PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 3 May 2012

(Extract from book 8)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

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

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

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

 # Participating member

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

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

CONTENTS

THURSDAY, 3 MAY 2012

PAPERS 2407

BUSINESS OF THE HOUSE
Adjournment 2407

MEMBERS STATEMENTS
Pope Shenouda III 2407
Reserve Bank of Australia: interest rates 2407
Autism: western suburbs schools 2407
Budget: manufacturing 2407
Higher education: TAFE funding 2408
Budget: government performance 2408
Anzac Day: commemoration 2408
Health: Western Metropolitan Region 2409
Budget: agriculture 2409
Buses: Northern Victoria Region 2409
People Talking to People 2409
Wilson Street Kindergarten: facilities 2410
Rail: Doncaster and Rowville 2410
Carbon tax: council rates 2410
Galvin Park Secondary College: funding 2410
Montmorency Primary School: funding 2411
Puffing Billy: funding 2411
Budget: rural and regional Victoria 2411
Bendigo South East College: old school hall 2412

EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012
Statement of compatibility 2412
Second reading 2413

ROYAL WOMEN'S HOSPITAL LAND BILL 2012
Second reading 2415
Committee 2421
Third reading 2427

RULINGS BY THE CHAIR
Questions on notice: answers 2427

LAND (REVOCATION OF RESERVATIONS) BILL 2012
Second reading 2427, 2436
Committee 2439
Third reading 2441

QUESTIONS WITHOUT NOTICE
Minister for Higher Education and Skills: correspondence 2429, 2430, 2431, 2432, 2433
Sunshine Hospital: intensive care unit 2430
Employment: Ballarat 2431
Homelessness: youth foyer initiative 2432
Road safety: motorcyclists 2433
Housing: refugees 2434, 2435
Budget: manufacturing 2435

DISTINGUISHED VISITORS 2430

DISABILITY AMENDMENT BILL 2012
Second reading 2441
Third reading 2452

BUDGET PAPERS 2012–13 2452

COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012
Introduction and first reading 2459
Statement of compatibility 2459
Second reading 2461

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012
Introduction and first reading 2462
Statement of compatibility 2463
Second reading 2466

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012
Introduction and first reading 2469
Statement of compatibility 2469
Second reading 2469

STATUTE LAW REPEALS BILL 2012
Introduction and first reading 2471
Statement of compatibility 2471
Second reading 2471

PROCEDURE COMMITTEE
Standing committees 2471

ADJOURNMENT
V/Line: customer service 2493
Maternal and child health: city of Whittlesea 2493
Apollo Bay P–12 College: funding 2494
Disability services: national insurance scheme 2494
Kindergartens: city of Wyndham 2495
National broadband network: communications towers 2495
Quarries: Aboriginal cultural heritage protection 2496
Regional Rail Link Authority: road closures 2496
Ballarat base hospital: helipad 2497
Bay Trail: extension 2498
Responses 2498

Thursday, 3 May 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Anti-Cancer Council Victoria — Report, 2011.

Office of Police Integrity — Review of Victoria Police use of 'stop and search' powers, May 2012.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria (Revision 1).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos 27 and 28.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 22 May 2012.

Motion agreed to.

MEMBERS STATEMENTS

Pope Shenouda III

Mr ELASMAR (Northern Metropolitan) — On Thursday, 26 April, I attended the memorial mass for the soul of the late Coptic Christian pope, His Holiness Pope Shenouda III, who died from cancer at the age of 88. For more than 40 years, Pope Shenouda led Egypt's Coptic Orthodox Church, one of the oldest Christian communities in the world. After the attacks on Coptic Christians in recent years, Pope Shenouda urged officials to do more to address the community's concerns.

Pope Shenouda was a spiritual leader who sought to protect his flock by conciliation rather than confrontation. He will be greatly missed, and whoever replaces him will have a tremendous task in redefining the Christian Coptic community's role in a post-Mubarak Egypt. May God rest his soul.

Reserve Bank of Australia: interest rates

Mr ELASMAR — On another matter, I congratulate the Reserve Bank of Australia on its decision to lower official interest rates. I hope the major banks will follow suit and give mortgage payers a break by passing on the full rate cut.

Autism: western suburbs schools

Mr FINN (Western Metropolitan) — Tuesday's budget brought the realisation of a dream a step closer for hundreds of parents throughout Melbourne's west. The further $4 million announced by Treasurer Kim Wells for the construction of a P–12 autism-specific school in the western suburbs, on top of the original $4 million allocation last year, is part of the commitment by the Liberal-Nationals coalition to provide a proper education for children with autism in the west. When this school is opened, no longer will children with autism in the western suburbs be subject to discrimination and a substandard education.

For years parents have been pleading with government to provide a full education for their children. The previous Labor government ignored the suffering of these families and continued to support the four-year education regime, which was all children with autism in the west were allowed. No more! Children on our side of town will now be able to access the same quality of education as children in the eastern, southern and northern suburbs of Melbourne. Add in the integrated disability, education and awareness program, and these children and their families will enjoy a world-class education.

I will never forget the father of a child in his final year at the Western Autistic School who sat opposite me with tears in his eyes. He told me he just did not know where, or if, his son would be able to go to school the following year. He begged for my help, and I told him I would do everything I could — and now we are delivering.

When this school is complete, these children and their families will, sadly, still have to cope with the affliction of autism, but they will be free forever from the burden of a cold-hearted education system that placed their needs a distant second to a discredited educational ideology. At long last, justice, a fair go and a better future is at hand!

Budget: manufacturing

Mr SOMYUREK (South Eastern Metropolitan) — I rise to condemn the Baillieu government for handing

down a very nasty budget for the Victorian manufacturing sector. At a time when 7000 Victorians employed full time in the manufacturing sector have lost their jobs in the first year of the Baillieu government's term of office and dozens of Victorian manufacturers have shut up shop, the Baillieu government has sent a clear message to the world that it has cut the manufacturing sector loose.

Minister Dalla-Riva and the Premier ought to understand that manufacturing is Victoria's largest employer, with 264 000 Victorians employed in the manufacturing industry and 25 000 manufacturing businesses operating in Victoria. This budget will ensure that many of these people will be forced out of their jobs, and many manufacturing businesses will close in the near future as a result of the government's failure to invest sufficiently in the manufacturing sector through this budget. Committing just $58 million over four years, or around $14.5 million in the next financial year, represents a massive cut to the sector compared to government support and investment in the Victorian manufacturing sector under previous Labor governments.

Higher education: TAFE funding

Mr SOMYUREK — On another matter, I condemn the Baillieu government for its $100 million funding cuts to the TAFE sector. Skills and education are important drivers of manufacturing growth; therefore these drastic cuts to the TAFE sector, where so many young people learn skills required in the workforce, show that this government does not really care about manufacturing.

The PRESIDENT — Order! The member's time has expired.

Budget: government performance

Mr BARBER (Northern Metropolitan) — The conservative parties used to have a kind of native political advantage when it came to fiscal management, but now they have crossed a line and become almost like pallbearers. It is as if a receiver has been appointed to wind up the state of Victoria. As they go back to their electorates, what is it that they will tell their constituents? Will it be that they have put three times as much into new prisons as into new school projects? Will it be that they have clawed back $2.50 on the energy concessions simply to make a political point about the carbon tax? Will it be that they have cut their kids' education future and the skills base of the economy? Will it be that V/Line trains are coming some time in the future? Will it be that there will be a guy with a semiautomatic on every railway station? Will it be that the budget went down a treat at the fundraising dinner the government ran in Collins Street? Will it be that the budget got the tick from the Institute of Public Affairs? Or are they simply going to tell them that they have to live within their means?

Mr Finn — As we all do.

Mr BARBER — They know it better than you do. The less they have, the better they know it, and they know it is about choices.

Mr Finn interjected.

Mr BARBER — And your choices are wrong, wrong, wrong!

The PRESIDENT — Order! Traditionally we do not do the budget speeches until after the shadow Treasurer has delivered the response, but I must say that was one of the most succinct budget speeches I have ever heard.

Anzac Day: commemoration

Mrs PETROVICH (Northern Victoria) — I would like to congratulate the RSLs of the Macedon electorate on the work they do in preparation for and delivery of the services on Anzac Day to commemorate the contribution of our soldiers and in remembrance of the Anzac tradition. I was privileged to represent Premier Ted Baillieu at the dawn service at Mount Macedon in the freezing cold, misty rain with the wind whipping around us in the pre-dawn light. It was a real and moving experience listening to the contributions of school captains from Braemar College at Woodend and Gisborne Secondary College, who highlighted the adversity and terrible conditions faced by our soldiers in Gallipoli, New Guinea and Vietnam as well as their bravery and great sacrifices.

Many thanks go to John Lynch, Darren Grevis-James and members of the Romsey-Lancefield RSL, who again organised the spectacle of a march and wreath-laying service. This service is inclusive and welcoming of all community members, but in particular the children of this community are always acknowledged for their attendance and participation.

The Gisborne RSL had to move the service inside because of the terrible weather conditions, and it was conducted before a packed house. Congratulations to committee members and master of ceremonies Rob Funston and the school captains of Gisborne Secondary College on a wonderful contribution.

The march at Woodend concluded at the RSL and was even more special because of the group of riders who rode down from the mountain where they had camped overnight to pay their respects along with students from St Ambrose Primary School and Woodend Primary School.

I also congratulate the Minister for Veterans' Affairs, Hugh Delahunty, who in preparation for the centenary of Anzac has committed $22.5 million in this week's state budget to redevelop our most important war memorial, the Shrine of Remembrance.

Health: Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My members statement today is on the health-care funding crisis in Western Metropolitan Region. I was deeply proud of what Labor gave to hospitals and to health care overall in my electorate under the then Minister for Health, Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, but I cannot come close to stating anything similar about this government. Why does this government continue to slash funding to health care within my electorate?

Of course the entire state is suffering under the present government, but as a member I am asking about this electorate, about this community, about the children in our hospitals who deserve a better start in life, about the elderly Australians who have given enough to now expect to be treated far better, about our nurses who deserve far greater respect than they have received from the current Minister for Health, and about our doctors who receive less pay than their colleagues in the Premier's electorate, as we all learned last year. Why must this government repeat the wrongdoings of past Liberal governments? I hope the Minister for Health will cease the electorate-based bias of the Liberal Party and immediately increase funding for health in Western Metropolitan Region.

Budget: agriculture

Mr RAMSAY (Western Victoria) — I take this opportunity to congratulate the Baillieu government and the Minister for Agriculture and Food Security, Peter Walsh, for delivering $61.4 million for the farming sector in the recent budget. It is a clear indication that the coalition is committed to investing in the food and fibre sector in Victoria and prioritising the improvement of profitability and productivity in the dairy, red meat, grains and horticultural sectors as well as boosting the biosecurity measures in the agricultural sector. It is also pleasing to see the new Victorian Farmers Federation president, Peter Tuohey, and I congratulate him on his election as well as acknowledge the large contribution made to agriculture by the outgoing president, Andrew Broad.

I welcome the coalition budget announcement of a $61.4 million package for the food and fibre sector, and I understand the difficult economic environment in which the budget was delivered. Dairy in particular is a winner, with $14.3 million of new money being invested in improving cow genetics and efficient feeding systems. Beef, lamb and grain were not forgotten, with an injection of $20 million that will complement the industry's own investments. Horticulture, with $8.1 million of new money, will also become competitive by investing in high-value markets.

The budget package does not have the razzamatazz of the Future Farming extravaganza of the previous Labor government, which was never tested for any achieved outcomes, but it suits the fiscal climate and prioritises funding in dairy for the biggest productive and profitable gains in the farming sector and is consistent with the food and fibre industry's investment strategies and the policies of the Victorian Farmers Federation. This package builds on last year's coalition commitment to invest in young farmers.

Buses: Northern Victoria Region

Ms DARVENIZA (Northern Victoria) — I congratulate Shepparton, Wangaratta and Wodonga bus drivers on being recognised as the best in the state. The third annual Department of Transport survey of 1500 passengers in country towns revealed that Shepparton, Wangaratta and Wodonga bus services shared the highest overall satisfaction rating within the state. Surveyed passengers gave the three towns the highest satisfaction rating in criteria such as fare value, drivers and comfort and design. Congratulations; this is a wonderful result!

People Talking to People

Ms DARVENIZA — On another matter, I want to bring to the chamber's attention a very innovative program sponsored by Relationships Australia in partnership with the Goulburn Ovens Institute of TAFE multicultural education unit. This program is called People Talking to People, and it uses art to tackle language barriers. It is being held at the Shepparton Art Museum during May. It will be presented by local artist Angie Russi, and it is free.

The program will help people from different cultural backgrounds or who speak different languages to find

common ground through making art together. The program helps new arrivals in our community who are learning to speak English and encourages discussion and communication between people while they are having fun creating art. The participants will use a range of art materials such as clay, paint and textiles. We know that self-expression through the arts engages the creative process and helps foster a sense of wellbeing. I wish everybody well with the program, and I know it will be a great success.

Wilson Street Kindergarten: facilities

Ms CROZIER (Southern Metropolitan) — Last Thursday I was pleased to be able to represent the Minister for Children and Early Childhood Development, Wendy Lovell, at the official launch of the newly renovated kindergarten space at Wilson Street Kindergarten in Brighton. The kindergarten plays a significant role in the local community, and the renovation has meant that the kindergarten will now have a further 30 hours of session times and a further 54 kindergarten places, including 6 additional places for children with special needs. The church hall where the renovation took place now has special acoustic panels on the walls and ceiling, which will allow for greater integration and an easier learning environment for children with hearing impairments, sensory processing disorders and autism spectrum disorder. Providing children who have special needs with a learning environment such as this will optimise their learning opportunities.

The strong relationship the kindergarten has with the local community was evident from those who attended the official launch. They included community leaders, parents and volunteers. The parents of the children attending Wilson Street Kindergarten, together with the teachers and other members of the community, should all be congratulated on the wonderful efforts they made in working to raise money for this important project. In particular the Rotary Club of Brighton, the Rotary Club of Brighton North and Bendigo Bank's Sandringham branch gave tremendous support to the kindergarten, raising an additional $80 000, which, together with the $200 000 received from the Victorian government's Children's Capital grant program, ensured that the project could be completed.

Rail: Doncaster and Rowville

Mr LEANE (Eastern Metropolitan) — In late 2010 the now Premier, Ted Baillieu, perhaps after his daily push-ups in speedos next to the pool, went out to Doncaster and said, 'This is a great day for Doncaster. A coalition government, if elected, will build a rail line to Doncaster'. He had the member for Doncaster in the Assembly, Mary Wooldridge, the Minister for Mental Health, next to him. When you look at this week's budget and you look for the line item for Doncaster rail, you see there is nothing. There is donuts! There was a farcical feasibility study that went nowhere.

It was the same as the feasibility study for Rowville, which was never genuine. This government was never going to build those rail lines. I have firsthand experience of the consultants who were paid to do these feasibility studies and all this consultation with the public. I went along to the consultations. I lost interest in the first 10 minutes when the facilitator said, 'How about we move to little tables and write down on butcher's paper what we like about our suburb?'. That is really going to get a rail line built! It was always a joke, and it was always a lie.

Carbon tax: council rates

Mr ELSBURY (Western Metropolitan) — A few days ago whilst reading the *Hobsons Bay Weekly Williamstown* of 25 April I found an interesting article headlined 'Rates rise blamed on carbon tax', which says:

> Hobsons Bay council is blaming the impending carbon tax among other factors for a proposed 6.3 per cent rates across the city next financial year.

I then found another newspaper article which says:

> Hume council expects the carbon tax, starting in July, will add an extra $1.62 million to its costs per year.

That article was in the *Macedon Ranges Weekly*. I then found in the *Wyndham Weekly* an article that says:

> Wyndham council chief executive Kerry Thompson has warned ratepayers they could face higher landfill charges with the introduction of the federal government's carbon tax on 1 July.

Considering that these Labor councils can see what is coming, why can opposition members on the other side of the house not see it?

Galvin Park Secondary College: funding

Mr ELSBURY — I would also like to congratulate the government on funding a $14 million upgrade to the Galvin Park Secondary College, a school that was completely neglected by the previous government. It was allowed to rot, with leaking roofs and classrooms that were completely inadequate. We are proud to now say that we will be refurbishing that school, and we will be providing the kids of the western suburbs and

Werribee with the educational opportunities they deserve.

Montmorency Primary School: funding

Mrs KRONBERG (Eastern Metropolitan) — Montmorency Primary School, in the heart of Montmorency's community centre, can now look forward to its new school becoming a reality. I am utterly delighted for the school community, its students and teaching staff, and parents and friends with the announcement of $305 000 for them in the state budget by the Baillieu government. This first tranche of $305 000 will enable the school to get started on the realisation of its dream for a new school. The $305 000 will mean that the planning and approvals process and calling of tenders for the works can now begin. This will usher in a new era for the people of Montmorency and provide a clear signal for the future of the school and its place right in the heart of Montmorency.

The school has survived many pressures and stressful situations in recent years. Many forecast its demise, especially after the stand the school community took on a forced amalgamation process instituted by the Labor government. Not so. The school community, led by a committed group of past and current school council members, along with its focused team of committed, hardworking and dedicated teaching staff and the principal, has come through an era of difficulties and frustrations. Now their belief has been recognised and they have a bright future.

How the approach taken by the Baillieu government differs from that of the Labor government during the difficult days for the school. The member for Eltham in the other place, Steve Herbert, is on record as having said, when asked for his support to fund a new school, that the school should go across the road and ask Rotary to help it put on a lick of paint. The Minister for Education, Martin Dixon, and I believed in the school and its future prospects, and the funding for this year will see this project move from a long-held dream to a shovel-ready project. Montmorency Primary School is now more than ever the light on the hill.

Puffing Billy: funding

Mr O'DONOHUE (Eastern Victoria) — Eastern Victoria Region contains many tourist icons and fantastic places to visit. Perhaps one of the jewels in its crown is the Puffing Billy railway in the Dandenongs. Regrettably, though, the Puffing Billy railway was neglected by the previous Labor government. Not one dollar was invested in the Puffing Billy railway by that government in over a decade in office.

Soon after coming to government the coalition made available $500 000 for emergency repair work to enable the Puffing Billy railway to keep operating, again after the neglect of the previous Labor government. I am pleased indeed that $4.38 million for capital works has been allocated to the Puffing Billy railway in the budget handed down earlier this week by the Treasurer. I congratulate Eamonn Seddon, the CEO of Puffing Billy, and all the volunteers, who do an amazing job. Many of them commit many hours every week to the operation of Puffing Billy. It is a fantastic tourist icon. Importantly, Puffing Billy is well placed to attract new tourism markets from China, India and elsewhere. They are doing a great job, and I am pleased that with this funding the coalition government is able to partner with Puffing Billy to ensure that it remains a tourist icon of Eastern Victoria Region and the Dandenong Ranges.

Budget: rural and regional Victoria

Mr O'BRIEN (Western Victoria) — I, too, would like to congratulate the Victorian coalition government on delivering another significant budget in challenging circumstances. I would particularly like to commend the government and the Minister for Regional and Rural Development, Peter Ryan, for delivering a boost for regional infrastructure which will meet the challenges the Victorian community will face in the next few years. It will fix up the problems from the previous government and provide for future opportunities, particularly in relation to our agriculture sector, as said by Mr Ramsay this morning, which represents about one-third of Victoria's exports and a quarter of the state's economic output. The budget will boost significant competitor strengths, including quality food and fibre production, a highly skilled workforce and livable communities.

In terms of rural and regional Victoria, as a first we have a budget information paper directly attributing all the allocations to rural and regional Victoria, and I urge people to get behind that. In relation to specific commitments for the Grampians, I would like to mention a number in particular. There will be $42.2 million to duplicate approximately 18 kilometres of the Western Highway between Beaufort and Buangor, and $46.4 million for an upgrade of the Ballarat hospital, including a helipad. I would like to commend my colleague and fellow member for Western Victoria Region, David Koch, for his significant advocacy in relation to that helipad. That is in stark contrast to the previous government, which spent its money putting together a helicopter mission to fly over Victoria and film a failed water plan as an absolute publicity stunt. Here we have Mr Koch, who has worked in opposition advocating for this helicopter

and, together with Mr Ramsay, delivering it for western Victoria.

Bendigo South East College: old school hall

Mr DRUM (Northern Victoria) — My members statement is about Flora Hills Secondary College, which was renamed Bendigo South East College under the Bendigo rebuild program. Approximately one month ago I was contacted by the president of the school council of the Bendigo South East College, along with a group of concerned parents and community members who are committed to keeping the old school building which has been targeted for demolition as part of the whole school rebuild. Retaining the old building is certainly going to create aesthetic challenges, as it does not fit in with the new buildings that now surround it.

In order to ascertain the level of school community support, as well as broader community support, I asked the school if it would be interested in getting together a petition to highlight and clearly show the level of support for the old school hall. Within less than a week the school came back with a petition which has over 1900 signatures requesting that the old school hall be retained. I have been in touch with the Minister for Education's office about this, and hopefully he will be able to assist with ensuring that the school has autonomy of decision making when it comes to either letting the old school be demolished or being able to retain the old school hall, as is hoped for.

EDUCATION LEGISLATION AMENDMENT (VET SECTOR, UNIVERSITIES AND OTHER MATTERS) BILL 2012

Statement of compatibility

Hon. P. R. HALL (Minister for Higher Education and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012.

In my opinion, the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012 (the bill), as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The primary purposes of the bill are —

(1) to amend the Education and Training Reform Act 2006 (the act) to:

(a) provide for the transfer of certain functions currently undertaken by the Victorian Skills Commission to either the Victorian Registration and Qualifications Authority, or to the Minister for Higher Education and Skills as appropriate;

(b) make amendments to the governance arrangements for the boards of adult education institutions so that they are consistent with the governance arrangements for TAFE institutes; and

(c) provide for injunctions to be granted in respect of registered training organisations (RTOs); and

(d) allow for records held about registered training organisations (RTOs) by the VRQA to be given to commonwealth regulators of vocational education and training and higher education.

(2) to amend various university acts to enable the grant of leave of absence to university council members.

Human rights protected by the charter act that are relevant to the bill

The bill potentially engages the following human rights protected by the charter act:

Section 13: privacy and reputation.

One of the bill's proposals, in clause 18, which amends section 5.5.23 of the act, is to substitute the Victorian Registration and Qualifications Authority (VRQA) as holder of the register of apprentices established and currently maintained by the Victorian Skills Commission (VSC). This is as a result of the VRQA taking on a number of functions currently performed by the VSC in relation to apprentices. Whilst the register contains personal details of individual apprentices, their right to privacy is not limited by the proposal. There is no substantive change to the use of the register. The register will be used by the VRQA for the same purpose as it is used by the VSC. The transfer of information in the register which contains information about apprentices will be specifically authorised by law through enactment of this bill, in particular by clause 52, which inserts proposed new section 6.1.27(18) of the act to require the transfer of the register. It follows that use of the information by the VRQA will not be arbitrary or unlawful.

In addition, the right to privacy is engaged by clause 48 of the bill which substitutes section 4.9.4(1A) of the act. This clause provides specific state legislated authority for the transfer of records held by the VRQA to various commonwealth education regulators and bodies. For example, the new commonwealth vocational education and training regulator known as ASQA, and the new higher education regulator known as TEQSA, now regulate many providers that were previously regulated by the VRQA. Accordingly they have a need for the relevant records of the RTOs they now regulate. Whilst the right to privacy will only apply to those RTOs that are not bodies corporate, it will still apply to any student

records held by the VRQA of any RTOs they previously regulated. However, the right is not limited because this bill ensures the lawfulness of the transfer of records and it will not be arbitrary. The transfer can only be made providing a written request has been made from the appropriate commonwealth authority.

Section 24: fair hearing

This charter act right is engaged by a number of clauses in the bill. However, in each case, and as detailed further below, the right to a fair hearing is not limited because the decision-making powers involved are of a standard nature and do not confer extraordinary powers on the decision-maker. Appeal rights/rights of review are protected, and access to justice is not prevented.

Clauses 6 to 8 of the bill (amending sections 5.5.6, 5.5.7 and 5.5.10 of the act) are the first clauses of the bill to engage the right to a fair hearing. These clauses operate to transfer the power of approval of employers and of training contracts to the VRQA. Currently these functions are undertaken by the Victorian Skills Commission. Also, clause 15 of the bill, which amends clause 5.5.17 of the act, transfers to the VRQA the power to determine grievances between employers and apprentices. In addition clause 17 of the bill, which amends section 5.5.22 of the act, transfers the function of performing a review of a decision of an approved training agent to the VRQA from the VSC.

However, the right to a fair hearing is not limited by the transfer to the VRQA of the matters indicated above. The VRQA is merely taking over functions and powers currently performed and exercised by the VSC. These provisions are logical consequences of the transfer of related functions and powers from the VSC to the VRQA by other provisions in the bill. The VRQA is an independent statutory body well accustomed to reviewing and deciding on applications (for example, applications for registration of would-be vocational education and training providers), and in dealing with complaints and disputes of many kinds. In exercising its new approval and review powers as a result of these clauses in the bill, the VRQA would determine these matters in much the same way as the VSC do now: in accordance with principles of natural justice.

The right to a fair hearing is further protected because decisions taken by the VRQA under the transfer of approval and review functions as indicated above, are subject to normal rights of appeal or review. Any aggrieved party not satisfied with the decision of the VRQA in relation to these matters could make a complaint with the Ombudsman, or appeal to the Supreme Court.

This charter act right is also engaged but not limited by clause 34 of the bill, which amends section 3.3.34(1) of the act. This clause in the bill gives the Governor in Council the discretionary power to remove the chairperson of the governing board of an adult education institution (AEI) from office at any time. However, any decision made to remove a chairperson would, as a matter of practice, be made in accordance with the principles of natural justice and would be subject to normal rights of review — in this case either by the Supreme Court on a point of law or as the subject of a complaint to the Ombudsman.

The right to a fair hearing is also engaged, but not limited by clause 36 of the bill which inserts a new subdivision 4A in division 3 of part 5.8 of the act. It makes provision for the VRQA to apply to the Magistrates Court or County Court for an injunction, or an interim injunction, to stop an RTO from engaging in certain specified unlawful conduct or to require the RTO to do a particular thing. These are important provisions to ensure that rights of students of RTOs are protected by the VRQA being able to seek a specific legal remedy against the RTO for failure to act, or acting in breach of the law. Whilst many RTOs under the jurisdiction of the VRQA are bodies corporate to whom the charter act does not apply, given that corporations do not have human rights, some operate in an individual capacity. The right is not limited because in order for an injunction to be granted by either court, the court will require evidence/submissions from both parties in relation to the application for an injunction and will decide whether or not to grant an injunction in accordance with the principles of natural justice. Accordingly there are sufficient safeguards to ensure that the right to a fair hearing is protected.

Conclusion

I consider that the Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

Second reading

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

That the bill be now read a second time.

This bill proposes amendments to several aspects of the Education and Training Reform Act 2006, mainly in relation to the regulation of vocational education and training, the governance of adult community and further education bodies and apprenticeship regulation. The bill also proposes amendments to eight university acts.

First, the bill will transfer regulation of apprenticeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority.

In 2007, the authority was established as the state's education regulator for all sectors, except for the regulation of apprenticeships and traineeships, which is a function of the commission. This led to a split in related areas of responsibility. In particular, the commission determines and regulates the training programs for apprentices and trainees, covering both the workplace training and the educational courses that make up those training programs. At the same time, the authority accredits the courses offered to apprentices and trainees and regulates the institutions that provide them. This bill combines these closely related functions

by transferring regulatory responsibilities for apprenticeships from the Victorian Skills Commission to the Victorian Registration and Qualifications Authority.

In addition, the commission's functions in relation to the reserve powers over TAFE institute boards, such as the power to recommend removal of unsatisfactory directors, will be transferred to the minister.

The second set of amendments relates to governance in the adult education sector.

Victoria has two major adult education institutions, namely the Centre for Adult Education (CAE) and the Adult Multicultural Education Services (AMES). The bill gives effect to recommendations of the State Services Authority to bring the governance of these institutions into line with the governance of TAFE institutes.

In particular, under the bill's proposals, the CAE and AMES must prepare a long-term strategic plan and submit it to the minister. The institutions must also prepare annual statements of corporate intent setting out what they propose to do in the coming year. In addition, each institution must hold an annual meeting, open to the public, where the board reports on last year's operations and its plans for the coming year.

The bill also alters the governance of the regional councils of adult education. The support staff of regional councils are now employed by the department. Consequently, it is no longer necessary that the regional councils remain incorporated entities. The regional councils will continue their advisory and planning role for adult community and further education in their respective regions, in close consultation with the Adult Community and Further Education Board.

The third set of amendments adds to the options available to the Victorian Registration and Qualifications Authority (VRQA), as regulator, and to the courts when dealing with a vocational education and training provider that is not meeting its responsibilities.

As honourable members may be aware, where a vocational education and training provider has not complied with its obligations, the VRQA already has power to ask that provider to give an enforceable undertaking. These undertakings can tailor regulatory remedies to a particular problem. This gives more flexibility than relying solely on traditional sanctions such as fines and similar penalties. For example, an agreed program of improvement could be put in place to rectify an identified shortcoming, especially if the provider's operations are otherwise satisfactory.

However, there is no obligation for a provider to give such an undertaking. This could limit the regulator's options, leading to action that is more severe or less severe, and which may also be less effective in improving the situation.

To overcome this unsatisfactory situation, the bill proposes to give the courts and the VRQA an additional option. The authority may seek an injunction from a court to prevent further breaches or to require a provider to undertake positive action to improve its performance or remedy a situation. Like enforceable undertakings, injunctions could set out detailed programs for management improvement. They could also require a provider to take action to remedy a situation, such as providing certain courses or other educational programs.

It should be noted that this proposal does not increase the regulatory requirements placed on vocational education and training providers. Rather, it provides more flexibility in administering the current requirements. It is worth noting that the new Australian Skills Quality Authority (ASQA), which regulates around half of the vocational education and training providers in Victoria, has similar options under its legislation.

The fourth matter dealt with by the bill is to facilitate cooperation between Victoria's education regulator, the VRQA, and its new commonwealth counterparts.

All higher education providers and about half of vocational education and training providers in Victoria are transferring their registration to the commonwealth. Consequently, the commonwealth regulators need access to information held by the state regulator relating to those providers. Further, some institutions operate across educational sectors and will be regulated by the state for some purposes and the commonwealth for other purposes. It may therefore be necessary from time to time for the various regulators to share information about certain providers.

The act already enables the VRQA to provide information in certain circumstances. The bill will, in addition, authorise the VRQA to provide information and records when requested in writing by one of the new commonwealth education regulators.

The fifth set of amendments relate to the administration of the Victorian student number (VSN), which is a unique identifier allocated to every student under 25 in schools and registered vocational education and

training providers. These amendments are largely technical, and update the definition of education and training provider to include the providers that are now registered by the relevant commonwealth authorities. To be effective, this amendment depends on the making of commonwealth regulations that enable state VSN requirements to apply to nationally registered providers.

The bill also makes a number of amendments to the Education and Training Reform Act 2006 that are of a machinery nature, such as reflecting recent changes in departmental structures and various technical corrections. Amongst these is a clarification that the long-established policy that full-time public sector employees are not eligible for additional remuneration as members of government boards applies to the directors of TAFE institute boards.

Each of Victoria's eight universities is constituted under a separate act dealing with the establishment and governance of each university. The councils of the universities consist of eminent individuals in the community who contribute their experience and expertise to the governance of these important institutions. From time to time, council members wish to take leave of absence for a period of time, with the concurrence of the council, for personal or professional reasons. However, doubts exist whether the present legislation provides for the authorisation of these absences by the council. To remove these doubts, this bill proposes to amend each of the eight university acts to enable university councils to grant leave of absence to appointed members of council. Leave may be granted for up to 12 months, but leave for more than three months will require the approval of the minister.

This bill covers a wide range of matters, some significant, some technical. Overall, it will contribute to the continuing efficiency and effectiveness of governance and regulation of education and training in this state.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 17 May.

ROYAL WOMEN'S HOSPITAL LAND BILL 2012

Second reading

Debate resumed from 19 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr JENNINGS (South Eastern Metropolitan) — I am happy to indicate to the chamber that, subject to a satisfactory and brief committee stage and the answers from the government providing us with some confidence about the way these parcels of land will be dealt with ultimately and the public benefit that may be derived from them, the Labor Party intends to support this piece of legislation. We will do so because it reflects the outgoing settings of the Labor government, which redeveloped the Royal Women's Hospital from 2003 to 2008. That saw the creation of the great new world-class facility that is now the Royal Women's Hospital further down in the Parkville precinct closer to the Royal Melbourne Hospital and the Royal Children's Hospital. That hospital was also redeveloped during the life of the Labor administration from 1999 to 2010. It was a great reconfiguration and reinvestment in those important health institutions in the state of Victoria.

The piece of legislation we are amending today relates to very wise public policy decisions that were made in Victoria as far back as 1886 and which saw the reservation of parcels of land to be used for the purposes of a lying-in hospital as it was known in those days. It is very strange for legislation to encourage lying anywhere, but in this context it is clear that lying related to what is now understood to be inpatient care and bed-based services in a hospital in very close proximity to the centre of Melbourne, in the important Carlton precinct that abuts Melbourne University. Indeed the parcels of land covered by this legislation are contained within the corners of Swanston, Grattan and Cardigan streets. Obviously anybody who knows the area well knows the importance of access to the city and the university precinct and the importance of the entire precinct to the vibrancy and wellbeing of the educational and health-care centre of services very close to the centre of metropolitan Melbourne. Because of the timely and wise reinvestment decisions of the Bracks and Brumby governments, that will continue into the future.

One of the decisions made in 2003 by the then government led by Steve Bracks was to redevelop the Royal Women's Hospital to move it closer to the Royal Melbourne Hospital and the Royal Children's Hospital, and the potential disposal of the parcel of land that is

covered by this bill was foreshadowed as part of that redevelopment.

It was very clear that within the financing arrangements of a $250 million redevelopment of the new Royal Women's Hospital a portion of the costs would be returned to the state from the sale of this parcel of land. The new Royal Women's Hospital is a service that currently provides about 12 000 operations for mums and babies during the course of any year. It provides in the order of 11 000 day procedures to support the quality of care for mothers and their babies. It sees around about 5000 babies born in a given year and additional care provided to somewhere of the order of 2000 premature and ill babies who require it. The hospital provides a significant service to mothers, babies and young children in the state of Victoria. It has a remarkable track record of service to the Victorian community for over 120 years, the last 4 of which have been at a different location.

Members of the Bracks and Brumby governments recognised that significant investment was required in health infrastructure during their term in office, and we allocated in excess of $500 million each and every year in the name of building new infrastructure. The current Minister for Health may wish he had access to that type of funding, support and allocation as he does his best to try to keep up with health demands, as he has described in the chamber in the last few days. It is not an easy task for him, nor has it been for any health minister in the history of the state of Victoria; it is always a challenge. The level of investment that took place in the preceding decade was quite extraordinary, and I wish him well in his endeavours to try to extract from the current budget anything like the level of investment we have seen in Victoria in the last decade.

The parcels of land identified by this legislation fall into two basic categories: one is the site of the Royal Women's Hospital, and one is the site of the dental hospital. The dental hospital parcel will effectively be maintained in terms of its public use as a dental hospital, even though its reservation status will be amended slightly. The most significant change will occur to the parcel of land on which stood the former Royal Women's Hospital. There will be a change of reservation status and removal of the governing arrangements to enable this parcel of land to be treated as unalienated land. It is obvious that the current government's intention is to dispose of that parcel of land.

I will be raising a series of questions with the minister about the process by which that disposal of land will occur and the way in which the government intends to maximise the public benefit that is derived from that disposal of land in accordance with the last 12 words of the second-reading speech, which indicate that the opportunities are there to maximise the benefit to the people of Victoria. I will be trying to tease out from the minister what that might be. To satisfy the expectation that there will be a net public benefit to the people of Victoria I will be asking questions about the process of the concluding stages of the evaluation of this parcel of land, the process by which it will be disposed of and the purpose for which it will ultimately be used. I will seek some answers in regard to these issues.

Subject to the way the minister wants to deal with it, I will either deal with it under clause 1, the purposes clause, or under clause 5, the clause which relates to its consequences. Regardless, the same series of questions will be asked. Labor's interests are in trying to guarantee that there is a public benefit — a potential for community use or for the land to be used for educational purposes, or a combination of the two. The appropriate balance between commercial interests and broader community interests will be the issues that we want to tease out. Those issues are very important to us. We are not recalibrating the public policy settings that we determined as a government in 2003. We accept similar public policy settings and financial obligations to those that were outlined in 2003, and we are not resiling from those. We want to tease out the current government's view on how they will be applied and how it can satisfy those settings.

Subject to satisfactory answers to those matters in the committee stage, it is the Labor Party's intention to support this piece of legislation. I will allow the house to get to the committee stage quicker by not protracting my contribution, because I have already covered the matters of substance.

Mrs PETROVICH (Northern Victoria) — I rise to speak on the Royal Women's Hospital Land Bill 2012. I will give a brief outline on the purpose of the bill, and I look forward to the committee stage and receiving clarification on some of the points raised by Mr Jennings. The purpose of the bill is to revoke the permanent reservation over two Crown land sites in Carlton which were formerly occupied by the Royal Women's Hospital and are now partly occupied by the Royal Dental Hospital of Melbourne.

From the dental hospital's perspective, there will be very little change to what is in place. The Royal Dental Hospital of Melbourne, as we all know, is a public health service and is incorporated pursuant to the provisions of the Health Services Act 1988. It was established in 1996 and is a leading agency for oral

health in Victoria. The dental hospital is funded by the state government and provides oral dental health to people from all around Victoria. Many people would travel from my region in the north to receive those services. For a variety of reasons they would have trouble accessing those sorts of services in their region.

Dental Health Services Victoria leases the Royal Dental Hospital of Melbourne site for the purposes of providing dental services. The dental hospital services include teaching, the promotion of scientific research and the development of technology. From that perspective, we in Victoria are very lucky that we have this sort of facility and that it continues to provide those services.

The existing reservations were originally gazetted in 1886 and included a restricted Crown land grant that, interestingly, provided that the land should be used for the purposes of 'lying-in', which is an antiquated term and one with which many people would not be familiar in the common vernacular. Those restrictions do not reflect the current or potential use of the site. The bill will remove some of those restrictions and enable the land to be used for other opportunities by ensuring that these pieces of land are not subject to outdated reservations.

The former Royal Women's Hospital site has a long history of serving Victorians and the Victorian community, and there are many women who in their hour of need have felt comforted because that hospital was available to them and their babies. It has a proud history that goes back 120 years and culminated in 2008 in the completion at the current site of the new Royal Women's Hospital redevelopment project and the subsequent relocation of the hospital to the new Parkville site.

This redevelopment of the women's hospital provides an opportunity to make use of the old site for other purposes that will benefit people in Victoria in a range of ways. This bill facilitates the sale of the land formerly occupied by the Royal Women's Hospital, and the sale proceeds will become part of consolidated revenue to offset the cost of the Royal Women's Hospital redevelopment project, which was a substantial amount — I think it was $250 million. In relation to the land occupied by the dental hospital, the bill will remove the current permanent reservation, which does not reflect the use of the land. That will enable that site to continue on, and it will not impact in any way on the operation of the dental hospital, nor will it impact on the Crown lease held by the dental hospital. Land occupied under that lease will not be sold; that is a very important component of the bill that needs to be asserted and clarified.

We anticipate a range of opportunities for this land, and we are hoping there will be some innovative and creative uses for the former Royal Women's Hospital site. I think the bill is in many ways a first step to realising the potential of this site. It is in a prominent location, in a great precinct with great accessibility, and I commend the bill to the house and look forward to the committee stage.

Mr BARBER (Northern Metropolitan) — Having read the second-reading speech, listened to the speeches so far from members of the Labor and Liberal parties and made some of my own inquiries, I am none the wiser about what the plan is for the former Royal Women's Hospital site. I understand the government is seeking to have us strip away the existing reservation, but having done that, the options for the government for the use of this site would be completely open ended. That seems to cut against the kind of vibe we are being sold here about an innovative and exciting opportunity, because while we are being presented with some of the sizzle, we are not actually being told what type of sausage it will be.

Labor members are happy to vote for the bill because they think they are in the know as to what the history of this proposal is. We have heard many flowery words about the wonderful history of this site and the vision of our forefathers — —

Hon. D. M. Davis — With which you agree.

Mr BARBER — With which it would be impossible to disagree, Mr Davis. But it has not told us anything about whether the vision for the future for this site respects that legacy and thinks forward to 150 years from now. The second-reading speech states:

> The bill will enable the sale of the land formerly occupied by the Royal Women's Hospital, and the proceeds of the sale will be allocated to consolidated revenue to offset the cost of the Royal Women's Hospital redevelopment project.

