

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 13 November 2012**

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**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.

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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**Tuesday, 13 November 2012**

The **PRESIDENT** (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

**CONSUL GENERAL OF INDIA**

The **PRESIDENT** — Order! It is my sad duty to inform the house of the death of Dr Subhakanta Behera, the Consul General of India. Dr Behera had been in Melbourne as the Consul General for only a relatively short time, and he passed away on Friday night. A number of members of Parliament had an opportunity to attend a memorial and viewing at the Indian consulate on Sunday. It is very sad to lose a man of such distinction, particularly given that he was only 50 years of age — and in this day and age that is far too young to lose anybody. He was an energetic, enthusiastic and effective representative of the Indian community in Victoria. He established very good relationships with the broader Victorian community. He was well known to and admired by many members of Parliament for his intellect and wide range of interests. Dr Behera was a particularly well-qualified man, and a man with many and varied interests. He will be sadly missed by the Indian community. His contribution to the Victorian community, albeit shortened by his death, will long be remembered.

I indicate that the wishes and prayers of the Victorian Parliament and the people have been conveyed to his widow and two children. Our thoughts are very much with them at this time, as well as with other members of the Indian community who feel this loss very deeply. I invite members to stand in their places for 1 minute as a mark of respect.

**Honourable members stood in their places.**

**ROYAL ASSENT**

**Message read advising royal assent to:**

**30 October**

**Civil Procedure Amendment Act 2012**  
**Local Government Legislation Amendment**  
**(Miscellaneous) Act 2012**  
**Resources Legislation Amendment (General) Act**  
**2012**

**7 November**

**Serious Sex Offenders (Detention and Supervision) Amendment Act 2012**  
**Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012.**

**DISTINGUISHED VISITORS**

The **PRESIDENT** — Order! I take this opportunity to introduce to the house the Kenyan delegation we have with us in the gallery today. They are senior executives of the Kenyan National Parliament who are here this week undertaking a program to investigate establishing some of our procedures, administrative processes and so forth in preparing themselves for what will be historic elections in Kenya in March next year when their country will re-establish an upper house in its national parliament as well as in some regional assemblies. We welcome the delegation to the chamber.

**QUESTIONS WITHOUT NOTICE****Housing: government performance**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Housing. Today's *Age* reports that homelessness has increased by 20 per cent in Victoria. The minister's failure to provide any new funding for new dwellings in the last two budgets created a shortfall of 931 dwellings from her target for last year. Does the minister accept any responsibility for the increase in homelessness?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question, and she would note that the figures in this morning's *Age* are from the 2011 census, which shows an increase from the 2006 census to the 2011 census. I note that the Brumby government was in power for four and a half years of that time. Those figures were for 9 August 2011. Since that time I have committed more than \$90 million in additional funding for homelessness services in Victoria. What we know about the former government is that it failed to have a strategy to deal with homelessness, and when it finally released its long-awaited strategy, only 165 days before the election, the sector rejected it. The sector was not consulted; the sector thought it was useless.

We have developed the Victorian Homelessness Action Plan, which I released in October last year and which the sector applauded. The sector has embraced it and said that it will work. We have 11 innovation action projects out there now, working with the sector on early intervention to reduce homelessness. We are also

investing in three 40-bed youth foyers that will address the largest cohort of those who are affected by homelessness

**Hon. M. P. Pakula** interjected.

**Hon. W. A. LOVELL** — I am just looking for some figures from *Counting the Homeless*, because the member asked if this is working. I want to give the figures to show that it is working, but I cannot find them. What we are doing is trying to stop the revolving door in homelessness that Labor allowed. Labor had a revolving door. It funded for throughput, which meant that people went through the system, went out the back door, came back in the front door and went through the system time and again. We are investing in reform of the homeless sector. We are working with the sector to fund for outcomes, not for throughput. We are working with the sector to ensure that it can deliver real outcomes for people and solve these problems for people who are experiencing homelessness.

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — I referred in my question to the Department of Human Services 2011–12 annual report figures showing a shortfall of 931 dwellings from the minister’s target for last year. That is clearly 12 months during which she was the minister. It is happening on her watch; homelessness is getting worse on her watch. The minister continues to revert to type by blaming the previous government and blaming the federal government.

**The PRESIDENT** — Order! Ms Mikakos is debating, not putting a context to a supplementary question. Ms Mikakos is to pose a supplementary question.

**Ms MIKAKOS** — I was trying to assist the minister. She was looking for her folder earlier, and I thought maybe I could give her some guidance. When will the minister begin to take responsibility for her government’s failure to support the most vulnerable people in our community?

**Hon. W. A. LOVELL** (Minister for Housing) — I certainly do not need Ms Mikakos’s help; Ms Mikakos cannot even get her facts right in a press release. But I am happy to tell Ms Mikakos about the counting of the homeless, the people who are sleeping rough on Victoria’s streets. In 2010, 170 people were counted as sleeping rough. In 2011 there were 143. There have been some real outcomes for people who were sleeping rough, with 143 of them, down from 170 in 2010.

**Health: federal funding**

**Mr KOCH** (Western Victoria) — My question is to my colleague the Honourable David Davis, the Minister for Health. Will the minister outline to the house discussions that the Standing Council on Health had in Perth on Friday and the impact of federal cuts on health services and hospitals?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for his question, and I note his strong support for his local health services across western Victoria. I note his strong advocacy for Geelong Hospital and his strong advocacy for Ballarat Base Hospital, and I contrast that with the Labor opposition and its failure to stand up for health care and its toadying-like behaviour in supporting federal cuts to health care in Victoria.

I can inform Mr Koch and the house that the Standing Council on Health met in Perth on Friday, and six state health ministers — four Liberal-Nationals ministers and two Labor ministers — expressed concern — —

**Mr Jennings** — They were in disgrace.

**Hon. D. M. DAVIS** — It stands in contrast to Mr Jennings’s position that Michelle O’Byrne and John Hill were prepared to stand up against the commonwealth minister on behalf of their states, which is much more than Mr Jennings is prepared to do. I note that Labor in Victoria is too weak and too beholden to the Gillard federal government to be prepared to stand up and admit that there are nasty cuts coming from the federal government that are going to have a big impact on health services. I make the point that in Perth the six state health ministers stood as one on the fact that the commonwealth is using a shonky population formula which is designed to cut funding to state hospitals.

**Mr Jennings** — How much did they give you?

**Hon. D. M. DAVIS** — It may surprise Mr Jennings — —

**The PRESIDENT** — Order! If Mr Jennings requires that information, he has an opportunity to ask a question formally.

**Hon. D. M. DAVIS** — Mr Jennings may not understand these points, but under the new national health system, funding will be paid through the pool and the commonwealth — —

**Mr Jennings** — How much?

**Hon. D. M. DAVIS** — I will tell you how much, Mr Jennings. Forty million dollars relating to 2011–12 will be cut this year, and \$67 million relating to this financial year will be cut in 2012–13. I can tell Mr Jennings that the balance of the \$475 million that will be cut will be cut over the three years following. That will be a massive hit to our health system after the commonwealth cut the money following its budget.

I make the point very clearly that Mr Koch has asked about the impact of these things in the past. I can say that a \$5 million cut will be instituted by the federal government for Geelong Hospital and Barwon Health. There will be similar cuts instituted for hospitals in Ballarat, for example, and it is very clear that federal Labor members are not prepared to stand up for their hospitals. Mr Marles, the federal member for Corio, is on the front page of the *Geelong Advertiser* today apologising for the federal cuts. It is disgraceful. He is too weak to stand up for his electorate; he is too weak to stand up for Geelong. The same thing is occurring in Ballarat. The federal Parliamentary Secretary for Health and Ageing, the federal member for Ballarat, is unprepared to stand up for Ballarat Health Services, unprepared to stand up against Minister Plibersek and unprepared to stand up against the federal Treasurer as he institutes these cuts.

That stands in stark contrast to what the South Australian health minister, the Tasmanian health minister, the Queensland health minister, the Western Australia health minister and the New South Wales health minister are prepared to do. They are all prepared to stand up for their hospitals. They are all prepared to say that the shonky cuts instituted by the federal government are going to hurt patients and cut the amount of resources for hospitals. I know Mr Koch will be very concerned that Mr Marles has not been prepared to stand up for Geelong Hospital. But I know another group that is not prepared to stand up for its hospitals either, and that is the Daniel Andrews-led opposition in Victoria, the Labor opposition, which is Labor first and Victorians second.

### **Housing: financial management**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Housing. Can the minister advise whether she has any capacity to influence how much of the director of housing's budget is returned to Treasury, or has she entirely relinquished this discretion to the Treasurer?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question. It is about time the opposition asked this question. In fact it has been more

than six months since the budget was handed down in Victoria. There are three mentions of the deed payment in the budget, but there have been no questions from the opposition. I am surprised that the opposition missed the mentions of the deed, but it did. Seeing as it did, just let me explain what has happened with the deed for the Treasury.

In 2011–12 the government decided to treat as a one-off expense the debt which the director of housing owes to Treasury. This is part of the deed between the director of housing and the Treasurer, of which ministers from the former government should be aware. It means that \$450 million was treated as a one-off expense to the Department of Human Services in 2011–12. Put simply, the financial obligation on the DHS balance sheet is offset by the inclusion of an asset on the Department of Treasury and Finance's balance sheet.

According to departmental advice the variation to the deed provides greater certainty regarding the payments from the department to the Treasury until 2023. The financial obligation has not previously been recognised despite the fact that it has been around for about 15 years. The transaction does not represent any new obligation to the Department of Human Services but instead means that there is greater transparency over the existing arrangements. The recognition of the deed is consistent with the government's housing framework because it makes clear what housing's obligations are for a set period of time.

I note that this deed has been around for 15 years. In those 15 years there have only been 3 years where there has been no payment required; in 12 of the 15 years there has been payment required. All this does is provide certainty over what payments will be required to 2023.

I note that a payment was required every year Mr Lenders was Treasurer and every year Mr Wynne, the member for Richmond in the Assembly, was the Minister for Housing. This is not new. It is a debt that we owe to the Treasury for loans from the commonwealth that Treasury paid off during the Kennett years. It is a debt that has existed for 15 years. A payment has been required in 12 out of those 15 years. This just provides certainty out to 2023 over what payments will be required from the director of housing.

### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — The minister has just confirmed that she was in fact rolled by the Treasurer in this matter — —

**The PRESIDENT** — Order! Ms Mikakos continues to verbal the minister. She stands up and comments on every answer in a way that is really very provocative. It makes it difficult for me to keep a minister in line and answering a question properly when the member invites debate rather than a response. I ask Ms Mikakos to contain the editorial.

**Ms MIKAKOS** — Thank you, President. I am providing some context to my supplementary question because under the deal with the Treasurer and the minister, in effect the minister has lost control of almost \$60 million this financial year, representing around 200 dwellings that now will not be built. Is the minister seeking to have this power and funding restored to her portfolio before the scheduled agreement with the Treasurer expires in 2023?

**Hon. W. A. LOVELL** (Minister for Housing) — As I said, this is a debt that is owed to Treasury. We have certainty over what payments will be made into the future. It is not nearly \$60 million this year. This member gets everything wrong. This is a member who put out a press release at budget time saying we had ripped \$29.5 million out of ECIS (early childhood intervention services). That was a complete and utter lie. That press release showed us exactly what Labor planned to do with those 1000 ECIS places: Labor planned to cut them. Those places were ongoing. This member cannot get her facts straight.

**Ms Mikakos** — On a point of order, President, the minister is now talking about early childhood intervention services. She has completely strayed into another portfolio. President, you are asking me not to debate, but the minister is now engaging in a debate about matters that are not even relevant to the housing portfolio.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Therein is my problem. When Ms Mikakos opens up each of her supplementary questions with an editorial she actually invites the minister to do exactly that. That then becomes my problem — as to how I keep the minister on that question. The minister to continue without assistance, and particularly without assistance from Mr Pakula.

**Hon. W. A. LOVELL** — Thank you, President. I was just referring to the inaccuracy of this shadow minister's approach, to the inaccuracy of her research and to her approach to her portfolio. This is a shadow minister who has fast become known as just a scaremonger, someone — —

**The PRESIDENT** — Time!

### **Employment: labour force data**

**Ms CROZIER** (Southern Metropolitan) — My question is directed to the Minister for Employment and Industrial Relations, Mr Richard Dalla-Riva, and I ask: can the minister update the house on any recent employment data?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for her question. Obviously we have taken an interest in the October ABS (Australian Bureau of Statistics) figures that came out last week and Victoria's unemployment rate. It is currently at 5.4 per cent, which is the same as the national rate. We have seen, according to the seasonally adjusted ABS labour force data, that there were 2 893 000 Victorians employed in October 2012. This is an increase of 25 500 jobs since the Victorian coalition government came to office. In fact nearly three-quarters of the jobs generated last month were generated in Victoria. As we know and have always said, the figures can jump from month to month, but I think this demonstrates the resilience of the Victorian economy and of industry, which has been facing many challenges. We have always said there are challenges in industry in relation to the high Australian dollar, the intense global competition and the carbon tax.

We have also been noting another challenge. Just two weeks ago we had the distressing news of the shutdown of Autodom's factory sites in Victoria and South Australia. This was less than three months after the company was hit by reckless and disruptive industrial action by the Australian Workers Union and the Australian Manufacturing Workers Union. We had 400 workers stood down, including 170 in Victoria, and facing an uncertain future. It was a reminder to the trade unions involved and to the federal government that all industrial actions have consequences.

Less than three months ago the Australian Workers Union and the Australian Manufacturing Workers Union called a strike and an illegal picket which shut down the operations of the car parts manufacturer's Dandenong plant. I said that this was delinquent action. It threatened to halt manufacturing by all car makers in Victoria and South Australia. Not only that, it also put at risk the jobs of thousands of workers across the automotive supply chain. I said at the time of this initial illegal picket that it was disingenuous for the unions to have subjected the company to unlawful industrial picketing to secure a deal the company could not sustain, and then to turn on others when the

consequences of their unlawful behaviour became apparent.

It is just not me saying that. An article reports that Peter Macks from Macks Advisory, which was appointed administrator to take control of Autodom, said to SmartCompany that crippling redundancy payments totalling \$18 million had brought the company down. They were the administrator's words about Autodom. The interesting thing is that this follows the collapse earlier this year of APV, a Melbourne car parts manufacturer. Harry Hickling, the former managing director of APV Automotive, was reported to have said that the unions were to blame for the company's difficulties and that the company did not have the cash reserves to finance redundancies.

What we see are irresponsible unions. All they are interested in is the power play over who will be next elected and who can take a seat on the other side of the chamber. I say that is where those people should remain — on the other side of the chamber. We know we need a secure future for the car industry in Australia. We need an industry that is globally competitive and productive, but it cannot happen if union officials claim for themselves the right to bring the system to a screeching halt. I have said this before, and I will say it again: for every step forward that we take, the unions seem intent on taking the Victorian industry two steps back.

### **Kindergartens: funding**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. I welcome the allocation of \$40 million in capital grants that the minister announced last week, but I ask: how much of this funding came from the federal Labor government and how much from the state government?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I absolutely welcome the shadow minister's question because it gives me a chance to talk about the more than \$40 million that we allocated last week to kindergartens and preschools in Victoria. The children's capital fund finances upgrades to existing kindergartens, new integrated children's centres and new kindergartens. It is a fund that we continue to top up. Over our two years in government we have allocated to that fund around \$64 million of national partnership funding. That is funding that I have prioritised from the national partnership for infrastructure in Victoria.

We have also allocated money from the state budget. We have allocated prioritised money from within our internal early childhood education budget, and that fund is not empty yet. We have allocated more than \$80 million — in fact around \$85 million — for grants to kindergartens and children's centres in the last two years, and that fund is not empty yet; there is more money to come for children's services. Last week's announcement was great news for Victorian kindergartens: 92 services received funding. This will fund 9 new integrated children's services in Victoria and 20 brand-new kindergartens, and 63 kindergartens will receive upgrades or renovations from this funding.

I know Ms Mikakos does not want us to give kindergartens more funding. She tweeted that earlier this year. She tweeted that the Minister for Children and Early Childhood Development had given kindergartens enough money. She said we should stop giving them money. But, no, we are prepared to continue funding kindergartens in Victoria because we know the value of early childhood education.

### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — The Gillard federal Labor government has provided \$210 million towards Victorian preschools and kindergartens, including \$168.6 million during the minister's term in office, and it announced last week an estimated \$266 million over the next three years. Given that the state government has put zero dollars towards kindergarten capital infrastructure in this year's state budget, when will it provide meaningful investment in Victoria's kindergarten infrastructure?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I note that the shadow minister gets it wrong yet again. She said we have allocated zero dollars this year for children's infrastructure. We have prioritised money from within our early childhood budget in this year's budget for infrastructure. I told the member that we had allocated more than \$85 million in grants. Our fund is not empty. Of that, \$64 million was money from the national partnership that I prioritised for infrastructure.

**Ms Mikakos** — So why don't you admit that most of the money is coming from Canberra?

**Hon. W. A. LOVELL** — Let us talk about Canberra. Let us talk about the \$266 million that those opposite talk about. The federal government's budget clearly shows that the forward estimates should have been \$460 million a year for the national partnership, but it has actually cut \$280 million out of that by saying

that it will only allocate \$1.1 billion — \$280 million has been cut.

**Planning: urban renewal**

**Mr ONDARCHIE** (Northern Metropolitan) — My question this afternoon is to my good friend, colleague and member for Northern Metropolitan Region, the Honourable Matthew Guy. In his capacity as Minister for Planning I ask the minister if he could advise the house of what action he has taken to bring forward new high-density residential growth opportunities for the centre of our city.

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Ondarchie for another very insightful question into how we are intending to grow — —

**Hon. M. P. Pakula** interjected.

**Hon. M. J. GUY** — He is a good friend of mine. Does Mr Pakula have a problem with that? He performs very well for his electorate, and he asks sensible questions about how we are going to house an extra 220 000 people in our central city areas over the next few decades. That is nearly 6000 or 7000 people annually over the life of the government's document entitled *Melbourne, Let's Talk About the Future*. The obvious questions are: how is this government responding to those challenges? How do we, as a community, move forward to respond to the challenges of population growth and targeted population growth in the right locations?

I can inform the chamber that yesterday I approved two developments: one at 450 Elizabeth Street and one at 316 Queen Street. Together that represents around \$200 million worth of investment into the central Melbourne area and hundreds of apartments that will house thousands of people in our central city area. Both locations are just 100 or so metres away from the nearest railway station; both are within 200 metres of the nearest open space, Flagstaff Gardens; both are in the middle of Australian's second-largest jobs precinct, the CBD of Melbourne.

They are great initiatives that will go towards the government's target of expanding the central city area and accommodating population where Melburnians want it to be accommodated — our central city area. If it does not go in our central city area, it has to go somewhere else. That is why this government has taken a very deliberate approach to rezoning Fishermans Bend, which is 240 hectares of urban renewal opportunity. That is why the members for Southern Metropolitan Region, Andrea Coote and Georgie

Crozier, have worked with me and my department and with the education minister to get — —

**Hon. M. P. Pakula** — What about David Davis? Why did you leave him out?

**Hon. M. J. GUY** — And Mr Davis. If the member does not mind, I actually had not finished. Those opposite all interjected.

*Honourable members interjecting.*

**Hon. M. J. GUY** — I ask Mr Lenders to give us a smile. Come on! It has been so tough to get a smile out of him lately. That is why in the urban renewal rezoning we have brought forward the first inner city school in more than two decades. The site has been purchased and is ready to go. That is what we are doing to accommodate services where people are going to live in our central city area.

I note that in the *Saturday Age* of 13 October the opposition spokesman, Brian Tee, is reported as having said that the Labor Party would not proceed with the government's grand CBD concepts. I just say in response to Mr Ondarchie's question that if you do not put people — the 220 000 people expected to come here in the next 25 years — into our CBD, they have to go somewhere. Where are they going to go? Are they going to go into cul-de-sacs throughout places like Mount Waverley, Burwood, Bentleigh or indeed Oakleigh? Are they going to go into middle ring suburbs? That is the strategy of Melbourne 2030.

**Mr Somyurek** — Why aren't they going to Lyndhurst now?

**Hon. M. J. GUY** — They might even go into your seat, Mr Somyurek. They might even go around it. This government has a very clear and deliberate strategy. We are accommodating population growth where people know it and expect it. We are doing it because it is where services are located; that is why we are investing in those services now. It is the right strategy. It is supported by the city council, it is supported by residents and we believe it will be supported by all Victorians.

**Social housing advocacy and support program: funding**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Housing. I refer the minister to her admission to the Public Accounts and Estimates Committee on 16 May that she would rip \$2.8 million from the social housing advocacy and support program (SHASP) and her comment that

'advocacy support programs are not the core role of housing'. Is the minister confident that her decision to cut SHASP funding has not contributed to the increase in homelessness reported in the *Age* today?

**Hon. W. A. LOVELL** (Minister for Housing) — I am absolutely sure that it has not contributed. The figures in the *Age* today are from prior to this year's budget, so how could anything in this year's budget have affected those figures? This is just stupidity on the part of the shadow minister. This shows her approach to her portfolio. She gets her facts wrong all the time. She is far more interested in being on her BlackBerry and tweeting than she is in doing proper research and getting her facts correct. The premise of this question is completely wrong.

We have been working with SHASP providers to restructure the way SHASP is delivered. Yes, there was a reduction of \$1.8 million in the budget this year, but we have been working with those providers to restructure the SHASP provision. One of the things we have taken back in-house is the management of community facilities, which SHASP providers were telling me was costing them up to \$900 million a year to deliver. We also know that some SHASP providers were outsourcing their services, which again —

**Hon. M. P. Pakula** — Nine hundred million dollars?

**Hon. W. A. LOVELL** — It was costing \$900 000, I apologise — almost \$1 million — to deliver. Therefore we have taken that back in-house. We have also worked with them on other things. We know some SHASP providers were outsourcing some of the services. This additional administrative cost was coming out of that funding. We have worked with them on what their role is. We have taken some of their roles back in-house, and we are working with them to make sure that they continue to deliver their most important role of providing assistance to tenancies that are at risk.

**Mr Viney** — On a point of order, President, on two occasions now this minister has used words that I believe are unparliamentary. I refer you to rulings in both this house and the other house. In particular, the minister used the word 'lied' earlier in referring to a member on this side and the word 'stupid'. Perhaps it came back to bite her, but the minister used that word as well. I know the member those words were directed to did not take offence. The member is, perhaps somewhat like me, not one to seek an apology or a withdrawal in this place.

*Honourable members interjecting.*

**Mr Viney** — I have not. I have never sought a withdrawal in this chamber or in the other when I served in it. I do not care what they say about me. Despite the fact that the member did not seek that the words be withdrawn, there is a requirement to uphold the standards of the place and for members to not be using unparliamentary language. Both those words have been deemed to be unparliamentary, and I think the minister should be required to withdraw them.

**The PRESIDENT** — Order! I note that the first word Mr Viney referred to in his point of order arose in a previous answer. I was a little surprised that a point of order was not raised at the time. Obviously I did not intervene. I also felt that the use of the second word — the word 'stupid' in reference to the Leader of the Opposition — was out of place and inappropriate. From my point of view the minister and the shadow minister clearly are not two people who would be keen to sit down and have a cup of tea with each other. In their exchanges there is some edginess that is not helpful to the Parliament. Unfortunately they provoke one another. This creates a real problem for me in terms of managing the matters that are before the house.

It is a little unusual for a member to raise a concern about a word which has been used in relation to another member, unless it was not heard by the member to which it actually referred or if that member was not present. I concur with Mr Viney when he said that he has never sought a withdrawal when the matter has referred to him. Ms Mikakos might well have adopted the same practice. I am sure that she did hear the reference and that she did not seek a withdrawal. As I said, it is unusual for another member to ask for a withdrawal in that circumstance.

I will not seek a full withdrawal on this occasion, but I caution members. I agree with Mr Viney that that word, used as it was, was not appropriate and was not helpful to the proceedings of the house. I ask members to be a little more respectful of one another in terms of both the way they put their questions and the responses that are given to those questions.

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — I am sure members know that I am not a particularly sensitive person. By way of a supplementary question, I ask: can the minister give a guarantee that there will be no further cuts to public housing advocacy services?

**Hon. W. A. LOVELL** (Minister for Housing) — The social housing advocacy and support program was just one of a suite of programs which addressed social

housing advocacy services. We also have a support for high-risk tenancies program that we run within the department. We increased that by \$4.7 million in this year's budget, so there has been an increase in advocacy services for those in social housing. We also run other programs that support tenancies that are at risk. Eviction is always a last resort. We want to maintain tenancies. We want to keep people in their homes, but we need to work with some of these more high-risk tenancies. We have boosted services for the support of high-risk tenancies. We have made changes to the social housing advocacy and support program, and we will continue to support those tenancies that are at risk.

### **Kindergartens: funding**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Children and Early Childhood Development, and it is perhaps a question that Ms Mikakos should have asked. Can the minister update the house on how Victorian kindergartens will benefit from last week's capital grants —

**Hon. M. P. Pakula** interjected.

**Mr RAMSAY** — Are you all right, Mr Pakula?

**The PRESIDENT** — Order! Mr Ramsay should not be distracted by interjections.

**Mr RAMSAY** — Can the minister update the house on how Victorian kindergartens will benefit from last week's capital grants round announcements?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood facilities in his electorate, and I note that his area received nine grants. Further grants made to Geelong and also to Maryborough and Ararat were announced by Mr O'Brien and Mr Koch. The coalition government has once again delivered over \$40 million in grants to Victorian early childhood services. These grants were funded through our children's capital program. That fund is made up of a mixture of state money and money that I have prioritised from the national partnership funding.

Ninety-two services around Victoria will benefit from last week's announcement. Nine new integrated services will be built in areas where they will benefit young families — in growth areas and established suburbs. There will be 20 new kindergartens built, and 63 kindergartens will receive upgrades and renovations as a result of these grants. The 9 integrated centres will receive grants of up to \$1.5 million, the 20 new

kindergartens will receive grants of up to \$600 000 and the other 63 services will receive upgrades of up to \$300 000.

This funding comes at a critical time for Victorian preschools as they embark on a number of changes around the quality agenda and as they prepare to deliver 15-hour programs from next year. The coalition is delivering record funding for early childhood services; we have delivered around \$85 million in grants in our first two years in government. The children's capital program fund still has money in it, so there are more grants to come and more services will benefit from this.

In this round we have funded services in all areas of the state: in our regional centres like Ballarat, Shepparton, Mildura, Wangaratta, Traralgon and Bairnsdale; in some of the small regional areas like Kaniva, Koroit, Hopetoun, Paynesville and Yackandandah; and around the metropolitan area in places like Dandenong, Patterson Lakes, Braybrook, Chirnside Park, Melton South, Point Cook, Ringwood, Whittlesea, Meadow Heights and Box Hill North, just to name a few. These services will benefit from the grants that they received last week.

The Baillieu government is committed to investment in the early years. We know the value of the early years for setting a child up on the right path to their education and the right trajectory for life. We are committed to early childhood development, and we will continue to deliver for Victorian children's services.

### **Housing: carbon tax**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Housing. Will the minister exclude carbon price compensation payments when assessing the incomes of public housing tenants for the purpose of determining maximum rent?

**Hon. W. A. LOVELL** (Minister for Housing) — The Victorian government continues to examine the impacts of the federal government's carbon tax on state government services. What we do know is that the federal government has said it will not compensate Victoria for any additional impacts. We know about the impact it is going to have on hospitals, and there will be impacts in the housing portfolio. We are continuing to assess what those impacts will be, and that task has now been made more complex because of the federal government's recent announcement about the abolition of the carbon floor price. When we have fully assessed the impact this will have on Victoria's housing provision, we will then make a decision. No decision

has been made at this point as to whether we will include or exclude the carbon tax payment.

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — Many public housing residents are unaware that it is likely that their rents will increase, and they are expressing concerns about the lack of communication and the delays in advising them of this. Can the minister give a commitment that residents will be advised about this decision at the earliest opportunity?

