

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 28 March 2012**

**(Extract from book 6)**

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The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary . . . . .	Mr D. J. Hodgett, MP

## Legislative Council committees

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

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

## Legislative Council standing committees

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

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

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

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

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

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

# Participating member

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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**Deputy President:** Mr M. VINEY

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**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP



# CONTENTS

## WEDNESDAY, 28 MARCH 2012

### RULINGS BY THE CHAIR

*Auditor-General: information leak*..... 1687

### JOINT SITTING OF PARLIAMENT

*Victorian Responsible Gambling Foundation*1687, 1758, 1765

### BUSINESS OF THE HOUSE

*Statements on reports and papers*..... 1687

### COMMUNITY VISITORS

*Report 2010–11* ..... 1687

### LAW REFORM COMMITTEE

*Access by donor-conceived people to information about donors* ..... 1687

PAPERS ..... 1689

### MEMBERS STATEMENTS

*Health sector: enterprise bargaining* ..... 1689

*Ouyen P–12 College: building program* ..... 1689

*Goulburn River High Country Rail Trail: horseriders* ..... 1690

*Rail: Cardinia Road station* ..... 1690

*Shri Swaminarayan Mandir, Mill Park: consecration* ..... 1690

*Stuart Lloyd* ..... 1691

*Shire of Yarra Ranges: cabinet meeting* ..... 1691

*Greek Independence Day* ..... 1691

*Yooralla: RIDE program* ..... 1692

*National Playgroup Week* ..... 1692

*Epilepsy: Purple Day* ..... 1692

### DOROTHY DIX QUESTIONS: ELECTION

*COMMITMENT* ..... 1693, 1719

### QUESTIONS WITHOUT NOTICE

*GM Holden: government assistance* ..... 1710, 1711

*Housing: former government performance* ..... 1711

*Wind farms: government policy* ..... 1713

*Carbon tax: health sector* ..... 1713

*Industrial relations: minimum wage* ..... 1714

*Sunshine: Hampshire Square development* ..... 1715

*Employment: construction industry* ..... 1715, 1716

*Exports: government initiatives* ..... 1716

*Hazardous waste: management* ..... 1717, 1718

*Aviation industry: AIR 5428 project* ..... 1718

*Answers* ..... 1719

### SUSPENSION OF MEMBER

*Hon. M. P. Pakula* ..... 1713

### QUESTIONS ON NOTICE

*Answers* ..... 1719

PRODUCTION OF DOCUMENTS ..... 1727, 1747

### TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (FARES) BILL 2012

*Introduction and first reading* ..... 1727

*Statement of compatibility* ..... 1727

*Second reading* ..... 1727

### GREATER DANDENONG PLANNING SCHEME:

*AMENDMENT* ..... 1727

WORKSAFE VICTORIA: PREMIUMS ..... 1740

### STATEMENTS ON REPORTS AND PAPERS

*Auditor-General: Compliance with Building*

*Permits* ..... 1748

*Review of Climate Change Act 2010: report* ..... 1749

*Budget sector: midyear financial report 2011–12* ..... 1750, 1754, 1757

*Auditor-General: Melbourne Markets*

*Redevelopment* ..... 1750, 1752

*Climate change and greenhouse gas emissions*

*in Victoria: report* ..... 1751

*Budget update: report 2011–12* ..... 1753

*Auditor-General: Public Transport*

*Performance* ..... 1753

*Protecting Victoria's Vulnerable Children*

*Inquiry: report* ..... 1755

*Review of Climate Change Act 2010:*

*government response* ..... 1756

### ADJOURNMENT

*Department of Primary Industries: pig health and research unit* ..... 1758

*Barwon Valley School: recreation facilities* ..... 1759

*Sunbury: tertiary education facilities* ..... 1759

*Victoria University: boatbuilding course* ..... 1759

*Project Respect: funding* ..... 1760

*Mentone: beach renourishment* ..... 1761

*Wallan Secondary College: funding* ..... 1761

*Weather forecasting: Wimmera Southern*

*Mallee region* ..... 1761

*Responses* ..... 1762



## Wednesday, 28 March 2012

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

**The PRESIDENT** — Order! I wish to inform the house that I have been advised that the Economy and Infrastructure Legislation Committee and the Environment and Planning References Committee are meeting this day following the conclusion of the sitting of the Council.

### RULINGS BY THE CHAIR

#### Auditor-General: information leak

**The PRESIDENT** — Order! I advise members that pursuant to a matter raised by Mr Barber in regard to the leaking of information from an Auditor-General's report I have followed this up with the Auditor-General, who advises me that police were asked to investigate that matter. The police have advised the Auditor-General that, in the circumstances, they are unable to establish who might have been responsible for the leak of that Auditor-General's report to the media, but the Auditor-General advises me that police are satisfied that the leak did not come from the Auditor-General's office.

### JOINT SITTING OF PARLIAMENT

#### Victorian Responsible Gambling Foundation

**The PRESIDENT** — Order! I draw members' attention to the fact that we have a joint sitting at 6.15 p.m. this evening, and therefore members of this house will be requested to convene in the other chamber to elect three members to serve on the board of the Victorian Responsible Gambling Foundation. Members will note that, as this will occur at 6.15 p.m., it will affect the statements on reports and papers that we deal with in this house, so the leaders of the government and the opposition might wish to consider whether or not we bring those statements forward by a quarter of an hour or whether we stick to the current submission. I will need to be advised.

### BUSINESS OF THE HOUSE

#### Statements on reports and papers

**Mr KOCH** (Western Victoria) — By leave, I move:

That statements on reports and papers be at 5.15 p.m. this day.

**Mr LEANE** (Eastern Metropolitan) — There has been discussion between the two whips, and we have agreed that statements on reports and papers should start at 5.15 p.m. I seek to clarify that after the joint sitting we will return to this chamber to engage in the adjournment debate.

**The PRESIDENT** — Order! That would be my understanding. On returning to the chamber the minister will move the adjournment motion.

**Ms PENNICUIK** (Southern Metropolitan) — I do not have any objection to what was worked out between the two parties, except that we were not consulted on it. One thing I wish to raise is that if government business is going to be conducted by way of a joint sitting, perhaps the Assembly could take note that it is actually general business — or non-government business — on Wednesdays in this chamber and schedule those joint sittings on an alternate day.

**Mr LEANE** (Eastern Metropolitan) — I apologise to the Greens Whip for not consulting her on this minor change. It was something we discussed before. I will endeavour to make sure we consult the Greens Whip in future.

**The PRESIDENT** — Order! It is also probably my fault, given that I sought to have members understand what the layout of today would be from the outset. No doubt Mr Leane and Mr Koch were planning to talk to Ms Pennicuik during the day to establish that. It is probably my fault for trying to expedite the matter.

**Motion agreed to.**

### COMMUNITY VISITORS

#### Report 2010–11

**Hon. D. M. DAVIS** (Minister for Health), by leave, presented government response.

**Laid on table.**

### LAW REFORM COMMITTEE

#### Access by donor-conceived people to information about donors

**Mrs PETROVICH** (Northern Victoria) presented report, including appendices, together with transcripts of evidence.

**Laid on table.**

**Ordered that report be printed.**

**Mrs PETROVICH** (Northern Victoria) — I move:

That the Council take note of the report.

I am pleased to speak on this report. It is a substantial piece of work by the Law Reform Committee, and I would like to commend my fellow members of that committee: the chair, Mr Clem Newton-Brown, and the deputy chair, Ms Jane Garrett, along with Mr Anthony Carbines and Mr Russell Northe. I also acknowledge the good work of the staff of the secretariat, including executive officer Dr Vaughn Koops, research officers Ms Amie Gordon and Ms Vathani Shivanandan, and administrative officer Ms Helen Ross-Soden.

This is, as I have said, a substantial piece of work, and in many respects it has been a long time coming. It is a balance of the views of donors and donor-conceived recipients. Before 1998 children had no right to information identifying donors — that is one of the interesting parts of this report. Donors who donated before 1998 did so on the understanding of anonymity.

Access to information identifying donors is dependent on the date of conception. The current practice is that access to donor information is unrestricted to the children but is dependent on the donor's consent. What this meant for those people who were donor conceived before 1998 was that they had no sense of identity because of a lack of information about the identity of their biological father.

There were very interesting and poignant submissions made by many people. It was enlightening to hear of the difficulties that the lack of that knowledge caused those people throughout their life. Many of them had found out late in life that they were donor conceived. A poignant aspect of that issue is that if you find out later in life that you were donor conceived, you realise that the family you thought was yours and the sense of identity that you understood to be yours are no longer. That can be quite shattering, particularly for a young person.

If this report is accepted, Victoria will be the first jurisdiction in the world to retrospectively remove the anonymity agreement in favour of donor-conceived children. The committee received many submissions from donors and donor-conceived children. There was quite a fine balance between two competing interests — the rights of the child and the rights of the donors. Some legislation that has been introduced in recent times has not taken into consideration the rights of the child. In this case this all-party committee decided that the rights of the child are paramount.

Until now no-one has considered the unintended consequences of donor conception and the anguish this may cause to children who yearn to know their biological parentage and lineage. I think the embarrassment of donors who may be in existing relationships is minor in comparison to the impact the children experience. I am not undermining that embarrassment, because I understand there are difficulties, but the impact on children of not having basic information about themselves is the most important thing. We need to give primacy to children's rights and welfare, which is one of the overriding principles in this report. It is consistent with the United Nations Convention on the Rights of the Child and Victoria's Charter of Human Rights and Responsibilities, which we all hold up as a shining light. I think this is significant for these people.

Donors will have the right to put in place contact vetos to prevent children contacting them, and counselling will be provided to assist. However, those children conceived prior to 1998 should have access to information that identifies their donors so that all children are treated equally regardless of their birth date.

*Interjections from gallery.*

**The PRESIDENT** — Order! Unfortunately members of the gallery are not allowed to participate in proceedings.

**Mrs PETROVICH** — I think those in the gallery were having a little bit of trouble hearing what was going on. There is a recommendation to retrospectively remove anonymity in adoption cases in the 1980s in Victoria. Contact vetoes are successfully used in adoption cases and have always been respected. The majority of people who made submissions to the committee favoured providing information identifying donors to the children. Six out of nine donors who gave evidence said they were happy to be contacted by offspring. Things have moved on.

**Ms PENNICUIK** (Southern Metropolitan) — I am very pleased to make some short remarks on *Inquiry into Access by Donor-Conceived People to Information about Donors* report, which was tabled today. This inquiry was referred to the Law Reform Committee following the tabling of an interim report. The interim report was tabled by the Law Reform Committee of the previous Parliament. While the report has only just been tabled and I have therefore not read the whole report, I note that recommendation 1 is:

That the Victorian government introduce legislation to allow all donor-conceived people to obtain identifying information about their donors.

I am a little bit emotional about this because it was on my motion that the matter be referred to the previous committee that got this inquiry under way. I moved amendments to the earlier legislation passed by Parliament to allow all donor-conceived people to obtain identifying information about their donors because I agree with the comments made by Mrs Petrovich when she said that the rights of donor-conceived people have to be paramount. During the inquiry and in representations made to us in Parliament when the earlier legislation went through we heard of the anguish that has been caused to people conceived prior to 1998 in not being able to have access to identifying information.

This is a very welcome report. Obviously, as I said, I have not had a chance to read the whole report, but I am very much looking forward to doing so. I welcome the first and key recommendation and thank the committee for its work.

**Mr SCHEFFER** (Eastern Victoria) — Very briefly I place on record the opposition's support for this report. As the chair of the Law Reform Committee during the last Parliament, I indicate that the members of the committee prepared an interim report on this issue and our only recommendation was that the inquiry be referred to the Law Reform Committee of this Parliament. The matters are of course very serious and very important for a number of Victorians. The opposition is happy that there has been a resolution of these matters and that we can move forward.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Auditor-General's Report on Access to Public Housing, March 2012.

Ombudsman — Report on the Investigation into Conflict of interest, poor governance and bullying at the City of Glen Eira Council, March 2012.

Special Investigations Monitor's Office — Report for the period 1 July to 31 December 2011, pursuant to section 30Q of the Surveillance Devices Act 1999.

A Statutory Rule under the Confiscation Act 1997 — No. 20.

## MEMBERS STATEMENTS

### Health sector: enterprise bargaining

**Ms HARTLAND** (Western Metropolitan) — I would like to congratulate the Australian Nursing Federation wholeheartedly, especially Lisa Fitzpatrick and nurses across Victoria, on the way they stood up for nurse-patient ratios. By doing so, they stood up for patients and the health-care system in general. I joined with nurses at Western Hospital on several occasions, and the thing I noticed most was that when they were out on Gordon Street members of the community showed their support by honking their horn or stopping by to chat. I am glad the state government finally saw sense and realised it needed to negotiate in good faith and resolve the dispute.

I urge the state government to learn from this experience and engage in good faith bargaining with psychiatric nurses and ambulance officers this year instead of making the mistake of disrespecting their work as well.

### Ouyen P-12 College: building program

**Ms BROAD** (Northern Victoria) — Last week I was pleased to again visit Ouyen P-12 College and see the new buildings at the school being utilised with pride and enthusiasm by students and staff, as they were intended to be by the former Labor government, which allocated funding for their construction. However, during my visit I was made aware of the \$354 000 bill confronting the school to fix the list of building faults identified by the school buildings review as well as the fact that the school's budget for maintenance is just \$43 574, leaving a gap of more than \$300 000. This is a direct result of the refusal of the Baillieu-Ryan government to fund the completion of the building program.

As a result, the school must patch up buildings that are due for demolition just to keep them safe. Even worse, because the building program is not complete and the school is split between two sites that are divided by a railway line and a major highway that staff and students must cross many times on a daily basis, the whole school community continues to be fearful of the risks — risks they did not sign up for, because the school was never supposed to be split between two sites.

To date the member for Mildura in the Assembly, Mr Crisp, has not delivered the funds that Ouyen P-12 College needs to finish the building program, and the Baillieu-Ryan government has not made a

commitment to the school either. Now is the time for Mr Crisp to provide the solution that Ouyen needs and deliver funding to complete the school building program in this year's state budget, which will be handed down by the Baillieu government in May.

### **Goulburn River High Country Rail Trail: horseriders**

**Mrs PETROVICH** (Northern Victoria) — The Goulburn River High Country Rail Trail is an exciting and important new tourism facility in my electorate of Northern Victoria Region. The trail extends for 134 kilometres through some of Victoria's most beautiful countryside from Tallarook to Mansfield and is managed jointly by the shires of Mitchell, Murrindindi and Mansfield. The possibility that horses may be excluded from the Mitchell shire section of the trail is very concerning to me, because of my lifelong interest in horseriding, and to the numerous horseriding groups that have contacted my office about this issue.

The full trail is due to open within a few weeks, but Mitchell Shire Council is yet to complete the final risk assessment procedures relating to the horseriders using the trail. The funding was provided to this project by both the state and federal governments for a facility that could be used by a number of groups, including horseriders. The shires of Murrindindi and Mansfield have been able to deliver the promised shared facility, yet Mitchell Shire Council has demonstrated a lack of consultation and early planning.

I have ridden along part of the trail in question, and I believe that in consultation with local horseriding groups parking and safety concerns could easily be addressed. It is disappointing that this did not occur earlier in the planning process. Mitchell Shire Council was happy to accept the funding for a shared trail, so I urge it to use all resources available to deliver a trail that can be used safely by walkers, cyclists and horseriders.

### **Rail: Cardinia Road station**

**Mr SCHEFFER** (Eastern Victoria) — Pakenham residents were bemused by the bizarre appearance of our out-of-touch Premier, the Minister for Public Transport and the Parliamentary Secretary for Transport, Edward O'Donohue, at the Cardinia Road station last Monday. For \$54 million this railway station will be like a ghost town for years to come — no staff, no protective service officers, no public toilet and, until a new substation is built, a power supply that cannot cope with peak hour demand. This is the same

station that was in Labor's \$38 billion 2008 Victorian transport plan and that Labor budgeted for in 2010 and committed to start in late 2010 and complete after 2011. This is the same railway station that when in opposition the member for Bass in the other place, Ken Smith, and Edward O'Donohue agitated for, telling anyone who would listen that everything had to be done faster.

Now we see the standing joke that is the Cardinia Road station. This coalition has not fixed the problems; in fact it has created some of its own, which the residents of Pakenham now have to live with. I applaud the government on following through with the former Labor government's work on the construction of the Cardinia Road station, but I share the disappointment of local residents that the government is incapable of finishing the job properly. I remember Mr O'Donohue saying in 2010 that it was hard to see how the new station could cost \$55 million. Transport genius Paul Mees called for a royal commission. Now we know that the costing was spot-on. However, it is a disgrace that there are no staff and no toilets. How hard would that have been? The coalition has treated Pakenham with contempt.

### **Shri Swaminarayan Mandir, Mill Park: consecration**

**Mr ONDARCHIE** (Northern Metropolitan) — Last Friday and Saturday I was honoured to be part of the consecration of the new BAPS Shri Swaminarayan Mandir in Mill Park, a new Hindi temple that is one of the biggest Hindi temples to be opened in Victoria. We were honoured by the presence of His Divine Holiness Pramukh Swami Maharaj and Pujya Tyagvallabh Swami, who had come from India. It was indeed an honour to attend with the sadhus and the variety of people who were there.

The Hindi community started on Friday with a devotional parade through Mill Park, including Plenty Road. There were a number of floats and about 1500 members of their community to welcome the following day's consecration. I particularly pay tribute to the members of this community because as they travelled the distance along Plenty Road and the other residential streets a number the local residents came out to see what was happening, and the Hindi community members left the procession to talk to the local residents about their spirituality and their inclusiveness in their local community.

I take my hat off to Mr Sitesh Bhojani, who 30 years ago in his parents' home fostered the idea of building a new Hindi temple in Mill Park. This is a wonderful,

inclusive community, and we are delighted to have it in the northern metropolitan area.

### **Stuart Lloyd**

**Ms PULFORD** (Western Victoria) — I would like to take this opportunity to congratulate Stuart Lloyd of Edenhope on winning the Foundation Scholarship awarded by the Macpherson Smith Rural Foundation. The scholarship will provide Stuart with \$45 000 over three years while he completes his tertiary education. Stuart is currently studying software engineering at Monash University.

Stuart Lloyd is been a six-time college dux. He was school captain and has been a tireless contributor to the Edenhope College community. The Macpherson Smith Rural Foundation's Foundation Scholarship allows promising rural students such as Stuart the opportunity to reach their potential and become future leaders. In addition to receiving financial assistance Stuart will participate in the foundation's mentoring and leadership development programs for future rural leaders.

The importance of this scholarship cannot be overemphasised. Rural students are statistically more likely to defer their tertiary studies due to financial pressures. The scholarship, which is for study at a Victorian university, is open to Victorian students living in regional or rural areas who demonstrate leadership potential and a passion for rural Victoria. Congratulations, Stuart.

### **Shire of Yarra Ranges: cabinet meeting**

**Mr O'DONOHUE** (Eastern Victoria) — I was pleased that the coalition cabinet met in the Yarra Ranges Shire on Monday. It met at Monbulk, and the meeting was followed by a community lunch with community leaders and a range of ministerial meetings and briefings with various community stakeholders to discuss a number of issues.

I was pleased to join the Premier, the Minister for Public Transport and the member for Gembrook in the Assembly, Brad Battin, at the Cardinia Road station. Mr Scheffer referred to this, and the coalition government is fixing the problems it inherited from Labor. How could Labor plan a railway station without power for the trains to stop and start with? It is unbelievable. We are fixing this problem left behind by Labor. This was not budgeted for by Labor. I look forward to the station becoming operational from 22 April.

I was also pleased that the Premier and the Minister for Education visited Monbulk Primary School to

announce that the school had received a \$100 000 grant to become a music specialisation school. I congratulate the principal, Ray Yates, and his staff on their dedication to music and their involvement with music in the Dandenongs more generally.

The Minister for Multicultural Affairs and Citizenship, Nick Kotsiras, took part in a round table discussion with members of the Sudanese communities of the Shire of Cardinia and the La Trobe Valley about some of the issues those communities face.

I was also pleased to see the Parliamentary Secretary for Families and Community Services, Andrea Coote, visit Emerald Community House to inspect the progress of works that are part of the coalition's \$150 000 commitment to refurbish this important piece of community infrastructure.

### **Greek Independence Day**

**Ms CROZIER** (Southern Metropolitan) — In my electorate of Southern Metropolitan Region I have a number of strong and very proud Greek communities, including those in the areas of Prahran and Oakleigh. The 25th day of March marks the national day of Greece — a day that recognises the Greek War of Independence and is celebrated by Greek communities throughout the world and in many parts of Melbourne. On Friday I attended a flag-raising ceremony in Prahran to mark the occasion together with my colleagues Clem Newton-Brown, the member for Prahran, and Kelly O'Dwyer, the federal member for Higgins. The event, organised by the Stonnington City Council, has been held for 30 years. Attended by many local traders, residents, and church leaders, it is an important event each year for the local community of Prahran.

On Sunday Nick Kotsiras, the Minister for Multicultural Affairs and Citizenship, yourself, President, other state and federal colleagues and I attended a reception at the Consulate General of Greece in recognition of the day. On this occasion much was said about the many achievements of Greece over centuries, the resilience of Greece and the special relationship Australia has with Greece. Also discussed was the concern many Greeks in our own communities have for friends and family who remain in Greece and who are dealing with the current financial crisis affecting their country.

The debt levels Greece and some other European countries have are placing great strain on their governments, despite the receipt of billions of euros from the European Commission, the European Central Bank and the International Monetary Fund. The

situation still remains dire and of concern to not only Europe but to the international community. It is a salient reminder to us all of the need for prudent fiscal management, including responsible government borrowing and spending. With a clear plan to improve the state's fiscal position, drive investment and create jobs, the Baillieu government is taking great measures to ensure that Victoria's economy remains strong and competitive.