That is a contradiction in terms. If it is going into consolidated revenue, then by definition it is there for anything. The money is not being hypothecated to the new development that is being built, nor is it being hypothecated to the health portfolio. It is just being thrown into the big bucket of money. It would be equally logical to argue that the proceeds of the sale will go to building the new prison that the government is so keen on. I am not buying that line, but as yet I have been told nothing as to what the so-called innovative and exciting opportunity for the former

Royal Women's Hospital site will be. Once we remove this reservation the government has the opportunity, if it wants, to flog it off to the highest bidder. I do not know if in the committee stage the minister is going to assure us of something different, but I think if he were able or willing to do so, the government would simply have put that in the second-reading speech.

This is a highly strategic site. It is very important to all Victorians. This is not an inner city thing; this is about a biomedical research precinct clustered around the University of Melbourne and the hospitals that is going to produce research with an inestimable value to Victorians in the future — vastly beyond any pay cheque the government thinks it is going to get from selling this site. While all the strategy documents talk about the necessity, the enormous value and future potential of this biomedical research cluster — from the City of Melbourne in its planning materials through to various other strategies we have heard about from the government — what has distracted the Premier, Ted Baillieu, is the sound of cash registers. The number being thrown around is $60 million.

We know the government is desperate for cash. We know the Premier, in a press conference, blurted out some thought he was having about future asset sales, but no-one has yet been able to put a finger on what those sales might consist of. In my view they will be pockets of real estate across Victoria, and this one would have to be one of the most valuable sites.

We will move on to the question of the planning controls that currently exist over this site. These planning controls did not just come into place by accident; the question of the height and heritage controls is something that has been argued about and pushed forward over a long period of time. The current set of height controls, which apply over the Carlton district, appeared around 2002. In fact, as I recall it, they appeared in a big rush a few weeks before the 2002 state election when the local member, the member for Melbourne in the Assembly, Ms Bronwyn Pike, panicked when she thought she was at risk from the Greens. Suddenly the Melbourne City Council proposal for height limits as a series of DDOs (design and development overlays), each with its own specific controls, which had been put up and knocked back by the Department of Infrastructure twice, suddenly got the green light, or at least the majority of it did.

Suddenly Carlton had a quite detailed set of planning controls which would be the envy of many other local government areas that were experiencing a high level of development. In the case of this specific site, that control is to be found in schedule 45 to the design and development overlays, so it is DDO 45, Swanston Street. There are four design objectives, but the important one is:

> To encourage development opportunities for growth in the education, research and development sectors.

It is a very interesting control, because it refers to the use of the land. Uses are generally in the zoning controls, but here we actually have a DDO that seeks to set the use of the land that it covers. The DDO also sets a nine-storey height limit, with the storeys themselves being specified as 3.5 metres for residential use and 4 metres for non-residential use. The site I am referring to already has a large building on it. It must be at least eight storeys high, probably more. If these controls were not in place, we all know what a future developer would be looking at — they would be taking the existing building and saying, 'We can go higher'. But there is a detailed set of controls that apply here.

As I said, we also have the underlying zoning, being a public use zone — PUZ3 — with the specific purpose being health and community. A section of the site is zoned mixed use — some slices into the site have the mixed-use zoning — and mixed use is pretty much an almost-anything-goes zone. It allows for both commercial and residential use. It is classed as a residential zone under the scheme's hierarchy, but it allows for commercial and residential side by side as the mixed use would imply. Another small part of the site has a heritage overlay on one corner, which is HO57 (heritage overlay 57). This may not have been in Mrs Petrovich's government cheat sheet, which is why I am taking some time to explain the context. It is not that I am a planning expert; it is simply a matter of any citizen being able to reach into the planning scheme website to educate themselves.

Mrs Petrovich interjected.

Mr BARBER — We will find out, because I am putting the questions. We will see if the minister has the answers, which will be of great interest to — —

Hon. D. M. Davis interjected.

Mr BARBER — There are two hurdles to leap, aren't there, Mr Davis? Whether they are the answers the University of Melbourne wants to hear and whether they are the answers that Carlton residents want to hear remains to be seen. As I said, heritage overlay 57 relates to the Katherine Syme Education Centre, former primary school no. 112, at 251 Faraday Street, Carlton. It is included under the Victorian heritage register, just like the Windsor Hotel over the road. Of course that immediately raises further questions about what

processes a future development on this site may have to go through.

Hon. D. M. Davis interjected.

Mr BARBER — Mr Davis said, 'We are not putting the Windsor there, I can assure you'. I would like to be assured that we will not get a Windsoresque development there with the heritage building being retained and some giant glass shower curtain, which is what we are soon to see over the road, put up behind it based on some architect's fantasy that that is how they can present and highlight the heritage building. Those are additional hurdles that a developer may have to leap over in order to develop this site. That alone is cause for this bill to come under some particular scrutiny.

But I have further concerns, and they are that the government, in seeking to obtain the best price for this site, is willing to strip away these controls and provide a tabula rasa to whoever it is comes in to make it an offer. That could be just Melbourne University or it could be Melbourne University competing with some other property developer. There is no doubt that this government has made some absolutely desperate budget moves, as we have seen this week. I would not rule out anything for this site. For that reason, I am setting an extremely high hurdle before the Greens will ever support this bill.

I am seeking that the minister tell us, if he can, what this exciting and innovative new use for the site is that the government is not yet committing itself to. Will it occur within the confines of the existing controls, or will the government simply strip those away as soon as it gets its parliamentary approval, which it can do without further reference to the Parliament? What can I tell my constituents about the site? Since it will be the Minister for Health in the chair representing the minister who has brought forward this bill, I am sure he is in a position to lay out his bigger vision for the biomedical research precinct and how this key site, already identified in strategic planning documents as being for that purpose, will enhance that strategy, because we do not need a short-term decision based on certain political necessities of the 2012–13 financial year; we need a long-term vision that lives up to the one that was brought forward in 1886. I am hoping to hear something on that from the minister.

Mr ONDARCHIE (Northern Metropolitan) — It is an honour and a privilege to rise today to speak in the debate on the Royal Women's Hospital Land Bill 2012. Indeed it is a pleasure and a delight to see so many lovely women in the gallery today as well. The Royal Women's Hospital has a special place — —

Mr Barber — On a point of order, Acting President, for the benefit of the new kid on the block, there are very good reasons why we do not acknowledge the presence of people in the gallery. As nice a thing as it might be to do on some occasions, as a general rule it is not good to acknowledge or invite the gallery to participate in our debates.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! I uphold the point of order and remind members not to acknowledge those in the gallery.

Mr ONDARCHIE — I thank Mr Barber for the Greens advice on the best way to run the Parliament today.

For some period in the 2000s the Royal Women's Hospital was my place of employment as an executive director, and it holds a very special place in my heart. I thank Mr Jennings for his words of support for this bill. Typically from the other side of the chamber we hear words like, 'We won't oppose the bill', but today Mr Jennings said he will support the bill, and we thank him for that.

The main purpose of the bill is to revoke a permanent reservation over land in Carlton, part of which was previously occupied by the Royal Women's Hospital and part of which is currently being occupied by the Royal Dental Hospital. The reservations were gazetted in 1886, restricting use of that land for the purpose of a lying-in hospital. The Royal Dental Hospital is currently occupied under a lease, and this land will not be sold. The use of the dental hospital is not consistent with the lying-in hospital reservation, and this bill will overcome that issue for us. The reservations do not reflect the current or potential use of the land.

The Royal Women's Hospital is an extraordinary place. It is Australia's largest specialist obstetric, gynaecological and neonatal paediatric hospital and provides clinical expertise and leadership in obstetrics, neonatal paediatrics, gynaecology, oncology and maternal health. It also has an outstanding reputation for advances in research and clinical developments. The new site the hospital has moved to in Parkville will allow it to be part of a precinct where the world's best researchers are going to be, and the skills and experience of the staff can be leveraged in strategic partnerships that will support many Victorians.

In my time at the Royal Women's Hospital I learnt lots about women's health — things that blokes do not usually know about or talk about. This bill supports the initiatives of the Royal Women's Hospital at its new site and respects the needs, health and wellbeing of

Victorian women. The accomplishments of the Royal Women's Hospital to date include that Australia's first in-vitro fertilisation baby, only the second one in the world, was born there; it facilitated the birth of the world's earliest born surviving quadruplets; and it provides one of the world's longest running follow-up programs for very premature babies. If members have been to the neonatal unit at the Women's and seen the neonates there, they will know how important this unit is. The premature babies are just delightful. Way back, we thought babies born at 20 weeks would not make it, but now they can, and we thank the Women's and the neonatal unit for the work they do.

In an Australian first, the Women's has been able to provide women with revolutionary scalpel-free surgery to treat uterine fibroids using magnetic resonance-guided focused ultrasound technology and bring recovery times down from six weeks to just a matter of days.

One of the biggest accomplishments of the Royal Women's Hospital, in my view, is that it delivered my granddaughter, Gypsy Rose. That is one of the great things. The hospital delivers over 5000 healthy babies and a further 2000 premature or ill babies every year.

Annually the hospital provides 200 000 occasions of care for women who come from 165 countries, speak 60 different languages and follow 42 separate faiths. The hospital regularly looks after over 100 000 women. Approximately 12 000 operations and 11 000 day procedures are performed annually at the hospital. In 2010–11 there were 6605 births, 30 285 inpatient stays, 157 351 outpatient visits and over 25 000 emergency attendances. In that period 98 per cent of emergency patients were admitted to an inpatient bed within 8 hours; 85 per cent of non-admitted emergency patients had a stay of less than 4 hours; no patients had a length of stay in the emergency department greater than 24 hours; 100 per cent of triage category 1 emergency patients were seen immediately; 93 per cent of category 2 emergency patients were seen within 10 minutes; 86 per cent of category 3 triage patients were seen within 30 minutes; and there were over 4000 elective surgery admissions.

The Royal Women's Hospital stood on its previous site for 120 years before the redevelopment project saw it move to Parkville in 2008. The land is set to be sold with proceeds going to consolidated revenue to offset the cost of the redevelopment project, which was $250 million. Mr Barber had some accounting confusion this morning. He simply did not understand how money flowed into consolidated revenue and then offset the cost of the development.

Mr Barber interjected.

Mr ONDARCHIE — Let me give you an accounting term that might help you, Mr Barber. It is called allocation; that is how it works. We have allocated that money to offset the cost of the redevelopment. It is not a complex term, in my mind, but if you dive into the Funk and Wagnalls, you might be able to find what it means. I am sure Mr Jennings knows exactly what we are talking about; hence the reason he is supporting this bill.

The bill provides an opportunity to realise the potential of the land at the old Royal Women's Hospital site. In 2003 it was announced by the former government — and that is why the opposition is supporting this bill today — that the site of the Royal Women's Hospital would be used for other purposes and the land would be sold to offset the cost of the new development. The land that is set aside is considered surplus to Department of Health requirements and will be sold without any restrictions on its title. It will be valued by the office of the valuer-general, based on the highest and best use.

The government anticipates many innovative and exciting opportunities for that former hospital site. I think this is an appropriate bill. It is the right bill for its time and is consistent with what Mr Barber is looking for today, which is the offsetting of the cost of the new Royal Women's Hospital development. Like Mr Jennings and those opposite, we commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the debate on this legislation. I am also pleased that Mr Jennings and the opposition are supporting this important legislation, as has been pointed out by my colleagues Mrs Petrovich and Mr Ondarchie. Even though it is not complex legislation, it will in part enable the state to utilise the site on which the Royal Women's Hospital was formerly located.

This is an area of land I know quite well after spending 10 years — from 1990 to 2000 — at the Royal Women's, as it was known then, as well as some areas outside the site. The Royal Dental Hospital of Melbourne was not in place when I was at the site, but I spent some time at the Kathleen Syme Centre, which Mr Barber made mention of. That was a teaching facility; it is now going to be a community hub for the residents of Carlton and other interested people.

During my time at the Royal Women's the site also housed the Victoria Cytology Service, an important service that undertakes many aspects of women's care

in the screening of cervical cancer. There were many uses of the site. I was fortunate to spend a great deal of time at the Royal Women's. I know the new hospital — the Women's, as it is now known, and where I still know many people who are doing tremendous work — is providing a great service to the state of Victoria.

The purpose of this bill is to revoke the permanent reservations for a lying-in hospital over those two adjoining Crown allotments. The bill affects the two sites at the Royal Women's and the Royal Dental Hospital. As Mrs Petrovich pointed out, it is very much a bill that will enable good utilisation of that land. This bill will remove the outdated permanent reservation and restricted Crown grant for a lying-in hospital. As the hospital was relocated in 2008, the site is no longer required for hospital purposes.

Just to go back to a little bit of the hospital's history, Mr Barber said that lots of flowery words were written about the history of the site and the vision of the forefathers. That is a little demeaning, because the hospital provided a great service to the state of Victoria and to many women over a long period. I think Mr Barber would agree that it provided significant services as a lying-in hospital at that time.

It was established first and foremost by two doctors in 1856, but at another site. It was then moved to the Royal Women's site. The Royal Women's Hospital has a proud history of caring for women, dealing with neonatal health issues, premature baby services and other women's health and wellbeing services. It has a proud history, not just in recent times but over many years. This should be a forum to acknowledge that history and the part it plays in many aspects of service delivery, especially to women in Victoria around women's health and also in some leading medical and research areas, as Mr Ondarchie pointed out.

As Mr Ondarchie said, the utilisation of the sale of the site will be undertaken. I think it was Mr Barber who said that the options for the government were yet to be determined. Of course that has to be determined. I do not think that is untoward or a surprise, and I am sure that the minister in the committee stage will provide a further explanation of that.

As I said at the outset, this is an important bill in relation to aspects of that particular site. It is a fairly straightforward piece of legislation, and I, like other members of the government and Mr Jennings, look forward to the speedy passage of this bill.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. D. M. DAVIS (Minister for Health) — I ask that leave be granted for Mrs Petrovich to sit at the table.

Leave granted.

Clause 1

Mr BARBER (Northern Metropolitan) — My question for the minister is as follows. The second-reading speech states:

> The government anticipates innovative and exciting opportunities for the former Royal Women's Hospital site.

Can the minister relieve my sense of anticipation and tell me what these innovative and exciting opportunities are?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to say that the government intends to sell the property for appropriate redevelopment. The purchaser of the property is undetermined at this point. The member might ask if it is likely to remain in public ownership. The normal processes would apply there regarding a government agency expressing any interest in purchasing the property. In the event that there is no interest by a government agency, it will be offered for public sale, but there may well be interest by a public agency.

Perhaps I will just step through it. I know the member is aware of a number of proposals that are around. The government has not made any policy decision on these matters, but there is a process in the regime, as I think the member understands. I know the University of Melbourne has released a publicly available document looking at enabling a strategy of building infrastructure, looking out to the future. I also make the point that my colleague Ms Asher, the Minister for Innovation, Services and Small Business, made some comments in her contribution in the lower house pointing to that public document. However, as I said, there has been no formal policy decision made.

Mr BARBER (Northern Metropolitan) — Is the process the minister described, where it is offered first to government agencies, the normal process? Has that process commenced?

Hon. D. M. DAVIS (Minister for Health) — As I understand it, and I stand to be corrected on this, the current reservation of the land means there is only one use to which the land can be put at this point.

Mr JENNINGS (South Eastern Metropolitan) — I know Mr Barber talked about the sausage and the sizzle during the course of his contribution to the second-reading debate. He jumped right to the end point of the story. I intend to go back and ask some precondition questions. Whilst the minister may be assuming that the disposal process would commence when the status of this reservation is changed once this law has been passed, in fact there has been no process prior to that. It would be useful for the committee to be made aware of what the process of appraising the potential purposes of the land was before this time. Let us go back and work out what the government has already done, what assessments have been made and what we think those assessments say.

Hon. D. M. DAVIS (Minister for Health) — For the assistance of the member and the committee, the key disposal steps are as follows: the property is assessed as surplus to the requirements of the department — the Department of Health in this case — and that has been completed; the permanent reservation affecting the land is revoked; the Department of Sustainability and Environment (DSE) provides its government public land assessment to determine if the property is surplus to the state's Crown land portfolio, which has been completed; and the Department of Treasury and Finance establishes if there is interest in the reuse of the property by agencies of government, including the City of Melbourne.

If an agency of government expresses interest in the property, a sale will occur at current market value — as determined by the valuer-general, as I understand it. If there is no government interest in the property, it will be offered for sale on the public market. As the property comprises Crown land, the Assistant Treasurer will be responsible for the sale of the property. The property will be sold pursuant to the provisions of the Land Act 1958. The sale of the property will be conducted in accordance with the government's policy framework entitled *Government of Victoria Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land August 2000*. The Government Land Monitor will be required to approve the sale transaction.

Mr JENNINGS (South Eastern Metropolitan) — That is a more fulsome description of the process, but the minister has missed the opportunity to tell us where we are now at within that process.

Hon. D. M. DAVIS (Minister for Health) — We are obviously at the point of revocation of the reservation.

Mr JENNINGS (South Eastern Metropolitan) — In the sequence the minister has just outlined to us, we are not, because in that sequence the minister listed the revocation of the reservation as being prior to DSE's process of determining whether the land is surplus to Crown land requirements, which the minister told us has been completed. There is an error in the minister's assumption that the revocation is the next step. We need to know what has occurred up until now and what is in process and will continue. The minister told us that the DSE assessment that the land is surplus to Crown land requirements has already been completed, but he told us in the time line that this occurs after the revocation has been made.

Hon. D. M. DAVIS (Minister for Health) — These are key disposal steps. It is obviously correct that we are in the process of considering the revocation of the permanent reservation.

Mr JENNINGS (South Eastern Metropolitan) — The minister needs to be clear about this, because I started in the spirit of generosity. I started from a very generous place. Mr Barber has upped the stakes significantly in relation to the way in which the public commentary may be played, and the minister is not helping us if he cannot tell us whether the determination has taken place. He has told us conflicting things.

Hon. D. M. Davis — No.

Mr JENNINGS — You have! The minister has told me the sequence and said it rolls out in a sequential order. He has told us that the subsequent stage requires the revocation to be completed before various elements can take place, yet something that he has listed in that time line as happening after the revocation he has told me has already occurred. Let me help the minister: has the Department of Health determined that the land is surplus to its requirements and has DSE determined that it is surplus to Crown land requirements? Have both those steps been completed?

Hon. D. M. DAVIS (Minister for Health) — The member might be a little confused. I have laid out the steps. It is clear that the Department of Health has assessed that the land is surplus to requirements. It is no longer for use as a lying-in hospital, which is the arrangement with the current reservation of land.

Mr JENNINGS (South Eastern Metropolitan) — It is not going to help anybody if the minister tells me I am confused when I have relied on what he has said to me. If I have relied on what the minister has said to me and I tell him that there is an inconsistency in what he

has said to me, it is not me that is confused. What I anticipated being quite a short committee stage will be protracted if the minister does not clarify for me where we are now at in relation to the sequential steps he has outlined.

Hon. D. M. DAVIS (Minister for Health) — I think the member is confused. These are key steps. It is not a time line. I have to indicate to him that he does appear to be a little confused. This is a bill, if he cares to read it, to revoke the permanent reservation. The Department of Health has made it clear that we do not need the land as a lying-in hospital, which is as the reservation has been since 1886.

Mr JENNINGS (South Eastern Metropolitan) — Not only am I not confused because of what the minister has told me, I am also not confused because of what the briefing officers provided by the department have told me. I came into this chamber reasonably well informed by the departmental officers I thanked earlier. I thank them again for the opportunity to assist the minister to clarify the information he has already given in the committee, which is not correct. The minister's continued reliance on the assertion that I am confused will not get us through the committee stage of this bill.

Hon. D. M. DAVIS (Minister for Health) — We might have to agree to differ on that. I do think the member is a bit confused, but that is his entitlement.

Mr BARBER (Northern Metropolitan) — I am confused. If the government is saying that it will go through a series of steps and ultimately the land could be flogged off to absolutely anybody for absolutely any purpose, how is it that the second-reading speech says that the government anticipates an innovative and exciting opportunity for the site?

Hon. D. M. DAVIS (Minister for Health) — There are a number of innovative uses for the site that are potentially available. Geographically it is close to a number of other key facilities. I think there would be a policy process to deal with that. The development potential of the site will be taken into account by the valuer-general when the value of the property is assessed. At this stage DTF (Department of Treasury and Finance) has not requested the valuer-general to provide a valuation report.

Mr BARBER (Northern Metropolitan) — Part of the site, as I have said, is zoned mixed use, allowing for residential development. The site, as the minister would understand, is also in close proximity to a whole bunch of other apartment blocks. Does an apartment development on the site, which would be permitted the minute this bill passes, fall under the minister's definition of 'innovative and exciting'?

Hon. D. M. DAVIS (Minister for Health) — As I think the member outlined in his contribution, the allotment is subject to schedule 45 of the design and development overlay (DDO), Swanston Street, and that promotes the future character of this precinct as a major, tree-lined, civic spine fronted by buildings of consistent scale, encourages development opportunities for growth in the education, research and development sectors, maintains the visual contrast between development in this precinct and the CBD, and acknowledges the transitional nature of the area and opportunities for development.

Mr BARBER (Northern Metropolitan) — Yes, the DDO does say something seemingly contradictory to the underlying zoning controls. While I may not have professional qualifications in the dismal science of urban planning, I have fought a lot of inner city planning battles, and I suspect that the underlying zoning controls would trump these nice words in the DDO if it came down to VCAT (Victorian Civil and Administrative Tribunal), so the minister's last answer does not give me any reassurance that the development will necessarily be what he is hinting at — that is, in the area of health and research and community use. I would like an assurance from the minister that the planning controls that are in place do represent the government's vision for the site and will not be wiped out by *Government Gazette* when the government finally gets some offers or does not like the look of the number of zeros next to the dollar signs in the offers that it is being given.

Hon. D. M. DAVIS (Minister for Health) — I can only limit my contribution to what is known about the bill and about the current planning arrangements. They are the facts of the matter. The bill does what it does, which is to remove the permanent reservation, and the current planning arrangements that are in place there, including the DDO to which the member himself referred and to which I have just referred, make provision for the growth of opportunities in the education and research areas.

Mr BARBER (Northern Metropolitan) — The second-reading speech also says:

> This bill represents the first step to realise the potential of this site, and provides an opportunity to use the land in new ways to benefit the people of Victoria.

Now the minister has simply finished telling us that things will just proceed down the normal path, and one possibility is that it gets flogged off at market value to

the private sector. Of course that market value is influenced by the controls over the site. There is nothing in the bill that delivers what the second-reading speech seems to be promising.

The controls on the site did not get there by accident. They are not some sort of historical anomaly or legacy. The controls for the site, including the heritage overlay, the height controls, the uses and the DDO, were worked out as part of a very well-considered and long-running planning process, albeit one that finished in 2002. For me to vote for this bill I need an assurance from the minister that those planning controls will remain in place and that however this parcel of land may go through this sale process, to whatever user, they will not be stripped away so that the government can achieve a higher dollar sum from the sale of the site.

Hon. D. M. DAVIS (Minister for Health) — I can only reiterate what the bill does, which is to revoke the permanent reservation, and I can only indicate that there is land zoning under the Melbourne planning scheme, as the member has outlined in his contribution and I have referred to, under schedule 45 of that scheme. That does make provision about the future character of the precinct and encourage development for growth in education and research, among other things.

Mr JENNINGS (South Eastern Metropolitan) — I know that in the minister's ministerial career he has not done many committee stages of bills.

Hon. D. M. Davis — I have done quite a few, actually.

Mr JENNINGS — Not many that end up with more goodwill in the committee than there was before. Cutting to the chase, Mr Barber has been asking a series of questions which he is seeking some comfort on, and I join him in seeking some comfort. He outlined the planning controls that are currently in place for this site. When the revocation of this reservation occurs the potential value of the site depends upon the end use that it can be put to, and in fact the planning controls are the last overlay of what limits what is there. In the absence of clear policy settings from the government and reassurances that those planning controls will not be amended, the market value could potentially go sky high. If it goes sky high, the University of Melbourne, for instance, would never be able to match that value.

Giving a concrete example, the public benefit in terms of innovation and building on the research and educational capability of this site, unless there is comfort given to us from the government at some point in time that it is not going to change the planning controls, that it is going to have some policy considerations and that it is not in fact going to change those circumstances where it is a totally market-driven outcome that the government is seeking, then people in this chamber and people in the community will have some concerns. Can the minister give us any comfort about the way in which the government will address those issues?

Hon. D. M. DAVIS (Minister for Health) — I think I have given some comfort in terms of what the bill does. That is the first thing. The second thing is the disposal arrangements which would see the land offered to government agencies, as the member I know understands. As a former minister for environment, he well understands this particular process and he understands the sequence that occurs there. I know that there will also be other inputs, including that the council, as the relevant planning authority, will have a role to play in the future use and any redevelopment of the property. I can indicate that schedule 5 of the design and development overlay, which has been referred to already in the second-reading contribution by Mr Barber but also in this committee stage, which I have outlined, does contain a number of points about the future character of the precinct and the encouragement opportunities for growth in education and research.

Mr BARBER (Northern Metropolitan) — I know what the existing planning controls are because I read them into the record.

Hon. D. M. Davis — And I have acknowledged that.

Mr BARBER — The minister is now telling me what I already know. What I want to know is: will they be changed so as to achieve a higher market value? The minister has declined to answer that question and has simply repeated himself on several occasions. I am happy to take that as a no.

To register my opposition to this proposition I will call a division on clause 1 as a test of support for sending the government away to get reassurance that the rhetoric matches up to the government's actual intention. If the division does not succeed in my favour, then that will be the test. I will not necessarily need to ask further questions or test further clauses or the third reading.

Hon. D. M. DAVIS (Minister for Health) — The member is entitled to take whichever steps are appropriate. I can only reiterate that the government's

intention through this bill is to change the reservation that has been there since 1886 and further indicate the government's process and the fact that public agencies, as part of that process, are obviously offered the first opportunity. The other important point to understand is the design and development overlay. I have acknowledged the contribution from Mr Barber on that matter. I note that the overlay encourages development opportunities for growth in the education, research and development sectors. I also note the involvement of council in the process. I know the government is determined to get the best results for the site, ones which will put us in a strong position going forward as a community.

Mr BARBER (Northern Metropolitan) — To close off the debate on this clause, there are other planning controls I could have referred to, not just the basic ones. If we turn to the Melbourne planning scheme, I will read into the record four paragraphs I picked up that relate to the vision for this area. The Melbourne planning scheme states, amongst many other references:

> The concentration of educational, medical and research facilities stretching from Flemington Road and Royal Parade to the north, through the central city, to South Yarra, are nationally important and a very significant part of the state's economy.

Another reference says:

> One of Victoria's greatest strengths in biotechnology capability is the co-location of key education, hospitals, and industry in a number of precincts of research excellence. These precincts, including Parkville and the Alfred (and others), provide for a focal point for sharing resources and the exchange of ideas.

There is a section on specialised activity centres that makes reference to 'major university campuses and key research and development precincts'. An objective of the council's municipal strategic statement is to:

> Support research focused uses around the biotechnology research, education and production precinct centred in Parkville that are sympathetic to the character and amenity of the area.

That is the vision in the municipal strategic statement. It was approved by the state government and all stakeholders appeared to be working towards that vision. It is unfortunate the government has some kind of unwillingness to reiterate that this vision is what it is heading for with the site. All its members continue to quote material that we already know about the bureaucratic processes which deal with land. The government does not appear to have a vision that matches the one described in the Melbourne City Council's own planning scheme.

Hon. D. M. DAVIS (Minister for Health) — I note the member's helpful contribution in terms of the municipal strategic statement, which lays out a vision for Melbourne. As the Minister for Health, amongst other responsibilities, I understand completely what is being referred to. There is support across all corners of the chamber for Melbourne's position as a biomedical research centre. There is strong support for a vision of integrating education, health and research. There is no question of that. As Mr Barber outlined, the government ticked off, as it were, on the municipal strategic statement and supported it. In a sense he adds further support to the general position. I stand on the points I made earlier about what the bill does and what the planning arrangements are.

Mr JENNINGS (South Eastern Metropolitan) — To make sure that anybody who reads the committee stage of this bill clearly understands, it was Labor who redeveloped the Royal Children's Hospital, the Bio21 cluster, the Royal Melbourne Hospital, the Royal Women's Hospital, the Walter and Eliza Hall Institute and the Howard Florey Institute. Labor established the funding arrangements to build the Parkville comprehensive centre during its period of government from 1999 to 2010. Our bona fides, commitment and actions to drive the calibre of this precinct are held in good stead by the community, and members who are trying to capture some degree of glory in relation to the development of that biomedical precinct need to be reminded of that.

Labor has an ongoing interest to try to maintain the integrity of that precinct. Labor made a commitment allowing this bill to in effect be established. We established the momentum for this parcel of land to be revoked from its current use and other potential public use, as described through a process that I well and truly understand, despite the fact that Mr Davis tells me I was confused about it. I was not given satisfactory answers about where that process was currently at, and I still believe that is the situation.

In terms of what is going to become the threshold question — which Mr Barber is most worried about — on guarantees the minister and the government can provide, can the minister indicate to us whether there is a current valuation by the valuer-general based upon the existing planning controls and the assumption that this reservation is revoked?

Hon. D. M. DAVIS (Minister for Health) — To pick up an earlier point made by the member, obviously, as I indicated, I was not trying to say that it was simply the government that had a vision and support for a biomedical precinct through the Parkville area and for Melbourne's position there. I think there is

enough room to credit all parties with contributing to that vision. Indeed the previous government built on the initiative of the government before it — the science and technology initiative that my former colleague Mark Birrell kicked off with significant funding for that initiative which built on an earlier base. I think the contribution to strengthening Victoria's position in biomedical research is something that has been built on over a number of governments, and I suspect the member probably does not disagree with that either.

In terms of Mr Jennings's final question, as to whether there has been an assessment, as I understand it there has not been an assessment, but I have asked the officials to provide a final clearance on that point. My understanding is correct.

Mr JENNINGS (South Eastern Metropolitan) — Is the minister able to give us an undertaking that a valuation would be determined on the current planning control settings prior to its proceeding through the process?

Hon. D. M. DAVIS (Minister for Health) — I am advised there will be a valuation as part of the normal process.

Mr JENNINGS (South Eastern Metropolitan) — Does that mean that it occurs on the planning controls, or may it be subject to either policy changes or planning control changes that the government may want to institute prior to the disposal of the land?

Hon. D. M. DAVIS (Minister for Health) — I think I answered the questions about these matters earlier. I am advised that the valuation will be under the normal process.

Committee divided on clause:

Ayes, 37

Atkinson, Mr
Broad, Ms
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Jennings, Mr
Koch, Mr
Kronberg, Mrs
Leane, Mr
Lenders, Mr (*Teller*)
Lovell, Ms
Mikakos, Ms
O'Brien, Mr
O'Donohue, Mr (*Teller*)
Ondarchie, Mr
Pakula, Mr
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Ramsay, Mr
Rich-Phillips, Mr
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 3

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

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5

Mr JENNINGS (South Eastern Metropolitan) — The reason I am speaking on clause 5, which is about the consequences of the change in the reservation, is that this is the first opportunity I have had to make it clear that the support of the Labor Party for clause 1, the purposes of this bill, is on the basis that Labor initiated and intends to support the policy intent and the policy settings in terms of the redevelopment of the Royal Women's Hospital and the potential for the change in reservation and purposes and the public benefit of the parcel of land on which stood the former Royal Women's Hospital. It continues to be our intention to support those.

The line of questioning that I raised on clause 1 indicated that Labor has an enduring concern to make sure that the public benefit can always be demonstrated through the process by which the evaluation of the disposal and ultimately the use of these parcels of land will be put to an outcome that will satisfy our expectation of a public benefit. On that basis and on the line of questioning, the assumption of Labor is that the due process that the minister has already given an undertaking will be followed will maintain the integrity of the policy settings and the planning settings that are in place. We will support the third reading of this bill on that assumption.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his questions, and I welcome his support. I can indicate that the public benefit is critical. I think we have outlined the outcome of the consequences of the revocation and indicated the process that will occur. Indeed it is the same process that was in existence when Labor was in power, so in that sense it is very much the same process that Mr Jennings had in place when he was the relevant minister. I can indicate that that process remains.

Clause agreed to; clauses 6 and 7 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so I thank members for their contributions and note the genuine affection in this chamber for the long history of the Royal Women's Hospital on that site and the opportunity for the chamber to wish it well on its new site, which is proving to be a great benefit for the Victorian community and for Victorian women in particular.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 36

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Mikakos, Ms
Crozier, Ms	O'Brien, Mr (*Teller*)
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Ondarchie, Mr
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Ramsay, Mr
Elsbury, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Koch, Mr	Tee, Mr (*Teller*)
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr

Noes, 3

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

Question agreed to.

Read third time.

RULINGS BY THE CHAIR

Questions on notice: answers

The PRESIDENT — Order! Before members resume their seats and I hand over briefly to Mr Finn as Acting President for the next order of business, I indicate that Ms Pennicuik has written to me in respect of a question she put on notice, which is question 8233. It is a question to the Minister for Planning in regard to the status of the port land use in and around Hastings seeking further information on any environmental studies that might have been undertaken. She has indicated to me that she believes the answer which was provided addressed part (1) of the question but not parts (2) and (3), and she sought my view of that matter. On this occasion I concur with Ms Pennicuik, and I believe parts (2) and (3) have been inadvertently missed from this answer. Therefore I direct that the question in respect of those two parts be put back on the notice paper.

LAND (REVOCATION OF RESERVATIONS) BILL 2012

Second reading

Debate resumed from 19 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr JENNINGS (South Eastern Metropolitan) — On the bill we last dealt with, a land bill regarding the disposal of land, I started my contribution by saying that I and the Labor Party supported the bill. I then put a caveat on that making it subject to satisfaction with the quality of the advice given by the minister at the table, the Minister for Health, during the committee stage. Whilst I made that caveat clear, there was quite a contrast in the response of the government. Government backbenchers were as effusive about my support as if it were unqualified support. They quite embraced my contribution to the second-reading debate. When we got into the committee stage of the bill the minister decided to tell me that I was grossly confused and did not know what I was talking about. He was almost denying the validity of the questions I asked in seeking some reassurance.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mrs Petrovich, on a point of order.

Mr JENNINGS — Are we going to get into this dispute straightaway?

Mrs Petrovich — No we are not. On a point of order, Acting President, regarding relevance, the member is speaking about the bill we have just dealt with. I thought that moment had passed and we had moved on.

The ACTING PRESIDENT (**Mr Finn**) — Order! I accept, to a degree, the point Mrs Petrovich makes. However, as Mr Jennings has been on his feet for less than a minute and a half, I will give him the benefit of the doubt and anticipate that he will get to the bill very soon. He is the lead speaker and gets a good deal of breadth to wander, and wandering he is.

Mr JENNINGS — Thank you, Acting President, for your understanding of what I was doing. However, I was not necessarily wandering. I was indicating that the previous bill was a land bill and one the opposition intended to support. This is a land bill and will deal with similar issues to the last bill in relation to the way parcels of land with reservations will be changed and then disposed of. The government's arrangements or the ownership of them may change.

The substance of this bill is, in effect, exactly the same legislative mechanism as the previous one. The matters could have been dealt with by the one bill because they both deal with the same issue. The reason I started my contribution in that way is that I was hoping to make it clear to the government that I do not want the goodwill that was demonstrated in my second-reading contribution to be taken for granted, and I do not want to be insulted in later stages of the consideration of the bill. It puts my support at risk. That was the point that I was seeking to make and emphasise. The point of order and your intervention, Acting President, has allowed me to amplify that point. I appreciate your support in allowing me to make that very clear.

It is our intention to support this bill because it makes a sensible series of changes to the reservation of a number of parcels of land throughout Victoria. It is part of government activity that outlives the duration of any individual party political government. This type of legislation is a recurring theme and part of the legislative program for governments of all persuasions. This has been the case — and I anticipate will be the case — in relation to amendments across the Victorian landscape affecting restrictions on how parcels of land reserved for certain purposes should be used or governed now that those reservations are not the most appropriate. There should be a simple legislative mechanism to facilitate a change to that status to enable more modern and appropriate use of and governance arrangements for the land. That is what occurs in this bill.

Seven parcels of land are dealt with in that way in this legislation, ranging from St Kilda through to Fitzroy, Toolangi, Werribee, Inglewood, Barwon Heads and South Melbourne. Most of them will be used to benefit the community more than they did before. The land will be used more efficiently. There is a good chance these parcels of land across Victoria will be put to better, more appropriate community or environmental use than they might have been in recent times.

It is rare that I am able to say a positive thing about this government, but the government is reforming one of the parcels of land with the intention of giving it a higher level of environmental protection. Incorporation of environmental values is a positive aspect of the government's legislation. That is something I am sure the Acting President would wholeheartedly endorse if he had the opportunity to contribute to this debate and identify that parcel of land as having a high end-use value. I thank him for his implied support from the chair.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Jennings is pushing a friendship at the moment, and I ask him to leave the Chair out of the debate. As Mr Jennings well knows, the Chair, whoever is in the chair, must be above and beyond taking sides in this or any other matter. I ask Mr Jennings to stick to the matter at hand and to leave the Chair out of the debate.

Mr JENNINGS — Intervention well made, Acting President. In fact I am always impressed by the way the true meaning can be conveyed through a whole range of interventions — it does not necessarily have to be done in a brutal way — and I appreciate that you are a member of this chamber who recognises that.

I will briefly run through the parcels of land in question. There is a small parcel of land adjacent to the St Kilda town hall, which the residents of that municipality would understand is a very prominent feature on the corner of Carlisle Street and St Kilda Road at the intersection where it becomes Brighton Road. The intention is for that parcel of land to be used as a child-care facility. The previous government saw the value of that, and I am pleased to see that the current government identified the value of that purpose being put to that parcel of land. Given that the reservation prevented it from occurring, I would think that is something which the local community would be very supportive of, and, as a consequence, we will support it.

There is an important parcel of land in Fitzroy which, again, is a very prominent site. That parcel of land, probably on the balance of its notoriety, its prominence and the challenges associated with it, could properly have warranted me talking about it first. I certainly will talk about that parcel of land at the greatest length. It is a parcel of land on which I may seek clarification from the minister at the table during the committee stage in relation to the process by which guarantees could be made about the remediation of this parcel of land in Fitzroy, which used to be a gasworks site. From the late 19th century this parcel of land was used as a gas site and it had very heavy industrial usage. It has been perhaps underutilised since 1927, which is a very long period of time; we are talking over 80 years.

In 80 years this parcel of land has not been at its optimum, but clearly it has been contaminated and it has a vexed recent past in relation to the challenges associated with its redevelopment. There are a number of such industrial legacy sites across the metropolitan area, and for that matter across Victoria. Many of them were petrol stations, and following the economic and original industrial and commercial use of the sites reaching its shelf life, there has been a lingering concern about the way these properties can be remediated and put to further use. Some sites have been lying in abeyance for decades, and this is one of those sites. It creates great difficulties in terms of the way this site could be developed. In this case the bill allows the chance to change the site's land tenure status, which will then enable it to go through a disposal process. The questions that will need to be asked and satisfied concern the way the occupational health and safety standards and the community public health standards can best be addressed and guaranteed prior to any disposal of this property. We will seek undertakings from the government about its ability to deliver that outcome.

The parcel of land, Acting President, that I almost invited you to participate in commentary on was the Toolangi site, previously the potato research facility, that has been designated as appropriate to be incorporated in the Yarra State Forest and consequently dealt with to protect its conservation value in the future. That is very worthwhile and something certainly that the opposition would support.

There are two modest proposals to change parcels of land around road alignments to ensure the utility of those roads and that the abutting land parcels are used more efficiently. They are in Sneydes Road, Werribee, and in Barwon Heads. VicRoads has made recommendations about the way those parcels may be realigned and more effectively used to fit the configuration of the local amenity, and this is supported by the opposition.

At Inglewood there is a small parcel of land which is a residential dwelling that was associated with the hospital, which has been relocated. The designation of having a hospital residence on that site is no longer appropriate, and that has changed hands.

In relation to South Melbourne, there is a parcel of land that was previously used as a temperance hall. Whilst that may have been a community activity that was deemed appropriate at the time, it is no longer seen to be the best use for that property. Other alcohol, drug and support services will probably replace the need to have a specific community hall designated for that purpose. It is now intended for use as a community performance space, and we believe that is a more appropriate use.

Given that those are the matters covered by this bill, for the reasons I have outlined it is the intention of the opposition to support them, and we will do so. I anticipate after the series of questions I will ask the minister at the table about satisfying the remediation requirements and clearing up the parcel of land in Fitzroy, we will then support that revocation occurring.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Minister for Higher Education and Skills: correspondence

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Higher Education and Skills. Minister Hall's letter to senior TAFE executives published in this morning's newspapers makes it clear that the impact of the budget on TAFEs will be profound. Can the minister outline what those profound impacts will be?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Finally we get a question from the opposition on education. Strangely there has been silence for a long period of time, but I am always happy to speak about education. Members opposite would know that I have a passion for education, and I make no apology whatsoever for it.