**Hon. W. A. LOVELL** (Minister for Housing) — As I said, we are continuing to assess the impact the carbon tax is having on the housing portfolio in Victoria. When we have assessed that, the first people we will advise of any changes in rent policy will be our tenants, and of course I will advise anyone at the earliest convenience of any change to their rent structure. Certainly we need to fully assess the impact of the federal government's policy — its carbon tax — on our portfolio. We know the impact it is having on health. I received a fax from a dairy farmer yesterday telling me the impact it is having on their electricity bill for their dairy farm. Their current bill went up by more than \$2000, and when they questioned it with their power company they were told, quite simply, 'Carbon tax'. The federal government's carbon tax is having a severe impact on the cost of living for all Victorians.

**Vocational education and training: trade experience program**

**Mrs KRONBERG** (Eastern Metropolitan) — I direct my question to the Honourable Peter Hall, Minister for Higher Education and Skills. Can the minister update the house on any initiatives supported by the Baillieu-Ryan coalition government that provide opportunities for early school leavers to gain trade experience?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank Mrs Kronberg for her question, and I know she has a great interest in vocational training in Victoria. It was two weeks ago, on Wednesday, 31 October, that I had the pleasure of travelling to Harvester Technical College in Sunshine to meet with 18 young students who are engaged in a pilot program called the trade experience pilot program. This program is supported by the government to the tune of \$270 000 to assist young people who have either left school early or are at risk of leaving school by engaging them in a trade experience program.

The way this 12-month program is structured is that in the first full semester students have experience in four different trade areas, and integrated into that experience is literacy and numeracy support and all the normal support one needs when completing a year of secondary school. In the second half of the year students select one of those four trade areas and undertake training which gives them a certificate II qualification in that trade area. When the 12-month trade experience pilot program is completed, the student will graduate with an intermediate VCAL (Victorian certificate of applied learning) certificate as well as a certificate II in one of the trade areas.

**Mr Lenders** interjected.

**Hon. P. R. HALL** — I did not hear what Mr Lenders said, but I should ignore interjections. This pilot is being led by Victoria University. It operates out of Harvester Technical College and is delivering trade experience in the areas of carpentry, plumbing, bricklaying and hospitality. The young students get direct experience in each of those areas, as I indicated, with integrated work projects which assist them in developing language, literacy, numeracy and also technical skills.

I must say that the way the 18 young students who are engaged in this program presented themselves on the day and the way they presented the outcome of their work was commendable. I give due credit to the students and particularly to the staff out there who are delivering this program. I can see much merit in this program being extended to many young people across Victoria whose interests would perhaps be better suited to undertaking trade experience combined with VCAL training at a technical or TAFE college rather than a normal, mainstream school setting. It is certainly important for students who are perhaps at risk of disengagement to participate in these sorts of programs.

I am pleased to say that both Chisholm and Kangan TAFE institutes will join Victoria University in extending the pilot of the trade experience program next year. This will give the opportunity for more young people in Victoria to try before they buy and before they commit themselves to a trade area. Young men and young women will benefit greatly from this program, and I have no doubt that the pilot will have a successful outcome and will become more popular as years go by.

**QUESTIONS ON NOTICE**

**Answers**

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 8391, 8576, 8723.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

***Alert Digest No. 16***

**Mr O'DONOHUE** (Eastern Victoria) presented ***Alert Digest No. 16 of 2012, including appendices.***

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Architects Registration Board of Victoria — Minister's report of receipt of 2011–12 report.

Australian Health Practitioner Regulation Agency — Report, 2011–12.

Crown Land (Reserves) Act 1978 —

Minister's Order of 22 October 2012 giving approval to the granting of leases at Lakeside Stadium Reserve.

Minister's Order of 22 October 2012 giving approval to the granting of a licence at Lorne Pier Reserve.

Minister's Order of 23 October 2012 giving approval to the granting of a licence at Edinburgh Gardens Reserve.

Minister's Order of 30 October 2012 giving approval to the granting of a licence at Bannockburn Bushland Reserve.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2011–12, from the Chief Commissioner of Police pursuant to section 42BI of the Act.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twentieth Amending Deed, 30 October 2012, pursuant to section 15B(5) of the Act.

Freeway Management System Coordination Agreement Second Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.

M1 Corridor Redevelopment Deed Fourth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.

Melbourne City Link Thirtieth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.

Murray-Darling Basin Authority — Report, 2010–11.

Office of Police Integrity — Report under section 30L of the Surveillance Devices Act 1999, 2011–12.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Alpine Planning Scheme — Amendment C25.

Ararat Planning Scheme — Amendment C18.

Ballarat Planning Scheme — Amendment C158.

Boroondara Planning Scheme — Amendments C121, C152 and C165.

Campaspe Planning Scheme — Amendment C92.

Cardinia Planning Scheme — Amendment C106.

Frankston Planning Scheme — Amendment C63.

Greater Geelong Planning Scheme — Amendment C269.

Greater Shepparton Planning Scheme — Amendment C164.

Hobsons Bay Planning Scheme — Amendment C63.

Horsham Planning Scheme — Amendment C53.

Knox Planning Scheme — Amendment C124.

Loddon Planning Scheme — Amendment C32.

Macedon Ranges Planning Scheme — Amendments C66 and C80.

Melbourne Planning Scheme — Amendment C195.

Mitchell Planning Scheme — Amendment C89.

Mornington Peninsula Planning Scheme — Amendments C152, C158 and C169.

Stonnington Planning Scheme — Amendments C145 and C157.

Wellington Planning Scheme — Amendments C62 and C67.

Whittlesea Planning Scheme — Amendment C166 (Part 1).

Wyndham Planning Scheme — Amendment C167.

Yarra Planning Scheme — Amendment C161.

Statutory Rules under the following Acts of Parliament:

Ambulance Services Act 1986 — No. 116.

Environment Protection Act 1970 — No. 115.

Evidence (Miscellaneous Provisions) Act 1958 — No. 122.

Local Government Act 1989 — No. 117.

Magistrates' Court Act 1989 — Nos. 119 and 123.

Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 118.

Supreme Court Act 1986 — No. 120.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 121.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 115 to 121 and 123.

Legislative Instruments and related documents under section 16B in respect of —

A Declaration of 23 October 2012 of a Discount Factor made under section 19 of the Victorian Energy Efficiency Act 2007.

An extension notice of 18 October 2012 of the interim ban order of 23 August 2012 on the supply of small, separable or loose permanent magnetic objects under the Australian Consumer Law and Fair Trading Act 2012.

Minister's notice of 29 October 2012 of consent for Tow Trucks to use Emergency Stopping Lanes on Freeways under Road Safety Road Rules 2009.

Specifications of Railway Stations for the purposes of the definition of 'Designated Area' of 2 April 2012 and 20 April 2012 made under the Transport (Ticketing) Regulations 2006.

Sustainability and Environment Department — Report under section 30L of the Surveillance Devices Act 1999, 2011–12.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012 — Part 1, section 4, 6, 8 and 33 and Divisions 4 and 5 of Part 3 — 7 November 2012 (*Gazette No. S373, 7 November 2012*).

Land (Revocation of Reservations) Act 2012 — 31 October 2012 (*Gazette No. S366, 30 October 2012*).

Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (*Gazette No. S345, 16 October 2012*).

Port Management Further Amendment Act 2012 — 14 November 2012 (*Gazette No. S373, 7 November 2012*).

Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012 — Part 1 and sections 26, 27, 29 and 30 — 8 November 2012; Remaining provisions — 1 December 2012 (*Gazette No. S373, 7 November 2012*).

## PRODUCTION OF DOCUMENTS

**The Clerk** — I have received a letter dated 9 November from the Premier headed 'Order for

documents — documents relating to the proposal for an east–west road tunnel'.

*Letter at page 63.*

## NOTICES OF MOTION

**Mrs PEULICH having given notice of motion:**

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

That debate on the motion be taken forthwith.

**Leave refused.**

**The PRESIDENT** — I indicate that my discussion with the Clerk was related to the fact that I think this notice of motion gets pretty close to, if it is not over, the tolerance of notices of motion. We had this discussion in respect of a notice of motion Mr Leane brought to the chamber in a previous week. There is a word limit that applies to notices of motion, and I think this might well have exceeded that word limit. Notices of motion provided to the house should seek a debate and provide members with sufficient information to frame the debate but not put up all the debate points. One of the concerns I would have is that the debate is almost outlined in the motion rather than the parameters of the debate being set by the motion.

On this occasion, and particularly given that Mr Leane accepted from an opposition point of view that the motion had some validity because he was keen to debate it now, I will let it stand. However, I ask members to be careful about lengthy motions. We have a framework or protocol for motions, and I think it is in the interests of the house that we try to keep to that form.

**Further notice of motion given.**

**Hon. D. M. DAVIS** gave notice of motion.

## HEALTH: FEDERAL FUNDING

**Hon. D. M. DAVIS** (Minister for Health) — By leave, I move:

That this house —

- (1) expresses its serious concern at the recently announced reduction in commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set;
- (2) expresses concern about the factual basis of the commonwealth's decision, which relies on disputed

population figures, noting also the lack of consultation with states and territories prior to the decision;

- (3) calls upon the heads of treasuries to convene urgently to discuss the commonwealth Treasurer's determination and report on the basis of this decision, noting that the reductions in commonwealth funding for public hospitals will, unless reversed, be implemented in early December 2012 in the form of a \$39 million clawback of funding to Victoria from the 2011–12 financial year and a \$67 million reduction in the 2012–13 financial year for Victorian hospitals and large reductions in forthcoming financial years bringing the total commonwealth funding reductions of the health and hospitals funding through the health-care SPP and national hospital agreement to \$475 million since the announcement of the commonwealth's 2012–13 budget; and
- (4) further notes that six state health ministers expressed concern about the announced reduction in commonwealth health funding at the recent Standing Council on Health meeting.

The chamber has every reason to be concerned about what has occurred as a result of the federal government's budget, which was brought down in May, and particularly the commonwealth Treasurer's decision to change funding arrangements on the spurious basis of incorrectly using Australian Bureau of Statistics figures. The ABS made a decision to rebase population back to what it was at the time of the 2006 census, but what it did not do was indicate that the population had fallen.

The federal Treasurer has argued that a 1.5 per cent population growth in Victoria is a fall in population of 11 000 people. Despite the statisticians saying that a 1.5 per cent population growth has occurred in Australia in the last 12 months, the federal Treasurer has unilaterally determined that the population growth is 0.3 per cent. Ms Pulford, Mr Scheffer, Mr Dalla-Riva, Ms Crozier, Mr Drum and Mr Barber will all know that the population of Victoria is growing very fast. We only need to go to Whittlesea to see the massive population growth that is occurring; it is the fastest-growing municipality in Australia. We only need to go to the western side of the city to see the massive population growth there. It is clear that the only person in Australia who believes the Victorian population is falling is the federal Treasurer. Statisticians do not believe it, health ministers do not believe it, bureaucrats do not believe it; no one believes it. The only one who believes the shonky figures is the federal Treasurer. He is cheating Victoria out of money that it is rightfully due. He is using a shonky technique to cut the money that is required for Australian hospitals.

Let us be very clear about what is going to occur. On 7 December, when the federal Treasurer and the Prime Minister, Julia Gillard, bring in their cuts, every public hospital in Australia will have its budget cut, and for every month thereon their budgets will be cut and differ from what was determined in the federal budget in May. The new national funding pool will make transparent the federal government's budget cuts to our hospitals — and this is going to hurt people. It is going to directly impact on hospitals across the state.

Ms Pulford is quickly writing notes, but she ought to be prepared to stand up for Geelong Hospital and Ballarat hospital. She ought to be prepared to knock on Catherine King's door and say, 'You are the federal Parliamentary Secretary for Health and Ageing and you ought to stop these cuts that are being made on shonky grounds and on outrageously manipulated population statistics'.

The statistics that the federal Treasurer sought to use would result in him failing university statistics 101. This is a shonky and slippery arrangement and it is why six health ministers combined to directly attack the federal Treasurer at the Standing Committee on Health (SCH) on Friday. That is why six health ministers from every single state — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — I can tell you the Northern Territory is also worried — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — They were not at the SCH meeting, but the ACT minister was not there either. There have been recent elections in those places — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — That is exactly right, but the point is that I know each of those ministers and bureaucracies are concerned. The six state health ministers, including the opposition's colleagues in South Australia and Tasmania, are equally concerned about the impact of this on Australian hospitals.

The impact on our hospitals is severe. Let us be quite clear about what will happen now. It is quite important to read into *Hansard* exactly what state health ministers said. They noted that the determination relating to the downward revision for the national specific purpose payments for health care was not made by the federal Minister for Health. No, it was the Treasurer who made the determination — in secret, without consultation and using dodgy figures. I notice that the commonwealth

statistician has walked away from those figures by making it very clear in Saturday's *Australian* that the 0.03 per cent growth figure that the commonwealth Treasurer is using to make these adjustments is not an Australian Bureau of Statistics (ABS) figure; it is a figure that the Treasurer made up. It is fairyland stuff put out by the federal government to prop up the federal budget in order to try to get to surplus in a desperate scramble by using shonky stats, a shonky approach and being prepared to cut in hard.

I will be very interested to see what the Greens think about this; I will be very interested to see if the Greens support the cuts instituted by the federal Treasurer. This is a huge hit on Victoria's revenue of \$475 million over the forward estimates period. Let us be clear about the \$39 million cut that applies to 2011–12. Those patients have been treated. What is the federal Treasurer actually saying? Is he saying those patients ought not have been treated, that they were not entitled to treatment?

**Mr Barber** — He's saying he's trying to get a return to surplus on his budget; that's what he's saying. He wants to return to surplus.

**Hon. D. M. DAVIS** — People would not mind so much if he discussed it with the states, talked it through and there had been some sensible process, but there was no such process; he has just made it up as he has gone along. It is Shonkyville, it is crooked and it is a bad-news approach to beginning a new health agreement.

One of the key points about the new health agreement is that it was designed to give predictability and certainty into the future so that indexation each year would be based, frankly, on three sensible factors: population growth, a technology factor and a factor relating to utilisation. Three quarters of this cut are due entirely to the population fiddle. Mr Finn knows that out in the western suburbs the population has grown like Topsy.

**Mr Finn** — Exploding.

**Hon. D. M. DAVIS** — It is exploding out there. Indeed I have been subject to questions regarding insufficient maternity resources. We are trying to keep up, but I can tell you Western Health will not be helped in its capacity to deal with maternity growth, nor will Mercy. Each one of them will be directly cut on 7 December by the commonwealth health minister and the Treasurer. It is a significant cut, and it will directly impact —

**Ms Hartland** — I don't think you need to point at me, Mr Davis; I'm not the federal health minister.

**Hon. D. M. DAVIS** — Pardon?

**Ms Hartland** — I'm not the federal health minister. You don't have to keep jabbing at me.

**Hon. D. M. DAVIS** — No, but you need to start talking, Ms Hartland, to your Greens colleagues in Canberra and say, 'This is a shonky approach; it's not satisfactory to cut budgets'. Let us understand what is happening here. Health services have their budgets for the year. They are all going forward. They have planned. They have hired staff. One health service made the point the other day that there is an eight-week nursing roster. When the cut comes on 7 December, what are they going to do — unwind the eight-week nursing roster? They have already got those nurses committed for eight weeks. They have planned the operations and booked the surgeries for people who are getting the services, yet the money is to be unwound from 7 December, five months into the financial year and five months after the state and commonwealth budgets were set. This is a chaotic way to run a health system that was meant to give predictability and certainty. This is creating chaos and implementing cuts that will directly impact on the community.

I also want to make some comments about the approach of the federal health minister. I do not think she understands the impact of this. Whilst she did not make the determination or order the cuts directly, I do not think she understands the impact that this will have on health services, and the impact through —

**Mr Jennings** — I hear you say that a lot, that people don't understand.

**Hon. D. M. DAVIS** — I am not sure that that is right —

**Mr Jennings** — That is a phrase that you've actually overused.

**Hon. D. M. DAVIS** — I am not sure that she does understand, Mr Jennings. Perhaps you don't understand; I am not sure that you understand it.

**Mr Jennings** — Exactly. That is something that is levelled against me very often.

**Hon. D. M. DAVIS** — Is it indeed? The point I want to make very clearly here is that there will be a substantial impact. The federal government at the time of the health deal indicated that there would be more than \$16 billion in extra funding. This is the first serious chip-back of that funding: a \$1.6 billion cut to health across the nation. New South Wales has a bigger cut than Victoria, and Queensland has a big cut. The

Northern Territory, Western Australia and South Australia all have cuts in their funding this year and all on a spurious claim that the population in their states is falling in some way.

I have to say that the Western Australian minister nearly fell off his chair when I rang him and said, 'Did you know your population is falling, according to the federal Treasurer?'. There is a mining boom in that state. Nobody believes in this silly approach that has been adopted. This is about re-basing the health agreement into the future so that as we go forward in the early years of the deal the amount paid to states will be diminished; it will be diminished this year, and it will be diminished as a base from which growth goes forward. Mr Jennings should note that into the future every Victorian hospital will receive less from the commonwealth because of this decision — not just now, but from the base as we go forward.

It is important that the government stand up very strongly for Victoria. I want to pay tribute to the work that has been done by a number of key people in the Department of Health in Victoria who have been able to work through the details of what has been a dense and difficult-to-unscramble set of decisions and determinations by the federal Treasurer. I particularly pay tribute to Peter Fitzgerald, who I think has performed magnificently in unscrambling what has been deliberately scrambled so that people could not easily see what is actually happening.

The Prime Minister and the federal Treasurer ought to rethink this. They ought to rethink the idea that you can use a shonky population growth figure as a way of cutting health funding, and they ought to do that very quickly, because 7 December is looming. That day will have a significant impact on every health service across the state.

This is not the key point. Mr Ondarchie has just handed me a letter from Northern Health written by Professor Glenn Bowes, the chair of Northern Health. It is copied to local federal MPs: Rob Mitchell, the member for McEwen; Harry Jenkins, the member for Scullin; and Martin Ferguson, the member for Batman and Minister for Resources and Energy. Professor Bowes makes it clear that the basis of this recalculation is apparently the belief that the Victorian population has grown at a lesser rate, yet it was recently announced that the city of Whittlesea is the second fastest growing municipality in Australia. According to ABS figures, nearly 8000 people, equivalent to a new suburb, were added to the population during 2010–11. The idea that the Victorian population has fallen by 11 000 in the last year is clearly refuted by what is happening at Northern

Health, what is happening at Western Health, what is happening at Barwon and what is happening in all of those areas where population growth is significant.

I would urge Labor Party members in Victoria to join their colleagues from other states — to join John Hill, the South Australian Minister for Health and Ageing, and Michelle O'Byrne, the Tasmanian Minister for Health — and to say that these cuts are wrong, that they are going to be very significant and — —

**Mr Drum** — Based on a lie.

**Hon. D. M. DAVIS** — And that they are based on a lie, as Mr Drum said. Those health ministers have been prepared to stand up for their states. For that reason I would ask Mr Jennings, Mr Lenders and the Labor Party in Victoria to reflect closely and to decide whether they are Labor first and Victorian second or whether they are Victorian first and Labor second. That is the decision they have to make today. Will they support this motion? Will they support the capacity of Victorians to stand up in a united way against a set of cuts that will impact on each and every Victorian hospital and that will be carried out in a way that has no validity?

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — I further respond to the federal health minister's approach on this. She says states are making savings. Yes, every year there are savings in state instrumentalities. Under the previous government more than \$1 billion of savings were not declared. Under this government there are savings, and we are doing more, for example with Health Purchasing Victoria to look at ways of more efficiently dealing with purchasing — ways of purchasing consumables in bulk that see greater outcomes in terms of reduced prices. That is the way this government is working through a number of these points.

We have more doctors and more nurses employed in our hospitals than we did two years ago. We have enormous activity in our hospitals. The fact is, however, that these cuts that will impact on our hospitals are unscheduled and have no legitimate basis. The federal government is clearly doing this to prop up its budgetary position. This motion is an opportunity for Mr Jennings and Mr Lenders to become Victorians rather than standing up for their Labor mates in Canberra.

**Mr JENNINGS** (South Eastern Metropolitan) — Thank you, President, for the opportunity to speak — in what is unusual for the Parliament: a relatively spontaneous debate — on a motion that has been

brought by the health minister today criticising cuts in the financial assistance provided by the commonwealth to the state of Victoria in health. In fact I join the government in expressing concerns about the nature of those cuts — —

**Mr Drum** — That's a dollar.

**Mr JENNINGS** — As a consequence of joining the government and expressing my concern, I have won a private bet with Mr Drum, who indicated across the chamber that I would not mention this and express my concern. The reason I express my concern is that each and every day as part of my responsibility as shadow Minister for Health in Victoria I have drawn attention to the pressures our hospital system continues to be under. The vast majority of my time I spend drawing attention, with ample evidence, to the failure of the Baillieu government to meet its commitments to the people of Victoria to reduce elective surgery waiting lists, to rebuild infrastructure and to try to ensure response times in emergency departments are what the Victorian community should expect.

For the last two years I have been an advocate of Victorian citizens and their desire to have appropriate and timely health care in Victoria. The pretty clear failure of the Baillieu government in relation to elective surgery — with waiting lists having risen, in the time the Baillieu government has been in office, from of the order of 38 000 people to being in excess of 46 000 people — is something I draw attention to virtually every working day of my current political life.

Given that the cumulative effect of the first two budgets overseen by this Victorian Minister for Health has been to take \$616 million worth of savings out of the health portfolio, on the occasions of those budgets being presented I have criticised the Baillieu government for seeking those savings, so it would be somewhat disingenuous of me not to express concern and dismay about the commonwealth government's reduction in its contribution to health expenditure in Victoria. In that regard, in the spirit of being up-front and honest with the people of Victoria and in responding to the challenge of whether we are standing up for the Victorian hospital system and Victorian citizens, we will say, yes, we want better outcomes from the state government and we would like to see the federal government join in the spirit of the national health agreement and maintain its level of support, which has never been equivalent to what it is today.

This is the most important reason I will not be supporting the motion of the Leader of the Government: his motion is made in absence of the

truth. The truth is that this year after the financial midyear update — —

**Mr Finn** interjected.

**Mr JENNINGS** — Mr Finn, the commonwealth government is providing the assistance of \$3.612 billion to the state of the Victoria for health. Mr Finn was an observer in the last sitting week in this Parliament when I asked the Victorian Minister for Health on two separate occasions in this chamber whether he could guarantee that the \$3.612 billion provided to Victoria by the commonwealth for health is fully acquitted and expended in the health portfolio by this minister, and twice he refused to answer. Twice he could not commit to the state of Victoria fully acquitting the \$3.612 billion that the commonwealth has provided to Victoria for health expenditure.

If the Victorian government were honest, it would go back to the budget papers it published in May this year, which indicate that at that time it anticipated receiving \$3.630 billion. That is the published figure in budget paper 5 at page 175. All those studious, well-versed accountants on the government benches can go and have a look at their own budget papers and see that that is the order of magnitude of the commonwealth contribution to health expenditure in Victoria. Yet the Victorian health minister cannot guarantee to members, to the people of Victoria or to any of us that that money is acquitted in health. He cannot say, hand on heart, that every penny of that \$3.612 billion that continues to be provided by the commonwealth is spent in health.

How disingenuous of this minister to get up and criticise a reduction in commonwealth expenditure when he cannot guarantee to the people of Victoria, to the commonwealth or have recorded in the budget papers that he acquits the money that Victoria receives for health expenditure! He should not come in here crying crocodile tears and raising motions and resolutions that damn the commonwealth for reducing its funding when the state of Victoria cannot guarantee that it currently acquits the money that is provided by the commonwealth for these purposes.

Earlier this year when the health minister was in the house discussing the partnership and pooled funding arrangements between the commonwealth and Victoria and I asked him what the size of the pool would be going forward, in terms of the pooled funds, the minister was unable to tell me. I informed the minister — and this was confirmed by his adviser in the box — that that number is \$7.4 billion, of which the commonwealth provides \$3.3 billion. The Victorian minister, who is charged with the responsibility of

knowing what the demand and cost pressures are in Victoria, does not know his portfolio, does not know what budget is available to him and certainly cannot discern from his colleagues around the cabinet table how much commonwealth money has been acquitted on health expenditure.

It is a disaster for the health system that this minister is unable to obtain growth funds from his cabinet colleagues to guarantee that the Victorian budget is protected. This minister has overseen \$616 million worth of savings, as identified in the forward estimates period in the first two budgets of the Baillieu government. This is far in excess of the figure he is now crying crocodile tears over in this motion today. In fact it is his government that is taking more money out of the hospital system, it is his government that is entering into hospital contracts that have seen the elective surgery waiting lists grow by 8000 people in the first two years and it is this minister who does not acknowledge in the chamber or to his colleagues or the community that the commonwealth has provided \$3.612 billion this year, which is expected to grow significantly in the years ahead.

While the minister is crying crocodile tears about the reduction, I will tell members what the commonwealth, having issued its midyear financial update, believes its payments to Victoria for health will be in the forward estimates periods. Next year it is anticipated that the full flow-through to Victoria for health will be \$3.956 billion; in the following year, 2014–15, it is anticipated to be \$4.171 billion; and in the year 2015–16 it is anticipated to be \$4.541 billion. If we consider that over the next four-year period the anticipated growth in commonwealth expenditure under financial assistance to Victoria is expected to grow from \$3.612 billion in the current financial year to \$4.541 billion in the three subsequent financial years, that is significant growth. The commonwealth's contribution will grow by about 25 per cent over the next four years.

Will this minister guarantee that he will acquit every penny that is provided by the commonwealth to Victoria for health in his portfolio? The minister turns away and becomes red faced and silent, because he will not give a guarantee that every penny that comes from the commonwealth for health expenditure is acquitted within his portfolio. The minister is all done; he is silent.

I think it is very important that the minister recognises the significant challenges confronting his portfolio. He has to recognise that not only does he have to cry crocodile tears and stand up to the commonwealth but

he has to stand up to his cabinet colleagues. The minister has to get a growth number that comes into the health portfolio and is in accordance with the growth demands of his portfolio. It is no good trying to — —

**Hon. D. M. Davis** — We did.

**Mr JENNINGS** — Yes, I know; the minister did, and he failed. That is the tragedy of the first two Baillieu budgets. It is a great tragedy.

At the same time that this campaign is being run by the Minister for Health and supported by a number of members across the state, including his supporters in the regions across Victoria, who are indicating that this is the commonwealth deserting the health field, the minister is generating a scare campaign rather than facing up to the ugly truth that it is his level of budget support and activity that is really putting health care at risk in Victoria.

The commonwealth has responded by reminding Victorians right across the state of the significant investments it has committed to undertake in relation to redeveloping and reconfiguring certain health infrastructure. It has committed to more than \$200 million worth of projects with a combined economic worth of \$260 million. The extraordinary thing about these 11 projects across the state of Victoria is that this health minister has not been able to get the pen out and authorise the documentation to go back to Treasury in Victoria and then up to Canberra to bring about the acquittal of that money so that the investment flows to Victoria. In the last year we have not seen those 11 projects that were supposedly project-ready — shovel-ready — and which are important projects to support communities right across Victoria. What has been going on?

**Mr Drum** — We know about this one.

**Mr JENNINGS** — Do you know about this one?

**Mr Drum** — Yes. Plibersek wants everything done. She wants the signing done, she wants it redone, and she wants the forms filled out again and again.

**Mr JENNINGS** — I think Mr Drum might protest a bit too much.

**Mr Finn** — She's a shyster. Tell the truth.

**Mr JENNINGS** — Mr Drum is a shyster?

**Mr Finn** — No, I said 'she'.

**Mr JENNINGS** — I am sorry; I was confused as to who Mr Finn was actually having a go at. I thought it

was his colleague on the government benches — a bit of coalition crossfire. I am pleased that I am able to correct that, even if Hansard may not be.

What we have is a major problem for Victorian citizens because they are not receiving the health care that they need. The Baillieu government has run poor in relation to the growth that it promised in terms of health expenditure.

**Mr Lenders** — The Minister for Health has scurried out of the chamber.

**Mr JENNINGS** — The Minister for Health became silent when he was called upon to put his hand on his heart and say that every penny that comes from the commonwealth is acquitted within his portfolio. He could not do so; he had to leave the chamber in despair because he knows the truth of that matter. He also knows the truth about the commonwealth funding those 11 projects and it being in excess of \$200 million. Despite Mr Drum being concerned about how many loops of paperwork are required, the ultimate question is: how keen is the Victorian government to make those projects happen? How keen is the Victorian government to make any project happen?