### **Yooralla: RIDE program**

**Mrs COOTE** (Southern Metropolitan) — On 22 March I had the greatest of honour in going to look at a terrific innovation by Yooralla: the Yooralla RIDE (Respite Information and Development in the East) program. It was just inspirational. I would like to put on record my praise for the work that is being done out there and for the fact that Sanjib Roy, the chief executive officer of Yooralla, who does a fantastic job, was there, along with Ashley Creighton, the deputy general manager, Catherine Smith, Meaghan Ball, Liz Wood, Linda Gibson and Tasha. This program for respite uses an innovative approach, dealing with and listening to people in the eastern metropolitan region about the concerns they have for respite.

Respite for people with disabilities is an enormous challenge; it is difficult, it is stressful and it needs to be handled with a great deal of sensitivity. Yooralla recognises that information sharing is the key to running a successful program. Some of the things it does include providing an essential point of contact for carers, families, service providers and people with disability for information and referral to respite and carer supports; enhancing the development of partnerships and information sharing between disability-specific services, individuals, carers, families and other key stakeholders; and facilitating and coordinating quarterly meetings of the regional disability respite network, which has the aim of promoting a disability respite service that is integrated, consistent and responsive. Yooralla also assists with the development and planning of future respite service delivery through the collection and analysis of service provision data. I congratulate all involved and hope they continue the good work.

### **National Playgroup Week**

**Ms MIKAKOS** (Northern Metropolitan) — I rise today to highlight National Playgroup Week, which is being celebrated this week. There are approximately 25 000 families and 40 000 children each week who attend playgroups in Victoria. They are an excellent way for young children to learn socialisation skills.

Many playgroups operate through the selfless support of volunteers and their much-appreciated fundraising efforts.

On Monday I attended the Our Time supported playgroup in Reservoir. The Supported Playgroups and Parents Group Initiative was announced by the former Labor government in the 2005–06 A Fairer Victoria strategy as a four-year package. It was initially rolled out to 14 municipalities, where Best Start sites were established, and in 2008–09 the Labor government committed funding for a further 15 municipalities. The funding of these 15 sites is coming to an end this financial year. One of these sites is in my local government area of Darebin, where the Our Time playgroup is situated.

The recent *Report of the Protecting Victoria's Vulnerable Children Inquiry* also recognised the significant role of both community and supported playgroups in supporting families in Victoria and recommended that the Baillieu government:

Increase investment and appropriate infrastructure in universal services including ... community playgroups, to communities that have the highest concentration of vulnerable children and families ...

I understand that Playgroup Victoria supports the inquiry's recommendation. The Minister for Children and Early Childhood Development needs to commit to implementing the recommendations in the Protecting Victoria's Vulnerable Children Inquiry report that relate to her portfolio, and it is disappointing that she has failed to do so so far.

### **Epilepsy: Purple Day**

**Mr O'BRIEN** (Western Victoria) — Monday, 26 March, was Purple Day, being the global day for epilepsy awareness. In Victoria there are an estimated 55 000 people who currently have epilepsy. Epilepsy will affect approximately 4 per cent of Victorians, or 220 000 people, at some stage in their lives; however, the number of people who are significantly affected by epilepsy, including family members and carers, will be approximately four times that figure, or 880 000 people.

Epilepsy most commonly affects young people and people in the later years of life. International research shows that people over 65 years are becoming the fastest growing population suffering from seizures. Seizures among this group are 6 to 10 times more common than in any other age group, and it is estimated that, by 2025, 50 per cent of new onset seizures will be in older persons.

Epilepsy can happen to anyone and can start at any age. I myself suffered from epilepsy as a youth, and it was very formative in my experiences in life. It became a matter of realising that one is mortal and does not always have control over one's brain. That has been something that has spurred me through my life's challenges, but many other people deal with it every day. I also know and sympathise with many other people who have the problem of caring on a daily basis for young people suffering from epilepsy.

I commend the government, the opposition and the Greens health spokesperson, Colleen Hartland, on a bipartisan approach to this issue. I also place on record the involvement of my brother, Professor Terence O'Brien at the University of Melbourne, and I commend him as well as the many other professionals and carers and the Epilepsy Foundation of Victoria for their work on epilepsy research. I encourage all members to wear their purple ribbons for the global day of epilepsy awareness.

## DOROTHY DIX QUESTIONS: ELECTION COMMITMENT

**Mr LENDERS** (Southern Metropolitan) — I move:

That this house —

- (1) notes that during the 2010 leaders election debate, when the current Premier was asked about parliamentary standards by then ABC journalist Josephine Cafagna, he replied that under his administration 'Dorothy Dix' questions would be banned;
- (2) notes that no changes have been proposed to the standing orders of either house to end questions to ministers from government members;
- (3) notes that in the Legislative Council on 6 December 2011, the Government Whip, Mr David Koch, asked a 'Dorothy Dix' question of a minister sitting next to him that invited her to praise him and the government despite the Premier's pledge to abolish the practice; and
- (4) calls on government members in the Council to honour the spirit and letter of the Premier's election commitment made to Josephine Cafagna and the Victorian people in November 2010.

I am disappointed to be moving this motion, because for anybody who was listening to the leaders debate in November 2010, before the election — —

**Mr Barber** — How many do you reckon that was?

**Mr LENDERS** — Mr Barber, probably quite a few people did because it was the only time there was a discussion between the then Premier, Mr Brumby, and

the then Leader of the Opposition, who would become the next Premier, Mr Baillieu.

There was a debate on the ABC with a panel of journalists asking about a range of things. A few weeks ago I listened to a replay of that debate, and I listened to it again this morning. As one of my colleagues said, I probably need to get out more; however, I listened to it. For any members who would care to listen to the leaders debate, at approximately the 25 minute and 2 second point and onwards they would find an extraordinary interchange. The then ABC journalist Josephine Cafagna, who joined the new Premier's staff a couple of weeks later, asked Mr Baillieu, who was then the Leader of the Opposition, about Parliament, about question time, about dignity and about a range of other things in Parliament. I will quote from that exchange between Josephine Cafagna and Mr Baillieu:

... will you tonight give a commitment to changing the rules of the Parliament so that ministers are forced to answer questions asked in the people's Parliament?

Mr Baillieu replied:

Josephine, I could not agree more ... I make that commitment. I'm happy to do that.

He further stated:

I believe the standing orders should be changed.

He also said that 'ministers never answer'. In relation to Dorothy Dix questions, he said they are a 'waste of time'.

It goes on, and members who listened to the debate from that 25-minute point onwards would have thought that one of the first acts of the Baillieu government would have been to convene the Standing Orders Committee, at least for the Assembly if not for the Council, to deal with and ban Dorothy Dixers. That would be the conclusion that any reasonable person would come to.

**Mr Barber** interjected.

**Mr LENDERS** — Yes, Mr Barber, I know that his first act was to increase the size of the ministry, but you would have thought that one of his first acts would have been to convene the Standing Orders Committee and make the Parliament more accountable.

In the motion I have moved, the first item is that this house should note the commitment in that particular area made by the now Premier during the leaders debate. The second item in my motion is to note that no changes have been proposed to the standing orders of either house to end questions to ministers from

government members, and that is a matter of fact. There is no question that at the 25-minute mark of the leaders debate Mr Baillieu committed to having the Standing Orders Committee — for the Assembly unequivocally and arguably for both houses — deal with the matter of questions at question time. It has not happened. Some would say it is not a priority, and I would agree that clearly jobs and other issues are incredibly high priorities for the government, but it is a great disappointment that a government that made a commitment at election time to deliver on this issue has not even convened the Standing Orders Committee to look at this particular item.

The third item of my motion requests the house to note that on 6 December 2011 in the Legislative Council — —

**Mr Finn** interjected.

**Mr LENDERS** — I take up Mr Finn's interjection, which is presumably about broken election commitments. What Mr Baillieu promised when he came forward to the Victorian people, asked them to vote for him and said, 'I will be different', was: 'If I am Premier, we will have a question time that gets rid of the nonsense of Dorothy Dixers and makes ministers answer questions'. Whether that was correct or not, I could go through, in response to Mr Finn, a series of reforms from both sides of Parliament to question time. That is not unique to the Labor Party or the Liberal Party.

In the past this house did not have question time. There was no question time in the Victorian Parliament until 1960s in the Assembly and much later in the Council. From both the Labor side and the Liberal side, there have been reforms over time that have been brought to question time, whether it be in this house in the form of supplementary questions, which were initiated by the opposition at the time, which is the now government, or whether it be in the Assembly in the form of time limits on questions. There has been a range of things.

This is not a debate about which party historically has the most runs on the board in question time. I am happy to have that debate, but this is a debate about the fact that in the lead-up to the election Mr Baillieu solemnly, in response to what was probably to be the first Dorothy Dixer of his future administration, answered Josephine Cafagna by saying, 'I will be different. I will make ministers answer questions at question time'. He left the unequivocal impression that he was going to get rid of Dorothy Dixers and that he would call on the Standing Orders Committee to do this. That was in

November 2010. We are now almost in April 2012, and nothing has happened.

Mr Finn wants to go on about broken promises. His colleagues Mr Dalla-Riva and Mr Guy spent half of question time yesterday giggling at how smart they were in responding to Dorothy Dix questions and getting things on the notice paper about whether the Labor caucus in Queensland could get into a Tarago. They may think that is funny and worth giggling about, but Mr Finn should reflect on the fact that if one asked what one of the issues was that cost the Bligh government in Queensland, I would argue it was broken promises. Any analysis of the effect on the Queensland election of petrol tax, privatisation or other things would say it was about broken promises. Those opposite, rather than giggling about the misfortune of what has happened in Queensland, should reflect on how communities respond to governments breaking solemnly given promises.

We have a Parliament where there has been no effort whatsoever to bring this reform into place. Worse still, referring to the third paragraph of my motion, was what happened in question time on 6 December last year, despite Mr Baillieu saying when he was opposition leader that he believed Dorothy Dixers were a waste of time and that ministers needed to answer questions. Mr Baillieu said he thought it was all a farce. The Government Whip, Mr Koch, asked a question of the Deputy Leader of the Government, Ms Lovell, who was sitting right next to him, as Mr Leane is sitting next to me. Mr Koch's question — and I paraphrase — asked Ms Lovell to tell him about the great works of the Baillieu government in Geelong. It was on a specific issue. To answer this question Ms Lovell got out a piece of paper, and I would be so bold as to suggest that if I had been sitting behind them in the gallery, I would have seen it was in the same font or handwriting as the question. Ms Lovell looked at Mr Koch and said, 'The Baillieu government has done fantastic things, especially Mr Koch my friend here, who is so fantastic'. It was an absolute farce. We had a government member asking a question of the minister sitting next to him. It is almost, 'You scratch my back, I will scratch yours, and aren't we great?'

Members of the Labor Party have asked Dorothy Dixers in this Parliament for years. This is not a particular issue where the Labor Party is saying it has never had Dorothy Dixers. Dorothy Dixers have existed in this Parliament for decades. What is different is that for the first time to my knowledge in the history of Victoria a leader has gone to the electorate and said, 'We are going to change this practice'. I cannot recall any leader, as part of an election campaign, saying,

'Part of our parliamentary reform is to get rid of Dorothy Dixers'. I am sure that Mrs Peulich and all the other speakers after me will get up and say that Labor did this, Labor did that. This is not a debate about Labor. This is a debate about a leader who got up and said, 'I am going to be different'. It is blatantly clear that either the leader did not mean what he said or his whole parliamentary team has completely ignored him.

The Government Whip in the Legislative Council asked a question of the Deputy Leader of the Government, the manager of government business, saying, 'Aren't you fantastic? What did you do in Geelong?' She replied, 'You are so fantastic. We were together'. How is that evidence of the scrutiny of government that Mr Baillieu said there would be? It is a mutual admiration society of badly delivered lines; they are not even delivered well.

We can then go to Mr Ondarchie asking a classic Dorothy Dix question, I think it was during the last sitting week. It was a question for Mr Dalla-Riva. Mr Ondarchie asked the minister what he was doing in manufacturing and if he had any comments on alternative policies, to which Mr Dalla-Riva got up and started saying that a potential secretary of the Australian Council of Trade Unions should be advocating to a government in another jurisdiction and running a campaign against the carbon tax rather than against another party. That is meant to be scrutiny of government. It is an absolute joke. We are again talking about the classic Dorothy Dix questions where the second part of the question is, 'Will you comment on alternative policies?'

This is not a statement on whether it is appropriate or not appropriate — that is a separate debate. This is a statement that two weeks out from the election Mr Baillieu, now the Premier, solemnly said: 'If I am elected, I will be different'. I am sure Mr Finn, Mrs Peulich and others will go on about all these Dorothy Dix questions that happened when Labor was in government. Dorothy Dix questions have been asked in this Parliament since question time started. This is not a question of who has done more and who has done less; this is a question of honesty and truth. For the first time in Victoria a leader said, 'If you elect me, this will be different. This is what makes me different from previous government leaders. I am worth electing'. That is in effect what Mr Baillieu said to Ms Cafagna in the televised leaders debate, and nothing has been done about it. In fact the use of Dorothy Dix questions has reached another level.

I am sure those opposite will feel incredibly smug in going through a litany of what I may have done in my nine years as a minister or what other members of the

Brumby or Bracks governments did. I am sure they will go through that. I am sure that if Mr Guy enters the debate, which he probably will not do, he will manage to take it back to the first Cain government or even back to a Labor government in the First World War — he normally seems to go back that far. That would obviously be a question of relevance for you, President, but in my view this is not a matter of dredging up the past; this is a question of whether the Premier will honour his commitment. If those opposite wish to go into the past, good on them, but I think they are being delusional, particularly post-Queensland, if they think political leaders can make multiple promises, not honour them and expect that the electorate will forgive them.

*Honourable members interjecting.*

**Mr LENDERS** — I will take up Mr Ondarchie's interjection. He said, 'So this is a big issue'. I think one of the lessons that government members need to learn and think about is that they are the government; the opposition is not the government. It is amazing that Mr Guy can put out press releases criticising Mr Tee for not asking him certain questions. I would have thought in the context of this debate that if Mr Guy wanted to be asked a question, he could organise five members from his side of the house each day to ask him that question. It is interesting to note that Mr Ondarchie thinks it is his job to lecture opposition members on what they should raise as issues.

*Honourable members interjecting.*

**Mr LENDERS** — It is interesting that government members feel it is their job to tell opposition members what they should do. The arrogance of that smacks of something like Stalin's Russia, Tito's Yugoslavia or Mugabe's Zimbabwe — that government members think their job is to lecture opposition members about the issues they should raise.

In a Parliament that has now sat since December 2010, there has not been a single incident in either house of a government member — a member of the coalition — crossing the floor. There has not been a single incident where a member of the government in either house has asked a question or raised an adjournment matter even vaguely critical of the government or scrutinising government. There has not been a single time in this house when the government has been prepared to refer to a Legislative Council committee any issue that the Labor Party or the Greens on the opposition benches have wished to have referred.

The government's idea of scrutiny is presumably that whatever happens in the cabinet room or the party room is all that matters. Then we have the further level of arrogance from Mr Ondarchie and others as they come in here and lecture opposition members on what they should be asking the government. Not only do they want Dorothy Dixers to be asked from their own side, but Mr Guy is also telling Mr Tee what he should ask him in question time.

The arrogance we are starting to see beggars belief. Not only does the government control what its own members ask it; it is now demanding to control what the opposition asks it. I say through you, President, to Mr Ondarchie: you may wish to determine what the opposition raises here, but we will not move away from our role of scrutinising government. We will not move away from that. I say to Mr Ondarchie: you will not direct us as to what issues we should raise in Parliament, because we were elected by citizens of this state on the same day you were elected, and part of our role is scrutiny. I will not resile from shining the bright light of scrutiny on the government on any occasion.

It would probably be of assistance to Mr Ondarchie, Mr Finn and everybody on the government side, if they do not wish to suffer the same fate as other governments that have lost, if they focused on honouring some promises, not on controlling the opposition. If they focus on governing well, their chances of re-election will be a lot stronger. The motion before the house today on Dorothy Dixers goes to that particular issue.

**Mr Ondarchie** — I wish you would say, 'I'm sorry, Victorians'.

**Mr LENDERS** — And again Mr Ondarchie cannot help himself — he is telling the opposition what it should do in this house, based on what he thinks would be a good thing. I repeat my earlier comment that if in a Westminster system the most savage attack weapon of government members is to tell the opposition what matters it should be raising, then I think they have completely and totally lost the plot. This is not the House of Representatives of Zimbabwe; this is the Legislative Council of Victoria, and we as an opposition will not be told by the government what questions to ask — no matter how much Mr Ondarchie wishes it.

Let us move on to the fourth part of this motion, which calls on government members in the Council to honour the spirit and the letter of the election commitment the Premier made to Josephine Cafagna and the Victorian people in November 2010. Yes, there is an element of

theatre to Parliament; yes, there is an element of partisan debate. But in the end there is a scrutiny element of Parliament, and Victoria has moved significantly over the last few decades to improve question time in Parliament. As I say, that is a bipartisan move; it has happened on both sides of the house. Some of the best initiatives in this house came from the Liberal Party and The Nationals, and some of the best initiatives in the Legislative Assembly came from the Labor Party. So there are some good things that have happened over time to improve scrutiny.

We could go a lot further and perhaps get to a system like that in New Zealand or in the UK, where in question time governments are actually held to account. But that is a separate debate for a separate time. What the debate today is about is holding the Premier to the commitment he made when he said the time has come in Victoria to change the Parliament. Mrs Peulich, I am sure, will go on forever about what happened in the last Parliament or the Parliament before or the Parliament before that. If that is her way of dealing with the future, good on her.

**Mr Finn** — You have got to learn from the past.

**Mr LENDERS** — But I would say to Mr Finn that many would agree that it is through sledging the other side that former Queensland Premier Anna Bligh is where she is today, so if that is the path — —

*Honourable members interjecting.*

**Mr LENDERS** — No. I say with all sincerity to those opposite that if they, in their smugness, think the answer is to sledge the opposition, if they think the answer is to not address the issue, if they think the answer is to go back and not forward, and if they think the answer is to sit there like Mr Dalla-Riva and Mr Guy did yesterday, giggling through question time at their funny puns at someone else's expense and not actually reflecting on what has happened, then I would say to them that they may wake up in two and a half years time with an incredible dose of reality. They may reflect back upon this time, when their response to a question about the Premier honouring an admirable election commitment was to laugh at it and pretend it was not there.

They even asked the question in an absolutely clumsy manner, with Mr Koch asking it of Ms Lovell, who was sitting next to him. They did not even have the smarts, may I be so bold as to say, to get someone on the other side of the chamber to ask the question. It was so blatant and so obvious, and I suspect that they will rue

the day when they did not actually listen to what Mr Baillieu said in the debate with Mr Brumby.

I could go on a lot further about this, but I think the simple issue here — —

**Hon. R. A. Dalla-Riva** interjected.

**Mr LENDERS** — I cannot believe Mr Dalla-Riva is interjecting about his meals. For a man who did not pay for his meals for all of 2010 and 2011, until he was sprung by the Werribee Mansion, and for a man who does not pay for his meals at cabinet committee meetings, I find it interesting that he is jumping up on this.

**Mr Ondarchie** — On a point of order, Acting President, I would remind the member, through you, Acting President, that this has nothing to do with the motion at hand — but maybe there is no content to it.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! There is no point of order, but I ask Mr Lenders to come back to the motion.

**Mr LENDERS** — As Mr Dalla-Riva raised the issue, I will say that the only reason the opposition asked questions in this house about whether ministers actually pay for their meals in cabinet was because the Leader of the Government, Mr Davis, like his leader, Mr Baillieu, had views on what should happen in government. Mr Davis got on ABC 774 at about 8 o'clock in the morning on the Thursday before the election and commented on an FOI request about the cost of meals of Premier and Cabinet. He said it is outrageous, and he is entitled to have that view. He said that if he were in government, it would be different — and he is entitled to have that view — and that ministers should pay. Then it took the best part of a year or more before Mr Davis would answer a question on this matter, whether in the house or on notice, or the Premier would answer such a question, either on the adjournment or on notice.

People opposite may not think it is an important issue — and in the scheme of things it is not — but in practice it is a classic example, again, of scrutiny. When in opposition, government members promised that if they were elected, ministers would pay for meals. They thought it was inappropriate that this had not happened under the previous government. They are entitled to that view, and the community is entitled to that view. But the point I was making in that case is that Mr David Davis said the government would do something and it took scrutiny for the best part of a year for it to honour that commitment. The only response that Mr Dalla-Riva and others had was, 'How dare the

opposition ask us a question? There are more important things to ask'. So they went back to the Zimbabwe model, where the government tells the opposition what it has to ask at question time. It goes right back to the arrogance of government members, it goes to the broken election commitments they are not willing to honour and it goes to their evasiveness and dodginess.

**Hon. R. A. Dalla-Riva** interjected.

**Mr LENDERS** — Mr Dalla-Riva misses the point. He goes back to a sledge-the-past mentality. If Mr David Davis had not promised to do this, we on this side of the house would never have asked if he was going to honour that promise. This was not a policy issue of disagreement between parties. Just as Mr Baillieu promised to change question time, Mr David Davis thought on the Thursday before the election that ministers should pay for meals. A minister having a meal at work when they are working through lunchtime is not unreasonable; no-one is saying it is unreasonable. But Mr David Davis, on behalf of the coalition, said it was and that if the coalition was elected, it would do something differently. When we in opposition sought to hold the coalition to account all we got back was, 'How dare you ask us a question!'. Why did we ask the question?

**Hon. R. A. Dalla-Riva** interjected.

**Mr LENDERS** — We asked it because the government said it would do things differently. Like Mr Baillieu during question time, Mr Davis, on the subject of ministers paying for meals, said one thing to win an election and then did something completely different. Before Mr Dalla-Riva gets too excited, I suggest he also look at whether the government has honoured its commitment — which means going back to December last year — and whether it has cabinet committees as well as cabinet itself. I think the answer will be that, once again, those opposite have weaved, dodged and evaded.