That is why I am very keen to work closely with the TAFE institutes in Victoria to ensure that any challenges that they have arising from this budget are met and that they are given the opportunity to thrive, grow and prosper. The budget brought down by this government on Tuesday of this week will see a record investment of over $1.03 billion in TAFE over the next four years. That provides a climate in which our TAFE institutes in Victoria can continue to do the sterling job they do — that is, to deliver training to Victorians of all ages throughout the state.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I am grateful to the minister for the setpiece response, but the question asked him to explain what the profound impacts that he described would be. Later in the same paragraph the minister said that TAFEs will have to absorb some local pain. Can the minister assure the house that the profound impacts and the local pain that

he describes will not be so great as to cause any TAFE campus to close its doors?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I repeat my preparedness, which has been stated since day one and was included in my letter to the TAFE institutes: this government will do everything that it can in terms of working with the TAFE institutes to ensure that they have a prosperous future and continue to deliver training. My commitment is to work with them.

Hon. M. P. Pakula interjected.

Hon. P. R. HALL — The question you asked, Mr Pakula, is being answered in this way, and that is because of my commitment to work with them to ensure that they have a strong future in terms of delivering training in this state, and I will stand by them.

Sunshine Hospital: intensive care unit

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Health and Minister for Ageing, the Honourable David Davis, and I ask: can the minister inform the house of how the Baillieu government is investing in the Sunshine Hospital ICU (intensive care unit), and can he inform the house of any other activities that space may have been used for previously?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to inform the house that the long saga of the Sunshine Hospital ICU will finally be dealt with. This was a hospital commissioned by the Kennett government in the late 1990s, and there was a purpose-built intensive care unit in that hospital at the time of its completion. Unfortunately the Labor government chose never to commission that intensive care unit. A former Premier, Steve Bracks, ordered a review into the intensive care unit and the need for intensive care, and that review directly recommended that the intensive care unit be opened. That review was done in 2001. Over the next nine years Labor proceeded to dither and delay, and it never opened the intensive care unit at Sunshine Hospital. What it did instead was to turn it into a film studio, and it started filming *Skithouse* and *Stingers* and other shows there. Labor rented out the space and used it as a film studio.

There is nothing wrong with film studios, but here we have a purpose-built intensive care unit at a major hospital in the western suburbs. Labor has always taken the west for granted. It has always treated the western suburbs shabbily, and we have observed in this house members for the western side of the city rise in the last few months to say we should do something with the intensive care unit. Yet over 11 years they were silent, and all they used it for was a film studio.

It is amazing to see on the Film Victoria website from back in the 2000s copies of Labor advertisements advertising the intensive care unit as a site where — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Mr Jennings knows. He could have done something, but he did absolutely nothing over 11 years. His government used an intensive care unit as a film studio. This government will spend the $15 million required to commission the intensive care unit and to put intensive care beds into Sunshine Hospital, which is a major hospital in a growth area in the western suburbs. Maternity beds will also be put into that hospital — those are the maternity beds that the Auditor-General pointed out were needed after 11 years of Labor mismanagement.

We do not need more film studios in our hospitals; we need more intensive care beds and more intensive care units. I contrast the activities of this government with those of the previous government, which saw fit to treat the people of the west with contempt over 11 years. A film studio is not what they wanted; an intensive care unit at Sunshine Hospital is what they wanted.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! We do not normally acknowledge local government people, perhaps because in some cases we do not even know that they are local government people, attending the Parliament. However, on this occasion I note that Cr John Ronke, the mayor of the City of Kingston, is in the gallery this afternoon, and we welcome him.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Minister for Higher Education and Skills: correspondence

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Higher Education and Skills. In question time yesterday the minister expressed his delight at the outcome for the skills portfolio in the budget. The Treasurer's speech said the

budget was helping to ensure a strong future for our TAFE system. How does the minister reconcile the Treasurer's speech with the emotions of shock, incredulity, disbelief and anger that he observed in his meeting with TAFE executives last Friday?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is interesting to see this. I wonder whether Mr Pakula drew the short straw or the long straw, but he has been chosen as the one to do the head kicking this afternoon. Mr Pakula is a former minister. He had two years experience as a minister and sat on this side of the house. Consequently I dare to suggest that that experience led to him having the same experience as I have had — that is, anguishing over some tough decisions that have to be made at various times.

What I have been particularly keen to do during the 18 months that I have stood in this position — —

Mr Viney interjected.

Hon. P. R. HALL — Maybe we will get a question from Mr Viney next time so we understand the point that he is trying to make by way of interjection.

I have a particular passion for this sector. The application of policy in this area has been to assist our TAFE providers to grow and strengthen their delivery of training in Victoria. A classic example of this is the commitment of this government to the Regional Partnerships Facilitation Fund, where we have enabled every one of those TAFEs in regional Victoria to work to develop pathways into higher education and therefore grow their relevance and grow their ability to provide more for the communities they represent. That is what I mean in terms of a future for TAFE institutes in this state. We will continue to work in innovative ways, such as with the Regional Partnerships Facilitation Fund and others, to develop and strengthen those institutes.

The PRESIDENT — Order! Just before I call on Mr Pakula for his supplementary question, I indicate to the house that I have been informed that the ABC is filming part of question time today. The camera crew are not in the usual place where cameras are set up in this house, but it is in order for them to take up the position where they are located today, albeit that I have ensured that they are aware that they are not to include footage of the gallery as part of their filming of the house. That is one of the issues in terms of media cameras being in the position where the ABC is today. The ABC is one of the accredited media and meets our guidelines in that sense.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — My supplementary question is this: in the same paragraph in that letter the minister makes it clear that the sense of frustration he describes and the emotion of shock, incredulity, disbelief and anger that he ascribes to the sector is shared by him and his staff. Is the letter not effectively the minister's admission that he does not support the TAFE cuts that were outlined in Tuesday's budget?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I categorically reject any inference drawn from my writing of that letter that I do not wholeheartedly support the decisions of government. Mr Pakula would know that beyond anything else I am a team player — always have been and always will be. I will argue for whatever I feel passionate about, and I do so in appropriate ways. But at the end of the day I am a team player. I accept the decision of the team. I wholeheartedly support the decision of the team, and moreover, in respect of the training budget this year, I am proud of this government's commitment to an investment in training of in excess of $1 billion over the next four years.

Employment: Ballarat

Mr RAMSAY (Western Victoria) — My question is to the Minister for Planning, the Honourable Matthew Guy, and I ask: can the minister advise the house what action has been taken to facilitate job growth in Ballarat?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Ramsay for his question in relation to regional job growth, which this government is committed to. I take pleasure in informing the house that I have today rezoned 22 hectares of land in the University of Ballarat technology precinct, the C155 amendment, to bring forward a brand-new, $155 million expansion of the Ballarat University Technology Park. This is an enormous project for Ballarat. It is one that will bring more than 1600 new jobs to Victoria's third largest city — 1600 new jobs for a city that is growing, a city that this government has made clear has its full support to grow its population, to grow its employment base and to grow its chance to position itself as Australia's 20th largest city and beyond.

This project alone is one that will inject confidence into the local economy in Ballarat. As I said before, it is one that is crucial to the ICT future of the University of Ballarat, and I pay tribute to the university and to my colleague the Minister for Technology,

Mr Rich-Phillips, for the work they have done to bring forward this job growth for the university and the technology park.

The completed park will contribute over $700 million to the local economy of Ballarat. That is an enormous advantage for Ballarat. It is one that will complement some of the other budget initiatives that this government has brought forward for Victoria's third largest city: $35 million to complete the Ballarat Western Link Road; $46 million for the redevelopment of the base hospital, including the helipad, as outlined by the Minister for Health, Mr Davis; $42 million for the duplication of 18 kilometres of the Western Highway between Buangor and Beaufort; $10 million to upgrade the Phoenix P–12 Community College; new V/Line carriages that will service the growing interurban corridor from Melbourne to Ballarat; the Alfredton West land release that I have brought forward, which will inject hundreds of new jobs into the Ballarat economy; and expediting the Ballarat West growth corridor, which this government is committed to doing.

I also pay tribute to the work of Mr O'Brien, Mr Ramsay and Mr Koch in their advocacy for Ballarat, the third largest city in Victoria, to get these projects happening and to get the state in the area of Ballarat and that region on track. This government, for the second time in 20 years, has come into government to find an economy trashed by our political opponents; yet again we have come into government to put in the hard work that needs to be done to restore the Victorian economy to where it should be — in its rightful place of pre-eminence, which is the way we left it in 1999. We are going to bring this economy back, and indeed Ballarat's economy back, as we are doing in our first term — right now.

Minister for Higher Education and Skills: correspondence

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Higher Education and Skills. Is it not a fact that the minister wrote his second letter to TAFE leaders yesterday, the one in which he makes it absolutely clear that he supports the budget, only after he became aware that the media had a copy of his first letter and after he had discussions with the Premier's office?

Hon. P. R. HALL (Minister for Higher Education and Skills) — No.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — Is it not self-evident that the minister's true sentiments about the budget are the sentiments contained in the first letter, the one that he drafted of his own volition, rather than the sentiments expressed in a letter that was drafted only yesterday?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am happy to keep repeating this message so that Mr Pakula and others get it loud and clear. I reject absolutely any inferences drawn from my letter which suggest that I am odds with the government on budget decisions taken by the government. I have a passion for this sector. I also have a work ethic that means I am happy to work with my stakeholders and will do so diligently. I reject any inferences that Mr Pakula or others make that in some way I disagree with any commitments of the government. I certainly do not.

Homelessness: youth foyer initiative

Ms CROZIER (Southern Metropolitan) — My question is directed to the Minister for Housing and Minister for Children and Early Childhood Development, Wendy Lovell, and I ask: can the minister update the house on details regarding the government's youth foyer initiative?

Hon. W. A. LOVELL (Minister for Housing) — I am absolutely delighted to update the house, and I thank the member for her question and her ongoing interest in homeless youth in Victoria. Last Thursday I was delighted to be joined by my colleague Peter Hall, the Minister for Higher Education and Skills, to announce that the first youth foyer in Victoria will be at the Kangan Institute site at Broadmeadows and that there would be $10.4 million in this week's state budget to fund the construction and ongoing running of that site.

This is a commitment that goes back a long way. It started when we were in opposition and had conversations with leading people in the homelessness sector: Tony Nicholson from the Brotherhood of St Laurence and Tony Keenan from Hanover Welfare Services. Those two gentlemen informed me about youth foyers. These are world best practice in dealing with youth homelessness.

Ms Broad interjected.

Hon. W. A. LOVELL — If Ms Broad does not want to listen, she can leave the chamber. These are great facilities that provide accommodation for young

people in return for their participation in education, training and work. It gives them secure accommodation while they undertake that training and also provides assistance for them to move on after they have finished. The youth foyers will be manned 24 hours a day, 7 days a week, and — —

Honourable members interjecting.

The PRESIDENT — Order! I notice that a lot of the interjections are by way of questions. This is question time. The opposition has an opportunity to draft questions that it wants to put to ministers. If those questions are of interest to the opposition, I suggest that opposition members feed them to whomever is scheduled to ask the questions today rather than trying to pursue them by way of interjection, which is not helpful.

Hon. W. A. LOVELL — As I was saying, the youth foyer will give the young people 24 hours a day, 7 days a week support while they are living in the youth foyer. I would like to thank Minister Hall for working with me on this project. If you read the Hanover press release on the budget, you will see it says that it is unusual for governments to be able to work across departments but that Minister Hall and I have broken down those barriers and worked in conjunction to deliver this innovative and progressive policy.

I also thank the minister's department, which has worked together with the housing department on this, and I thank Rob Knowles, who has chaired our committee and is dedicated to this cause. We thank him for his leadership and knowledge, which have been invaluable.

I am excited to be delivering on yet another Baillieu government election commitment, and we look forward to providing continued assistance to those who are vulnerable in our community.

Minister for Higher Education and Skills: correspondence

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Higher Education and Skills. In the minister's letter to senior TAFE executives he indicated that he has thought about throwing in the towel on many occasions in recent months. Has the minister at any stage offered to resign?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Here Mr Pakula goes again. As I said to him, he had two years in his job as a minister in this place. Did he ever feel any anguish over decisions? Did he ever have any emotions when he was considering things? I said to Mr Pakula before that I remain absolutely committed to the task at hand. It is an important role that I have been entrusted with by the Premier and my colleagues who sit in this chamber and in the other chamber, and I am therefore absolutely committed to delivering on the confidence and trust they have in me.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I think it is notable that the minister did not provide the emphatic no that he provided to my previous question. It is difficult for any reasonable person to interpret the minister's first letter as anything other than a public admission of deep dissatisfaction with the budget as it applies to TAFE, and even today in question time and in the doorstop interview he just concluded, he still will not categorically support the cuts to TAFE. Is it not the case that Westminster principles, the doctrine of cabinet solidarity and the minister's own sense of honour and integrity now dictate that his position in cabinet is untenable and that he should in fact resign?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Pakula asked this question, and I say in response to his question calling on me to resign — I think they were the words he said — I have a job to do, I am committed to doing that job and I will do that job to the best of my ability with the total commitment, energy and passion I have for it.

Road safety: motorcyclists

Mr O'BRIEN (Western Victoria) — My question is to the Assistant Treasurer, Mr Rich-Phillips, and I ask: can the minister inform the house on the latest Transport Accident Commission road safety campaign?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr O'Brien for his question and for his interest in road safety in Victoria. The Victorian government is very committed to working with the Transport Accident Commission (TAC) on its road safety initiatives. We see road safety as one of the key issues for the Victorian government, and we are keen to make a difference in continuing to drive down Victoria's road toll.

I am particularly pleased that Mr O'Brien has asked this question, because the focus of the latest TAC road safety campaign is on motorcyclists and the issue of the vulnerability of motorcyclists on our roads today. Motorcycle riders in Victoria account for only around 4 per cent of total road users in terms of registration of motorcycles versus other vehicles, and in terms of the

actual use of roads, less than 1 per cent of the kilometres travelled on our roads are travelled by motorcyclists, yet they are vastly overrepresented in accident statistics, particularly significant trauma statistics. Around 20 per cent of total trauma costs which are paid for by the TAC scheme relate to motorcyclists.

Although they are a very small percentage of road users, the types of injuries they suffer when they are involved in road accidents are very significant, so there is a renewed focus from the Transport Accident Commission on addressing concerns around road safety for motorcyclists. Of course the trauma associated with motorcycle accidents is not only felt in the sense of the impact on the TAC scheme; the bigger impact is on the family and friends of those people who are injured and on the people themselves, many of whom suffer injuries which are life changing.

This is an area where the Victorian government is very keen to partner with TAC to address some of the concerns around motorcycle safety. Last week I was delighted to launch the latest TAC campaign in the Reconstruction series. This is a campaign which builds on the work of the previous Reconstruction campaigns. They are designed to show actual accidents and work through the physics of those accidents. It is not based on hyperbole; this campaign actually works through the physics of a motorcycle accident.

Detective senior sergeant Peter Bellion, who is from the major collision investigation unit and has participated in these campaigns before, reconstructs a motorcycle accident which involves a motorcyclist who is speeding at 68 kilometres an hour in a 60-kilometre-an-hour zone and who has a collision with a motor vehicle that fails to give way. It shows a fatality that results as a consequence of that collision and how that fatality could have been avoided had the motorcyclist been travelling at the legal speed limit.

This campaign is a very confronting campaign. It is also a controversial campaign, and the government and TAC make no apologies for that. One of the things that is controversial about this campaign is that it shows the party who was wrong in this collision was the person driving the car because they failed to give way, but the reality of this scenario is that the person who suffered the consequences was the motorcyclist, who was involved in a fatal accident.

TAC and the government make no apologies for running a controversial campaign which highlights the dangers for motorcyclists and reinforces the need for motorcyclists to be vigilant on the roads. They are particularly vulnerable on the roads, and they need to travel at a safe and legal speed.

Housing: refugees

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Housing, Ms Lovell. The Footscray Community Legal Centre recently released a report titled *Making it Home — Refugee Housing in Melbourne's West*. It contains a scathing account of how our most vulnerable community members are living in unacceptable circumstances. The report found, for example, an urgent need for specialist refugee housing workers in areas of high-density refugee settlement. Local Office of Housing officers frequently fall short of best practice. The main issues relate to repairs, communication and effective dispute resolution. The Office of Housing is failing to meet its obligation as a landlord to maintain properties to such an extent that health and safety is being jeopardised. My question is: based on the findings of the report, what action is the government going to take to improve the dire situation refugees face when seeking safe and secure housing?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and also for giving me a copy of the report earlier today. I can assure the member that I was well aware of that report; I have read that report before. It is a report of about 70 pages, but only 4 pages relate to the Office of Housing. The member asked a question in the last sitting week about this. She asked a specific question about the private rental market, and I told her on the day that I was unable to answer because private rental falls under consumer affairs and the role of my colleague the Minister for Consumer Affairs, Mr O'Brien. I have passed the concerns she raised last week on to him.

We have a specialist response for asylum seekers in the inner urban areas. That is an allocation of $50 000, a dedicated housing establishment fund specifically for asylum-seeker agencies in the inner area of Melbourne to assist eligible refugees and asylum seekers with access to housing options and to sustain existing private rental tenancies.

The member would have read, I imagine, the Victorian Auditor-General's Office report a couple of weeks ago. That was a scathing report on the former government's management — or mismanagement — of housing in this state. We are working really hard to turn that around. We inherited a massive maintenance backlog, so I sympathise with all the Office of Housing's tenants, wherever they are in the state, if they are one of

those tenants who has been impacted upon because of Labor's mismanagement of public housing.

We are working to turn that around. We released our framework documents this week — the two discussion papers. I encourage the member to read those discussion papers and became actively involved in that process. I know my office has offered the member a briefing on the discussion papers, and we would like to hear her thoughts on how we can put public housing on a more sustainable basis into the future.

One of the first things I did when I became minister was talk to the Office of Housing about its customer service practices, because when I was the shadow minister I used to receive a large number of complaints about the Office of Housing and its treatment of tenants. The then director of housing was appreciative of that conversation, because she was also concerned about the tone of some of the letters that were going out under the former government and the lack of responsiveness to tenants. We have tried to turn that around. We are really working hard to have a better relationship with those tenants and to see their maintenance issues addressed.

We address maintenance issues within the Residential Tenancies Act 1997. There is a requirement in that act for urgent maintenance, and those targets are most often met. There is quite a high satisfaction rating amongst our tenants of people receiving urgent maintenance. It is more the non-urgent maintenance that has become a problem for us, and that is a result of Labor's mismanagement of public housing.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister for that answer, but I will go to this again: the coalition is now in government, and I get really tired of the previous government being blamed. The government has to get on with the job. The report clearly outlines a number of recommendations. The minister has clearly said she has read the report. The recommendation which could be implemented tomorrow — it is within the power of this government — which has been trialled and proved to be successful and which would be integrated into the Department of Human Services, is the provision of specialist refugee housing for workers in areas of high-density refugee settlement. Is the government prepared to actually do that?

Hon. W. A. LOVELL (Minister for Housing) — As I said, there is only one chapter and four pages in the report that relate to public housing. That recommendation is not a recommendation on public housing. However, the government is considering that report in both departments, and we will respond after the report has been considered.

Budget: manufacturing

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, and I ask: can the minister outline to the house how the programs outlined in the Victorian 2012–13 budget will help manufacturing companies overcome market barriers to lift productivity and competitiveness?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for her question because I know her recognition of the importance of manufacturing in South Eastern Metropolitan Region. As I said in this house yesterday, the coalition government's manufacturing strategy for a more competitive manufacturing industry is the result of the most rigourous and comprehensive examination of the challenges facing the sector anywhere in the country. The main focus of the report commissioned by the government and undertaken by the Victorian Competition and Efficiency Commission was how manufacturers could overcome market barriers to raise their productivity and their competitiveness.

Let me focus today on two of the policy responses. First, there is the specialist manufacturing service. I have spoken time and again about the importance of medium size manufacturers. They would welcome expert advice on how they can exactly achieve the continuous improvement to production processes that is necessary if they are to compete in global supply chains. We know major multinational corporations, especially those within the automotive sector, are moving towards leaner manufacturing processing and demanding certification in areas, such as a 6-sigma rating.

For those who do not know, a 6-sigma rating is an onerous protocol when it comes to the reliability of supply. It requires the supplier to demonstrate a capacity to produce defect-free products more than 99 per cent of the time — a very high level. Putting in place the processes that will achieve those high performance outcomes is no longer optional for businesses competing in global supply chains. I will give the house one example.

On the recent super trade mission to India I visited a components supply factory that recorded not one defective component in over three years of manufacturing. If Victorian firms are not able to compete at that level and get this certification, they will not even get to the starting gate in terms of meeting the global supply chain. That is why the Victorian government through its budget provided $13.7 million towards helping medium size manufacturers to achieve world-class service and supply standards, including in the area, as I mentioned, of certification.

The service will be delivered through the government's new business engagement model. This is a model that we have put forward as the best service for deliverers in Victoria from the public and private sectors. Those businesses will have the opportunity to improve their processes and meet the needs of an increasingly demanding marketplace.

Another part of the strategy to encourage world best practice is to encourage a quantum leap in innovation. Investments in state-of-the-art technologies provide a critical foundation for building that competitive edge in manufacturing. There is strong evidence to suggest that if manufacturers in more recent years have cut expenditure and relied on old technology, then the high Australian dollar is an opportunity for them to start investing. The high dollar makes this an opportune time to invest and bring in equipment.

As part of the new manufacturing strategy, through investing in manufacturing technology, the government will commit $24.8 million to provide incentives for businesses to initiate new investment and to leap ahead with technologies that will make their businesses more competitive. That is a great outcome for the sector, and this is a great outcome for Victoria and the workers.

LAND (REVOCATION OF RESERVATIONS) BILL 2012

Second reading

Debate resumed.

Mrs PETROVICH (Northern Victoria) — I am pleased to rise to speak on the Land (Revocation of Reservations) Bill 2012. I say from the outset that I appreciate Mr Jennings's experience and input on the most appropriate use of the land affected by the bill before us today. I reiterate our appreciation of the goodwill expressed by him and clarify that the point of the explanation process was to alleviate confusion around process. It is interesting to look at explanation and clarification in the process that occurred previously. The most important thing is to clarify any confusion that may have arisen. I now understand where Mr Jennings was going at the start of his contribution, and I appreciate that.

Mr Jennings is correct: these parcels of land are superfluous, and the bill facilitates a number of changes to the status of land in the Crown land portfolio. There are a number of permanent reservations and Crown grants which can only be removed by this process, and today we are undertaking that process of changing reservations. I will speak only briefly on the bill. It is a fairly straightforward bill with the purpose of revoking the permanent reservation of these pieces of land. The permanent reservation of these Crown land sites can only be removed by what we are doing here today. The bill will facilitate a number of changes to the status of land in the Crown land portfolio, progress government and government-supported projects, enable the sale of Crown land and improve the management of Crown land reserves.

A number of pieces of land are provided for by this bill, including some land in Chapel Street, St Kilda; the former Fitzroy gasworks at 433 Smith Street, Fitzroy; the Toolangi potato research farm in the electorate of Northern Victoria Region, not very far away from where I have my office; Sneydes Road, Werribee, which is a major transport link between Point Cook and Werribee; the Inglewood hospital, which is also in the electorate of Northern Victoria Region which I represent; a piece of land around the Barwon Heads bridge and Barwon Heads park; and the South Melbourne temperance hall.

These changes can be detailed. The St Kilda site, which is located at 171 Chapel Street, St Kilda, was permanently reserved as a town hall, courthouses and offices and is subject to a Crown grant to the City of Port Phillip for the same purpose. The site is adjacent to the land occupied by the St Kilda town hall at 99 Carlisle Street, which is subject to the same reservation. The City of Port Phillip is undertaking redevelopment of this site to construct a $12 million family and children's centre. The current reservation is inconsistent with this development.

The new $12 million St Kilda integrated family and children's centre is a joint project of the City of Port Phillip and the state government. The City of Port Phillip's contribution is $10.3 million and the state government's is $0.5 million. The project also has federal government funding of $1.6 million. There has been a range of work around consultation on this development; it was designed with plenty of input from

the community advisory group, and it has been well received. There will be some great benefits to the community. The family and children's centre will provide up to 116 licensed children's services places, an increase of 63 places compared to the current site — a great increase for this type of facility.

I refer to the former Fitzroy gasworks. The site at 433 Smith Street, Fitzroy, was formerly used as a gasworks and was transferred to the government in 1999. It is now managed by the government for commercial and industrial purposes. The site was permanently reserved and subject to a Crown grant to the Collingwood, Fitzroy and District Gas and Coke Company. That is now redundant. The bill will revoke the permanent reservation and Crown grant over the site, enabling the government to proceed with the sale of this site for this purpose. The Department of Treasury and Finance holds a number of short-term leases and licences over the site. The leases and licences will not be affected by the changes made by the bill. It is consistent with the City of Yarra's North Fitzroy gasworks precinct urban design framework of 2008, which identified a range of potential redevelopment opportunities. As to the benefits to the community, the remediation and redevelopment of the site will offer other employment opportunities for the community. The City of Yarra will be able to redevelop the site.

The Toolangi potato research farm is located on Crown land permanently reserved for agricultural research purposes. The farm was used until fairly recently by the Department of Primary Industries (DPI) — as were a number of such sites around the state — until its closure in 2008. The bill will revoke permanent reservations over two parcels of forested land within the farm and incorporate them into the Yarra State Forest. They will then be managed by the Department of Sustainability and Environment (DSE).

Mr Barber — God no!

Mrs PETROVICH — Enough of that, Mr Barber. The remaining land within the farm will continue to be used by local farmers and for research by peak agricultural bodies.

Sneydes Road, Werribee, is a major transport link between Point Cook and Werribee. The road is managed by the Wyndham City Council. As you can see, there are great partnerships with these land uses. A 2.7-hectare section of the road located between Princes Highway and Hoppers Lane runs through the Werribee State Research Farm. It is permanently reserved for the state research farm for agricultural purposes. The bill will correct this reservation to reflect the use of this land as a road.

The Inglewood and Districts Health Service at 5 Hospital Street, Inglewood, is another property that has made a great contribution to the community historically. The property includes a building that was formerly the residence of the general practitioner. It has reached its use-by date. A new residence has been constructed in another location, and the former residence is no longer required. The government intends to sell that site by public auction. The bill will revoke the permanent revocation over the site to enable the government to proceed with the sale of the land.

The site of probably the most controversy, which has now been resolved, is land at Barwon Heads around the redevelopment and realignment of the Barwon Heads bridge. VicRoads has recently undertaken road realignments near the Barwon River which have encroached onto a small area of Crown land that was permanently reserved for a public park within the Barwon Heads park. The bill will revoke the reservation over this small area of land required by VicRoads and enable the land to be transferred to VicRoads. The work has already been done. As I said, there has been significant media attention around the Barwon Heads bridge project. The reconstruction has now been completed, and the community there is very happy with the outcome.

The South Melbourne temperance hall is at 199–201 Napier Street, South Melbourne. It has heritage values locally and is used by a local not-for-profit arts and cultural group that assists independent performing artists in the community. The site was permanently reserved in 1860 for the purposes of being a temperance hall and was granted to the trustees for use for temperance purposes in 1861. As all those trustees are now deceased and the site is no longer used as a temperance hall, the permanent reservation and Crown grant are redundant. Post the revocation the government intends to appoint an appropriate land manager who will oversee the management of the site and undertake restoration works of the buildings. The proposal will facilitate the preservation and ongoing maintenance of this important, historic temperance hall. It is important to note that part 8 of the bill will ensure the continued use of the hall by removing this outdated reservation, that it continues to be reserved for public purposes, and that a suitable land manager will be appointed.

In conclusion, the amendments made by the bill will facilitate the sale of government land. They will enable many of the projects, if they have not already gone ahead, to proceed. Many of these projects have been

anticipated with some level of cooperation and enthusiasm by the communities in which the pieces of land exist. I commend the bill to the house.

Mr BARBER (Northern Metropolitan) — I pick up on this Crown land bill where we left the last Crown land bill. Members of this place would be aware that whenever a bill that treats with Crown land comes before the house, the Greens give it a good going over. I would say that Mr David Davis and Mr Jennings would be more aware than most that when it comes to the issue of Crown land being used for new purposes, the Greens will always give these otherwise fairly dry-sounding bills a good old look. In this case, in relation to the various parcels we have taken — —

Hon. D. M. Davis — A Captain Cook?

Mr BARBER — I am not sure of the orderliness or otherwise of the use of rhyming slang in Parliament, Mr Davis. I know we are not meant to speak in other languages, but I do not know if that qualifies. We have sought some information from interested parties in relation to each of the parcels, we have used other means at our disposal to find out more about each site, we have consulted local municipalities in a number of cases, and we have sought a briefing from the department and will seek a few more bits of information and clarification from the minister at the table.

We are not going to spend a long time on the matters here, but I will lay a bit of groundwork to save time later. We understand a child-care centre has been operating at the St Kilda land site for a very long time, despite the fact that the reservation does not provide for a child-care centre, so good on the people running a guerilla operation child-care centre down there! I gather the centre has now received extra funding to build it up, so we need to change the reservation appropriately.

I am intimately acquainted with the former Fitzroy gasworks site, having had a long-term interest in the site ever since I was a local councillor for the area. I am familiar with Yarra City Council's engagement with the state government over this site, the aspirations of the community for the area and the planning controls, which the minister will be keen to know we are going to be discussing when we get to this clause in the committee stage. The site is highly contaminated as a result of being a former gasworks. Part of the site, although not the bit being dealt with here today, is used by the council as its depot of operations. I had some involvement in seeking information on the level of contamination. In the time since I was on the Yarra council, the council has continued to negotiate with the government and work jointly to find a future use and vision for the site, including its planning controls and dealing with the contamination issues.

I am interested in the Toolangi potato research farm because I cannot find in the bill or the supporting material exactly how many hectares at the site are being transferred from the former research farm to state forest management. Ms Hartland has done some research on the Sneydes Road, Werribee, site and says we have no issues with that particular site. In relation to the Inglewood hospital reserve, we have no issues with that clause.

In relation to the Barwon Heads land, both Mr Jennings and Mr Davis would find it somewhat ironic that we are dealing with a reservation change associated with the Barwon Heads bridge, when it was the Greens, the Liberals and The Nationals, as non-government parties in the previous Parliament, that attempted to stop that particular model — the so-called two bridge solution — from going ahead. We successfully disallowed the planning scheme amendment; however, the then government used another power in the act to say that whether the community wanted the bridge or not it was going to get it and should be happy about that. Along with other factors, that led to Mr Crutchfield, the former ALP member for South Barwon in the Assembly, being replaced by a Liberal MP. That was a sad and sorry tale, but here we are dealing with what the government says is a need for a small reservation of land adjacent to the bridge to cover off what has been constructed. My question to the minister will be in relation to the permit conditions associated with the bridge and whether they have been complied with.

On the South Melbourne temperance hall we sought information from the relevant stakeholders, and there were no representations suggesting the reservation should not go ahead. Overall the Greens support this bill; however, in the committee stage we will be looking at a number of questions, particularly on clause 7 relating to the gasworks, briefly on clause 10 on a matter relating to the Toolangi potato research farm and on clause 17 in relation to the Barwon Heads land.

Sitting suspended 12.57 p.m. until 2.02 p.m.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. D. M. DAVIS (Minister for Health) — I seek leave to allow Mrs Petrovich to move to the table.

Leave granted.

Clauses 1 to 6 agreed to.

Clause 7

Mr BARBER (Northern Metropolitan) — In relation to this site, which as I have said I have some familiarity with, the proposition is to remove the reservation from that of a former gasworks, making the site free to be used for any purpose, including of course to be sold. In the debate on the previous bill we discussed those processes and the possibility of the valuer-general being involved. Can the minister tell me whether there has been a comprehensive assessment of the contamination on this site, what it has shown and how it may influence the valuation and therefore the future use of the site?

Hon. D. M. DAVIS (Minister for Health) — I am informed that the answer is yes, the site is contaminated, as I think Mr Barber understands. There has been considerable work done on that. As I understand it, the Department of Treasury and Finance has indicated that this will be taken into consideration with the purchaser.

Mr BARBER (Northern Metropolitan) — That of course feeds into the possible uses for the land. I think it is common ground that the City of Yarra and the government, and prior to it the previous government, have been discussing for a long time what might happen on this site. I do not think there is any complete and agreed plan for exactly what should happen on the site, and I am not seeking for the minister to give me one here today, but it is important to me, as I am sure it would be to the City of Yarra and my constituents, that the planning frameworks that are in place on this site remain.

I am referring specifically to the North Fitzroy gasworks precinct urban design framework adopted by the City of Yarra in 2008, which provides for a number of different uses on the site, including the possibility of some more commercial uses where the government would need to help offset the cost of that contamination, but also some community uses such as have been mooted — basketball courts, sports centres and so forth. Can the minister give me a reassurance that that urban design framework put forward by the council is still the planning control that the government supports and the uses of the site are still continuing to be discussed with the City of Yarra in good faith?

Hon. D. M. DAVIS (Minister for Health) — I can indicate that, as the member correctly identifies, the City of Yarra has a North Fitzroy gasworks precinct urban design framework, which was adopted in October 2008. The urban design framework identified a range of potential redevelopment opportunities for the site, including commercial, residential and community opportunities and improved integration and accessibility with the surrounding area. I can indicate that the process Mr Barber has pointed to is supported and will continue.

Mr BARBER (Northern Metropolitan) — That is important to us, because it is only on the basis of an assurance that we are willing to support this particular revocation. I understand the process between the government and the council is ongoing, so I know the minister cannot give us any more solid assurances than that, but on the basis of that assurance I am happy to proceed and support this clause.

Mr JENNINGS (South Eastern Metropolitan) — I am glad that Mr Barber is satisfied. I am not quite yet, because in fact when Mr Barber asked — —

Mr Barber interjected.

Mr JENNINGS — Mr Barber is already tweeting about what great success his intervention has caused, I am sure. But regardless of that, Mr Barber asked the minister a question which related to the assessment of the contamination, to which the minister replied that, yes, the Department of Treasury and Finance was aware of it — as it should be, and as I know it is — which is a good thing. In fact all government agencies have been pretty much aware of this for quite some time. I think the issue is whether in terms of the process of disposal it is the intention of the government to make sure that the site is cleared of those contaminants prior to its transfer of ownership or responsibility, and that remains an unanswered question.

Hon. D. M. DAVIS (Minister for Health) — I think the member understands the points I made earlier. He also asked me at an earlier point about the time frame for this. I am told there is not a specific time frame; it could take up to two years. The contamination on the site has been significant; there is no question about that.

In terms of who is responsible for the remediation, I think Mr Jennings, Mr Barber and others understand that the site is contaminated with by-products of coal gas production and it requires soil remediation. As I think Mr Barber also understands, that would occur

under the supervision of the Environment Protection Authority. As I understand it the land will be remediated in accordance with EPA requirements. I think as a former minister responsible for the EPA, the member will well understand the way that process works.

Mr JENNINGS (South Eastern Metropolitan) — I think all of that is useful information. I appreciate what the minister has just put on the record, and I would rely on that. But it does not address the question: will it be remediated prior to the transfer of either the title or the use or the sale of the land so we can be confident that the site will have no contaminants on it when it is transferred?

Hon. D. M. DAVIS (Minister for Health) — In response to the member's question, I am not sure that a final decision has been made on that, but as I understand it this will be considered and any change of ownership of the property would have with it understandings about the remediation process, which would be supervised by the Environment Protection Authority.

Mr JENNINGS (South Eastern Metropolitan) — If the land was sold, it would be a condition of sale that the site be remediated prior to its being subjected to further use, so one way or another by the time some activity and redevelopment occurs on the site that remediation will have occurred.

Hon. D. M. DAVIS (Minister for Health) — That is my understanding and is correct.

Mr JENNINGS (South Eastern Metropolitan) — I will join Mr Barber in being satisfied.

Clause agreed to; clauses 8 and 9 agreed to.

Clause 10

Mr BARBER (Northern Metropolitan) — I would like to ask the minister, because I have not seen it in the material, how many hectares of land at the former Toolangi potato research farm parcel are being transferred?

Hon. D. M. DAVIS (Minister for Health) — This is a relatively straightforward point. It is 43.8 hectares in total. One parcel is 42.84 hectares, and the other is 9609 square metres.

Mr BARBER (Northern Metropolitan) — In terms of the environmental values of the forest on the land, have they been investigated? Also, does the land contain what might be considered to be merchantable stands of timber?

Hon. D. M. DAVIS (Minister for Health) — I am informed that the two forest areas will be returned to state forest.

Mr BARBER (Northern Metropolitan) — That is what has me worried. I would hate to see this being returned to the Department of Sustainability and Environment and immediately find that there is a 42-hectare coupe logged over the top of the 42 hectares of land. My disadvantage is that I believe the current holder of the title would in fact be able to log the land if they wanted to. There is nothing preventing a piece of land with trees on it from being logged simply because of its Crown land reservation. Nevertheless, I thought it was important to ask the question. I doubt whether the minister is going to give me a definitive answer — yes or no — as to whether it is the intention or whether there is even some degree of likelihood that the land be logged for woodchips to prop up the ever-declining native forest logging industry, which is suffering a severe case of market forces and finds it cannot compete with its much more economically efficient and for that matter consumer-desirable plantation-based competitor.

Hon. D. M. DAVIS (Minister for Health) — The member is correct; I do not have a definitive answer, but so far as I can ascertain there is no intention to do what he has suggested.

Clause agreed to; clauses 11 to 16 agreed to.

Clause 17

Mr BARBER (Northern Metropolitan) — This clause relates to the claimed need for a change to reservations to tidy up some titles around the Barwon Heads bridge. As the minister well knows, we have had adventures together in this area before. In fact we were somewhat surprised to find that the government, through the Victorian Coastal Council, had given an architectural award to the Barwon Heads bridge, which if he and I had had our way would have been built in an entirely different configuration and might have avoided the same footprint on the coastal lands that the minister is now seeking to rearrange through this provision.

Notwithstanding the award, which no doubt they were celebrating, I have a question that was presented to me by the local community, which, as the minister knows, was passionately involved in this process. Community members are being vigilant in terms of the completion of the project. They tell me that the VicRoads permit for the bridge requires the planting of some thousands

of trees at the completion of the project. Apparently there is a clause in the permit associated with the car parking and landscaping. Can the minister tell me if VicRoads is in compliance with that planning permit or whether there is clear intent to achieve compliance soon?

Hon. D. M. DAVIS (Minister for Health) — I can give the member some good news — —

Mr Barber — And the local community.

Hon. D. M. DAVIS — I can give the local community in particular some good news. I know the member for South Barwon in the other place is also a passionate advocate for his community in these matters. As I understand it, VicRoads is in compliance with the relevant permits and will meet its offsets.

Clause agreed to; clauses 18 to 21 agreed to; schedules 1 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

DISABILITY AMENDMENT BILL 2012

Second reading

Debate resumed from 1 May; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Ms MIKAKOS (Northern Metropolitan) — On Tuesday I spoke at some length about the provisions of the Disability Amendment Bill 2012, and the matter I wish to touch upon today in concluding my remarks in respect of this bill is that of the national disability insurance scheme (NDIS). This is a groundbreaking reform proposed by the Gillard federal Labor government which I think will be regarded as a historic reform similar to the introduction of the Medicare system and other significant progressive reforms in this country.

We have spoken in this Parliament in recent times about the obligations that carers have. I could characterise these as a burden in many respects for many families. Families contribute greatly to the care of their disabled members. They lose a great deal of income in providing that care, and many families with a person with a disability are doing it tough. I think that would be widely acknowledged. I am sure we would all agree that these families deserve additional support from government. The national disability insurance scheme seeks to rectify the historical omission in terms of how social welfare is provided in this country.

Comments have been made by a number of people indicating that depending on how a person acquires a disability they can have differing levels of care provided to them through the government. For example, a person who acquired a brain injury or another serious injury through a motor vehicle accident would have the support of the Transport Accident Commission. A worker injured in a workplace would have the support of the WorkCover scheme. However, a person born with a disability may only be able to resort to disability services provided through state governments.

This anomaly was given attention at the rally at Federation Square which I attended together with many parliamentary colleagues, particularly from the state parliamentary Labor Party. At the rally one of the speakers characterised it as the lottery of life. She said she had won the lottery because she happened to have been injured in a motor vehicle accident and therefore had support and extensive rehabilitation available to her through the Transport Accident Commission.

The provision of these services should not be dependent on how someone acquires a disability. There should be some equity in how support is provided by government services, irrespective of how a disability was acquired. That is why the reform proposed by the federal Labor government to introduce a national disability insurance scheme is so important and deserves to be introduced at the earliest opportunity. The scheme is expected to assist 10 000 people from the middle of next year, and by mid-2014 that figure is expected to rise to 20 000 people. I particularly welcome the announcement by the Prime Minister on Monday, when she said she would ensure that adequate funds would be provided in the federal budget next week to bring forward the introduction of the scheme next year, rather than waiting until 2014.

This bill will provide for administrative and technical changes as stepping stones towards the long-term goal of implementing a national disability insurance scheme. Victoria has had extensive experience in the past as a leader in the delivery of disability services, including self-directed planning, support and funding. This is the direction in which Victoria has been moving for some time. The concept of a no-fault national disability

insurance scheme has been widely debated. It has been widely welcomed across the community, culminating in the Productivity Commission's reports to the federal government and the subsequent announcement by the federal government that it would seek to make this scheme a reality.