How keen has the Victorian government been to get on and build the Bendigo hospital, a project it inherited and a project it crows about in terms of how large it is? The scale of the investment was supposed to be superior to the scale of the investment of the previous Labor administration. Here we are two years later and nothing has happened apart from a lot of talk about how it is going to be bigger. Saying for two years it is going to be bigger does not make it bigger and certainly does not deliver it within the only term that this government has been guaranteed.

This government has only been guaranteed one term, and it wants to finish its major projects in its second term. Those projects include the Bendigo and Box Hill hospitals, and the government is not even going to start the Monash Children's hospital within its first term. How extraordinary that those opposite are going to rely on having two terms to deliver on major projects that could have been finished in this term if they had only got their act together and done them. Eleven projects have been waiting. That is \$260 million worth of economic activity. This is an economy that is crying out for economic activity. Regardless of what the productivity on construction sites might be, let us get on and build things.

However, the Victorian government cannot be bothered to organise itself to build health services. Whether they

be dental services in Ballarat or cancer services in Mildura, this government cannot be bothered to actually make these projects happen, and it is Victorian citizens who are paying the price for this. The citizens of Victoria want better cancer and dental services. They want elective surgery waiting lists to be reduced. They want better response times in emergency departments and by ambulances, but that is not what they are getting, despite the promises made by the incoming Baillieu government. Those opposite promised when they were elected that elective surgery waiting lists would go down, that emergency department response times would improve, that response times for ambulances would improve, that they would build the Monash Children's hospital and that they would complete the Bendigo and Box Hill hospitals. None of those things is going to be delivered in the first term of the Baillieu government.

The situation in terms of elective surgery waiting lists, emergency response times and ambulance response times is likely to be worse in the first term of the Baillieu government, and it is Victorian patients who will suffer. They will be sorely let down by the inertia that this minister has demonstrated. He spends more time being in opposition to the federal government than he does taking responsibility for administering his portfolio, and as a consequence Victorian patients are suffering.

It is about time the Victorian government recognised that the state has more revenue now than it has had in the history of Federation. It has \$3.612 billion allocated for health and \$11.1 billion received in GST. Despite the litany of complaints that come from government members in relation to the paucity of GST revenues, \$11.1 billion is higher than ever before. The previous high was \$10.3 billion the year before. It has gone up to \$11.1 billion, and still the Baillieu government cries poor. It is extraordinary that it tries to hide its failures, its lack of delivery, its inertia in decision making and its litany of broken promises right across the state. It continually tries to blame either the previous Labor administration in Victoria or the federal Labor administration.

In terms of the money, the commonwealth has put its money where its mouth is and where its commitments and expectations are. The commonwealth has written agreements with the state of Victoria about better outcomes for elective surgery and better outcomes for emergency departments and it is funding 11 projects primarily to support Victorian patients, but the Baillieu government is not delivering on those outcomes. Is it any wonder that commonwealth revenues are put at risk? The matching component from the Baillieu

government is not there, and the matching effort from the Baillieu government is not there.

The major risk to the ongoing growth of hospital expenditure in Victoria is the poor budget outcomes in health achieved by the Victorian government and its lack of ability to capture commonwealth money when commonwealth money is available. The health minister should stand up and come back from the cubbyhole he has currently disappeared into. He has raised a matter because he wants to gain a short-term political benefit from it. The facts clearly suggest that he has not delivered for his portfolio. He cannot guarantee that every cent from the commonwealth that is allocated for health is spent in health.

**Mr Drum** — You're repeating yourself.

**Mr JENNINGS** — Yes, I am repeating myself, and I am going to stop as a consequence. The Baillieu government has failed miserably. I say to Mr Drum that I look forward to the dollar that is owed to me in relation to my criticism of the reduction of commonwealth expenditure. In fact I look forward to dollars in quantum being provided by the Baillieu government in its next budget. I look forward to the Baillieu government getting on with developing the projects that the commonwealth is waiting to join in funding and concluding and to it starting to deliver the outcomes that were promised to the people of Victoria, whether they be major redevelopments or better service outcomes. Victorian patients deserve to be afforded better health care in accordance with what they were promised by the incoming Baillieu government, but after two years it is going backwards.

**Debate adjourned on motion of Ms HARTLAND (Western Metropolitan).**

**Debate adjourned until next day.**

## NOTICES OF MOTION

**Notices of motion given.**

**Mr KOCH having given notice of motion:**

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

That debate on the motion be taken forthwith.

**Leave refused.**

**Further notices of motion given.**

**Mrs COOTE having given notice of motion:**

**Mr VINEY** (Eastern Victoria) — I desire to move, by leave:

That debate on the motion be taken forthwith.

**Leave refused.**

**Mr FINN having given notice of motion:**

**Mr SCHEFFER** (Eastern Victoria) — I desire to move, by leave:

That debate on the motion be taken forthwith.

**Leave refused.**

**Mr RAMSAY having given notice of motion:**

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

That debate on the motion be taken forthwith.

**Leave refused.**

## BUSINESS OF THE HOUSE

### General business

**Mr LENDERS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 14 November 2012:

- (1) notice of motion 405 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee relating to unconventional gas explorations;
- (2) notice of motion 383 standing in the name of Mr Barber relating to the introduction of the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2012;
- (3) the notice of motion given this day by Ms Hartland relating to the introduction of the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012;
- (4) the notice of motion given this day by Mr Jennings relating to health services in Victoria; and
- (5) the notice of motion given this day by Ms Hartland calling on the government to introduce legislation to ban solariums and the private sale of sunbeds.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Community Support Frankston

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to congratulate Community Support Frankston on another successful year. Community Support Frankston delivers intervention services for people — many who are in crisis — by providing information, advice and support to all members of the community, confidentially and free of charge. Financial crisis does not discriminate, and it can affect a broad spectrum of society. The emergency relief program, which is funded through the federal Department of Families, Housing, Community Services and Indigenous Affairs, is an essential part of the service offered by Community Support Frankston. The program aims to provide the information and tools needed so clients can hopefully prevent similar situations from happening in the future.

During the last financial year Community Support Frankston received a total of 5450 requests for emergency relief, 1200 of these coming from new emergency relief clients. It was able to provide 4274 instances of emergency relief and 3536 referrals to other services. These relief services come in many forms. They can include food vouchers, phone cards and petrol vouchers and totalled \$366 499. Of this amount, \$107 000 was spent on assisting people to gain or retain accommodation and assist with furniture removal and storage costs.

As we know, volunteers are the backbone of many community organisations, and volunteers contributed a total of 13 165 hours to Community Support Frankston. Community Support Frankston is a vital part of the Frankston community and would not be able to deliver these much-valued and needed services without the commitment and dedication of staff, trained volunteers and the committee of management. I again congratulate Community Support Frankston on another successful year.

### Dr Subhakanta Behera

**Mr ONDARCHIE** (Northern Metropolitan) — It is with much sadness that I advise of, as was indicated to this house today, the sudden passing last Friday night of my friend the Consul General of India in Melbourne, Dr Subhakanta Behera. Just the previous Monday night Dr Behera and I launched the 2012 Diwali Festival of Lights at the Indian consulate in Melbourne. It is a very sad time.

Subhakanta Behera, who earned a doctorate from Oxford University, was appointed the Consul General of India

for Melbourne in May last year. He was born in the same month and year as I. He was a very hard worker, who, unlike many diplomats, did not see himself as being above those he represented; he saw himself as one of the people. He became a very familiar face at many events in a short space of time, but above all else he was a family man. He loved, cared for and valued his family, and he was a very loving and caring dad.

Dr Behera originated from Bhubaneswar in Orissa, India, and graduated from Jawaharlal Nehru University before starting his diplomatic career in Moscow. He worked in Uzbekistan, Bulgaria and Washington, DC, and returned to New Delhi before joining us here in May 2011. Dr Behera published six novels, including an English novel, two poetry anthologies and three essay collections, as well as two academic papers. He spoke widely of his love for Melbourne and once said, 'Melbourne is a beautiful place ... and I find it a truly multicultural society'.

I offer my deepest condolences to his wife, Rajashree, his son, Ananya, and his daughter, Amruta, as they head home today with Subhakanta for a traditional Hindu farewell and cremation in India. I am certain my parliamentary colleagues will join with me and the many Indian communities of Victoria to pass on our deepest sympathies to the family, and I pray that his soul may rest in peace.

### Greens: council elections

**Mr BARBER** (Northern Metropolitan) — I offer my congratulations to all new elected local government councillors. They have been chosen by their communities to be their local representatives with responsibility for a great many critical services and assets. The Greens in this place are champions of local government and its important role in both democratic representation and service delivery.

I welcome the new Greens representatives in my area: Misha Coleman to Yarra City Council, Samantha Ratnam to Moreland City Council, Rohan Leppert to Melbourne City Council and, somewhat further to the north, Jenny O'Connor to Indigo Shire Council. I offer my thanks to retiring Greens local council members Jo Connellan and Alison Clarke for the enormous commitment to their neighbourhoods and their vision for how great things could be. They have left a great legacy.

### Relay for Life: city of Brimbank

**Mr EIDEH** (Western Metropolitan) — I offer my congratulations to all who recently took part in the first

Relay for Life in the city of Brimbank. It was a very moving event and a great success. The organising team and the participants should be extremely proud of their efforts, which raised an extraordinary \$28 500 for Cancer Council Victoria. I congratulate the chairperson of the organising committee, Jeff O'Donnell, and the other members of the committee, who spent the better part of the year organising this wonderful and important event. I also thank Brimbank City Council and its chief administrator Peter Lewinsky.

In addition, I extend a warm thankyou to my parliamentary colleagues the member for Keilor in the Assembly, Natalie Hutchins, and a member for Western Metropolitan Region, Andrew Elsbury, for not only attending on the day but also creating a team and a sense of unity in the fight against this disease.

My team of 40 people, which included my wife, Maha, my daughter, Rihanna, my staff and friends, were extremely proud that we participated in the relay, as we, along with over 200 others, contributed to a brighter future that will hopefully be cancer free. When I saw the community come together amongst family and friends it proved to me that no matter what the battle, fighters of cancer will never face it alone.

I can confidently say that each and every year this event will get bigger and raise more vital funds for this very worthy cause. At some point in our lives we will all be touched by someone fighting this terrible disease. I am very much looking forward to next year's event, and my team — Khalil's A team — has already started fundraising to ensure that the amount raised this year will be doubled. I call on all my parliamentary colleagues and other MPs to get behind this fantastic cause and start putting together a relay team.

### **Di Sexton**

**Ms CROZIER** (Southern Metropolitan) — There are many people who have given great service to their communities and their vocations. I would like to take the opportunity to acknowledge someone who has given tremendous dedication and service to her vocation.

In 1952 Di Sexton commenced her nursing career — that is, 60 years ago. Over that period of time there have been many advancements in health-care delivery. In 1972 Di commenced working at Jessie McPherson Private Hospital, the private hospital of the then Queen Victoria Hospital, located in Lonsdale Street. The private hospital later moved to its current location at Monash Medical Centre. Di undertook various leadership and specialist roles at Jessie McPherson,

including clinical nurse specialist and infection control representative, before she eventually returned to a hands-on midwifery role, caring for mothers and their newborns.

Despite the advancements in health-care delivery in recent decades, many of the skills that midwifery requires remain the same. Over the years Di has come into contact with countless numbers of women, babies and their families and provided care in those very important first few hours and days of a baby's life. It is no surprise that such dedication to her career and vocation has seen Di nominated twice for midwife of the year and considered a legend within Monash Medical Centre. This year she was recognised for 40 years of continuous service to the Jessie McPherson Private Hospital. She is a wonderful example of devotion to her vocation and an example to many young midwives and health-care professionals. Congratulations, Di Sexton on a remarkable and devoted nursing and midwifery career.

### **Jack Finck**

**Ms TIERNEY** (Western Victoria) — Last Wednesday I was pleased to be among an overflowing crowd of people at Heathmere community hall who had gathered to celebrate the life of Jack Finck. Jack's great love and first priority was family: his wife, Gwen, children Robyn, Warren and Grant, their spouses and grandchildren. Jack had good, solid values, and the Labor Party got lucky the day Jack Finck joined at the age of 22.

Jack was awarded life honorary membership of the party and had over 60 years of active membership. He was a passionate man who was not satisfied with just turning up for meetings; he was an activist who pursued issues that drove social justice being delivered and policies that were created to provide greater opportunities for everyone, particularly the vulnerable.

Jack was also a great athlete. He played in the 1953 Collingwood premiership team and coached numerous football teams. He knew sport was a great social equaliser but also knew education transformed lives and communities. It made sense that Jack Finck was an educator. He taught at many schools, including Portland Secondary College and Edenhope College, and rose to the position of principal at Heywood High School, a post he held until the late 1970s.

His intense interest in other people and his love of a robust discussion, coupled with his ability to draw the very best out of people, made him a well-loved community leader. He gave you the desire to strive, do

better and achieve better outcomes. Our memories of Jack Finck will always be of overwhelming affection for a great man and an admired true believer. I am very proud to have known Jack Finck and convey my deepest sympathy to Gwen and their extended family. Vale Jack Finck.

### **Kindergartens: Meredith**

**Mr RAMSAY** (Western Victoria) — It was with great pleasure that I attended Meredith Primary School last Friday to announce \$600 000 funding to develop a new kindergarten adjacent to the school and to meet the principal and the children who will be going to that kindergarten when it is built. It is great to see Meredith demonstrating foresight in combining its learning facilities in one hub, which the Barwon Heads community, sadly, seems unable to do.

### **Western Victoria Region: early childhood services**

**Mr RAMSAY** — I also congratulate the Minister for Children and Early Child Development, Ms Lovell, on announcing \$40 million in capital grants across Victoria for early childhood services. As she said in question time, in the Ballarat region over eight early learning facilities were beneficiaries of those grants. The Midlands Kindergarten and Ballarat North Early Learning Centre received \$600 000; the Miners Rest early learning facility, \$600 000; the Ballarat Specialist School — I know the mayor, John Burt, will be very happy with this — received a grant of \$531 750; the University of Ballarat children's centre at Mount Helen got \$484 472; the Linda Brown Pre School Centre at Wendouree received a grant of \$300 000; the Sebastopol Kindergarten received a grant of \$300 000; and the Delacombe early learning centre got \$279 397. As well as that, in Melton, which has not seen a lot of investment over the last 10 years, there is over \$1.5 million for the Atherstone Children's and Community Centre, which the Melton community is thrilled about. This adds to the \$2.1 million announced earlier for the Botanica Springs Children's and Community Centre upgrades.

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

### **Local government: elections**

**Mr SCHEFFER** (Eastern Victoria) — Eastern Victoria Region overlaps with more than 10 local government areas, and the recent elections have seen hundreds of councillors elected, re-elected, lose or retire. Leaving aside the personal fortunes of

individuals, the continued success of local democracy is a cause for celebration. Local councils are made up of elected individuals who represent the full gamut of opinion on local, state and national issues, and bringing this experience and understanding to bear helps place decision making under scrutiny. While it has not been possible for me to form close working relationships with all the councillors in Eastern Victoria Region, there are some I would like to take this opportunity to single out for special mention.

I am very sorry that former East Gippsland councillor Gregg Cook, former Latrobe councillors Bruce Lougheed and Ed Vermeulen, former Mornington Peninsula councillor Leigh Eustace and former Bass Coast councillor John Duscher will no longer be representing their communities. As well, former councillors Jennie Dean from South Gippsland shire, Lisa Price of Latrobe City Council, Veronica Dowman from Bass Coast shire and my dear friend Beth Ripper from Wellington shire, amongst others, decided not to recontest, and their wisdom, enthusiasm and energy will be missed.

Many councillors were re-elected, including Collin Ross in a landslide and Brett Owen from Cardinia; Graeme Middlemiss, Darrell White and Kellie O'Callaghan from Latrobe; Phil Wright, Bass Coast; Graham Pittock and Tim Rodgers, Mornington Peninsula; Darren McCubbin, Wellington; Kieran Kennedy and Jim Fawcett, South Gippsland; and Jane Rowe and Dick Ellis, East Gippsland. Finally, I congratulate newly elected councillors Jeff McNeill, East Gippsland; Neil Rankine, Bass Coast; and John Duncan in Wellington.

### **Thelma Mansfield**

**Mrs PEULICH** (South Eastern Metropolitan) — It is with great sadness that I pay tribute to Mrs Thelma Mansfield, who passed away at the age of 80 on 1 November, being All Saints Day, at the Moorabbin hospital, after being diagnosed with advanced ovarian cancer, the silent killer. Mrs Thelma Mansfield was a Moorabbin resident for many decades and was also honoured with the title of Kingston Citizen of the Year for 2012, and she died in service. Thelma had been a committed Liberal for many decades, but more importantly she was committed to her community. She worked as a nurse in aged care and, despite her age, stopped doing night shift only a couple of years ago at the age of 78.

Thelma's role as a nurse carried over into every aspect of her life. She helped everyone, especially the old and the isolated. Her dedication to various social and

community causes has been recognised through her award as the Kingston Citizen of the Year for 2012, and in 2001 she received a centenary medal. Despite her failing health she continued to serve as a Meals on Wheels volunteer supervisor and on the Moorabbin Highett Village committee, on which she had served since its inception.

Thelma leaves behind her four daughters, whom she raised single-handedly — Sandra, Christine, Wendy and Karen — as well as many grandchildren and four great-grandchildren. I extend to them the sympathy of the Liberal family, South Eastern Metropolitan Region, our Kingston community and the broader Victorian community, as well as our thanks for Thelma's work, which has really been about no personal accolades and no personal agenda but just wishing to do good.

Thelma's life was shared with so many she helped. She was a valued friend and a community worker, including for some of the most isolated and vulnerable. Her influence was extensive, as demonstrated by the fact that while in hospital she received a telephone call from the Premier of Victoria two days before passing.

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

### **Child abuse: federal royal commission**

**Ms DARVENIZA** (Northern Victoria) — I want to congratulate the federal government on its announcement of a royal commission into child sexual abuse, promising not only to investigate those who committed these vile acts against children but also those who turned a blind eye or conspired to allow it to happen.

By establishing a royal commission the federal government recognises that there are circumstances when police power just is not enough and there needs to be a fearless, independent authority that is able to subpoena witnesses and all other material relevant to its inquiry. A royal commission can identify who is responsible and establish how to avoid these things happening again. The inquiry will cover all religious organisations, schools, government bodies and not-for-profit groups such as scouts and sporting groups. There have been too many cover-ups. Too many children have suffered abuse. They have been betrayed by the adults who were supposed to be protecting them.

### **Bellarine Art Show**

**Mr KOCH** (Western Victoria) — On Friday, 2 November, I was delighted to attend and officially open the eighth annual Bellarine Art Show, conducted

by the St Leonards Yacht Club and Motor Squadron. The Bellarine Art Show was originally known as the Bellarine Art and Food Festival and is very successful in bringing tourists and visitors to St Leonards. The festival side was given to the town to run after celebrating its 150th anniversary, and it runs in conjunction with the art show. The art show is dedicated to giving artists in Bellarine a showcase for their artwork and has become one of the largest art exhibitions in the Geelong region, with almost 300 works on display. This year the art show also included a stunning display of photography, which has proven to be an excellent opportunity for those entering their work for the first time.

Proceeds from the art show over the years have helped the yacht club to support the St Leonards Primary School, and it is important to note that the school has been involved in the art show since its inception. Other recipients of donations from the art show include the local Country Fire Authority brigade, the St Leonards Progress Association and several local sporting clubs. My congratulations to Commodore John Royle, his committee and fellow club members for making the yacht club available for this annual event that showcases local community artists while also raising funds to support the St Leonards community.

### **Early childhood services: federal funding**

**Ms MIKAKOS** (Northern Metropolitan) — I rise today to welcome the announcement by the federal Minister for School Education, Early Childhood and Youth, Peter Garrett, of \$1.1 billion for Australia's preschool and kindergarten services. An estimated \$266 million will be delivered to Victoria to help make sure that every four-year-old has access to 15 hours a week of early childhood education in the year before school. This is on top of the federal Labor government's contribution of \$210 million over five years to Victoria.

This is particularly welcome funding, given that the Baillieu government has failed to invest a single dollar in this year's state budget to upgrade our existing kindergartens or build new kindergartens to meet demand. In the media release of the Minister for Children and Early Childhood Development last week announcing \$40 million in capital grants Minister Lovell claimed that the funds were a 'combination of state and national partnership funding'. What she failed to say was that the overwhelming majority of this funding was coming from the federal Gillard government, with the Baillieu government providing only \$4.4 million of internal departmental funding. In the state budget there is no line item for this matter, and

it is no wonder that Minister Lovell failed to provide the breakdown in question time today.

Coalition MPs have also been caught out claiming credit for federal government funding. This has forced federal minister Peter Garrett to step in to correct the record. Minister Lovell needs to understand that just about anyone can hand out money, but only those who truly care make their own investment. As Indira Gandhi once said, there are two kinds of people: those who do the work and those who take credit. Coalition members are clearly content to be in the latter category.

### **Melbourne Airport: expansion**

**Mr ELASMAR** (Northern Metropolitan) — On 19 October I had the pleasure, along with several of my parliamentary colleagues, of touring Melbourne Airport. I thank Chris Woodruff, the CEO of Melbourne Airport, and the President of the Legislative Council, the Honourable Bruce Atkinson, for arranging such an important and interesting tour. Future plans for the expansion of our international gateway to Melbourne will make air travel a more efficient and more attractive option for passengers and visitors.

### **Yaom Almokawami**

**Mr ELASMAR** — On 27 October I was proud to represent the Victorian Leader of the Opposition, the Honourable Daniel Andrews, at a function to celebrate Yaom Almokawami, an annual dinner dance organised by the Lebanese Forcez Association, a community group which brings together Australian Lebanese members socially.

### **Republic of Turkey: 89th anniversary**

**Mr ELASMAR** — On another matter, on Monday, 29 October, I attended the 89th anniversary celebration of the founding of the Republic of Turkey. The event was hosted by His Excellency Consul General Seyit Mehmet Apak. In attendance were several parliamentary colleagues, whose presence acknowledged the achievements of the great Turkish leader Atatürk and celebrated the founding of the Republic of Turkey. It was a very pleasant occasion, and I wish Consul General Seyit Mehmet Apak and his family all the very best in Victoria.

### **Thelma Mansfield**

**Mrs COOTE** (Southern Metropolitan) — It is with great sadness that I rise to honour a great friend and stalwart of the Liberal Party, Thelma Mansfield. Thelma was the most prolific fundraiser, organising chicken barbecues, soup and sandwich lunches, and

film nights for which she cooked and provided nearly all the supper — anything for her beloved Liberal Party. One always knew that when presenting Thelma with a gift, whether it be for her birthday, Christmas or even when she was hospitalised for a hip replacement, those gifts would be recycled for Liberal Party auctions.

Thelma certainly got things done. In organising booths during elections she would ring and say, ‘Jack, you handed out how-to-vote cards between 9.00 a.m. and 11.00 a.m. at Sacred Heart College during the last election, so I’ve put you in at the same time and same place for this election. Let me know if you’ve got a problem’, and of course Jack would do it.

For many years Thelma worked night duty. She would go home and sleep for a couple of hours, then it was back to work for either her family, Meals on Wheels or the Liberal Party. For years I have heard how she gave her life to family. She was a ‘wouldn’t put up with any nonsense’-type grandmother, but at the same time she was loving and giving of all she had. One always knew where one stood with Thelma. She worked so hard herself and respected those who followed suit, not taking time off work because one felt sick — no time for that rubbish!

Thelma did so much for aged care. Her care was instinctive. She always took care of the underdog. Thelma was an amazing and inspirational woman — a very strong character who was the backbone of the Liberal Party in the Bentleigh, Moorabbin and McKinnon areas. She will be sorely missed by friends, Liberal Party members and family. My condolences go to her family.

### **Northern Victoria Region: community facilities**

**Mr DRUM** (Northern Victoria) — Last Saturday I had the pleasure of assisting the Castella and Toolangi communities as they opened four new community facilities. The first is Castella Central Park, which is located at the intersection of the Toolangi–Kinglake road and the Melba Highway. The park will be a meeting place for people who want to car-pool, and it will serve those who need a toilet stop. A barbecue area has been provided as well as seating and so forth. There are also horse yards for riders to safely secure their horses whilst they enjoy a break during a ride.

The community group then moved on to the C. J. Dennis Hall and walked along the newly completed Tall Trees Trail, which runs alongside the main road at Toolangi. Once the Tall Trees Trail had been opened, we moved back to the community house, which has been expanded to cater for a range of new

courses and provide new meeting rooms as well as an IT centre. Also being opened on the day was the community garden, which has been constructed where an old en-tout-cas tennis court was previously in a derelict state. Local resident Jack Walhout should be thanked and commended for milling approximately 450 tonnes of timber salvaged after the Black Saturday fires that ripped through the area. A large amount of local timber that was salvaged in the aftermath of the fires was milled and is now being used in these community projects.

I thank Lisa Carew for her work with Castella Central Park and Kerry Blackshaw and Anne Monichan for their work with the Tall Trees Trail. I also thank Margaret McConnell, who chairs the community house recovery committee. It was a great day for the Toolangi and Castella communities, and I congratulate everyone who was involved.

**The ACTING PRESIDENT (Mr Tarlamis) —**  
Time!

### **APOLOGY FOR PAST FORCED ADOPTIONS**

**Mrs COOTE** (Southern Metropolitan) — I move:

That the Council take note of the parliamentary apology for past adoption practices tabled in this house on 25 October 2012.

On 25 October I was privileged to sit with over 200 people at the Windsor Hotel. Here in Parliament there were probably 200 people in Queen's Hall, and there were people in the Assembly gallery. These were all people — men and women, young and old — who had been affected in some way, shape or form by forced adoption in this state.

I sat next to a woman called Nancy. She was a well-dressed, mildly spoken woman, and she was anxious and fidgeting. As we sat and listened to the powerful speakers in this Parliament — firstly the Premier, Ted Baillieu; then the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews; the Leader of The Nationals, Peter Ryan; the Minister for Community Services, Mary Wooldridge; and other speakers, tears dripped from Nancy's eyes, one by one. At the end of it, she turned around, gave me a huge hug and said, 'I've waited 50 years for this — to hear that it wasn't my fault. It is too late for me and my son, because he died and I never got a chance for him to hear that it wasn't my fault, that I did care about him and that I did want to know him'.

What was it that the people who joined us at the Windsor Hotel and in the Parliament and all of us as parliamentarians came together to listen to? I would like to read some excerpts from the contributions of the members of Parliament who represented all of us, because it was a deep and profound day, a day on which our apology touched the hearts of Nancy and all the others across the state who have felt anguish over this issue.

The Premier, Ted Baillieu, moved an apology motion. I would like to read that apology here in full because I believe it is important for us in this chamber to reflect upon what those words mean. The Premier moved:

That this Parliament expresses our formal and sincere apology to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria.

We acknowledge that many thousands of Victorian babies were taken from their mothers, without informed consent, and that this loss caused immense grief.

We express our sincere sorrow and regret for the health and welfare policies that condoned the practice of forced separations.

These were misguided, unwarranted, and they caused immeasurable pain.

To the mothers and fathers who were denied the opportunity to love and care for your children, and for the pain and trauma you experienced, we are deeply sorry.

To the sons and daughters for whom adoption meant continual anxiety, uncertainty and the deprivation of a natural family connection — we offer our sincere apology.

Today, with all members of the Parliament of Victoria gathered in this house, we acknowledge the devastating and ongoing impacts of these practices of the past.

To all those harmed we offer our heartfelt sympathy and apologise unreservedly.

We undertake to never forget what happened and to never repeat these practices.

The Premier went on to say in what was a very poignant, personal message:

As a parent myself I can barely imagine the heartache. And we can only have a small inkling of what was taken from these mothers. They never saw the beauty of their baby asleep, never heard their first words or saw their first steps. They did not take them to their first day of school or see them walk down the aisle. These children were taken as babies, and — if they were lucky — returned for some as grown-up strangers.

It was a truly tripartisan day. The Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, also gave a very powerful speech. He said:

Our words today will not heal wounds, but they may comfort those who seek recognition, they may urge silent victims to speak and they may declare that an institution which abandoned so many has finally accepted its responsibility. Today this Parliament accepts that responsibility, and this Parliament will never, ever forget. Yet this Parliament cannot fully heal any pain, and this Parliament can never fully comprehend the agony and torment of those we so manifestly failed.