Going back to the original motion, this is not about getting in the gutter and saying who has done this, that or the other. This is about the Premier making a solemn commitment, hand on heart, to Josephine Cafagna and the Victoria people that he would do things differently. The fact is that he has not. It is interesting to note that the Premier employed the questioner to be his chief spin doctor, but let us leave that Dorothy Dix aside.

Secondly, not only has the Premier not honoured his commitment, 14 government members in this chamber have totally ignored his commitment as well. The President is not asked questions, but the ministers are,

and each and every one of the 14 government non-ministers has gotten up in here, in defiance of the Premier, and repeatedly asked Dorothy Dix questions. Some of those questions have been embarrassing, but they have asked them.

I have said my bit. I urge the house to support this motion, because it could be an amazingly tripartisan motion. We had a commitment from Mr Baillieu to change the standards of Parliament and to ask the Standing Orders Committee to get rid of Dorothy Dixers. This was going to change the Victorian Parliament, much like the introduction of question time in the Assembly in the 1960s and the Council in the 1970s did, and much like the way other reforms have come about. This was the next step in reform. It has not been referred to the Standing Orders Committee. We could get tripartisan support on this, but I am not holding my breath waiting for that.

**Mrs PEULICH** (South Eastern Metropolitan) — I am yet to understand whether that performance displayed a chronic short-term memory problem, which may be commensurate with the fact that Mr Lenders is an older member in the twilight of his political career. He needs to declutter the opposition's front bench and give some of the more talented middle and back benchers an opportunity. He should stop hogging responsibilities and denying his colleagues, such as Ms Pulford, an opportunity to try out their abilities. He is sitting there hogging those opportunities and giving us a good giggle. Another option is that Mr Lenders's performance was a test run or a trial for a gig at the Melbourne International Comedy Festival. If it is not the first or the second options, it was a display of enormous arrogance and hypocrisy that would leave an ordinary person, one who has not been around the block as many times as I have, gasping, with their mouth falling to the floor.

Mr Lenders knows full well that those who do not know history are condemned to repeat it. I am a great believer in knowing the history behind something. I had the honour of being elected to this chamber in 2006. Looking at Mr Lenders's performance, it strikes me as extraordinary how many of his dissertations and lectures, dripping in piety, seem to focus on women, although in this instance the motion technically focused on the Premier. That women often seem to be the subject of Mr Lenders's focus and attack may display an underlying problem or just the hypocrisy of the Labor Party whose members claim they are the great believers in social justice and in equality of the genders. Given the attacks on women by Mr Lenders since 2006, Labor women should be giving him an earful. He is a disgrace. This is yet another example of that.

**Ms Broad** — We have 40 per cent women in Parliament. How many do you have?

**Mrs PEULICH** — If Ms Broad wants to have a say, she should queue up. She is at the end of the queue, which is either where they have placed her or where she has placed herself. She should queue up, have her chance and put her words on the public record. Every Wednesday Mr Lenders subjects us to — —

**Ms Broad** — Acting President, I seek leave to take up Mrs Peulich's challenge to bring on a motion right now to debate affirmative action in this Parliament.

**The ACTING PRESIDENT (Mr O'Brien)** — There is no point of order.

**Ms Broad** — Acting President, it was not a point of order. I sought leave.

**Mr Leane** interjected.

**The ACTING PRESIDENT (Mr O'Brien)** — The Opposition Whip has indicated that Ms Broad did not raise a point of order. Ms Broad has sought leave; I will ask that leave be considered. As the motion Ms Broad seeks to move is not on the notice paper, I formally ask if leave is granted.

**Leave refused.**

**Mrs PEULICH** — If Ms Broad is so embarrassed by the contributions of Mr Lenders and the free kick this motion provides to government members and members of the Greens, I share her view. I would be just as embarrassed by Mr Lenders's performance, and I would want to curtail the debate as well. This debate is about openness, accountability and what we did — and do — stand for. This is in contrast to the 12 years of trashed policies and commitments from the Labor Party, penned and authorised by Mr Lenders in the 1999 Integrity in Public Life policy. Mr Lenders authorised this when he was leading the Labor secretariat.

There is no greater example. If I were Mr Lenders, my integrity would mean something to me. He actually put himself in the gun. The hypocrisy of Mr Lenders and the Labor Party is blatantly clear to anyone who cares to devote 30 seconds of thinking on this issue. It is just unbelievable. If I were Mr Lenders, I, like Ms Broad, would be absolutely ashamed of what has happened. I would want to curtail debate. At the end of the day if she wants to have another debate about Mr Lenders's conduct and his targeting of women, she should have moved that motion and made sure it was to be debated at a time when we are not discussing non-government

business. She ought to queue up. It is up to her to negotiate that with her leader, Mr Lenders, who keeps hogging opportunities to contribute to debate and subjects members of this chamber to more of his rants every Wednesday during sitting weeks. This is yet another one.

During the last sitting week we had a similar debate canvassing many of the same issues. We will canvass them again this sitting week. I look forward to hearing the contributions of other government members.

Anna Bligh made commitments — —

**Mr Finn** — The former Premier.

**Mrs PEULICH** — The former Queensland Premier, Anna Bligh, broke those commitments. She subjected her opponent, Campbell Newman, to a character assassination, and she was punished severely. In the last days before her defeat she showed some honour. Sensibly, she got the message. There was no way that Ms Bligh could have walked back into the Labor Party room after such a massive obliteration. She had the good sense to try to retain some shred of dignity by picking up her bat and ball knowing it was the curtain call. Mr Lenders ought to take a leaf out of Anna Bligh's book. He was repudiated. The policies he penned and authorised which were the subject of election campaigns in both 1999 and 2002 were trashed and shredded. He has the audacity to stand in this chamber and lecture us about these important principles that he does not want to debate or canvass more broadly.

I will go to the substance of the motion, given that Mr Lenders does not have the good sense to show a little bit of dignity as he is coming to the end of his political life.

**Ms Broad** — You're such a dignified person!

**Mrs PEULICH** — The Labor Party has shown no dignity whatsoever. I will refer to the extract from *Hansard* that I have, but I am not sure whether six months has actually passed since it was published. I am guided by the Acting President as to whether I can quote an extract from *Hansard* for the purposes of debate, given that it is the subject of the motion.

**The ACTING PRESIDENT (Mr O'Brien)** — Order! My guidance is that the rule is that so long as the extract is not less than six months old, it can be used. I cannot assist the member in regard to the facts; the member will have to make her own call.

**Mrs PEULICH** — It is a difficult issue, because the extract refers to a matter Mr Lenders raised on 13 October 2011. It is the subject of this debate, yet I am not able to refer to the extract.

**Mr Finn** — I think you are home. Six months is up.

**Mrs PEULICH** — Am I home?

**The ACTING PRESIDENT (Mr O'Brien)** — Order! On our quick calculations, regrettably Mrs Peulich is a fortnight too early in relation to using the extract. If Mrs Peulich has other information, we would be happy to consider it. I ask her to apply my guidance.

**Mrs PEULICH** — I did not have my calendar handy. I will paraphrase the extract, which will keep me in compliance with standing orders. Accountability is very much about the whole raft of measures that this government has delivered and will continue to deliver. The Labor Party, when in government for a dirty dozen years, failed to deliver this raft and abused its position at every opportunity.

Question time is one element of this extract. Typically and characteristically, Mr Lenders has misrepresented what the Premier said. I am not surprised by that. His entire political life has been about misrepresentation and deceiving the voting public. This was exemplified, as I said before, by him penning and authorising the 1999 document *Integrity in Public Life — Labor's Plan for Proper Standards* yet proceeding, as a former Leader of the Government, a senior minister and a former Treasurer, to trash every element of that.

We have had some discussion about the former government's abuse of the advertising code that it adopted. I will not recap that debate, but it was the subject of an Auditor-General's report. The former government's abuse of that code as it struggled to hold onto government was well reported by the media. Commuters could not get a train, and if they could, they could not get a seat on that train. But the former government had plenty of money to promote itself as a way of trying to save its political skin — that is what the Labor Party is about. The coalition is about accountability, transparency and delivering on its policies.

**Hon. M. P. Pakula** — Except you haven't delivered on any of them.

**Mrs PEULICH** — I would have thought that Mr Pakula had more sense and that his better political life was ahead of him. Can Mr Pakula live down the fact that in this chamber he voted against strengthening

FOI laws? There was some pathetic acrobatic manoeuvre in his argument when he voted against strengthening FOI laws. That is a blunder that I would not have expected from someone who was reasonably smart and had better years ahead of him — unlike Mr Lenders, who obviously is in the twilight of his political career. He probably should have taken his bat and ball and gone. A bit like Anna Bligh, he should have read the tea leaves and saved the remnants of his integrity — if there is any left — and tried to rebuild it in a post-parliamentary career.

Labor's spin, which we see in this motion, is characteristic of Labor and is the reason why Labor was tossed out of office. The bull, the distortions and the spin that we heard from Mr Lenders — and he is the spinmeister, and we can track that back to 1999 — are the reasons why Labor was tossed out of office. Labor members, especially those who have recently been elected to the Parliament, ought to make sure that a double line is drawn under that sort of conduct so they can turn the corner and rebuild their political fortunes. That is a bit of free political advice, which I do not often give to Labor Party members — for good reason. As Mr Finn said, we want Mr Lenders to use every Wednesday to bring forward motions such as this, because we actually enjoy debating them.

In his reply to Ms Cafagna Mr Baillieu said that question time in Parliament had become a farce. The reason why it had become a farce was not a revelation by only Mr Baillieu; it was the view of most Victorians. They were sick and tired of the spin, because in reality their experience of life under Labor was diametrically and distinctly different from the spin that was coming from people such as Mr Lenders, Mr Brumby and of course Mr Bracks before him.

Obviously Parliament does have a clear role in democracy. It is not the only role, but it is a significant role. In our system, where government members ask what are popularly termed Dorothy Dixers and opposition members ask the tough questions, one expects that with the best of it and the worst of it, truth will emerge. That is the way that our system is built. If opposition members believe that Dorothy Dixers are somehow not a reflection of reality, then their commitment, hard work and skill should be directed to exposing the shortcomings. That is their job; it requires hard work, persistence and being on the ball. If opposition members cannot match what happens under the system, then perhaps they or those who are devising their strategy ought to reconsider their strategy. Maybe more hard work is required.

At the time the Premier, then the Leader of the Opposition, said that the then Premier, Steve Bracks, engaged in hyperbole on freedom of information and that the government was one of secrecy. He said that 'they don't answer questions in Parliament', and we all know this to be true; it was freedom from information. The government has now introduced a commissioner for FOI who will oversee all non-government freedom of information applications. That will substantially beef up the FOI laws.

On the subject of a government of secrecy, last week I mentioned that Ms Kosky, a former member for Altona in the Assembly who held the portfolios of both the arts and transport, buried the documents pertaining to Spencer Street station for 50 years. They were put out of the view of the public for 50 years.

*Honourable members interjecting.*

**Mrs PEULICH** — In her capacity as the Minister for the Arts. If anyone is digging around to try to find that information about Spencer Street, it would be a little less clear, more opaque — more secret, dare I say. Again, that is Mr Lenders's spin and hypocrisy: Ms Kosky burying a very important bit of public information for 50 years. It is symptomatic of the Labor illness and Labor's abuse. To suggest that we ought to have parliamentary reform in response to the low level of public life that we saw under Labor is absolutely farcical.

**Hon. M. P. Pakula** — It's what you promised!

**Mrs PEULICH** — That is not what Mr Baillieu promised.

**Hon. M. P. Pakula** — What did he promise?

**Mrs PEULICH** — Listen carefully. Mr Baillieu said:

I believe there should be widespread reform of Parliament in order to engage the community and in order for our democracy to work effectively.

He also said that he wanted to make Parliament more accountable and he wanted ministers to answer questions.

Members have seen the President in this chamber playing a much more interventionist role in bringing ministers to account and also ensuring that their answers are relevant. Indeed the President has been very interventionist in cutting out the bull and the spin, which the opposition's presiding officers failed to do.

The government has delivered exactly what the then opposition leader said it would. The house has adopted sessional orders to make answers relevant, and no amount of spinning the truth will change that. If Mr Pakula wants to hook his credibility wagon to Mr Lenders's, he should go for it — but I would not recommend it as a good career move.

Under this Labor opposition what we have seen are volumes or mountains of smart alec cut-and-paste questions on notice, which are written by Labor's dirt unit, to try to take up the valuable time of public servants — —

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

**Mrs PEULICH** — What are you complaining about? They try to take up the valuable time of public servants and divert them from the main task of working for the people of Victoria. This Baillieu coalition government has already in this Parliament answered more questions than Labor did in all the last Parliament.

**Hon. M. P. Pakula** — You don't answer them!

**Mrs PEULICH** — If Mr Pakula believes that any of those answers are inadequate, there are avenues for him to take that up.

Secondly and importantly, the government is introducing IBAC (Independent Broad-based Anti-Corruption Commission).

**Hon. M. P. Pakula** — Let's talk about IBAC!

**Mrs PEULICH** — We are talking about IBAC, a public interest monitor and an FOI commissioner — already we are well on the way to delivering a raft of accountability and integrity measures that would never have crossed the minds of Labor members. They promised it in policies, they misled voters, but they never delivered it over 12 dirty years of Labor. We have done exactly what we said we would do. Labor members do not like it. They had 12 years to do it, but they did none of it. They did absolutely zilch — zip. In fact they abused democracy, and Mr Lenders was a prime architect of that strategy and that history that was repudiated by Victorians at the last state election. I believe that Victorians will repudiate Labor even more overwhelmingly in the next state election. We see this around the state: people are sick and tired of the spin, the lies and the deceit.

Whatever Mr Lenders says, what he is trying to do with his Wednesday rants is rewrite history, but some of us have been around long enough to remember it. This is a typical Labor strategy. Labor members have no regard

for the truth, no regard for the facts and no regard for history, and I believe they can only fool the public for so long. We saw that demonstrated in Queensland: the public will only be fooled for so long. Question time is more accountable now than it was under Labor. Ministers endeavour to answer questions. With his more interventionist approach, the presiding officer ensures that they are on the question, and in the time since we were elected more questions on notice have been responded to than during the total time of the previous Parliament under Labor.

Queensland lost for 44 good reasons, with members who did not heed the truth or the public view. Victorian Labor continues to stick its head in the sand and continues the cultures, policies and practices of the previous regime. Until Labor draws a line under it, turns the corner and forces people like Mr Lenders into retirement in order to dissociate itself from the previous dirty 12 years, Victorian Labor will not rebuild its fortunes. I hope that continues. The Baillieu coalition government is focused and committed to delivering on its promises, which include a raft of integrity measures. They have already been delivered in the short time we have been in office. With those few words, I conclude by saying that Mr Lenders's test run for the comedy festival is evident for what it is: a joke, an insult and an embarrassment to him.

**Mr BARBER** (Northern Metropolitan) — This is a time-wasting motion from the ALP when there are so many other important motions on the notice paper that we could get onto debating — motions that hold the government to account, seek information, and, in some cases, propose taking actions that at some point somewhere might actually influence the governance of the state.

This is a piece of political Spakfilla that is going to go nowhere near filling the yawning crevasse that is the ALP's policy agenda. Its members think they can just trudge along, waiting for the Premier, Ted Baillieu, to trip over his own shoelaces while trying not to trip over their own, when the public is desperate for political leadership on the policy issues that affect citizens in their day-to-day life. For example, further down the notice paper there are notices of motion concerning public transport, fare rises, the proposal to site a toxic soil facility in the Greater Dandenong municipality, the impact of fare evasion on the revenue available to our public transport system, the costs of running the Australian Formula One Grand Prix as part of our major events program, child-care funding, which was given by Ms Mikakos, and so on and so forth.

I do not propose to waste any more time on this motion because I want to get onto important matters where we can hold the government to account. From the point of view of the average citizen, question time is the most watched, and in some ways the least useful, part of Parliament. There is a simple way to enhance its usefulness — that is, for the parties of this Parliament themselves to do so. However, if it is of any assistance to the ALP, I make a pledge now on behalf of my two Greens colleagues and myself that should we become ministers in a future government we will not take Dorothy Dix questions but use ministerial statements.

Standing order 5.13 is the appropriate place for a minister to make a statement or a government announcement. It does not get used very often in this Parliament, possibly because there is a further provision for up to 2 hours debate when taking note of a ministerial statement. In my view Dorothy Dixers should be ruled out by the President, and the government should be directed to make a ministerial statement when it wants simply to announce its latest good news story via the vehicle of question time.

**Mr LEANE** (Eastern Metropolitan) — Thank you, Mr Barber, for your humble advice. I acknowledge that Mr Barber is the smartest man in the room — and we all need to acknowledge and bow to that — because I am starting to believe the rumour that he has counted to infinity twice! To address his critique, we believe this is an important motion because it is an indication of the tip of the iceberg of election commitments made by Ted Baillieu and the coalition when in opposition —

**Mr Finn** interjected.

**Mr LEANE** — I am happy to get to that, Mr Finn. I have high expectations of, and I look forward to, Mr Finn's contribution. My travelling time has been greatly reduced, thank you very much.

This is the tip of the iceberg of commitments this government has reneged on. It is as clear as that. Most, if not all, of us would have watched the televised debate between Mr Baillieu and the former Premier, Mr Brumby. I clearly remember the journalist asking the question regarding Dorothy Dixers. It was asked in the fashion of Dorothy Dixers. Mr Baillieu's response was that, if elected, he would change the standing orders, but he has not done that. He was asked by a journalist who a few weeks later, after the election, became an employee of the Premier. I am not going to subscribe to conspiracy theories such as that the Greens are CIA agents. I would not want to be aligning myself with people who suggest that. At one time I did think I might have heard Mr Barber's shoe ringing, but I was

probably mistaken on that count. There are a lot of conspiracy theories.

The Premier clearly stated that he would address this issue in standing orders, and he has not. Similarly the Premier clearly stated to the teachers in a forum that he would make them the highest paid teachers in the country. That has not happened. That was untrue.

**Hon. M. P. Pakula** — A porky.

**Mr LEANE** — That was a porky, if ever there was one. Mrs Peulich brought up FOI. In the election campaign when another journalist asked the Premier about FOI the Premier's response was, 'When it comes to FOI, my position is ask and ye will receive'. That was his response. That has not happened, so that was untrue. Then towards the end of the election campaign, when there was a big push on, the Premier was going around throwing railway lines in everywhere. He was going around saying, 'We will actually build a railway line to Doncaster'. That is not going to happen — that was untrue. The train line to Rowville is never going to happen. There was the train line to Tullamarine and the monorail to Avalon. The government now says it cannot afford two tracks, so it might do one to Avalon. That might be the go. It is just endless.

Mrs Peulich brought up the IBAC (Independent Broad-based Anti-corruption Commission). The IBAC was going to be the New South Wales model — it was going to be the Ferrari. It is not the Ferrari; it is a clapped-out bomb. The IBAC has got no clothes, and the big statement about the IBAC has been exposed. There was the commitment of 100 new hospital beds in the financial year — there has actually been a reduction in hospital beds. There will not be 100 new hospital beds by the end of the financial year. There will not be the 800 hospital beds that were committed. As I said, this Dorothy Dix commitment is just the tip of the iceberg of a plethora of untruths. The Premier and the coalition went out during the election campaign, and they had no intention of fulfilling these promises.

I want to touch on paragraph 4 of Mr Lenders's motion. He calls on government members to 'honour the spirit and letter of the Premier's election commitment'. Every time a government member gets up and reads a question they are party to the lie of the Premier's claim that Dorothy Dixers would be no longer. I was a government member — long, good days they were. I used to sit where Mr Ondarchie sits. I will give Mr Ondarchie some credit: he actually does what I used to try to do — he memorises the question that is handed to him. He puts some hand movements into it and he pretends it is actually a question that he drafted, not one

given to him by an adviser. I will give him credit for that, but the reality is that the Dorothy Dixers have not been eliminated, and that was the suggestion that the Premier made. This is an important motion, because it is about credibility. I am waiting for Mr Finn. He will get up and talk about — —

**Mr Lenders** — Why he didn't run in Niddrie?

**Mr LEANE** — He might talk about why he did not run in Niddrie. I do not know. He has already interjected on EastLink. As Mr Lenders said, the government members need to take heed. There was a change of policy on EastLink. EastLink is built, and it is a great asset out in the east, but you need to ask the electorate about the members for Bayswater, Kilsyth and Ferntree Gully in the other place and about them not fulfilling something that they proposed to do.

Mr Finn will get up and talk about the Prime Minister. Mrs Peulich spoke about Mr Lenders and tried to colour him as Masonic. Let us wait and see what is said about the Prime Minister and if there is any similar reflection. I know Mr Finn is going to talk about the price on carbon, because I have heard that speech about 17 times this term. Maybe he could just put it on a loop. The federal government is a minority government that was formed with a number of Independents and a Greens member. People should remember what Tony Abbott offered to those Independents and the Greens to form a government himself.

**Mr Finn** interjected.

**Mr LEANE** — Mr Finn should remember what he actually offered. He was desperate.

**Mr Finn** interjected.

**Mr LEANE** — It would be unparliamentary for me to mention what he said he was prepared to offer. If the Greens and the minor parties had gone with Mr Abbott, we might be having the reverse argument about commitments. As far as this Parliament goes, the Baillieu government — and we will be reminded about this for a long time — has a majority in both houses. Every commitment those opposite made, they can carry out. They face no impediment in this chamber or in the other chamber. There is no impediment in Parliament standing in the way of their implementing the changes to question time — no impediment at all. They do not have to do any negotiation with the minor parties — with any other party — or with Independents.

**Mr Barber** — Just The Nationals.

**Mr LEANE** — Just The Nationals.

**Mr Lenders** interjected.

**Mr LEANE** — I would not expect there would be any angst between Nationals members and Liberal Party members — I am assuming they are one. In any event there is no impediment in a parliamentary sense, so if this change is not made, it will be just another of the myriad of untruths the coalition went out and stated during the election campaign.

**Mr DRUM** (Northern Victoria) — This is a great opportunity for coalition members to rise in this place and talk about the achievements of the coalition government and the ways we have been able to back up with what we have done in government what we said in opposition we would do in government. It is a great opportunity for us to tell a great story.