I believe the sector is poised to enter a new era of support recognition and service provision once the scheme commences operation next year. The announcement on Monday was that the NDIS would start in Australia from July 2014 in up to four locations across the country, which is a full year ahead of the timetable previously set out by the Productivity Commission.

One thing I am concerned about is that on Monday the federal Leader of the Opposition, Tony Abbott, said he supported the scheme in principle; however, he indicated that he did not agree with the scheme commencing next year. It particularly alarmed me that on the same day the federal shadow Treasurer, Joe Hockey, queried whether Australians would want to pay more tax to fund an NDIS. We know Joe Hockey while he was in London recently made comments calling for an end to what he termed 'the age of entitlement'. He said he believed Australia should move to a social welfare system similar to that which exists in Asian countries. I was alarmed by those comments because the social welfare system we have in place in Australia is one that many people have fought long and hard to achieve through the trade union movement. The unions get a lot of criticism from members opposite, but they have worked long and hard to achieve the types of protections that we now have in this country in terms of providing a social welfare system that supports people in need.

The Labor Party has also had a strong and long track record of supporting such a scheme. Even previous federal governments — including the Fraser government — were supportive of the Medicare system. I am pleased that the federal government has not sought to adopt an American Republican Party type of agenda to wind back the progressive reforms in this country. Every working family and every Australian should be very alarmed by what Joe Hockey said because it spells out a future agenda — —

The DEPUTY PRESIDENT — Order! The member should use the correct terminology for a federal member of Parliament. He should be called 'Mr Hockey' or by his title.

Ms MIKAKOS — I was referring to Mr Hockey — —

Mrs Coote — Did you know Mr Hockey's father was born in Bethlehem?

Ms MIKAKOS — I have visited Bethlehem, and it is a very interesting place to visit. What alarms me is that if Mr Hockey becomes federal Treasurer, we may well have very little chance of ever seeing the NDIS commenced in this country, particularly given his recent remarks about what he claims we have — that is, a culture of entitlement in this country. I strongly dispute that.

I remind members that the Labor government was supportive of this push to establish a national disability insurance scheme to improve the lives of some of the most vulnerable members in our community. We supported it whilst in government, and we support it now that we are in opposition. We indicated our very strong support on Monday, but we have also done so on previous occasions. Whilst I welcome the comments from the Minister for Community Services, Ms Wooldridge, on Monday in which she expressed support for the NDIS, it should be matched with action rather than just rhetoric.

I point out that aside from a very small investment in this year's state budget to prepare the sector for an NDIS there is nothing in the budget to suggest that Victoria is taking this commitment to the NDIS seriously so far. In fact in this year's state budget there is an overall cut to disability services in Victoria in real terms, so if Minister Wooldridge and the Baillieu government are serious about bringing forward the scheme a year early — as has been indicated by the federal Labor government — they need to put some serious money into preparing for the NDIS across the sector.

In conclusion, the previous Labor government made a significant investment in disability services over the years. We believe we left a very important platform on which to build, and one of the planks was the introduction of the act that this bill seeks to amend. Whilst this bill is mostly technical in nature, I trust that this bill will act as a stepping stone to building a stronger and more accessible community in which every Victorian is actively involved and valued, and for this reason the opposition will not be opposing the bill.

Ms HARTLAND (Western Metropolitan) — I thank the previous speaker for outlining the technicalities of this bill. As has been said, it is a very straightforward bill, and it has general support from the disability community. I am going to speak very briefly, not because I do not think disability is important but

because, as I said, the sector actually thinks that this is a good bill.

I know many people in this room may have a child in their family who has a disability or they have a friend who has a child with a disability, so I think all of us know how difficult this is for people. I have several friends with children with disabilities. I have seen the ongoing difficulties that they have, and they speak to me about a range of things — it is about schooling, adult day centres and transport. There is the cost of transporting your child to their school, their day centre or their recreation. It can be extraordinarily difficult, and that is if you can actually get a maxi taxi that arrives on time and does not leave you and that child at the movies or maybe at the school for several hours after you were supposed to be picked up.

There is the cost of equipment. I am sure everybody in this house who deals with this has heard these stories, such as being allowed a certain amount for a wheelchair but the wheelchair that will actually assist that person may be four, five or six times as much as what you are allocated. There is ongoing medical care. People with disabilities often have very complex medical needs and often incur very high pharmacy bills. All of these things put a great deal of strain on the family.

The issue that really strikes me is accommodation, particularly as children get older. I am now talking about a few people I know who are aged in their 80s and their children are aged in their 50s and 60s. They have always lived at home; what is going to happen to them? Two or three times I have heard this from parents, and it is quite heartbreaking when they say to me, 'I really hope Johnny dies before I do, because then I will know that he is safe'. That is a terrible thing for an elderly person to have to think about or contemplate.

The only other thing I really want to talk about is the NDIS (national disability insurance scheme). Many of us were at the rally earlier in the week. It was a fantastic rally, but it also indicated that a lot of carers and a lot of people with disabilities want this scheme to come in now. It is quite clear that there is bipartisan support for this in Victoria. It is quite clear that the Minister for Community Services, Mary Wooldridge, has given an assurance that this is what is going to happen and that it will be trialled in Victoria.

However, like Ms Mikakos, I have been quite shocked by the comments made by the federal leader of the Liberal Party, Mr Abbott, and federal shadow Treasurer, Mr Hockey. They have said that it is too quick to bring in the scheme or that we have to get away from the age of dependency on governments. These families cannot get away from the age of dependency. These are the families who need the NDIS like no-one else needs it. While it is fantastic that we have bipartisan support in Victoria, I just wish the federal Liberal Party politicians would get on board and realise that this is really serious. We have to have it.

Mrs COOTE (Southern Metropolitan) — It gives me an enormous amount of pleasure to speak on the Disability Amendment Bill 2012. As this chamber knows, disability is something about which I am absolutely passionate. I want to commend Minister Wooldridge, the Minister for Community Services, for all the work that she does in the disability sector, and I know that people in the sector hold her in very high regard, as was indicated at the NDIS (national disability insurance scheme) rally at Federation Square earlier this week. When the minister was speaking, a whole lot of text messages were being broadcast on the bigger screen. The one that struck me most of all when she was speaking said, 'Go Mary. Go Victoria. Go NDIS'. I think that pretty much encapsulates what this Victorian government is all about, particularly in regard to an NDIS.

I will come to that in a moment, and I would also like to put on record my thanks to both the Labor opposition and the Greens for agreeing to support this very important bill, although it is a technical bill. The interesting part is that both Ms Mikakos and Ms Hartland spoke from the heart and with a deep understanding of the issues. I think on some aspects we would disagree slightly, which I will come to, but I think we are all in agreement that we need to have an NDIS in this country. I think it is only around the fringes that we would disagree, but I will speak about the NDIS a little later. It is a great pity I have only 15 minutes in which to speak on this bill, because I have quite a lot to say.

Since it was such a long time ago that this bill was brought into this chamber, I would like to remind members about the technical aspects of the bill. If members will bear with me, I will go through them, then I will get on to aspects of the NDIS, which is so important to all of us.

The Disability Act 2006 commenced operation on 1 July 2007. Since that time some technical and administrative issues have become apparent, and these have been addressed by the minor amendments in the bill before us today. Given that the amendments are of a technical and administrative nature and will not alter the policy intent of the act, there has been targeted consultation rather than broad public consultation about the bill. The main purpose of the amendments is to

protect people's rights. However, they will also cut red tape and clarify unintended consequences of the principal act to align it with the original policy intention. I acknowledge that this legislation was first brought in by the Labor Party, and I am quite certain that the opposition will, as Ms Mikakos said it would, agree to the technical changes to the act.

As I said, the bill addresses technical and administrative issues that have arisen since the Disability Act was introduced. Minister Wooldridge has been out there listening to the disability sector, and the changes and amendments in the bill reflect what the sector is asking us to do. Some of the key amendments include the exemption of respite houses from the requirement to provide a residential statement; limiting the involvement of an independent person to the annual review of a behaviour support plan and to when there is an increase in restriction; clarifying the definition of a 'residential service' to ensure that all intended services are covered under the act; clarifying that a behaviour support plan is not required when a person has a treatment plan; providing for a review by the Victorian Civil and Administrative Tribunal of assessment orders made by the senior practitioner for the purpose of the detention of a person to enable an application for a supervised treatment order to be made; and amending the jurisdiction of the disability services commissioner to include considering complaints about services for people with a disability that are directly funded by the Secretary of the Department of Human Services under the act, such as disability advocacy services and the financial intermediary service.

As I said, they are all technical elements that are very important to the sector. A lot has been said about that in the chamber today. Members may not understand the intricacies of it, but I can assure them that some of the red tape that will be cut by these amendments will be absolutely profound to some of the service providers. The service providers are very good at providing services and at being able to deal with people at the coalface who have a disability and their carers and families. They do an exemplary job. They do the most fantastic job. I would like to personally congratulate everyone I have spoken with and seen, because this is the most amazing sector. However, they do not want to be bogged down with masses of paperwork and what they would see as duplication. They will be very pleased with the technical changes that the bill will bring about.

Members will be very pleased to hear that I have 10 minutes left in which to talk about the NDIS. The NDIS is the national disability insurance scheme, which, I have to concede, was conceived by the soon-to-be Prime Minister Bill Shorten. By all accounts he raised the profile of this debate to a level that has been very pleasing. I also reiterate at the outset the enormous support that the Liberal coalition, both here in Victoria and federally, has shown for this program. I encourage members to look at the comments made by the federal shadow Minister for Disabilities, Carers and the Voluntary Sector, Mitch Fifield, and they will be left in no doubt as to what it is that the federal Liberal Party believes about an NDIS. The state conference of the Liberal Party was held last Saturday, at which the federal Leader of the Opposition, Tony Abbott, spoke. He reiterated to the thousands of people who were there our commitment to an NDIS.

Following an inquiry into disability care and support, the Productivity Commission brought out a very comprehensive report which said that the disability sector in this country is underfunded, totally chaotic and a system in crisis. Those of us who have had anything to do with the sector would understand those sentiments. What the Productivity Commission report has done is put the NDIS debate on an economic footing around the country.

The federal government, under Prime Minister Julia Gillard, has said that it is going to bring in an NDIS. As Ms Mikakos said, there was a televised link on Monday with the Prime Minister, who was at an NDIS rally, in which she said that the government is going to bring in the scheme a year early. Now the Prime Minister's rhetoric is just that; it is rhetoric. The reality is that at the moment $6.2 billion is spent annually on disabilities across the country. Here in Victoria we spend $1.2 billion a year. Mary Wooldridge is an excellent minister for the disability sector, and she has fought long and hard for that sector in Victoria. It has been very pleasing this week to see that she has been able to secure additional funding in the budget for supported accommodation, and I know the sector is very excited about this.

Some $6.2 billion is spent each year on disability across this country. The Productivity Commission said that at least that, if not more, had to be spent on an annual basis — up to $8 billion a year — just to get it up to a level which is acceptable and equates with world best practice. Where is that money going to come from? The Prime Minister is silent about the funding mechanisms. She can come out with the rhetoric and say she thinks it is a great idea for the NDIS to be implemented next year. That is fine. But how will that happen? Who is going to pay for it? It has to be paid for separately and it has to be centralised federally, and all the states are in agreement with this.

In Victoria, shortly after the election, the Premier made it very clear that Victoria would take a lead role in the establishment of an NDIS, and that is what we have done. There are 11 major framework policy issues required to get an NDIS up nationally, and Victoria is at the forefront with 6 of these. We are doing some comprehensive work at the insistence of Minister Wooldridge and the Premier. Victoria is putting in place the tools and the framework in order to be NDIS ready.

This is the point made by Ms Mikakos and indeed Ms Hartland that I would like to refute. They both said that they felt Tony Abbott was being critical of the fact that it was going to be brought in a year early. Let me be very clear here. First of all, the Prime Minister has made no definitive statements about how the funding model is going to work and where the money is going to come from.

Secondly, a very prominent commissioner of the Productivity Commission, John Walsh, AM, who is an actuary, spoke recently about the introduction of the NDIS. John Walsh has an acquired injury and is a quadriplegic. He knows first hand what it means to have a disability. He is highly regarded and recently delivered a very poignant and very good oration as the winner of the inaugural Yooralla Chairman's Award and Oration here in Melbourne.

In that oration he said how absolutely impossible it is going to be to be ready to bring in an NDIS early, because so much needs to be done. There have to be assessment tools that everybody across the country is in agreement with. This means we have to work with Tasmania, Western Australia, Queensland — right across this country. We also have to look into standards in this area. There is so much work to be done. Through the secretariat that the Premier has established, Victoria is burrowing into these areas, looking at them and coming up with some very good work on how they could be rolled out. But this is not going to happen quickly. If we want to get this right, it has to be done properly.

Since being involved with this portfolio there is one thing that has become overwhelmingly clear to me, and that is that this is a sector that is used to being disappointed. It is used to saying, 'Yes, we will take second best'. It is used to saying, 'Yes, we will take the crumbs off the table'. It does not have to do that any more. I suggest to members that if we bring this in half baked, half ready and not financed properly, it is not going to work. These people, who are the most dependent upon what the NDIS is going to give to them, will be disappointed yet again. That is not fair. We have to make quite certain that everything is in place to make this work the very best way it can. We are also well placed in Victoria because we have the Transport Accident Commission and WorkCover arrangements, which are no-fault insurance schemes, so we have a good understanding of what the mechanisms of a NDIS should be and how it should be administered. It is those sorts of experiences that we are building on with the secretariat that has been established here in Victoria.

Minister Wooldridge had been in the job for, I think, two weeks when she went to a ministerial conference, and she said at that ministerial conference, which was attended by all the ministers for community services around the country, that Victoria would take a lead role. That indeed is what we have done. Victoria is seen as being at the very forefront of this NDIS, so I think it was gratuitous at best for Ms Mikakos to be critical of Victoria's role in the NDIS. I think Ms Hartland knows in her heart that in fact the Victorian government is doing an exemplary job in being NDIS ready.

Coming back to the bill we are discussing here today, I would have to suggest that these technicalities also show Minister Wooldridge is listening to the sector, and listening to the sector is going to play well in the development of quality assurance and assessment tools. All the other pillars we need for a framework to make certain that the NDIS is an excellent model Australia-wide start here with Victoria, and it starts by listening to the sector, working with the sector and understanding what needs to happen in the sector so that when the federal government eventually does come up with the funding model we are ready to roll this out.

The hard part is that all the organisations that I have spoken to, and certainly a lot of the parents and the carers of people who have a loved one with a disability, are looking at the NDIS as a magic bullet. Eventually I hope the NDIS is a magic bullet, but a bullet has to be made, to be crafted, to be properly directed and to have a target. That is what we are trying to do here with the NDIS. We are trying to get the ingredients right. We are trying to get the structures, a strong framework and the footwork in place properly so those people, now and into the future, know that they can rely upon the NDIS and the children yet to be born with a disability in this state will know that they are going to have the very best services in the entire world, but we all have to work together. It is the responsibility of us all, and it is imperative that we make the NDIS a reality in this country in the near future.

Mr SCHEFFER (Eastern Victoria) — As we have heard, the opposition will not be opposing this bill,

which makes a number of changes to the Disability Act 2006. That act was, and still is, a landmark piece of legislation passed by this Parliament in 2006. That act was the product of a root-and-branch rethink by the previous Labor government, and it concerned and looked into the rights of people with disabilities and the expectations that they and their carers could have of government.

The opposition welcomes the government's support for the objectives of the Disability Act, which are to protect and strengthen the rights of people with disabilities, and that the government is open to the changes to be embodied in the national disability insurance scheme which the commonwealth has signalled its support for and which is moving forward at a great pace now.

The bill itself makes a number of changes that have already been addressed by Ms Mikakos for the opposition in this chamber. I will not go over those provisions other than to say that they go to updating parts of the original legislation after five years of operation.

I note that the Human Rights Law Centre put out a statement on 2 March indicating its support for the bill, especially the change to section 199 on the basis that in its original form it was incompatible with the Victorian Charter of Human Rights because it infringed the rights to liberty, freedom of movement and freedom from medical treatment without consent and the right to a fair hearing. The Human Rights Law Centre said in the statement that in conjunction with the Office of Public Advocate it had been lobbying the government for the last three years and that it is now satisfied with the amendments to section 199 of the substantive act.

Even though the second-reading speech indicates that the amendments address a number of concerns with the principal act, it is puzzling because it does not give an account of how the Minister for Community Services identified those parts of the act that were causing concern or that were not operating effectively enough. There is no indication in the second-reading speech that the minister or her department undertook a formal review or invited representative organisations, agencies, community groups and members of the public to make their views on the operation of the act known. That may have happened, but there is nothing in the second-reading speech that underpins the reasons for the amendments.

The second-reading speech states that disability service providers say the requirement in the Disability Act that they provide a residential statement is onerous. So the minister's second-reading speech implies that there was some sort of review and some sort of consultation into the impact of the residential statement, but which service providers were consulted and were the views of other interested individuals and organisations sought and taken into account? It is a significant oversight on the part of the government not to state explicitly in the second-reading speech the circumstances and the policy justifications for the amendments that the bill contains.

The second-reading speech says that the changes included in this bill will help to ensure that Victoria is best placed for the possible introduction of the national disability insurance scheme and, as I indicated previously, this suggests — and we of course know — that the Victorian government formally endorses the introduction of such a scheme.

The recent Council of Australian Governments (COAG) meeting revealed that all the states, including Victoria, support the scheme in more than principle, but while the second-reading speech alludes to a link between the amended act and Victoria's positioning around the scheme and how it will participate in its implementation, in my view the second-reading speech does not really make those connections, and it would be useful if they had been included in that statement.

Journalist Phillip Coorey reported in the *Sydney Morning Herald* that the federal Leader of the Opposition, Tony Abbott, opposed plans by the commonwealth to accelerate the implementation by one year. Mrs Coote spent part of her contribution unpacking that and indicating that the reasons for Mr Abbott's concerns and non-acceptance of bringing it forward by a year arose from the complexities and lack of clarity around funding. From memory, I think he said the federal opposition would prefer to follow the recommendations made by the Productivity Commission on that matter.

That is all well and good, but if you look at Phillip Coorey's article — and I do not know the details, not being part of the commonwealth or state governments — you find that it says:

> By 2018–19, the scheme will cost between $6.5 billion and $8 billion on top of the $7 billion the states and the commonwealth now spend a year on supporting the disabled.
>
> All the states, including NSW, said at the outset yesterday —

that is, at the COAG forum —

> they backed the scheme but that all extra money had to come from the commonwealth. A communiqué they agreed to 'recognised that the share of commonwealth funding will need to increase', although it is understood as negotiations proceed, the states could be prevailed on to contribute more.

Phillip Coorey concludes that particular section by saying:

> Despite the rhetoric before the meeting, it ended with little rancour. Ms Gillard secured support for her $9 billion overhaul …

He then goes on to other matters.

The point I am making is that it is pretty clear to me that there has been detailed discussion about finances. To come into the Parliament saying, as Mrs Coote has done, that the scheme has to be delayed because we do not really know where the money is is something I do not find acceptable. It is pretty clear from the COAG debates that there has been considerable work done around the finances. Despite the fact that organisations representing people with disabilities and many individuals have called for the scheme to be implemented as soon as possible, because people really need to see these benefits sooner rather than later, and despite the fact that the scheme could be offered without unnecessary delay, the federal opposition is still confusing the situation and muddying the waters.

The track record of state coalition premiers, including Mr Baillieu, shows that they tend to fall in line with whatever Mr Abbott says, and we saw ample evidence of that in relation to COAG. It seems to me that once government representatives are seated behind closed doors with COAG they all fall into line and make some very sensible decisions, so all the remonstrating in the media — the media grabs and the doorstops — just has the effect of muddying the waters and creating the impression of dissension. It is all just for political purposes. I have always had the view that it is a very unhelpful part of the COAG process which the media feeds on, and it does very little to assist public understanding of these matters of grave public importance.

Mrs Coote — On a point of order, Acting President, I believe Mr Scheffer is casting aspersions on Mr Abbott, and they are completely unfounded. I ask him to withdraw his comments.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! There is no point of order.

Mr SCHEFFER — Thank you for your very sagacious decision, Acting President. Before I wind up I would like to return to the principal act and the matter of the rights of people with disabilities that the amendments contained in this bill promote. One of the great but profoundly incomplete achievements of the last few centuries has been the enlargement of human rights. This has involved a reframing of our understanding that the social and economic position of classes of citizens and individuals must be understood in structural terms, and in large part they are the product of public attitudes and public policy. The Disability Act enshrines this in its purpose, which is to reaffirm and strengthen the rights and responsibilities of people with a disability. This can only happen with active and interventionist government and community support.

It is also important to recognise that besides the challenge that comes from individual ignorance and sometimes cruelty, intransigence and misunderstanding, we are also witnessing a move away from social inclusion towards specialist services. A series of questions that I was quite taken by, posed by Professor Roger Slee of Victoria University in a recent book, gives some cause for deep reflection. Professor Slee asks:

> Why are we witnessing the recent exponential growth in the identification of particular categories of special education needs? Do changes in the type, volume and rate of diagnoses of schoolchildren tell us something about the growth of specific deficiencies in the 21st century child? … Are changing patterns of diagnoses suggestive of more pressure being exerted by schools to identify greater numbers of special educational needs students to offset the deleterious impact of hard to teach students on inspection and accountability targets? … Why are there regional irregularities in diagnosis within and between countries?

These are very important questions, which I confess I do not have the answers to. To be fair, Professor Slee indicates that he too does not have the answers, but I share the belief that to the greatest extent possible we must make sure that people with disabilities are included in all community endeavours — employment, education, creative expression, politics and civic life. That means that all our institutions should be open, available and resourced for this to happen.

The opposition supports this bill. We have had our disagreements across the chamber, but the opposition supports the thrust of this bill, and I commend it to the house.

Mr FINN (Western Metropolitan) — I rise with a great deal of pleasure — and after a lengthy wait, I might say — to support the Disability Amendment Bill 2012. This bill will enable the following improvements: it will strengthen people's rights; it will cut red tape, which is something I am always very fond of; it will clarify unintended consequences of the principal act to align with the original policy intention; and it will address technical and administrative issues that have arisen since the act was introduced.

The welfare and the rights of people with disabilities has been something that has been of great interest to me for many years. I believe the rights of people with disabilities are extraordinarily important. It has to be said that over recent years — probably over the last 20 years — it has been very gratifying to see that people with disabilities are being accepted more and more into the community. They are being regarded more as valuable members of the committee than perhaps they had been prior to that. That is a very good thing.

When I was a schoolkid I broke my leg. You might think that getting around on crutches is pretty minor compared to somebody who is in a wheelchair for life, but when you are a 14-year-old or 15-year-old and you are on crutches and it is the only way you can get around, even if it might be for just six or seven weeks, that is a pretty fair disability. I remember way back then — it seems a long time ago now, mainly because it is — that I had enormous trouble making my way around, because back in those days, the olden days, we did not have the attitude we have today towards ensuring disabled access into buildings, food courts and football grounds. I remember being on the crutches way back then and having enormous difficulty just trying to get around to do my daily chores, to visit the supermarket or to go to the football because everywhere there were stairs.

Unless you have been in that situation you have absolutely no idea what an impediment stairs are to somebody who is disabled in a way that does not allow them to get around in the way that the rest of us can. It has been very gratifying to see that change over the last 20, 25 or maybe even 30 years. It is certainly an improvement and one we can all be proud of.

This bill is about strengthening the rights of people with disabilities, and that is very important. Even more important is changing society's attitudes towards people with disabilities. Mrs Coote hit the nail on the head when she said that people with disabilities had got used to being treated as second-class citizens. Organisations that help people with disabilities have got used to being treated as second class in many ways. They are used to accepting crumbs from the rich man's table, if I can use that phrase. That must surely change.

The attitude of society that people with a disability are somehow not entirely human — that they are in some way inferior to those of us who are able bodied, able minded or both — has to change. I see it quite often. We have to accept and enthusiastically adopt the idea that every person, irrespective of ability or disability, has an innate value by virtue of their humanity. If they are human beings, we must respect them and give them the rights that they deserve, irrespective of whether they are in a hospital bed, a wheelchair or whatever it may be. Each and every one of those human beings has the same rights and must have the same respect as the rest of us.

I would give Mr Scheffer a pat on the back, but he has left the chamber, which is disappointing. I will give him a pat on the back in his absence because he was referring to 'people with disabilities'. In discussing this particular subject we hear a lot of people talking about the disabled and disabled people. We have to always ensure that the person comes first. We are talking about people with disabilities, not disabled people. Sure, they have disabilities, but they are not disabled to the point where that disability overtakes the fact that they are people. It might seem to be a matter of semantics, but think about it for a moment and you will realise that what I am saying is true. By putting the disability before the person we are in fact relegating those people to the position I was speaking of a moment ago, where they are somehow inferior, maybe less human than the rest of us. I was pleased to hear Mr Scheffer refer to people with disabilities.

There are still some places where attitudes need to change, even within government. I cannot help but think of the Western Autistic School out in the western suburbs. In my members statement this morning I spoke about how for some years now children in the western suburbs who are autistic have been relegated to a second-class education by virtue of the fact that they live in the western suburbs. Everywhere else in Melbourne — in the northern, southern and eastern suburbs — children with autism have been able to work through a 12-year education. In the western suburbs it has been and is still at the moment a four-year education. Obviously a lot of parents are very upset about that and understandably so. It is one of the great achievements of this government to this point that we are in the process of overcoming that, because we are building a P–12 school for children with autism in the western suburbs.

That is something that gives me enormous satisfaction, but there has been some considerable resistance from within the educational establishment because it is change. I do not care about what the establishment thinks. I care about providing the best education possible for these children and providing the best support possible for their families. I do not care about people in grey cardigans sitting in public service offices, because they are there to provide a service. It is the person, the child in this case, who is important. We should never forget that, and unfortunately in this

particular case many people have. We really have to hammer home to the bureaucracy in a very big way that the thinking has to change.

As I go around to special schools I see in many cases that their physical condition is second rate. They have been allowed to accept those crumbs from the rich man's table that I spoke of earlier. They have been allowed to accept whatever is left over after everybody else has finished, and in a civilised society that is just not good enough.

I well remember in a previous life when I was the member for Tullamarine in another place how good it felt when we replaced what I regarded as a physically substandard building in Sunbury. We replaced the Sunbury special school and built a new one up at Jacksons Hill, which is still going to this very day. Seeing just how much of a difference the new physical conditions made to those children made me very proud to be part of the government that made it happen, just as I am proud to be part of a government which today is providing an autistic school for children in the western suburbs that will provide an education they have sorely needed for so very long.

The attitude towards people with a disability goes right to the medical profession. The situation is that a diagnosis of disability in a child pre-birth is often a death penalty. That is something that worries me, because if a doctor regards a child before he or she is born as somebody who should be killed because he or she has a disability, what is their attitude going to be to a child with a disability a week after birth, a year after birth or as an adult down the track? It seems to me that that thinking is flawed in a very basic way, and we really have to do something about it.

I am fast running out of time, but I want to say a few words about the national disability insurance scheme (NDIS) and in particular the rally held last Monday. I would have been at the rally if I had known about it. If somebody had sent me an invitation, I would have been there with bells on, but it seems to me that last Monday's rally was used by the Prime Minister to prop up her position. We all know she is in more strife than the early settlers. We all know her position is untenable and that both the foxes and the hounds are at her door. Yet she used this most important program to prop herself up, to make herself look prime ministerial for a very brief time last Monday.

I cannot begin to tell you how angry I was when I watched the rally on the television last Monday afternoon, particularly knowing the Prime Minister was not going to do anything about the NDIS until the federal Leader of the Opposition, Tony Abbott, prodded her into doing something. Until Tony Abbott raised the issue, she was silent on it, and she is still silent on where the money is coming from. It concerns me, as it concerns Mrs Coote, that the NDIS will become — as seems to happen to everything else that Ms Gillard touches — just another political issue she will botch. This is far too important and this matter affects far too many people. Disability has too much of an impact on too many lives for it to be used by a desperate politician to prop herself up, and that, I fear, is what is happening at the moment with the NDIS and particularly the position the Prime Minister has taken on it.

What we need to do as a society is concentrate not on disability but on ability, because irrespective of the disability they may carry, everybody has some sort of ability — even Julia Gillard, believe it or not, and that is hard to believe just at the moment. Everybody, irrespective of their ability, has a huge contribution to make in some way. It has to be said that just because your legs do not work and you are in a wheelchair does not mean your brain is not working. I am bemused when I hear people yelling at people in wheelchairs because they think that will get the message through in some better way. They do not understand that people in wheelchairs are the same as the rest of us except they have a bit of trouble getting around. Even children with Down syndrome, who are so maligned in our society, have a way of bringing unconditional love into our lives. Whilst society may condemn these children in many ways, I have seen time and again the magnificent love they radiate; it spreads. It is so important for their families and for our society to accept that even these little kids have something to offer.

My speaking time on this particular bill is almost at an end. I would like to congratulate the Minister for Community Services on the job she is doing. I will leave it there and say I support this bill and wish it a speedy passage.

Mr TARLAMIS (South Eastern Metropolitan) — I also rise to speak briefly on the Disability Amendment Bill 2012. This bill sets out to make a number of technical and administrative changes to the Disability Act 2006 which are straightforward but important, and Labor will not be opposing the bill. It addresses a number of issues that have emerged since the principal act commenced on 1 July 2007. The bill does not change the policy intent of the Disability Act 2006, which was introduced by a Labor government, but it does amend a number of sections to clarify and improve its function. I do not intend to repeat all the

amendments as they have already been covered in some detail by my colleagues here today.

I will talk briefly about the national disability insurance scheme (NDIS), which has been overwhelmingly supported by the community and heralds a new era of support, recognition and service provision. It represents a revolutionary opportunity for people with a disability, their carers and families and carer organisations. That is why I am proud it was a Labor government in this state that was first to support such a scheme. Labor was the leader on this issue when we put it on the Council of Australian Governments agenda. The concept of the NDIS has been widely debated and welcomed. It culminated in the Productivity Commission's report to the federal government and its announcement that the NDIS is to be a reality.

On Monday the federal government announced that the NDIS will start in Australia from July 2013 in up to four locations across the country. From mid-2013 about 10 000 people with significant and permanent disabilities will start to receive support. By July 2014 that figure will rise to 20 000 people. This means the first stage of the NDIS will be delivered a full year ahead of the timetable set out by the Productivity Commission. For the first time in Australia's history people with significant and permanent disabilities will receive lifetime care and support regardless of how they acquired their disability. This has been a fantastic outcome that has been welcomed by many.

Whilst I am pleased with the current government extending its bipartisan support for the NDIS, it is disappointing that the federal opposition and its leader, Mr Abbott, will not provide such support. They still cannot decide exactly what their position is or whether they will support it unequivocally. I hope members of the Victorian government will continue to articulate their support for the NDIS, talk to their partners in Canberra and urge the federal opposition leader to take this from aspiration, as he calls it, to reality by committing unequivocally to the NDIS, because people with disabilities have waited too long for this sort of support.

As I said earlier, when Labor was in government in Victoria we pushed for this scheme to support the most vulnerable because we fundamentally believe in providing social justice to help those who need it. In the Victorian government's submission to the Productivity Commission in 2010 we said that a national scheme would need to be built on four core principles: enhancing equality; using self-directed approaches that involve choice and tailored support; building appropriate risk bearing and incentives where impairment can be avoided; and ensuring sustainability.

Our submission to the Productivity Commission inquiry into the NDIS was just one of the many demonstrations of our commitment to the disability sector. This commitment was demonstrated through the reforms instigated by the Bracks and Brumby governments, beginning with the parent act to these amendments, the Disability Act 2006. This act was the result of extensive community consultation and a review of the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. The Disability Act 2006 recognises that people with disabilities are active citizens of our community with rights and responsibilities and provides improved safeguards and protections for people with a disability. We extended the principles of the act to tangible investments in disability services and improving the lives of people living with disabilities.

We provided accommodation and support to over 20 000 people with disability in 2010, up from just 8000 in 1999. We closed the outdated and run-down Kew Residential Services as part of an $86.5 million project, with 377 residents moving into communities across Victoria and the construction of 20 new homes on the existing site for people with a disability.

We introduced Australia's first autism state plan to address the needs of families supporting and caring for loved ones with autism spectrum disorder. This was long overdue and saw the adoption of early intervention strategies to improve the condition in young people through case management support programs such as Early Choices and Making a Difference, delivered through the Department of Education and Early Childhood Development.

We also introduced disability action plans to improve access to employment opportunities for people with disability in government departments, 31 statutory authorities and corporations as well as 150 community organisations. This provided those living with disability with the opportunity to participate in meaningful work and overcome barriers to employment. It meant that those able to work were no longer excluded from the workforce due to their physical incapacity. Finally, we launched the Victorian charter supporting people in care relationships and the Victorian Carer Card.

It would be remiss of me not to mention that the current state government on one hand, through its amendments in this bill and its support for the NDIS, is supporting people with disability, while on the other hand it has slashed funding for programs designed to improve

access to public transport for people living with a disability. Further, the government's announcement of the cutting back of 500 staff in the Department of Human Services will considerably impact on services delivered to people with disabilities, not to mention the possibility of further staff cutbacks as a result of this government's budget announcement that a further 600 public sector jobs will be cut.

Having said that, as I stated in my introduction, this bill does not make any significant changes to the intent of the Disability Act 2007, and the opposition will not be opposing this bill. I commend the bill to the house.

Ms DARVENIZA (Northern Victoria) — I am very pleased to rise to make a contribution to the debate in support of the Disability Amendment Bill 2012. The bill seeks to make a large number of technical and administrative amendments to the Disability Act 2006 following a number of issues that have arisen and come to the government's and the opposition's attention since 1 July 2007 when the act came into operation. I am always pleased to rise and support any bill before this chamber that is going to improve the living standards and the lot of people with a disability.

In my previous life, before I became involved in Parliament, I was both a mental health nurse and a union official representing workers in intellectual disability services — some physical disability and sensory disability services but mainly intellectual disability services — and alcohol and drug services. I represented members who worked in that sector, so I think I have an understanding and an appreciation of the level and extent of disability that exists out there, with which people have to cope every day and the challenges with which carers are confronted. I also have an understanding of the work done by people who are direct-care workers for people with disabilities and the challenges that they face both in dealing with people with a disability and also with the infrastructure, circumstances and facilities that they have to work within.

During my lifetime and experience with disability services I have seen the full range, including the old institutions, such as Caloola, Janefield, Kew Cottages and Aradale. I was very closely involved with the closure of some of those facilities back in the time of the Cain and Kirner governments. We saw a very big push and a big move to deinstitutionalisation, as it was known, and people being moved from those very large congregate care facilities into the community. Most people in those institutions moved into homes in the community, including community residential units. By far and away I would say that community residential units have worked very well. There is probably still a lot of work that needs to be done, and I think sometimes a community residential unit can get lost out there in the suburbs. As always, regardless of where care is being provided for people with disabilities, when it is residential care the onus is very much on the government and on us as a community to make sure we keep a very close eye on the kinds of standards and quality of care and services that are being provided for some of the most vulnerable people in the community.

I was very proud to be part of the Bracks and Brumby governments, because we had a very active and real program and policy for dealing with disability. We made considerable changes, and I was pleased to be part of the governments and the parliaments that brought about those changes. There were not only the submissions that have been talked about by the previous opposition speaker but also the submissions that we made around the national disability insurance scheme and to the Productivity Commission to ensure that we got the best possible outcomes in that scheme. I look forward to seeing that scheme come to fruition, as do many people, not only those who have disability but also those who care for or work with people who have disability.

It is a very exciting scheme. We want to see it introduced and well funded, and we want to see it work.

I was proud to be part of the Bracks and Brumby Labor governments, because we had many achievements in the disability sector. The implementation of the act that we are amending legally recognised the rights of Victorians with a disability and provided them with greater safeguards and protections. We made historic investments in services to help people with disability. There are always arguments that more needs to be done — and I say to the government that there is still more that needs to be done. It is disappointing that there is not more for the disability sector in the budget that was brought down this week.

It is always distressing to see cuts in the public sector. There were cuts announced prior to the budget and there are more cuts in the budget. We know the public sector provides front-line services; they are often, but not always, direct-care services. We do not want to see cuts to these vital services. We do not want see cuts in services to vulnerable people.

We provided accommodation and support for over 20 000 people with a disability in 2010, and that was up from just over 8000 people in 1999. That is a considerable increase in the number of people who received accommodation support. Of course

accommodation support is very important, including day-to-day living support. As the parents of children with a disability age, there is the worry and anxiety that goes with what is going to happen when they are no longer able to physically care for them or when they die. Having suitable supported accommodation for people with a disability cannot be underestimated; it is just so important. Respite care that gives carers and families some time off to rest and to recharge their batteries for the challenges that lie ahead of them is also important.

There was the closure of our outdated Kew Residential Services. I know that facility very well; I probably know it a lot better than anybody here in this chamber or maybe even in this Parliament. That was a terrific project which saw one of our large care facilities closed and the residents moved into the community in 20 new homes, many of which were built on the original site which has lovely grounds and is in a great location.

We introduced an Australian-first state autism plan, which takes strong action to support families that are caring for people with autism and other spectrum disorders. We introduced the disability action plan to improve access to goods, services and employment opportunities in all government departments, 31 statutory authorities and corporations and 150 community organisations for people with a disability. It was an initiative which ensured that the government, and government agencies and bodies that were funded by government, had an action plan which saw that people with disabilities were not disadvantaged and were employed.

In conclusion, the bill is good legislation and builds on work that was done by the previous government. The legislation has been good; it just needs some finetuning. The bill will not significantly change the intent or the direction of the Disability Act 2006, but it will amend a number of sections to clarify and improve its functions, and I know previous speakers have gone through the details of those amendments. As such, the opposition is not opposing the bill, and I wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

BUDGET PAPERS 2012–13

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

That the Council take note of the budget papers 2012–13.

Mr LENDERS (Southern Metropolitan) — I am pleased that the minister gave such a succinct speech in moving that the budget papers come forward, because if I was from the government, I would not say much more. On the other hand, I will speak at some length on the motion to take note of the budget papers.

The first thing I will say about the budget papers is that they show the budget as the highest taxing, highest spending budget in the history of Victoria. My colleague the member for Lyndhurst in the Assembly, Tim Holding, gave the main Labor Party response in the Assembly today, and for those who missed it, I recommend they listen to Mr Holding's speech. It was one of the better speeches I have heard in my time in Parliament. He gave a succinct critique of the Treasurer and the budget. It is sufficient to say that Mr Holding clearly and succinctly pointed out that this is a budget that relies on a lot of spin, it is a budget that is full of broken promises and it is a budget that crows about capital works programs, three-quarters of which are actually a continuation of ones started by Labor in government.

To name but a few broken promises, it is not the one about teachers being the highest paid in the country, which we are still waiting for 18 months later, but it is things like the Premier and the Treasurer saying categorically, 'We will not slash public service jobs', when on two occasions that has happened. The Premier and the Treasurer said categorically that those redundancies will be voluntary, and now they have moved to, 'They may be compulsory or involuntary'. Mr Holding made some particularly good comments.

I will focus on the budget being the biggest taxing and highest spending budget in Victoria's history as well as on a series of issues that relate to my portfolio areas, particularly rural and regional affairs, a number of issues that relate to my electorate in particular and a number that go to the general narrative of the government when it says one thing and does another.

In relation to that I might make reference to the carbon price, about which ministers have waxed lyrical in the lead-up to this budget. Last year the issue was about the GST and hidden black holes; this year it is about the carbon tax. Minister after minister has received many Dorothy Dixer questions in relation to the evils of and fears about the carbon tax. I find it interesting that when

you go through the budget papers you see there are not a lot provisions made, despite the rhetoric, to deal with the carbon tax other than the absolutely shocking ones where compensation payments to low-income earners are taken away because the commonwealth will compensate them for the carbon tax.

In opening up this part of my address I would like to refer to the Legislative Assembly *Hansard* of 25 November 2009 when Mr Baillieu, then the Leader of the Opposition in the Assembly, made these comments on the carbon price — and it is about two paragraphs long so it is worth quoting. He is reported as saying:

> Carbon transition is one of the biggest issues that will face Victorian businesses and families over coming years, but I have no doubt that we will in a few years be living in a carbon-managed economy. We will have reduced our personal and industrial carbon footprints. I also have no doubt that in the very same way we have adapted to significant structural and legislative change in the past, there will come a time when it will simply be the norm. As I said previously, it will not be scary or a threat but just the way it is done.

That was Mr Baillieu at the end of 2009 saying, 'It will not be scary or a threat but just the way it is done'. He went on to say:

> We want to see carbon emissions reduced. We support an ETS or a CPRS. We want to see Victorian industry and families protected. We believe the Premier —

Mr Brumby —

> should release all the advice he has received on the impact on Victorians, and we believe the federal government should ensure that Australia is not disadvantaged in any international agreement. In that context, we certainly will not be opposing this motion today.