This is a day of some significant moment. We hope to write, with you, a new chapter — one that ensures your recognition and confirms our responsibility, one that offers no justification and pleads no excuse.

It is important to put into place some of the anguish and understand some of the reasons behind this. The stories are heartfelt, gruelling and, in some respects, show us how far we have come, but it is important to understand some of the issues that made those who were gathered with us feel so perplexed and yet so grateful that there was eventually an apology.

There is an organisation called Vanish which is chaired by Leigh Hubbard, whom many members will know. I have a great deal of time for Leigh Hubbard. He was a child who was adopted out, and he had this to say:

As an adopted person, my heart goes out to the mothers, and fathers, who were separated from children. But the reality for adoptees is that the identity and attachment issues, the loss of connection, the loss of self-esteem, happen regardless of the circumstances of your mother. You simply didn't know what those circumstances were. For adopted people, the apology should also be about the 'forest' — the industry of adoption that saw 10 000 babies taken nationally in one year, when by 2012 the number is fewer than 200.

A very graphic article headed 'Victims of forced adoption tell their story as Victorian Parliament makes historic apology' and written by journalist Jarrod Watt says:

For Murray Legro, who found out he was adopted at age 34 and never got to meet his biological mother, the redressing of the idea of blame was an important moment.

'It had meaning in the fact that it's a validation of the fact that it was never our fault. It was never our mothers' fault. It was the fault of a society that was over-controlled, too much influence from the church, and from that groundwork it allowed people to abuse the laws of the day, which happened so often', he says.

Murray says the practices of forced adoption were going on well before the 1950s.

The article speaks about a woman called Sharon Gibbens:

For Sharon Gibbens, who gave birth at age 14 and demanded to see her baby before being forced to sign adoption papers, the day was about a public acceptance of the injustice and the pain she endured for 20 years as a result.

'The opportunity to have it openly acknowledged that what happened wasn't right, that there was not the support as far as counselling; I never had counselling for 20 years, and had the anxiety and depression, it didn't go away', she says. 'Lots of people would say, 'Come on, it's in the past, get over it, she's off with a good family, it will be OK' — well, it wasn't OK, because I was her Mum and I wasn't there.'

'Even though I went to the hospital with the support of my parents, I had to labour alone, a sheet was put up and my daughter was taken from me and I wasn't told if she was a girl or boy — I just heard her cry and knew she was a girl', she says, still traumatised by the memory.

The stories go on and on. For those of us who are parents, those of us who love children, whether they are nieces, nephews, greatnieces, greatnephews, godchildren or grandchildren, in this day and age it is very hard for us to reflect back on the trauma of a 14-year-old girl with no support and no counselling left wondering what on earth would happen in the years that came after.

There are gruelling stories, stories of young women who were tied to the bed or drugged, who had pillows put over their faces or mouths so they could not scream out or who were never told what their babies were. They would also have had to go through the post-birth trauma — every day their hormones raging, every day knowing that after those nine months there was no baby and having to live with the fear and the concern of what was going to happen to that child. Some of them went on subsequently to have families and found that in those families there was always a hole; they always wondered what had happened to the one they never knew. In fact the very joy of a new family reflected the huge hole that was left behind by the child they did not know. And what of the children themselves? As I have just commented, they were left lost, searching, anxious and thinking they were abandoned. What a way to go on to become an adult and a parent yourself.

What did the day do for Victoria? It was not just an apology; there was more to it. I would like to put some statistics on the record, because it is very important to understand what in fact we were apologising for — aside from the very poignant personal experiences. There was recently a Senate report into forced adoptions, which estimated that approximately 150 000 adoptions occurred between 1951 and 1975. However, the records, as I am sure all members will understand, were incomplete. In a single year from 1971 to 1972 there were almost 10 000 adoptions in Australia, with 2057 in Victoria, and more than 19 000 Victorian children were adopted between 1950 and 1975.

As I said, during childbirth some young mothers were shackled, had pillows or blankets put over their faces, or had a hospital curtain separating them from their children to prevent them from seeing their babies. They were bullied, pressured or drugged into signing adoption papers, most were prevented from holding their babies and many were prevented from even seeing their children. The Australian Institute of Family Studies reported in August that those who were adopted are overrepresented today in statistics relating to mental health issues, substance abuse issues, depression and relationship breakdowns.

What was it that we in fact did here in Victoria? As politicians we represented our constituents and our parties, and we too apologised. The Minister for Community Services, Mary Wooldridge, came out with some practical steps. She recognised and listened to organisations such as Vanish, to Leigh Hubbard and to other stakeholders in this area, and as a consequence she brought in many practical elements that are going to make a difference. She announced during her speech that the coalition government is introducing a number of very important practical steps to help the mothers, fathers, sons and daughters who have been impacted upon by forced adoptions. For example, the fee that is currently charged for the family information searches through family information networks and discovery services will be abolished. For the very first time people searching for their lost family members will be able to do so without having to pay a fee.

The coalition government will also amend legislation to allow mothers and fathers living in Victoria access to identifying information about their sons and daughters. They can then grow old in peace, knowing what perhaps has happened, and they will have some sort of understanding of the lives their children have led. The coalition government is providing counselling and support services. These services will be provided throughout rural and regional Victoria, as well as in metropolitan Melbourne, and will include professional development for counsellors specialising in post-adoption psychotherapy.

Minister Wooldridge also said:

We will also support the development of an integrated birth certificate, which shows the names of one's parents and adopted parents on the one document ...

This is something that is so important to those who gave up their children. It is an acknowledgement that they are the biological parents of that child. This is not to forget those who adopted the children. So many of those parents gave these children a very good life. Many of the adoptees I have spoken to have recognised

how important their adopted parents have been in their lives and in the way forward. Many of them feel angst at wanting to know who their biological parents are without offending their adopted parents. However, we — all of us in this chamber and the other place, as a government and as an opposition — have given them a framework that enables them to have those conversations, to talk about the way forward, to think about the past and to put it into its place and to never, ever forget.

In Victoria on 25 October we did something very important to right the wrongs of the past, to put into context exactly what happened with those forced adoptions, to recognise those young women, to recognise their children and to say, 'We will never fully understand, but we have made, we hope, a difference to their way forward'. I thank everyone in this place who has made a contribution to the debate on this motion, who has thought about this and who has worked with their constituents. We did a very good thing — albeit too late, but it has been done. I thank the chamber, I thank everyone for their input and most of all I wish the adoptees, the sons, the daughters, the mothers and the extended families every success for the future. We care, we understand and we are deeply sorry.

**Ms MIKAKOS** (Northern Metropolitan) — I rise to support the motion of apology to all those affected by Victoria's past adoption practices, and I commend all the speeches made as part of this apology motion to date, including Mrs Coote's very commendable speech as well as the speeches that were made in the Legislative Assembly. I thank the government for bringing this motion to the Parliament.

For decades in Australia young unmarried mothers were routinely and often cruelly coerced into giving up their babies for adoption. They were told they were doing the right thing and that they should forget, and so they were denied the right to care for the children they had borne. In some circumstances mothers were coerced or compelled to sign paperwork that took their children away from them.

What happened to these mothers and fathers and their sons and daughters was part of the systematic breaches of the legislation at that time. It was facilitated by social policy, religious authorities and the unspoken but understood public mores of society. It was the nation's shameful secret, and it was wrong. Our history has brought us to where we are today. I am very pleased to participate in this apology motion, but I believe it is long overdue.

Past practices led to a number of babies being removed from their mother's care and placed in institutional care, and those practices cannot and should not be forgotten. It is important that this injustice is acknowledged and that we apologise on behalf of the people of Victoria and past governments. Some of these practices occurred in the most cold and inhumane ways, and we must ensure that they never happen again.

Over the years as a member of Parliament I have had the opportunity to meet and speak with many women who were forced to give up their babies, and it is clear to me that whilst these adoptions may have occurred a long time ago — in fact decades — the effects of relinquishment are long lasting; in fact they last a lifetime, even where contact may eventually be established with lost sons, daughters, mothers or fathers.

By way of background, on 29 February this year the Senate Community Affairs References Committee tabled a report titled *Commonwealth Contribution to Former Forced Adoption Policies and Practices*. This report made a number of recommendations, one of which was that state and territory governments and non-government institutions that administered adoptions should issue formal statements of apology that acknowledged practices that were illegal or unethical, as well as other practices that contributed to the harm suffered by many parents whose children were forcibly removed and by the children who were separated from their parents.

Whilst it is difficult to place an exact number on the many thousands of Victorian children who were relinquished by their mothers through forcible adoption, one of the most widely cited records comes from a 1984 paper by Kate Inglis, referred to on page 6 of the Senate report, which claims that in Australia:

... more than 250 000 women have relinquished a baby for adoption since the late 1920s.

There is a need to publicly acknowledge the pain and anguish associated with the loss experienced by these women and their children as they were made to feel guilt and shame due to the social mores of society at the time and who experienced a very negative effect on their emotional, psychological and physical health.

On page 203 of the Senate report *The Benevolent Society* is quoted as stating:

The apology should recognise that vulnerable mothers were not given the care and respect that they needed during this difficult period of their lives. Due to the secrecy surrounding adoption in the past, birth mothers were frequently forced to

internalise their loss and grief, typically being told to 'get over it and get on with their lives'.

It went on to state:

Many of the women we now see in counselling report that they were coerced into signing adoption consents or believe that no consent was taken. Many were told they could only see their babies once consent was given. We have also heard reports that mothers were not allowed to leave hospital until they signed the consent forms.

These are quite extraordinary practices that I am sure none of us would imagine would happen today, yet these practices were happening up until relatively recently, in the 1970s.

I am pleased that other state governments have also issued apologies. On 19 October 2010 the Western Australian government gave an apology. On 18 July this year the South Australian government delivered its apology. On 27 October 2010 the Australian Capital Territory Legislative Assembly gave an apology. I am pleased that currently the federal government has a reference group in place to develop the nature and timing of a national apology.

I wish to also acknowledge that a number of organisations have issued apologies, and I think that is a very positive step. The Sisters of Mercy, the Catholic Church, the Uniting Church and Melbourne's Royal Women's Hospital have offered apologies for their involvement in former adoption practices.

I wish to thank members of a number of advocacy organisations that have lobbied members of Parliament for many years around these issues, in particular the Association of Relinquishing Mothers Arms, which as I understand has now merged with Vanish. I also wish to thank Vanish, and in particular Mr Leigh Hubbard for his strident advocacy on these issues. These organisations have made very apparent to parliamentarians and to me the great pain, anguish and suffering of the mothers, fathers and children affected by these past practices, and I thank them for that advocacy, particularly on occasions when they retold their personal stories. I know that was particularly distressing for them.

Listening to their personal stories gave me a deeper insight into the pain and anguish they experienced and continue to experience as a result of having relinquished a child in the past. I know the children also experienced a great deal of anguish and suffering.

Like Mrs Coote, I was over at the Windsor ballroom during the apology proceeding in the Legislative Assembly last sitting week. It was a very moving

experience, as we were surrounded by people who have suffered as a result of these practices. We heard a great deal of sobbing; it was a very emotional experience for many.

Afterwards I had the opportunity to meet and have a conversation with an extraordinary woman, Elizabeth, who told me her story. I was particularly moved by her telling me that she was 43 years of age, which is my current age, when she first received a letter in the mail and discovered for the first time that she was adopted. This was obviously a hugely life-changing event for her. I asked her if she would write her story down for me. In the speeches that have been made we have heard a lot of very anguished stories about the suffering people have experienced, but I thought I would offer to the Parliament one person's story. It is not the only story of course; every person's circumstances were different. Some children were told at a very young age, and others were told at different stages of their lives, that they had been adopted. I wish to share with you Elizabeth's story by quoting from a document she has given me. It states:

My name is Elizabeth and I was born in 1947 in Elsterwick, Victoria.

My mother and father were not married and my mother's family, under no circumstances, would let her keep me after I was born ... When my mother began to show her pregnancy, she moved to stay in an outer Melbourne area until I was due so she would not cause embarrassment to her family (what would the neighbours think!).

After I was born, my mother was never allowed to see or hold me. My father on several occasions, tried to take me to her but was always thwarted by the nursing staff. My mother was forced to sign a blank piece of paper which was later used as an agreement of adoption and to deny her any access to me or search for me, in the future.

My parents married two months after my birth and returned to the hospital to get me but I had already been adopted out to a family who had a three-year-old son (also adopted).

I cannot imagine their heartache — the pain they must have endured for many years is inconceivable.

They never gave up hope of finding me and thankfully information regarding adoption practices and adoptees was introduced into Parliament (I think in 1986). They had registered with non-government agencies in their search for me without success for over 40 years but with this governmental change, their search would finally end.

My adoptive parents had never wanted my brother and I to know of our adoption (for their own reasons) and thus it came as an overwhelming surprise, shock and life-changing moment, to receive a letter from the department of community services, stating that my natural parents were looking for me!

I had a very happy childhood, was much loved and well cared for by my adoptive parents, and I am thankful that they had

both passed away when I received this news as it would have been extremely difficult for them.

I was given brief information about my natural parents and left with the decision as to whether I wanted to make contact with them. This was an agonising time for me but after two months I decided I had to make contact and wrote to two people who had given me life but whom I had never known.

We arranged to meet; they travelled from interstate and it was the first time my mother had seen me. My father held me for minutes and wept. They were both in their 60s and 42 years had passed.

On looking back, I think it took me around 10 years to reconcile what had occurred in my life — living for 42 years with one name and family, then learning of a new family with a brother and sister. There are still times when I get overwhelmed by the whole thing.

It was a positive and happy reunion — my family and friends were and still are wonderful and today I still am in contact with my mother and sister. My father and brother have passed away. My parents gained not only their daughter but grandchildren as well. We communicated almost every week either by phone or mail and my father made several tapes of general happenings in their lives, which I still have and play. It brings them closer to me.

I will always be very thankful to my adoptive parents for the life and love they gave me, but always lurking in the back of my mind is 'What if?'

I know of several people who were also adopted but not all had a happy outcome such as mine, or were denied access to their mothers and fathers for various reasons. It is a shameful period of our history, but as the apology stated, it will never happen again.

I trust that those adoptees and their mothers who have suffered so much pain and anguish will gain some solace from the apology, for which I thank the Victorian government. I attended the proceedings and whilst there were many tears (mine included), I felt that it would have helped many who were there. It was wonderful to see members of Parliament from both sides of politics, standing together in the Windsor ballroom to acknowledge the apology.

I was also very pleased to hear that there will be further help available for those involved in a variety of resources.

That is Elizabeth's story, and I thank her sincerely for sharing it with us — I hope she is watching this.

In conclusion, I also welcome the measures the Minister for Community Services, Ms Wooldridge, announced last week. The mothers I have spoken to over the years have made it very clear there is a need for continued counselling, so I certainly welcome that announcement. I also look forward to the legislative changes that the government has flagged in relation to the Adoption Act 1984.

There is no United Nations convention that states one has a right to a child, only one that states the rights of a child — rights which to a large degree were not

observed or respected for many years in Australia under these past adoptive practices. It is hard for many of these mothers and fathers to forget the pain of having their babies taken away: they will never forget that pain. In the words of one such mother, as quoted on page 29 of the Senate report:

A mother whose child has been stolen does not only remember in her mind, she remembers with every fibre of her being.

Some people have been waiting a very long time for this apology, others a lifetime. I am very sad that some are no longer with us to hear this apology.

Whilst these issues are not easily addressed, I believe this apology is an important step, and I wholeheartedly support this motion and this apology.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — The parliamentary apology for past adoption practices that was moved in the Assembly on 25 October this year was a very powerful statement. If one cares to read that statement, and I know Mrs Coote has put it on the record in the course of the debate here this afternoon, one cannot help but reflect on the passion and feeling that went into the construction of that apology and the sincerity of that apology. It was followed by some equally powerful contributions from leaders of all parties represented in this Parliament. This afternoon I simply want to briefly put on the record my unreserved support for this apology and that of my colleagues Mr Drum and O'Brien in The Nationals.

Some terrible injustices have been inflicted on people in the world's history. I guess they continue today, but we are certainly more vigilant about addressing those injustices that are inflicted upon sections of our communities. But I do not think any one of us could think of an injustice worse than having our children taken from us. I am reminded of the words of the Leader of The Nationals in the Assembly, Peter Ryan, in that debate, when he made the comment, 'How would you feel if you were to lose your own children in some way or another?'. That was something that I know he feels very strongly and is emotional about, and we can share that. When somebody loses their children by one of various means, it must generate real hurt and feelings. It is hard to imagine the depth of emotions that one would experience if those children were forcibly taken from you. Whether that be by physical force or by psychological pressure, I guess the pain would be no less.

It has been said by some speakers, including Ms Mikakos today, that such pains invariably last a lifetime. I can say from a personal experience that that

is absolutely true. At one stage in my life I was close enough to a family to witness firsthand the extent of that pain, where a woman who had lost children more than 60 years prior was reunited with them, met them and was reacquainted with them. It was a secret that that lady had carried within herself; she did not even disclose that information to her subsequent children. The trauma, the guilt and the shame that she carried throughout her life and has now taken to her grave is something that is hard to imagine, but I could see firsthand the experience and the trauma that that particular event in her life 60 years earlier had had upon her and her family to some extent.

While it was said by all speakers that these people should feel no guilt or shame, you cannot simply say that and expect that people will get over their feelings of guilt and shame. That is why this apology is so important, and if it does help in some small way, then the effort of making such an apology is the very least that the Parliament of Victoria can do.

There have been some very emotional stories told. We have all probably experienced some of these things, whether directly or indirectly, through the task that we bestow upon ourselves as members of Parliament of pursuing these matters and doing what we believe is the right thing to do. There is absolutely no doubt whatsoever that the right thing to do with respect to this particular issue of past adoption practices and the very least that we can do is to apologise to those people who have suffered those injustices and to commit ourselves to ensuring that they never happen again.

That is what this apology says quite clearly. It is one that, unsurprisingly, has the total support of all parties in this Parliament. Again I repeat the support of my colleagues and my party today for this apology, and we certainly commit ourselves to ensuring that whatever can be done is done to help and address the pain that these people have suffered for a lifetime.

**Ms TIERNEY** (Western Victoria) — I also rise to make a contribution in relation to this matter. As legislators it is our duty and honour to pass laws that protect Victorians. However, today we can only offer our deepest sympathies for a great wrongdoing in the past, a great tragedy that has caused ongoing pain on an unimaginable scale. Thousands of women and their sons and their daughters experienced this inhumane, callous social practice that has affected so many lives over so many decades.

The practice of permanently separating a mother and a baby at birth against their will is almost beyond belief, and yet it was a practice here in the 1950s, the 1960s

and a large part of the 1970s. It was seen as the norm, particularly in the case of unmarried mothers. It was a practice that had no regard for people's human rights but was based on a judgement that single mothers should have their babies taken from them and those babies should be adopted. It was a judgement predicated on the ill-conceived social mores of the time. It was a practice that was unjust and inhumane, it was cold and clinical, a policy that essentially was emotionally and psychologically violent.

Single mothers were not given options. Many were told that any thought of keeping a child was the height of selfishness and that no-one would help them. And it was done at a time of great vulnerability, seemingly sanctioned by the state and carried out by trusted community members. Mothers had their babies just taken away from them. Some mothers were restrained both physically and emotionally in the cruel and oppressive practices that were put in place. Many women did not see even the faces of their children before the children were taken from them, and as time goes on wounds from these experiences do not heal: they actually deepen. The anguish, the agony and the torment experienced by these mothers will always be present. Whilst we cannot undo what has been done, the apology offered by all Victorian parliamentary parties is an important step.

The apology goes to the heart of a validation of what women were forced to experience, validation that this is something that happened to them. It is further recognition that something so callous, so inhumane and so wrong happened in our past. It is an acknowledgement that their feelings and experiences as mothers and children are actual feelings and experiences that are in fact reality and are valid. However, it is sadly a wound in a mother's life that will simply not fully mend.

Along with Mrs Coote, Ms Mikakos and a few others who are currently in the chamber, I was at the Windsor Hotel on the day of the apology in the last parliamentary sitting week. As with the other locations where people were gathered to watch the speeches, the Windsor was a highly emotionally charged environment. The apology was applauded, and it seemed to sit quite well on people's shoulders. Within that the reactions varied, largely because each person had a different story and had been involved to varying degrees in the engagement that led up to the apology being made here in Victoria.

There are those who have not been directly affected by the horrendous practices of the past, but I think we all know of young women who became pregnant and

carried enormous guilt, shame and a sense of powerlessness. I think we all know of girls who were missing from class for several terms and who were sent to other suburbs — some to other towns and even interstate.

We all know of girls who were sent to facilities that were called 'homes for unmarried mothers'. Many were badly treated in those homes. They were forced to undertake heavy domestic labour on their hands and knees, scrubbing floors while fully pregnant. They also suffered severe verbal abuse. In a short period of time young women were taken from their families and isolated from what they knew in every sense. They experienced a whole range of physical and hormonal changes and enormous stress, and then they not only gave birth but had their children taken away from them.

In August the final report of the national research study on the response to past adoption practices, authored by Pauline Kenny, Daryl Higgins, Carol Soloff and Reem Sweid, was released. It was research report 21. Whilst there has been quite a bit of work done in this area in recent times, this latest report actually goes into the effects of these past adoption practices on mothers and their children as well as the fathers who were involved. The study has found that there is a higher than average likelihood of mothers suffering from mental health disorders compared to the general population, with close to one-third of mothers showing a likelihood of having a severe mental disorder. The study also found that these mothers rated lower quality of life satisfaction than the Australian norm, and over half had symptoms that indicated a likelihood of having post-traumatic stress disorder. Around one-quarter of the mothers surveyed said they had not had any support to help them deal with separation from their children.

Many members in the other place and in this place have spoken of the effect on mothers. The children who were taken from their mothers have experienced many hurdles in their lives as a result of past adoption practices. The secrecy that has enclosed their past and the lies surrounding their adoption go to the heart of their ability to trust. The betrayal felt by children, and indeed mothers, who trusted community members who forced this upon them fosters feelings of abandonment and neglect. Whilst the study had limited participation from fathers separated from a child by adoption, those fathers who did participate in the study told of the experience of having never been asked or having had no rights or say in the decision for their son or daughter to be adopted. At the time of pregnancy and birth very few had support.

Today I take this opportunity to formally offer my apology for past wrongs, and I hope that some of the announcements that were made on the day go towards providing proper recognition of past adoption practices and provide for easier avenues for greater family connectivity. I thank every single activist involved in highlighting this issue that has taken so long to come onto the public stage. I pay tribute to their strength and determination in not only dealing with what has been traumatic in their own lives but also for being able to be a political force in this area. I wish them, their families and friends all the very best in their future endeavours that will make their lives and those of others so much better.

**Debate adjourned on motion of Ms PENNICUIK (Southern Metropolitan).**

**Debate adjourned until next day.**

## ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

### Reference

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

That, with reference to the Department of Planning and Community Development's report, 2011–12, and a commitment to cut red tape in planning, this house requires the Environment and Planning Legislation Committee to inquire into, consider and report on reform of the application of the regulatory impact statement (RIS) process and in particular:

- (1) regulatory impact assessment models;
- (2) business impact assessment models;
- (3) possible legislative reform;
- (4) economic modelling and methodology application including:
  - (a) discount rates; and
  - (b) consultant costs;
- (5) regulatory impacts of the RIS process; and
- (6) the annual cost to government of RIS processes;

and the committee is required to present its final report no later than 29 November 2013.

This motion seeks to establish what I think is a valuable reference for the Environment and Planning Legislation Committee. It seeks to ensure that this important area of regulatory impact is examined. The Minister for Planning is well aware of the importance of this, and

the Environment and Planning Legislation Committee will be able to take whatever evidence it needs and examine, through the commitment to regulatory reform in the Department of Planning and Community Development's annual report, what steps can be taken in this regard. The government has made a commitment to ensure that there is a better process for assessing regulatory impact in the planning area. The Environment and Planning Legislation Committee is the appropriate committee for this work, and we certainly believe that it can provide valuable input and potential legislative recommendations to improve the functioning of these processes.

**Mr VINEY** (Eastern Victoria) — This is similar to a debate we had a couple of weeks ago, and we have had other related debates. I reiterate that this is either a misunderstanding of what was intended to come out of this new committee process or a misuse of the committee system to ensure that the government can send a referral to a committee it has control of. In my view, whilst the proposition refers to a report, it is absolutely clear that the intention of this reference is to do much more than seek a review of a report. A much deeper investigatory process, properly done by the Environment and Planning References Committee, is required.

Last time members of the government used their numbers to support Mr Davis's proposition and voted against the amendment that I moved to that motion in relation to a reference to the Legal and Social Issues Legislation Committee. No doubt the government will use its numbers to do exactly the same thing again. I simply say to members of the government that they need to think carefully about the degree to which their numbers in this place are used to fly in the face, if you like, of the standing orders, what was intended in the standing orders and what was intended in the process of review of the standing orders in the last Parliament.

I noticed in one of the several debates we have had on this issue that Mr O'Donohue claimed that the former government, when it had a majority in this place, did not implement a committee system, and that is simply not true. When we had a majority in this place we inherited a Legislative Council with a long history. One of the things we did was introduce a Legislative Council Legislation Committee to try to introduce processes where this house could be better used as a house of review and could establish a committee system as part of its history and experience — because until then that was not part of its history and experience. The upper house did not set up committees other than in the rarest of circumstances: when it wanted to set up a select committee to undertake a particular

investigation, and usually that was in a political context. We tried to set up a committee system, and we decided to trial it with a legislation committee. I can assure Mr O'Donohue that he was simply wrong in his assertions that we did not do that in government.

He was particularly wrong to criticise me as part of that process, because I was one of the main people initiating it. In fact I was asked to chair that initial Legislative Council Legislation Committee, which did a review of both the health act and an education bill to completely rewrite the education act. In its three months of operation that committee did comprehensive work as part of the attempt by the Labor Party to establish a tradition in this place of a formalised committee system.

That attempt to establish a formalised committee system as part of a house of review continued in the next Parliament, which was the previous Parliament. With the support of the Greens and the then opposition we established the committee system that we have today in this Parliament. It was agreed that it would be established for this Parliament so that there would be no apparent advantage or disadvantage for either side of politics in establishing a new committee system in between elections. We established the committee system, had an election and then in this Parliament the new committee system came into place.

For the government to use its numbers to manipulate the references that are going to these committees is wrong. Government members know it is wrong. Mr Hall was a part of the Standing Orders Committee. He knows this is not what was intended. Mr David Davis was a part of the Standing Orders Committee, but frankly I did not ever believe he was committed to what we were trying to do. However, Mr Hall certainly was. The then President was a part of that committee, as was Mr Dalla-Riva.

We all agreed and signed up to that structure and to the concept that these committees would be used in a way that would allow the legislation committee with a government majority to undertake reviews of annual reports, budget estimates and so on. Those reviews could be undertaken as proper processes where there was no threat, because the government would have a majority on those legislation committees. The functions of the references committees were for matters to be referred to them by this house for a more investigatory process. That was the intent. That is clearly the letter of what is intended in the standing orders. Mr David Davis in this motion is manipulating the interpretation of the words in the standing orders to ensure that he can have a reference given to a legislation committee, which he

knows he has a controlling majority on, that really should be given to the references committee.

We have no objection whatsoever to the house making this referral, but we believe it ought to be sent to the proper committee. It is time that members of the government recognise what they are doing in manipulating both this process and the words of the standing orders. Having a matter referred to a committee that the government controls rather than to the references committee is a very sad development for this house and for the spirit of the review of the standing orders that was undertaken in the last Parliament. It is a very disappointing development. Members of the government ought to think very carefully about what they have done and what they are planning to do in relation to this. I am therefore moving an amendment to this motion. I move:

That the words 'Environment and Planning Legislation' be omitted with the view of inserting in their place 'Environment and Planning References'.

The reason for so doing, as I have outlined already, is that the references committee, not the legislation committee, is the proper version of this committee to which to refer the matter. We have no objection to matters being referred to these committees; in fact these are things that we strongly support. We have often called on the government to make references to various committees, and we are not about to oppose this. However, let us honour, for a change, the spirit of what was planned in the standing orders created in the last Parliament. Let us honour the intention of this Parliament, which agreed to the standing orders that were created in the last Parliament and did not amend those standing orders or make sessional orders to change them in relation to these committees. Let us honour what was intended in the last Parliament and what was intended when we signed up to the structure and concept in this Parliament. Let us make sure that these references go to the correct committee.