Our Minister for Health is continually questioned about a range of issues, such as the ramping of ambulances. Do you think we could ever get the previous government to open up and acknowledge we had a problem such as ramping? However, when in opposition the health minister spoke about this, saying, 'In government we'll publish these figures. We'll put them on the web', and that is what the health minister has done. How do we fix this issue? It is going to take years of further investment in the health sector to get the situation to a stage where we can be proud of what we have done there, but opening up this problem and letting the people of Victoria understand the extent of it is something this government has been very proud to do.

We made other promises. For years and years we had called on the previous government to set up an independent, broadbased anticorruption commission (IBAC), but those calls continually fell on deaf ears. We have moved to get the Independent Broad-based Anti-corruption Commission up and running. We have legislated — and we continue to legislate — to make sure everything we said we would do about an IBAC comes to fruition. We said we would put the debate about corruption in this state behind us once and for all by bringing in an independent body, meaning all of us — all public servants — would have to live and work by the code of ethics the people of Victoria expect of their public servants. For years and years the Bracks and Brumby governments had turned a blind eye to activities in many areas that were verging on corruption; they would certainly have made most Victorians extremely concerned about the goings-on involving their public servants. We moved to create the IBAC as we said we would do.

We set up the freedom of information commissioner. We have brought in an independent person to look at the relevant area, and again this is something we are extremely proud of. We had an opportunity to do it, and we did it. Again the previous government had been called on to do this for years and years, but it would not do it. We also brought in the public interest monitor. These are the things the current Premier, when Leader of the Opposition, stood up and said he would bring in and which in government he has brought in.

I know the Labor Party does not like this. I know it has problems with the way we have brought in transparency in government. I know the Labor Party is always trying to find some commitment we may have referred to during the election campaign that we have not been able to fulfil to the present time; however, the way in which this government is methodically, deliberately and responsibly moving through all of its commitments and ticking them off is something the vast majority of Victorians are able to look at and say in response, 'We have people who we understand are governing this state in tough economic times. We have people who will be responsible in being in charge of the books. We never had confidence Labor could ever manage the finances of the state. Now in tough economic times we have — thank goodness — the Baillieu-Ryan government, in which we have full confidence and which has been able to steer the ship through these tough times'.

In relation to the conversation with an ABC reporter that former Minister Lenders spoke about — the interview with Josephine Cafagna — I have a copy of the relevant extract. When you read through the exact words of the interview you will see that Mr Baillieu again has been true to his word.

**Hon. M. P. Pakula** — Read it out! All of it!

**Mr DRUM** — I do not need to read it out, Mr Pakula. What we have here is another example of the Premier being true to his word. The Premier has been able to — —

**Hon. M. P. Pakula** — What did he say about Dorothys? Read it out!

**Mr DRUM** — I will read out a bit:

I believe the standing orders should be changed. I believe there should be widespread reform of Parliament in order to engage the community and in order for our democracy to work ... effectively.

That is exactly what he has done.

**Hon. M. P. Pakula** — What did he say about Dorothys?

**Mr DRUM** — No, the issue you are trying to raise is what Josephine Cafagna said about Dorothys. Again it is beautiful Labor work here, where Labor members are going to take the words of an ABC reporter and slip them across and pretend they are the words of the Premier. That is not the case. Labor can try as much it likes to rewrite history. Labor can try as much as it likes to tell Victorians that the way it would like it to be is in fact the case, but it does not work. It does not matter how many times Labor comes up with slogans. It does not matter how many times Labor tries to spin the past. It does not matter many times Labor repeats lies — they are still just lies. It does not matter one skerrick how many times Labor members come into this chamber and put forward a history that has been rewritten in the way the Labor Party would like it to be rewritten. It does not matter how many times they do it, because their lies will always be just lies.

We need to have strong governance that is going to act in the best interest of Victorians. We need to have strong government that is going to do what it said it was going to do. That is something Victorians can be proud of — to have a government like this. As I said, if they read through what the Premier has said, Victorians can rest easy knowing that we have a government that has been in government for less than one and a half years and has already brought on board these areas of transparency and accountability. It has brought on board measures of responsibility, and most Victorians realise that we have somebody at the levers of the controls whom they can trust to act in a responsible fashion.

I do not think anybody is fooled by the process to which our question time has become subject. I think Dorothy Dixers are as useless as they have always been. I think the debate on calls for change to Dorothy Dixers could be truly alive and as well as it is today in two years time, three years time or five years time. I think when a government decides to do away with Dorothy Dixers and replaces them with ministerial statements, there will be little difference in the process compared to how it is at the moment.

**Hon. M. P. Pakula** — Then why won't you do it? That is what you said you would do.

**Mr DRUM** — Mr Pakula, we will not do it because we never said we would do it. Of all the things we have to do, such as dealing with the economy and running the state, this rates as being of minuscule importance to the people of Victoria. We do not need to spend time on

a minuscule issue like this when there are so many other areas that need to be addressed. Quite frankly whether the government gets its message across to the people of Victoria in a Dorothy Dix or in a ministerial statement really does not matter.

This debate is about a lie. It is about the Labor Party trying to rewrite history in a way that it was never written. Words have been put into the mouth of the Premier which he was supposed to have said but never said. Here we go again with the former government living with the total embarrassment that it was in government for 11 years and did not need any extra police for all those 11 years until the then opposition came up with a call to introduce 1700 new police. Then all of a sudden former Premier Brumby said, 'Actually we do need more police now, so we will match whatever they are doing. What do you want to do? Put PSOs (protective services officers) on railway stations? Plastic police? What are they going to do? Are they going to ring the cops?'

When we came up with a PSO policy about making our train stations safer for our people, the cynicism and ridicule that came from the then government was palpable. Now we have in opposition those same people who ridiculed that policy. They come to all of our major stations and want to know, 'When are we going to get our PSOs? When are we going to get them on this station? When are they going to come to Kangaroo Flat? When are they going to come to Bendigo? When are they going to come to all of the major stations?'

**Mr Leane** interjected.

**Mr DRUM** — Here we go again. One minute Mr Leane wants to ridicule a policy from the government of the day, and the next minute he wants to get a media article in his name with his photo on it and wants to know when a government policy is going to be delivered. The hypocrisy of opposition members is quite staggering; however, that is their problem. They will have to live with the idea that not once in the past 18 months have they come up with a policy — not once! For years in government they talked about credibility in this place. They talked about some credibility in this chamber. An opposition has the ability to come up with policies that go in a different direction from those of the current government, but there is absolutely nothing from this opposition.

At the moment the Leader of the Opposition's catchphrase is, 'The government should do something'. Okay, Daniel Andrews, member for Mulgrave in the Assembly — what is it that the government should do?

'It should do something', is what he continually says. We have ministers working at amazing rates. We have a Premier who is up and at it every day with a work rate that is beyond reproach. We have a Deputy Premier who is working 20 hours a day and taking this state through very difficult times. We have a ministry and a workforce that is doing an enormous amount of work and showing brilliant leadership in tough times. We need a little bit more from the opposition if we are going to have a credible debate and credible arguments. If the opposition is going to have any credibility whatsoever, it needs a leader who actually says something other than, 'I think the government should do something'. It is quite farcical, but it has happened again — that is the Labor Party's problem, not the coalition's problem. We get about doing what we said we would do.

This is just another opportunity for the coalition to stand up and highlight that within one and a half years it has acted in a whole range of areas the previous government simply refused to touch. It was too hard, too tough and too close to the bone in some areas. When you look at what happened at Brimbank, what happened with the building over the road and some of the processes that were employed by the former government, there is no wonder that it steered away from some of these openness and accountability issues. It gives me a great opportunity to again highlight the fact that we have been in the driver's seat for a very short space of time when compared to the previous government; however, we have taken on board some of the bigger issues. In the areas we were able to promise we would effect change, we have done that.

Ultimately we are now in a situation where the opposition may want to get on board and stop this tying up of ministers' time with more questions on notice in one and a half years than the previous government had to answer over the four-year period of the last Parliament. The opposition probably thinks that it is a bit of fun to ask the same question 25 different times of 22 different ministers and that those 700 questions somehow or other are a good use of ministerial office time. If that is what it thinks, then the people of Victoria will find out what this mob gets up to in here. Opposition members might then have some more explaining to do as to why they are quite happy to waste time. However, our job is simply to take all before us, head down, backside-up, and get the job done. Again it is what we have been able to show we have done.

That puts motions such as this one from Mr Lenders into perspective, and it is something we do not need to spend too much time and energy on because we know it

is not true. The opposition's ability to retry and rewrite history is unsurpassed, and that can be seen from many of its accusations. Its ability to relay things as they are not is unsurpassed. In government Labor was the master of spin, and now in opposition it simply lacks credibility. It tries to misuse the facts, which is a nice way of saying it is trying to get some form of mud to stick to the government.

We reject the motion out of hand. We hope Victorians will start to look through this opposition and see it as being lazy and lacking credibility, particularly in the types of debate in which it wishes to engage.

**Mr FINN** (Western Metropolitan) — I always enjoy speaking to motions moved by Mr Lenders. It is a great pity that he left the chamber during the course of this debate. I always find it odd, not that it happens all that often, that a member can move a motion on a matter they obviously think is of great importance to the future of the state and then leave the chamber while the motion is being debated. To me that is a sign that they are not all that interested in what the rest of us are forced to discuss. However, the fact that Mr Lenders is not here will not daunt me, and I will continue discussing this particular matter.

**An honourable member** interjected.

**Mr FINN** — He may be listening on the speaker in his room and he may deign to join us. He may deign to wander up the corridor, actually walk into the chamber and listen to what is said, live and in person, as it were. Before going any further, I refer to the contribution from Mr Leane.

**Mr Barber** — What about the carbon tax?

**Mr FINN** — I can absolutely assure Mr Barber that we will get to the carbon tax in a minute.

**Mr Barber** — A huge carbon tax.

**Mr FINN** — It is a huge carbon tax. Mr Barber told me during the last sitting week that the Greens want a \$60-a-tonne carbon tax. I wonder whether the Assistant Treasurer, Mr Rich-Phillips, could tell us what a \$60-a-tonne carbon tax would do to industry in Victoria. I do not think there would be much left. There is not going to be much left anyway, but a \$60 tax would wipe out everything. But Mr Barber will not divert me from what I am saying.

**Mr Barber** interjected.

**Mr FINN** — Mr Barber knows this is not about what it is collecting; it is about hitting industry, hitting

electricity and putting people, who are not wanted or liked by the left wingers in this country, behind the eight ball; that is what this carbon tax is all about.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Finn should return to debating the motion before the house.

**Mr FINN** — Absolutely, Acting President. You will have to call Mr Barber to order and ask him to stop leading me astray, because my thoughts sometimes wander.

To get back to what I was saying, Mr Leane made the comment that one of the great broken promises of this government was about the rail link to Tullamarine airport. My recollection is, and it is a very clear recollection, that in 1999 the western suburbs, particularly the north-west, could claim the record as being the very first area in Victoria to suffer from a broken promise by the Labor Party. The first lie of the Bracks government was directed toward the north-western suburbs of Melbourne when it said, 'Remember the rail link we were going to build to Tullamarine? We were joking; we are not going to do it now'. Of course that proposal died; it disappeared off the agenda altogether.

Since that day when Labor broke its first promise, we have seen a long line to follow. That is just the way it does things. I am disappointed that Mr Lenders has not come into the chamber to participate any further in this debate, because I like Mr Lenders. Some people in the general community may think that because we are on opposing sides in this chamber or in politics generally that we do not personally like each other, but I do like Mr Lenders. Perhaps we do not have a great deal in common, but there is one thing that binds us, and that of course is the fact that we both have a devotion — I suppose that would be the word to use — to the Richmond Football Club. I hope Mr Lenders has a very good evening tomorrow night at the MCG, and at this point I am quietly confident that he will have. I hope he has a better night tomorrow night than the day he is having here in this chamber today, because this motion is a shocker; it is just atrocious.

Talk about overkill. This is overkill of the highest order, and I can well understand why Ms Broad got to her feet a little earlier and tried to shut down debate on this motion. I can well understand why Ms Broad decided that she had something better to debate. She had something better to talk about when she got to her feet and sought leave to debate a completely different matter. I can fully understand why she did that, because this motion would come close to being the greatest

waste of time — and let us face it, Wednesdays are renowned for that — if not cross the line of being the greatest waste of time that this house has faced in the term of this government.

I commend Ms Broad on her courage, because it is not very often that you see a member of the opposition take on their own leader in such a public forum. It is very rare, and in fact I do not recall it happening. Over my nearly 20 years of experience I do not recall a member of the Labor Party taking on their leader and attempting to shut them down by getting up and seeking leave to propose another matter for discussion. That is unheard of, and I commend Ms Broad for her courage on that. I understand why she did it, because this is just a total waste of time.

In the course of a week I get around to a huge number of places within the Western Metropolitan Region and sometimes outside the west as well. I speak to hundreds, sometimes thousands, of people about a whole range of matters, but since the election of November 2010 this is the first time that the issue of Dorothy Dixers has been raised with me. I get around, and I speak to a lot of people. In Sunshine, Werribee, Point Cook, Maribyrnong, Essendon, Craigieburn, Greenvale or wherever it may be nobody has raised the issue of Dorothy Dixers with me.

**Mr Barber** — They all want public transport.

**Mr FINN** — Public transport is a very big issue, Mr Barber; absolutely. We can talk about that in a minute. We can talk about that at length.

I want to make the point that of all the issues that are raised with me on a daily basis, nobody in the last 14, 15 or 16 months has raised the issue of Dorothy Dixers. If nobody out in the community is worried about Dorothy Dixers, why is the Leader of the Opposition coming in here today wasting the time of this Parliament? We have really important things to discuss, and Mr Barber will back me up. We have many important things to discuss, but here we are talking about something that the general community has absolutely no interest in.

Is it any wonder that the Labor Party has a disconnect with ordinary people? Is it any wonder that we saw the result that we did in Queensland on Saturday, in New South Wales last year or in Victoria the year before? Is it any wonder that the Labor Party cannot connect with ordinary people any more? It cannot connect with hardworking Australians — Australian families, as the Prime Minister likes to rabbit on about. Is it any wonder that the Labor Party has no idea what Australian

families are on about when Labor members come in here talking about things that quite frankly most people do not even know about. They do not know about it, they do not care about it and they think it is all nonsense. Why do they think it is all nonsense? Because it is. This is typical of the Labor Party that we have all come to know over recent years.

When Mr Barber got up and started to talk about what the Greens were going to do when they formed government, the debate went up a level. It went from ridiculous to really stupid. Mr Barber made all sorts of claims about what the Greens were going to do when they formed government. It amused us — I know it amused Mr Pakula no end — but it should not have surprised any of us, particularly when you consider what the federal leader of the Greens, Senator Bob Brown, is quoted as having said at the 40th anniversary conference of the Greens. Can you imagine what a sensational weekend that would be? They held it in Hobart. A big night was had down there, I can well imagine. They would have been hanging from the trees down there. Senator Brown is quoted as having said:

Here is one sobering possibility for our isolation: maybe life has often evolved to intelligence on other planets with biospheres and every time that intelligence, when it became able to alter its environment, did so with catastrophic consequences. Maybe we have had many predecessors in the cosmos but all have brought about their own downfall.

That's why they are not communicating with Earth. They have extincted themselves.

That is what he said! They have 'extincted themselves'. Senator Brown continued:

They have come and gone. And now it's our turn.

If he is talking about the Greens, hear, hear! Now it is their turn. They have come, and it is well and truly time for them to go. Let us hope before long we can say about the Greens that they too have 'extincted themselves'. I will look that up in Funk and Wagnalls a bit later on, because that is a new turn of phrase for me. As I was saying, when I hear comments from Mr Barber in a debate such as this about what the Greens are going to do when they form government I think to myself we really are off with the pixies.

The real issue here is why we are debating this motion today. The real issue is why Mr Lenders is bringing this motion to this chamber and wasting our time today. Interestingly enough, he is not wasting his own time. He is out doing something better. Perhaps we should join him. Perhaps we should all be doing something better. Mr Lenders has not been in the chamber for the debate on his motion for quite some time. Even in the

mind of Mr Lenders this is not a major issue. Certainly before the last election it was not an issue in any way, shape or form, despite what Mr Leane attempted to tell us. Mr Leane attempted to tell us that this was an issue that brought down the Brumby government. I can tell Mr Leane that there were many issues that brought down the Brumby government, but this was not one of them.

As I travelled throughout the western suburbs before the last election with Mr Elsbury, who has joined me in this place for this term and I have no doubt for many terms to come — and Mr Pakula will be interested to hear this, because he does not get out to the west very often; in fact he might want to take notes — we heard about the issues of the western suburbs. We heard about the neglect that Labor had visited upon the western suburbs for 11 years.

In fact the campaign slogan of the Liberal Party in the western suburbs before the last election was ‘Labor neglects the west — this time vote Liberal’. That resonated with western suburbs communities because they knew that Labor had neglected them in an extraordinarily substantial way, and they responded by increasing the primary vote of the Liberal Party in the upper house by over a third. In fact Mr Elsbury was extraordinarily confident on the night of the election itself that he had been elected, such was the response of people to the neglect that they had suffered as a result of 11 years of Labor government.

We are now in the process of turning that around. In fact we have had so many ministers visiting the western suburbs since the election in 2010 that one local mayor — I will not say which local mayor it was — at a recent function said, ‘At last we have a government that is taking the western suburbs seriously’. And is it not about time?

*Honourable members interjecting.*

**Mr FINN** — Mr Pakula over there has a chortle to himself. He might think that is an exaggeration, but I invite him to come to the western suburbs occasionally, because if he does he will know that it is. In fact he might know from his previous visit there back in 2008. He might have picked up something then. But he should realise that now we have a government that does actually take the very real problems of the western suburbs seriously. You just have to go to Point Cook. I do not know if any of the opposition members have ever been to Point Cook, but I go to Point Cook on a regular basis. They have a lot of problems at Point Cook, and those problems are there because of the

actions — or perhaps the inaction — of the previous government.

In 2006, when I first came to this place, Point Cook was a small settlement. By 2010 it was a booming suburb, and it remains a booming suburb. But what had happened between 2006 and 2010 was that the previous government, the Brumby government, under the then Minister for Planning, Minister Madden, had taken all the land tax and had taken every cent it could out of every land sale and every stamp duty payment in a big way — and stamp duty was huge in Point Cook. But what the previous government had not done was provide the people of Point Cook with appropriate road infrastructure. What the previous government had not done was provide the people of Point Cook with the appropriate public transport. What the previous government had done was fail the people of Point Cook on every point. We now have a situation where there are thousands and thousands of people living at Point Cook. The previous government ripped the money out and put nothing back, so now this government is in a position where it has to solve the problems, and it will do that.

**Mr Barber** interjected.

**Mr FINN** — It will be tough. Mr Barber knows it will be tough, and we are aware of just how tough this budget will be. The Assistant Treasurer, Minister Rich-Phillips, will back me up on this, I am sure: it is as a direct result of the 11 years of Labor that we had prior to the election of this government that we will have a tough budget this year. We have all those issues, not just in Point Cook but right through the western suburbs. You just have to go to Essendon to see that. Essendon is a seat that we almost won. In fact it is a seat that we should have won, and I kick myself almost every day that we did not win that seat. There were issues there that caused people to vote against the then government.

I welcome Mr Lenders back into the chamber; it is good to see him. The issues that voters in Essendon voted on are the ones that we should be debating in this house today. If opposition members wish to be relevant, if they wish to actually bring the needs and concerns of Victorians before this Parliament, then they should go out there and talk to the people in Point Cook, Essendon, Craigieburn, Greenvale and Footscray. They should go out there and talk to people who have real problems and who do not actually know what Dorothy Dixers are — and if they did, they could not care less. Nobody from one end of this state to the other is going to be sitting down tonight over chops and three veg talking about Dorothy Dixers.

*Honourable members interjecting.*

**Mr FINN** — Nobody, except maybe Mr Lenders, but he has shown by his extended absence from this chamber during this debate that he is not all that interested in this either. It is all a mystery to me. Mr Lenders seemed to get very upset because Mr Koch asked about Geelong. I do not see what the problem is there. In fact Mr Koch has a long and distinguished history of fighting hard for the people of Geelong. It is something he is very proud of, and I think the people of Geelong can be proud that they have in him a great representative of Geelong, along with Mr Ramsay and Mr O'Brien, who are also great representatives of Geelong in this house. Why would the Labor Party object to Mr Koch getting up and asking a question about Geelong? Then the emphasis changed to the fact that the Minister for Housing, Minister Lovell, seemed to show some affection for Mr Koch. I do not understand that either, because as we know Mr Koch is a very nice gentleman. He is a very nice chap, so why would Ms Lovell not show some affection for him?

**Mrs Peulich** interjected.

**Mr FINN** — I would not be so unkind as to repeat what Mrs Peulich said. I would not be so unkind as to repeat what she said about nobody showing any kindness to Mr Lenders, because I think that is probably — —

**Mrs Peulich** — Well deserved?

**Mr FINN** — Mrs Peulich's words, not mine. If Mr Koch gets up here and does his job and wants to put on the public record what this government has done for the people of Geelong, why should he not? Why should he not let the people of Geelong know that he is in here battling for them? Why should he not let the people of Geelong know that he has their best interests at heart and that he will go in and fight for whatever the people of Geelong need? I find it astonishing that of all the things that the opposition in this state can get upset about it gets upset because Mr Koch wants to talk about Geelong. That to me is very strange — as indeed is the opposition, I might say.

Then Mr Lenders went on to talk about members of the government crossing the floor.

**Hon. M. P. Pakula** — Wind it up.

**Mr FINN** — No, I have got a long way to go yet — a long way to go. Mr Lenders then spoke to us for some time about members of the government crossing the floor and how outrageous it was that they had not done so. He even went on to say that this was in some way

Stalinist. That was the word he used. If you want to talk about Stalinism, let us have a look at what happens to a member of the Labor Party who crosses the floor. Let us find out. If Mr Pakula felt particularly strongly about something — this is highly hypothetical, let me tell you — and he felt the need to stand up and cross the floor and vote against his own the party and did so, he would be out. He would not last in the Labor Party for one day — and I am sure you know exactly what I am talking about, Acting President. He would be out the door. That is how the Labor Party operates.