That quote is from 25 November 2009. The reason I say it fits into the theme of saying one thing and doing another is that on the issue of managing carbon there was a consensus across the Victorian political spectrum that action needed to be taken. There was division on the pace of the action. Mr Barber's party was probably a bit more forthright than the Labor Party, which was certainly more forthright than the Liberal Party, which was probably more forthright than The Nationals. There was a consensus, however, that action needed to be taken. Mr Baillieu said — and I repeat the quote — 'it will not be scary or a threat but just the way it is done'.

We have a leader of a party who says it is not scary or a threat, and then — —

Mr Barber — He's working out of the Tony Abbott manual there.

Mr LENDERS — Mr Barber may speculate that Tony Abbott clicked his fingers and others jumped, but I reiterate that that was what was said by Mr Baillieu and his entire team to the Victorian people a year before the election. They started scaremongering and making threats about a carbon tax. The reason I bring up the issue of saying one thing and doing another is that it is typical of what is happening in this budget. The government is saying one thing and doing something completely different.

I move on to the issue of debt. I recall in my three years as Treasurer and in the years around them that the Labor government used leverage that the state provided to stimulate growth and construction jobs and to build confidence and long-overdue infrastructure that governments of all persuasions had been tardy in building. Those in opposition at the time, the now government, said, 'Outrageous debt!'. They screamed about debt, but they also demanded more infrastructure projects in their electorates.

Just the other day we heard Mr Rich-Phillips using much the same narrative about how the federal government was not doing enough about the national broadband network and that Victoria wanted its fair share. This is a state government that will not legislate any of the opt-in or opt-out provisions that have given other states a priority in this sphere. This state government will not support the project, other than saying, 'Victoria needs a share of a project we think is bad'. It is little wonder other states that are enthusiastic and do what is necessary to support the national broadband network get a preference. But that attitude is typical of this government, and it is reflected in this budget.

There are other issues. Debt has doubled in the first year and a half of this government, but suddenly that is someone else's problem. We had the promise about teachers pay. We have a classic situation in my own electorate of Southern Metropolitan Region. A Liberal member, Elizabeth Miller, the member for Bentleigh in the Assembly, made a 90-second statement on the fact that I am moving my electorate office to Bentleigh. She said I should find out what is happening — that is some political banter, which is fair enough — and that I might find out that the Baillieu government has got the cost of living under control. However, I would suggest to Ms Miller that if she had gone and talked to families in Bentleigh before the budget — before the educational maintenance allowance was cut and before all the other slashing that was a result of the budget — and said that the Baillieu government had the cost of living under control, she would have been laughed out of the electorate. I suggest that after this budget she

should not venture into the electorate and suggest that to anybody if she expects to have any credibility.

I want to also talk about differing views. There has been a wonderful cacophony of noise from those opposite about the costs of the desalination plant. Let us have a debate about that at any time.

Mr Rich-Phillips, the Assistant Treasurer, is in the chamber, and I am delighted. As a measure of prices today and whether a cost is overrun, his colleagues use prices which are based on dollar terms in 25 or 30 years time. He has a communication problem with his public-private partnership (PPP) prison. He has changed the debate in this state completely on public-private partnerships. His government, by mantra, has demonised public-private partnerships and made them destined to fail. In outlining what a prison will cost using dollar terms from 25 years time to describe today's costs, those opposite have set themselves a hurdle of economic credibility that they will not overcome. I urge Mr Rich-Phillips to speak to Mr Walsh, the Minister for Agriculture and Food Security, and his other colleagues and suggest to them that if they wish to describe PPPs in those terms, they will have a problem explaining a prison, let alone the other things the government is funding using public-private partnerships. The government has changed the nature of the debate and invited debate to move in that direction.

The current government, formerly the opposition, particularly Louise Asher, the Minister for Innovation, Services and Small Business, used to go on about how awful it was that the Labor government took dividends out of publicly owned bodies. The taking of these dividends was deemed horrible because it did things to consumers. The budget papers are totally opaque, so when we get to the committee stage I will ask Mr Rich-Phillips for some more information on dividends. We know, however, that the take from dividends in this budget has gone up by half a billion dollars. Mr Rich-Phillips has fessed up to about $60 million of that, which is his iniquitous cash grab of dividends from the WorkCover authority and which we have debated in this house. It is the plundering of the WorkCover authority. It is like *Pirates of the Caribbean*; Mr Rich-Phillips has his bandana on and a sabre between his teeth. But we have gone through that debate, and the bill was passed.

We know that of the half a billion dollars, we can account for about $60 million. I would suggest — unless Mr Rich-Phillips relieves me of this notion — that most of the remainder is coming out of water authorities. The party that bleats and carries on about the cost of a desalination plant is actually ripping money out of the water authorities, and it is not just ripping that money out but it will go round and bleat about the Essential Services Commission putting the prices of water up in this state. Why is it doing that? It is so the state can get a fat dividend out of it. It is not just that. There are the actual payments for the first seven months of the desalination plant, because the contracts are not completed. Under Labor's contracts, until the plant is delivered the payments are not made.

But the Essential Services Commission has already factored those payments into the prices, the Melbourne water retailer has already collected it out of water bills — and who is going to get it? It is not going to be the consortia members who are late on their contracts. It is not going to be passed back to Melbourne Water users. It is going to be state Treasury which gouges money out of the water authorities. Each time a government member gets up in this place and says the impact on people's bills is from the desalination plant — I have told Mr Rich-Phillips this, and I will tell any constituent who asks me — there is an equal amount coming from dividends that this government is taking, without shame, out of the water authorities and putting the cost onto individuals.

As far as putting costs onto individuals goes, it is quite interesting that the Treasurer, Mr Wells, did not mention the word 'jobs' once in his budget speech last year. The consequences of not mentioning jobs once is that — —

Mr Scheffer interjected.

Mr LENDERS — Yes, he mentioned it this year, Mr Scheffer, but last year the government was in denial — and I am pleased the Minister for Manufacturing, Exports and Trade is in the chamber — that we needed a jobs plan. It thought that just sitting on its hands and doing nothing would get the economy through. The Treasurer did not mention the word 'jobs' once in his budget speech. If you read Tim Colebatch on page 4 of today's *Age*, there is still no jobs plan, despite the government describing it as that.

The Treasurer mentioned jobs I think about four times, Mr Scheffer, in his budget speech this year but, despite some paragraphs on the cost of living last year, he did not mention the cost of living once. Last year the government was in denial about jobs, and now, a year later when Rome has burnt, the government is starting to look at it. While Nero played the fiddle, Rome was burning. This year the Treasurer did not mention the cost of living once in his budget speech, yet the member for Bentleigh in the Assembly, Elizabeth

Miller, has said that the cost of living is under control. Perhaps the reason why the Treasurer did not mention it is that it is under control, if you believe the Liberal members of Parliament. Ms Miller's 90-second statements, her literature to constituents and her website — which I have taken a copy of, because it is so precious that I was not going to let it pass — say that the Baillieu government has got the cost of living under control.

Mr Barber — Public transport fares?

Mr LENDERS — You may well mention public transport fares, Mr Barber. For a party that criticised the Labor Party for seeking to put up fares above inflation to pay for new services, the government has really done an extraordinary thing. It criticised that, but it put fares up, pocketed the money for Treasury and has not delivered the new services that that fare increase was meant to partly fund.

We have a government in denial. Ms Miller is saying that the cost of living is under control, and it must be because the Treasurer did not mention it in his budget speech. Ms Asher is saying that it is outrageous to take dividends, but the government has taken dividends up to a whole new stratospheric level, one I would not have dreamed of when I was Treasurer. The government talks about the cost of water, but rather than use the infrastructure that it does not like such as the desalination plant or the north–south pipeline, it has left them there in case of emergencies. Minister Walsh thought it was okay to take water out of northern Victoria when there were stage 4 water restrictions during the drought but not when there is no drought. The government's answer, because it does not like Labor's projects, is, 'Let us do some more expensive augmentation. Let us inflict on the people of Ballarat, Bendigo, Geelong and other places more expensive augmentation, because we do not like the projects that Labor did'. This is the government we have that is about managing the cost of living.

I have touched on my electorate. The member for Lyndhurst in the Assembly, Mr Holding, touched on issues like the educational maintenance allowance, which has gone; the school programs which were promised and not delivered; and the public transport issue. This government has been pretty good about extending services in the opposite direction to peak hour. It has done a bit of that, but I am sure in the government spin that will all be about more services, even though the services go the way people are not going.

We have seen so many feasibility studies. Without wishing to take the thunder away from my friend Mr Leane about these matters, I go back to 30 September 1958 when the then Premier, Henry Bolte, announced a railway station at Monash University. The Liberal Party has promised that six or seven times. Every seven or eight years it makes this promise.

Mr Scheffer interjected.

Mr LENDERS — Yes, when you were at university, Mr Scheffer. About every seven years it makes a repeat promise to build a railway station at Monash University, and guess what? It promised it again at the last election, and guess what? There are some feasibility studies, and guess what? It is going to cost multiple billions of dollars to do it, and guess what? It is not going to happen. So we are back to the old smoke-and-mirrors tricks. I will ease off on my electorate discussions and start focusing now on my shadow portfolios.

I have already touched on water at some length, but I will touch on agriculture and food security. If we talk about spin and the Future Farming strategy, in four years a bit over $200 million is gone. I am sure we will hear from government members about the lapsing Labor program. Now 18 months into its term, the Future Farming strategies money is running out and the Minister for Agriculture and Food Security, Mr Walsh, is saying, 'There is $60 million dollars in a new strategy', which somehow or other is going to be more targeted and better than $205 million in the previous strategy.

If you actually go through the Future Farming strategy, there are elements in it in relation to rural health. The government has taken that away with the mean and vindictive slashing of the program run by Sue Brumby — vindictive behaviour on the part of the new government targeting the sister of the former Premier — and taken out the little bit of money that was there for climate change, which the government does not believe exists, or for adjusting farmers to it. The government has slashed these Department of Primary Industries (DPI) programs by something in the order of two-thirds, yet Mr Walsh will continue to tell us that somehow or other, because The Nationals have their hands on this money, it will be far more effectively targeted and help farmers and rural communities.

Mr O'Brien interjected.

Mr LENDERS — I do not have that confidence, Mr O'Brien, in the ability of The Nationals to manage anything. Suddenly we see that minister, who is a member of The Nationals, thinking that just because he is a former president of the Victorian Farmers Federation he can say, 'I can spend a third of what someone else has spent and it will be better and more targeted'. Unquestionably from this we will see less services and less jobs. I do not think the farming community is going to thank the government for this spin and hyperbole.

If we are talking about the Victorian Farmers Federation, we should talk about its view of this government's tardiness in delivering on election promises over the past year, whether it be in stamp duty or in a range of other areas. It's view is that it is an indictment of a government that should have the VFF as a natural constituent, but it has been dubious and wary from day one.

We can go to the resources portfolio, which I find quite interesting because we have a minister who will not engage. There is one thing I might say about Mr Walsh as a minister. I might disagree with a lot of his strategic direction and what he does, but he will actually engage with people. If a constituent or a farming organisation wishes to talk with him, he will listen to them. He does not give them a serve because, 'How dare they: he is a very busy man', like Mr O'Brien, the Minister for Energy and Resources, is all the time. Mr O'Brien is always too busy to talk to anybody, and he abuses anybody who seeks to talk to him. That is a message I get across regional Victoria. With one minister, people sometimes might not like what he says but they acknowledge he is accessible. The other minister gives a serve to anybody who dares to question the great wisdom that he brings to the mining portfolio. He is always too busy to speak to people.

It is interesting when you go around regional Victoria and you go to some of the communities which have issues with mining. I am not talking about coal seam gas, which has been debated in the house; I am talking of other mines. Whether it be about mines in the Assembly electorate of Rodney which have been there for over 100 years, whether it be about mines at Iluka in the west of the state or whether it be about mines at Bendigo or other mines, you constantly hear back the theme that the minister is always too busy to engage.

The second thing you find is that there is a definite shortage of staff in the DPI. Whenever you look into the earth resources sector of that department the message in regional communities is always the same — someone is always acting in a position or acting in a role and someone is always struggling to find the time to do the job the community expects of them. Where this relates to the budget is simply the cuts that were made in departments in the budget last year — and the government has weaved, ducked and evaded behind its opaque shields to try to hide what it has done — are starting to have a real effect in regional Victoria. They are cutting through, and this means that services are not being delivered; it means that country towns are now starting to hurt.

This leads me to segue into the bushfire recovery, on which promise after promise has not been delivered. We have seen an effort in this budget to deal with some of the contradictions in the undergrounding of powerlines. We have seen programs being cut in bushfire-affected communities. This is different to the expectations that were raised in those communities, but it is what we are seeing from this slash-and-burn government with its slash-and-burn budget.

I will conclude my remarks with a more general note about what is happening in rural and regional Victoria. If there was one thing that the Brumby and Bracks governments did that gave me great joy and which I think gave hope to regional communities, it was our commitment to try to grow them. By the end of the Brumby government we had several municipalities in the north-western part of the state experiencing population decline but most of the rest of the state had population growth or stability. This is an absolutely contrary position to what was there when the Bracks government was elected in 1999. We have seen a litany of undermining of regional communities.

Leaving aside the slashes to the Department of Sustainability and Environment and the jobs that have gone in parks management, we have members of The Nationals talking about managing pests and weeds, yet at every juncture they cut out the staff who managed pests and weeds — whether that be the public staff or the management of national parks. National parks and DSE land can be the neighbours from hell if no-one is managing pests and weeds, but it is hard to manage pests and weeds in a national park when you slash the services.

Hon. G. K. Rich-Phillips — You did such a great job.

Mr LENDERS — Yet that is what we are seeing from the government of Mr Rich-Phillips — that is, constant slashing, let alone what is going to happen the next time we need seasonal firefighters. We have also seen how the government failed miserably to meet its burn-off targets during the last fire season. It failed

miserably, but I am sure we will get the story from those opposite.

Honourable members interjecting.

Mr LENDERS — I hear that it rained. Latitude was never given to the Labor side of politics if it rained. There was always a reason targets were not met. What I would say on this issue is that the slash and burn is quite dismal.

It is also dismal because of what it is doing in regional communities. People do not need me to be saying that in farming communities. While in the last couple of years there might have been water and they might have been relatively good, the only regular income that often comes in in country towns comes from the teachers and nurses, the public servants, the DSE, the people at DPI, people who have regular work where money comes in. Now we are seeing a slash and burn in those particular areas.

What is probably even more difficult is that the narrative about all of this from Mr Wells, the Treasurer, is that somehow or other there is a group of cardigan-wearing boffins buried in a 50-storey building in Melbourne somewhere, doing nothing useful, who he is cutting out. I would say that those who offer policy advice from Melbourne do very useful work. The government may think it can say that if it was not election policy, it does not matter, but I would say to Mr Rich-Phillips and the government that Labor in 2008 had not planned in the 2006 election for a global financial crisis. Sometimes things happen out of left field, and if you do not have good policy people in the public service to offer you advice — —

Hon. G. K. Rich-Phillips — I am aware of that.

Mr LENDERS — Mr Rich-Phillips says he is aware of that, but his Treasurer — and I think Mr Rich-Phillips would be a much better Treasurer than Mr Wells — is the one who said last December that you do not need these boffins offering policy advice because all that matters is government election commitments. I would say that very few government election commitments are being met, and policy advice is actually quite a useful thing. Demonising the public sector is not a particularly smart way of getting the best out of the public sector, and it is certainly not a productive way of delivering important services.

However, even assuming that there are these mysterious boffins in 50-storey buildings not doing much — which the government seems to imply that there are — when you go outside you find this extraordinary thing: front-line services are being cut. For a start, no-one can define a front-line service. Then you get situations in regional Victoria such as with the dog catchers in north-eastern Victoria who go and hunt down wild dogs that are killing sheep and other things and they are not being replaced. People who go on leave or get promoted to other jobs are not replaced, because they are not front-line services according to this government. In town after town you see jobs being lost. With slashes to the Future Farming Strategy coming in, there will be more and more job cuts.

Probably even more insidious are the two cuts which I think symbolise the dashing of opportunities in regional Victoria. The first is the cuts to TAFE. I know it is happening in Wodonga and I know it is happening in Gippsland. There are other TAFE institutes with which I am not as familiar, but I can certainly say that cutting 35 staff and $4 million from GippsTAFE is not just going to take 35 jobs away from Gippslanders this year. It is also going to mean that when businesses go into Gippsland looking to set up employment opportunities and they see that the skill levels they were hoping for and need are not there, they are going to query why they would go into Gippsland. There was a position for the 11 years of Labor, with the Latrobe Valley strategy onwards, to try to rebuild confidence, rebuild skills and give people opportunities, and it is being dashed by the cuts to TAFE in Gippsland.

Similarly, it is not just the cuts that have been made. If we are trying to keep young people in regional towns and they are not offered training opportunities and job opportunities, they are going to go to Melbourne, where the jobs are. It is part of our conundrum. The population drain out of regional Victoria is reinforced twofold by these TAFE cuts — but there is more. Again if we are talking about getting young people to stay in towns in regional Victoria, the decision by the government to get rid of the construction grant for newly constructed homes is a recipe for not just taking construction jobs out of regional Victoria but also removing an incentive for young people to stay there.

My recollection is that about 3000 people a year took up this grant. It was assumed that about 2000 of the 3000 were within 100 kilometres or 200 kilometres of Melbourne, and a number of them were. But beyond that, say, in Mr Koch's previous home town of Hamilton, I can recall some years ago the Southern Grampians Shire Council coming to the government and saying it was experiencing a housing shortage in Hamilton. In fact the council asked VicUrban to help it build 300 homes in Hamilton because the skills were not there. Part of the housing shortage was due to the Iluka mine and part of it to a range of other issues. But let us focus on Hamilton. What is going to help

Hamilton? You have to have the first home construction grant for young people to stay in Hamilton. It is one incentive — not the only one — for them to stay. That is gone. The carpenters, plumbers, bricklayers and other builders, architects, designers and related companies will leave Hamilton because these jobs are not there.

Hamilton receives a triple hit. Firstly, the tradies have lost their jobs; secondly, the young people do not have an incentive to build anymore; and thirdly, there is a housing shortage in Hamilton. The government has removed one of the incentives for stock to be built in Hamilton, and because the stock is not there it puts pressure on the rental market. The government's decision to slash and burn — untargeted — suddenly means that in a town like Hamilton housing has been made less affordable for those who rent, fewer jobs are available for workers in the construction industry and an incentive for young people to stay in the town has been removed. The housing bonus itself is not the only reason they stay, but it is one of the package of incentives that takes the pressure off housing, creates jobs and encourages young people to stay in the town. Mr Rich-Phillips's government has jeopardised this in its budget.

Hon. G. K. Rich-Phillips interjected.

Mr LENDERS — Mr Rich-Phillips said that his government extended the scheme and we did not. Let us reframe this. In 2008 it was an initiative of the Brumby Labor government to stimulate growth. It was put in place until 30 June 2009. It was extended in the 2009 budget for one year. It was extended in the 2010 budget for one year. It was extended in the 2011 budget year. Let us get our facts right about the scheme. The government has chosen to cut a scheme that generates jobs, keeps young people in towns and takes the pressure off the rental market. We are talking about economic vandalism, and we are talking about a total disregard for the things that help people to stay in country Victoria.

The government has delivered a triple whammy. It has cut the public sector jobs, it has removed an incentive for young people to stay in country Victoria, which also puts up rents and costs construction jobs, and to top it off it has gutted opportunities for young people to gain skills in the TAFE sector. I think a coalition government that claims to be doing anything for regional Victoria but does what it has done ought to hang its head in shame.

In closing, this budget is a budget of disappointment. It is a budget that had unbelievable opportunities. I see Mr Davis, the Minister for Health, coming in and going out of the chamber, and it just gets me started again. This is a man who comes in here and talks about the wonderful things he is doing in health. He has come in here and gone on and on about how he was going to build a bigger Bendigo hospital than Labor and a bigger Box Hill Hospital than Labor. He was going to do all those things. But what have we seen in relation to the extra money for the Bendigo hospital? Have we seen it? No, but we have heard him talk about it. Have we seen the construction? No, it is slower than we thought. Have we seen him talk about it? Talk about needing a carbon tax for the hot air that comes from this man when he is boasting about it! We have seen all that too. But no, he scurried away because he is fearful of the bright light of scrutiny.

Let us talk about the budget processes. We had the sincerity of Ms Lovell, who said, 'I cannot answer Ms Mikakos's question about the budget because it is secret until budget day'. Then we had Mr Davis, who oozed insincerity and said, 'I cannot possibly tell you about the budget because it is a secret'. Then we asked Mr Rich-Phillips, who was in the chamber, 'Do you have a policy of stopping budget leaks?'. He replied, 'Oh, no. Surely you are not implying there are leaks'. This great drama was played out in the house about three sitting weeks ago — then what happened?

Mr Viney interjected.

Mr LENDERS — Perhaps I was naive, Mr Viney. Perhaps I thought this was a government that says one thing and will do it. Then what do I see? I suddenly see the announcement about the Charlton hospital. Fantastic news! The Charlton hospital has been announced. We need the Charlton hospital; this is really good. But then I thought, Mr Davis said it was not going to be announced. Mr Davis is here — fantastic! He said it was not going to be announced, and it was announced. If I recall correctly, he said it was a leak. He then came in here and answered a question from Mr Pakula the other day by saying, 'Oh, we wanted to give hope to the town'. Surely when Mr Jennings asked the Minister for Health if he was going to announce it, a little bell should have rung or a little light should have come on to indicate that if he says it in the house today, it will give hope to the town. But it did not occur to him until someone leaked it, and then suddenly he gave hope to the town. It was quite intriguing.

On a final note, I will go back to where I started, and that is with Mr Baillieu's comments on 25 November 2009. As well as saying that the carbon tax will not be scary or a threat and that it is just the way it is, he also

talked about transparency in relation to the carbon pollution reduction scheme, and I quote from *Hansard*:

> We want to see Victorian industry and families protected. We believe the Premier should release all the advice he has received on the impact on Victorians —

of the carbon tax.

The Premier referred to was Mr Brumby. In 2009 Mr Baillieu thought that Mr Brumby, if he had had any advice on emissions trading, should release it so Victorians could be informed. Talk about saying one thing and doing another! His health minister two and a half years later comes into this place and tantalises the house again and again. 'I have a wonderful Deloitte report that says the carbon tax is terrible, but I am not going to show it to you. You will have to trust me'. With respect, Mr Davis, we do not trust you. If Mr Davis says that something is in a document that he will not table in this place, we do not trust him. We think the document he is talking about is a whole lot of nonsense.

In conclusion, I found it extraordinary that at the Department of Treasury and Finance briefing this morning, when a government member asked the deputy secretary, budget and financial management, Dean Yates, whom Mr Rich-Phillips knows well, whether there was any provision in the budget to pay for the carbon tax and deal with the issues that Mr Davis has been scaring people about, he said no.

Last year the government did a little scare campaign about the GST and put all its little lines in the budget saying 'GST adjustment', 'GST adjustment'. But we have not heard from the Treasurer that the federal Treasury has upped the amount of anticipated GST revenue to Victoria between the last budget and this budget. We did not hear Mr Wells say that the Treasury had revised it up, but we have seen a lot of chest beating about why a 6 per cent increase in GST revenue is a cut. We have heard the maths from this government, but the GST revenue has gone up by 6 per cent — and I am sure Mr Rich-Phillips will correct me if it was 5.5 per cent not 6.5 per cent — and the government says that is a cut.

This budget is a great disappointment. If this government had focused on jobs a year ago, like Daniel Andrews, now the Leader of the Opposition in the Assembly, and the Labor Party asked it to, it might have been able to instil some confidence in the community. But all this government has done is find someone else to blame. It is either the global financial crisis, which Labor dealt with in 2008 with a stimulus package, or it is the Murray-Darling plan or it is the drought that has broken or it is the carbon tax or it is the New South Wales government or it is the federal government. There is always someone or something to blame. It is time this government realised it is a government and not a commentator on an opposition and someone else. It is time it governed, because if it does, it can generate some jobs for Victoria, services for rural Victoria and address the cost of living rather than govern for the sake of 22 white cars.

In my final conclusion, the first act of the Kennett government was to bring the cabinet up to 22 members — the biggest in the history of Victoria. After 11 years of Labor when the cabinet was smaller than that, the very first act of Mr Baillieu was to increase the cabinet by 10 per cent. So productivity means nurses, teachers and everyone else has to slog it out, but productivity for the Liberal-Nationals government means you increase the cabinet by 10 per cent because I guess the work is just a bit hard for them.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until next day.

COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Courts and Sentencing Legislation Amendment Bill 2012.
>
> In my opinion, the Courts and Sentencing Legislation Amendment Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Courts and Sentencing Legislation Amendment Bill 2012 will make amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Magistrates' Court Act 1989 and the Supreme Court Act 1986 to:

improve Children's Court processes;

clarify the jurisdiction of Koori courts;

allow the Judicial College of Victoria to provide education to judicial registrars;

improve the processes for empanelling juries;

provide immunity for assessors in the County and Supreme courts.

The bill also makes the following amendments to sentencing laws relating to community-based corrections:

streamlining the process for charging offenders with contravention of a sentencing order;

modernising orders for converting unpaid fines to community work;

clarifying how money will be held and repaid under a community correction order (CCO) bond condition;

a number of other technical and minor amendments.

The bill provides for the continued use of infringement notices for the following offences on a trial basis for a further two years, until 30 June 2014:

shop theft of goods valued at up to $600: section 74A, Crimes Act 1958;

wilful damage of property valued at less than $500: section 9(1)(c), Summary Offences Act 1966.

Charter act right relevant to the bill — recognition and equality before the law (section 8)

Section 8 of the charter act provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The bill may be considered to engage section 8 of the charter act, as it provides indigenous persons with different sentencing options in the courts on the basis of race.

The bill provides indigenous persons with the option of having a breach of a sentencing order made in any division of a court dealt with by the Koori Court division of the court.

However, this does not detract from the equal protection of the law for Koori and non-Koori people. All persons are subject to the same law and legal protections as regards sentencing options.

Furthermore, the fact that the Koori Court division provides for alternative sentencing procedures that have regard to the cultural background of the offender and seek to contribute to more effective sentencing and lower recidivism rates does not constitute discrimination within the meaning of the Equal Opportunity Act 2010 and thus within the meaning of the charter act.

While non-Koori people are treated differently, in that they do not have the option of access to the Koori Court division sentencing procedures, for the purposes of the Equal Opportunity Act 2010 this does not amount to either unfavourable treatment because of an attribute such as race or a practice which is unreasonable and has the effect of disadvantaging persons with the attribute.

Charter act right relevant to the bill — right to a fair hearing (section 24)

The bill will amend the County Court Act 1958 and the Supreme Court Act 1986 to provide that an assessor called in by the court has, in the performance of his or her duties as an assessor, the same immunity as a judge of the court has in the performance of his or her duties as a judge. This impacts on the right of individuals to institute proceedings against assessors in relation to acts or omissions committed in the performance of their duties.

Section 24(1) of the charter act provides that a person charged with a criminal offence, or a party to a civil proceeding, has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. It is possible that this right could be considered to be limited by the bill, given that it prevents a claim being brought against an assessor by virtue of the immunity.

However, it can also be argued that the amendment enhances the right to a fair hearing because it helps ensure that decisions will be made by an impartial court or tribunal. The immunity granted to assessors, who will help to make decisions about the rights of individuals, is intended to ensure that assessors will make decisions impartially.

The bill will provide the same immunity to assessors as is currently enjoyed by mediators, special referees and arbitrators. Assessors are called in by the court to provide independent expert assessments, assisting the court in resolving complex technical and factual issues. The position of an assessor is substantively identical to that of special referees, and similar to mediators and arbitrators, who are called upon to determine issues or mediate between parties in an authoritative and impartial manner.

The functions of an assessor must be performed competently, independently and without fear or favour. Allowing these officers to be covered by statutory immunity for all acts or omissions committed in good faith in the exercise of their duties enhances the proper administration of justice.

The immunity also protects assessors from the distraction and cost of damages, claims that might otherwise provide an incentive to avoid making decisions that are likely to provoke personal retaliation from disgruntled litigants.

For these reasons, if there is any potential limitation of the right in section 24(1), the limitation is reasonable within the meaning of section 7(2).

Charter act right relevant to the bill — right to a fair hearing (section 24) and presumption of innocence (section 25)

The issue of an infringement notice does not constitute a charge. Accordingly, the bill does not engage or limit the right of a person charged with a criminal offence to be presumed innocent until proved guilty in section 25 of the charter act, or the right of a criminal accused to have their charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing in section 24 of the charter act.

If, however, a person elects to have the matter heard and determined by a magistrate in open court, the Infringements Act 2006 deems the matter to be a charge and the usual rights of an accused person in relation to that offence would apply.

Conclusion

I consider that this bill is compatible with human rights as defined in the charter act because this bill does not unreasonably limit any right set out in the charter act.

Hon. R. A. Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill strengthens Victoria's justice system through various improvements to court and sentencing legislation.

The bill will improve the operation of the court system through amendments that:

clarify the jurisdiction of Koori courts;

improve various Children's Court processes and make other technical amendments;

correct anomalies in relation to the empanelment and excusing of jurors;

make judicial registrars a class of judicial officer that can be provided with judicial education by the Judicial College of Victoria; and

provide immunity to assessors in the Supreme Court and the County Court.

The bill will also improve the operation of community-based sentencing by:

streamlining processes for charging offenders with contravention of a sentencing order;

modernising orders to convert unpaid fines to community work;

clarifying how money will be held and repaid under the community correction order (CCO) bond condition; and

making further technical and minor amendments.

This bill also provides for a two-year extension of the power to issue infringement notices for two offences under the Justice Legislation Amendment (Infringement Offences) Act 2011.

Currently a Koori Court division can only deal with a contravention of a sentencing order if that sentencing order was made within the relevant Koori Court division. The bill corrects this anomaly to allow Koori Court divisions in the Magistrates Courts, County Courts and the Children's Court to deal with a breach of a sentencing order made in any part of the criminal jurisdiction of the relevant court. The bill also makes clear that a guilty plea and the offender's consent are a prerequisite for the Koori Court division to deal with offences. These amendments reinforce the role of the Koori Court division as a sentencing division and will assist in reducing delays by enabling a wider range of matters relating to an accused to be heard together.

The bill also removes anomalies in the Children's Court legislation. First, it clarifies how specified time periods are to be calculated in relation to bail provisions, which will improve operational arrangements for the Department of Human Services and the court. The bill also improves processes for hearing cases for breach of a probation order, youth supervision order or a youth attendance order. It will also enable a magistrate, other than the magistrate who originally imposed the sentence, to constitute the court. This will allow the court to schedule cases more efficiently and bring cases before the court more quickly.

The bill amends the Children, Youth and Families Act 2005 to clarify how to calculate the period for which a child may be remanded in custody. The bill will also address an operational and administrative issue regarding children taken into safe custody. At present, the legislation requires that the same member of the police force who executed a safe custody warrant must deliver that child to the location specified in the warrant. The bill will allow another member of the police force to bring that child to the location specified. The bill also clarifies that functions relating to the Children and Young Persons Infringement Notice System (CAYPINS) are vested solely in the principal registrar or the registrars, and cannot be exercised by a deputy registrar. This ensures that persons with the appropriate level of authority perform CAYPINS functions.

In addition, the bill corrects anomalies in laws governing juries. Under the Juries Act 2000, the court can empanel a jury by name or by an assigned number. Currently the Juries Act requires a list of names to be produced even where the empanelment takes place by number. This creates an unnecessary administrative step for the Office of the Juries Commissioner and may mean that a name is inadvertently disclosed. The bill will allow a document bearing the number and occupation of the juror to be produced instead. The bill also improves processes for excusing potential jurors so they can be returned as a group to the jury pool instead of individually. This saves time during the empanelment process.

The bill also amends the Judicial College of Victoria Act 2001. The Judicial College of Victoria provides education and professional development for judicial officers. The bill amends the definition of 'judicial officer' to include judicial registrars so that judicial registrars are eligible to take part in judicial education and professional development provided by the college.

The bill will also give assessors in the Supreme Court and County Court the same immunity as a Supreme Court judge. Assessors assist the Supreme Court by providing independent expert assessments and are currently utilised in the technology, engineering and construction list. The assessors' position is very similar to special referees, mediators and arbitrators, in that their role requires them to act in an authoritative and impartial manner. These other officers currently have immunity while assessors do not.

I now turn to the improvements to sentencing legislation contained in the bill. Last year, the government introduced legislation which made the most significant reforms to community-based sentences in 20 years. The main provisions of the Sentencing Amendment (Community Correction Reform) Act 2011 (CCO act) came into effect on 16 January 2012. This act replaced the previous range of inflexible and cumbersome community-based sentences with a new single, flexible community correction order (CCO).

The bill will streamline the procedural steps for charging offenders with contravention of a sentencing order. Drawing on the Criminal Procedure Act 2009, the bill requires charges for a contravention of an order to be filed in the Magistrates Court. Once the summons is served or warrant to arrest is executed, the case will be transferred to the original sentencing court which will hear the case summarily. Where the offender is already before the Supreme Court and County Court for another offence committed during the term of the CCO, the bill gives that court the discretion to receive a charge for breach of a CCO without an adjournment. These amendments ensure that courts can properly consider the totality of offending by sentencing for both the new offence and the breach at the same time. This streamlined criminal process was developed following close consultation with the courts, the Director of Public Prosecutions, Victoria Police and Corrections Victoria.

This bill will further improve laws that allow unpaid court fines to be converted to community work. These reforms began in the CCO act. In January this year, the previous fine default community-based order was replaced by two new orders, called fine conversion orders and fine default unpaid community work orders. The bill continues the modernisation of these orders by amending the Sentencing Act to remove complicated and unclear provisions and improve the structure and processes surrounding these orders. The bill creates standard terms for the orders; allows them to be varied by application; preserves the secretary's power to suspend the order and change reporting processes; and deals with the status of orders made by the Court of Appeal. The sentencing regulations currently provide for many of these provisions and the relevant regulations will be revoked on commencement of this bill.

Another key component of the government's community correction reforms was the creation of a power for courts to impose a condition on a CCO that an offender pay an amount of money as a bond that can be forfeited upon breach. This component is scheduled to commence later this year. The bill clarifies the administrative processes for such bonds. The money will be held in a trust fund on behalf of the Crown, rather than held by the courts. The bill also makes clear that the Crown may hold the bond money for up to three months after the CCO has expired. This gives prosecuting agencies time to determine if the offender has contravened the CCO. Where an offender is charged with further offences which, if proven, would contravene the CCO, the bond money is held and is not repayable until the criminal charges are finalised.

This bill also provides for a two-year extension of the power to issue infringement notices for two offences:

shop theft of goods valued at up to $600;

wilful damage of property valued at less than $500.

The 'infringements trial', which commenced in mid-2008, trialled the use of infringement notices for a small number of offences with varying complex aspects, with the aim of assessing their suitability for enforcement by infringement. The majority of these offences were made infringeable on an ongoing basis on 30 June 2011 under the Justice Legislation Amendment (Infringement Offences) Act 2011. That act also extended the trial in relation to shop theft and wilful damage for a further 12 months. The trial in relation to these two offences was extended because the initial evaluation indicated that further experience was needed and further consideration given to the impact of using infringement notices for these offences.

However, the additional year has not provided sufficient further experience of the trial in relation to those offences to enable stakeholders to resolve outstanding issues regarding the effects on deterring or otherwise modifying the behaviour of offenders and whether the rights of victims are adequately respected. The government is therefore extending the trial for a further two years to enable stakeholders to consider those issues further in the light of additional experience of the operation of the trial.

The amendments made by this bill are a further demonstration of the government's commitment to streamline court procedures and ensure stronger and more effective sentencing.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 10 May.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (EXAMINATIONS) BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations)

on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Independent Broad-based Anti-corruption Commission Amendment (Examinations) Bill 2012 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act.

I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Independent Broad-based Anti-corruption Commission Act 2011 (the IBAC act) to provide the Independent Broad-based Anti-corruption Commission (IBAC) with examination powers and referral powers.

Human rights protected by the charter act that are relevant to the bill

Right to privacy and reputation (section 13 of the charter act)

Section 13(a) of the charter act provides that individuals have a right not to have their privacy unlawfully or arbitrarily interfered with. The right to privacy is concerned with freeing a person's 'private sphere' from government intervention or excessive unsolicited intervention by other individuals. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed. An interference will not be arbitrary provided that the restrictions on privacy are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter act. Section 13(b) provides that individuals have the right not to have their reputation unlawfully attacked.

However, these rights are not absolute and can be subject to reasonable limitations under section 7(2) of the charter act.

The bill engages the right to privacy and freedom from reputational attack in two ways, in its provisions relating to:

- public examinations (new section 82C); and
- the power to issue witness summons (new section 82F).

Public examinations

The bill will insert new section 82C which, in particular circumstances, permits the IBAC to conduct an examination in public for the purposes of an investigation.

A public examination would engage a person's right to privacy and reputation, as personal information may be revealed during the course of the examination. Persons summoned to attend an examination will not, without reasonable excuse, be entitled to refuse to answer questions or produce documents or things required of them.

New section 82C places important limitations on when the IBAC can hold a public examination that minimise the risk of personal information being made publicly available and the risk of having a person's reputation unreasonably damaged. The IBAC can only hold an examination in public if it reasonably considers:

- there are exceptional circumstances; and
- it is in the public interest to hold the examination in public; and
- a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing.

The power to require a person to attend for an examination and answer questions is also circumscribed by:

- new section 82C(3) which requires the IBAC to provide the Victorian Inspectorate with a written report specifying the reasons in relation to the decision to hold a public examination. This report must be provided not less than seven days before a public examination is held; and
- clause 31 of the bill which will insert new section 28G into the Victorian Inspectorate Act, giving the Victorian Inspectorate the ability to require the IBAC to provide a written report specifying details about an examination, including the relevance of the attendance to the purpose of the investigation in relation to which the attendance occurred. This new section assists the Victorian Inspectorate in overseeing the operations of the IBAC and ensuring that examinations are not conducted arbitrarily.

This engagement of the right to privacy and freedom from reputational attack is not a limitation of the right. The application of the powers will be lawful and certain, applying in clearly articulated circumstances and therefore not arbitrary. Indeed, in some circumstances the ability to give sworn evidence in a public forum may be an opportunity to restore a person's reputation.

A public examination may, where appropriate, be an important means of providing transparency in relation to scrutiny of the activities of IBAC.

The power to issue a witness summons

The right to privacy is engaged where a public authority is conferred a power to compel a person to provide personal information or provide documents or things.

New section 82F provides the IBAC with the power to issue a witness summons to a person requiring that person to attend and give evidence at an examination or produce required documents or other things, or both. The power of the IBAC to issue a summons will engage the right to privacy if a person is compelled, as a result of that summons, to provide personal information or documents or other things.

The ability to compel the giving of evidence and production of documents or other things is a proportionate and appropriate power for the role of the IBAC. Without such power, the IBAC would not be properly equipped to achieve its statutory functions, particularly the identification, exposure and investigation of serious corrupt conduct and police personnel misconduct.

A witness summons must only be issued where the IBAC is satisfied that it is reasonable to do so having regard to the evidentiary or intelligence value of the information, document or thing sought to be obtained from the person, and the age of the person and any mental impairment to which the person is known to be subject. Additionally, if a witness is aged between 16 and 18, the IBAC must not issue a witness summons to the person unless the IBAC considers on reasonable grounds that the information, document or thing that the person could provide may be compelling and probative evidence, and it is not practicable to obtain the information, document or thing by any other means.

The power to issue a witness summons is accompanied by duties designed to ensure the IBAC appropriately informs a witness of his or her rights. The summons must inform a witness of the nature of the matters about which the person is to be questioned (except to the extent the IBAC considers on reasonable grounds that this would be likely to prejudice the conduct of the investigation), that the witness is entitled to seek legal advice, and that privileges may apply.

There are also safeguards to maintain the confidentiality of information, documents or other things obtained during the course of an IBAC investigation, including by way of witness summons:

> new section 33A provides that IBAC officers must not disclose any information acquired in the course of their duties except in the course of the performance of their functions or the exercise of their powers in accordance with the law, or for the purposes of proceedings for an offence or disciplinary process or action instituted as a result of an investigation conducted by the IBAC or by the Victorian Inspectorate or as is otherwise authorised or required to be made under the IBAC act.
>
> new section 33C which permits the IBAC to issue a confidentiality notice to a person specifying matters that cannot be disclosed by that person. The matters that may be subject to a confidentiality notice are referred to as 'restricted matters' and are defined in the bill. A restricted matter includes evidence given to the IBAC; and
>
> the bill will insert division 4 into part 2 which limits the extent to which an IBAC officer can be compelled to provide certain sensitive information, such as the identity of a person who has provided the IBAC with information relating to an investigation, in relation to a legal proceeding (other than a criminal proceeding) or a disciplinary proceeding or action.

I consider that any interference with privacy occasioned by the IBAC's power to issue a summons will be lawful, will not be arbitrary, and is appropriately circumscribed with the protections outlined above.