We are more than happy for the reference to be made. We are more than happy for the committees to get on and do their work. However, we do not think an article by Farrah Tomazin in the *Sunday Age* highlighting the fact that legislation committees have not been meeting is justification for the way the standing orders have been manipulated in the motion before us today. In moving this amendment I am asking all government members to seriously look at what they are doing in this process and I am particularly asking them to consider the poor precedent they are setting by so manipulating the standing orders.

Let me put it in the following context: if members of the government were in opposition and we were in government and proposing such a thing, they would be outraged, and in my view properly so. I can tell government members that we will not forget this manipulation of the standing orders.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens will support the motion, but I have some comments to make about it. We will also support the amendment moved by Mr Viney.

Here we are again discussing motions referring matters to committees. Over the past two years very few references have gone to the committees. It has been a pretty rare event. References moved by the Greens to refer particular bills to the legislation committees have not been accepted. The only bills that have gone have been Greens private members bills and, as we have discussed — and I will not labour the point — the Wills Amendment (International Wills) Bill 2011, and nobody really knew why it was referred to the Legal and Social Issues Legislation Committee. However, it gave the committee some practice in dealing with a bill, which has not been the case for the Environment and Planning Legislation Committee or the Economy and Infrastructure Legislation Committee.

I agree with Mr Viney and have said before that the committees were closely based on the Senate dual legislation and reference committees system. Those committees have alternating chairs and different functions. In fact the standing orders were amended in the last week of the last Parliament to set up these committees. I remind the house that that came about after the Standing Orders Committee spent about two years looking into the issue. Committee members looked at the Senate system and travelled to New South Wales to look at how its upper house committees were set up. On a trip to Western Australia Mr Viney, as a member of the committee, took it upon himself to do an investigation, to meet with the committee secretariats and to report back to the committee. That is how we ended up with the structure we have now. A lot of work, effort, time and money from the last Parliament went into setting up these committees.

In 2008 I moved the original motion to set up these committees, so it is very disappointing for me to see them so poorly used by the government in this Parliament. Members who are in the chamber now are well aware that sending references to the wrong committees is a misuse of the committee system. If they were to speak truthfully, I know that in their heart of hearts they would be uncomfortable with what is occurring. As I mentioned the last time we discussed a

motion to refer a matter to a committee — and, as Mr Viney said, that was the first of three motions Mr Davis rushed in in a panic to put something on the notice paper after the article by Farrah Tomazin — it was about making the committees look busy and about making it look like committees were doing something worthwhile. As I said then, the references are going to the wrong committees.

Mr Davis's motion starts by saying:

That, with reference to the Department of Planning and Community Development's Report 2011–12 ...

If the motion went on to refer the report to the legislation committee, asking the committee to consider the report and report back to the house, then that would be fine. It would fit with the standing orders in relation to reports of those departments which are assigned to the Standing Committee on Environment and Planning. As the Leader of the Government knows, it does not need a reference from the house. Under the standing orders the committee could just consider that report. The standing orders say the legislation committee can look at reports tabled by the departments that are assigned to that committee, of which the Department of Planning and Community Development is obviously one.

However, as Mr Viney pointed out, it then has six sub-points which take the reference beyond considering the report. I have not seen the report, but I would be very surprised if the report does not cover a lot of what is in the reference. I think the Leader of the Government has just thrown the report in to try to give the reference to the legislation committee some legitimacy. The six sub-points are:

- (1) regulatory impact assessment models;
- (2) business impact assessment models;
- (3) possible legislative reform;
- (4) economic modelling and methodology application including:
  - (a) discount rates; and
  - (b) consultant costs;
- (5) regulatory impacts of the RIS process; and
- (6) the annual cost to government of RIS processes.

These points take this reference way beyond what should be sent to the legislation committee. It should go to a references committee.

**Mrs Peulich** interjected.

**Ms PENNICUIK** — I am sure if Mrs Peulich wants to speak, she can put herself on the list of speakers. There are people sitting in the chamber who know this reference is going to the wrong committee, and I think — —

**Mrs Peulich** — Which people?

**Ms PENNICUIK** — I have not named any people, but I am sure there are some here who know that it should be going to the references committee. I am loath to respond to Mrs Peulich's interjection, but I will because Mrs Peulich well knows that these committees are set up in exactly the same way as standing committees, with government members chairing the legislation committees and non-government members chairing the references committees. That is how they are set up in the Senate, and they work quite well that way in the Senate. I also want to point out that I was a bit surprised that the Leader of the Government did not have much to say as to his reason for sending this important reference to the committee.

I would be surprised if this reference occupied the time of the committee for more than a year and if it could not be finished by early next year; however, I am pleased the reference says 'no later than'. That gives the committee leave to report earlier than a year from now, because I cannot see how this reference would tie up the work of the committee for that long. With those words, we will support the motion after supporting the amendment put forward by Mr Viney.

**Hon. D. M. DAVIS** (Minister for Health) — I will be brief in reply. The government will not support the amendment proposed by Mr Viney. The government is fully aware of the importance of this reference going to the Environment and Planning Legislation Committee, and in concluding this debate, it is important to indicate that this reference is entirely in order. The reference is to the Environment and Planning Legislation Committee and deals with the Department of Planning and Community Development's 2011–12 annual report, specifically with matters around red tape in planning and a list of items that relate to these points around regulatory impact statements.

The consideration of such a reference is a key part of the role of legislation committees. The reference is appropriate because it comes directly from the annual report. Ms Pennicuik indicated the genesis of these committees, and her broad description of the decisions made in the last Parliament was correct. During that time there was a committee that met that had broad support across the Parliament.

In our term of government the committees have had a long list of achievements during their period of operation. I will quickly note the inquiries they have dealt with as an example of these committees at work. As Ms Pennicuik pointed out, the inquiry into the Wills Amendment (International Wills) Bill 2011 was the subject of a positive letter of support from the federal Attorney-General. There was the organ donation inquiry and the inquiry into environmental design and public health by the Environment and Planning References Committee. There were inquiries into the Road Safety Amendment (Car Doors) Bill 2012 and the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011, as Ms Pennicuik and Mrs Peulich pointed to in their exchange.

There was a reference on primary care and aged-care indicators by the Economy and Infrastructure References Committee, and that committee is also doing work, as members of this house would know, on commonwealth financial flows into the state. The Legal and Social Issues Legislation Committee has a reference looking at the Australian Health Practitioner Regulation Agency and the registration programs that have been put in place in terms of the national arrangements and whether they are serving Victoria well. The decision of this Parliament to set up a structure in concert with other states in no way absolves us of responsibility to ensure that we have a better system of health practitioner registration. These are a number of inquiries that quickly come to mind.

Mr Viney referred to the period between 2002 and 2006. It clearly stung him that the failure of the then Labor majority to initiate serious inquiries was directly pointed out. It is a travesty that between 2003 and 2006 Labor refused references on bushfires and the establishment of a select committee on the Royal Children's Hospital. There were a number of other references, but that gives some flavour to the sort of inquiries that Labor refused. It is true that a Legislation Committee was established, but that committee had a much more narrow remit than any of these committees do. It is clear that Labor's record is very slim in respect of inquiries and examinations by committees of this chamber in the period between 2002 and 2006 when it controlled the chamber.

By contrast, the record of the coalition is a long list of successful inquiries that have contributed to legislation. I pick out the car doors bill inquiry as a particular success. The proposed Greens legislation was examined at length by the Economy and Infrastructure Legislation Committee. A series of steps were taken, and a good result was achieved with a change in the regulatory

environment with respect to the impact of car doors on cyclists and pedestrians. The committees have a good history. This reference to the Environment and Planning Legislation Committee will add to that illustrious list.

**Amendment negatived.**

**Motion agreed to.**

## JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012

*Second reading*

**Debate resumed from 25 October; motion of  
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr ELASMAR** (Northern Metropolitan) — I rise to contribute to the debate on the Justice Legislation Amendment (Miscellaneous) Bill 2012. This is essentially a housekeeping bill with a number of small technical amendments to several existing pieces of legislation. I am pleased to begin by saying that the opposition will not be opposing this bill. Having said that, the amendments in the bill are specifically in regard to the Accident Compensation Act 1985, the Judicial Remuneration Tribunal Act 1995, the Supreme Court Act 1986, the County Court Act 1958 and the Terrorism (Community Protection) Act 2003. The rationale for these amendments is self-explanatory. They are necessary for a more effective and efficient judicial system for all Victorians.

The bill seeks to repeal section 134AE of the Accident Compensation Act, which currently requires judges in the County Court to provide detailed, extensive and complete reasons when they are deciding a plaintiff's application for leave to bring proceedings. The proposed amendments will take effect as at 1 January 2013, and County Court judges will be required to provide only clear, proper and adequate reasons when deciding these matters. The proposed amendment has been mooted or suggested by County Court judges as a means to increase efficiency and reduce backlogs in the court system. I understand that the Law Institute of Victoria is supportive of these proposed changes. In the interests of efficiency and freeing up judges' time so that they are able to hear more cases, it is sensible that those on this side of the chamber not oppose the proposed amendments.

The bill also makes a number of amendments to the Judicial Remuneration Tribunal Act 1995. The bill substitutes section 13(1) of the Judicial Remuneration Tribunal Act to allow the tribunal to report to the

Attorney-General on recommendations in relation to adjustments to judicial conditions of service as the tribunal considers appropriate. In the interests of fair play it seems only reasonable that, given the nexus with the commonwealth judiciary, it is a sensible approach to change the current system, as in the future the independent judicial tribunal will simply advise the Attorney-General as to salary increases that have been awarded to judicial officers. We in the opposition support fair and equitable treatment of our overworked judiciary. As I said at the beginning of my contribution, we are not opposing this bill, and there are several other housekeeping amendments in the bill which are also worthy of implementation. With those words I conclude my statement.

**Ms PENNICUIK** (Southern Metropolitan) — The Justice Legislation Amendment (Miscellaneous) Bill 2012 is a reasonably small omnibus bill which makes mainly technical amendments to five acts. The most minor technical amendments are to the Judicial Remuneration Tribunal Act 1985 to allow that tribunal to make recommendations to the Attorney-General in relation to adjustments to judicial conditions as appropriate rather than at intervals of no less than one year and no more than two years under the act as it stands.

In part 4, amendments to the Supreme Court Act 1986 clarify that the Supreme Court can make rules empowering a judge or associate judge to refer a matter to a judicial registrar for hearing and determination, provided that the Supreme Court has made the rules for the delegation of such matters to judicial registrars. The amendments also make clarifications to the rule-making power in relation to court rules which specify matters or classes of matters appropriate for a judicial registrar to hear and determine. That, I presume, is a measure to assist the operation of the court.

The bill makes an interesting amendment to the County Court Act 1958; it provides that where a County Court judge held the office of Chief Magistrate immediately prior to appointment as a judge, that service in the office of Chief Magistrate counts as service in the office of a judge for the purpose of calculating the judge's pension entitlements. The second-reading speech describes that as an anomaly in the system, and it certainly seems that way. It is interesting that it has been an anomaly for such a long time and is only now being fixed, but its being fixed is a good thing.

The amendments in part 2 of the act amend the Accident Compensation Act 1985. They change the wording of the act to provide for the removal of the requirement for judges of the County Court, when

dealing with applications for compensation, to give detailed, extensive and complete reasons in deciding an application for leave to proceed with a common-law claim for damages. The bill requires only that clear, proper and adequate reasons be given. You could argue that that is a matter of semantics, but we are told that the County Court has asked the government for these changes. The Law Institute of Victoria has expressed no opposition to them. I just say that the objective of expediting proceedings with regard to claims, as the Attorney-General outlined in his second-reading speech, should not impact on the ability of, mainly, workers to have their claims heard and resolved. The objective of speed and efficiency does not override the objective of justice to those injured people. I am sure that that is not the intention, and I hope it is not the outcome; it is certainly something that needs to be watched, though.

I notice that the opposition raised similar points in the lower house. It also raised the issue of the transition. As I understand it, if an application to bring proceedings has been made but not heard before 1 January 2013, which is when the act comes into force, the judge will still be required to provide the more comprehensive reasons, as is the current situation. So far as I understand it, anything that is in progress will proceed to finality under the current act. If that is the case, that seems okay. Hopefully that will not disadvantage any person who is seeking leave to bring an application before the court. I would be happy to hear a government speaker clarify that it will not disadvantage any person in that situation.

The opposition also made the point that it is proud that when in government it reinstated the right to sue for common-law damages under the Accident Compensation Act and the workers compensation system, but that is not entirely true. There are anomalies in that system such that there are differences between the treatment of people with injuries that were sustained before 1 December 1992, those who were injured between 1 December 1992 and 11 November 1997 and those who were injured between 12 November 1997 and 19 October 1999. No such damages can be obtained for any work-related injury that occurred between 12 November 1997 and 19 October 1999 except claims by dependents of workers who died as a result of work-related injury. When the previous government made changes to the act we suggested that it correct those anomalies, but it did not. Damages for injuries sustained on or after 20 October 1999 can be obtained if the injury is serious, and a definition is provided with regard to that. It is not the case that everything has been fixed, although I certainly think it should be.

The bill amends the Terrorism (Community Protection) Act 2003 to extend the deadline for the review of the act to 31 December 2013 from the current date of 30 June 2013, which was already an extension that we passed in this house in June 2011. That was a one-year extension; now another six months will be added to that extension. In short, the deadline under this amendment is two and a half years later than anticipated by the original act, which is of interest and concern on a number of grounds.

On 6 August this year the Council of Australian Governments (COAG) commenced its review of counter-terrorism legislation in Australia, which had been foreshadowed for a long time. That review will evaluate the operation, effectiveness and implications of key commonwealth, state and territory counter-terrorism laws. It is chaired by the Honourable Anthony Whealy, QC. It has been set up according to communiqué terms regarding committee membership et cetera.

When we first extended the deadline in June last year, I raised some questions with the Minister for Employment and Industrial Relations, Mr Dalla-Riva. He kindly replied to me as to the status of the COAG review, and interestingly he also attached the attachment to the original communiqué, which is dated February 2006 — a long time ago. In his letter he said:

In undertaking the review, the COAG review committee will take into account the agreement of 27 September 2005, that any strengthened counter-terrorism laws must be necessary, effective against terrorism and contain appropriate safeguards against abuse, such as parliamentary and judicial review, and be exercised in a way that is evidence-based, intelligence-led and proportionate.

I am not sure that is what we have in Victoria.

Interestingly, the attachment to the communiqué says on page 2:

It should be clear that the legislation to be covered by the review includes:

schedule 1 of the Anti-Terrorism Act 2005 (cth);

schedules 1, 3, 4 and 5 of the Anti-Terrorism Act 2005 (No. 2) (cth);

state and territory legislation enacted to provide for preventative detention;

state and territory legislation enacted to provide for or enhance stop, question and search powers in areas such as transport hubs and places of mass gatherings (including laws already enacted prior to the COAG agreement made on 27 September 2005); and

further amendments made to the commonwealth, state and territory legislation described above.

I am very interested in that part of the review, in particular regarding the changes to Victoria's control of weapons legislation made by the previous government and again by this government which allow for people in designated areas to be stopped and searched — strip-searched in some cases — by the police. The particular provisions of that legislation to which the Greens objected were amendments brought in to remove the requirement for police to have an independent person present when searching a child or a person with an intellectual disability, which is completely outrageous. I would be interested to see if the review examines those amendments and looks at whether they are proportionate, which is one of the criteria under the review.

Mr Dalla-Riva's letter also mentioned the Victorian review of the operation of the Terrorism (Community Protection) Act, which will be undertaken by the government and will be made public. I am not sure what the status of that particular review is; perhaps a government speaker could refer to it.

As I said, this is a bill that mainly makes technical amendments. My main concerns are about the changes to the Accident Compensation Act 1985 and that they do not disadvantage any injured worker in terms of an application for leave for a claim for damages. With those comments, the Greens will not oppose the bill.

**Mr O'BRIEN** (Western Victoria) — I rise to make a contribution to the Justice Legislation Amendment (Miscellaneous) Bill 2012. It is a short bill but it makes a number of important changes and improvements to the justice system in Victoria. The bill affects a number of pieces of legislation. It will amend the Accident Compensation Act 1985, the Judicial Remuneration Tribunal Act 1995, the Supreme Court Act 1986, the County Court Act 1958 and the Terrorism (Community Protection) Act 2003.

The bill will improve the court and judicial system by amending those acts principally to reduce the time required by the County Court to finalise serious injury applications by amending the obligations in relation to the giving of reasons on applications; to remove certain reporting requirements for the Judicial Remuneration Tribunal; to clarify the rule-making power of the Supreme Court in relation to judicial registrars; to recognise that for pension purposes the office of Chief Magistrate ought to be equivalent in relation to the salary that person would be entitled to in the County Court; and also, as identified by Ms Pennicuik, to extend the time allowed to undertake a review of counter-terrorism legislation.

We note that the opposition is not opposing the bill, and I note the contribution from Mr Elasmarr went through a number of aspects of the bill but indicated the opposition's support. It is a further step in relation to the coalition's commitment to improve efficiency in the court system, while obviously at the same time respecting the independence of the court and its role in delivering justice to the Victorian community. A number of actions have been outlined by the Attorney-General in his almost two years administration of the portfolio under this government. Many of them have been referred to in budget speeches, including commitments to reduce backlogs in the County Court, a new courthouse announced for Bendigo recently, and the establishment of the new courts and tribunal service, which is a key step in strengthening judicial independence.

From an administrative point of view there are also the outcomes in relation to the collective work of the Attorney-General, the Department of Justice, the Supreme Court and the courts and tribunal service, as announced yesterday, Monday, 12 November, in providing a large new courtroom for holding large litigation or massive trials including, importantly, the litigation concerning the Kilmore East bushfires. It is important in serious matters of such magnitude that large litigation is handled efficiently in this state. Such cases need to be handled in a way that allows the courts to work through their workload and to do so with maximum efficiency, respecting that justice has a number of competing aims and objectives, often relating to the speed of justice and the need for efficiency in the delivery of justice but also on occasion the opportunity to explore the detail in cases and applications so that any individual before the court or dealing with the court can appreciate that they have been given the attention that they require and that justice is delivered in their view of things to the best that it can be.

That picks up some of the comments made by Ms Pennicuik in relation to the concern she has about the principal amendments made by the bill in relation to the accident compensation legislation, and I will turn briefly to them first. In terms of the mechanics of the bill, it will repeal section 134AE of the Accident Compensation Act 1985, which at present requires County Court judges to give detailed, comprehensive and extensive reasons in relation to deciding a worker's application for leave to proceed with a common-law claim for damages for a serious injury. The amendment seeks to shift a significant and unnecessary burden that has emerged, according to the correspondence that has been provided, from the County Court judges to the department. This provision, although well meaning,

creates an unnecessary burden on those judges having to provide detailed reasons to these applications.

It should be clear that the obligations of the court in relation to those applications will still require the court to give clear, proper and adequate reasons for leave to proceed. However, it is anticipated under this bill that the reasons for the decisions would be more appropriate for an application made by way of originating motion and supported by affidavit and this ought to better facilitate speedy resolution of injury claims for the benefit of all, particularly the injured workers appearing before the court.

In relation to the transition period of this amendment, I need to check *Hansard* to see whether Ms Pennicuik summarised it adequately. Ms Pennicuik made a request, and I do not want to say that she necessarily got it wrong, but in my contribution I will refer to the provision because it sets out the transition quite clearly. Clause 4 inserts a new division 14, and in part it states:

If an application for leave to bring proceedings under section 134AB(16)(b) has been made and heard but a decision has not been made on that application before 1 January 2013, on and from 1 January 2013, the court, in deciding that application, must give reasons as if section 134AE had not been repealed.

In that instance if you have an application that has been made and heard before 1 January 2013 but a decision has not been made, then on or from that date the court will still proceed under the existing legislation. The second part, new section 390(2) inserted in the principal act by clause 4 of the bill, states:

Despite section 14(2) of the Interpretation of Legislation Act 1984, in relation to an application for leave to bring proceedings under section 134AB(16)(b) commenced before 1 January 2013, other than an application referred to in subsection (1), on special about and from 1 January 2013, the repeal of section 134AE takes effect for the purposes of deciding that application.

That is the only circumstance identified by Ms Pennicuik. It is clear that if the applications are effectively made after that date, or have not been made, then on or from 1 January 2013 the new bill — that is, the repeal of the old clause by the bill before the house — will be the law that governs judges when they are writing their decisions and delivering their judgements.

The next matter to which Ms Pennicuik turned was the amendment of the Terrorism (Community Protection) Act 2003. I know that other members of the house may wish to make more substantive contributions on this particular issue, so I will largely defer to them to provide the government's response. However, it should

be noted that the reason for the delay in the review of the terrorism legislation report is in effect a result of the review process of the Council of Australian Governments (COAG).

Section 38(1) of the Terrorism (Community Protection) Act 2003 will be amended to extend the time to undertake a review of that act. The original date of 30 June 2013 will be extended to 31 December 2013. The amendment will require the Attorney-General to cause a review of the operation of the act to be undertaken and completed by 31 December 2013, and that report or review must be laid before each house of Parliament by that date. The COAG review process, as outlined by Ms Pennicuik, commenced on 6 August 2012.

This is an important issue. We have recently marked another anniversary commemorating the tragedy of the September 11 terrorist attacks, which were attacks not only on the United States — a significant ally of Australia — but also on all liberal democracies and free-speaking pluralist states. They have resulted in some necessary impositions on the conduct of all persons, who are now subject to the counter-terrorism regime via potential screening through airports and other security devices, and the courts themselves. Regrettably our community has had to become a less *laissez-faire* place, if you like, than it was prior to September 11. No doubt there will be serious matters of proportionality in relation to counter-terrorism powers. That will be covered by the COAG review, which is being conducted by the Honourable Anthony Whealy.

I confirm that the COAG review is broad ranging, and I urge Ms Pennicuik, or any other citizen of Victoria who has either positive or negative concerns about the operation of the counter-terrorism regime in Victoria or around Australia, to contribute to that review. I note that other reviews of Victoria's terrorism legislation have also taken place, including one by a committee on which I sit, the Public Accounts and Estimates Committee.

**Hon. M. P. Pakula** interjected.

**Mr O'BRIEN** — I know that Mr Pakula is on that committee as well.

I briefly turn to other changes brought in by this bill, which are essentially just machinery matters. They include amending the Supreme Court Act 1986 to clarify the rule-making power in relation to judicial registrars. This is a sensible amendment. It carefully preserves the important supervisory role of judges, associate judges and judicial registrars within the higher

aspects of the Supreme Court, but it allows a process by which the rule-making powers can be validated, to the extent that there is any doubt at present.

There is also an amendment to the Judicial Remuneration Tribunal Act 1995. This is a sensible amendment given the changing role of the tribunal.

Finally, there is an amendment to the County Court Act 1958 to correct the anomaly in relation to the service and pension entitlements of our Chief Magistrate and County Court judges which I think makes sense. I support and endorse the comments of Mr Elasmr in this regard. The government supports the work of those who devote themselves to public life in the judiciary. It is certainly a very difficult job, often described as a lonely one, but members of the judiciary must be given the greatest support possible, both in maintaining their independence and in facilitating their important role in the delivery of justice in this state. With those words I commend the bill to the house.

**Hon. M. P. PAKULA** (Western Metropolitan) — It gives me pleasure to rise to speak on the Justice Legislation Amendment (Miscellaneous) Bill 2012. It is what is commonly known as an omnibus bill, but I think in this circumstance is more appropriately described as a minibus bill. As Mr Elasmr already has indicated, the opposition will not be opposing the bill.

Given the contribution by Mr Elasmr and a very fulsome contribution by Mr O'Brien on behalf of the government, it is not my intention to speak for very long or go into any great detail, so if members are hoping I will take this debate through to the dinner break, they might be disappointed. You may need, Acting President, to step in and fill the breach at some point in the not-too-distant future.

I just wanted to focus on a couple of elements of the bill — firstly, with respect to the Accident Compensation Act 1985, the changes to the reasons judges in the County Court will have to provide in relation to whether or not a worker with a damages claim will be provided with leave to appeal. Clear, proper and adequate reasons will now have to be provided rather than detailed, extensive and complete reasons. The point I make is simply that whilst I recognise there has been some desire on the part of the County Court to have this change made, it seems to me rather a curious change. While I do not suggest it does not pass the common-sense test to suggest there is some major, onerous burden on judges that is somehow being alleviated by providing that they give clear and adequate reasons rather than detailed, complete and extensive reasons, it does strain that test.

We are assured by the government that there is nothing more behind this change than giving judges of the County Court a bit of relief from this supposedly onerous obligation, and I profoundly hope that is all there is to it and that there is no endeavour by the coalition to reach back into its dim and distant past when, in its manifestation as the Kennett government, it was famous for stripping away the rights of injured workers, removing their common-law rights entirely and denying injured workers any real hope of a better future. The bill does not go that far, of course, but, as I indicated, I am hopeful this is not the start of something more profound and disturbing.

In relation to the change that provides that previous service as Chief Magistrate counts as service when calculating a County Court judge's pension entitlements, to the extent that that provides some comfort and surety to Mr Gray, the new coroner, we support that wholeheartedly. He has performed his role as Chief Magistrate with great distinction and aplomb. He has had a decorated career as a lawyer and a magistrate. It is a career that is not over — he has important work to do on behalf of the people of Victoria as coroner — and it is only right that he not be disadvantaged with respect to his pension entitlements as a consequence of that situation.

On the amendments to the Supreme Court Act 1986, it is sensible that there be some more flexibility in what work can be done by what can be referred to judicial registrars. I simply make the point that registrars are not judges, and it would be a shame if the ongoing resourcing issues that confront the Supreme Court made it necessary for judges to refer more and more issues, particularly the sorts of matters that should properly be within the domain of judges, to registrars.

Finally, I want to deal with two matters raised by the lead speaker for the government, Mr O'Brien, who talked about the independence of courts and the speed of justice. Let me simply make the point that the government can claim that it is being more prescriptive in terms of the sentences judges can hand down, or it can claim that it has a strong devotion to the independence of the courts, but not both. It cannot claim both things. It is claiming on the one hand, 'We're going to tell those soft judges what sentences they can impose, whether they can impose suspended sentences, whether they can impose home detention and whether they can impose this and whether they can impose that. We're going to set baseline sentences and mandatory minimum sentences'. Whilst that is all fine — the government has an agenda it wants to pursue, and we will see how it rolls out — the government cannot say on the one hand that that is its

view and position and on the other hand say it has a strong devotion to the notion of the independence of the court system. You cannot have it both ways.

It is also difficult for the government to demonstrate devotion to the notion of the independence of the courts when the sustainable government initiative, to give it its Orwellian euphemism, has had an impact on the resources of the courts, particularly the County Court. It may not be affecting front-line staff, although that depends on who you think are front-line staff. If the courts have to let administrative support staff or tipstaves go, that impacts on the ability of the court to function and hence on the independence of the court, because the court becomes more than ever a client of the government. It becomes absolutely dependent on the government doling out funds to properly carry out its functions. Nor does that really go hand in glove with notions of increasing judicial independence.

One thing government members, when in opposition, promised they would do to enhance the independence of the court system was to institute a court executive service. In fact there was quite a big song and dance about that on the part of the current Attorney-General, Mr Clark, when he was the shadow Attorney-General. It was to be a court executive service using the South Australian model. Two years in, there is no sign of it and no prospect of it any time in the near future. I do not know whether that is simply a case of the ongoing inertia that we see from this government in almost everything it does or whether it is a case of the government actually finding out, once it had its feet under the desk, that it is easy to promise these things and really quite difficult to deliver them, particularly when you are trying to get the Supreme Court, the County Court, the Magistrates Court and all the other elements of the judicial system as we understand it to agree on a model and where the independence of each court is respected within a framework which has some overarching control. As I say, these things are easy to promise, but I think the government is finding it is much more difficult in practice.