The Liberal Party has, since its inception, respected the right of conscience. We have respected the right of conscience, so if members do cross the floor from time to time, we respect that. That is fine, and that is a very good thing. But if Mr Pakula, Mr Tee or — god help us — Mr Lenders crossed the floor and voted against the ALP, if they saw the light and came over here even once — I am not talking about two or three times — they would be kicked out. At the very least they would be suspended from the ALP, if not expelled. If that is not Stalinist tactics, what is? If Mr Lenders wants to come in here and talk about Stalinist tactics, let us talk about how the ALP operates, not just in this state but Australia wide.

I have to say, of course, that the ALP caucus in Queensland would have a bit of trouble with that rule, because it cannot afford to lose anyone. It is in a spot of bother, to say the very least. For Mr Lenders to get up here and imply that there is something Stalinist about the way this government operates is total nonsense.

Then Mr Lenders and Mr Pakula, from memory, who was chorusing along in the background, joined together to tell us that Mr Guy should not be suggesting to Mr Tee questions that needed to be asked during question time. I think that in years gone by I probably would have agreed. But, fair dinkum, the way Mr Tee is in question time, he needs every bit of help he can get. If Mr Guy, Mr Hall or anybody else wants to offer him advice as to what sort of questions he should ask, I would suggest to Mr Tee that he listen with both ears because he needs every bit of help that he can get. It is all a bit sad sometimes, really, isn't it? It is all just very, very sad.

Then Mr Lenders started on about broken promises. Well, if anybody knows about broken promises, it would be the Leader of the Labor Party in the Legislative Council, because his is an organisation that specialises in broken promises. Whether it be at a federal level, a state level or whatever it may be, Labor loves to break its promises. Mr Lenders will well remember that, as I mentioned before, prior to the 2002

election — going back, if you want, to 1999 — the rail link to the Tullamarine airport was the first promise broken by the Labor Party in government. That is not something that we in my part of the world are particularly proud of; we are certainly not very thrilled about it. But it is something that should be recorded for the history books.

**Mr Drum** interjected.

**Mr FINN** — We are getting to that, Mr Drum. Of course, it would have to be said that there were a number of other broken promises after 1999, but that was the first one. In another example — Mr Drum might have an interest in this — the shadow minister for sport at that time had promised prior to the 1999 election that he would keep Waverley Park, which was originally known as VFL Park, as a football ground for the people of the eastern suburbs to enjoy. Of course as soon as the election was over that promise went with the rest of them, and Waverley Park is now a housing estate. That did not distress me enormously, I have to say, because I hated going to the place. It took three days to get there, another three days to get out of the car park and it rained the whole time. So I was not too distressed by that broken promise, but it was another broken promise that should be added to the list of promises broken by the Labor Party after that election.

Then, of course, we move on to the following election, President — and this is a matter that may well be of interest to you. A letter was distributed throughout the eastern suburbs of Melbourne signed ‘Steve Bracks, Premier of Victoria’. In that letter the former Premier promised that the Scoresby freeway, as it was then referred to, would be completed on time and on budget with no tolls. No tolls, they said, back before the 2002 election. That was in writing to the good voters of the eastern suburbs, signed by the Premier, Steve Bracks. You would have thought that if they had it in writing, the average person in the east would have thought, ‘Fair enough; we can believe it’. How wrong they were. They forgot they were dealing with the masters of deception; they were dealing with the ALP; they were dealing with people who would not know the truth if it jumped up and bit them on the nose. As a result of them believing this particular document, we saw an extraordinary result, particularly in the eastern suburbs, where a number of previously safe Liberal seats fell to the ALP.

**The PRESIDENT** — Order! Mr Finn will continue after question time. Can I just indicate in terms of the debate, which I have been listening to in my office, that this is a very narrow debate, and I am rather perplexed at how far and wide it has ranged from the motion that

was moved by Mr Lenders this morning. I would ask that future contributions to the debate come back to the motion and recognise what it is actually about rather than dwelling on past issues to the extent that has been done so far.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### **GM Holden: government assistance**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Richard Dalla-Riva. Can the minister inform the house how much money the Victorian government has contributed to the Holden motor company assistance package announced last Thursday?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. As usual, the opposition has got the wrong end of the stick. Our commitment was, as I said yesterday, modest. It was, as I indicated, directed towards the three elements that are important to manufacturing, and to Holden in particular, in Victoria. The first, of course, is the research and development component, which is a very important area, as members in this chamber would understand. The research, the development, the design and the engineering capability in Victoria’s automotive sector is world renowned, both in GM Holden (GMH) and in Ford.

The second is the issue around the supply chain. We make no apologies for our support of the supply chain or for understanding how that is important.

The third is in terms of securing the matter of the — —

**Mr Somyurek** — On a point of order, President, the minister has been on his feet for over a minute now. It was a very narrow question, and he has not attempted to answer the question at all at this stage.

**The PRESIDENT** — Order! Mr Somyurek would be aware that I am not in a position to direct the minister totally and exactly in how he answers the question. The minister has heard the question, and he is certainly entitled to put his answer into context. Whilst, as Mr Somyurek observed, the minister has been on his feet for 1 minute and 3 seconds, he still has 2 minutes and 57 seconds in which to address the matter Mr Somyurek raised.

**Mr Drum** — On a point of order, President, are we are going to get to the stage where every time one of our ministers gets to their feet and is responsive to the question, opposition members are going to jump to their feet and say they are not giving us the exact answer we want? In this chamber we need to get to the stage where some of the opposition shadow ministers are called for making frivolous points of order when they know the minister is being responsive to the question.

**The PRESIDENT** — Order! Thank you, Mr Drum, that was most helpful. I am sure that if I hear a frivolous point of order, I will call it. The issue is that any member of this house is entitled to raise a point of order if they believe there is a point of order there. In the context of ministers' answers, there is an expectation in the standing orders that they are responsive to the question. That is the issue opposition members have raised on a number of occasions by points of order. Can I suggest to members that if they compare this house with the other house, they will find there are very few points of order by members of the opposition in this house, and I think that was the case even in previous parliaments. The opposition's record is not too bad. I will judge if members move into an area of frivolity. The minister, to continue.

**Hon. R. A. DALLA-RIVA** — As I said, we are, as a government, supportive of manufacturing in Victoria. We want Holden to remain here as a manufacturer. It seems that those opposite have a different view. If they have a different view about supporting Holden, then maybe they should come out and say that they do not support co-contributions to Holden. It is well known that our contribution has been modest and responsive to the needs of the research and development elements, the supply chain and the important engine componentry.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Somyurek raised a point of order indicating that he is concerned the minister is not addressing his question. Can I suggest that the interjections are not assisting the minister to get to the point that Mr Somyurek wants to hear. If the minister is being verballed, he is obviously going to avoid, as much as possible, answering the question. If he does answer it, the members are not going to hear it. The minister, to continue.

**Hon. R. A. DALLA-RIVA** — We have been working with the commonwealth government and the South Australian government, and obviously we have been working with Holden in ensuring that GMH has a

presence and remains a strong manufacturer here in Victoria.

In terms of the specific question that was asked, obviously Mr Somyurek needs to understand that as a matter of practice and convention we are not going to provide details on investment support initiatives. If the commonwealth and South Australian governments wish to announce their contributions, that is entirely for them to decide. We do not wish to create that precedent. As those members who were in government would know, investment support has a competitive dimension to it.

**Hon. M. P. Pakula** — Not in this case.

**Hon. R. A. DALLA-RIVA** — The stupidity, I must say, of the former government minister for industry daring to raise that point of interjection really demonstrates why Labor is in opposition. We understand that investment support has a competitive dimension to it, from business to business and jurisdiction to jurisdiction. Our practice — and it has been the practice of previous governments in Victoria — is not to get into those numbers.

*Supplementary question*

**Mr SOMYUREK** (South Eastern Metropolitan) — I ask the minister how his government's failure to publish the level of assistance to Holden is consistent with its pre-election commitment to introduce transparent and rigorous monitoring and assessment frameworks for industry assistance?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I have answered the question in terms of what we are doing. There is a rigorous process, which members opposite would know about from when they were in government. It is disappointing that they did not apply that process to, say, the desalination plant. It is interesting that they talk about investment support now.

As I said, we in government are going to make a modest contribution to the Holden deal. We believe it is the right deal for Holden, we believe it is the right deal for Victorian workers and we believe it is the right deal for Victorian families.

**Housing: former government performance**

**Mrs KRONBERG** (Eastern Metropolitan) — My question is directed to the Minister for Housing, who is also the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. I ask: is

the minister aware of any findings of mismanagement in public housing?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question and her ongoing interest in public housing in Victoria. This morning the Auditor-General tabled a report called *Access to Public Housing*. This is a damning report on the systemic neglect and mismanagement by the former Labor government of public housing in this state. The Auditor-General's report confirmed that over the past 10 years under the former Labor government significant flaws in public housing investment decisions and asset management were not addressed, placing the long-term provision of public housing at risk.

Let us just have a look at some of the things the Auditor-General said in his report:

It is unclear why the division has not introduced longer term strategies to address this acute situation given that it has developed over at least a decade. Since at least 2006, other departments, including the Department of Treasury and Finance —

Mr Lenders! —

and the Department of Premier and Cabinet, have also been aware of the deteriorating state of public housing, yet this has not spurred action.

The Auditor-General went on to say:

Now that public housing is nearing a crisis, it will be all the more challenging to address.

This is another one of Labor's messes left for us to fix. The Auditor-General went on to say that the housing division:

... lacks basic information, such as accurate property condition data, to inform decisions.

You have to ask yourself why the former minister did not commission an audit of property conditions given that the Auditor-General warned Labor not once but twice in 2006 and 2007 of the maintenance backlog in public housing. The Auditor-General also said:

In its April 2006 report, the —

housing review —

board found that the division's financial position was unsustainable over the forward estimates period ... In its 2007 report, the board noted that the division's underlying financial position has been deteriorating since 1998–99.

An additional 2007 review commissioned by —

**Mr Lenders** interjected.

**Hon. W. A. LOVELL** — The Department of Treasury and Finance, Mr Lenders. The report states that that review 'made a range of recommendations for asset management and investment alternatives', but it then says:

Despite these reviews, neither the board, the division, nor the government, developed or acted upon any long-term strategies to address the deteriorating financial position.

This is a damning report on Labor; it is a damning report on Mr Lenders as the former Treasurer who did nothing to address this. He was responsible for the housing review board. Neither the housing review board, the division nor the government did anything to address this financial crisis. It is a damning report on Ms Broad, who was the Minister for Housing in 2006 when the housing review board was set up. Perhaps the failure in public housing was the reason Ms Broad was removed from cabinet. It is a damning report on Richard Wynne, the member for Richmond in the Assembly. It is a report that highlights his failure as a former minister. Daniel Andrews, the Leader of the Opposition, should call for Mr Wynne's resignation or sack him.

What have we done to address this situation? We have introduced seven key initiatives to address the situation. I have commissioned an independent third-party review of the finances of the housing and community building division; I have also commissioned an independent third-party review of program expenditure; I have commissioned a comprehensive property condition audit of the entire portfolio — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I do not like to call members of the house to order frequently during question time. Normally I do not have to. I guess the events of last weekend have made members a little bit more edgy and boisterous, but the fact is that this is an important report. Some members might not like what is in it, but a member asked a question about it. Irrespective of whether the question was a Dorothy Dixer or whether the member came up with the question herself, the fact is the question was important and the minister was providing important and relevant information to members of the house on that question. Attempts to simply shout down the minister or to create enough hubbub so that the minister is not able to properly provide information to members of the house are just not on in my opinion. Members will find out that if they persist, my opinion will count.

I am afraid the minister's time is exhausted. Is there a supplementary question?

**Mrs Kronberg** — No.

**Wind farms: government policy**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Employment and Industrial Relations. The wind farm tower manufacturer Keppel Prince is making 100 employees redundant. We have reports from Bloomberg that say the government's transitional wind farm provisions will cost 600 jobs, and I ask: has the government done any analysis of how many jobs will be lost as a result of the government's anti-wind farm policy?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for his question, but it is probably more appropriately directed to the Minister for Planning in that regard.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — The minister is the Minister for Employment and Industrial Relations. My question was about jobs in the wind farm industry and the loss of jobs because of the anti-wind farm policy of this government. My question was very much about employment in this sector in Victoria. I ask: does the minister have any idea and can he give the community any idea about the number of jobs that will be lost as a result of his government's anti-wind farm policy?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — The specific question about wind farms is about a planning issue and should be directed to the Minister for Planning — —

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

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Hon. M. P. Pakula**

**The PRESIDENT** — Order! I ask Mr Pakula to vacate the chamber for half an hour.

**Hon. M. P. Pakula** withdrew from chamber.

**QUESTIONS WITHOUT NOTICE**

**Wind farms: government policy**

**Questions resumed.**

**The PRESIDENT** — Order! As I said earlier, the minister is entitled to answer a question. He is 12 seconds into his answer. From listening to his response, I understood him to indicate that the substantive matter of the question was an issue for Mr Guy as the Minister for Planning, but I felt Mr Dalla-Riva was prepared to go further. Clearly if he faces a barrage he is not going to go further. I would have thought it was in the opposition's interests to let the minister tackle that question and complete his answer.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — As I said in response to the main question and the supplementary, it relates to the planning minister's responsibility. In terms of the overall issue of manufacturing, as I said in the last sitting week, we are very pleased with the result in relation to the growth in the number of jobs in manufacturing. We do not resile from the fact that we stand strong for manufacturers, and we will work through whatever issues they may confront. I make the point, however, that members opposite continue to talk down jobs and job opportunities, and it is disappointing for me, as the employment minister, that they want to continue to deride the manufacturing industry when it is under enormous pressure from a thing called the carbon tax. They continually push it, when it is the federal government's policy.

**Carbon tax: health sector**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Health and Minister for Ageing, David Davis. Can the minister inform the house of the impacts of the commonwealth's carbon tax on health portfolio capital works?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for his question and for his strong support for projects in Bendigo and other areas of northern Victoria. I note his concerns, which are shared by a number of others in this chamber, about the impact of the commonwealth carbon tax on the capital works of our hospitals and health services. I note that the work the department has had done looks at the capital works of a number of projects, particularly the costs of a number of key materials used in construction — concrete, steel and aluminium. I make the point that there are a number of materials, including plant and equipment, that are sometimes imported and on which there will be no carbon tax paid, but the concrete, steel and aluminium, which is made in Australia, will face the carbon tax impost.

The point I want to make is that in a normal budget that would certainly add many hundreds of thousands of dollars to the costs of construction, rising in 2020 to somewhere between \$250 000 and \$300 000 in additional costs on top of those that are already generated in large construction projects. These costs will make it harder to complete capital projects. They will make them more expensive. There is no rebate or reduction available for hospital or health construction costs either in the public sector or in the private sector under the carbon tax, which will come into effect on 1 July. That is going to have a significant effect on the costs.

I have to tell you that the costs of the carbon tax on the health sector will be significant and will impact directly on capital projects, whether in public-private partnerships form or in build form. We will pay more for concrete, more for steel and more for aluminium — more for those base products that are the critical components of key health infrastructure.

When Labor Party members call for new health projects, they should add a carbon tax price to the base construction cost of any project. It is about time the opposition faced up to the impact of this carbon tax on key sectors of the Victorian economy. One of those key sectors is the health sector. Public and private health services are going to be hit hard by Prime Minister Julia Gillard's carbon tax, which will push up the costs of construction in health.

**Ms Broad** — On a point of order, President, the minister has referred in his answer to the question to work that his department has done, and he has referred to a series of figures. I call on him to table that information for the benefit of members so that we can all have the benefit of this advice from his department.

**The PRESIDENT** — I can ask the minister if he is prepared to make it available, but, as I understand it, the minister was using notes rather than actually referring to a document on this occasion. Whether or not he would be prepared to provide the source document is another issue.

**Hon. D. M. Davis** — On the point of order, President, in due course I will make this available to everyone, but we are going to go through a little journey, item by item, on the carbon tax and the increases that the Labor Party is putting on health costs.

**The PRESIDENT** — Order! I did not invite a debate on that one. I advise Ms Broad that on this occasion I think the minister was quoting from notes,

rather than from a source document, so he does not have to make those notes available.

**Ms Broad** interjected.

**Hon. D. M. Davis** — In due course, I will.

### **Industrial relations: minimum wage**

**Ms MIKAKOS** (Northern Metropolitan) — My question is for the Minister for Employment and Industrial Relations. Given the government has formed the view that minimum wages should be adjusted with caution, as indicated in its submission to Fair Work Australia's minimum wage review last week, I ask: can the minister advise what the minimum hourly rate of pay for an 18-year-old employee is?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for her question because we, as you, President, know, have been calling for a common-sense and balanced approach to industrial relations. We have also been measured in our commitment to the minimum wage case. I am not proposing that Ms Mikakos ask me every detail about every specific issue. What I can say is that we are taking a balanced approach to ensure that the minimum wage case is reflective of our position. If Ms Mikakos wants to know what our position was, she should get onto the website and she will find it.

### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — The minister's submission suggests that the rate should not change, but remarkably he does not know what that rate is. In any event, I again refer the minister to the government's submission to Fair Work Australia. Can the minister advise what percentage increase the government considers would provide a decent wage for young workers on minimum wages?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for asking me what my opinions are. My opinions are of course irrelevant. The government's position has always been that it is calling for a balanced approach to ensuring that minimum wages are considered in the context of the economic environment, the Victorian economic position that was left by the former government. We are always seeking to ensure that it is in the best interests of Victoria, whether it is through our enterprise bargaining agreement process or whatever other mechanisms we are making applications to, such as the Fair Work Act 2009 review or the minimum wage case.

**Sunshine: Hampshire Square development**

**Mr ELSBURY** (Western Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy. Can the minister advise the house of any new urban renewal projects for Melbourne’s western suburbs that will bring jobs and investment?

**Hon. M. J. GUY** (Minister for Planning) — Recently I had the pleasure of being in downtown Sunshine with some of my colleagues, particularly Western Metropolitan Region members Mr Finn and Mr Elsbury, who was there later, and indeed with Labor’s Telmo Languiller, the member for Derrimut in the other place, who also came along to be part of what was the opening of a great new urban renewal project in Sunshine. As Mr Finn and Mr Elsbury — coalition members who live and work in, represent and are a home-grown part of Melbourne’s western suburbs — will know, the future of Melbourne’s western suburbs is indeed bright.

It is with pleasure that I inform the house that we opened this terrific facility. I give credit to all those involved — both the current government and the previous government along with the Brimbank council, in this case under the stewardship of the administrators, including Peter Lewinsky who is there at the moment — in bringing forward the new Hampshire Square development, which will attract a large amount of new investment and growth to central Sunshine.

On this side of the house we see Sunshine as having a very bright future. It is one area where — —

**Mr Jennings** — Literally!

**Hon. M. J. GUY** — Thank you, Mr Jennings; you are quite correct — literally. In fact the day we were there was a very sunny day, so I am pleased to inform the house of that as well. The Baillieu government sees Sunshine as an area close to the central part of Melbourne where, with a defined activities area and new planning controls, we can achieve an activities area that will develop organically, properly and sensibly with the support of the council and indeed with the support of the local community. We will need to work on issues such as open space — an issue rightly raised by Mr Finn over time — and we will need to work with the community to ensure that that activities area is one that can grow, as I said, to take some of the offsets from growth outside of the activities area and bring it to the central Sunshine area.

The Hampshire Square development we recently opened sees the transition of a part of downtown

Sunshine from a pedestrian-unfriendly area to one that is going to attract people. It will attract local jobs and be a central part of the suburb. We see this as an area where there can be future commercial and residential growth, and we are proud to be associated with this development. Again I give credit to all those involved over a couple of years. It is a development that will see great growth for Sunshine into the future.

I pay tribute to the commissioners at Brimbank City Council, who have done a tremendous job, and to my colleagues Mr Finn and Mr Elsbury, who have been passionate supporters — particularly Mr Finn, whose office is just around the corner — of the growth of this activities area in Sunshine. I believe that in the future we will be able to see some terrific growth in that defined activities area, taking some of the pressure off the outer residential areas outside that activities area where neighbourhood character will be able to remain intact, as it should.

**Employment: construction industry**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Employment and Industrial Relations, and I refer to the survey of 119 building industry businesses which was released last week by the Victorian Building Commission. The survey showed that over the next six months builders were planning to reduce their workforce by more than 6000 employees. Has the minister been briefed on the outcome of the survey?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for his question — for whatever reason, it is obviously my day! Having said that, I took some advice as to the previous question from Ms Mikakos, because I wanted to make sure we had clarity. Under the former Labor government’s submission to the minimum wage case, it actually argued for the minimum wage for an 18-year-old to be — —

**Mr Tee** — On a point of order, President, I do not understand the relevance of the minister’s answer when he is essentially answering the previous question asked by Ms Mikakos. I asked him a particular question about the building industry.

**The PRESIDENT** — Order! I uphold Mr Tee’s point of order. I have trouble finding relevance to this question in an answer to the previous question. The minister might find another mechanism to convey that new-found information to the house, and I ask him to address Mr Tee’s question. I uphold the point of order on the matter of relevance.

**Hon. R. A. DALLA-RIVA** — Thank you for the ruling, President. It is interesting that those opposite want to talk about the proposed issue of declining job numbers in the construction industry. Will they talk about the incline in manufacturing jobs? No. Will they be promoting that? If we go to the very issue of why the construction industry may see a decline, we will find there are a couple of areas to consider. In terms of a carbon tax, that is clearly confronting a lot of industry in Victoria. Members opposite are clearly being misled if they think that is not having an impact in terms of construction jobs. The Minister for Planning is doing the best he can to fix up the errors of the former planning minister.