Freedom of expression (section 15 of the charter act)

Section 15 of the charter act holds that every person has the right to freedom of expression. This includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria, and regardless of the medium of expression. However, section 15 also notes that special duties and responsibilities attach to this right, and that lawful restrictions may be necessary to respect personal rights and reputations, and to protect public safety, order, health or morality.

A number of clauses of the bill engage the right to freedom of expression, by imposing confidentiality obligations on IBAC officers and other persons, and by providing for penalties where those obligations are breached:

> the bill will insert new section 33A which limits the extent to which a current or former IBAC officer can disclose information obtained in the performance of their duties and functions;
>
> the bill will insert division 3 into part 2 which limits a person's ability to disclose matters that are the subject of a confidentiality notice issued by the IBAC;
>
> the bill will insert division 4 into part 2 which limits the extent to which an IBAC officer (and other persons, such as those who have taken an oath or made an affirmation under the IBAC act) can be compelled to provide certain sensitive information, such as the identity of a person who has provided the IBAC with information relating to an investigation, in relation to a legal proceeding (other than a criminal proceeding) or a disciplinary process or action.

The limitations placed on IBAC officers are necessary to safeguard the confidentiality of information that these persons may be privy to in the course of performing their duties and functions and exercising their powers.

The limitations placed on freedom of expression contained in division 3 of part 2 are important mechanisms by which the IBAC can safeguard its investigations and persons connected with that investigation. A confidentiality notice may only be issued by the IBAC where it is satisfied that disclosure of restricted matter is likely to prejudice its investigation, the safety or reputation of a person or the fair trial of a person who has been, or may be, charged with an offence. Moreover where the IBAC considers it is no longer necessary to restrict disclosure of a particular matter it is required to cancel the confidentiality notice. A confidentiality notice cannot last for longer than five years, unless the IBAC has applied to the Supreme Court for an extension and the Supreme Court is satisfied that the extension is necessary. New section 33E sets out circumstances in which a person served with a confidentiality notice may disclose the restricted matter specified in the notice, for instance for the purpose of obtaining legal advice. The IBAC's power to issue a confidentiality notice is also subject to a requirement to provide the Victorian Inspectorate with a copy of each confidentiality notice issued as soon as possible, which assists the Victorian Inspectorate in its function of monitoring the IBAC's exercise of its powers.

The new division 4 in part 2 contains important mechanisms by which the IBAC can protect: the safety of any informers, witnesses or other persons related to the investigation; any

investigation conducted by the IBAC, the Victorian Inspectorate, a law enforcement agency or integrity body; the confidentiality of secret investigative methods used by the IBAC, the Victorian Inspectorate, a law enforcement agency or an integrity body; and the public interest. An IBAC officer cannot be compelled to produce a protected document or thing. This limitation is appropriately circumscribed by new section 33I which allows an application to be made to the court to determine whether an objection to produce a document or other thing in response to a subpoena is lawful. These provisions relate to a subpoena issued in relation to criminal proceedings and are a means by which a person can have a court review the basis on which a document or other thing has not been produced.

These limitations on the right to free expression are direct, proportionate and balanced with the need to safeguard the confidentiality and integrity of the IBAC investigations and safety of the persons involved. I consider that any interference with freedom of expression occasioned by the confidentiality obligations set out above will be lawful, will not be arbitrary, and is appropriately circumscribed with the protections outlined above.

Rights to liberty and security of person (section 21 of the charter)

Section 21(2) of the charter provides that a person must not be subjected to arbitrary arrest or detention.

This right is engaged by new section 82X which provides that the IBAC may apply to a judge of the Supreme Court for the issue of a warrant to arrest a person if the IBAC believes on reasonable grounds that the person has been served with a witness summons and failed to appear at the IBAC in accordance with a witness summons.

The right is also engaged by new section 82ZK which provides that IBAC may issue a certificate of charge and an arrest warrant if it appears to the IBAC that a person is guilty of contempt of the IBAC.

The ability to apply for a warrant to arrest a person is an important mechanism by which the IBAC can ensure the attendance of persons who may have information, documents or other things that are relevant to its investigations, or alternatively, to effectively bring a person to account for contempt and enforce compliance with a witness summons.

In my opinion the right not to be subjected to arbitrary arrest or detention is not limited by new sections 82X or 82ZK. The issuing of an arrest warrant under both new sections will not be arbitrary. An application under new section 82X can only be made to the Supreme Court in limited circumstances and the application can only be granted if a judge of the Supreme Court is satisfied that there are reasonable grounds to believe that the person has been duly served with a witness summons and has failed to appear at the IBAC in accordance with the summons. An arrest warrant can only be issued in relation to a contempt and a person can only be guilty of contempt in the limited circumstances under the act. An additional protection provided by new sections 82Y and 82ZK is that the person arrested must be brought before the Supreme Court without delay. New section 82ZM provides that if it is not practicable for the person to be brought immediately before the Supreme Court the person will have the right to apply to a bail justice to be released from custody. In addition the power to issue a warrant will be overseen by the Victorian Inspectorate; new section 82ZH provides that within three days after the issue of an arrest warrant the IBAC must give a written report to the IBAC that sets out specified matters.

Right to a fair hearing (section 24 of the charter act)

Section 24 of the charter act holds that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. It also holds that all judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public, unless exceptions apply including that a law other than the charter act otherwise permits.

Section 24 deals with the right to a fair hearing, incorporating principles of procedural fairness. Procedural fairness concerns the extent to which the procedures of a hearing protect the rights of the parties, such as the right of a party to be provided a reasonable opportunity to present his or her case under conditions that do not place that party at a substantial disadvantage vis-a-vis his or her opponent.

The bill will insert new section 82A which provides the IBAC with the ability to conduct an examination for the purpose of an investigation. For the purposes of the charter act, the IBAC is not a 'tribunal', and its examinations functions do not constitute civil or criminal proceedings. That is because some key features that are inherent to those concepts are not present — namely, that the IBAC is not capable of making any binding determination as to the parties' rights or liabilities; and that there are not two 'parties' involved in a contest over rights and liabilities.

Nonetheless I note the aspects of this bill which apply procedural fairness principles to the examination powers, and the resulting reporting functions, of the IBAC:

- in an examination and in relation to a witness summons, a person is able to seek advice from and be represented by an Australian legal practitioner (new section 82M);
- the IBAC must provide a witness with information about the nature and scope of the investigation to which the examination relates, and also about the privileges and rights that the witness has (for example the right to an interpreter) (new section 82G);
- in most circumstances, unless it would prejudice the investigation, a witness must be provided at least seven days from the date of service of a summons before compliance is required, to enable the person to seek advice and consider the summons (new section 82J);
- where the IBAC intends to include in a report an adverse finding about a person the IBAC must first provide the person with a reasonable opportunity to respond to the adverse material and fairly set out each element of the response in its report (sections 86 and 89).

New division 4 of part 2 may also engage the right to a fair hearing. New section 33H limits the circumstances in which a protected person, including IBAC officers, can be compelled to produce any document or other thing in a legal proceeding or a disciplinary process or action. New section 33I provides for a protected person to object to the production of documents or information that have come into his or her possession or control in the performance of the duties and functions or the exercise of powers under the IBAC act, and

for the court to determine that application. Accordingly, there may be instances where the IBAC does not disclose information, and as a consequence that information is not available for a person charged with a criminal offence or a party to a civil proceeding. The IBAC or the court (whoever is required by the bill to determine the matter) will need to balance factors for disclosure, such as a defendant having access to information that may be relevant to their defence against factors that might count against disclosure, such as needing to ensure the safety of an informant.

The purpose of the right to a fair hearing is to ensure procedural fairness. It includes the principle of equality of arms: everyone who is a party to a proceeding must have a reasonable opportunity to present his or her case under conditions that do not place him or her at a substantial disadvantage vis-a-vis his or her opponent. The right guarantees no more than a reasonable opportunity to present one's case. It does not grant a right to seek information, evidence or documents that may be useful in advancing one's case in every circumstance.

Rights in criminal proceedings (section 25 of the charter)

Section 25 of the charter provides for entitlements for persons charged with a criminal offence; relevantly subsection (2)(g) provides that a person charged with a criminal offence is entitled to examine, or have examined, witnesses against him or her, unless otherwise provided for by law.

New section 33K engages this right by providing that an IBAC officer (and other persons, such as those who have taken an oath or made an affirmation under the IBAC act) cannot be compelled in a court to disclose any matter or thing of which the person has knowledge as a result of the performance of duties and functions or the exercise of powers under the IBAC act or any other act. Moreover, the person cannot be compelled to produce any document or other thing that has come into his or her possession or control in the performance of the duties and functions or the exercise of powers under the IBAC act or any other act.

New section 33K does not limit the right in subsection 25(2)(g) of the charter. The words 'unless otherwise provided for by law' clearly encompass a provision such as new section 33K. New section 33K is an important protection for the IBAC and its officers. The IBAC will have access to sensitive information and there may be good reasons for not disclosing this information to a court, such as ensuring the safety of an informer to the IBAC. Of course where there are no compelling reasons to withhold particular information and that information is requested by a party to civil or criminal proceedings, the IBAC may choose to provide that information in compliance with a court order or subpoena.

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled without discrimination not to be compelled to testify against himself or herself or to confess guilt.

The bill inserts new section 82ZC(1) which provides that a person is not excused from answering a question, giving information, or producing a document or other thing in accordance with a witness summons on the ground that the answer to the question, the information, or the production of the document or other thing, might tend to incriminate the person or make the person liable to a penalty. The purpose of the provision is to assist the IBAC in its function as a truth-seeking body that is able to undertake full and proper investigations.

Where, in the course of an investigation, the IBAC discovers evidence of criminal conduct and the IBAC is of the opinion that the evidence is of sufficient probative force to permit prosecution, the IBAC may refer a matter to a prosecutorial body. Accordingly, it is not considered that the bill will engage the rights in criminal proceedings. In any event new section 82ZC(1) is limited by subsection (2) which provides that any answer, information, document or thing is not admissible in evidence against the person before any court or person acting judicially, except in limited circumstances:

proceedings for perjury or giving false information;

an offence against the IBAC act or the Victorian Inspectorate Act 2011;

contempt of the IBAC under the IBAC act; or

a disciplinary process or action (which is limited to public officers and police personnel).

If it were the case that self-incriminating information obtained from a person was disclosed in accordance with the act, for example to the Chief Commissioner of Police, it would be a matter for the police to determine what use is made of that information. The bill makes it clear that the answer or information itself cannot be used in proceedings other than those listed at new section 82ZC(2). It would be a matter for the court to determine whether other evidence derived from that information is admissible.

Further protection for persons the subject of criminal proceedings is provided by sections 86(5) and 89(5) of the IBAC act. These provisions state that if the IBAC is aware of a criminal investigation or criminal proceedings in relation to a matter or person to be included in a special report or annual report the IBAC must not include in that report any information which would prejudice the criminal investigation or criminal proceedings.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. R. A. Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill further enhances the legislative structure for Victoria's first-ever anticorruption body with oversight of the

entire public sector. The bill forms part of a suite of historic legislation that gives effect to the coalition government's election commitment to create a new integrity framework for Victoria, including:

- the Independent Broad-based Anti-corruption Commission Act 2011 which creates the framework for Victoria's first Independent Broad-based Anti-corruption Commission (IBAC);
- the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Act 2011 which provides IBAC with important investigative functions and powers;
- the Public Interest Monitor Act 2011 which establishes public interest monitors (PIMs) to provide important checks and balances on the use of covert and coercive warrants in Victoria; and
- the Victorian Inspectorate Act 2011 and the Victorian Inspectorate Amendment Bill 2012 which create an oversight body to provide effective oversight of the IBAC and PIMs.

This bill gives the IBAC additional functions, duties and powers it needs to undertake examinations.

Overview

This bill amends the IBAC act, which was passed by the Victorian Parliament on 23 November 2011. That act sets the foundations for the IBAC, establishing its structure and providing it with crucial education and prevention functions. The IBAC (Investigative Functions) Act amends the IBAC act to establish the IBAC's two main jurisdictional areas of responsibility. These are:

- to investigate serious corrupt conduct as it relates to the whole public sector; and
- to provide broad oversight of police conduct.

This bill provides the IBAC with further tools in order to achieve these objectives. The key aspects of the IBAC Amendment (Examinations) Bill 2012 include:

- witness summons provisions, providing IBAC with the power to issue a witness summons to attend an examination to provide evidence, produce documents or other things or both;
- confidentiality provisions, protecting the confidentiality of IBAC investigations and the safety of persons involved in those investigations;
- jurisdiction provisions, providing IBAC with the power to investigate serious corrupt conduct or police personnel conduct occurring prior to the commencement of the act;
- referral provisions, providing IBAC with the power to refer matters to other bodies and coordinate investigations;
- provisions outlining the application of privileges and statutory secrecy requirements;
- the power to charge a person with contempt where appropriate; and
- provisions clarifying the appointment of acting commissioners and acting deputy commissioners.

This bill represents the next step in the process of delivering the coalition government's ongoing integrity reforms, completing IBAC's full suite of investigation, examination and referral powers, with transitional and consequential provisions to follow.

These new powers will be subject to robust oversight by the Victorian Inspectorate as provided for in the Victorian Inspectorate Act 2011 and the Victorian Inspectorate Amendment Bill 2012, which provide the Victorian Inspectorate with the powers, duties and functions necessary to provide effective oversight of the IBAC.

The power to issue a witness summons

The IBAC will have the power to issue a witness summons compelling a person to give evidence at an examination or produce documents or other things. This power is a critical means of ensuring the IBAC is able to access the information it needs to conduct a thorough investigation.

It will be an offence to fail to attend an examination in accordance with the witness summons, refuse or fail to answer a question, or refuse or fail to produce a document or other thing without reasonable excuse. Those summoned to attend an examination must attend an examination until excused.

The bill provides for examinations to be conducted in public or in private. Generally, examinations will be conducted in private unless the IBAC considers on reasonable grounds that there are:

- exceptional circumstances; and
- it is in the public interest to conduct a public examination; and
- a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing.

In order to ensure that a decision to have a public examination is exercised appropriately, the IBAC must provide the Victorian Inspectorate with a written report specifying the reasons for making a decision to hold a public examination. This report must be provided not less than seven days before a public examination is held.

A person, other than an IBAC officer or a Victorian Inspectorate officer, must not be present at a private examination unless he or she is:

- attending in accordance with a witness summons;
- an Australian legal practitioner representing a person who is attending in accordance with a witness summons;
- entitled to be present by reason of a direction issued by the IBAC; or
- authorised to be present by the IBAC or otherwise authorised to be present under any law.

An Australian legal practitioner engaged by the IBAC to assist in the inquiry may also be present.

The power to issue a witness summons will be subject to a range of appropriate safeguards. The bill provides that:

witnesses must be informed of their rights and obligations in advance of being examined or providing documents or things;

witnesses will be entitled to legal representation;

protections apply to witnesses who are aged 16 to 18 (with a prohibition on examining persons under 16) or have language difficulties or a mental impairment; and

evidence obtained during an examination will be inadmissible as evidence against any person before a court or tribunal unless the attendance was videorecorded and the videorecording is available to be tendered in evidence or the court is satisfied that there are exceptional circumstances that justify the admission of the evidence.

Confidentiality provisions

The bill includes provisions to safeguard the confidentiality of IBAC investigations, and provides for offences for breach of the confidentiality obligations imposed.

IBAC officers, former IBAC officers and a person who is or was a Victorian Inspectorate officer, will only be able to divulge information for the purposes of:

the performance of duties or functions or exercise of powers under the IBAC act;

a prosecution or disciplinary process or action following an IBAC investigation; or

as otherwise authorised under the IBAC act (for instance the appropriate sharing of information to specified law enforcement agencies, integrity bodies, prosecutorial bodies or the relevant principal officer).

Current and former IBAC officers will be exempt from any legal requirement to produce information, documents or things in a court, tribunal or another authority having power to require the production of documents or answers to questions. The exception to this is that an IBAC officer may produce information, documents or things for the purposes of a prosecution or disciplinary process or action or other proceeding instituted as a result of an IBAC investigation.

The bill provides for a process by which the IBAC can issue a confidentiality notice to prevent a person (such as a witness) from disclosing specified restricted matters that would likely prejudice an investigation, the safety or reputation of a person, or the fair trial of a person. However, the bill includes provisions allowing disclosure for specified purposes (such as for the purpose of seeking legal advice). Where the IBAC considers it is no longer necessary to restrict disclosure of a particular restricted matter, the confidentiality notice must be cancelled.

Persons who receive draft IBAC reports prior to publication will also be subject to confidentiality obligations and permissible disclosure will be limited to particular circumstances (such as where disclosures are made in order to seek legal advice).

Investigating conduct occurring prior to the commencement of this act

The IBAC may conduct an investigation in relation to serious corrupt conduct or police personnel conduct of a person or body who or which would have been a public officer or public body within the meaning of the IBAC act prior to the relevant section of the act being in force.

Before initiating an investigation into corrupt conduct occurring entirely before the commencement of section 5B of the act, IBAC must consider whether:

it is in the public interest for the IBAC to investigate that conduct;

in all the circumstances it is appropriate for the IBAC to investigate, having regard to the IBAC's functions of identifying and exposing serious corrupt conduct; and

in the case of corrupt conduct that another investigatory body has already investigated or decided not to investigate, there is reliable, substantial and highly probative evidence that was not considered in the original investigation or that there is reliable, substantial and highly probative evidence that the original investigation or decision not to investigate was materially affected by error.

Referrals and coordinated investigations

If the IBAC considers the subject matter of a complaint of notification is relevant to the performance of the duties and functions or the exercise of powers of a specified list of persons and bodies and the IBAC considers that it would be more appropriate for the complaint or notification to be investigated by that person or body the IBAC must refer a complaint or notification to that person or body.

The IBAC will have the power to conduct an investigation in coordination with specified integrity bodies or law enforcement agencies. The provisions enable IBAC to engage with other bodies and agencies, in appropriate circumstances, where it would be beneficial to the investigations being conducted. However, any such investigation must be conducted by the IBAC in accordance with the IBAC's duties, functions and powers under its legislation as the power to coordinate an investigation does not enlarge the IBAC's jurisdiction.

Privileges

The privilege against self-incrimination is specifically abrogated for all those summonsed or examined by the IBAC. This reflects the IBAC's primary role as an investigatory body rather than a prosecutorial body. A 'use immunity' will apply, preventing self-incriminating evidence acquired through coercive IBAC questioning being used against a person in civil or criminal proceedings (except for an offence under the IBAC act, VI act, perjury or a disciplinary process or action if the person is a public sector employee or a member of police personnel).

Other privileges and statutory obligations to maintain secrecy are overridden for police personnel, except where claimed in their personal, not official, capacity. For other persons privileges may be asserted and requirements to maintain secrecy are preserved.

Contempt

The bill provides that a person who has been served with a witness summons by the IBAC is guilty of contempt of the IBAC if the person, without reasonable excuse, fails to attend for examination or produce required documents or other things. It will also be a contempt if a person called as a witness refuses or fails to answer any questions relevant to the subject matter of the examination or engages in threatening or obstructive behaviour.

The IBAC may charge a person with contempt and issue a warrant to arrest the person. If an arrest warrant is issued, the IBAC must give a written report to the Victorian Inspectorate within three days after the issue of an arrest warrant, identifying the reasons why the arrest warrant was issued and the relevance of the arrest warrant to the purpose of the investigation. A contempt of the IBAC is to be dealt with by the Supreme Court.

Acting commissioner and deputy commissioners

The bill includes amendments clarifying the circumstances in which acting appointments can be made and the terms of those appointments. The bill also includes an amendment providing that if more than one deputy commissioner is appointed to the IBAC, at least one must be an Australian legal practitioner, allowing greater flexibility.

Conclusion

With this bill, the government has delivered the examinations framework for the IBAC, building on the foundations set out in the Independent Broad-based Anti-corruption Commission Act 2011 and complementing the investigative functions being delivered by the IBAC (Investigative Functions) Act 2011. With this bill, IBAC will be properly equipped to perform its functions and provide the Victorian community with the confidence that corruption and police personnel misconduct will be properly investigated.

I commend this bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 10 May.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Primary Industries Legislation Amendment Bill 2012.

In my opinion, the Primary Industries Legislation Amendment Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, Domestic Animals Act 1994, and Livestock Management Act 2010.

Human rights issues

Powers of authorised officers to require documents

Clause 5 of the bill amends the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 ('the act') by extending the power of authorised officers to require the production of documents for determining compliance with any regulation or order made under the act.

This amendment to section 54(1)(g) of the act potentially engages the right to freedom of expression in section 15 of the charter act, which includes a right not to impart information. Section 15(3)(b) of the charter provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary 'for the protection of national security, public order, public health or public morality'. The act, and the regulations and orders made under it, impose controls in relation to the use of agricultural and veterinary chemicals for a number of significant purposes including the protection of the health of the general public, the environment, the health and welfare of animals, and trade in agricultural produce and livestock. To the extent that these information-gathering powers engage the right to freedom of expression by restricting a person's right not to impart information, the restriction is lawful and reasonably necessary to ensure compliance with orders and regulations made under the act and thus for the protection of public order and public health.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter.

Hon. P. R. Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill amends the following acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992;

Domestic Animals Act 1994; and

Livestock Management Act 2010.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is the principal legislation regulating the 'use' of agricultural and veterinary chemicals in Victoria. The act imposes controls over the use of agricultural and veterinary chemicals to ensure their use does not lead to the contamination of livestock and agricultural produce, or to financial losses resulting from damage to plants and livestock. The act also imposes controls in relation to the use, application and sale of agricultural and veterinary chemical products to protect domestic and export trade in agricultural produce and livestock, public health, the environment, and the health and welfare of animals.

This bill proposes minor amendments to this act to ensure its effective and efficient administration. The amendments have been developed in consultation with the Victorian Agricultural Chemicals Advisory Committee which is established under section 65 of this act, and is represented by industry, local government, chemical manufacturers, primary producers and conservation interests.

The bill will enable an authorised officer to require the production of documents, to ascertain compliance with the regulations and orders established under the act, as well as ensuring the two-year time limit for commencing prosecutions also applies to offences under regulations.

The bill provides for a new offence where a person who fails to return a suspended or cancelled authority to the chief administrator.

The bill amends the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to provide for consistent reference to an authorised officer identification certificate or card, and to increase the maximum allowable penalty for an infringement notice from 2 to 5 penalty units.

Importantly, the bill will require a seller of livestock to inform a buyer if the livestock has consumed agricultural produce that has been harvested or obtained within the withholding period for an agricultural chemical product that has been applied to it. A withholding period is the minimum interval that must elapse between the last application of a chemical product to a crop, pasture or animal, and the harvesting, grazing, cutting or slaughtering thereof. Withholding periods are specified on chemical product labels to prevent the contamination of agricultural produce with agricultural and veterinary chemicals.

The bill benefits industry and consumers of agricultural produce in this state, and helps to protect access to our export markets through improved regulation of the risks arising from the use of agricultural and veterinary chemicals.

The bill also amends the Domestic Animals Act 1994.

Currently under this act, a 17-year-old person can legally be responsible as owner of a dog or cat, rather than their parent or guardian. However, if a 17-year-old person commits an offence as the owner of a dog or cat, charges against this person must be heard in the Children's Court. Changing the age at which a person is responsible as an owner for the purposes of the act from 17 years to 18 years will ensure that all charges brought under the Domestic Animals Act 1994 are heard in the Magistrates Court.

The Domestic Animals Act 1994 allows a council to resolve not to register or renew the registration of a dog or cat unless it is desexed. A proviso applies if the dog or cat is the subject of written veterinary advice that its health is liable to be significantly prejudiced if it is desexed. The bill will ensure that this proviso can only apply where the veterinarian has personally examined the dog or cat before providing advice, and further, that the advice include reasons why the health of the dog or cat is considered liable to be significantly prejudiced if it is desexed.

Microchipping of a dog or cat was introduced as a temporary qualification for a reduced rate of registration in 2005. Mandatory microchipping for all newly registered dogs and cats became effective from 1 May 2007. It was agreed at that time that it would be removed after five years of gradual implementation.

Councils have indicated that there has been a reduction in desexing rates as a result of mandatory microchipping. There is a need to focus the owners' attention back on desexing their animals. It has now been five years since mandatory microchipping was introduced and it is time for the default fee reduction to be revoked. The bill will remove this basis for the reduced fee but not for current owners of microchipped or registered animals. As requested by councils, the change will be delayed so it only applies to new registrations on or after the commencement of the relevant provisions.

This bill also makes administrative amendments to the Livestock Management Act 2010. The key change to this act will ensure that the existing unintended limitation on which standards can be enforced through regulation is removed. This will allow the Department of Primary Industries and industry better enforcement options and ensure more effective delivery of compliance and enforcement activities, thus ensuring that Victoria can continue to meet its national expectations.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 10 May.

STATUTE LAW REPEALS BILL 2012

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Statute Law Repeals Bill 2012.

In my opinion, the Statute Law Repeals Bill 2012, as introduced into the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflect the intention of Parliament.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

This bill does not engage any of the rights under the charter act.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not engage any human rights issues.

Hon. David Davis, MLC
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill before the house, the Statute Law Repeals Bill 2012, is a regular mechanism for repealing statute law in Victoria. The bill is important to the orderly management of the state's statutes so that the laws remain clear, relevant and accurate.

The bill repeals wholly redundant acts identified by Office of the Chief Parliamentary Counsel and departments. The acts to be repealed are listed in a schedule to the bill.

The bill repeals both principal acts which have no ongoing operation and amending acts which are spent in effect and have no further purpose. Most of the amending acts contain transitional and amending provisions. The transitional provisions are no longer required because of the passage of time or subsequent legislative enactments. The amending provisions are no longer required because they have amended or repealed the provisions of the principal acts which they were enacted to amend or repeal.

Any residual effect of the transitional and savings provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill should be seen as part of the Victorian Parliament's regular housekeeping arrangements. The government has an obligation to bring forward, on a regular basis, legislation of this nature to ensure the law of Victoria is as current as possible.

By repealing redundant acts, the bill will ensure that Victorian statutes are updated and maintained in a regular and orderly manner so that they remain relevant to the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 10 May.

PROCEDURE COMMITTEE

Standing committees

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

That —

(1) the Procedure Committee be required to inquire into and report on the capacity of the standing committees to continue their investigations into a reference beyond the date that they are required by the Council to present their final report; and

(2) until the Procedure Committee has presented its report on this matter, the standing committees be required to

> complete all investigations and any other matters related to the reference and present their final report on a reference to the Council by the date specified in the resolution or resolutions referring the matter to the committee for investigation.

In doing this I make the point — —

Mr Viney — On a point of order, President, I am seeking clarification from you in relation to what this motion means. As you are well aware from a previous ruling in this house, the committee I chair, the Legal and Social Issues References Committee, has started a process which will require a witness to reappear before the committee. I can advise you, President, that a date has been set, the witness has agreed and a majority of members have indicated they will be attending. I am seeking clarification from you as to whether a motion of this nature can retrospectively close down a process that has already begun.

The PRESIDENT — Order! As I indicated in the ruling I gave in the last sitting week — —

Hon. D. M. Davis — It was advice.

The PRESIDENT — Order! Yes, it was advice; it was guidance. It was not a ruling as such because, as I indicated and as Mr Davis rightly picks up, the President has no direct powers to intervene in committee proceedings. As I indicated in that guidance on that occasion, it is open to the house to make any determination in respect of the operation of committees. In other words, the committees draw their powers, responsibilities and entitlements from the references and the instructions provided by the house. I indicated in that guidance that it was within the jurisdiction of the house to address the matter of reporting dates if the house felt that matter needed to be reconciled. Clearly this motion seeks to address that matter. This motion is also consistent, I might say, with my intention and expression to the house on that occasion to refer this issue to the Procedure Committee.

It is interesting to note that we have investigated further what happens in some other jurisdictions, and we note quite varied practices and attitudes in parliaments to reporting dates and, where those reporting dates are not met, to the disciplines and sanctions and such of the respective houses to the failure of those committees to meet particular reporting dates.

In respect of the motion before the house now, as I said, it is certainly a valid motion. Notice has been given, and the Leader of the Government has moved the motion, perhaps following on from the guidance I gave that it was important for the house to provide some direction to the committees.

In terms of the motion itself and whether it impacts on the current process of Mr Viney's committee, I am of the view that there is some lack of clarity in the motion as it has been moved as to whether it applies to the existing process that is in train. What I suggest is that the debate will no doubt convey the intention of the member moving the motion, and perhaps the house will vote on that motion and establish whether that intention applies to the existing process that is in place or, given that the house has authority on this, whether the house wishes to move by amendment some more explicit words that address the issue raised by Mr Viney by way of a point of order.

Mr Barber — On a further point of order, President, standing order 23.02 provides for the functions of these committees. We need clarification as to whether the second part of Mr Davis's motion is in order in the sense that it would contradict and cut across standing order 23.02, which is about the functions of committees, because if we read Mr Davis's motion literally, these committees need to 'complete all investigations and any other matters related to the reference' — in other words, everything. It is not just the reference but any other matters. It is everything the committee does, not just seeking further information, such as in Mr Viney's example. Even the matter of meeting and approving the committee's own minutes would appear to be ruled out.

My point of order in summary is: how can we contemplate a provision such as paragraph (2) of Mr Davis's motion if it attempts to override by motion the standing orders?

The PRESIDENT — Order! Which of the standing order 23 points is Mr Barber referring to?

Mr Barber — Standing order 23.02 sets up the functions of the standing committees, and once they have received a reference gives them powers and functions to go about that business. Mr Davis's motion seeks to constrain that by saying that not only must they complete their investigation but any other matters related to the reference. As I said, at the most minuscule level the approval of minutes would be blocked by this motion if the motion is in order. That is the ruling I seek from you: whether by motion we can cut across the powers given to standing committees by the standing orders.

The PRESIDENT — Order! On the point of order, I think it is an interesting point. The view I would take

is that the motion moved by Mr Davis would not extend to minutes, finalisation of accounts or matters of general administrative activity of the committee. I would take the word 'matters' as being related to the progress of the inquiry as distinct from the administration of the committee. That would be the context I would see.

I do not believe this motion would prevent a committee from passing minutes that referred to an inquiry, nor do I believe a committee would be precluded from dealing with outstanding budget matters or such under Mr Davis's motion. However, the motion might well — and this is still a matter for debate by the house — prevent the committee from sending out certain correspondence in relation to matters that it dealt with in that reference. It might well affect press releases or other matters that dealt with the actual substance of the inquiry as distinct from the administration of the committee. That would be the judgement I would bring to this motion, and perhaps members may need to clarify the wording in that sense.

Mr Tee — On a further point of order, President, I am a member of the Environment and Planning References Committee. We received by resolution a reference to the committee which had a reporting date in April this year. The resolution referring the matter to the committee included a reporting date in April. We have now sought an extension, but I am not sure how this motion will impact on the position of this committee. We have a resolution of this Council which says that we ought to report by April. We have not done so. I am not sure what that now means for the work of that committee.

The PRESIDENT — Order! On that point of order, there is obviously the capacity for any committee to come back to the house for an instruction that extends an inquiry. Obviously there are occasions when committees are unable to complete their references within the prescribed times originally set for those references and provided for their work. On that basis those committees do from time to time, as indeed has the environment committee that Mr Tee has referred to, come back to Parliament for a formal extension. Given that the house has agreed to that formal extension, I do not believe that inquiry will in any way be affected by this motion.

Mr Tee — Further on the point of order, President, I am concerned about the explicit wording of the motion, which requires the committee to report on the date set out in the reference provided by the Council. It seems to implicitly exclude the capacity for an extension of time.

The PRESIDENT — Order! On the point of order, I understand what Mr Tee is trying to establish. The standing orders and the practices of the house have always recognised that there is a final reporting date. Committees are expected, as a courtesy to the house as well as to fulfil their obligations in terms of their references, to present their reports by that final reporting date. That part of the motion moved by Mr Davis does not change the existing situation. In that context, from my point of view, it means that a committee still has the opportunity to come back to the house and seek a formal extension. The house obviously has a power to allow that extension or to even refer other matters to a committee. That power resides in the house.

Mr Viney — On a further point of order, President, I just want some clarification on your response to my first point of order. Is it your view, President, that the mover of the motion in this debate needs to deal with it like a second-reading speech — that is, that he needs to be explicit and clear about the intention of the motion — and that, specifically in relation to my committee he needs to be explicit and clear in his contribution that it is his intention through this motion that the committee should cease its current investigation?

Hon. D. M. DAVIS — On the point of order, President, the motion is actually quite clear. It applies to all the standing committees. Whichever stage the particular matter is at, any standing committee is required to report by its due date or to seek an extension, as we have just discussed. I believe it is quite clear that this would apply prospectively and retrospectively. All standing committees would need to comply with the motion until the Procedure Committee's report comes back, which will seek to codify it — and I will discuss that more — or to suggest ways forward. Until that point it would apply to all committees.

Mr Viney — On the point of order, President, I am considering certain amendments to this motion and I need to understand what this motion is about before I can consider those further. Can I now understand from the advice just given by the Leader of the Government and Minister for Health that you, President, would now say that this motion, if it were passed by the house, would mean that my committee could not so conduct its current investigation? Is that what Mr Davis is saying, and is that now the position that you, President, would adopt from that advice?

The PRESIDENT — Order! I understand what Mr Davis says in that this is one of the committees, and

that is okay, but we are dealing with a particular circumstance that Mr Viney is seeking clarification on by way of a point of order. Mr Davis will correct me if I am wrong, and I invite him to do so if I have misunderstood this, but the way I interpreted Mr Davis's explanation to the house was that if in fact this motion were passed, it would prevent Mr Viney's committee from proceeding with the interview process in respect of what the majority of members on that committee understand to be an inconsistency in evidence. It is my understanding that if this motion is passed, that process would not be able to proceed until the Procedure Committee reports.

Mr Lenders — On a further point of order, President, from what I understand, your ruling is that this be treated much like a second-reading speech — that is, that it demonstrates the intent of the mover of the motion and therefore it has a standing, although obviously not in court. What I seek for you, President, to address is that if it is the case that it is like a second-reading speech, the convention is that the speech is circulated. It is obviously difficult for Mr Davis to do that today, but with a second-reading speech it is done for the intent of the mover of the motion to be clear.

We have a house where probably 20 members are not present. The reality is that we know things are done on party lines, but if the house is being asked to accept the intention of the mover as recorded, and that has some standing, I put it to you, President, that there has been no speech circulated. In this particular circumstance most of the house is not here, and we are in effect being asked to understand the intent of something sight unseen. People will be asked to come in and vote on something sight unseen. I ask you to reconsider whether we can draw any intent from a debate in this house when we have not seen it. In every other circumstance where such a thing is done a second-reading speech is circulated and it is on the record before debate begins. It is a document of the cabinet that has a status. This is a motion from one man.

Hon. D. M. DAVIS — On the point of order, President, the words are simple and clear, in my view. But aside from that, it is not a second-reading speech, and there is a close analogue, if I can use that term in the chamber, and that is a ratification motion. It is a positive motion, usually by a minister but it need not necessarily be so, and there is no second-reading speech, according to that description of type, circulated in that way. In fact I remember an occasion in this chamber when, after making a contribution to the debate, the then Minister for Planning, Mr Madden, the current member for Essendon in the Assembly, handed a ratification motion to me and, as the next speaker, I sought to read it whilst making my contribution to the debate. My point is that there is no convention of the type that has been outlined here. The closest analogue of a motion of ratification is a situation where there is no prior circulation.

Mr Barber — On the same point of order, President, we are now effectively using this point of order process as an analogue — in the minister's words — of a committee stage to interrogate, through you, what the minister intends. You have confirmed in earlier advice in relation to a point of order I raised that this is effectively amending standing orders. It is not amending the standing orders document, but it is putting a further constraint on the operation of committees which all standing committees — all three of them — when meeting separately will have to have in their left hand just as they have the standing orders in their right hand.

President, you also acknowledged in that that there is this gap in the middle between simple administration and the calling of witnesses on a matter of privilege that Mr Viney has raised with you. To take another example — not a hypothetical example but a very real recent example — if a citizen were to object to material that was published as part of a committee process or as a submission to a committee and seek action by the committee in the matter of privilege, which is virtually the mirror image of what is happening in Mr Viney's committee, the committee would not be able to deal with that matter to determine whether the offending submission might have to be taken down or whether it would have to enter into further discussions on matters of privilege.

It is not simply Mr Viney's pursuit of a particular privilege matter that would be ended. If I am understanding your ruling correctly, there is the potential to stop all matters of privilege that any one of the three committee discusses at any time post the publishing of its report, and that is the literal wording of Mr Davis's motion.

Mr P. Davis — I have a limited amount to contribute. It is essentially that as I understand the substantive motion before the house upon which various points of order and propositions are being put, proper notice of motion was given earlier in the week — on Tuesday, as I recall. That matter is now before the house for consideration. There are views within the house that dissent from the intent of the motion, and it is therefore a matter for the house to either affirm or dispose of the motion formally. There can be no point of order in relation to the capacity of

the house to adopt the motion. It is simply a matter of procedure that a member, having given proper notice, can move the motion, and the house can consider it on its merits. Having considered it, through the normal rules of debate, the house can either agree to or dispose of the motion. The points of order may have some implied merit in terms of issues that are raised, but in my view they are not relevant to the substantive matter before the house.

Mr Viney — President, I wish to continue on the point of order raised by Mr Barber.

The PRESIDENT — Order! I will take that in a moment, because I think Mr Barber raised a different point that was not further to the point of order that was before me. Mr Barber raised a different issue, and I am happy to rule on that. In so doing I will allow Mr Viney to comment on that, but I think Mr Barber has taken a very different point to the one raised by Mr Lenders. I intend to discharge Mr Lenders's point of order, on which Mr Philip Davis made relevant comment, so that is the one I wish to deal with first.

In regard to the matter that is before us, I concur with Mr Philip Davis's view that the house has the capacity to deal with this motion today and that proper notice was given — the minister has not sought to do this by a process of leave, which would have required an additional notice period. In compliance with standing orders, he gave notice of this motion yesterday. It is proper to proceed with the debate today, and it is certainly within the capacity of the house to debate and resolve that matter.

With regard to a second-reading speech or the material that might be available to members in support of this motion that would have given them an opportunity to consider their positions on this motion, I have some sympathy with Mr Lenders's view that it might well have been a courtesy and indeed helpful to members of the house if there were perhaps some supporting documentation available in a written form that members could have received ahead of the actual debate. However, there is no requirement for a member using the process of a notice of motion to provide a second-reading speech or the equivalent thereof.

Giving notice of a motion is sufficient for them to prosecute that cause, and indeed whilst I might have had, before Mr Davis's clarification, some concern about whether or not this motion was explicit in regard to the matter of Mr Viney's committee's investigation, apart from that I think the motion is, in itself, a logical motion for the house to deal with. In other words, I do not think there are any smoke and mirrors in the motion such that members cannot understand what it is trying to achieve, beyond the matter we have clarified. I would expect that Mr Davis might well refer to that further in his substantive contribution to this motion.

In regard to members in attendance, I note that point by Mr Lenders, and again I have some sympathy for it, except that it is my view that the responsibility of each and every one of us is to be in the chamber at all times and that we cannot excuse ourselves and then claim that we did not participate in or know what that motion or bill was about because we were not in the chamber at the time. We have a responsibility, and all of us, when we are at other meetings or working in our offices, very often have an ear to the audio recording. We certainly are in contact with party whips and so forth to understand where the proceedings are at and those times at which our attendance will be required in the house or when we would want to be in the house so that we are fully informed of a matter before the chamber.

The onus is on the members rather than on the mover of a motion or indeed a minister introducing legislation or any other procedure that comes before the house. That discharges the primary matters that Mr Lenders raised — perhaps not to his satisfaction, but that is how I see them from the chair.

In respect of the matter raised by Mr Barber, I invite Mr Viney, who is the Deputy President, to make a further comment on that point of order.

Mr Viney — On the point of order, President, further to Mr Barber's incredibly astute point of order — and me saying that I had not picked up something which he has means I am quite impressed — the point he raises is very important, in that paragraph (2) of this motion has the effect of amending the standing orders. As you yourself acknowledged, President, it could have an effect, in terms of the post-report period, on what a committee could or could not do post a report being presented to this house. That is not within the standing orders, but it appears to amend the standing orders. My understanding is that the only way one can amend the standing orders is by introducing sessional orders.

The motion before us — at least paragraph (2) — is not worded in the form of a sessional order to amend standing orders. I accept that paragraph (1) of the motion — which is for the house to refer a matter to the Procedure Committee — is perfectly in order, but with paragraph (2), Mr Barber has picked up on something quite significant, in that it has the effect of amending the standing orders and that should only be done by sessional order, which this does not do.