The other comment from Mr O'Brien that I noted down was the government's devotion to the idea of an improved speed of justice. All I say about that is I hope the government's commitment to speedy justice is more obvious than its commitment to speedily filling some of the key roles within the Department of Justice. We still to this day do not have a Secretary of the Department of Justice; we do not have a Magistrates Court CEO; and we have not filled the vacancy caused by the departure of the Chief Magistrate, Mr Gray, to the coroner's office. We do not have an equal opportunity commissioner. We could have had one. The Equal

Opportunity and Human Rights Commission board unanimously recommended someone.

**Mr Tee** — I saw him today.

**Hon. M. P. PAKULA** — Yes, I saw him today too. As you would expect, as the executive officer of the Federation of Community Legal Centres Victoria he was quite properly trying to get this government to commit funds to continue the systemic review of family violence deaths. All that is needed is \$250 000 a year, and the Attorney-General, Mr Clark, to give him his credit, turned up and actually addressed that rally. He did not say anything by the way, he did not actually commit the funds; he just told people their concerns were unfounded.

We still have no equal opportunity commissioner. We still have no IBAC (Independent Broad-based Anti-corruption Commission) Commissioner; apparently we will see some legislation this week, but one of these days we might see an IBAC Commissioner. You could run a book on when we will actually have not just an IBAC Commissioner but an IBAC. We still have no corrections commissioner. We still have no electoral commissioner, and until late last week we did not have an FOI commissioner. They are eight key roles in the Department of Justice that have remained unfilled for months and months. That comes on top of the fact that for all of 2011 the Office of Public Prosecutions was in absolute turmoil, as was Victoria Police, because of the meddling of ministers' offices in those two august institutions.

For a government that has nailed its colours to the tough-on-crime mast, it has had an ongoing crisis in the OPP, which is thankfully resolved now but with staff cutbacks, mind you, which mean that the OPP has to now contract out more and more of its prosecutions work. There is an ongoing crisis in Victoria Police which we have not gotten to the bottom of; we may yet get to the bottom of that, but we have not so far. Also, eight key roles in the Department of Justice are either unfilled or remained unfilled for months — one has been filled now. For a government that has nailed its colours to the tough-on-crime mast to have such a tawdry record in justice — while, by the way, crime continues to rise, and the rate of reoffending not only continues to rise but is budgeted to rise in the government's May 2012 budget — makes one wonder whether there is a lot of action behind all the talk. With those few words, I commend the bill to the house.

**Mr FINN** (Western Metropolitan) — For somebody who was not going to say much on this bill, Mr Pakula has given us, as he said, all the talk and has spread his

wings, as it were, not just on this legislation but it seems on everything known to man that may possibly be associated with anything that the government does in the state of Victoria as he sees it.

One of my great hopes is that before very long we will see the legal system in this state become the justice system. What concerns me enormously is the number of people in our community who are so totally alienated from what happens down at the County Court, the Supreme Court or the Magistrates Court. They just do not want anything to do with them, and you can understand that, because for the overwhelming majority of people being involved with anything to do with the law is going to cost them money, and it is going to cost them big money. That is something that I hope will be addressed at some stage, and Victorian mothers and fathers and workers in suburbs and country towns and on the farms of Victoria will feel that the legal system is theirs and that it is in fact a justice system. Is that not what it is supposed to be about? Is that not what we are striving for — justice?

Mr Pakula might object to this very strongly and strenuously, but the legal system does not exist to employ lawyers. It does not exist to make lawyers rich. It exists to provide justice for all. I am very hopeful that at some stage we might actually get to the point where that will occur. I would like to go on at much greater length on this particular subject, but unfortunately time is against me on this occasion, and I see Mr Koch over there preparing to do what he does best — and that is not something that I wish to encourage, so I will not go into greater detail on that particular topic.

But I just want to say a few words with regard to the Justice Legislation Amendment (Miscellaneous) Bill 2012 and the component of the bill which refers to the facilitation of a full and proper consideration of a review of counter-terrorism legislation being undertaken by the Council of Australian Governments. It is very important that we realise that in 2012 terrorism is still very much a real problem for Australians and indeed for those of us in the Western world. It did not end on 9/11. As we saw in fact in Libya just a couple of months ago, terrorism is alive and well, and we saw a repeat of 9/11 in an attack which saw the murder of the US ambassador and three other officers of that particular American embassy.

We have to be aware that terrorism is still very much alive in this world of ours but particularly in those countries that regard us as their enemies. It is not something that we have done or caused: these people regard us as their enemies purely because we are who we are and we stand for what we stand for. We stand

for freedom, and that is not something they will tolerate.

It is most important that this particular legislation addresses this matter and allows a full examination of terrorism and a full consideration of counter-terrorism in this country. I commend the government for the introduction of this legislation, and I trust it will have a speedy passage. And — I look over at Mr Pakula when I say this — I hope we will see everybody get what they deserve, and that would be the full justice provided in this legislation.

**Motion agreed to.**

**Read second time.**

*Third reading*

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

That the bill be now read a third time.

In doing so I thank Mr Elasmarr, Ms Pennicuik, Mr O'Brien, Mr Pakula and Mr Finn for their contributions and their support for this piece of legislation.

**Motion agreed to.**

**Read third time.**

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

## **ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012**

*Second reading*

**Debate resumed from 25 October; motion of  
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. M. P. PAKULA** (Western Metropolitan) — It gives me pleasure to rise and indicate that the opposition will not be opposing the Road Management Amendment (Peninsula Link) Bill 2012. This is a bill with rather limited scope. The purposes clause gives the context of what the bill is designed to do, which is to facilitate the operation and maintenance of the Peninsula Link freeway. It creates legislative devices which are not dissimilar to legislative devices that have been created previously in regard to EastLink and other public-private partnerships and alliance contracts between government and the private sector in regard to the construction and operation of various pieces of road infrastructure. It does a few other minor things in regard to the Accident Towing Services Act 2007, but

primarily the purpose of the bill is to create the legislative framework for the operation of Peninsula Link — Peninsula Link being another fantastic Labor project which the current government has been fortunate enough to inherit and is busily endeavouring to take credit for.

**Hon. P. R. Hall** — We accept the good with the bad.

**Hon. M. P. PAKULA** — Mr Hall interjects. Let me say in response that it is but one of many previous Labor government projects that this government is preparing to cut the ribbon of, issue the press release for or attend the opening of, as it did for the Royal Children's Hospital and as it will for many more in the future. As members are aware, the contract for this project was initiated by the Brumby Labor government back in 2010 under the auspices of the very fine former Minister for Roads and Ports, the Honourable Tim Pallas, who is the member for Tarneit in the Assembly, and it is scheduled to be completed in 2013. It was conceived by the former government because of the vital service it will provide not just to residents of the Mornington Peninsula but to all those people — amongst whom I include myself — who enjoy all the great features of the Mornington Peninsula from time to time. As someone I have run into on one of my visits to Mornington, I know Mr O'Donohue can attest to that.

Many people who enjoy the Mornington Peninsula do not stop at Mornington; they continue on to Shoreham, Main Ridge, Red Hill or any of the various attractions of the peninsula, whether it be Ashcombe Maze or Point Leo. It has long been a bugbear for people who travel down there, particularly on weekends, that at the end of the Frankston Freeway where you hit Cranbourne-Frankston Road there is a backlog of traffic. That has been a difficulty for motorists for a long time. About three years ago there were some road treatments carried out which alleviated the problem to some extent by changing the traffic light sequencing and the right-turn arrangements down there. This had some effect, but the previous government knew the only way to have a long-term impact was to create, in effect, a bypass of Frankston. I have no doubt this is a win-win for the economy of the Mornington Peninsula but also for the people of Frankston, who, when going about their daily chores, will not have to contend with all the holiday-makers and commuters who are travelling further afield.

This \$759 million project that we funded is just another one of the legacies of the former Labor government, but it is not all that we provided to the people of the Mornington Peninsula; there is also a freeway-standard

road to Rosebud bypassing eight sets of traffic lights and five roundabouts. This is a very important project. Most, if not all, of the projects that the current government has been involved with, cut ribbons for, spruiked or promoted, are projects of the former Labor government or the current federal Labor government. That is the case whether you are talking about the duplication of the Western Highway — where there is enormous federal funding — the upgrade to the M80, the Geelong Ring Road stage 4C or Princes Highway west.

The maintenance funding that was provided in enormous measure by the former government has been cut by the current Baillieu government, which means a 60 per cent cut to road resurfacing targets regionally and a 50 per cent cut to road resurfacing targets in metropolitan Melbourne. What all of that means is that there is necessary maintenance which is being ignored. That is bad for our regional and rural economies and dangerous for motorists. They are cuts that this government must reverse at the earliest opportunity.

We have also seen the sacking of 450 staff at VicRoads, and that is only going to make this failure to fund road maintenance and road manufacture across the state worse. We know from the last budget that the incident response team has been scaled back. It has been removed from the inner city and now only applies to the freeways. If there is an incident in the inner city which cannot be dealt with by a VicRoads incident response team, that will very quickly have knock-on effects on the freeways and arterial roads. It does not take long for an incident on Hoddle Street, Victoria Parade or other inner city streets to cascade out to our freeways, tunnels and bridges.

It is also worth pointing out that in terms of road safety we are still waiting to see a comprehensive road safety strategy. It is encouraging to see that the road toll remains low, but imagine how much more could be done with a comprehensive road safety strategy in the form of Arrive Alive. It does not have to be Arrive Alive; it can be rebadged, as this government is wont to do. It can have its emphasis changed — there is no question about that — but a comprehensive road safety strategy is an important function of the roads ministry and of VicRoads. It is now beyond time for the government to deliver on that.

Unfortunately we have seen the shelving of the truck action plan which would have taken thousands and thousands of truck movements off the streets of the inner west in my electorate annually, including right where my electorate office is in High Street, Yarraville. It would have removed trucks from places like Francis

Street and Somerville Road. The truck action plan would have been an absolute boon to both the economy and the lifestyle of the inner west.

We have seen the very developed plans for WestLink and for a second river crossing from the west torn up and thrown away and replaced by a 'cemetery link' proposal from the end of the Eastern Freeway to which the government has contributed enough funding to build about 50 metres of road, with no prospect of or planning for funding or financing the rest of it. I understand it is opportune for the government to try to create the impression in the public's mind that it has a big infrastructure project cashed up and ready to go, but the facts are the facts. The facts do not support the contention that that project is anywhere near realisation or anywhere near financing or funding. Almost no substantive work has been done.

The people who live in Hoppers Crossing, Kingsville, Footscray, Werribee and right throughout the western suburbs whether you are talking about the inner west or the outer west who sit on the West Gate Freeway day after day know about priorities. Mr O'Donohue and you, Acting President Elasmar, know when you are talking about a constrained state budget, when you are talking about a finite pool of funds, that these questions are always about priorities. It is always about the choices that one makes as a government. Choices will always have to be made. The priority should and must be a second river crossing to ease the load of those commuters in Melbourne's ever-expanding western suburbs.

What we have seen from this government is a lot of ribbon cutting, a lot of continuation of Labor projects and a lot of cancellation of Labor projects for no reason other than they were Labor projects. These were good projects like WestLink and the truck action plan and good initiatives such as the Arrive Alive campaign. They were important projects that would have eased congestion or that were proven to save lives. These things should not have been jettisoned by the government upon coming to office and certainly not jettisoned in favour of a bunch of pie-in-the-sky mission statements for which there is no funding and no genuine prospect of delivery any time in the foreseeable future.

However, it is fortunate for the current government that it has some Labor government projects to finish and cut the ribbons on. Peninsula Link is one such project. It is a brilliant project. I say to the current government, 'Good on you. Congratulations! You are lucky that you have inherited this fantastic Labor government initiative'. I fervently hope for the people of the

Mornington Peninsula and for all the people who enjoy the Mornington Peninsula that the government does not stuff it up and that it delivers the project as it has said it will. Government members should enjoy the ribbon cutting, because other than cutting the ribbons of Labor government projects they will have precious little else to do in this term of government.

**Ms PENNICUIK** (Southern Metropolitan) — The Road Management Amendment (Peninsula Link) Bill 2012 amends the Road Management Act 2004 to appoint the Peninsula Link Freeway Corporation as the coordinating road authority and provide that the PLFC is the responsible road authority for Peninsula Link. It clarifies the interrelated responsibilities of VicRoads and the PLFC for Peninsula Link and for regulation-making powers in respect of Peninsula Link. It also makes minor amendments to the Accident Towing Services Act 2007. Essentially the bill mirrors the provisions in the Road Management Act that have previously been adopted for the operation of EastLink and of CityLink.

We have looked over the bill. I would agree with the minister who states that the powers granted by this bill are very similar to those conferred on the operators of other road projects such as CityLink and EastLink. In effect we now have VicRoads and three road operating companies that manage major roads in the city of Melbourne, or in greater Melbourne. I suppose that begs the question as to whether every time a large road project is going to be built by a consortium that is set up to do it, does the consortium then become a road operator under an act of Parliament and do we end up with a plethora of them?

Under the bill there are certain powers and statutory responsibilities that remain with VicRoads, as is the case with EastLink and CityLink. It is interesting to note that when the minister introduced the bill he stated that it sought to ensure that the Peninsula Link Freeway was opened on time. That is a good aim, but I am not sure whether this legislation is in any way going to affect the freeway opening on time. It seems a strange link to make — and that was not meant to be a pun.

Members would be aware that I have been a long-term critic of this particular road. I have maintained that it was not a necessary road, and that there were other things that could have been done at a lot less cost than the almost \$1 billion that this road has cost us — or at least \$759 million. At the time Mornington Peninsula Shire Council also raised concerns about the project. The shire was concerned about the effect the road would have on the part of the peninsula which came under its responsibility. It also proposed some

alternatives, such as an upgrade of the Moorooduc Highway and some changes around the Frankston area where the Stony Point railway line goes across Cranbourne-Frankston Road. I agreed that these alternatives should have been tried in the first instance — that is, rather than building this particular road. There was also a suggestion to upgrade public transport in the area.

It is interesting to note that as the project came closer and closer to being built, more and more people became concerned about it and the impacts the road will have on Frankston's local environment. In fact opposition to the road has increased as more people have become aware of it, and councillors from Frankston City Council who were at first all in favour of it have towards the end not all been in favour of it.

I was sceptical of the traffic management estimates that were put forward for the road, and it is interesting that in his report of June last year the Auditor-General made the same conclusions about the Linking Melbourne Authority — that is:

LMA did not adequately inform decision-makers about whether the Peninsula Link project should proceed, and how it should be procured. Consequently, assurance cannot be provided that the procurement represents value for money.

That is from page 18 of the Auditor-General's report into the management of major road projects. The whole of chapter 3 is devoted to Peninsula Link. It goes on to say:

In terms of informing the decision to proceed with the project, LMA's estimates of the economic benefits were unreliable because of weaknesses in the way it forecast traffic and calculated the benefits. LMA needs to better assure the quality of these estimates and communicate their limitations and uncertainties to decision-makers.

There were weaknesses in the way LMA estimated and revised the public sector comparator costs. Firstly, the PSC cost that informed the procurement decision was not adjusted for the project's low-risk profile and Victoria's past performance in delivering similar projects. Secondly, LMA had to revise upward the PSC cost by 45 per cent and LMA needs to improve its quality assurance to avoid changes of this scale and timing.

That is basically it in a nutshell. If you read through the detail, it is interesting to note that they were the concerns I raised at the time which most people did not seem to think were valid. However, they were valid concerns when raised by the Auditor-General after the fact. I thought the traffic estimates that were being put forward at the time were an overestimation; and it seems that that was the case.

The fact is the road is there and is being built. I have gone down a few times and had a look at it. While we all have to accept that the road is there, there are impacts on the surrounding environment of the road, and they should not be forgotten. These were raised by me in the Parliament and by members of the community. They include the imposition of a picket line on the Westerfield property, which raised concerns about the obvious destruction that was going to occur and which has occurred on that property. If you knew the property, if you had been there before the project began, you would be heartbroken to see what has happened — and most of it could have been avoided by a slight rerouting of the road.

The dam and the whole Westerfield property had heritage protection under Heritage Victoria, but now that dam has been completely lost. One has to wonder what heritage protection means if your property can be smashed through by a freeway. Heritage protection does not mean much if that is the outcome. I have raised this issue in the Parliament. I know the owners of Westerfield and their friends and advocates have asked Southern Way — this company keeps changing its name; it has changed it several times during the life of this project — to in good faith do something to at least reinstate some of the lost water that was available on that property and used by waterbirds in the area.

It was all documented at the time; I documented in this Parliament what was going to be lost. Even significant birds like the great egret would visit that particular dam. It was a special place in terms of biodiversity in the Frankston area. That biodiversity has been lost, and Southern Way has declined to assist Joyce and Simon Welsh in that regard. That is unfortunate because Westerfield is a heritage property which has been significantly damaged by the imposition of this road through the middle of it.

Last year I spent quite a bit of time, along with one of the Frankston councillors, negotiating with the CEO of Southern Way to do something about fencing between the Westerfield property and where the road was being built — a drop of at least 20 metres without any fencing. I was very concerned that children who might wander off the road onto the property could fall from that fence onto the road below, which as I said is a very high drop onto concrete. I was also concerned about animals being injured in the same way. There were also some issues regarding weed infestation, which Southern Way had said would be avoided. Some ameliorating things were done with regard to those particular issues, but there are ongoing issues.

There are two issues I particularly want to raise, and I did mention them to the Minister for Planning, who is not in the chamber at the moment. I suggested to him and the Deputy Leader of the Government that I wanted to take the bill into committee for a short time to get answers to these two questions if I did not get them from a government speaker, who may have had those answers passed to them by the minister; I am not sure.

Firstly, the environment management plan that went with the building of this road required that offsets be put in place for native vegetation lost during construction of the road. The Pines Protectors group — the group looking after the Pines Flora and Fauna Reserve, which I remind members was cut in half by this freeway — has been following up the issue of the offsets, and it applied to the Victorian Civil and Administrative Tribunal in relation to what was happening. The VCAT decision resulted in the DSE (Department of Sustainability and Environment) allowing a one-year extension for the provision of those offsets, which were meant to be in place before the construction of the road. That particular one-year extension expired in May this year, and to my knowledge and the knowledge of the Pines Protectors group no further extension has been granted. The group has written to the DSE but has received no response as to what is going on with that issue.

This is an important issue because the community is told, 'Okay, you are going to lose some precious biodiversity, some native vegetation, in the construction of this road, but don't worry, offsets will be provided'. This group tells me that it has also been following up the issue of offsets for EastLink in the Frankston area and that that particular issue is unresolved 10 years after the completion of EastLink. If that is the benchmark we are looking at for the provision of offsets for the loss of protected vegetation, the offsets are just a joke.

I have my own concerns about offsets anyway, in that it is assumed that somehow the offset is going to replace what was lost. In most cases that is not the case; what is lost cannot be replaced by offsets. The uniqueness of a particular piece of vegetation or area of habitat cannot be replaced by another bit somewhere else: it is always a loss. If the situation is that there is no way of forcing either EastLink or Peninsula Link to provide these offsets — and that is the situation we are in at the moment — it is a meaningless, hollow promise given to the community, and no wonder people are sceptical about these things. I mentioned this issue to the minister and asked him to follow it up and explain or provide some information as to what is going on.

Secondly, the Linking Melbourne Authority was given approval to build the freeway through the Pines Flora and Fauna Reserve where, as we all know, the endangered southern brown bandicoot is present. That approval triggered an Environment Protection and Biodiversity Conservation Act 1999 referral, and the responsible federal environment minister at the time, Mr Garrett, put conditions on his approval of the building through the Pines Flora and Fauna Reserve. A number of actions were to be undertaken, and the Friends of the Pines Flora and Fauna Reserve included an estimate of about \$20 million in freeway underpasses and other design considerations to allow the bandicoots to move under the freeway.

Included in the southern brown bandicoot management plan was a predator-proof perimeter fence. That fence is deteriorating badly, and the referral was an opportunity to replace it. From what I am told by the Pines Protectors group, that is not occurring and Parks Victoria appears not to be pushing for its maintenance or rebuilding.

Concerns about how the money is being spent and what is being done in that particular area have been raised with me by the Pines Protectors group. There are concerns that perhaps the focus on the particular actions that were to be undertaken is somehow being lost or dispersed in other activities or plans of a more widespread nature that are clearly outside the construction responsibilities of Linking Melbourne Authority, Southern Way or Peninsula Link Freeway Corporation. These are ongoing concerns that were not resolved during the construction of the road, and that have been raised with me by people on the ground who are watching what is happening. I have asked the minister if he will find the answers to those questions.

The bill just creates another road corporation in addition to VicRoads, so there will be VicRoads and three road corporations. Who knows how many more there will be? I am not going to oppose that; I just wonder why it happens. I wonder why the policy is not to have VicRoads look after all the roads and to have these consortiums or corporations as contractors. These consortiums could act as contractors to build and operate the road, and then they could disappear. In fact the Linking Melbourne Authority probably should have disappeared; it was given this work only to keep it in operation, in my belief, and I said so at the time.

The important issue I am raising here is what will happen when these conditions are placed on those road builders. They have an environment management plan they are supposed to follow. They have actions they are meant to undertake during the construction, after the

construction and during the operation of the road, but who is holding them to account, and what happens when they just do not do these things? It seems that nothing happens, so the community, which has been told that these things will happen, is left wondering for years after the event what sort of hollow promises were made and not kept. I look forward hopefully to a very brief committee stage where the minister can answer those questions for me.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to speak on behalf of the government as its first speaker on this bill. I welcome the begrudging support from Mr Pakula and the opposition in relation to the bill, despite the contributions from both Mr Pakula and Ms Pennicuik and their wide-ranging discussion about various Brumby government projects and various environmental issues associated with this project. In the introduction to their contributions both members articulated very clearly the quite narrow focus of this bill, which principally is to empower Southern Way to operate the Peninsula Link road once it is completed. In effect, Southern Way steps into the shoes that VicRoads occupies under the Road Management Act 2004 in relation to the normal functions of maintaining an arterial road such as this. That is the principal purpose of this piece of legislation, but I welcome the broader debate around issues of road management, road maintenance and environmental management, and I will do my best to respond to those in due course.

Peninsula Link is a very exciting piece of infrastructure for the Frankston and Mornington Peninsula areas. As Mr Pakula mentioned in passing, I am a resident of the Mornington Peninsula, so in a sense I have a vested interest in this project and am looking forward to it being completed. Despite Mr Pakula trumpeting this as a Brumby government initiative, it is worth going through some of the background to this project. We all know good planning is critical to the future of a city, and we know Mr Guy has recently outlined a discussion paper in relation to his initiatives in planning. We heard Mr Tee criticise the concept of a third airport for Melbourne as a ridiculous proposition. I suspect that back in the 1960s, when the Bolte government reserved the land occupied by Peninsula Link, the Labor opposition would have criticised that too as a road on the never-never and not necessary. However, what the Bolte government did during that period was preserve the reservation for this road, and this road would not be being built at the moment but for the fact that that reservation was preserved by the very forward-thinking Bolte government, which planned for a long-term future.

It is that sort of leadership and long-term planning Mr Guy is showing at the moment with the vision he is articulating for the future of Melbourne. Mr Pakula can take credit for this and take credit for that, but ultimately the people of Victoria, the people of Frankston and the people of the Mornington Peninsula are not too fussed about that. The reality is that this project has had a long gestation dating back to that period when the visionary Bolte government laid the reservation for this road, which has preserved it intact. As I said, if that reservation had not been put in place, that land would have been lost to residential and other development, particularly through the Langwarrin-Frankston area, which would have prohibited this road being built today. It is a very exciting project.

I want to take up a point Mr Pakula made. He said this is a \$750 million project funded by the Brumby government. Of course it was not funded by the Brumby government; it was funded under a PPP (public-private partnership) arrangement. Why is it being fully entered into by the state under a PPP arrangement? Prior to the 2006 election, the then opposition leader and now Premier, Mr Baillieu, committed \$250 million of state money to the project to build it in the conventional manner — that the state pays for the project on condition of contributions from the federal government. Before the 2007 election the federal member of Dunkley, Bruce Billson, and the then federal Treasurer, Peter Costello, committed federal funding for this project.

When former Premier Brumby was pressured about this project he talked about the need for federal funding and the need to partner with the federal government. The federal government should do that. This is a road of regional significance. It is a road that is part of the EastLink M1 corridor, the major corridor for Melbourne. When Premier Brumby was asked by the media whether he would fund this project by himself if the federal government said no, he said yes. The second he did that, he gave the green light to the federal government to walk away, so it became a state liability when in reality it should have been a state-federal project — and indeed would have been if the Howard government had been re-elected or if federal Labor had any interest in or inclination to act in the interests of the people of the Frankston and Mornington Peninsula areas. That is by way of background, but it rebuts the assertions made by Mr Pakula.

To respond to Mr Pakula's commentary about road maintenance, I wish to point out to him that in the last budget handed down by his former government for 2010–11 the road asset management budget was \$383 million. If you take the additional \$45 million for

road repair and restorations this government announced on 9 October 2012, the road asset management budget for 2012–13 is \$432.9 million, which is significantly more than that allocated in the last budget of the Brumby government. That puts to rest the nonsense from Mr Pakula.

The reality is we have had a very wet winter, and the road pavement has been under pressure as a result of underinvestment by the previous government, the wet weather and floods et cetera. We look forward to VicRoads and its contractors doing as much work as possible during the drier weather over the summer months, when they will be able to get back to road repair work and road building, which obviously cannot be done when it is particularly wet apart from minor patching work and the like. As I said, I think that responds to the issues raised by Mr Pakula.

Moving on to the benefits of the project, it will be fantastic for the Mornington Peninsula and the Frankston area. Mr Pakula talked about the benefits to the Mornington Peninsula of increased tourism and the like, and they are real. For people who want to come from the city to the Mornington Peninsula to visit the beaches, golf courses, restaurants, wineries, mazes, galleries and coffee shops — there is a huge number of activities they can do — they will be closer to them because of this road. It will be fantastic to remove the bottleneck at Frankston, remove those roundabouts and traffic lights and make it a seamless journey from EastLink to Peninsula Link and then onto the Mornington Peninsula Freeway.

What Mr Pakula did not mention — and I think this is equally important — is that it will bring the job hubs of the south-eastern metropolitan region closer to the people of Frankston and the Mornington Peninsula. If you grew up on the Mornington Peninsula — I know this as someone who did so — and you got a job or went to university, you often had to move away. That may predominantly still be the case, but with the removal of the bottlenecks those job hubs and education opportunities will be closer as a result of the increased reliability and reduced travel time that the project will deliver.

Of course the project is more than just a road. Neither Mr Pakula nor Ms Pennicuik mentioned this point, but it includes a 25-kilometre shared user path, which will be fantastic for those who want to cycle or run — those who get out on the weekends on their bikes and the like — through some beautiful countryside. That will be a fantastic asset for local residents and tourists alike.

The project will also be fantastic for the Frankston CBD. For a long time governments have talked about revitalising the Frankston CBD; we are finally seeing some things happen. I commend the Minister for Water, Peter Walsh, for his decision, or the decision of South East Water, to relocate South East Water's head office to Frankston. It will put 700 jobs in the heart of Frankston. At the same time much of the traffic along the Nepean Highway, the Mornington Peninsula Freeway and Moorooduc Road and that intersection will be removed, making it easier for those new workers to get to Frankston and improving the amenity of the Frankston CBD.

That builds on work that has been done over recent years around the Frankston foreshore, Kananook Creek and the like, and I note that the Peninsula Centre is also being refurbished. There is much activity around the Frankston CBD. We want to see the Frankston CBD come to life as a great place for people to work and live and a real hub for that broader area. Taking much of the commuting traffic out of the area, as this project will do, will be terrific for the Frankston CBD.

I would also like to touch on some of the design innovations that are flowing on from this project. I was pleased to represent the Minister for Roads, Mr Mulder, and join my colleague Inga Peulich to announce the first new noise barriers to go up as part of this project. They are an innovative product — they are made by a local Carrum Downs manufacturer out of plastic, making them much lighter and able to be attractively moulded into different styles along different sections of the route. This innovation, which is good for local jobs, may be used in other road projects across Victoria, so the project has delivered significant innovation.

