr Howard and make restitution to him. I will convey that matter to the Minister for Planning.

Ms Hartland raised a matter for me about bus route 536, seeking increased frequency. As Ms Hartland well knows, over the course of 2010 we have released a huge number of bus reviews, which has led to increased frequency and route extensions all over Melbourne and in outer Melbourne areas. That is a matter about which the government has some well-placed pride. We have been extending bus services throughout Melbourne as a consequence of those bus reviews. I will seek advice on the specific 536 route that she referred to and seek to convey a response to her.

I have written responses to 24 adjournment debate matters raised by various members.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.44 p.m.

SCHEDULE OF DOCUMENTS

ORDER: ALCOHOL RELATED RESEARCH

#	DOCUMENT	DESCRIPTION
1.	Social Research Centre, *Department of Health Victorian Alcohol Social Marketing Campaign, Stage 1: Exploratory Research Final Quantitative Report* (November 2009)	Report
2.	Social Research Centre, *Victorian Drug and Alcohol Prevention Council, 2009 Victorian Youth Alcohol and Drug Survey, Final Report* (May 2010)	Report