Rather than taking another point of order later, for the purpose of assisting you, President, I refer you to the relevant section of *Odgers' Australian Senate Practice* about instructions to committees. As you would expect, I went through that chapter fairly comprehensively last night. *Odgers* has absolutely no example of a negative instruction to a committee — in other words, at no point in *Odgers* is a house's instruction, or in that case the Senate's instruction, to a committee done in a negative form. There is no example of it, so this would be a first. I question whether it is appropriate for the house to undertake an instruction such as this which would in fact be a negative instruction for a committee to cease investigating matters, or to not investigate matters that they have properly reported to the house they intend to investigate. This motion does not have that as a specific instruction.

Maybe I will use some of my words in the debate rather than now, but the motion does it by suggesting, in a fairly underhand or obtuse manner, that all committees cannot do this, when there is only one committee undertaking such a post-report investigation. The clear intention of this motion — and Mr Davis has confirmed it — is to shut down the Legal and Social Issues References Committee. That is the clear intention of paragraph (2) of the motion. In my view it amends the standing orders and should only be done by way of a sessional order — —

Hon. D. M. DAVIS — On the point of order, President, this is the debate. Mr Viney is going on and on with a long-winded point that is not a point of order.

The PRESIDENT — Order! Nevertheless, this is an important matter, and Mr Viney's contribution has been apposite to the issue before the house. He has put some references, and I am considering them. I will allow him to continue.

Mr Viney — Very quickly to conclude, I concur with Mr Barber's observation that paragraph (2) of this motion attempts to amend the standing orders. That should only be done by sessional order, and this motion does not do that. I reiterate as a further point that this is a negative instruction to a committee. There is absolutely no example in *Odgers' Australian Senate Practice* of a negative instruction to a committee to cease investigating a particular matter, which has been reported to the house and which it has indicated it intended to investigate. That is the effect and Mr Davis has confirmed that. I think it is inappropriate for this house to do so in an obtuse manner.

Mr P. Davis — On the point of order, President, on the face of it, it would appear the points of order being taken at this point by Mr Barber and Mr Viney relate to an endeavour to construct an argument that the motion is in itself out of order, because in my view that is the case they are arguing in debating points of order. My response is that the motion was ruled to be in order by the President and that the motion itself being an order can be disposed of — either affirmed or rejected by the house — as a motion which is in order. The consequence is clear — that is, until such time as the Procedure Committee has reported to the house, then it is evident the motion is worded such that there can be no further consideration of matters relating to extraneous matters beyond the terms of reference of committee work. In very simple terms: the point here is that committees owe their existence to determinations by this house; they owe their references to references from this house.

Mr Viney — Standing orders.

Mr P. Davis — Indeed, a determination by this house. The reference — the resolution of this house to provide a reference to a committee — is indeed an inquiry rather than a referral of legislation, and it is something which is a gift from the house. Therefore the capacity exists within the house to determine the conduct of that reference. If the house adopted this motion, which the President has previously ruled is in order, there would be a natural consequence of that, which is to say that for the time being there can be no further consideration of matters that are beyond the specific terms of reference of that inquiry. That may be difficult for some members to accept, but that is in effect the position of the motion — —

Mr Viney — What is difficult to accept is we are doing it.

Mr P. Davis — It may be, but my response to Mr Viney's point of order is that the President has ruled the motion in order. The motion is explicit in what it seeks to achieve, and the house can dispose of the motion by accepting or rejecting it. To have a debate by way of substantive points of order around the merit of the motion before the house in my opinion is a misuse of points of order. We should have a substantive debate and, having had the substantive debate, put the matter to a vote in the house. Therefore my response to Mr Barber and Mr Viney is to say you cannot have a motion before the house that is in terms that are acceptable to the Chair and then say, 'By the way, it is out of order because we do not think it suits us today', which is essentially the point of order they are taking.

Hon. G. K. Rich-Phillips — Further on the point of order, President, I draw your attention to standing

order 24.01, which is titled 'Practices of Westminster system observed where applicable'. This standing order states:

> In all cases that are not provided for in these standing orders or by sessional or other orders, or by the practice of the Council, the President will determine the matter —

et cetera. I raise this standing order for your attention, President, because it is clear from this standing order that the Council envisaged that there will be types of orders made in the Council other than standing orders and other than sessional orders which will determine the practices of the Council. The reference to 'other orders' in this standing order makes it clear that it was the intention of the Council that other types of orders, such as that proposed by Mr Davis's motion, can be made and be valid in determining the practices and processes of the Council, even though they may not be titled standing orders or sessional orders.

Mr Barber — Further to Mr Rich-Phillips's point of order, President, he is 100 per cent correct. What has emerged here is that this motion has the effect of preventing a parliamentary committee from defending itself with respect to privilege by the device of telling its members they cannot meet after they have tabled their report. The privileges of this Parliament and its committees arise from the constitution, which itself arises from the powers, privileges and immunities of the House of Commons of 1855.

If it comes to the particular standing order that Mr Rich-Phillips just noted, it is no help to him, because those selfsame committees, when seeking to protect and maintain these ancient privileges, will rely on Westminster tradition, and there is no way that a motion like the one Mr Davis wants to bring in here can simply wipe out privilege. One of those conventions of privilege is that express words are required to be seen as an alteration of the Parliament's privilege, and there are no express words here; it is simply that Mr Davis has decided to have a constitutional smash-up derby, and all of us members are belted into the back seat for the ride.

Hon. D. M. DAVIS — President, we have now been debating for some long time.

Mr Barber — We are not debating.

Hon. D. M. DAVIS — We are in fact debating, and the point I am about to make is that this is in effect a debate that has occurred via a series of points of order, and I think there is an issue about that in and of itself, notwithstanding the latitude that I think you were quite properly exercising at the start, President. The key point here is that the committees are indeed creatures of the house. They are derived from the house and the decisions of the house, and it is within the house's prerogative to give instructions, directions or other matters to the committees as is appropriate. The powers of the House of Commons are quite clear on this — that you can actually give instructions and directions to committees that are created. Indeed there are many cases where committees may not be acting within their directions where it is suitable to give them directions.

Mr Barber — On the point of order, President, Mr Davis is quite wrong, and he is in fact contradicting a previous ruling that you have made. On a previous occasion I raised a point of order with you in relation to the Electoral Matters Committee. You were quite clear that there was no way beyond the powers of those committees that had been set up for either you or this house to direct them as to how they went about their business.

The PRESIDENT — Order! It is probably easiest if I take up the last point by Mr Barber first. It is true that his recollection of that ruling is correct. I did say on that occasion that it was not within my power or the power of the house to actually direct the Electoral Matters Committee. It was not within my power because as President I do not have an explicit power to intervene in the committees. In regard to the Electoral Matters Committee the reason I gave that ruling on that occasion was that that committee is constituted under the other chamber, the Legislative Assembly. It is not a Legislative Council committee, and therefore the Council did not have a capacity to intervene in that committee's proceedings but the Legislative Assembly did — in other words, it was because of where that committee reported and the jurisdiction in that matter.

I will deal with a number of the points that have been made in points of order. Whilst I sympathise with Mr David Davis's point that this may have the complexion of a debate rather than a series of points of order, there are some important issues at stake here and their clarification was important to members. Hopefully these points of order and the guidance that I give to the chamber will enable the debate to proceed expressly and on an informed basis.

I will deal with Mr Viney's point that this motion is a negative and that in his view a negative instruction to the committee is not allowable and without precedent. From my perspective in the chair, this is not a negative motion. It is an instruction to the committee. The fact that it changes a procedure of the committee or the way in which the committee is operating does not of itself become a negative. It might have an impact on the

committee's operation, but the instruction itself is not a negative in my view; nor do I believe that there is a requirement for this motion to be in the form of a sessional order to allow this house to debate this matter.

In effect there is some truth in the fact that this does provide a similar provision or operating procedure to the house as would be established under sessional orders or variations to sessional orders from time to time, but in itself it does not need to go to a sessional order to address this matter. It may have the same effect as a sessional order until such time as the Procedure Committee has made a determination on this matter, but it does not need to be in that form, in my view. Further, the standing orders actually provide no reference at all to reporting dates in regard to committees, and that contributes to this grey area.

As I indicated earlier, we have examined some other jurisdictions, including the Senate and the New South Wales Parliament, and there are quite different approaches on reporting dates and different views as to the treatment of reports that do not meet the instructions of the house that commissioned those reports. This is why we have a grey area, because there is not an established and clear practice across the Westminster parliaments as we understand it at this time and, as I said, there is no reference to reporting dates in the standing orders, so it is clearly within the capacity of the house to establish an instruction or a framework for its expectations in regard to reporting dates.

In relation to the reference by Mr Rich-Phillips to where the standing orders are silent on matters, that this house should and does have regard to what happens in other parliaments is relevant, and while, as I said, this is an area that is subject to some conjecture and variation in practice, it is clear that the house obviously has an opportunity to set its rules. I wondered if David Davis was sitting too close to me, because one of the notes I made for myself in the context of responding to these points of order was that from my point of view committees are a creature of the house, and that was a term he used as well. It is in fact possible for the house to provide instructions to committees and to expect that those committees behave according to those instructions. Whilst the committees have independence in the discharge of their responsibilities, they clearly do not have a power to go beyond the house and particularly to go beyond instructions that have been made by the house.

With regard to the quite important matter that was raised by Mr Barber originally about whether a person would have an opportunity to have incorrect information or information they felt perhaps defamed them or something of that nature rectified by a committee after a reporting date, I would concur with Mr Barber that in fact a committee would not be able to take action under this motion on such a matter, and in my view that person would not have recourse to this house for any appeal process. I am not in a position to rule out the motion on that basis, but the point Mr Barber makes in that regard is, I think, a valid point, and members may consider in the ensuing debate the rights of individuals as a matter of that point.

I direct that the clock be reset, because there were a significant number of points of order and obviously they have taken quite a time to deal with. I think they were important to go through, and hopefully have provided clarification for this debate. I ask for the clock to be reset for Mr Davis.

Mr Lenders — On a point of order, President, which I guess is not on the capacity of the house to deal or not deal with this motion but goes back to standing order 24.01, which was raised by Mr Rich-Phillips and is a fairly fundamental underpinning of our constitution. We take this as a very serious matter. It goes to a member of Parliament's ability to move a motion without disclosing a pecuniary or personal interest. I put it to you, President, that this is a very serious motion. We have a minister of the Crown seeking to move a motion that will effectively cut off the scrutiny of that minister's performance in his portfolio by a parliamentary committee.

I do not raise this lightly, but we have a situation today where the debate has been, in the lead-up to this — —

Hon. D. M. Davis interjected.

Mr Lenders — It is a valid point of order, Mr Davis. We have the Leader of the Government seeking to use the legislature to in effect shut down a committee investigating his portfolio. I raise it as a serious point of order. It is a critical issue in relation to our constitution and the separation of powers that we have a proposition before the house in which a member, the Leader of the Government, without declaring a personal interest, is seeking to close down the legislature's ability to scrutinise the executive. I think it is a very serious point of order that warrants consideration.

Hon. D. M. Davis — On the point of order, President, there is clearly no point of order. It is available to any member of the chamber to bring a motion to the house and have it considered on its merits. It is a clear motion, the intent is clear, the

substance of the motion is clear and it is a matter for the house to deal with.

Ms Pennicuik — On another point of order, President — —

The PRESIDENT — Order! Is it the same point of order? I suggest to the house that Mr Lenders's proposition is not entirely a point of order as such. It is perhaps an important matter, but points of order obviously deal with procedure, and I think most of what we have been discussing to this point is procedure. This sort of moves it a little outside procedure. If the opposition, particularly the member raising the point of order, felt there were some matters of propriety that needed to be considered, then perhaps they might be moved by way of substantive motion. A member needs to be careful in making those sorts of accusations and even inferences about another member's motives in bringing a matter before the house. Most of our standing orders address pecuniary interests rather than matters of, if you like, political skin, so in that sense there is not even a standing order that addresses this matter as such.

I suggest in relation to this point of order that all members, whenever they bring any matter to this house, should have regard to any circumstances that might have a bearing on or relevance to the matter to be considered by the house, and they should alert the house to those circumstances. I think that is just prudent behaviour by members. Obviously as the President of the Legislative Council I am not in a position to judge the exposure of members to various matters or to know whether they may or may not have an interest, even of a pecuniary nature, in a particular matter. I am clearly not in possession of the knowledge to make those determinations at any time, so it really is incumbent upon members to make that judgement and to make a declaration to the house if they feel their circumstances might have relevance to a matter they are involved with in terms of debate. Whether they are the proponent of the motion or simply a participant in the debate, I think the same measure applies.

As I said, from the point of view of members of the opposition, if they believe there is a concern, then they might well raise that with the minister privately to establish to their satisfaction that there is not a problem. If they consider that there is something they wish to pursue, I believe that ought to be done by substantive motion.

Ms Pennicuik — President, my point of order is whether the motion as presented would refer back on itself to the Procedure Committee, being a standing committee of the Council.

The PRESIDENT — Order! Could Ms Pennicuik run that by me again?

Ms Pennicuik — My point of order is whether the motion would apply to the Procedure Committee, being a standing committee of the Council, because it refers to standing committees.

The PRESIDENT — Order! The Procedure Committee is not a standing committee; it is a select committee, and I do not believe its responsibilities and ability to assess this matter are in any way impeded by the motion.

Hon. D. M. DAVIS — I thank members for the various points that have been made. It is clear from this series of points of order that there is confusion in the standing orders and a lack of clarity about the powers of standing committees. The President called it a grey zone in his statement last sitting week, and I think it clearly is a grey zone. Mr Tee made a point about the time lines. He made the point about that lack of clarity. Let me be very clear here: the Legislative Council committees have powers that are given to them by this chamber. They are not self-referencing committees, they cannot make up their own references, run on with references or behave in ways that are against the terms of their particular references. The house, in my view, should give specific instructions to ensure that references are completed on time and that matters are completed. As has been outlined, there is a range of practices in different Westminster jurisdictions that apply here. I think it is worthwhile to look at the Procedure Committee in a coordinated and thoughtful way.

The example of Mr Viney's committee, the Legal and Social Issues References Committee, and its reference is an instructive example of a committee on which a member used a casting vote — in other words, he voted twice to achieve a particular outcome — and that is not the practice normally adopted for positive decision making of that type.

I make the point here that committees are creatures of the house; they derive their powers from the house. This motion is in order and seeks to give an instruction on two counts. The first is that the Procedure Committee undertake the work that is relevant. The Procedure Committee, previously the Standing Orders Committee, has done a lot of work, particularly as the period of a Parliament has advanced and there has been an opportunity to consider what is and is not working

within standing orders and in terms of the mechanics of the chamber and to make recommendations for change. That is perfectly in order.

This is a new set of committees for this chamber. It is clear that these committees are experiencing some difficulties. There are a number of challenges for them. One challenge relates to a lack of focus on the need to complete things on time. The option for a committee to come back to the chamber to seek an extension is always available, as we have indicated to Mr Tee, who appeared to be unaware that he could not automatically get an extension of time. It was clear that he did not understand that. It is my view that the standing orders need to be changed to make the rules in that type of situation beyond doubt so that the standing committees have clarity and understand what they can and cannot do.

The motion will ensure that committees do not exceed their authority until a decision has been made by the chamber as to what longstanding arrangements ought to be in place. There are clear reasons the committees should have that clarity. In the case of the committee to which Mr Viney referred, it is a question of whether the casting vote should have been used in the way that it was. There is legal opinion that has been tendered that makes it clear that the committee may have exceeded its authority. To ignore that would be irresponsible. The committee clearly has the power to refer any matter to — —

Mr Viney — On a point of order, President, I do not believe any legal opinion has been presented to myself, yourself or this house, and I think it is absolutely inappropriate for the member to be suggesting that the committee has acted beyond its authority based on a legal opinion that has not been received.

The PRESIDENT — Order! It is a debating point, but I am also unaware of any legal opinion on this. There was a letter from a solicitor to the Deputy President and I, but it was not in the form of a legal opinion.

Hon. D. M. DAVIS — The point I make very clearly, President, is that this is a grey area, as you have alluded to; there is a need to get clarity on it. These committees obviously need to act within the range set by the house, and the house needs to send a clear directive that committees cannot run wherever they wish on particular occasions. Indeed I make the point that they need to act within their terms of reference and their time lines, and that the time lines are appropriate. It is clearly unacceptable for committees to act beyond their time lines and to act beyond their authority. It is clearly the wrong thing for committees to do — that is, to act beyond their time lines, to act beyond their authority and to act in a way that is not within the parameters that this chamber has set for them.

The Procedure Committee will have the opportunity to debate these matters and to clarify this. It is clear that Mr Viney is on some sort of a frolic. Mr Viney's committee was not a self-referencing committee, nor are any of the other committees; I make that very clear. The point here is that committees need to act within their terms of reference and to do so within the time lines of their reference. This is a very reasonable approach to adopt — an approach that will actually allow the committees to do their work and to do it in a reasonable way.

There is a long-established practice in this chamber that when committees discover that the work in their reference is longer running than they had anticipated, they can simply come back to the chamber and the process to give them sufficient time is usually expedited quite quickly by members of the chamber. What is not appropriate is for committees to head in new directions — directions that may or may not be appropriate. It is clear that if a committee has a particular reason to take some further step, it is always available to a committee member to come back to the chamber and seek authority to take steps in that direction. It is open to any member of a committee to move a motion in this chamber, whether it is an opposition member or a government member, a chair or a deputy chair. Any of those members could bring forward a motion to alter or expand a term of reference if for some reason there were a related matter that it was appropriate to pursue or if they needed additional capacity to undertake some action that was relevant.

Ms Hartland — It was your reference.

Hon. D. M. DAVIS — Indeed it was my reference, and it was a good reference. I have to say that it is very clear that the house can provide this, and I look forward to the house debating this further.

Mr VINEY (Eastern Victoria) — I remember time after time in this chamber when the Leader of the Government, then the Leader of the Opposition, was debating matters that he used a very consistent and common phrase: if you have nothing to hide, you have nothing to fear. I think this applies to Mr Davis. Let us just go through the process that took place here. In April 2011 the committee received evidence from Alfred Health and from its chief executive in the form of a submission that there was a growing problem with the funding of transplant services. At a public hearing

in September a submission, again from Alfred Health, called for additional resources for organ retrieval and transplantation. On 23 September, just two and a half weeks later, Alfred Health closed its lung transplant services.

In the middle of its investigations the committee properly considered this, and members thought, we cannot make a report to this house without considering this matter properly. We asked Alfred Health CEO Mr Andrew Way to come back and explain the reasons for the lung transplant service closures. Interestingly, with all the media attention that took place during the closure — it was quite a big story in the *Age*, and it was a big story because it was a significant event to stop lung transplants at a major hospital that does those transplants in Victoria — it was proper for the committee to try to get to the bottom of it. In the middle of that process it was actually through the office of Mr Davis that public statements were made saying that the closure was because of workplace pressures — not because of funding but because of workplace pressures.

Lo and behold, when the committee got Mr Way, the chief executive, back on 2 December, his position became that there were a lot of workplace pressure problems. His evidence went from funding problems to workplace pressure problems. The committee accepted that, but not long after that Channel 7 reported that it had a document that indicated that the evidence was not quite right. The committee then went through the process of saying it would like to get that document, and Mr Way kindly provided it to us.

On reading that document it became apparent that it was a briefing note to the board of Alfred Health. That briefing note to the board was dated 5 October, so shortly before the evidence that Mr Way gave the committee on 2 December and after the lung transplant closures on 23 September, there was this briefing note. There were a whole lot of really interesting things in the briefing note, one of which was advice to his board that in fact there had been no increase in funding for lung transplants. None of the 400 additional WEIS (weighted inlier equivalent separations) had been allocated by the Department of Health for lung transplantation services. This is contrary to the statements that Mr Davis, or his office, had made to the public through the media and contrary to the comments on 2 December from Mr Way that there had been an increase in funding.

Mr Way's evidence to the committee on 2 December was quite clearly different to what he presented to his own board just three weeks before, in the middle of this whole issue. The committee decided it needed more time to investigate this matter. But at the same time the committee recognised that it had received lots of information from people on the substantive issue of organ donations and that those people were entitled to have us report properly and on time but that we should include in our report a clear statement of the committee's concerns and what it intended to do. That is what the committee did, on advice, I might say. The committee sought advice; Mr O'Brien sought advice; I provided advice to the committee; and Mr O'Brien concurred that that advice was correct. The whole process was done properly, and it was done properly because we thought that there was substantial concern about the — —

Mr O'Brien — On a point of order, President, there were some references to discussions and to positions that I took, which should, in my view, be subject to committee privilege and not repeated in this house. The deliberations of the committee, irrespective of this debate, remain matters of committee privilege, and those references should be withdrawn.

The PRESIDENT — Order! Mr O'Brien is correct, unless the references to what might have transpired in the committee form part of a public report or record of proceedings — minutes or suchlike. If not, Mr O'Brien is correct in saying that he would have privilege in that matter, as would all members of committees in terms of their work. The committee has an ability to progress this material. If the matters referred to by Mr Viney are subject to public documents, then obviously they are admissible in terms of debate.

Mr VINEY — The issue here is that the Leader of the Government made reference to my use of the casting vote and he has cast doubt upon the processes of the committee. He has said that the committee has acted improperly, beyond its powers and without authority. He has made all those allegations, and I am attempting, with full recognition of my restrictions here, to try to explain to the house the detailed, careful and proper considerations that the committee gave to a very complex and delicate matter.

Mr Davis has also referred to legal correspondence that I received and chose not to circulate to committee members because it cast aspersions on a number of them. If we are going to go down this path and restrict this debate in this way, that is fine; I will stay restricted by it. But what I will not stay restricted by is the allegation from Mr Davis that this committee acted improperly. What I will not be restricted from is trying to question why Mr Davis would be trying to shut down a committee process, and he has made it quite

clear that this is specific. This is about this committee and its inquiry.

Mr Davis has obviously got something to hide. This is about this committee attempting to investigate why it received inconsistent evidence, and it is very interesting that the change in evidence coincided with Mr Davis's public statements. The change in evidence to the committee coincided with the public statements coming out of his office that it was not about money, it was about workplace pressures. That is what happened. The question that starts to be raised in everyone's minds as of today is not about why Mr Way's evidence was inconsistent but what Mr Davis has to hide. What is he trying to cover up? Was it him who tried to influence evidence before the committee? Was that what was going on?

The PRESIDENT — Order! Mr Viney is moving into an area that I am troubled by because he is effectively making some significant accusations or allegations about the minister. As I indicated previously in response to a point of order, that sort of view ought to be tested by way of a substantive motion if that is the view of a member of this house. I also make the comment that this is a motion that is effectively a procedural motion. Mr Davis was, perhaps to the chagrin of members of the opposition and the minor party — —

Mr Barber interjected.

The PRESIDENT — Order! It is a significant minor party. Mr Davis did not go into great detail about Mr Viney's committee and the circumstances associated with it. However, at the same time I have allowed some latitude to Mr Viney in covering some of the matters before that committee because if in fact this motion is passed, then I guess this is Mr Viney's chance to put some of this material on the record. I have allowed some leeway in this, but I remind Mr Viney and other members that this is essentially a procedural motion. It does not specifically refer to the committee Mr Viney is talking about, but I guess there is an elephant in the room, and we do understand that.

Mr VINEY — I absolutely will abide by your ruling, President. I just make the comment that it was Mr Davis who said that I and my committee were on a 'frolic'. It was not me who opened this door; Mr Davis opened this door by suggesting that this committee was on some frolic. Those were his words. I am not prepared to stand here and allow those allegations to be made about a committee that conducted very serious and careful deliberations about something it was concerned about. I am not prepared to allow that accusation to stand. I am considering a couple of amendments to this motion.

Mr O'Donohue — On a point of order, President, could the proposed amendments be circulated? I do not have a copy of those. It would be a courtesy to do so.

The PRESIDENT — Order! In reference to Mr O'Donohue's point of order, while it is a courtesy to the house and it obviously facilitates a more orderly debate, it is important where possible to have an amendment circulated in writing. We have an amendment by Mr Barber to the same effect, but does Mr Viney have his in writing?

Mr VINEY — I thought of it while a point of order was being raised.

The PRESIDENT — Order! The problem is that I will have some difficulty coming back to Mr Viney on this. I suggest that Mr Viney get somebody else on the opposition side to move his amendments. In the meantime we will get them printed. We will try to have them done by the time Mr Viney has finished.

Mr VINEY — If it would assist the house, I will foreshadow two amendments that I intend to move and explain those amendments to the house. Presumably they will be circulated as soon as they are ready. The effect of the first amendment is to put a date on the Procedure Committee reporting to the house, because if it is good for the goose, then it is good for the gander. If Mr Davis wants us standing strictly by reporting dates, with everything being done and dusted by a reporting date, then let us set a reporting date for the Procedure Committee.

The second amendment is a proposition to omit clause 2, which has the effect of shutting down the Legal and Social Issues References Committee's current inquiry, the inquiry which is before the committee. That is essentially what Mr Davis indicated was his intent, and that is in effect what it does. What I propose is to remove that clause and insert a new paragraph that proposes that this house provide the appropriate authority to that committee to complete its inquiry into the matter of inconsistent evidence. That would resolve this matter once and for all.

Mr Davis is concerned that the committee should only investigate matters that are specifically referred to it by the house. Here is the opportunity to do so. If Mr Davis has got nothing to hide, he can accept our amendments to clause 2 and give the committee the authority to continue its investigation, and to do that while he is undertaking his Procedure Committee process to

resolve the matter in terms of potential changes to standing orders or sessional orders.

If Mr Davis has got nothing to hide, if it is not the case that anyone associated with him or his department in any way attempted to influence Mr Way in the way that we noted he changed his evidence, then so be it; we can get to the bottom of that. He has got nothing to hide. We can undertake that investigation. We can report properly to the house. If we find anything improper, then the house can consider any course of action that it may or may not choose to take. There is nothing improper or unusual in this process.

We know that there was a Senate process that did exactly this, and let us just think about the principles here for a minute. The principles here are this: if this house closes down the capacity for committees of this chamber to verify the veracity of evidence that they receive, then that will have the effect of destroying the credibility of all evidence that committees receive. Committees of this place must have a proper understanding and a faith and a trust in the evidence that they receive, otherwise committees will have no powers and no effect. You will not be able to rely on them, including, for example, in the case of the reference the government has just established on the church and church matters, which is a very sensitive issue. If that committee were to undertake those inquiries without being able to be certain that the evidence it received was accurate, that the evidence it received could be relied upon, its report would have no meaning whatsoever, nor would any report of any committee.

Committees must be able to verify and be confident of the evidence they receive. It is not as if this committee doubted it. The Legal and Social Issues References Committee did not doubt the evidence it received; it was forced to doubt the evidence it received by receipt of a document written by the witness that not only said that funding and finances were a significant cause of the problem but also went on to say that the Department of Health had been involved in 'the media management' of this.

Most of us in this chamber would remember issues around a media plan in the last Parliament, when Mr Davis and others talked about what an outrage it was for a minister to have a media plan. Most people would remember that, and most people would understand that some media management might be involved, but Mr Way in his briefing note to his board said:

> The DH —
>
> necessarily has two important roles, one ensuring that patients are appropriately managed by the health service —

and he talks about that —

> and secondly, the political direction set by the Minister for Health and ageing is achieved.

On the one hand the Department of Health should look after patients, but it also has a role in ensuring that the political direction set by Mr Davis, who has proposed this motion to close down the inquiry, is achieved. That is what we have before us in this chamber.

I have received a typed-up version of my proposed amendment which I do not think is correct. I would like to get my handwritten notes back.

There are a number of issues of concern in this. One issue starting to be exposed by this debate and the procedure that has been put before the house today is the degree of involvement of other persons in the evidence that Mr Way gave to the committee, because up until this motion was moved I had no reason to think there was anything involved besides Mr Way having given inconsistent evidence. But what is happening now before the house suggests other people may have attempted to influence the evidence Mr Way gave to the committee, so this may in fact turn out to be a little more than trying to understand what happened.

What we initially wanted was to give Mr Way an opportunity to reflect on his evidence and to clarify things and then to report to the house. But it appears that clarification may have to include what discussions he had with other persons, including staff from the Department of Health, whom he indicated to his board had a critical role in this in making sure the political direction the minister wanted was achieved. Now we are starting to get to the concerns before this house and before our committee.

I am now in a position to circulate my amendment to paragraph (2). I propose to move:

> Omit paragraph (2) and insert —
>
> "(2) Further, that this house extends the reporting date to 8 June 2012 for the Legal and Social Issues References Committee to enable it to complete its investigation into the apparently inconsistent evidence it received and reported in its report to the Council in March 2012."

That amendment would have the effect of ensuring that there is no chance that the motion before the house will close down an investigation that is currently under way. Mr Davis is saying that there needs to be a process

whereby the house formally extends consideration times. If that is what he wants, here is the opportunity to support it. If Mr Davis wants to close down the current investigation by the Legal and Social Issues References Committee into its inconsistent evidence, let it be clear and precise that that is what he is doing. He is doing so, in my view, because there is potentially some problem that he does not want uncovered.

The committee processes and the processes of the Parliament are about holding the executive to account and exercising scrutiny of government. That is all we are seeking to do here. I have no idea whether this may ultimately uncover issues as to whether or not other persons attempted to influence Mr Way's evidence, but my suspicions have been raised because of what is happening here tonight, late on a Thursday. The government did not bring it on first thing this morning, which would have been the normal process in setting the agenda for the day. There was an opportunity for the government to have brought it on first thing this morning after 90-second statements. But no, it brought it on at 4.30 p.m. to 6.30 p.m., somewhere around that time this afternoon.

If Mr Davis had nothing to fear, he would not need to close this investigation down. If Mr Davis had nothing to cover up, he would not need to close this investigation down. It is his department. It is a hospital under his management. The evidence was inconsistent. The briefing note given to the board of Alfred Health indicated that the Department of Health was fully involved. Mr Way's evidence changed from a position he consistently took with the committee on three occasions to a position that Mr Davis's office adopted in public statements. That is what we need to understand. How is it that the chief executive of Alfred Health changed his position from money to workplace pressures, which was exactly the same position as the minister, during that time period?

The PRESIDENT — Order! I have given consideration to Mr Viney's amendment as circulated and have formed the view that this amendment is not consistent with the motion that has been moved — that it goes outside the motion. I would be prepared to accept an amendment which makes specific reference to Mr Viney's committee, but I think to replace paragraph (2) of the motion with the words Mr Viney has suggested goes well beyond the scope of the motion.

Mr Viney's suggested paragraph (2) deals with a very specific matter, being the proceedings of the committee Mr Viney happens to chair, whereas the motion moved by the Leader of the Government deals with all committees. I think the house ought to have the opportunity to resolve the matter of its relevant attitude with respect to all committees. The point Mr Viney makes with respect to the Legal and Social Issues References Committee clearly refers to a valid issue, and it has been a subject of this debate, but I think the appropriate amendment would be one that seeks some opportunity for that committee rather than one that negates the motion with respect to all committees. Does Mr Viney understand where I am coming from?

Mr VINEY — I guess I would just say that there is some difficulty here. The difficulty is that the motion did not explicitly close down the current investigation of the Legal and Social Issues References Committee. You sought for Mr Davis to do that by way of a point of order rather than debate. At that point it became clear to me that I needed to get some kind of specific opportunity for the house to extend that committee's rights to investigate its concerns. On the fly, if you like, I had to prepare those words. What I need to ask by way of clarification from you is: would it be acceptable to then insert my proposed paragraph (2) as a proposed paragraph (3) — as an exemption, allowing that committee to continue its work? Would that become acceptable? The difficulty I have is that the motion does not expressly say the committee cannot investigate its concerns. You took that simply by way of a statement to the house, but I wanted it expressly in a motion. I am trying to do this an alternative way: by making it a positive.

Mr O'Donohue — On a point of order, President, in relation to Mr Viney's seeking clarification from you, I would submit to you that there is a dispute. There is a view which has been the subject of your guidance previously in the discussion of the grey area about whether the committee has tendered its final report or not. My contention is that the committee has tendered its final report in fulfilment of the reference — —

The PRESIDENT — Order! Mr O'Donohue is debating the matter. What is his point of order?

Mr O'Donohue — The point of order is that you cannot extend a reference that is already terminated or concluded.

The PRESIDENT — Order! That is the point of the entire debate. I am not going to rule on that point of order.

Hon. D. M. Davis — On the point of order, President, the point of Mr Viney's amendment is to subvert the whole point. The whole point is that all committees should be in a position which is clear and

should not be going on with their references interminably and inappropriately — as some would argue, in a grey zone. The point here is that it is up to the Procedure Committee to look at this, to look at other jurisdictions, to codify it and to come back with a solution — a general guidance to committees, maybe through the standing orders or some other means. I am almost straying into a point of debate here, but we have had quite a bit of that in these points of order. The point here is that Mr Viney is in effect also seeking a positive extension of his committee but not through a separate substantive reference. He could always do that.

Mr VINEY — President, I am offering a solution. I am prepared to change my proposed amendment to insert words at the conclusion of paragraph (2). I am hoping you can rule on this, President.

The PRESIDENT — Order! I am not going to take another amendment while I am dealing with a point of order. In considering the point of order about which Mr Viney is seeking clarification and in considering Mr Davis's response on that, I have formed the view that this motion is not explicit in respect of the process that involves the Legal and Social Issues References Committee. The motion may well seek to encompass that, but the words before me as the Chair are not explicit about that committee. I accept that what Mr Davis has told the house is that this motion is to apply to all committees, and the house has proceeded with the debate on that basis.

In my view it is quite proper for any other member of the chamber to seek to add further words to allow an exception or an exemption for this committee on the basis of a process already in train. I am not going to apply an intent to the mover of the original motion as to why this motion was presented to the house — whether or not it was to stop this process or whether or not it was because of the lack of clarity overall, which I have acknowledged is a problem. I am not going to, as I said, apply an intention to the mover of the motion, but I am going to say that I believe it is appropriate that a member can move a motion for an exemption in respect of the particular committee that has been the subject of much of this debate and that the house may determine that. I will not determine it. The house may determine that.

My problem with Mr Viney's circulated amendment was that I think it totally changed the intent of the proponent's motion, because the motion of the proponent, Mr Davis, was across all committees. The issue that Mr Viney has raised in debate and that other members have discussed in the preceding debate is that there are some exceptional circumstances with this committee. It is quite within the rights of the house to determine those. My problem was with the wording of the amendment, which I think was right outside the intent of that motion and was therefore an inappropriate amendment. However, in my view words that would allow an exemption, either by way of an additional paragraph (3) or an extension of paragraph (2), would be in order.

Mr VINEY — I am not trying to be difficult, but I am confused. I am confused because I now do not know whether I need to move my amendment as an exemption or not.

The PRESIDENT — Order! Yes, the member does.

Mr VINEY — I will move it now.

The PRESIDENT — Order! I have ruled that the amendment that has been circulated is out of order on the basis that the change to the substance of this motion is too broad. I am saying to Mr Viney that he is quite within his rights to move an amendment which has similar intent, but that amendment ought to be by way of additional words and not by a complete reversal by way of deletion of what Mr Davis has provided.

Mr VINEY — Thank you, President. I move:

At the end of paragraph (2) insert —

> 'with the exception of the current investigation of the Legal and Social Issues References Committee'.

The PRESIDENT — Order! I ask that that be circulated.

Mr VINEY — President, I think you touched on the difficulties we are having here in terms of the procedure and the points of order by saying that the words in the motion are not explicit in relation to the committee. The motion is not well drafted if its intention was to close down that committee, which Mr Davis said it was. I am trying to get the house to positively assert that the Legal and Social Issues References Committee should conclude its investigation.

Let us just go to the principles. Irrespective of the arguments as to whether there was inconsistent evidence, whether anyone influenced it and what the involvement of the media unit of the Department of Health was, there is a much more important and significant principle at stake. That principle is whether parliamentary committees can be confident of the evidence they receive. What Mr Davis is proposing is that committees will have no authority to investigate matters that they become aware of at the end of their

process or after their process is completed. They will have no capacity to investigate those matters or to verify whether the evidence they received was accurate. That will undermine the entire committee process in this Parliament.

It is not something that is acceptable in the Senate. The Senate allowed and received a report on an investigation where information that the evidence may not have been accurate became apparent to the relevant committee months after the committee reported. The Senate allows that, but Mr Davis is proposing that this house should not do so. How ridiculous; how absurd!

If the house goes down this path, members of the committee chaired by Ms Crozier, which is inquiring into a very sensitive matter that has been referred to that committee, will not be able to have any confidence that the evidence they receive is valid. They will not be able to have any confidence, because there will be no consequences for anybody if they come before the committee and mislead it. There will be no process by which the committee can investigate that unless it luckily happens to uncover it during the course of its inquiry, and how often does that happen? How often does it happen that during the course of its inquiry the committee can uncover that what has been presented to its members is inaccurate?

None of us are fools. We understand these processes. This is a process to make sure that if it becomes apparent that an irregularity has occurred, not only this committee but all committees have the capacity to investigate matters once they have reported. As Mr Barber said, we all know that sometimes people put in inaccurate submissions that are posted on the parliamentary websites. As Mr Barber said, that means that after a committee has reported they stay on the relevant website even though the committee becomes aware of the inaccuracy. How absurd that this house is going to go down a path of restricting committees. I ask members of the government whether they are serious in voting for something that will make sure that no committee of which they are members can have confidence in the evidence it receives. Are they for real?

This motion to undermine an incredibly important principle in this place has been moved to overcome a current political problem. If that is what government members all vote for, that is a serious undermining of any credibility they have as members of this place. As members of this place we have to consider what we do as important and serious. If government members are suggesting that they can sit as members of a committee and subsequently find out that the evidence they were given was wrong or misleading — and deliberately so — and they cannot investigate it or take any action about it, they are making a terrible mistake for their time in government and for the future of the Parliament of Victoria.

Mr BARBER (Northern Metropolitan) — I move:

> In paragraph (1), after 'report' (where first occurring) insert 'by 5 June 2012'.

I am not 350 years old, nor have I ever read the entire records of the UK, Australian and Canadian parliaments and their predecessor colonies, but I suspect this may be one of the most insane propositions that has ever been put before a Parliament of the Westminster heritage in its history, because it seeks to limit the ability of parliamentary committees to exercise their privilege even as they are going about their work. What is that privilege and where does it come from? Section 19 of the Constitution Act 1975, our constitution, states:

> (1) The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855 were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any act of the Parliament —

notice that it does not say 'motion' —

> of Victoria, whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise.
>
> (2) The Parliament may by act —

underline that word 'act' —

> legislate for or with respect to the privileges immunities and powers to be held enjoyed and exercised —

underline that word 'exercised' —

> by the Council and the Assembly and by the committees and the members thereof respectively.

We have a number of new members here today who have only been with us for 15 or so months, but I say to them: when all else fails, read the instructions. Somebody ought to give them a copy of the constitution, and they ought to be leafing through it right now so they can understand what it is we are doing.

Mr Davis thinks he has found a way to get around that whole privilege thing and that whole Bill of Rights of 1688 thing, which numerous English civil wars were all

about and which every Parliament that has ever come since, regardless of its make-up and at all times regardless of who was in power, has jealously sought to protect even when it was against the short-term interests of that party. Mr Davis has a clever short circuit for all this. He says, 'I cannot change that. I will simply move a motion that limits a committee from exercising it'.

This is something that all members of those committees need to understand, particularly the chairs of those committees, such as Mrs Coote and Mr O'Donohue. There are many chairs of both the legislation and references versions of these committees which will receive references, including references to the legislation committees. What needs to be understood is that when you stand up and read that little blurb at the beginning of a committee meeting telling the witness that they must be truthful but at the same time are protected by parliamentary privilege, that is all nonsense, because if someone chooses to take a swing at one of those witnesses after the committee has reported, there is not a thing the committee can do to protect that person.

I have to say, President, it happens regularly. I have been on a number of committees, and it is quite common for the committee, behind the curtain, to be dealing with claims and counterclaims from witnesses and submitters. Committees deal with people who do not like what those witnesses and submitters have said or with someone threatening some witness's employment. It is common enough, and from now on it will not be possible for a parliamentary committee to deal with matters of privilege that arise after it has reported, because, in the wording of the motion, it cannot do so until the Procedure Committee has delivered its final report. And there is no reporting date for the final report. So if the Procedure Committee never reports to this Parliament in the life of this Parliament, then those committees will be permanently restrained until the end of this Parliament.

Simply by the device of the Procedure Committee not delivering a report Mr Davis will have permanently stripped away the powers of those committees to protect themselves, the work they are doing on behalf of the Parliament and all people who appear before them. Who is on the Procedure Committee? It includes Mr Davis and a government majority. What a clever man! He has taken the whole basis of parliamentary privilege and has stuck it in his pocket, and he can keep it there for as long as he likes.

Much of this operates in the realms of convention. A lot of what committees do in the furtherance of their work under the shield of privilege is not in formal law but is written down in various sources and therefore forms a convention. Mr Davis agrees; we are making progress. Mr Davis should understand that by definition a convention is not a law. It cannot be two things at the same time. A convention is something that is not written down in law nor is it in common law; in fact on another matter we are marking out the basis of the common law as it applies to the privilege of this Parliament to seek the secret myki report, but I cannot get into that now.