I would also like to touch on some of the engineering complexity associated with this project. As I said, it was the Bolte government back in the 1960s that put this reservation in place. Notwithstanding that, any job of this size and complexity will have construction and engineering challenges. I understand that there are 28 bridges, 45 separate structures and 2 major interchanges, with the interchange at the north connecting Peninsula Link with EastLink and the Mornington Peninsula Freeway and the southern interchange connecting Peninsula Link with the Mornington Peninsula Freeway. Again, these are major engineering projects.

To respond to some of the criticism from Ms Pennicuik, I appreciate that there were environmental sensitivities associated with this project and the Westerfield property in particular. Ms Pennicuik referred to the high drop abutting the Westerfield property. That is because

of the engineering designs that have evolved for that environmentally sensitive area to limit the footprint of the road in that area. That is why you have that high drop. It is an innovative and complex engineering solution to limit, as much as possible, the footprint of the road through that environmentally sensitive area. To pick up my earlier theme about long-term planning, as I said, I suspect Labor would have opposed the creation of the road reservation in the 1960s that is now being used by Peninsula Link, just as Labor opposed CityLink.

In talking about Melbourne's arterial road network, about the connections people have in a road sense to get from one side of the city to the other, I note that Labor opposed CityLink. While doing some research for this bill, I was interested to find that on 21 November 1995 the Melbourne City Link Bill was debated in the Assembly. Mr Brumby, the then Leader of the Opposition and member for Broadmeadows in the Assembly, is reported as having said in his opening words on the debate:

The opposition clearly and obviously opposes this legislation because it is an appalling piece of legislation which locks Victorians into a long-term contract with an overseas-based company.

Imagine doing that! Imagine locking Victorians into a long-term contract with an overseas company, as happened with the desalination plant.

**Mrs Peulich** — How much is that costing us a year?

**Mr O'DONOHUE** — Mrs Peulich has asked how much that is costing today: \$1.8 million a day. Imagine doing that! The difference is that the coalition government — —

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

**Mr SCHEFFER** (Eastern Victoria) — I was just getting drawn into that contribution from Mr O'Donohue.

Peninsula Link, as we have heard, was a major infrastructure initiative of the former Labor government, and it was one of a number of major public investments that it introduced. There were in fact so many, as we have heard from Mr Pakula, that not all were completed during Labor's term. Peninsula Link is a project that has been completed during the term of the Baillieu government.

The project cost around \$750 million and is promoted as saving motorists around 17 minutes in travel time when compared to the travelling time on the current

carriageways. One of the matters that was debated during the planning phase of the freeway was whether or not the link would be a tollway, which it is not, as we know. The previous government decided that the project would be delivered through a public-private partnership to obviate having a tollway.

Under the arrangements with the Victorian government, Southern Way — a consortium comprising Abigroup, Bilfinger Berger and the Royal Bank of Scotland — has financed, constructed and will build and maintain the freeway for the next 25 years. The internal issues amongst the members of the consortium that members would have seen reported in the media during the construction period have apparently not affected the progress of the works. The Linking Melbourne Authority stated that the freeway is expected to open early next year.

Peninsula Link was widely supported across the Mornington Peninsula. At the time of its conception some critics of the project warned me that there would be a huge community protest over the development. In fact that protest never happened. I attended a number of the community consultations that were conducted and while, quite rightly, residents and interest groups had some concerns and made some recommendations, overall I felt that there was substantial support for the freeway even though there were some impacts that people had particular concerns about. They have all been resolved but obviously not to the universal satisfaction of everyone, and Ms Pennicuik has taken us through some of those.

Overall Mornington Peninsula residents are persuaded that the freeway will reduce travel times between the townships on the peninsula and Melbourne. This freeway will encourage tourism and consequently bring economic benefits to the peninsula. More needs to be done to improve public transport on the peninsula, but it can complement the development of a freeway. Freeways and public transport are not mutually exclusive.

When the freeway is opened Southern Way will be responsible for traffic access, incident response, road maintenance and environmental management. The bill before us today is intended to facilitate Southern Way in its operation and delivery of the maintenance of the freeway by amending the Road Management Act 2004 and the Accident Towing Services Act 2007. Infrastructure projects are an investment in the future prosperity of the state and the community, but they also have immediate benefits during their construction phase. Peninsula Link, as we know, directly created some 4000 jobs, and job creation is Labor's top

priority. When Labor was in government projects of this order served the dual purpose of providing benefits for the next generation while also developing industry, the business skills associated with the construction industry and delivering jobs.

It is right and proper that the Baillieu government, which won the last election fairly and squarely, opens this project, and that is the way it should be. But one cannot help noticing the irony in a government that does not have even one, single, significant infrastructure investment project under way after two years in office opening a project that it would not itself have had the nerve or the vision to undertake. While the coalition government now applauds Peninsula Link and acknowledges the benefits it will bring to the Mornington Peninsula, Mr O'Donohue, while speaking on the bill, nevertheless uses the opportunity to try to discredit the previous Labor government. That is the result of finding it too hard to admit that nearly every time the government cuts a ribbon it is for a project or an initiative commenced by Labor. Because so much of what the Baillieu government has done involves cutting budgets and defunding programs and initiatives, there is not much opportunity for it to stand tall for its own works.

Each time we deal with a good Labor initiative such as Peninsula Link, those opposite have to find something to say that diminishes the achievement. In the present case, the government says that Peninsula Link has cost more than it would have cost if the coalition had been in charge. I read in *Hansard* the contribution on this bill by the member for Mornington in the Assembly. He said in effect that if his party had been in government when Peninsula Link was in the design phase, it would have been constructed for \$100 million, whereas the arrangements Labor set in place means the construction will cost \$3 billion. That is complete nonsense. So far as I can see from all the documentation the cost of the project is \$759 million.

**Mrs Peulich** interjected.

**Mr SCHEFFER** — And the \$3 billion figure is, as Labor's roads spokesperson stated in his contribution on this bill, rather like saying that the price of a house is the amount paid to the vendor at sale as well as the ultimate outlay incurred through the buyer taking out a mortgage until the debt is paid. That is the analogy.

The bill appoints Southern Way as the responsible authority for Peninsula Link so that it has the power to maintain and operate the freeway throughout its life, enabling it to undertake appropriate construction, inspection, maintenance and repair of damaged or

deteriorated roadways. The bill also enables Southern Way to remove vehicles that have been left and are obstructing traffic on or around the freeway. It enables the new authority to erect barriers and to restrict traffic flow in the interests of safety and keeping order amongst commuters.

As with all major infrastructure projects of this size, there has been some controversy, as I said earlier. This should not necessarily be seen as a bad thing. The planning process, and the fact that in our system we have bodies and institutions that scrutinise government expenditure and the effectiveness of project planning and delivery, generates public debate. I think that is a good thing, and it is part and parcel of a healthy society. While the criticisms of certain aspects of the project have been answered for the most part, no project is ever perfectly executed, and there are always things to be learned from it. I commend this bill to the house, and I look forward to the opening of the freeway early next year.

**Mrs PEULICH** (South Eastern Metropolitan) — I also rise to support the Road Management Amendment (Peninsula Link) Bill 2012. It is a project that was not really on the radar of the previous government until there was enormous local electoral pressure, which forced the hand of the government at the time. I must confess that I did contribute to that in part, because I understand the importance of good traffic flow and the problems that traffic congestion has caused for the south-east. One of the major reasons we ended up winning government was the support of electors in some key seats across the south-east, particularly on the issue of road congestion. Road congestion has been identified as the single greatest contributor to reductions in productivity. It is a huge concern for business, it is a huge concern in terms of amenity impact and its impact on local traffic and neighbourhoods, and of course it is a huge disincentive to economic development in areas where traffic congestion is an issue. This project was seen and welcomed by most — most with any common sense.

I must say, as much as I admire Ms Pennicuk's contributions, I do not admire the Greens' hatred of roads.

**Ms Pennicuk** — Love of public transport!

**Mrs PEULICH** — It is all very well to be a devotee of public transport if you live at the end of a tramline or close to a railway line. If you do not, you do need to use roads. The tyranny of distance and the lack of population in Australia makes roads a key component of our transport system. The Greens hated the prospect

of Peninsula Link, just as they opposed the construction of a number of other key pieces of road infrastructure. That is the reason they will never be a mainstream party. They will boost their brand in areas where there are niches, affluence and lots of cafe lattes but probably not that much common sense and certainly inadequate support for good road infrastructure.

The concept of the Peninsula Link has been well supported by the community. Again, it will provide better amenity. Frankston was congested and there was little prospect of things changing without this key piece of infrastructure. Obviously it also contributes to business in terms of the construction of the project. The improvement of the infrastructure basically means that business welcomes it; it means they will lose less time on roads and it will cost them less in terms of petrol and wear and tear on cars and so forth. Better traffic flow basically means it is better for the environment. It is far less beneficial to the air quality of the environment if cars are stalled in a car park and exuding fumes. Good traffic flow and good connection of arterial flows actually improve environmental outcomes and improve air quality, because 15 per cent of pollution in our environment is attributed to the transport system, and any method of reducing that is a good thing.

In terms of the impact on the environment, Ms Pennicuik has outlined some of the concerns, particularly in relation to Westerfield, and I acknowledge some of those concerns. But that does not mean that progress needs to stop — especially given as has been pointed out by Mr O'Donohue, the existence of the reservation since the 1960s, when it was set aside by the Bolte government in a visionary move. That is what visionary governments do; they set these things aside as part of a vision of where the state needs to go. That does not mean that you try to minimise the impact on the environment; you just try to create offsets as well. I know Ms Pennicuik has raised some of those issues, but I think there are also some good environmental stories.

She commented on the lack of a business case. The initial forecast was that the project would cost \$100 million, but the eventual price tag was closer to \$800 million, or \$759 million. Mr Scheffer criticised the predictions of the member for Mornington in the other place that it would go closer to a total cost of about \$3 billion, but clearly the member for Mornington has factored in the concessions that will be in place over the 25 years of the contract.

This legislation amends the Road Management Act 2004 and the Accident Towing Services Act 2007 to provide for Southern Way taking over the operation and

management of the freeway for 25 years. The freeway will deliver access through the newly developed on and off ramps to 11 roads, including 3 freeway-to-freeway connections, 2 of which include EastLink and the Mornington Peninsula Freeway. That is going to have a phenomenal impact in terms of improving traffic flow; it will be better for business, better for amenity and even better for air quality and environment. Southern Way will administer the environmental management of nearly 1.5 million trees and plants. That is a very substantial environmental offset. It will operate and conduct road maintenance and incident response on the newly constructed 27 kilometres of freeway, in addition to maintaining 25 kilometres of the shared walking and cycling path.

I commend VicRoads and those who are designing this road. The construction of a cycle path parallel to a major piece of road infrastructure is brilliant and is also cognisant of the fact that cycling is not only a very popular sport and pastime — I have a cyclist in my office who will ride 150 kilometres a day and will do so the next day as well — but is also becoming more commonplace in terms of commuting, so getting that connection to make that possible is a good outcome for health and will also lighten traffic on the road.

Peninsula Link completes one of the missing sections of the Mornington Peninsula Freeway, providing freeway connections to Rosebud. As we have heard, many people refer to Frankston as the gateway to the Mornington Peninsula. I think Frankston has its own beauty and natural assets and does not need to be a gateway to anything; it stands on its own. Road safety will also improve as a result of the opening of Peninsula Link.

Peninsula Link was estimated to support 4000 jobs during its construction and operation, some being indirect jobs created by significant investment, which is always very welcome in the Frankston area. The tourism boom for the city of Bayside and the Mornington Peninsula will increase, and local businesses will benefit from visitors to this part of Victoria. Peninsula Link is good news for businesses, with the freeway making it easier for commuters to move goods and provide services.

Peninsula Link has had a positive impact on surrounding property values, and no-one is going to complain about that. For example, one year after EastLink opened, statistics from the Real Estate Institute of Victoria showed that house prices in suburbs linked by the new freeway experienced greater growth than other areas in Melbourne. Four years after the start of construction, prices grew as much as 57 per

cent in those suburbs compared with an average of 31 per cent for the rest of Melbourne. The people of Frankston will welcome that. There is reason to believe the general improvement in the amenity and aesthetics of Frankston will translate into much higher property prices in the future as well.

In terms of environmental management, an enormous effort is being channelled into protecting and improving the environment as part of the Peninsula Link project. As I said before, 1.5 million plants, trees and shrubs are being planted along the Peninsula Link corridor as part of the landscaping program, and any significant vegetation cleared for the freeway will be offset under the project's net gain requirements. The original Peninsula Link alignment has deviated to protect higher quality vegetation within the pines. The freeway design also includes a wildlife underpass, although I understand there are no bandicoots, according to Cr Colin Hampton, who many months ago professed that despite playing golf in the area for many years he had never seen a bandicoot either alive or dead. He now holds the view that the \$1.6 million fence, which is still under some discussion, needs to be erected because there is a need to reintroduce the bandicoot. That is a clear admission that there are none, but we will move on from that.

In the big picture we must not lose sight of the positive environmental initiatives created by those responsible for building this road. The freeway design includes the wildlife underpass to enhance habitat connectivity and presumably enable fauna to travel from one side of the freeway to the other, though I do not believe any bandicoots are using it at the moment. Tamarisk Creek will be realigned in the area to further improve habitat for native species. A lot of planning has gone into the Peninsula Link project, and the environment has been a big focus during its construction.

I have also mentioned the walking and cycling path. A new 25-kilometre walking and cycling path is being built as part of the project, which is exciting. Known as the Peninsula Link Trail the path is designed for shared use between walkers and cyclists. It will be a significant addition to the Frankston and Mornington Peninsula walking and cycling networks and is welcomed by the broader community.

The path begins north of the project in the city of Kingston to provide greater connectivity to other popular parts and better access to the people of Patterson Lakes and Carrum, all areas that I represent. In August 2012 Peninsula Link reached another milestone with the first of approximately 5.7 kilometres of noise walls installed along the new freeway.

Mr O'Donohue remarked on the poly panels that were a Victorian first and manufactured in Carrum Downs, thus supporting local jobs and reducing travel to the site. This is an example of the economic development and local benefits these projects can generate.

In closing I would like to draw to the house's attention the Peninsula Link Opening Day, which is scheduled for 25 November 2012. Local residents will get a chance to experience — and I invite Ms Pennicuik also to come and have a look — Peninsula Link at this special community day. It is a once-in-a-lifetime opportunity to walk on the freeway before it opens to traffic in early 2013. The site will be open at the Cranbourne Road interchange between 10.00 a.m. and 4.00 p.m. on Sunday, 25 November, to show people the progress on this massive construction project. As well as being able to walk a section of the freeway between Cranbourne Road and Skye Road on the day, people will be able to enjoy entertainment and activities, including a unique car display and a giant super-screen showing the latest flyover video and construction highlights. This is not just an opportunity for the project to show its wares; it will also enable more than 20 local businesses and community groups to take part in a marquee on the road to promote the region. That is an exciting thing for the city of Frankston.

In closing, I am delighted about this project and await with great anticipation the opening of this very important piece of road infrastructure. It is great for Frankston and for South Eastern Metropolitan Region, and it is sad that the Greens are yet to admit that roads are a necessary part of our transportation system.

**Hon. M. J. GUY** (Minister for Planning) — Before I respond to a few points from Ms Pennicuik, I will say the Road Management Amendment (Peninsula Link) Bill 2012 involves the construction, operation and maintenance of the Peninsula Link project, which is, as has been stated, the 27-kilometre freeway to be operated by Southern Way Pty Ltd on the Mornington Peninsula between EastLink at Carrum Downs and the Mornington Peninsula Freeway at Mount Martha. It is worth noting that this bill supports the opening of the freeway. It is required to permit Southern Way Pty Ltd to perform its post-construction maintenance to the freeway for up to 25 years as set out in the deed.

In relation to the operation of Southern Way and the construction and operations, Ms Pennicuik has raised a number of issues, and I wanted to place on record a response for her in my brief contribution. The first point is about a bandicoot fence. I understand there is a federal requirement to install a predator-proof fence around the Pines Flora and Fauna Reserve as part of

this project. Several years of extensive surveying in the Pines reserve has been unable to locate any bandicoots. As a result, the Linking Melbourne Authority is seeking to vary its southern brown bandicoot management plan approval with the federal government. Under the variation it has been proposed that the funding for the fence be redirected to other bandicoot management programs within the region in order to achieve a better outcome for the bandicoot species. That is what I am advised.

Secondly, in relation to offsets, Ms Pennicuik raised some points around an extension which was given, and that is correct. However, a further extension from the Department of Sustainability and Environment was received for net gain offsets until the end of this year, 2012. I understand that negotiations to secure these offsets are well progressed and an announcement about the purchase of final offsets and their locations is imminent. I hope that answers Ms Pennicuik's questions. I thank all members for their participation in the debate on the Road Management Amendment (Peninsula Link) Bill 2012.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## **RETAIL LEASES AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from 11 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Retail Leases Amendment Bill 2012. Let me start by saying that the opposition will not oppose the bill. Having said that, I note that the bill makes a very small amendment to the Retail Leases Act 2003. It provides for the abolition of a register of small business leases which traditionally or historically was provided to the small business commissioner so that that person could communicate changes or relevant information to the industry. The government is saying it wants to cut red tape and make life easier for retailers. With the advent of modern communications technology, meaning the internet, the small business commissioner can access retailers without the benefit of hard data.

This will save retailers approximately \$700 000 per annum.

It sounds good, but the reality of this miserable, tokenistic amendment is that it is a sop to the failing retail industry sector. Retail shopping has advanced dramatically over the last few years. Online shopping is definitely biting hard into the profits of mainstream shops. Instead of sitting back while the retail industry collapses, Victoria must institute new strategies to help the retail industry to evolve so it remains sustainable and viable into the future. Shopping centres and malls employ many thousands of workers and provide a social aspect to the tradition of shopping. In the same way large business corporations are bailed out by the government for the sake of the economy, retail needs a helping hand to survive. This amendment does not go nearly far enough to save a flagging industry. One small snip of red tape is a proverbial drop in the ocean. On a more plaintive note — —

**Mr P. Davis** interjected.

**Mr ELASMAR** — If Mr Davis would allow me to finish, then he would know. Small shop retailers will, under the provisions of this amendment, have no protection from large landlords, which the previous, out-of-date, unusable register notionally provided. I pity the small business people in the fashion industry, who, by the way, are mainly women, who now will see rises in their lease arrangements because the government will not be there to monitor lease or rental increases or to protect them. When the register goes, all hope of fairness in leasing arrangements will go with it. It is time now, before Christmas, to get a government think-tank operation going before all the Christmas gifts are bought on the internet.

As I said, we in the opposition are not opposing this amendment. Even though the cost savings to business are infinitesimal, it is much too little, too late. I hope Mr Davis understands what I meant by 'too late'.

**Ms PENNICUIK** (Southern Metropolitan) — The Retail Leases Amendment Bill 2012 is only some eight clauses long, and they go largely to two particular issues: to remove section 25 of the Retail Leases Act 2003, which is the requirement for the landlord of a retail lease to notify the small business commissioner of the particulars of that lease within 14 days of the lease being entered into; and to remove the requirement for the small business commissioner to create and maintain a register of retail lease information. The bill also provides that retail lease obligations to provide a copy of the lease in section 15 of the act and to provide a landlord disclosure statement in section 18 extend to a

prospective landlord, as well as a landlord or a person acting on behalf of the landlord, to a tenant or a prospective tenant, not just a tenant.

In her second-reading speech the Minister for Innovation, Services and Small Business, Ms Asher, suggested the reason for the amendment to repeal section 25 was that the contact information stored in the register was incomplete and inaccurate, that more effective means of communicating with landlords and tenants have emerged over the last decade due to changes in technologies, in particular the internet, and that the information collected on the register served no significant purpose and imposed significant unnecessary costs. As Mr Elasmair said, it is estimated that this will save retail landlords approximately \$700 000 per annum in compliance costs, based on the average number of section 25 notifications received by the commissioner each year, multiplied by \$50, which is how much the Shopping Centre Council of Australia has estimated it costs a landlord to complete the notification form.

The minister went on to say in her second-reading speech:

The amendments are consistent with the government's election commitment to cut business costs and red tape by 25 per cent —

and that this will be an advantage to or in favour of small business. But it really is difficult to see how this amendment will advantage anyone but landlords and how the small businesses that are the tenants will actually be advantaged, unless that \$50 cost is passed on to them by way of a \$50 reduction in the rental paid for the lease. I find it curious as to how this will benefit anybody except the businesses that are landlords.

I am not quite sure who the government speakers are — there is hardly anyone in the chamber; we have two ministers, but I am not sure who is speaking on the bill — but they might clarify for the benefit of other members of the house how this will be of benefit to small business tenants, because so far as I can see it really will not be of benefit. That is not to say it will necessarily be detrimental to them, but I hope — and I am not sure if the government intends to do this — it will have the small business commissioner keeping an eye on the effects of this particular amendment to the Retail Leases Act 2003.

I am not sure this piece of legislation will help the retail sector, which we know has been facing issues due to worldwide financial problems and things such as cuts to the public service. Those two things together make consumers less confident to spend in the retail sector.

We also know there are changes in the economy whereby many people are preferring to buy services rather than products, for example. Going back to the provisions of the bill, brief as they are, it seems to me that the beneficiaries of this bill will be retail landlords, not retail tenants.

**Mr P. DAVIS** (Eastern Victoria) — I am pleased to have the opportunity to speak at this hour on the Retail Leases Amendment Bill 2012. It is a very good bill, and I am generally disappointed in the negative attitude of the opposition parties. There is absolutely no doubt that when we come into this house and propose initiatives that will remove the dead weight or the dead hand of bureaucracy, we can predict with absolute certainty that the ALP and the Greens party will be critical, because they love to tell individuals and business what to do. In fact we saw for a decade under Labor, and generally with the support of the Greens, an increasing layer of bureaucratic interference in the capacity of the state to independently operate in the way that we know is best for the economy and so that there can be a competitive marketplace free of the burden of red tape and bureaucratic interference.

I argue that this is a good bill. I argue that on the premise that it does not just remove some unnecessary red tape. It is a very clear symbol of things to come — that is, that the Baillieu government intends to go about its business, quietly but deliberately removing the dead hand of bureaucratic burden of unnecessary regulation. We know as a matter of fact that the intention by the previous government in introducing the measures which are being repealed here — that is, those that were introduced, as I recall, in about 2003 — may have been in some sense informed by a desire to be helpful. But as in most things that the previous government undertook, it was in fact unnecessary and unhelpful. The token amount — and I acknowledge it is token, because it amounts to an estimated net saving to business of only about \$700 000 per annum — is small in the great scheme of things, but if you are a small business, whether you are a retailer or a retail landlord, every dollar counts.

I have just heard from the opposition spokesman how difficult it is for retailers — and it is difficult. It is a terrible circumstance that many retailers find themselves in, and I have incredible sympathy for owner-operators, particularly microbusinesses, small businesses and those businesses employing fewer than five employees. They are really under the gun at the moment because retail is one of the most vulnerable sectors today.

**Ms Pennicuik** — How would this bill help them?

**Mr P. DAVIS** — Ms Pennicuik is helping me with my speech by interjecting, which is totally disorderly, and it is disorderly for me to respond to the interjection, but I cannot help myself; I cannot contain myself. Ms Pennicuik suggests that relieving the small business sector of an unnecessary regulatory burden, the cost of which is estimated by the industry to be \$700 000 a year, is not helpful. I say to Ms Pennicuik, ‘Go back to Trades Hall. Go back to organising a union. Go back to what you know best, because you know nothing about small business. You would not say that if you knew anything about small business’. Every cost to small business is objectionable if it is unnecessary. Small businesses, like any other sector of the business community, will bear the cost of doing business if there is some sense of productivity. But just filling in forms, sending in forms for the sake —

**Ms Pennicuik** interjected.

**Mr P. DAVIS** — She cannot help herself. It may surprise Ms Pennicuik to learn that an overwhelming number of small retail businesses inhabit premises which are not in shopping centre precincts; they are in strip shopping centres. Those premises are generally owned by families and small investors, and it might be the major investment in their portfolio. If these are not regarded by Ms Pennicuik as small businesses, I am sorry for the Greens, who have clearly demonstrated in this debate their total disconnection with the marketplace in small business. I would suggest to Ms Pennicuik that she would be well advised to visit her electorate, if she can remember where it is, and go and doorknock strip shopping centres and establish a relationship with the retailers and the landlords, because — —

**Ms Pennicuik** — I have.

**Mr P. DAVIS** — She says she has done that. She would know then that the cost of red tape is an unnecessary burden. Frankly I would not care if it were 50 cents rather than an average of \$50, which is the estimate from the industry. Each registration we are talking about, on average, costs about \$50 in red tape. As somebody who comes from a small business background and knows the challenge of maintaining the compliance framework that small businesses have to deal with, just as large and big businesses do, I know there is a significant burden of time. It is a disproportionate amount of time that small business operators have to invest, because the scale of the business does not influence the amount of time invested in the regulatory burden. The cost of regulation is inversely proportional to the turnover of the business. Large businesses can absorb the regulation cost within

their turnover because of the size and quantum of the turnover. A microbusiness — that is, a small business — such as a typical retail business or a landlord who is providing the premises for the retail business to operate from has to invest disproportionately significant effort in maintaining the compliance regime.

Given that the 13 800 retail lease notifications received each year — and these are provided in hard copy and online — are a regulatory burden, the recommendations that have been made by the Productivity Commission and the small business commissioner in regard to these matters need to be implemented. The provision of information that is being undertaken and has been undertaken since 2003 when these measures were introduced under the Retail Leases Act 2003, has achieved nothing. It has simply increased the burden of compliance without achieving anything materially and is a deadweight in terms of productivity.

The ALP loves it; it loves to put burdens on business, because, let us face it, the ALP hates business. The ALP likes to talk about class warfare; it keeps talking about the workers. The reality is that the workers in small business are the owners of the business; they are predominantly the owner-operators. The Greens are even worse; they are trading on this adverse view that the ALP has, but what do they contribute? They just stand here and criticise. They stand in the middle of the house and they criticise — sometimes both sides. They have the best of both worlds, don’t they? They can just bag everybody.

But at least we know where the ALP is coming from. It is a mystery to me where the Greens are coming from. There was one description of the Greens I remember from a couple of decades ago, something about fairies at the bottom of the garden — or was it pixies? One or the other; I cannot remember. What I do know is that there is complete detachment from reality. Ms Pennicuik came in and criticised this bill. Rather than Ms Pennicuik just getting up and disposing of it in a couple of minutes by saying, ‘This is a good bill; it is a measure that should be supported by the whole of the house; get on with it; it should have been done some time ago’, what we heard was this carping, negative criticism and a running commentary of, ‘This is not enough’. Tell me, Ms Pennicuik, what would you do? You had the opportunity and you wasted your time.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Finn)** — Order! The ongoing conversation between Ms Pennicuik and Mr Davis is, I am sure, entertaining them enormously,

and it might even be educating them a little, but it is getting a little annoying for the Chair, and I would ask Mr Davis in particular to direct his comments through the Chair, as he would know to do. I also ask Ms Pennicuik to cease interjecting.

**Mr P. DAVIS** — Acting President, I would be delighted to observe your advice and be as deferential and respectful to you as I always am. When you are the Acting President I will follow your instruction immediately. Through you, Acting President, I note that it is a disgrace that the Greens would come in here and criticise this bill without offering a solution, just as the ALP has done in its contribution by saying, ‘Not enough’, without setting out what the alternative policy position is. It is cant, hypocrisy and humbug. We hear that all the time from the Labor Party when it comes to business.

This is a positive measure for the business community. It should be vigorously supported by the house. I am conscious of the fact that there are other members who wish to make contributions, but there are a few things I would like to add before I sit down. I would be disappointed if the opportunity was afforded to me and I let it pass just as Ms Pennicuik let her opportunity to make a constructive contribution pass a moment ago.

The point that I wanted to make in particular was that the Office of the Small Business Commissioner has received over 124 000 notifications in total since the establishment of the register in 2003. As I said earlier, that is an average of 13 800 notifications each year. Given that quantum of notifications, I ask — rhetorically of course — the Greens and the Labor Party what it is that these 124 000 notifications, at an average cost of \$50 a time, have contributed to the net sum of the Victorian economy. Absolutely nothing, because nothing has been done with those notifications. Why? Because they are virtually irrelevant at the time they are lodged because circumstances change. The small business commissioner has not been able to take any useful action with that information.