**Hon. M. J. Guy** — Who was that again?

**Hon. R. A. DALLA-RIVA** — We do not want to mention him. We are taking the issue of the construction industry very seriously. We have always said we believe the construction industry should be well supported.

I do not recall anyone opposite asking me what our view is on the federal government abolishing the ABCC (Australian Building and Construction Commission) and the impact that will have on the construction industry in Victoria. Absolutely zip. They support the federal government's abolition of the ABCC — the very body that had a direct input into construction in this state and that had a direct responsibility for enforcing compliance and keeping costs down.

What we find is that members opposite are more interested in the manufacture of doom and gloom. They relish the fact that there is some report saying there is a potential decline in construction jobs. We are not going to stand by as a government and accept what members opposite would like to see when they manufacture doom and gloom. We are focused on ensuring that jobs are generated in Victoria and that it is a positive environment for investment. But what we find is that not one of those people opposite — not one of those from the Labor camp opposite — will get on the phone and say, 'The abolition of the ABCC was wrong'. Say it now. Will Mr Tee get up now and say it? No. What I mean to say is — —

**Ms Broad** — On a point of order, President, the minister has on numerous occasions been debating the question rather than answering it. I ask you to bring him back to answering the question or at least being relevant to the question that was asked.

**Hon. R. A. Dalla-Riva** interjected.

**The PRESIDENT** — Order! I do not want challenges across the chamber. Remarks are to be directed through the Chair, not directed to the opposition. As the minister knows, in answering questions he should not seek to debate issues, and the challenge was that the minister's comments were starting to debate rather than answer the question.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — It was quite clear that what I really wanted to know was whether or not the minister had been briefed on the survey. Employment is part of an emerging crisis in the building industry. It follows comments made by Brian Welch from the Masters Builders Association of Victoria that there is going to be a 10 per cent decline in the construction industry. Jobs are haemorrhaging in this industry. Will the minister, as a matter of urgency, seek a briefing on the findings of this survey so that he can then develop an informed response to what is an emerging crisis?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — It is interesting that Labor Party members opposite talk about an emerging crisis. We are focused on jobs and focused on generating and supporting investment opportunities in this state. All that those opposite are interested in is manufacturing doom and gloom.

**Exports: government initiatives**

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for Manufacturing, Exports and Trade, the esteemed Minister Dalla-Riva. I ask: can the minister advise the house how the Baillieu government is helping Victorian-based companies strengthen their presence in international markets?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for her question and indeed her interest in ensuring that we have opportunities for companies to be able to connect with international markets, because I have indicated time and again the importance of our capacity for companies to engage in the global economy. We have previously mentioned in this place the super trade mission to India, which showcased Victorian business and industry capability in areas such as the automotive sector, as well as aviation and aerospace and information and communications technology, for which Mr Rich-Phillips, the Minister responsible for the Aviation Industry and the Minister for Technology, is responsible.

We know these trade missions are important for this government in delivering success stories for manufacturers here in Victoria. I was pleased to announce recently, during the Australian Formula One Grand Prix, that two leading Victorian automotive component suppliers have secured export deals worth \$50 million with the Malaysian car manufacturer Proton. The first is a partnership with Hella, a Mentone-based cross-sector lights supplier which supplies not only to the mining industry but also to the automotive sector. Indeed it also supplies lights for the Ford Territory, the seven-seater.

This partnership with Malaysian Proton cars is a direct result of Hella joining the Victorian government trade mission. It was on the trade mission to India that it was able to meet with international buyers and secure the deal. This is a \$40 million export contract to supply the rear lamps for Proton vehicles, which came to fruition due to recognition that Hella provides a competitive advantage in terms of technology and a 350-person-strong skilled workforce.

In addition, MtM, the company that is partnering the construction of the Tomcar all-terrain vehicle — again a fantastic automotive manufacturer that is established here — has also won a contract to supply the gearshift lock mechanisms to Proton cars, worth \$10 million over five years. That is fantastic — exporting tier 1 supply componentry into Malaysia. This builds on MtM's exports to General Motors, not only in the United States but also in China and elsewhere. The Victorian government recognises that a growing competitive economy needs a strong, dynamic export sector, it needs to generate wealth and it needs to drive productivity, which those opposite do not understand. It is about innovation and strengthening Victoria's connection to global markets and — again what those opposite do not understand — the important global supply chains.

In that vein, I would also briefly like to mention another export potential, and that is for brown coal from this state. All of us know that Victoria has one of the world's largest deposits of brown coal, second only to Russia. I strongly support the opening up of our massive coal resources for future use. It is important to the Latrobe Valley and it is important for all Victorians. With the right technology, brown coal can have a new future and drive significant growth in export revenue for this state. To put it into some perspective, the revenues from black coal exports in Queensland and New South Wales generate more than \$50 billion annually. We believe it is time to test whether technological opportunities can be delivered for

Victorians. We will not stand by and let opportunities fall like the previous government did.

### **Hazardous waste: management**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Planning, Mr Guy. It relates to another toxic soil treatment facility, this time in Altona. A local premium car facility has put in an objection to the planning permit that is now being sought from Hobsons Bay City Council for this particular facility. In its objections, amongst other things, it notes — and I have provided a copy of the letter:

Our operation could be significantly impacted by elements ...deposited on a vehicle surface in a dry state, over time. The implication for storage vehicles in our yard could result in costly damage such as etching in the vehicle finish.

It also expresses concern about its employees' health. These are the sorts of sensitive uses that I was asking the minister about yesterday in relation to another facility. Will the minister intervene in the planning scheme to set up proper buffers around these soil treatment facilities before this matter makes its way to VCAT (Victorian Civil and Administrative Tribunal)?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Barber for his question. From memory, the application that he is discussing is a live application that is now the subject of appeal to VCAT, so I do not wish to pass comment on a live application.

The second point is that in terms of contaminated land Mr Barber would be aware that — again, if my memory is correct — in March 2011 I established an advisory committee on potentially contaminated land sites around Melbourne. That will come on the back of the Auditor-General's report on contaminated land sites, which I think was tabled in this Parliament in December last year.

The advisory committee report has come back to my department. It will be assessed by my department before the recommendations come back to me, which is the normal process. I think it is wise to wait for that report before I make any comment beyond that. Obviously I will take the advice from the advisory committee. Having said that, in relation to the permit that is the subject of a VCAT appeal, as I said, I do not wish to pass comment on that, suffice to say that on the broader issue of contaminated land the government is getting on with the issue of addressing those concerns.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — This is an application for the siting of a toxic soil treatment facility like the one in Greater Dandenong that we are debating later this day. I gather that the applicant for that facility has made an application to VCAT on the failure to determine, but it is not yet there. If the minister were to intervene and set up rules involving buffers as recommended by the Hazardous Waste Siting Advisory Committee, then those would be the rules under which this appeal would be determined. As it is, the appeal will be determined only under the guidelines for the relevant zoning. It is not like the one in the south-east where the minister has rezoned the land under certain conditions. We are seeking a commitment to introduce new planning rules. Can I take it from the minister's previous answer that he has ruled out doing that in time for this particular matter to be heard at VCAT?

**Hon. M. J. GUY** (Minister for Planning) — Again I do not want to pass comment on a live application. My understanding was that this was not a failure to determine; it was actually a rejection by the City of Hobsons Bay.

**Mr Barber** interjected.

**Hon. M. J. GUY** — I think it was a rejection rather than a failure to determine.

**Mr Barber** — The first one was an appeal. This is a failure to determine.

**Hon. M. J. GUY** — I am not sure about that, but anyway it is a matter that is now before VCAT, so I am not going to comment on it specifically. I obviously will not be talking about the C125 in Dandenong, given that it is the subject of debate in this chamber later today. Having stated that, as I said, I will take all matters into consideration when I receive the report back from the advisory committee I established to deal with this matter specifically. In terms of any issues that it may deal with that are currently under consideration, that would depend on the time when I get the report back and any action that may take place as a result of that report, so nothing can be ruled in or out at that stage.

**Aviation industry: AIR 5428 project**

**Mr P. DAVIS** (Eastern Victoria) — I have great pleasure in directing a question without notice to the Minister responsible for the Aviation Industry. I ask: can the minister update the house on the government's election commitment to work with Victorian bidders to

help secure the AIR 5428 project to provide defence pilot training in Gippsland?

**Hon. G. K. RICH-PHILLIPS** (Minister responsible for the Aviation Industry) — I thank Mr Davis for his question and for his interest in this important opportunity for the aviation industry in Victoria and for Gippsland. As Mr Davis mentioned in his question, AIR 5428 is a new project of the Department of Defence to deliver all fixed-wing pilot training for the Royal Australian Air Force, the Royal Australian Navy and the Australian Army, Australia wide, from 2016.

Victoria is already a strong leader in the provision of pilot training in Australia. We are the leading state in Australia for the provision of flight training. We have some great competitive advantages. We have a good skills base upon which to draw. We have fantastic terrain and benign weather in which to offer a training environment. We have good infrastructure throughout Victoria. We have uncongested airspace. There are a lot of very strong natural attributes for the delivery of pilot training in this state. In the city of Sale in particular we also have a very strong defence presence in terms of the provision of defence training. There are a number of established defence training schools associated with the air force base at East Sale, which means Gippsland is very well placed to add the 5428 contract to the range of training provided out of that facility.

Last month I was delighted to visit Sale and witness the signing of an MOU (memorandum of understanding) for a cooperation agreement between the shires of Wellington and East Gippsland. This MOU is designed for Gippsland to present a united front to the Department of Defence, to facilitate cooperation between the councils with respect to the use of their facilities in the greater Sale region and to send a very clear signal to the Department of Defence to the effect that Gippsland and Victoria have a united presence and view on the securing of this contract.

I was also delighted to participate in a meeting of the Defence Council Victoria chaired by retired Rear Admiral John Lord. The Defence Council Victoria is working very closely with the councils and will work very closely with the bidders to ensure that Victoria is well positioned. We had representatives from the Department of Business and Innovation and from Regional Development Victoria to ensure that the government is well positioned to participate in working towards securing that contract for Victoria. Of course the project enjoys strong support from the government. I know the Deputy Premier, Mr Ryan, who as the member for Gippsland South is the local Assembly

member, is committed to securing that important contract for Victoria, as is the Minister for Higher Education and Skills, Mr Hall, as a member for Eastern Victoria Region, and as are the other local members, Mr Philip Davis and Mr O'Donohue.

The Department of Defence is expected to release a request for tender for that contract later this year. This is a great opportunity for the aviation industry in Victoria. It is a great opportunity for the Gippsland region to secure this contract. As Mr Davis noted, prior to the election the government committed to working with the aviation industry to secure this contract for Victoria. We are now delivering on that commitment. We are working with the local councils — Wellington, Latrobe and East Gippsland — and we will be working with the industry once the request for tender is released to ensure that Victoria is well placed to pursue this important opportunity.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — There are answers to the following questions on notice: 340, 347–8, 355, 361, 365, 371, 377, 380–1, 387, 394–5, 407–8, 412, 424, 428, 469–70, 472–3, 476, 478–80, 486, 490, 493–5, 1318–67, 3564, 6648–743, 8151, 8162–3, 8165–8, 8181, 8216–7, 8228, 8230, 8231, 8236.

## QUESTIONS WITHOUT NOTICE

### Answers

**Hon. M. P. PAKULA** (Western Metropolitan) — During the last sitting week in February I asked the Minister for Employment and Industrial Relations a question regarding the Transport Industry Council, its composition and its meetings. He took that question on notice. I would seek advice from him about whether he has an answer to that question yet or not.

**The PRESIDENT** — Order! This relates to an undertaking to the chamber, so it is a slightly different matter to the questions being responded to now. Is the minister able to advise Mr Pakula on the situation there?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Yes. The answer has been drafted, so I just need to sign it. I have it for the member.

**An honourable member** interjected.

**Hon. R. A. DALLA-RIVA** — No. I will talk to you.

**Mr TEE** (Eastern Metropolitan) — In a similar vein, on 28 February I asked a question without notice of the Minister for Planning. I asked him whether or not he had spoken to the Premier in relation to Ventnor. The minister said he would take on notice the question of whether or not he had spoken to the Premier and would provide me with advice. I do not believe I have received that advice after asking the question a month ago today. I was wondering if I could get any clarification around that issue.

**Hon. M. J. GUY** (Minister for Planning) — I apologise to Mr Tee if he has not received it. I thought that had been sent. If it has not, I will follow it up straightaway.

## DOROTHY DIX QUESTIONS: ELECTION COMMITMENT

**Debate resumed.**

**The PRESIDENT** — Order! I indicate that during question time I re-read Mr Lenders's motion. I return to the remarks I made when I was in the chair just before question time that in my view this is a very narrow and specific motion. I understand that there is a problem with this debate in the sense that Mr Lenders strayed outside the exact terms of his motion; in other words, he sought to convey a range of remarks which very much couched this debate, notwithstanding the words, in terms of there having been a broken promise. Clearly that line of argument has led other speakers in the debate to roam fairly wide with their remarks in that regard. I accept that members had a right to do so in the sense that Mr Lenders had invited some of that discussion. Nonetheless, I think the line of argument has been widely canvassed by speakers subsequently, and I ask members participating in the debate from this point on to confine their remarks more to the motion on the paper or perhaps to some other matters that Mr Lenders might have raised in his remarks, which I listened to, and to be a lot more circumspect in terms of the broken promises issue, particularly when we are going back almost two decades. That is a fair stretch.

**Hon. M. P. Pakula** — On a point of order, President, just to clarify your ruling, it is my intention to join the debate at some point. I accept your remarks about confining ourselves to the motion and matters related to the motion. I will simply make a point and

seek your guidance. There have been a range of matters canvassed by government speakers, including Mrs Peulich, Mr Drum and Mr Finn, and I hope the Chair will provide some latitude to the opposition in responding to some of the contentions that have been made — provided, as you have indicated, that we do not stray too widely from the topic.

**Hon. D. M. Davis** — On the point of order, President, I think it is important where matters have been raised in the debate and have been put on the record by the lead speaker and other non-government speakers that there be an opportunity for government members to make appropriate responses. To leave matters hanging carries a risk.

**The PRESIDENT** — Order! In respect of that point of order, I am happy for those matters to be addressed. What I do not want to see is this debate spiralling into a whole lot of new areas. What Mr Davis says is right: obviously the rules of debate and the expectation of debate in this place is that if matters are raised, members ought to have an unfettered opportunity to respond to them. That is one of the hallmarks of this chamber in particular. I certainly do not seek to stop members responding to matters that have been raised, albeit that this has been a fairly lengthy debate on what is a fairly narrow premise. Therefore I am not sure that there needs to be a great Tolstoy-like response to the matters that have been raised. I am particularly concerned that whilst there have been some government speakers who have spoken on this motion, so too has Mr Leane, who has countered some of those contentions matters that were made and also addressed other matters.

As I said, I do not want to hear new material that is lacking in direct relevance to this motion, which is quite specific. However, I am mindful of the fact that Mr Lenders, being the lead speaker for this debate, opened up the lines of argument far wider than what the motion actually says.

**Mr FINN** (Western Metropolitan) — It does not surprise me at all to hear you, President, give us guidelines of the nature that you have, as this motion, to say the very least, lacks substance. It is not surprising that Mr Lenders and subsequent speakers would cover a range of matters, because, to be quite frank, if we were to debate this motion purely on the merits of the words themselves, we probably would have finished about 45 seconds after we started.

As I said earlier, this is a ridiculous motion, and it is an enormous waste of the time of this house. It is all a question of priorities. The point I make in response to

Mr Lenders's comments and indeed to Mr Leane's comments earlier is that if you are a member of this house, a member of the other place or a participant in the political process, you would know what a Dorothy Dix is, but most working families and those who are not participants in our profession and who go about providing taxes to enable us to keep this government's process going would not know — and indeed do not know — what a Dorothy Dix is. For Mr Lenders to come in here suggesting that this is one of the great issues of mankind and an issue that people are sitting around at home discussing at great length over the roast lamb on a Sunday night is a nonsense.

President, you are absolutely spot-on when you give guidance about bringing us back to the motion, because, as you pointed out, debate on this motion has spread far and wide. It has not been about the issues that matter to people. I can assure you that I know for a fact that people are sitting around the kitchen table at night discussing how they are going to pay their electricity bill, which is an issue that is going to become increasingly burdensome as the carbon tax hits. They are discussing how they are going to pay their kids' school fees or their car registration or any number of things. These are real issues that matter to real people.

It is also about jobs. This is a time when we have a number of businesses and industries preparing for the carbon tax by cutting back on jobs. I can assure you that in my area — out in the western suburbs — there is very real concern about whether people might get up in the morning, go to work and find that they will not have a job by the time they are supposed to knock off at night. I would counsel the opposition as much as possible to raise those sorts of matters today. I have no objection to a whole day being set aside for opposition business. It is a sign of a robust and healthy democracy that those who are in opposition are given sufficient time to raise those matters that are important to them and to people in their communities.

If such time is given, it is only reasonable for the opposition to actually utilise it, and I cannot help but think that this motion today is not doing that. This motion is self-indulgent. This motion talks about things that really do not matter. In a time and an age when already vast numbers of people are not just disengaged but very angry — I think 'angry' is not too strong a word — at the political process, people would see this as something that is a total waste of time. I have to say I agree with that.

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

**The DEPUTY PRESIDENT** — Order! Mr Finn to continue, very briefly.

**Mr FINN** — We will see where that takes us, Deputy President, but I appreciate your guidance. We will give that due consideration and the respect it deserves.

So far in my contribution to this particular motion, I had responded to just some of the points that had been made by Mr Lenders. I hope Mr Lenders is not going to leave the chamber because it would be very disappointing if he were to do so — as he walks out the door, again not just showing disrespect for the chamber but also telling us that he really does not give a flying rodent's rump about this motion. He has moved this motion, as Mr Barber pointed out earlier today, for reasons that are lost on all of us. I just cannot begin to imagine why this motion has been moved, because there are so many other motions that could be debated in this chamber. I am sure Mr Leane, at the drop of a hat, could give me a list of seven or eight matters that could and should be debated on this Wednesday.

**Hon. M. P. Pakula** — On a point of order, Deputy President, I hesitate to do this because I think it runs the risk of encouraging Mr Finn to go on longer, but if you had been in the chamber prior to question time, I think you would agree with me that Mr Finn is now straying into the territory of tedious repetition. He has made this particular point on about 15 occasions now.

**The DEPUTY PRESIDENT** — Order! I have been in and out of the chamber at various points during Mr Finn's 35-minute contribution so far, and I have heard him make those points. I remind Mr Finn that there are provisions in relation to repetition, and I ask him to continue with that in mind.

**Mr FINN** — Thank you, Deputy President. I am very much aware of the rules regarding tedious repetition, as indeed I am sure is Mr Pakula. On this occasion I was just recapping for the benefit of those members who were not in the chamber and may have missed the points that I made previously. For myself, I know there is nothing worse than walking into the chamber and not knowing what the speaker on his or her feet is talking about. That is something in which I have absolutely no intention of being complicit, and that is the bottom line.

Earlier I was referring to Mr Lenders's contribution, in particular his reference to broken promises. I found it interesting when Mr Lenders referred to political leaders who break their promises and how it brings them down. I thought to myself, 'Could he be talking

about Anna Bligh?'. He could very well be talking about Anna Bligh, and it is a great pity that he is not in the chamber to illuminate us as to whether he was talking about Anna Bligh on this occasion.

**Mrs Peulich** — Perhaps he has a crystal ball?

**Mr FINN** — He may have his hands on a crystal ball, and he may be thinking about that a great deal. Alternatively, if we are speaking about political leaders who have made promises that have been so very publicly broken and that are bound to bring them down, he may have been referring to the Prime Minister, because I do not think there is anybody in this country who is not familiar with the line, 'There will be no carbon tax under any government that I lead'. I wonder if Mr Lenders is making a prediction about the fate of the federal government, and in particular the Prime Minister, when that government has the courage to face the people. As we know, for some time now the Australian people have been very keen for an election but it has not been forthcoming.

It is important to take into consideration the views that Mr Lenders has expressed on political leaders who make these big announcements and then after the election go back on their word. I am loath to use the word 'lie' because I may well be dragged to order, but I am sure many outside this chamber would use that word. I will not go there.

**The DEPUTY PRESIDENT** — Order! Mr Finn should not skate around what he knows to be inappropriate usage of words in this chamber. I remind Mr Finn of the President's ruling in relation to contributions on this narrow motion. I understand that he is responding to some of the comments from the Leader of the Opposition, but he has already done so extensively in his contribution. I am not sure that Mr Finn needs to continue in that vein. I would prefer it if his remaining remarks, I hope closing remarks, were closer to the words of the motion.

**Mr FINN** — Deputy President, I find it regrettable that the Chair would seek to shut me down in that way; nonetheless, I will attempt to make the points that I was trying to make. I would have thought it was a fairly strong point of interest that the Leader of the Opposition was making a prediction about the political demise of the Prime Minister, his federal leader. I put that down for what it is worth. At the subsequent double dissolution election Mr Barber will no doubt lose his federal leader as well. I am particularly looking forward to that.

This particular motion refers on two occasions to then ABC journalist Josephine Cafagna. I have worked with Josephine Cafagna in years gone by when we were both employed at 3AW. We worked very closely together, so I know Josephine. Perhaps once she joined the ABC I might not have been as much of a fan of her as I once was, but I am mystified as to what the fascination is with Josephine Cafagna that Mr Lenders has.

Mr Lenders refers to her constantly in debates, interjections and question time. In a whole range of opportunities that he has had, Josephine Cafagna's name comes up. I do not know what the fixation is — perhaps we can leave that to the appropriate medical professionals to explain — but I find it very strange that somebody who is doing their job as non-controversially as possible, who was a member of the media and is now a member of the Premier's staff, should be dragged into the proceedings of the Parliament so much.

**Mr Barber** — A journalist working for a politician — is that unprecedented?

**Mr FINN** — I am not sure if it is unprecedented, but it certainly mystifies me a tad as to why Mr Lenders discusses Ms Cafagna at such length and at so many opportunities.