The convention is something that is there because we all agree on it, and we all agree to respect it. Much of what we do here hangs by that constitutional thread, and that is why this reckless, ill-considered, unguarded, desperate motion moved by Mr Davis is so dangerous. In the way he has framed it, it sets him up — he thinks — as holding those constitutional conventions in his right-hand pocket until he decides he is going to release them. It will be a one-man dictatorship once the powers of this Parliament have been treated in such a way.

I know we are not allowed to reflect on motivations of members of Parliament, but how did we get here? Everybody who is involved in politics knows that great quote by the fictional character, Sir Humphrey Appleby, who said one should never set up an inquiry unless you know in advance what its findings will be. But he had a much less famous quote and that is, 'Never set up an inquiry full stop'. The reason you never set up an inquiry is that everything is connected to everything, and Mr Davis has found that out.

Mr Davis is running this absolutely reckless, wild move because he has fallen into his own bear trap. He has sent a reference to a committee, and we now have a serious matter of privilege — which has now been ventilated; what is going on it is not a secret any more — and it relates to someone under Mr Davis's own portfolio. He set up this inquiry, and now one of his own portfolio constituents is the subject of a privileges inquiry. It may not be the last such matter that comes before a parliamentary committee because whatever — —

The PRESIDENT — Order! I am not comfortable with it being on the record that this is a privileges inquiry or a privileges matter. As I understand it, what the committee is seeking to do is to check on inconsistencies in evidence. I understand the context in which Mr Barber has used the word 'privilege' previously in talking about the committee, but this is not a formal process involving a privilege inquiry. I am not comfortable about that description being on the record at this time in respect of the gentleman

concerned. I ask Mr Barber to clarify that for the record. I do not ask him to withdraw, but I ask him to clarify his point.

Mr BARBER — Thank you, President, that is very appropriate. I am not at all familiar with the deliberations of the committee post its reporting. I have only heard material in dribs and drabs, so I would have no way of knowing as to whether it has progressed to the level of a suggestion by anyone that a breach of privilege has occurred. But certainly in earlier debate and points of order this afternoon you, President, pointed out that much of what might fall in that middle ground or grey area would be of the nature of a privilege matter, as that is often what committees end up doing after they have reported on their primary reference.

Mr Davis's judgement has been clouded here, perhaps because of the matter coming back in his own direction to bite him much more quickly than he imagined it would, but that is no excuse for the more experienced members of his team to simply go along with what he is doing. I hope they all now understand, especially those who are chairing the committees we are referring to, that this has much wider implications than might have been apparent when this hit the notice paper. This is hardly going to be the end of it in any case.

The best proposition is that Mr Davis supports some form of the motion where the Procedure Committee goes off and has its inquiry, preferably with a reporting date, but does not seek to constrain every other committee while that occurs, because in fact Mr Davis does not know the answer. I do not know that any member would have necessarily objected to the Procedure Committee inquiry — in fact you, President, in an advisory opinion suggested that perhaps it was something the Procedure Committee could look at. That proposition alone was innocuous enough. We need a version of the motion that includes paragraph (1) only and accepts my amendment that the reporting date be 5 June 2012. The motion in its present form is not acceptable to me. It is paragraph (2) of the motion that needs to be removed or in some way dramatically rethought.

Mr O'DONOHUE (Eastern Victoria) — It has been a most interesting debate — both the points of order and the procedural matters, as well as the contributions by Mr Viney and Mr Barber.

I turn to the matter that is before the house. As you correctly said, President, your comments were advice to the house, not a ruling. The Legal and Social Issues References Committee, which has been the subject of this debate but is not part of this broad motion, had an inquiry into organ donation, which was a very important inquiry. I think it is regrettable that this debate has taken place in this fashion, because it undermines the very important recommendations that the committee made in relation to organ donation.

Organ donation is a very important issue. Increasing organ donation is a critical issue. I am pleased that the government in its budget, which was released two days ago, has provided $20.7 million in additional funding over the next four years to support organ donation. That is an important response to the committee's recommendations.

I refer to the principal point: the references committee was given a reference on 10 February 2011 by this house, and the committee sought an extension in this house on 9 February this year. The committee had already seen the need for an extension of time and the house granted that extension of time, so it is an absolute nonsense to say that the government is trying to shut down the references committee when an extension was gladly given when requested. The fundamental and principal point — made by David Davis, Philip Davis when raising a point of order and the President when making his comments — is that committees are creatures of the house. Four members of the references committee have sought to self-reference. You, President, gave guidance that that is a grey area. David Davis, by moving this motion, is seeking to clarify that point.

I reject the amendment moved by Mr Viney to the effect that an extension to the reference should be given because in my view the reference process has been completed. If Mr Viney wishes to proceed with a further investigation into this matter, he should move a substantive motion seeking the consent of the house to re-investigate the issue. I reject the amendment moved by Mr Viney, and I similarly reject the amendment moved by Mr Barber. In a few weeks this matter can be investigated.

As the President stated, this is a complex matter. There are various precedents in different jurisdictions. It is appropriate that they be investigated and that advice be given to the house by the committee. I support the motion moved by David Davis. It is also worth reflecting on the debate about Mr Way's evidence. Mr Barber and, if my recollection is correct, Mr Viney talked about a breach of privilege and all the other issues.

Mr Viney — I did not mention privilege.

Mr O'DONOHUE — I stand corrected by Mr Viney. Mr Barber talked about a breach of privilege. However, in essence four members of this committee have said that on the basis of a sentence on page 93 of the report, the committee is concerned that Mr Way was not as clear and as open when he gave evidence to the committee as he was when giving an explanation to the Alfred Health board.

It has not alleged any breach of privilege, but on the basis of that the committee referred the Alfred to the Ombudsman. Not content with that, four members of that committee sought to self-reference. All the matters that have been the subject of this debate presumably will be in the purview of the Ombudsman to investigate, if the Ombudsman so desires. It is an absolute nonsense to say the debate is being closed down. This is a very simple question about the powers of parliamentary committees to self-reference.

Mr Viney — On a point of order, President, Mr O'Donohue is challenging the advice you gave to the house, because you made it quite clear you did not regard what the committee had done as a self-reference. You did not believe it was a self-reference for a committee to verify the veracity of evidence it received. Mr O'Donohue has just asserted that is the case. That is not what your advice to this house was.

The PRESIDENT — Order! In regard to the point of order, it is legitimate for Mr O'Donohue to debate my guidance. It was not a ruling from the Chair, as I was at pains to express on that occasion; it was guidance, and in that context it is quite open to members to contest certain aspects of that guidance — mind you, at their peril!

Mr O'DONOHUE — The final point I wish to make in this whole debate is that in chapter 7 of the March 2012 report entitled *Inquiry into Organ Donation in Victoria*, put forward by four members of the Legal and Social Issues References Committee, there has been selective quoting of the Alfred Health board minutes referred to by Mr Viney in his contribution. What was not mentioned is the following quotation from the same Alfred board minutes, which is set out on page 112 of the report:

> Subsequently and separately, the clinical director for the service advised me that the current clinical workload in the unit had reached something of a crossroads, in that in his view, there was such a high volume of clinical workload for the transplant physicians that he felt the possibility of unnecessary, adverse clinical events was becoming too high. As part of that discussion — —

The PRESIDENT — Order! I do not think we really need to go to that extent. What we are debating is a matter of principle. Obviously in this debate there has been reference to various proceedings of this committee, and that is understood. I have been prepared to allow that, particularly now that it is directly covered by an amendment. It is not really the house's role at this point to judge the merits of what the community was talking about in that report, and the merits of whether or not this was correct. I would prefer to stay on matters of principle in this debate, rather than matters of detail.

Mr O'DONOHUE — Thank you for your guidance, President, and I will follow that advice. Let me summarise by saying that Mr Barber has alleged a breach of privilege — —

Mr Barber interjected.

The PRESIDENT — Order! I counselled Mr Barber on that matter. He explained that position and that he was not making such an allegation.

Mr O'DONOHUE — Let me rephrase: it has been asserted that there has been a range of inconsistent evidence. The point I was purely trying to make with that quotation from the board minutes is that it is completely consistent with the evidence given at the public hearing, which really has been the substance of the assertions made by Mr Viney. In summary, this is quite a simple matter of the house giving direction to the committees. The committees are a function of the house. Therefore I support the motion moved by Mr Davis.

Ms HARTLAND (Western Metropolitan) — As a member of this committee I am quite disturbed by the debate that has occurred this afternoon, because to me what is actually going on is an attempt to gag the committee on which I sit. The motion also has major consequences for all other committees of the house. I think the chairs and deputy chairs of these committees should have grave concerns about what is occurring.

I do not understand why the government feels so threatened by the evidence that we may or may not hear from the Alfred. It is clear that there was a contradiction in the evidence. I believe we have a right to know exactly what went on. I do not understand why the minister is so afraid of that that he feels the need to shut down this committee to make sure nobody finds out.

Mr O'BRIEN (Western Victoria) — I rise very briefly to place one matter on record, and that is to the extent that Mr Viney raised matters that were the subject of your ruling, President, concerning myself in relation to committee privilege. I do not wish to comment further on those matters. I also wish to place on record that my silence should not be considered as

my acceptance of Mr Viney's categorisation of those matters.

Ms MIKAKOS (Northern Metropolitan) — I want to make a very brief contribution in support of Mr Viney's amendments. I too want to put on record that as a member of this committee I took this inquiry to be a very serious matter. I took great exception to the Leader of the Government referring to subsequent inquiries into allegedly inconsistent evidence as a frolic of the committee. The public of Victoria deserves to know the true reasons behind the suspension of transplant operations at the Alfred hospital last year. Mr Viney has set out the chronology of events in considerable detail, and I propose to do the same.

I was prepared to accept at face value the evidence that was given to the committee by Mr Way on the subsequent occasion that he appeared before the committee, but I believe that Mr Way's memo to the board that was revealed through the freedom of information application made by Channel 7 has raised some very serious issues and questions that deserve further investigation. I regard Mr Davis's motion to be a sneaky motion. He has tried to shut down the investigation in an underhanded way without spelling out exactly which inquiry this is being directed at.

Certainly the contributions by Mr Davis and subsequent members of the government have made it absolutely crystal clear that this gag motion is all about stopping this committee from making further inquiries to determine the truth as to the reasons behind the suspension of transplant operations. I remind the Minister for Health that last year 53 Victorians were waiting for a lung transplant. Those people deserve to know exactly why surgeries were suspended for more than one week.

Ms PENNICUIK (Southern Metropolitan) — I would also like to make some brief remarks regarding the motion as a member of the Procedure Committee that will have to deal with it. I cannot support the motion in its current form. I believe the motion will expose all members of Parliament and witnesses to committees to the loss of privilege. I cannot participate in exposing myself as a member of a standing committee, other MPs who are members of those committees and in particular witnesses who have no part in or knowledge of what is happening here today and who gave evidence in good faith, understanding that they were covered by privilege in perpetuity, to be restrained at the whim of the Leader of the Government or a chamber that is controlled by the government and will therefore be voting in support of his motion.

I believe this motion sets a dangerous precedent and should be withdrawn or amended to consist only of paragraph (1), with a reporting date, and not with paragraph (2), which in my reading has the effect of exposing everybody. That is a precedent that should not be set by this house.

I just want to go to a less important issue mentioned by Mr Barber regarding the convention of giving a week's notice of a substantive motion. It has been the convention ever since I have been a whip in this house, which is five and a half years now, that if we have a motion in general business, we give the government a week's notice of that motion. Even if it is put on the notice paper on the Tuesday before the Wednesday, the government is informed of that motion a week before. That is how we have always operated. In this case the motion was put on the notice paper on Tuesday, with no prior notice given to us about it, so in fact by convention we should not even be debating it.

The effect of this action has been to deny me the opportunity to consult *Odgers' Australian Senate Practice*, for example, or any other text on the ramifications of the motion, so I have had to do that on the fly, because I have been speaking on bills and other motions in the house and dealing with other business in preparation for this. We have been forced to have fleeting conversations about the motion when that motion is setting a precedent which should not be set by the house.

I am also concerned that some members are not taking the precedent and ramifications of the motion as seriously as they should be. Also, in terms of the convention of giving notice of one week, Mr Davis has now broken that convention. In the past, during this particular session of Parliament, Ms Lovell has said to me, 'I'm sorry. You didn't give me that motion by Wednesday. I didn't know about it until Thursday' — for whatever reason — 'and therefore we cannot agree to it being debated in non-government business'. I have said, 'Fair enough; fair call', and we have not pushed the issue. But now we are debating this motion, with the possibility of very dangerous precedents being set, with two days notice and no opportunity for members of the opposition or the Greens to consider it in any detail. Therefore I object to it in that regard as well.

The government has the majority — if it walks like a duck and quacks like a duck et cetera. It is a political motion, and it is designed to have a political effect, but the government of the day, especially if it has the numbers in the house, should not be abusing that position. It is not the job of the government only to get its political agenda or its political points across or to

win the political fight of the day; it is the job of the government of the day to enhance the Parliament and protect the conventions of Parliament and make them better. That is not what is being done with this motion, and I cannot support it.

The PRESIDENT — Order! I ask Mr Finn to take the chair. I intend to make a couple of remarks.

Hon. B. N. ATKINSON (Eastern Metropolitan) — I obviously formed a view, in providing guidance to the house in the last sitting week, of what I considered to be the significance of this matter. I had regard to various references and practices in other places in arriving at the views I conveyed to the house. I again emphasise it was not a ruling, and I again suggest, as I indicated in a point from the chair a few moments ago, that the matters I provided to the house by way of guidance were contestable. I certainly indicated at that time that the matter should be referred to the Procedure Committee. I also indicated that the government or any member could move a motion to give effect to a direction of the house to committees. Mr Davis has effectively done that today, and I certainly do not challenge that position.

I want to make some remarks to the house in the context of this debate for one reason and one reason only, and that is to explain the vote that I am considering making on this motion. At this time I am considering voting against Mr Barber's amendment regarding a time extension, voting in favour of Mr Viney's amendment and, if that fails, voting in favour of Mr Davis's motion. In other words, I recognise that Mr Davis is entitled to provide a direction to the committee. I accept, and am prepared to vote for, that motion. However, my position as Chair ought to be consistent with the guidance I have provided to the house.

I have given particular consideration in my thinking to the importance of the integrity of evidence before committees, because from my point of view if we have a situation where evidence presented to a committee is inaccurate, mischievous or inconsistent with documents or evidence led by other people, there is a device which — I think unintentionally — creeps into this process, albeit that the Procedure Committee is to consider this further going forward. The device would allow somebody protection where they give such evidence to a committee that does not have the integrity that we as a Parliament ought to expect.

Members in this place know that I have a strong belief in this institution. In relation to the matter that the Standing Committee on Legal and Social Issues dealt with, I was particularly perturbed about the referral of matters to the Ombudsman, because I believe that this Parliament, through its processes, had the opportunity to resolve those matters. Nevertheless the committee took a decision in that regard, and that is obviously a matter of record now.

I am not expressing any view on the merits of the evidence before the committee or the issues before the committee as such. I am not making any decision on the intentions of people in this debate, because I take the view that everyone has come to this debate with goodwill. What I am doing is considering casting my vote on the basis that I wish to record my belief that the integrity of evidence given to the committees is absolutely and fundamentally critical to the function of this Parliament.

If there is any process by which there are concerns about evidence, and that motions might preclude those concerns being examined properly and fully, then that becomes a very serious matter in terms of the Parliament's powers going forward, our expectations of witnesses and the attitude of those witnesses when they are called before committees. On that basis I am considering my vote on these amendments and the substantive motion, and I wish to explain that to the house.

Hon. D. M. DAVIS (Minister for Health) — This is in fact a straightforward motion. It seeks simply to ensure that the Procedure Committee can examine these matters in a structured way. It also seeks to ensure that standing committees do not run on after their investigation is complete in a way that is misleading, unfair or simply designed to create mischief in some way.

I think it is very important that if Mr Viney wishes to bring a matter to this chamber and seek to have evidence examined in some way, he should do that. He could do that by formal motion. He could seek to set up a process that would seek an extension for the committee on the merits of his argument. I make the point that no detailed case has been made today for the merits of the committee going on beyond the duration of its formal reference. I know that would require a lengthy and full debate. It would require members to look at the evidence that the committees have looked at, and that has not occurred today; there has been no such full and complete debate about one particular committee. But I make the point, as the President has pointed out, that this is a grey area, and we need to deal with many of these points.

I want to pick up on Mr Barber's points, and I will briefly respond to some of those. I think a key point here is that the house does have control of its

committees and it is able to instruct its committees to undertake certain points or to not undertake certain points. That is quite within its capacity. I believe that committees need to conduct themselves and act within their terms of reference. No positive case was made at that committee that I can understand or see from the evidence I have examined. All I can see from what has been said by members of that committee to me is that there is a party-political focus that has been exercised by Mr Viney and others. I think that is a concern, and perhaps a matter for the Procedure Committee to look at is the double vote of those chairs and whether they wish to use those double votes to create a positive step rather than to cast in the conservative way that chairs generally cast when they have a casting vote. That is the way Mr Viney behaved. He did not behave in the conservative way, so I think there is perhaps a point to be considered more broadly there.

The key thing here, though, is that this needs to be put on a more clear footing — —

Mr Viney — On a point of order, President, the standing orders require the Chair in a tied vote to cast a vote. Mr Davis is casting aspersions on me in relation to how I cast my vote as the Chair, but I had to cast my vote in accordance with the standing orders. I think it is quite improper for him to be making those accusations about me.

The PRESIDENT — Order! That is not really a point of order. It is again a debating point and perhaps a clarification of the circumstances. However, in terms of the responsibilities and entitlements of a chair, I concur with Mr Viney.

Hon. D. M. DAVIS — The government will oppose the modification that is proposed to the motion by the amendment proposed by Mr Barber, and it will also oppose the amendment proposed by Mr Viney and will proceed with its original amendment. In terms of Ms Pennicuik's point about a week's notice, I think she makes a legitimate point. It was the case that when the President made his initial statement about these matters I directly foreshadowed that a motion of this nature would be brought forward.

In conclusion, I want to make two points. This is a general motion that relates to all the standing committees. The final point in terms of Mr Viney's amendment is that this is an amendment that could be moved as a substantive motion whereby a proper and full debate about the matters he puts forward could occur.

House divided on Mr Barber's amendment:

Ayes, 17

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Elasmar, Mr (*Teller*)	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr (*Teller*)
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Noes, 19

Atkinson, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Crozier, Ms	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr (*Teller*)
Hall, Mr (*Teller*)	Rich-Phillips, Mr
Koch, Mr	

Pairs

Darveniza, Ms	Dalla-Riva, Mr
Eideh, Mr	Drum, Mr

Amendment negatived.

House divided on Mr Viney's amendment:

Ayes, 18

Atkinson, Mr	Pakula, Mr
Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr (*Teller*)
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (*Teller*)
Mikakos, Ms	Viney, Mr

Noes, 18

Coote, Mrs	Kronberg, Mrs
Crozier, Ms (*Teller*)	Lovell, Ms
Davis, Mr D.	O'Brien, Mr
Davis, Mr P.	O'Donohue, Mr
Elsbury, Mr (*Teller*)	Ondarchie, Mr
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Ramsay, Mr
Koch, Mr	Rich-Phillips, Mr

Pairs

Darveniza, Ms	Dalla-Riva, Mr
Eideh, Mr	Drum, Mr

Amendment negatived.

House divided on motion:

Ayes, 19

Atkinson, Mr	Kronberg, Mrs (*Teller*)
Coote, Mrs	Lovell, Ms
Crozier, Ms	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr (*Teller*)
Hall, Mr	Rich-Phillips, Mr
Koch, Mr	

Noes, 17

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms (*Teller*)
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Pairs

Dalla-Riva, Mr	Darveniza, Ms
Drum, Mr	Eideh, Mr

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

V/Line: customer service

Mr LENDERS (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the Minister for Public Transport, but I am not sure whether I should be singing the Zimbabwe national anthem instead, given that we have become like that country. As I said, the matter I raise tonight is for the Minister for Public Transport. It relates to the new Public Transport Victoria and more specifically to the abolition of a dedicated telephone line for V/Line customers in regional Victoria in preference to a single hotline for all public transport inquiries right across Victoria.

Previously if someone wanted to reserve a seat on a V/Line service, they were able to call V/Line on 136 196 and do that. A real person answered the phone and booked their ticket. It could be done in a few moments. That number has been abolished by the Baillieu-Ryan government. Country train passengers now have to call a statewide number. After calling the new number V/Line passengers have to listen to announcements relating to the status of Metro Trains Melbourne services before navigating their way through three levels of automated phone menus. It is not until this point that they can finally speak to someone who can help them book their ticket on a V/Line service.

I am advised that while the original V/Line number has been abolished, V/Line is using the same universal call centre it has always used, so clearly this is not a cost issue. It is just a matter of how the government treats people in rural and regional Victoria. The action I seek from the minister is for him to explain why V/Line customers now have to call a different number and, apparently for no reason, spend several minutes listening to information that is completely irrelevant to them.

Maternal and child health: city of Whittlesea

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. It concerns Victoria's only male maternal and child health nurse, who is employed in the city of Whittlesea in my electorate, challenging the belief that maternal and child health nursing is a career path solely for women. Having a male maternal and child health nurse is important in demonstrating the active role that men can now take in raising and caring for children and families in the community. The employment of a male maternal and child health nurse has increased the interest and participation of fathers in support groups and activities provided by the maternal and child health program in the municipality. This particular program is located in South Morang, across the road from The Lakes South Morang P–9 School, which has been open for a couple of years.

I know that planning and delivering early childhood services in partnership with local government is vital, and the Baillieu coalition government encourages local governments to be equal opportunity employers and to be supportive of males moving into traditionally female roles in the early childhood sector, such as nursing in the maternal and child health space.

Therefore my adjournment matter tonight is to ask the minister to come with me to visit Craig Sellick, Victoria's only male maternal and child health nurse, who is doing a wonderful job. I invite the minister to come out, discuss and understand Craig's role and hear about his experience of serving my local community.

Apollo Bay P–12 College: funding

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education and is in relation to Apollo Bay P–12 College. The minister will be aware that in the lead-up to the 2010 state election Terry Mulder, the member for Polwarth in the Assembly, who is now the Minister for Public Transport, made an election commitment to fund the redevelopment of Apollo Bay P–12 College.

On 17 November 2010 an article in the *Colac Herald* stated that Mr Mulder had promised $7 million for the redevelopment but would also secure $3 million more, as the real cost of the redevelopment was $10 million, which was promised by Labor before the election. Mr Mulder then stated that the difference between the two commitments was that the coalition government would start works on Apollo Bay P–12 College in 2012 or 2013, and he claimed that a Labor government would not do it for years. The *Colac Herald* published a direct quote from Mr Mulder to this effect:

> I have stated that I will start works at Colac Secondary College immediately, and I will start at Apollo Bay in 2012 to 2013.

The commitment could not have been more clear-cut than that.

In the *Colac Herald* of 27 April 2012, John McConchie, the principal of the school, said that all the planning had been finished and the project was at the point of going to tender. He said:

> It's been promised, and we're hopeful that it will be delivered.

He also said the community would be devastated if the funding were not in the budget. Therefore it is absolutely reasonable and understandable that the entire community of Apollo Bay was devastated when there was no money in the budget that was handed down this week for the redevelopment of Apollo Bay P–12 College.

In an article on the front page of yesterday's *Colac Herald* Apollo Bay P–12 school council vice-president David Gorrie said he was disappointed. He also said:

> On the face of it that's not good …
>
> …
>
> We need to know why we haven't been funded.

Therefore, I request that the minister provide me and the community of Apollo Bay with a written explanation as to why there has been no follow-through with the Apollo Bay community on the redevelopment of the P–12 school and why this government has broken its election commitment to a community which has worked tirelessly on this issue for some time.

Disability services: national insurance scheme

Mrs COOTE (Southern Metropolitan) — I have an adjournment matter for the Minister for Community Services, Mary Wooldridge, and it relates to the national disability insurance scheme (NDIS). In this afternoon's second-reading debate on the Disability Amendment Bill 2012 we spoke about the NDIS, and it was pleasing to see all parties in this place agree that there should be an NDIS. I recently attended two events that raised the issue of the NDIS in a different way to the way it was raised in the major debate. One event was the Yooralla Chairman's Award 2012. The chairman's award is an excellent scheme run by Yooralla, and Bruce Bonyhady, the chairman of Yooralla, is to be congratulated on it. This year the award went to John Walsh, AM, who has had a distinguished career. The program for the evening outlined some of his achievements as follows:

> John was a member of the disability investment group established in 2008 to study options for increasing the investment opportunities in the disability sector, and in 2010 was appointed to the Productivity Commission to investigate the feasibility of a national disability insurance scheme and other options to fund lifetime care and support for people with a disability.

In his oration John chose to speak about the NDIS and about careful planning. He is an actuary, and he spoke about getting things right and making quite certain that the fundamentals, the framework and the pillars of what needs to go into an NDIS to make it work properly and effectively for people with a disability across this country are solid.

The other event I attended that relates to the NDIS, but in a different way, was the 2012 Victorian Disability Sector Awards. The minister was a prominent part of these awards, which acknowledge people who work in the disability sector. If the NDIS is going to be strong, effective and efficient, it needs a strong, effective and efficient workforce. It was pleasing to see the minister award so many people with high distinctions. I congratulate all the recipients.

I encourage the minister to make quite certain at every opportunity that Victoria is continuing to lead the country in the establishment of all facets of a national disability insurance scheme.

Kindergartens: city of Wyndham

Ms MIKAKOS (Northern Metropolitan) — My matter is for the Minister for Children and Early Childhood Development, and I am very pleased she is in the house to respond to it. The city of Wyndham is the largest and fastest growing municipality in the whole of Australia. It is estimated that 11 families move into that municipality every day. It is an area with lots of young couples and young children, and so the demand for kindergarten services is growing massively. Point Cook in particular is growing exponentially. According to Wyndham City Council projections, the population of four-year-olds in Point Cook is set to jump from 874 in 2011 to 1095 in 2013. Approximately one-third of all kindergarten sessions currently offered in Wyndham are in high-growth areas, so the municipality is under considerable pressure to accommodate the growing number of young children.

I understand Wyndham City Council has submitted two applications to the state government under the 2011–12 integrated children's centre grants program seeking to build two early years centres on former school sites to deal with the increased demand for four-year-old kinder services. The Alamanda estate early years centre in particular is designed to service the Point Cook community.

As Victoria is in the midst of a baby boom, with 70 000 babies being born each day, more kindergarten places will be required. Given that the Baillieu government has not provided any capital funding in this year's state budget for kindergarten infrastructure, I am concerned that councils like the City of Wyndham will be left struggling to keep up with demand. Thankfully there is federal government money at hand to meet this need. I urge the minister to allocate the federal money she has received as part of the national partnership to ensure that the City of Wyndham receives funding to construct these two new early years centres to accommodate the growing demand for kindergarten programs in the municipality.

National broadband network: communications towers

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Planning, the Honourable Matthew Guy. It is more a request for clarification than a question, and it might require a response from other ministers associated with the issue through their portfolios.

My question to the minister comes from a meeting in my Ballarat office with a number of residents of Dereel who are concerned about a planning application by NBN Co to build a national broadband network (NBN) communications tower in their community. Their concern is not so much about the need for better telecommunications services in their area — they actually applaud better services, because there is no mobile service coverage in and around Dereel — it is more about the lack of consultation, transparency and information from the authority that audits and enforces the level of electromagnetic radiation (EMR) that is permissible under the Telecommunications Act 1997.

Golden Plains Shire Council complied with the appropriate local planning policy framework and the code of practice for telecommunications facilities in Victoria, and I have no quarrel with its governance in this matter. In fact its hands are tied in relation to what might hang off this tower.

The matter is similar to one I raised in this chamber some time ago after Buninyong residents raised an issue in relation to an application by an applicant that was a front for NBN Co — although the federal member for Ballarat, Catherine King, denied it at the time. Ballarat City Council denied the permit application because of the site location, but we now find the applicant taking that decision to the Victorian Civil and Administrative Tribunal.

My concern with the now $86 billion NBN con — and I call it that because it was sold on the basis that it would provide fibre to the home in regional Victoria, but in fact it will provide a wireless service at 28 000 sites, 40 of which will be in Ballarat — is that its rollout lacks any real scrutiny or accountability, not that residents in the federal seat of Corangamite have to worry, because the federal Labor government will not provide any broadband upgrade there for five years as the local Labor member is out of favour with the Prime Minister.

I have read the transcripts of the Senate Environment and Communications Legislation Committee, which is investigating the 2011 telecommunications amendment bill, and I am concerned that the committee — strangely enough through Senator Bob Brown, who is reluctant to provide the same scrutiny to wind farm generation concerns in relation to noise standards and who was the instigator of that other expensive con, the $10 billion clean energy package, which will not produce any new renewables — has said that carriers using the NBN towers lack transparency and that there is need for greater public consultation. The committee questions the self-regulation by the carriers — and I could go on, but sadly there is not enough time, because I want to get down to the nitty-gritty. There is concern

in relation to proper scrutiny of the level of EMR that is emitted from these radio towers.

I ask the minister to have discussions with the federal government about the potential cost to local government in relation to planning consultation advice and what safeguards are put in place for communities living close to these towers.

The DEPUTY PRESIDENT — Order! I am concerned that Mr Ramsay's adjournment matter is outside the parameters of a state administrative matter. The national broadband network is not a state administrative matter. I will not rule on it now because it is in, for want of a better word, a grey zone. I will ask the minister to not respond to that. After a closer read through *Hansard* tomorrow I will invite the President to determine whether or not the adjournment matter is in order.

Quarries: Aboriginal cultural heritage protection

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Minister for Aboriginal Affairs, who is also the Minister for Local Government, Jeanette Powell. The issue I raise for Minister Powell is one that has widespread impact across western Victoria. It is an issue that relates to the quarry industry and the road construction industry, and it arises out of the many scoria and basalt sites that are located across the western Victorian volcanic plains. These plains are among the largest and most significant volcanic plains in the world. They comprise an area that has significant basalt and scoria resources, but it is also an area that has been affected adversely in relation to the approvals processes, particularly in more recent years, by the operation of consents under the relevant Aboriginal cultural heritage legislation.

I am in receipt of a letter from Skeet and Sylvia Morrow of Chant's Pit in Warrion, north of Colac. They are concerned about this issue, and their letter begins:

> The quarry industry is in crisis! Frank Russell spent eight years to open a new quarry.

The letter goes on:

> My operation at Chant's Pit, Warrion, will have run out of material to process by the end of this season. Then my business will have to close down. The current red tape is strangling us all. I would like to see the following rulings happen in the quarry industry;
>
> 1 One inspection from the Aboriginal department.
>
> 2 A fixed price from the Aboriginal department.
>
> 3 One body of people to implement the whole process.
>
> 4 A set time limit on the whole process.
>
> 5 Recognition that it is almost impossible to hide a quarry from being seen.
>
> 6 Recognition from the planning departments that we need quarries. (The wind farm that is to be built at Mount Gellibrand requires 70 kilometres of roading.)
>
> It would seem that what we are trying to do is illegal or immoral when all we want to do is supply people with roading materials for access to their properties and material for farmers to be able to milk their cows, which is an essential service. It currently costs in excess of $100 000 to open a quarry. The shire uses this material for roading and will have to get it from further afield. When further afield runs out then what? There are larger basalt rock quarries around but this material is not suitable for cattle tracks and re-sheeting of … roads.
>
> Is anyone listening? Does anyone care?
>
> I would like to have a business to hand on, but will I?

This is a very important issue. It is related to a similar issue raised by my colleague Mr Ramsay, and it has also been raised with me by many constituents in connection with the state of roads in western Victoria, particularly as a result of the construction of wind farms. I am aware that Mr Koch chairs the Environment and Natural Resources Committee, which is also inquiring into this matter.

Mr Finn interjected.

Mr O'BRIEN — Mr Finn is from Colac and would know the area very well, so I am happy to mention Mr Finn.

The action I seek from the minister is that he investigate these concerns that have been raised by my constituents and me. I also own land in western Victoria that has basalt and may one day benefit from having quarries, but the action I seek from the minister as a matter of urgency is some assistance on this matter.

The DEPUTY PRESIDENT — Order! The member's time has expired.

Regional Rail Link Authority: road closures

Mr FINN (Western Metropolitan) — It was a pleasure to listen to Mr O'Brien, as I played for the Warrion under-14s some years ago.

I direct my matter to the attention of the Minister for Public Transport, Terry Mulder. It concerns a problem that has developed as a result of the building of the regional rail. This problem involves residents of the suburb of Albion, which is next to Sunshine. The

suburb has only three sides to get out from, and it currently has four exit points. The current plan is to close off one of those points permanently, which would severely restrict access to another, and a third is too dangerous to use because it means that people who want to turn right have to drive into the centre of the Western Highway and hover there until there is a break in traffic. I have to say that that is taking your life into your own hands at the best of times.

This is a particularly important issue that affects some 3680 residents, so it is not something that can be dismissed easily at all. I am reliably informed that there has been no community consultation on this matter, and the Regional Rail Link Authority did not tell the Albion resident stakeholders about the permanent closure of King Edward Avenue, which is happening this month, until a letter drop this week.

We can see there are some major problems, and I am particularly concerned about the Anderson Road Child Care Centre on Anderson Road in Albion. These changes will effectively close the entrance to the kindergarten section of the child-care centre. We can see how that is going to cause a number of problems. It will affect 110 families and 20 staff members. Some of those staff members have been employed at the centre for 10, 15 or 17 years.

It is a problem, but I believe it can be relatively easily resolved. I ask the minister to use his influence and his contacts within the Regional Rail Link Authority to facilitate a consultation process between the authority and locals with a view to finding a solution. I can understand why local residents are very concerned. They have asked for public meetings. One was scheduled for 11 April, but it was cancelled at the last moment, so I am concerned that these things are occurring without any consultation at all.

I should add that I am a very strong supporter of the regional rail project, and I am not suggesting in any way, shape or form that that project should be under a cloud, but I believe it is time for the authority to speak to locals. I ask the minister to facilitate such a meeting.

Ballarat base hospital: helipad

Mr KOCH (Western Victoria) — My matter is directed to the Minister for Health and concerns the budget announcement to fund the helipad at the Ballarat base hospital. First let me say that funding for the helipad has been more than welcomed by the Ballarat community, which has worked hard to secure this lifesaving facility for over a decade, contrary to the negative comments of Labor members.

As early as 2004 the coalition recognised the need for the hospital-based helipad to serve the growing Ballarat region. At that time I raised this matter during a debate where this commitment was reaffirmed, and Labor voted against it. During that debate a member for Northern Victoria Region, Kaye Darveniza, said:

> Local residents are unhappy with the Liberal plan to have a helipad and to be talking about it as a priority without even properly consulting with the community in Ballarat.

Her colleagues who are still in this place, including Ms Broad, Mr Jennings, Mr Lenders, Ms Mikakos, Mr Scheffer and Mr Somyurek, thought this matter was not important nor a priority and voted it down. Even though numerous stories appeared over many years in the Ballarat *Courier* calling for a helipad, in its 11 years Labor did nothing. Labor ignored the community and denied Ballarat base hospital a helipad. The member for Ballarat West in the other place, Sharon Knight, condemned the coalition's policy and did nothing to advance the helipad prior to or after her election in 2010. In fact she criticised this policy from the start.

In 2011 the Minister for Health established the Ballarat helipad implementation working group and asked it to report by October 2011 on options for costing and planning. The working group, chaired by me and supported by my colleague Mr Ramsay, included Hospitals Emergency Landing Pad community representatives. I particularly pay tribute to Jim Kerr and Carole Simmons and am grateful for the extensive expertise and knowledge provided by Ambulance Victoria, Ballarat Health Services and Ballarat City Council staff.

The member for Ballarat West and her colleague Jaala Pulford have been very vocal about this matter, particularly in the media, and have attacked the working group and the Baillieu government. This demonstrates that they are not across community aspirations, especially the aspirations of those they purport to represent. The member for Ballarat West was narrowly focused on her own electorate, unlike her colleague the member for Ballarat East in the other place, who recognised the importance of the helipad far beyond Ballarat West, including to the neighbouring Assembly electorates of Ballarat East, Ripon and the northern portion of Polwarth.

I extend my thanks to the community representatives and the health and emergency professionals for their assistance in defining the criteria for the location of a rotary ambulance service in Ballarat. My request to the minister is that he provide the house with further details of this exciting announcement as development progresses.

The DEPUTY PRESIDENT — Order! Mr Koch's time has expired, but I think he needs to reword the end of his comments seeking information for himself rather than for the house. It is not question time; this is an adjournment matter.

Mr KOCH — My request of the minister is for him to provide me with further details of this exciting announcement as developments progress.

Bay Trail: extension

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Roads, Mr Mulder, and it concerns Beach Park in Beaumaris, which runs along the Beaumaris foreshore from Cromer Road to Charman Road and also represents an area which makes up the missing link in the Bay bicycle trail.

I raised this issue on the adjournment in June 2008, and I know Mr Lenders has taken an interest in this issue as well. Bayside City Council has for many years now been seeking from VicRoads a 300-metre extension to the section of Beach Road that is single lane each way. It has been that way for many years, and in fact it was set up that way under the Cain government for safety reasons. It closed down the traffic and has been a success in that regard. This has been an ongoing saga.

I support the extension and completion of the Bay Trail for bicycles, but I am concerned that the council has recently made a decision to go ahead with putting the trail through Beach Park. It is worth noting that Beach Park is a bushland reserve. It is part of the Beaumaris Bay Fossil Site, which is on the register of the National Estate, and details of its flora are included in its citation. It is an important piece of remnant vegetation, and the current plan would result in the loss of around 70 of those trees in this piece of remnant bushland which has heritage value.

I have not spoken to any of the councillors, but I understand from reports in the press and so on that it was not a unanimous decision of the council. The matter has been going on for a long time, and VicRoads has not given in to the requests of the council and members of the community to give over the 1 metre of road and extend the 300-metre section that is single lane each way to enable that missing link of the bayside bicycle path to be built, minimising the loss of any trees in Beach Park.

My request to the minister is that he consult with VicRoads again regarding this issue, because I am sure that the council would be pleased if it could complete its section of the Bay Trail with the least disturbance to Beach Park and loss of trees in that area.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have 10 adjournment matters to respond to tonight, and I have no answers to adjournment matters from previous nights.

The first adjournment issue tonight was raised by Mr Lenders for the Minister for Public Transport, and it was about public transport, Victoria's hotline and in particular V/Line bookings, and I will pass that on to the minister.

Mr Ondarchie raised an issue for me. He invited me to come to his electorate, in fact to come to South Morang, and visit Craig Sellick, Victoria's only male maternal and child health nurse, and discuss with Mr Sellick his role and experience in serving Mr Ondarchie's local community, and I will be delighted to visit Mr Sellick and discuss that with him for Mr Ondarchie.

Ms Tierney raised an issue for the Minister for Education regarding Labor's missed opportunity to redevelop Apollo Bay P–12 College. In 11 years Labor did not deliver that for the local community, and now Ms Tierney is asking the coalition to deliver that school.

Mrs Coote raised a matter for the minister responsible for disability, the Minister for Community Services, regarding the national disability insurance scheme (NDIS). She asked the minister to continue leading the country in establishing an NDIS.

Ms Mikakos raised an issue for me regarding the City of Wyndham, and I am pleased that the Labor Party has finally worked out that the City of Wyndham does exist. I used to discuss early childhood issues with the City of Wyndham — —

Mr Lenders — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Hon. W. A. LOVELL — As I was saying, I am pleased that Labor has finally found out that the City of Wyndham exists. I used to visit the city when I was the shadow Minister for Children and Early Childhood Development and discuss its needs. The city was at that stage being completely ignored by Labor. I am waiting for my department to give me advice on the applications that have come in for our record

$26 million grants round from last year. There are criteria that need to be met for projects to be funded under that grants round, and I am waiting for my department to give me advice on that.

I am well aware of the applications that have come in from the City of Wyndham, because Mr Elsbury has been keeping me informed over the last few months about those applications. I noted that the shadow minister for children and young adults tweeted a couple of weeks ago that I had already given kindergartens enough money and she did not want me to give them any more. Now she is saying I should be allocating more money for them, so I wish she would just make up her mind.

There was also an issue raised by Mr O'Brien for the Minister for Aboriginal Affairs regarding the quarry industry in western Victoria. He has asked the minister to investigate some concerns of his constituents.

Mr Finn raised a matter for the Minister for Public Transport regarding the regional rail project and its effect on Albion Road in his electorate. He asked the minister to facilitate a meeting between regional rail operators and his local community, and I will pass that on to the minister.

Mr Koch raised a matter for the Minister for Health regarding the Ballarat hospital helipad and Labor's strong opposition to providing this vital service to Ballarat. Mr Koch asked the minister to advise him of further details of the coalition's commitment to delivering the helipad as developments progress.

Finally, Ms Pennicuik raised a matter for the Minister for Roads regarding Bayside City Council's plan to expand the bike path on Beach Road and through Beach Park, and I will pass that on to the minister.

The DEPUTY PRESIDENT — Order! The house now stands adjourned.

House adjourned 7.39 p.m. until Tuesday, 22 May.