What I am saying to the house is that we have a circumstance today where there is a bill before us which relieves some of the burden of red tape on small business and will remove a cost impost in aggregate terms of over \$700 000 a year on small business. Reading the rhetoric in the contributions of the previous two speakers one can only suppose that the intention of the opposition parties is to oppose this measure, because they have indicated no support for it. I think that is absolutely bizarre, and when we come to vote on this bill I will be interested to see if the action matches the rhetoric.

Without further ado, I strongly urge all members of this house to support this bill, which is an improvement in the regulatory regime for small business in Victoria. Thank you for your tolerance and forbearance, Acting President.

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Retail Leases Amendment Bill 2012. I do so because, like my colleagues on this side of the house, I have a very strong belief in the importance of small business as the keystone of the economy and the basis on which our state leads the nation. I support the bill, although I hold some reservations. In particular I am concerned about the effects of this bill in any way limiting good businesses from prospering. I rise to speak because the retail industry is largely owned by families, by husbands and wives, by ordinary, average, everyday people, not billionaires such as Ms Rinehart, and because this industry is at the heart of employment in our state.

No matter what some of those opposite, such as Mr Philip Davis, may claim, we are not the enemies of business. I began my life in this wonderful country as a small business person. I did not set up in retail, but I serviced retail businesses, and so I developed a strong understanding of their needs. As a member of Parliament I have met with countless numbers of retailers, men and women, who have voiced their concerns on a range of issues, most especially since the Baillieu government took office. Their fears are known to everyone in this house, as we have all seen the decline in the retail sector and in the economy of the state since the Baillieu-Ryan regime took charge.

However, I speak of the amazing cafes and restaurants that we have, many of which I would honestly argue are as good as anything in Paris or Rome. I speak of the fashion industry, the wide variety of Australian wines that can be purchased from retail stores around the state, the fresh fruit shops, confectionery shops, butchers, whitegoods stores, furniture shops, jewellers, continental delicatessens, bakeries and fish shops. Retail is a large sector that is so diversified that to list all its varieties would take up the time of every member in this house. It is a sector that employs more people than any other.

The bill before the house seeks to reduce red tape for business owners. That also means reducing burdensome costs and freeing up businesses to focus far more on what they are all about: selling their services and/or products to the community. Labor supports the reduction of red tape and unnecessary costs. However, we must also keep our eyes open to make certain that tenanted businesses are not unduly burdened or ripped

off by greedy landlords and that they are not treated like second-class citizens, as we all know has happened in the past and which we must guard against in the future. Gone are the days of so-called non-refundable key deposits, where greedy landlords bled tenants for money just to get the key to their rented business premises, but there are many other goings-on which we must consider, things that can make it very hard for a business to survive or cause a business to close down.

Within my own electorate there was once a place called the Moonee Ponds Market. It was deliberately run down by its owners for their own shallow reasons. I have been informed that towards the end they even refused to give permission for tenants with businesses that were dying to leave the market. They stopped owners from selling their businesses to others. In doing these and other things to their tenanted businesses they drove many to the wall. I have met some who now struggle on a pension after having worked extremely hard all their lives. I am not blaming any single side of politics here. I am blaming all sides of politics. In any negotiation or in any contract we must all be vigilant to safeguard the rights of those who are weaker and not simply protect landlords, who generally speaking are far more powerful than their tenants. This is especially true when the landlords are owners of large retail shopping centres.

We need to protect small business and safeguard it. This bill, while it is helpful, does not come anywhere near what small business really needs. Consumers are worried, in part due to the constant hammering negativity from the federal Liberal Party, and if consumers are worried, they will not spend or they will buy what is cheapest. What is cheapest could well be foreign online products that are nowhere near the quality and value of Aussie-made products and that offer far less to the economy.

I will talk even more with small businesses so that I can better learn if the changes in this bill help or harm small businesses. If it is the latter, I will call for immediate reform. I will watch to see how this government supports the retail sector now that two years after being elected it has recognised that the sector exists.

**Mrs COOTE** (Southern Metropolitan) — It gives me enormous pleasure to talk about the Retail Leases Amendment Bill 2012 for a number of reasons. Basically the bill clarifies a number of issues and cuts red tape, which is important to those of us in this chamber who have worked in or run small businesses. I acknowledge the small business run by the previous speaker, Khalil Eideh, and the success of that business. It has been very pleasing to see the hard work that he

has put in and the benefits that have come out of that. It is a very nice story, and I congratulate him. I suggest that he is one of the few on that side of the chamber who have run a small business. It is good to see that there is a diversity amongst the people on the other side of the chamber.

I too have run a small business. In fact I have run several, including a very lucrative commercial mushroom farm. I know members will be surprised to hear I ran a commercial mushroom farm. It was very good training for this job, I might add. It was in Ireland. We used to have those mushrooms picked and into Selfridges in London within a 20-hour turnaround time. It was a very lucrative business, it was a very demanding business and it was very interesting. Prior to that I had also run a soft furnishings business where I employed 20 people. That was in Australia and I can assure members every aspect of that was severely challenging.

However, tonight's bill is going to make it easier for businesses to operate by cutting red tape in relation to retail leases. Specifically the bill repeals section 25 of the Retail Leases Act 2003, which requires landlords to notify the Victorian Small Business Commissioner of details relating to businesses signing leases. In her second-reading speech the Minister for Innovation, Services and Small Business noted that it is expected this bill will save Victorian businesses \$700 000 a year. This figure was estimated based on the number of notifications received each year by the small business commissioner, multiplied by \$50, which is the amount the Shopping Centre Council of Australia estimates it costs a landlord to complete the notification form.

First of all, let us go back and see what makes Melbourne so good. We talk about Marvellous Melbourne, but what makes Melbourne so marvellous? I have to suggest there are many things. We are the leading city in the world yet again. What are some of the things that make us so important in an international sense? One is our laneways, another is the Yarra River, and then there is Hamer Hall. There is the Victorian Arts Centre, Flinders Street station facade, as well as Federation Square, our wide boulevards such as St Kilda Road, the Shrine of Remembrance, the Spring Racing Carnival and a very important aspect is the strip shopping centres.

There are a number of strip shopping centres in Southern Metropolitan Region, and I know all the retailers in this area will benefit from this bill that is before the chamber today. I would like to remind people about Southern Metropolitan Region. I note that two of my fellow representatives from Southern

Metropolitan Region are here tonight — Mr Lenders and Ms Pennicuik — and I know they would agree with me on the strip shopping centres in our region. Let us start with Chapel Street in Prahran. Retailers in Chapel Street are just some of those who are going to be better off under this bill.

I remind the chamber that one of the very first things this government did was to repeal the absolutely and utterly ridiculous clearways bill of the former government. It was an absolutely crippling burden on small business. It was going to cost hundreds of thousands of dollars. I remind the chamber that in the last Parliament I brought into this place a petition with the signatures of 40 000 retailers from across metropolitan Victoria, predominantly in and around the Stonnington and Boroondara areas but also in the municipality of Yarra. A 40 000-signature petition is the second largest petition that has ever been brought into this place. It showed the retailers' depth of concern. Our election promise was to get rid of these clearways, and that was one of the very first things we did. The now member for Prahran in another place, Mr Newton-Brown, and the Premier personally got up and took down those signs. It was one of the proudest days I have had. It was a fantastic thing to see.

Another shopping strip is Bay Street, Port Melbourne, which is where I have my office. There are many varied businesses in Bay Street, and I have to put on the record my compliments to the City of Port Phillip, which is putting quite a significant amount of money into the planning of Bay Street. Since my office has been there for some time now, the street has really improved. The member for Albert Park in the other place, Mr Foley, and I will benefit from this very pleasant street and places such as the Melbourne Bakehouse, Eurodore Cafe, Dalmatino Croatian restaurant, Tiny Polkadots, Balderdash cafe, Orlando Thai restaurant. As members can tell, there is a mixture of restaurants, shops and supermarkets. It is terrific. These businesses are affiliated with the Port Melbourne Business Association, which is very involved in the local community. Money raised at the upcoming business awards will go towards Port Phillip Specialist School. It is a community, and that is what we see in these strip centres.

Acland Street is another fabulous street in our electorate. The famous cake shops in Acland Street will also benefit from the reduced compliance costs brought about through this bill. This is a tourist mecca. It is close to St Kilda pier and Luna Park, and tourists come from all over the country and internationally to this very famous street. Clarendon Street, South Melbourne, is another extraordinary street. Trams go up there, it is a

great tourist precinct and it has been growing exponentially. Bridport Street, Albert Park, and Koornang Road, Carnegie, are other areas that will benefit from this bill.

It is important to understand the diversity of small retail businesses across a snapshot of Southern Metropolitan Region — for example, in Bridport Street we have Andrew's Hamburgers, which is very well known in the local area. In Koornang Road, Carnegie, we have the Figjam Cafe and Huff Bagelry. Out in Poath Road, Murrumbeena, we have Zests Pizza, which regularly makes the *Age Good Food Guide* as one of the best pizza shops in Melbourne.

However, we do not just have these areas. We also have Chadstone shopping centre, and Chaddy, as it was first called in the 1960s when it was established, really was something quite extraordinary for metropolitan Melbourne. It has grown under the guidance of the Gandel Group and is a huge centre for retail operatives in this state. I have to suggest that the Gandels are very good landlords and very good community members. I was very pleased to note that the Minister for Planning recently approved some extensions to Chadstone shopping centre, and I know people in Southern Metropolitan Region are particularly pleased to see this extension happening.

We see a diversity across Southern Metropolitan Region. We see a diversity of strip shopping centres. We see the Como Centre in the vibrant area of South Yarra and retail areas cropping up in some of the hotels, like the Cullen and Olsen hotels. There is a particularly good little development around Yarra Lane, which I recommend members go and have a look at. The developer, Michael Yates, has done the most extraordinary job in an area of the precinct called Forrest Hill, which was named after Mr Forrest, one of the early settlers. Michael Yates has created new laneways to provide interest in this area. Another prominent shop, Le Louvre, which used to be at the Paris end of Collins Street, is now operating very successfully in a little street called Daly Street in South Yarra. The iconic store has moved and is bringing international and interstate customers into this vicinity.

We hear all the time about the importance of business and commercial associations within these shopping centres. They are the heart and core of commercial and retail development within our communities.

**Mr Ondarchie** — Entrepreneurs.

**Mrs COOTE** — Thank you, Mr Ondarchie. They are entrepreneurs; people who are prepared to put their

money where their heart and soul is. These small businesspeople often work day and night to make their businesses viable. They are increasingly embracing the internet economy, and I commend them for this. These small businesses are the core of what our communities are involved with. It is an iconic Melbourne thing. We are all proud of Melbourne because of these wonderful laneways, shopping centres and strip shopping centres — —

**Ms Pulford** — Name them!

**Mrs COOTE** — I have just named them; what a pity Ms Pulford was not in the chamber. I have talked about all my favourite shops and eateries, and I am recommending them so I can go into competition with the *Age Good Food Guide*! In any case, this is a bill for anybody who runs a small business. It is going to cut red tape and make a difference, not just to the economic bottom line but to the time factors involved. Small business operators, usually in family situations, are working extremely hard day and night. It is commendable that they are providing our economy with its core and heart. We are cutting red tape to make it easier for them to be out there building businesses, and I know they will welcome and embrace this bill. I am proud to have been a participant in tonight's debate, and I wish the bill a speedy passage.

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The DEPUTY PRESIDENT** — Order! The question is:

That the house do now adjourn.

### **Food and fibre production: target**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise in the adjournment debate tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh, and it relates to his government's commitment to double Victoria's food and fibre production by 2030. This is an admirable target that most of Victoria's agricultural sector, and certainly we on this side of the house, fully support. The question I raise for the minister's attention is: by what means will the government facilitate and assist the farming sector in achieving this admirable target?

In particular I draw the attention of the house to the fact that in this year's budget alone the government has cut the Department of Primary Industry's (DPI) core budget by \$29 million, or 7.3 per cent of the 2011–12 core appropriation funding. While dollars do not paint

the whole picture, 200 staff are being cut from the Department of Primary Industries, staff on whom farmers relied to assist them in achieving the admirable task of doubling Victoria's food and fibre production by 2030.

The previous Labor government initiated a \$205 million Future Farming strategy which assisted farmers to deal with climate change and the impacts of climate variability on land productivity in times of drought. It also funded a wide range of research and development initiatives. The funding for that is gone. The current minister has replaced the \$205 million program with a \$60 million program. Therefore 70 per cent of the funding in this particular area has been cut at a time when these very research and development programs have an important part to play in assisting the farming sector to achieve the target of doubling food and fibre production.

The action I am seeking from the minister, other than standing up to the Treasurer and getting some more money into this portfolio rather than it being reprioritised away, is to explain to and show our farming sector how it can double food and fibre production while the government makes massive cuts to the Department of Primary Industries, which assists this sector.

**Mr Ramsay** — It is called rainfall.

**Mr LENDERS** — Mr Ramsay may say 'rainfall', but for farmers in Victoria the fact that 200 DPI staff are gone is not of assistance in doubling food and fibre production. The action I seek from the minister is for him to outline to farmers how the services will be delivered with the savage cuts he has imposed while requesting a target of doubling Victoria's food and fibre production.

### **Parks Victoria: disability access**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Environment and Climate Change, Ryan Smith. It is to do with the International Day of People with Disability to be held on 3 December. Parks across Victoria, for which the minister is responsible, have good accessibility programs and strategies. The slogan for Parks Victoria is Healthy Parks Healthy People. As I have told members in this chamber before, I was on the inaugural board of Parks Victoria. I can remember deliberating over just that title; how were we going to get a title — —

**Mr Lenders** interjected.

**Mrs COOTE** — He was sacked, after all! The Healthy Parks Healthy People slogan was something we deliberated on because we wanted to send a message that parks were accessible to all people.

There has been an ongoing strategy by this minister in dealing with the accessibility of parks. In Albert Park last weekend we had a race which was called City 2 Sea, and over 11 000 people ran in that race. I happened to watch the race. I was walking beside the race, but I happened to see it, and I saw many people who were in wheelchairs and other people who were in that race. It was very pleasing to see how easily they could get around Albert Park Lake. I would be keen to hear from the minister just what plans and strategies he has in place for increased accessibility to Victoria's parks. I invite the minister to meet me at Albert Park Lake on the International Day of People with a Disability to see the facilities, to show me what some of the issues are and to discuss some of the strategies relating to the accessibility of our parks for people with a disability.

### **Special schools: Western Victoria Region**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the Minister for Education, and it is about the review of special education in the Geelong and South Barwon region. During the last parliamentary sitting the member for South Barwon in the Assembly, Andrew Katos, tabled a petition of 1699 signatures, drawing the attention of the house to the unacceptable conditions of schools in the Geelong region for students who have an intellectual disability. The petition requested that the Legislative Assembly of Victoria commit to both short and long-term solutions, including building a new special school facility.

When questioned by parents of students at the school, the Baillieu government's consistent response is that a review of special education in the Geelong and South Barwon region is under way. This has been reported a number of times, including in the *Geelong Advertiser* of 14 April this year. However, when the Baillieu government is asked to explain what elements of special education in the Geelong and South Barwon region the review encompasses, who is conducting the review and when the review is anticipated to be completed, the government refuses to answer.

This has prompted the opposition to make a freedom of information request to the department on the review and any documents relating to this review and the Barwon Valley special school. The freedom of information request revealed that there are four

documents relating to the request; however, the government will release only one of those documents, choosing to keep the other three documents from the Victorian public and the Barwon Valley special school community. One of the documents which will not be released is a briefing to the Minister for Education seeking approval of the findings of the special schools provision plan for the Barwon-south western region. Another document the government will not release is the special schools provision plan report attached to the briefing.

It has been made perfectly clear by the people who have signed the petition that the community is not satisfied with the facilities at the Barwon Valley special school. However, the Baillieu government is sitting on a report which seeks approval of the findings of the special schools provision plan and will not release its findings to the public. It raises the question: is the government hiding something, or is it simply too lazy to address the issues raised by the 1699 people who expressed concern? I request that the minister release the special school review and the review findings to assure students with a disability, their families and the Barwon Valley community that their needs are not being ignored by this government.

### **Planning: Geelong waterfront**

**Mr O'BRIEN** (Western Victoria) — My adjournment matter is for the Minister for Planning. I note that he is in the house tonight. I ask that the minister meet with a former Geelong resident, Mr Lawrence Elms, to discuss a proposal for Geelong's waterfront in further detail. The proposal has been in the public arena throughout this year in both Geelong and metropolitan media, and it is certainly a bold plan. It has been described by the recently elected — directly elected — mayor, Cr Keith Fagg, as a bold, visionary plan that is worthy of consideration in detail.

**Hon. M. P. Pakula** — Does this involve boat planes?

**Mr O'BRIEN** — To pick up Mr Pakula's interjection, the city of Victoria, British Columbia, which Mr Pakula and I recently visited as part of a Public Accounts and Estimates Committee inquiry, has a very successful fleet of float planes operating to link it to Vancouver, but this proposal does not necessarily relate to boat planes. It relates to bay development and a vision for the Geelong foreshore that principally incorporates public land that can be opened up for development with a number of finger wharves, hotels and a potential convention centre at the Limeburners Point and Eastern Beach areas. It should be sensitively

designed so as not to interrupt the historic and natural features of that area. It should appropriately bring large-scale jobs — it is estimated there will be 850 jobs in construction — investment, development and a serious vision that needs to be considered by this minister, who is a serious Minister for Planning as opposed to the previous Minister for Planning. Minister Guy will take ideas from the community and listen and consult very widely.

I know Cr Keith Fagg, the mayor of Geelong, has expressed a desire for consultation in relation to the very important city he now represents. I pay my respects to Cr Mitchell, who has been defeated, and other candidates who were unsuccessful. What I seek from the minister is that he take an opportunity to meet with Mr Elms to discuss his visions. No doubt they will require some refinement and consideration in concept by the community, the council, the minister and this government if they are to be accepted, but in terms of direct input, Mr Elms has estimated there will be 850 construction jobs, a 32 000-square-metre convention centre, a potential 200-room, 5-star hotel and \$450 million of economic input during construction, generating economic benefits of \$86 million a year as part of an overall \$1 billion vision for Geelong.

This is the sort of vision this government encourages. I know it has been in a sense criticised in part by the member for Geelong in the Assembly, Mr Trezise, who supported the concept of the boat plane — or the float plane or the seaplane — and has a letter of support on the table. I ask the minister to meet with Mr Elms and consider this proposal very seriously.

### **Minister for Finance: conduct**

**Hon. M. P. PAKULA** (Western Metropolitan) — The matter I wish to raise is for the Premier, and it refers in part to an article that appeared in the *Australian* newspaper of 9 November — that is, last Friday. The article relates to the matter of the Minister for Finance holding shares in the National Australia Bank, the Commonwealth Bank and the ANZ bank, as detailed in his register of interests.

In a story the previous day I had said that it appeared, to me at least, that requiring the Minister for Finance to divest himself of bank shares ought to be blindingly obvious. In the article of 9 November the Premier disagreed with that contention and indicated that the Minister for Finance had complied with the ministerial code of conduct. To refresh the house, the code of conduct at clause 8.2 states the following:

A probity auditor will examine each minister's or parliamentary secretary's declaration and supporting information and report to the cabinet secretary.

If, as the Premier indicated, the code of conduct has been complied with, and if part of the code of conduct requires the involvement of the probity auditor, it is fair to say that the minister's shareholdings should have been given a tick by the said probity auditor. Incredibly, though, as Mr Ferguson's article of 9 November says:

Despite setting up the code of conduct in February, Mr Baillieu refused yesterday to identify the probity auditor.

Surely even Mr Baillieu recognises that it is beyond ridiculous to say that a probity auditor is looking at ministerial shareholdings but that he cannot tell us who it is. The action I seek is simple: that the Premier reveal to me and the Parliament the identity of the probity auditor, as referred to in clause 8.2 of the ministerial code of conduct.

### **Merbein P-10 College: funding**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Minister for Education, Martin Dixon. The action I seek is that the Baillieu-Ryan government commits to providing the funding in the 2013 budget to complete the Merbein P-10 College building plan.

During a visit to the Mildura district since the last sitting week of the Parliament, I spent a day visiting schools, including Merbein P-10 College. Students, staff and parents were a little stressed as they made the final transition from four separate schools into one school by moving into the new, \$10.5 million open learning spaces, which were designed to provide a 21st century learning experience. The new facilities, funded by the Gillard federal government, are an outstanding example of its commitment to delivering better education outcomes for students and supporting students to become successful citizens. However, the new facilities are only stage 1 of the building plan. Stage 2 includes new science, technology, library, canteen, gymnasium and administrative facilities, as promised to the school communities in 2010 when they agreed to merge the schools to improve education opportunities and outcomes for all students.

The Minister for Education admitted early in the life of the Baillieu government that the government's list of priorities for school building works was drawn up by Liberal and Nationals candidates. Merbein P-10 College was not on that list, which means that either the member for Mildura in the Assembly, Mr Crisp, did not include the college on his list or his views were not listened to, as usual. It is now vital that the Baillieu-

Ryan government make stage 2 facilities for Merbein P-10 College a priority in the next budget so the community can successfully complete the process of merging the four schools.

I also call on the minister to assist the college to obtain approval for traffic lights to be installed at the front of the school so that primary school students can cross the road safely. Surely the Baillieu-Ryan government can agree to this very sensible request from the Merbein community.

### **Planning: development contributions advisory committee**

**Mr SCHEFFER** (Eastern Victoria) — I raise a matter for the attention of the Minister for Planning, whom I note is in the house. I seek the minister's advice on a letter that I have received from the CEO of the City of Casey, Mr Mike Tyler, regarding the establishment of the Standard Development Contributions Advisory Committee.

Mr Tyler wrote that the minister established the Standard Development Contributions Advisory Committee to consider reforms to the development contributions legislation. He said the City of Casey is concerned that the process the minister has set in place is weakened because of the lack of input from local government, a critical partner in the development contributions system. He pointed out that local governments manage and implement development contribution plans and that from this they have derived considerable knowledge of the system that warrants their being included on the advisory committee.

Mr Tyler said he has written to the Minister for Planning to request that a local government expert be added to the committee, and he has asked me to bring the council's concern to the minister's attention. I would appreciate the minister's advice on this matter.

### **Planning: contaminated land management**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter this evening is also for the Minister for Planning — he is obviously very popular tonight. On 7 December last year the Auditor-General tabled a report titled *Managing Contaminated Sites*. I direct my matter to the Minister for Planning as the Auditor-General recommended in this report that the Department of Planning and Community Development play a leadership, coordination and oversight role in managing contaminated sites.

The Auditor-General found that the responsible authorities are not effectively managing contaminated sites, and consequently cannot demonstrate that they are reducing potentially significant risks to human health and the environment to acceptable levels. My western suburbs is littered with contaminated sites so I was gravely concerned to read this, but because of my experience I was not surprised.

The consequences of mismanagement of contaminated sites became painfully evident earlier this month when the *Age* newspaper reported on ongoing problems with contamination issues at Cairnlea, also in my electorate of Western Metropolitan Region. The concerns outlined in this article are the same ones I raised more than five years ago in this house. It is unfortunate that the previous government did not listen to me then.

The Auditor-General outlined four key recommendations in his report. The action I ask of the minister is that he report on the progress of the implementation of these four recommendations, and that this be done in the parliamentary sitting week in December to mark the one-year anniversary of the report. I believe one year is an adequate amount of time to have progressed these recommendations.

Furthermore, the Potentially Contaminated Land Advisory Committee, established by the Minister for Planning, was to review the operation of the planning system provisions for potentially contaminated land. The advisory committee submitted its report on 9 March; however, according to the government's website, the report has not yet been released to the public. I also ask that the minister publicly release this report, which was completed some nine months ago.

### **Responses**

**Hon. M. J. GUY** (Minister for Planning) — The Leader of the Opposition, Mr Lenders, raised a matter for the attention of the Minister for Agriculture and Food Security in relation to the doubling of food and fibre production by 2020, and I will refer that matter to the minister for his reply.

Mrs Coote raised a matter for the attention of the Minister for Environment and Climate Change in relation to 3 December being International Day of People with Disability and parks accessibility issues, and I will refer that to the minister for his reply.

Ms Tierney raised a matter for the attention of the Minister for Education in relation to the conditions in schools for intellectually disabled children in the

Geelong region, and I will refer that to the minister for his reply.

Mr O'Brien raised a matter for my attention in relation to meeting Lawrence Elms about issues regarding Geelong, and I will reply to his matter right now. I am more than happy to do that for Mr O'Brien, who is a fabulous advocate for the Geelong and greater Barwon region.

**Mr O'Brien** interjected.

**Hon. M. J. GUY** — Indeed, a friend and colleague.

Mr Pakula raised a matter for the attention of the Premier in relation to potential conflict of interest issues regarding the identity of a probity auditor. In reply I point out to Mr Pakula that I think it was on 29 March 2007 that I raised conflict of interest issues in relation to his ownership of shares in Brambles and oil companies when he was the Parliamentary Secretary for Roads and Ports. I take into account the making of conflict of interest allegations against others when seeking a reply from the Premier on the broad issue, but I will pass the matter on and seek to have it dealt with by the Premier. I will not engage in any further debate for fear of turning this into a very long adjournment debate.

**Hon. M. P. Pakula** interjected.

**Hon. M. J. GUY** — I do not share that, and I am happy to have dealt with it fairly quickly.

Ms Broad has raised a matter for the attention of the Minister for Education in relation to Merbein P-10 College and funding issues, and I will pass that on to the minister for his direct reply.

Mr Scheffer raised an issue for my attention in relation to a development contributions plan (DCP) advisory committee of the Department of Planning and Community Development. It was a reasonable question for him to have put to me. The development contributions plans are detailed and are also becoming exceedingly expensive. Some in regional Victoria are reaching levels as high as in Sydney, which is completely inappropriate. It is pricing Victoria out of the housing market at a time when that is unsustainable.

As a consequence, about a year ago I instituted the DCP review, which is manifested as an advisory panel. Taking part in that review were a range of industry groups and councils as well as the Municipal Association of Victoria. The panel decided on a number of models for a perfect DCP system that would seek to cap or bring down the level of DCP rates, which were becoming ridiculous. In doing that a few months ago,

that working group, chaired by my department but including a number of local government and industry representatives, came to a conclusion as to what models it liked.

The government had chosen a perfect model, which was a capped figure with three or four baskets underneath with a capped level between them. Within those baskets was the level of what could be attained. If it was a basket for sporting facilities, you could then tick the sporting facility you wanted, and the amount would then be determined by the advisory committee. I have the letter from Mike Tyler, and I appreciate his concern, although the input to determine the model is now complete. The government intends to bring back the findings from the advisory committee on the amounts in the baskets making up the development contributions plans. I know that is complex, but that is what it is. The amounts will then be determined and will probably go out again for comment from the local government sector and the development industry itself to see whether those amounts are right. That is the process we are going through at the moment.

Ms Hartland raised an issue for my attention in relation to potentially contaminated land sites in the western suburbs and asked that I report to her. I confess that I do not know the exact details of the stage that has reached. I will find that information and try to do it fairly quickly, noting that 7 December was the date Ms Hartland mentioned. In the 22 days, or about three weeks, until then I will do the best I can to get that answer for her as quickly as I can.

I have 21 written responses for members who have raised matters previously.

**The DEPUTY PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.23 p.m.**

**Premier of Victoria**

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09 NOV 2012

D12/156610

Mr Wayne Tunnecliffe  
Clerk of the Legislative Council  
Parliament House  
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

**Order for documents – documents relating to the proposal for an east-west road tunnel**

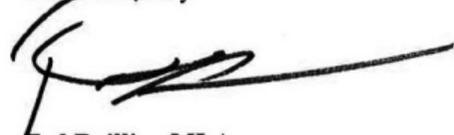
I refer to the Legislative Council's resolution of Wednesday, 24 October 2012 seeking the production of:

*all documents provided to Infrastructure Australia by the Department of Premier and Cabinet since January 2011 relating to the proposal for an east-west road tunnel.*

I enclose with this letter all the relevant documents that have been identified by the Government.

Two of the enclosed documents contain personal information, such as the names and contact details of individuals. In the interest of personal privacy, and in accordance with normal practice, these details have been redacted. I respectfully request that the Council not insist on the production of this information.

Yours sincerely



Fed Baillieu MLA  
Premier