I have to again point out that it is disappointing to me that as we discuss his motion Mr Lenders is not in the chamber to help illuminate it. If Mr Lenders were here in this chamber, we might be able to wrap up a little bit sooner because he would be able to give us some of the answers to the questions I am raising. The matters I am raising are very important. It is a great pity that Mr Lenders is not here to do that.

**Mr Barber** — This is not a motion to take note of Bob Brown's address.

**Mr FINN** — Bob Brown's address was a ripper, it has to be said. I am not sure what he was on, but it must have been pretty strong.

The basic problem underlying this motion is that Mr Lenders has not accepted what happened in November 2010. I can relate to that, having been through a defeat in years gone by. That was in 1999, and it took me a long time to recover. I can understand how Mr Lenders would feel and how that frustration and annoyance would make its way into the public arena in a number of ways. This motion today is clearly one of them.

I ask Mr Lenders to think for a moment that if in November 2010 — after the leaders' election debate with Josephine Cafagna — the election had resulted in

the then Brumby government falling over the line, then Mr Lenders, Mr Leane and a number of other members would be facing pretty much the same scenario as what happened in Queensland last Saturday. That is what happened in Queensland at the previous election: Labor just fell over the line, and the people were somewhat unforgiving of Labor as a result of its activities following that election win.

**Mr Leane** — On a point of order, Deputy President, once again the member is straying from the motion and also getting close to the subject of the previous point of order — that is, tedious repetition. Opposition and non-government members would like to get through the program to some degree and — —

**The DEPUTY PRESIDENT** — Order! That is fine, but it is not part of the point of order. Mr Leane should raise the point of order, not points in debate. Does Mr Leane wish to add anything further, briefly?

**Mr Leane** — I just want to add that I am sure the government would be frustrated if every non-government member spoke on every bill and tediously repeated matters. I think that is what will happen now and in the future.

**The DEPUTY PRESIDENT** — Order! I am having trouble understanding what the point of order is.

**Mr Leane** — The point of order is: good luck getting your bills through.

**The DEPUTY PRESIDENT** — Order! There is no point of order then.

**Mr FINN** — That was fascinating. I was just saying Mr Lenders has to accept what happened, that he has to move on and that really we must have matters of substance brought before this house. This motion cannot under any circumstances be seen as a matter of importance or substance. If you were to walk down Bourke Street, you would not find anybody who even knows what we are talking about, much less someone who thinks this is important to them.

I ask the Leader of the Opposition and other members of the opposition to think carefully before they bring matters into this house on a Wednesday. I have heard it referred to as wasteful Wednesday, and I think that is a pity because there are many matters that the opposition should be bringing before the house. I ask that the opposition leader and members of the Labor Party do just that, because this Parliament is far too important to have its time wasted on such trivial matters.

**Hon. M. P. PAKULA** (Western Metropolitan) — Mr Finn considered this matter to be so trivial that he spoke on it for 48 minutes. During that 48 minutes he told us on at least a dozen occasions how unimportant the matter was. Another point I wish to raise goes to the matter raised by Mr Leane. I will not belabour this point, but there is an agreement between the parties that the non-government parties are entitled to determine the program for Wednesdays, and whilst there are no time limits on Wednesdays, I would also put that there is a convention at least that government members will not unnecessarily seek to meddle with that program by outrageous filibusters. As Mr Leane said, if this is going to be the way the government treats Wednesdays, to try to prevent the opposition from debating other items on the notice paper by filibustering on the first item on the notice paper, then two can play at that game.

In regard to Mr Finn's comments about both the Leader of the Opposition and the opposition more generally somehow being in denial about the election result of November 2010, let me say the reality is far from it. In fact the opposition has demonstrated at every point that it not only accepts absolutely and utterly the verdict of the Victorian people but also accepts absolutely its responsibility to hold the government to account for the commitments it made which at least in part caused it to be elected. The Victorian people expect the opposition to do its bit to ensure that the promises Mr Finn and his colleagues made that caused the people to vote for them are delivered on.

Whilst Mr Finn might say motions such as these are a waste of time, the fact of the matter is that this is the opposition's responsibility. We are not simply responsible for writing policies for the 2014 election campaign. It is our responsibility to come into this place and to call the government to account for the commitments it makes. Whilst it might be preferable to the government that we cease to do that, we will not.

I note also that Mr Finn, having lambasted Mr Lenders over and over for leaving the chamber, has just left the chamber himself 2 minutes and 32 seconds into my contribution, having made us sit through 48 minutes of his own.

I also make the point that the substance of Mr Finn's contribution seemed to be that out there in voter land, in the western suburbs or other parts of the electorate, they are not talking about Dorothy Dixers. That is right, they are not. But they are not talking about the Independent Broad-based Anti-corruption Commission (IBAC) either. They are not talking about the FOI commissioner. They are not talking about ministerial

codes of conduct. That does not mean those things are not important. If the Liberal Party and The Nationals say these things do not matter because they are not important to the voters, my question is: why were they talking about them so much in the lead-up to the 2010 election?

All we heard from the Liberal-Nationals between 2006 and 2010 was that there was a need for an independent commission against corruption, that there were issues related to FOI, the conduct of the Parliament, Dorothy Dixers and all of that stuff. It is not because it is necessarily the hottest issue in voter land; it is because accountability of government is important, and the members opposite made it an important election issue. In the months before the election they went out week in and week out and made accountability an important issue, because in the narrative created by the then non-government parties, now the government, accountability in government is important. Whether or not it is the hottest topic for the general community, in this Parliament there is a recognition that government accountability is important. If it is not an important point and if Dorothy Dixers are not important because the voters are not talking about them, on that basis neither are most of the other accountability measures that Mr Drum was trumpeting about so loudly during his contribution.

**Mr Barber** — Boring, but important.

**Hon. M. P. PAKULA** — I will come to Mr Barber. Let me say a few things about some of the contributions that were made during the debate. I have to say I was initially only going to talk about Dorothy Dixers. Then we heard from Mrs Peulich and I felt the need to expand my repertoire somewhat. Mr Drum said in regard to transparency and responsibility that they had been ticking off the commitments one by one. I make the point in this debate that I have made in previous debates, whether they were about IBAC or FOI: just ticking them off as if they are some kind of to-do list really is not the point. The point is not about creating something called an IBAC and saying, 'Hey, we've done it'; it is about creating the kind of IBAC the coalition said it would create. It is not about creating an FOI commissioner and saying, 'Look, we've done it'; it is about creating an FOI commissioner with powers the coalition said the FOI commissioner would have. It is not about delivering a ministerial code of conduct; it is about delivering the type of ministerial code of conduct that was promised by the coalition.

These things are not just titles. It is the substance that is important. In terms of the substance of the coalition's accountability measures, none of them measures up to

what it said before the last election that it would do. It might have an IBAC — well, it is coming — and it might have an FOI commissioner coming and it might have a ministerial code of conduct, but none of them looks anything like the models the coalition promised. I will not go on and on about this because of the time constraints created by Mr Finn but also because I have been through a lot of it before. Let me quickly go through them.

Regarding FOI, the promise was for an FOI commissioner setting enforceable standards for departments. What was delivered? It will be the minister doing it. When the minister at the table was asked about it, the sole answer was, 'We think that's appropriate in the circumstances'. We had a promise of an FOI commissioner who would have responsibility over all FOI matters. Instead the response in the legislation was all except cabinet-in-confidence claims, except national security claims, except where the decision is made by an agency head and except where the decision is made by a minister. It is an FOI commissioner in name only, with no responsibility for the majority of FOI complaints that come up.

An IBAC along the lines of the New South Wales model was promised, but what has been delivered is not an independent, broadbased anticorruption commission, because it cannot look into corruption other than corruption that is already in the criminal code and on the statute books, so if it is non-serious corruption, as the legislation says, or if it is misdemeanours in office, the IBAC has no authority whatsoever. Basically all it becomes is another investigative arm of Victoria Police, because the only thing it can look into is criminal conduct. Well, guess what? We have a police force for that. An IBAC is meant to be about something more than just the commission of crimes.

I ask members to look at the committees of this Parliament. I have made the point on numerous occasions that we have legislation committees and that any member of this Council can refer a bill to them. Not one such motion moved by Ms Pennicuik, Mr Barber or anyone from the opposition has been carried by this house. Only three bills have been sent to the legislation committees, and all three of them have been on motions moved by a member of the government.

The Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee have been cut from 10 members to 7, and the Greens are on neither committee. That might be a matter of choice for the Greens, but I have to make the point that even if they wanted to be on these committees, it would be

very difficult now that they have been reduced from 10 members to 7.

The previous opposition went on and on about government advertising. In 2010 Mr David Davis brought a private members bill into this Parliament to establish a government advertising review panel. At last year's budget estimates hearings the Premier said the panel would be up and running by the end of 2011. It is now March, nearly April, 2012, and there is no sign of it. What is worse is that the latest commentary from the government makes it look like we are never going to see it.

There was a written commitment from Mr McIntosh that a ministerial code of conduct would be drafted by the Privileges Committee and voted on by the Parliament, but when we got to it, it was actually to be drafted by the Premier and not voted on by anyone. What did government members, when in opposition, say about a ministerial code of conduct drafted by the executive? They said it would be essentially designed to fail. That is what they said a ministerial code of conduct drafted by the executive would be.

Mrs Peulich talked about questions on notice and how this government has replied to more questions on notice in 18 months than the former government did in four years. Well, I have some of those replies here. I have to tell Mrs Peulich, who talked about the time taken by departments, that interestingly every single department and every single minister has given exactly the same answer. How time consuming must that be? And look at the topic — this is a government committed to transparency. There were questions about which lobbyists the government has met with. Every single minister in every single portfolio has given exactly the same answer: 'Government ministers and ministerial staff members continue to adhere to the — —

**Mrs Peulich** — On a point of order, Deputy President, in the interests of the consistency of your management of this debate, could I suggest that reading the responses to questions on notice is straying a little far from the motion?

**Hon. M. P. PAKULA** — On the point of order, Deputy President, in the interests of consistency, my earlier point of order was about repetition, and I have not repeated this point at all. In relation to Mrs Peulich's point of order, directly before the lunchbreak I asked the President specifically about whether I would be entitled to respond to a number of the points made by government speakers in the debate, and the President reaffirmed my ability to do so.

**The DEPUTY PRESIDENT** — Order! That is correct. The point of order is not upheld.

**Mr Ondarchie** — Still, 10 minutes in and you have not gotten to the motion yet.

**Hon. M. P. PAKULA** — Mr Ondarchie, it is coming. And I make the point that in the 48 minutes of Mr Finn's contribution I do not think he went near it. To put Mrs Peulich's mind at ease, I do not intend to belabour the point of questions on notice. I simply want to say on the matter of questions on notice — which are questions of the government — that Mrs Peulich's contribution, which I must say was bizarre, alleged that questions on what lobbyists the government had met with or about the numbers of ministerial staff employed had been drafted by the Labor dirt unit — the Labor dirt unit drafting questions on notice for ministers! That shows how committed Mrs Peulich is to repeating this line as often as humanly possible. It shows, I think, a contempt for members of Parliament to suggest that there is anything remotely dirt unit-esque about members of the opposition seeking information from the government — particularly when we do not get answers to any of our questions.

Another great one is that when we asked the government, which had made claims about ministerial offices and how much it had reduced staff numbers, how many ministerial staffers and how many departmental secondees there are in each minister's office, we got an answer about the number of ministerial staffers, but there was no appearance, Your Worship, of any answer to the question about how many departmental secondees there are. When Mrs Peulich talks about smear and about a dirt unit, I have to say to her that the opposition is coming to the end of its rope with the constant attempts by the now government to smear uncontrollably the good administrative record of the previous government — 11 years of AAA credit ratings, 11 years of budget surpluses and 11 years of discipline and a united government that Mrs Peulich's party continues to smear to cover up its own inaction.

As part of her contribution, Mrs Peulich said that the Parliament has changed. We now have a President who is holding ministers to account. We now have a President who requires ministers to answer questions in a relevant way. I have to say that in regard to the Legislative Council I agree with Mrs Peulich. There are no members of the opposition who would accuse the President of capriciously ejecting members of Parliament — even though I was ejected myself today.

**Mrs Peulich** — Were you?

**Hon. M. P. PAKULA** — Indeed I was, during question time, as Mrs Peulich well knows. There are no members of the opposition who would argue that the President does not require or at least seek to have ministers answer questions in a relevant way when they are put to him or her by a member of the opposition. No member of the opposition is suggesting that the President ever attempts to shut down the opposition when it asks a question that might be inconvenient to a minister. There is no member of the opposition who would suggest that the President does not endeavour, when he makes a ruling, to explain that ruling properly. Members of the opposition accept all of those suggestions, and in fact I have made some of them myself.

I think the President presides over the chamber in a way that is not capricious; rulings are properly explained, members are only thrown out for good reason and members are given proper warning. I might say I am sure I do not have any colleagues in the Legislative Assembly lining up to make the same points. If they are not prepared to make those points, they have good reason for not making them. I do not think their experience is as happy an experience as the experience the 40 members of the Legislative Council have been able to enjoy under not just this President but previous presidents. I am grateful for the fact that debate in the Legislative Council is presided over by a President who understands that there is at least a degree of independent-mindedness which is required to be brought to bear in the conduct of the chamber. In that regard the Legislative Council stands as a beacon that the Legislative Assembly should try to follow. If the Legislative Assembly did try to follow that example, there would be greater scrutiny of the current government.

Going to the question of Dorothy Dixers — —

**Mr Ondarchie** — Sixteen and a half minutes!

**Hon. M. P. PAKULA** — I advise Mr Ondarchie that I will be done within 20 minutes.

**Mr Ondarchie** interjected.

**Hon. M. P. PAKULA** — If it were not for the fact that 95 per cent of government speaker's time was spent dealing with other matters, I would have been able to deal with it quite quickly. The substance of the government's response is, 'Ted Baillieu did not promise to do away with Dorothy Dixers'. I am sorry, but that is not what everybody thought. That is not the impression that Ted — —

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** — Mrs Peulich laughs. In the lead-up to the 2010 election Mr Baillieu and other shadow ministers made an art form of this. They made an art form of making suggestions to the Victorian community but couching their language very carefully. Do you think, for example, there is anyone in Rowville who does not think that a train line was promised? Do you think there is anyone in Doncaster who does not think a train line was promised? Of course there is not, but the government now says, ‘We didn’t actually promise it. We promised to look at it’. The language was very clear and clever. Those voters were entitled to expect that this government had given them a commitment to build a train line. Similarly anybody watching that debate but not going through the transcript 18 months later looking for a get-out clause would have been absolutely convinced that what Mr Baillieu promised was a reform of the Parliament, including the doing away with Dorothy Dixers. The reason we focused on that is that it is — —

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! Mrs Peulich has made a contribution. We would like to hear from Mr Pakula without assistance.

**Hon. M. P. PAKULA** — It is emblematic of how, in the last 18 months, every accountability promise made by this government has been either walked away from or watered down to the extent that it looks absolutely nothing like the commitment made before the election.

I want to finish by making a brief point about my friend Mr Barber. Mr Barber says this is a sideshow — —

**Mr Ondarchie** — Your friend? That’s changed a bit!

**Hon. M. P. PAKULA** — I think Mr Ondarchie is my friend too. Mr Barber says it is a sideshow and a waste of time and that there are more important things to debate. My only question is why accountability measures and accountability topics are only important enough to be debated in the Parliament when they are raised by the Greens.

**Mr LENDERS** (Southern Metropolitan) — When I moved this motion and started speaking on it this morning there were four propositions in the motion that went back to what the now Premier said in the leaders debate of November last year. For anybody who disputes or questions his commitments, there is no question: he said he would convene the Standing Orders Committee to look at how this place is run. If you look at the tape you will see that 25 minutes and

2 seconds into the debate, when Josephine Cafagna asked Mr Baillieu the specific question about Dorothy Dixers and how question time would be run, there could be no ambiguity in any objective person’s mind that this was a Premier who was going to change how the Parliament was run.

The proposition that I have put, along with other members on this side of the chamber, is that it is not good enough for the government members to go back over many years of Parliament and say ‘Hypocrite’ or whatever. For the first time in Victoria’s history, to my knowledge, a Premier — Mr Baillieu — said he would reform question time, but nothing has been done. Government members’ only defence has been to say, ‘Labor did terrible things in the past’. This is a debate about getting the Premier to honour his commitment. The debate has not yet achieved that; there has been quite a lot of dialogue about various atrocities that people have committed — or allegedly committed — but the central proposition, which is to hold Mr Baillieu to his promise to get rid of Dorothy Dixers and to have government backbenchers in this place not defy their Premier’s election commitment by asking Dorothy Dixers, has not been answered. I would urge members to support — —

**The DEPUTY PRESIDENT** — Order! I ask Mr Lenders to remember the correct title of the Premier.

**Mr LENDERS** — The issue is, firstly, the holding of Mr Baillieu to his promise made in the leaders debate in November 2010. There has been no effort on the part of Mr Baillieu or any of his ministers in either house to refer this issue to the Standing Orders Committee as he unequivocally said he would do. Secondly, the spirit of that has been defied by all 14 non-ministers in this house — 14 parliamentary secretaries and backbenchers — who repeatedly ask the Dorothy Dixers that the coalition leader emphatically said in November 2010 would not be part of a Parliament controlled by his government. I urge the house to support the motion.

#### House divided on motion:

*Ayes, 18*

Barber, Mr	Pakula, Mr
Broad, Ms ( <i>Teller</i> )	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr ( <i>Teller</i> )
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

	<i>Noes, 20</i>
Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs ( <i>Teller</i> )
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr ( <i>Teller</i> )	Rich-Phillips, Mr

	<i>Pair</i>
Darveniza, Ms	Drum, Mr

**Motion negatived.**

## PRODUCTION OF DOCUMENTS

**The Deputy Clerk** — The Clerk has received a letter from the Minister for Public Transport.

*Letter at page 1766.*

**Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).**

## TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (FARES) BILL 2012

*Introduction and first reading*

**Mr BARBER (Northern Metropolitan) introduced a bill for an act to amend the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes.**

**Read first time; by leave, ordered to be read second time forthwith.**

*Statement of compatibility*

**Mr BARBER (Northern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

I make this statement of compatibility with respect to the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012 (the bill), in accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter).

The bill promotes the right to freedom of movement expressed in section 12 of the charter by enhancing certainty and consistency, encouraging Victorians to patronise public transport.

Clause 3 of the bill places a specific, limited restriction on the wide discretionary power conferred on the director of the

Department of Transport to set fares, making it unlawful to provide for an increase in public transport fares having effect before 1 January 2014. This is the main purpose of the bill.

Public transport operators do not engage the provisions of the charter, as the charter applies to natural persons only.

In my opinion, the Transport (Compliance and Miscellaneous) Amendment (Fares) Bill 2012 as introduced to the Legislative Council is compatible with the human rights protected by the charter.

Mr Greg Barber, MLC

*Second reading*

**Mr BARBER (Northern Metropolitan) — I move:**

That the bill be now read a second time.

This bill freezes the recent 8.6 per cent increase in public transport fares for a period of two years, reducing overall fare increases to a figure more closely reflecting inflation and rises in cost of living.

Studies suggest that the recovery ratio for Melbourne's public transport operating costs is higher than other Australian capitals even though we collect similar fare amounts on a per passenger-kilometre basis.

Clause 3 of the bill places a specific, limited restriction on the wide discretionary power conferred on the director of the Department of Transport to set fares, making it unlawful to provide for an increase in public transport fares having effect before 1 January 2014.

Public transport is an essential service and many Victorians use it because they have no other transportation option. This bill protects Victorians' access to this essential service by ensuring that increases in fares do not rise significantly and unpredictably relative to cost of living.

I commend this bill to the house.

**Debate adjourned on motion of Mr O'DONOHUE (Eastern Victoria).**

**Debate adjourned until Wednesday, 11 April.**

## GREATER DANDENONG PLANNING SCHEME: AMENDMENT

**Ms HARTLAND (Western Metropolitan) — I move:**

That amendment C125 to the Greater Dandenong planning scheme be revoked.

Amendment C125 is more than a rezoning amendment; it links the rezoning with the proposed use of the site for an unnecessary new toxic soil treatment facility connected with the existing toxic tip. I have no quarrel with the very narrow issue of rezoning the land to industrial use, in keeping with land that surrounds it, and I have no quarrel with toxic soil being remediated. The amendment is not appropriate because a full examination of its impact has not been considered. Given Mr Guy's answer yesterday to the question about contaminated sites from my colleague Mr Barber, it is clear that a great deal more work needs to be done on this very issue, not just in regard to Lyndhurst but across the state. The planning framework for toxic sites is clearly incomplete.

The proposal goes against both government policy and common sense by encouraging toxic waste to be disposed of as landfill. The joint exhibition of the proposed uses prevented the panel from considering submissions on the environmental issues, and at the same time it prevented a review of the works approval decision of the Environment Protection Authority (EPA). The amendment also impacts on planning for the future of toxic tips and especially closure of a toxic tip.

The panel report does not adequately consider the need for the facility. The proposed SITA soil treatment facility is opposed by Greater Dandenong City Council, in whose area it is to be located, and by Casey City Council, in whose area the nearest residents live. From reading a great deal of correspondence over many years, I have learnt that this is a fight that has been going on for at least 10 years. It has been a fight between the previous government, the current government and the two councils.

The proposal is to truck in different types of toxic soil. Category A soils are the most toxic. They cannot be accepted in any confinement facility, but according to the panel report, each year some 20 000 tonnes of the stuff will be brought in by trucks thundering along all the roads to Lynbrook. Category A soils contain things such as explosive substances, flammable solids, substances or waste likely to spontaneously combust, substances that go 'kaboom' if you mix them with water, corrosive substances and so on. In my view, category A soils should be the highest priority for on-site treatment. I do not want that material on the roads. Category B soils contain toxic waste with a high level of control. As coincidence would have it, the toxic tip at Lyndhurst is the only facility licensed to put category B waste into landfill. Category C waste is suitable for landfill.

The plan, as it is put, is to treat categories A and B soils at the Lyndhurst facility until they are suitable for landfill and then dispose of them at the tip. Some will be used as daily cover to avoid the need for clean fill to be imported. The company admits that it proposes to dispose of categories B and C waste directly into cell 12C at the toxic tip. There will be some economic incentive in the plan to treat category B waste before disposal, but if some other factors come into play, there is nothing to stop the company from burying untreated category B waste in the tip.

Commencing in the late 1990s, there was a hive of activity in planning in relation to hazardous waste. I am indebted to Professor Ian Rae, whose brief history of the various processes I will summarise. The history is relevant here because the processes and recommendations of two committees became the de facto planning guidelines. The Kennett government established the Hazardous Waste Consultative Committee to come up with a plan for how to manage hazardous waste and where to put it. Its operation continued under the Bracks government. The committee recommended establishing soil treatment facilities because treating soil would cut down on toxic landfill, but it recommended buffer distances around those new soil treatment facilities. The then government accepted nearly all the recommendations and gave some new responsibilities to the EPA, and the Prescribed Industrial Waste Advisory Committee was established.

Meanwhile, the toxic tips at Tullamarine and Lyndhurst were filling up, so the then government set about finding a new site for toxic waste disposal. The office of major projects appointed a Hazardous Waste Siting Advisory Committee, whose members set about trying to find appropriate sites. The process was later abandoned. While the HWSAC was in operation it adopted a set of criteria that was accepted by the government. The criteria include the following buffer zones: a 200-metre primary exclusion zone with a 2-kilometre buffer for sensitive uses such as child care, food production and housing. To put those buffer zones in context, the house nearest the Lyndhurst soil treatment facility is 790 metres away, and the suburb of Lynbrook is just over 1 kilometre away. Those de facto guidelines were never formalised. In my view that leaves the planning framework incomplete.

Yesterday during question time in Parliament, Mr Guy highlighted the need for better planning. He expressed his fears that if there is not a toxic soil plant at Lyndhurst, one might pop up anywhere, including near residential areas such as Brunswick. I have to say to the minister that that has been my experience over many

years: governments say to the community, 'Well, if it's not here, you have to decide where it's going to be'. That is the responsibility of government. It is the responsibility of government to have planning frameworks that deal with these issues and not to put it back onto the community to say where a toxic soil plant should be located.

The Baillieu government has shown that it can take firm action on planning guidelines in relation to land use. Last year the government restricted new wind turbines to locations further than 2 kilometres from dwellings, except by written consent. It also prohibited wind farm developments in several parts of the state. Unfortunately the Minister for Planning is not in the chamber. I would like to ask the minister what he considers more dangerous — toxic sludge or clean energy. One creates a waste legacy, and the other reduces waste by making electricity without carbon dioxide emissions. One of them involves the noise of trucks travelling all day and night through our suburbs, and the other one goes 'whoosh'. One of them is a great big industrial plant; the other is a wind farm on a person's property. Is this government sure it has its planning priorities right?

The government should complete a firm planning framework for toxic soil facilities which at least includes strong siting restrictions on permanent soil remediation facilities, as are placed on wind turbines. The framework should consider the comparative benefit of mobile soil facilities over permanent ones. This would encourage industry to move to on-site treatments.

I would like to explain the difference between the two. The Lyndhurst site will be run by Sita Environmental Solutions. If members look at SITA's website, it claims to specialise in on-site treatments — that is, it takes the high-tech mobile soil treatment equipment to the place where the toxic soil has been discovered, and it is treated on site in a safe, contained way — in other words, you move the equipment instead of the soil. Apparently SITA can get the equipment and the relevant engineers, project leaders and operators to a site at short notice and work there around the clock. It advertises this process as being more economical because it reduces the logistics costs. It also avoids clogging our roads with more trucks, many of which will go through the major truck routes in my electorate.

This brings me to a situation we have in Altona. There is absolutely no need for a new toxic treatment plant in Altona now that the major companies offer on-site treatment — that is, mobile equipment — for toxic soil. They go to the site to treat the soil, and it can be reused

without leaving the premises. The company in that case is Innova Soil Technology. On its website it promotes on-site treatment, saying it is cost effective and safe. I do not know why it suddenly needs to truck toxic soil from all over Melbourne to Altona. The Altona example is relevant to Lyndhurst, because it provides an opportunity for us to separate rezoning from use. In Altona the land was already zoned for industrial use. Hobsons Bay City Council went to the Victorian Civil and Administrative Tribunal to argue that, notwithstanding the zone, the company should have to apply for a permit for the new use. VCAT found in favour of Hobsons Bay City Council. Innova then applied for a permit. Hobsons Bay City Council considered the application and ultimately refused it earlier this week.

Local residents have run a very strong campaign against the Altona facility. I signed the community petition, and I would be proud to take a petition to Parliament or participate in any other action the community campaigners wish me to. I commend Hobsons Bay City Council for listening to the community and helping it oppose a toxic soil plant. I mentioned Altona, but this is a problem across the state; it is not just in Lyndhurst or Altona. We will see other sites like this, because if this amendment zoning the land as industrial 1 goes through, these facilities will be able to be sited in a number of places.

The Lyndhurst soil treatment plant and the tip are the only parts of the activity associated with the amendment. Most of the new activity will involve trucks moving 60 000 tons of toxic soil per year from other parts of Melbourne. Let us remember that trucks spill stuff, they break down, they crash. What happens to the toxic soil spilt on a road near a house, and what happens if it goes into the local creek? Many of those truck movements are unnecessary, because some or all of the soil could be treated on the sites from which it originates.

This is the key failure of the panel report. It considered the need for the facility only in the context of the need to dispose of waste. It did not consider whether there was a need to remove the soil from the originating site. The panel report went into some detail about how difficult it was for its members to separate out the planning issues from the environmental issues and how they were not able to address the environmental issues. The panel report says it is not clear which matters were relevant to land use planning and which matters were relevant to works approval. The panel concluded that there should have been an advisory committee to consider both planning and environmental matters, and that in the end it could not consider environmental

matters, even though it was clear that public submitters thought the joint advertising process meant all matters should be considered by the planning panel.

To make matters even worse, as the planning panel pointed out, when the government exhibited the zoning amendment together with the planning permit, one impact was that third parties were denied the right to appeal to VCAT against the EPA works approval decision. In this way the panel said that third parties were not provided with an opportunity to have their concerns addressed on the more detailed environmental impacts that a works approval application would normally address. The panel highlighted this problem together with the lateness of the EPA's submission.

The amendment brings up a number of unresolved and incomplete framework issues for toxic sites across the state. The need for the facility and its broader impacts have not been assessed, and that is the reason I am in the chamber today saying the amendment should be revoked. It is unfortunate that the Minister for Planning is not in the chamber, because I would have put several questions to him. The soil treatment plant is associated with the Lyndhurst toxic tip. When will this tip close? Casey City Council wrote to the state government asking it to amend the planning scheme to create a 1-kilometre buffer zone around the Lyndhurst tip. Will the minister conduct an environmental impact study on the Lyndhurst tip, as requested by Casey City Council? These are questions that need to be addressed.

Before I finish, I believe that as an MP I have a responsibility to be an advocate for the community and a responsibility to voice people's concerns. Living in the western suburbs I have been active for many years around what I refer to as urban contamination and urban environmental issues — contaminated sites, Coode Island et cetera. I will finish today by reading a letter from Residents Against Toxic Waste in the South-East (RATWISE):

Justice Morris, former president of Victorian Civil and Administrative Tribunal (VCAT) said in his speech on 'Inherent conflicts in the planning system', given at an Urban Development Institute of Australia (Victoria) luncheon, May 2007, that, 'Decisions about land use and development remain relevant for many years. Hence good decisions must display long-term thinking, and not just pander to short-term needs'.

RATWISE is of the view that the C125 amendment to the City of Greater Dandenong planning scheme, which is now before you for your consideration, is not a good decision displaying long-term thinking and that it must be revoked.

The C125 amendment changes the site known as the Lyndhurst tip from a farming zone into an industry 1 zone in

order to facilitate the development of hazardous waste treatment facilities.

RATWISE asks:

1. Did the planning panel consider the consequences for all industry 1 zones in Victoria of allowing the storage and treatment of hazardous waste, including category A (the most hazardous of all) in an industry 1 zone at the Lyndhurst tip?
2. Was the panel aware the C125 amendment will see more hazardous waste industries successfully applying to establish in industry 1 zones?
3. Will the C125 amendment result in applications to further develop the Lyndhurst tip site for the treatment and storage of toxic and other hazardous waste?
4. Is it good planning for the storage and treatment of toxic and hazardous waste in the middle of an area being developed for industries such as warehouses and distribution centres?
5. How was a decision made that an industry 1 zone is appropriate for treatment of contaminated soil when a permit exists for one in an industry 2 zone and also in a special use industry 3 (a petrochemical industry) zone?
6. Is there a need for planning schemes to be amended to ensure that hazardous waste facilities will not be permitted to be established in industry 1 zones?

(RATWISE suggests that there may need to be changes to the land use term 'materials recycling' under industry 1 zoning in that 'materials to be collected, dismantled, treated, processed, stored, recycled, sold, used or surplus materials' must not be prescribed industrial wastes ... There may also be a need to ensure that hazardous waste at a refuse disposal in an industry 1 is prohibited.)

RATWISE is also of the view that:

7. The Lyndhurst tip will fill in the near future and there is a need for the government to find an alternative site for the containment of residual hazardous wastes.
8. The government needs to develop a hazardous waste policy that will result in the phasing out of the disposal of hazardous waste to landfill and that this the policy is communicated to the public.
9. The PIW landfill levy should continue to be used to support the reduction in hazardous waste produced and going to landfill.

RATWISE believes a whole state approach is needed when assessing the C125, not to rely on Lyndhurst into the future, but work towards keeping hazardous waste out of our suburbs. Support is sought from all parties.

In concluding, RATWISE has received 593 letters of petition directed to members of Parliament on the C125 amendment, indicating considerable community concern about the amendment and the storage and treatment of hazardous waste it facilitates. This community concern, along with the planning matters raised above, shows the inappropriateness of

the C125 amendment to the City of Greater Dandenong planning scheme. RATWISE therefore asks Parliament to revoke the amendment in accord with section 38 of the Planning and Environment Act 1987.

I would like to finish by saying that I have been involved in these kinds of issues for over 20 years. I have seen governments come and go, I have seen plans and I have seen committees, but I have not seen a consolidated, whole-of-state way of dealing with hazardous waste, contaminated sites and industrial sites. Where I live these are within 20 metres of people's houses, yet this government can have 2-kilometre buffer zones around wind farms. What is more serious — a major hazard facility or a wind farm? I urge the government to get this planning issue right, and I urge the government to change its mind and not go ahead with this amendment.

**Mrs PEULICH** (South Eastern Metropolitan) — First of all I declare an interest in the general issue of tips and landfill. I also live in a suburb that is close to a tip and landfill area and that suffers considerable negative impact on amenity, so I come to this question, and have done so in this chamber since the time of being elected, showing a great deal of interest in the way that tips and landfill have been managed and in many instances — Ms Hartland is right — mismanaged or poorly managed over past years and past decades. That is my interest. I do not have a specific direct interest in relation to this site, but I certainly have an enormous amount of empathy. That is on record, of course, in *Hansard*.

Members will indeed recall that I have spoken on these issues on many occasions. During the committee stages of the landfill levy debate I encouraged the then Minister for Environment and Climate Change, Gavin Jennings, to initiate a health study in response to concerns about the possible effects on birth defects. I did this by a call through the media, through members of the committee and in particular through Cr Jim Mimet, a Labor councillor whom I taught at school, so I have to declare an interest there too. I commend Minister Jennings for actually doing that; it was very important to do that.

The complex problem of managing tips and landfills, especially in the growing urbanised environment, is very important. It is important to respond to the concerns at the appropriate time. Mr Jennings established that study, it was subsequently released and it did not show any significant clusters. That is not to say that those issues will never be revisited. I note the long history of this site and the many motions that have been moved and media articles that have been written. Cr Amanda Stapleton moved a recent motion at the

City of Casey, and it was seconded by Cr Wayne Smith, calling for further work into the future to ensure that people's concerns about health impacts are not swept under the carpet. That is a good thing.

While speaking to that, I note that I have also spoken about the performance of the EPA (Environment Protection Authority) in the past and in particular my concerns about the deaf ear turned to complaints, those relating not just to the Lyndhurst issue — and could I say that that issue continues; I will come back to that specifically in a moment — but everywhere else also. The cause for the inadequate handling of complaints to the EPA about odour particularly was exposed by an Auditor-General's report on the management of hazardous waste that showed there were nine fragmented databases and there was no capacity for the organisation, which ultimately has the relevant statutory authority, to identify what permits were held and what the conditions were, let alone to enforce them.

I must commend Mr Merritt, CEO of the EPA, and the minister on taking that seriously and moving to improve the system. One thing the EPA has done since the time in question — in part in response to specific councils, including the City of Kingston, calling for greater intervention from the EPA — has been to institute the cultural shift of getting out into the community to hear concerns firsthand. I know it has been active around Lyndhurst, because I attended a couple of those meetings. With all due respect, I note that I do not recall any member of the Greens attending any of those meetings, nor is there a history of the moving of any specific motions at any of the councils, in particular at the Casey council — where there is a Greens-endorsed councillor — that could have driven some better outcomes, given the concerns Ms Hartland has now spoken about.

Coming back to the management of the databases, I believe that there has been significant improvement but that there is still a long way to go. Too often I still hear about odours being detected out of office hours and there being no capacity for immediate action in response. I would like to use the opportunity of this debate to place that on record. I believe the EPA is making significant inroads, but there is obviously more work to be done. A legacy of mismanagement over time cannot be turned around in a brief period.

Ms Hartland had obviously been lobbying for some initiatives in her electorate, and seeing that, I also called for increased community engagement in relation to some of those tips and related issues. I do not know for certain — no doubt I will be advised — whether it was as a result of action by the former government or by

this government, but I am pleased to see that a structure to improve community engagement surrounding those issues has been introduced. So there are some issues with which I have been directly involved where I have seen improvement, but there is a long way to go. This is just one area, although of course the south-east has a lot of tips.

In relation to this matter, on searching my records I did not find that anyone had contacted me specifically about the C125 amendment before the recommendation was issued in the panel report. I certainly did not receive any direct representation from the City of Greater Dandenong. I would like to commend the City of Greater Dandenong for doing a great job of briefing MPs. It is a Labor council, but I must pay tribute to the chief executive officer, John Bennie, who does an outstanding job of lobbying and advocating for the council without fear or favour and with professionalism. The process brings all councillors, irrespective of their political colours, around the table from time to time to advocate for their council. They do that reasonably regularly. At the most recent meeting the issue of C125 and this motion was not on the agenda and was not raised.

I know that a motion was put before the Casey council in October 2011 in relation to this amendment and that the entire council voted not to take further action. Everyone voted that way — there was no exception — including the Greens councillor Lynette Keleher, who also voted that the report simply be noted. In looking through the list of submitters on the amendment published in *Greater Dandenong Planning Scheme Amendment C125 Permit Application 2010/013898 — Panel Report*, dated 1 August 2011, I do not see the name of any member of the Greens. I do not see a submission made specifically by Cr Keleher.

The point I wish to make is that planning panels involve very complicated processes and rely on a significant amount of technical skill. There is an attempt to entrench in that process the rights of individuals — and I note Ms Hartland's concern that third parties could not object to VCAT (Victorian Civil and Administrative Tribunal) at a particular stage. That applies to any other permit application. For example, at the time when I was campaigning about my concerns with the social housing that was built at the back of the Kingston town hall and that destroyed a civic facility by occupying that car park, those objectors who had not found out about the relevant proceeding also could not appeal to VCAT, so that is not unusual. It is a process that has been long established, although that does not mean it is without flaws.

As we know, the C125 amendment to the City of Greater Dandenong planning scheme has been through a full amendment process, including being looked at by an independent panel as well as being subject to EPA reviews, works approvals and licensing. Following this process, obviously, was the recommendation that the amendment be approved, which has since been the case.

As a local member of Parliament with a significant history on this, I did not receive any approaches from any single member, any single councillor or any council on amendment C125 until the process was concluded. Revocation of a planning amendment, whilst obviously possible given the process we are going through here, is intended for the exceptional situations where improper processes have been followed, where no consultation has occurred or where there may be impropriety. Clearly, as with most planning amendments, when people make submissions to those processes they may not necessarily be happy with them, but in this case there clearly has been no evidence that I can see of any impropriety in the processes. There has certainly been consultation, given the large volume of submissions that have been made and that the panel has painstakingly gone through and responded to. I will come to the detail of this in a moment. I have not received any representations.

Subsequent to the recommendation that the amendments be adopted, I note that the cities of Casey and Greater Dandenong will probably work together — and I certainly hope they do — to ensure that the licence for the soil processing is phased out at the same time as the permit for landfill operations so that the rights of the public to a better use of that land are protected into the future.

If parliaments were to routinely overturn decisions — complex, technical decisions and processes — which are lawful and which follow due process, then there would be no certainty in the planning process whatsoever, and the system would crumble and fall into disarray. The processing of contaminated soil before it goes into landfill is something that has been advocated by all sides — by the Greens, by the Labor Party, which was at the forefront, and certainly by the coalition government. In fact, just to remind members about that, I will read from a press release titled 'Soil clean-up technology breaks new ground' issued by the former Minister for Environment and Climate Change on 5 March 2009. I am just going to pick out a few sentences to substantiate what I am saying that as a way of minimising the amount of contaminated soil that goes into landfill, this has been a direction of the industry and all political parties as per policy. Of course

there is always going to be heartache about where it is sited. In relation to a contaminated site in the Melbourne suburb of Springvale, the press release says:

'The technology meets the stringent environmental and safety standards applied by EPA Victoria with oversight provided by an independent environmental auditor',

Mr Jennings went on to say:

It is great to see innovative and cost-effective solutions being delivered by Australian industry.

Industry is making great progress in reducing waste by increasing recycling and reuse and ultimately putting less hazardous waste into landfills.

The press release goes on to expound the benefits of this process.

The general policy direction is one that is endorsed by all political parties. That then prevents the stockpiling of hazardous waste material throughout the community, which obviously poses an even greater risk.

As I have mentioned before, as a result of the health concerns I raised in the Parliament during debates under the Labor government, as a result of my direct representation here in this chamber and with the good grace of the then Minister for Environment and Climate Change, Mr Gavin Jennings, that health study was conducted. The results of the study were released after the change of government, and I am advised that they demonstrate no significant clusters of health issues.

I would now like to go specifically to the matter of this particular amendment, but before doing so I would like to show the disarray of positioning on the issues pertaining to the Lyndhurst landfill over time, which then compounds these problems and makes them more complex to resolve. I am looking at a letter dated 2 October 2002 from the City of Casey to the EPA. This was under the former government, and it is not an attempt to shift the goalposts. It says, under the heading 'Advice in relation to the Lyndhurst landfill':

The conservation advisory committee of the City of Casey has recently raised concerns in relation to the approval of new residential subdivisions in Lynbrook and Lyndhurst highlighting the close proximity of these areas to the Lyndhurst landfill and the possible impact that the disposal of hazardous waste at this facility may have on residents.

It goes on to talk about seeking advice from the EPA on the approved operations of the facility, categories of waste that can or are being accepted, whether any buffer or any other land use controls should apply to the facility and recommendations for restrictions or guidelines that should be included in the Lynbrook development plan. It was timely, and timely advice may

well have ameliorated part of the situation and some of the concerns that have occurred.

The response from the EPA to that letter from the City of Casey is dated 28 November 2009. It is headed 'Advice in relation to Lyndhurst landfill'. Under the subheading 'Lynbrook development plan', it says:

To protect sensitive land uses from any off-site effects resulting from normal and upset landfill operating conditions such as offensive odours, noise, litter and dust, an adequate buffer distance should be maintained between the landfill and the sensitive land uses including the residential developments.

...

EPA would therefore encourage council to amend the Lynbrook development plan to make reference to the Lyndhurst landfill and to introduce guidelines that require the existing buffer distances to be protected and maintained to prevent inappropriate encroachment of sensitive uses or sensitive zones.

The existing buffer of 800 metres between the landfill and the already developed areas of Lynbrook Estate has been shown to be both appropriate and to provide adequate protection from potential impacts of Lyndhurst landfill.

That was back in 2002. If the government at the time believed that this was inadequate, I imagine action would have been taken to resolve it. It goes on to say:

Based on the recommended buffers set out above, experience with the Lyndhurst landfill and other landfills and the nature of the waste received by Lyndhurst landfill, it is important that the Lynbrook development plan should seek to ensure that the current buffer of at least 800 metres between the landfill and the residential development is maintained.

The City of Casey also wrote a letter dated 1 December 2003 to the City of Greater Dandenong. The letter is addressed to Mr Greg Bursill, manager of city development. It says:

I thank you for the opportunity of meeting on 9 September 2003 with officials from your council to discuss issues in the above regard.

This is in reference to buffer zones surrounding the Lyndhurst landfill site. It continues:

Please accept my apology for the delay in getting back to you in writing following that meeting.

This is the important paragraph:

The buffer zone surrounding the Lyndhurst landfill site has no statutory effect on any land outside the Greater Dandenong planning scheme. It is not the intention of council to in any way petition for the City of Casey to be bound by this buffer or to propose any buffer-related conditions on development occurring east of Dandenong-Hastings Road.

The history of this is complex, and the flaws do not reside in any specific quarter. When a process or issue

comes up all we can do is try to get the best outcome we can. The difficulty with Ms Hartland's motion is that this chamber, or the Parliament, has only been involved in overturning six planning amendments in its history. This chamber is not a statutory planning authority with the technical skill that would reside with panels. We are not equipped to make the detailed reassessments of planning permit applications of such a complex nature, which would be necessary in order for us to do what Ms Hartland is asking.

I will now go specifically to the details of planning scheme amendment C125, which I believe, from the panel report I have been reading, tries to address in a rational and reasonable way some of the specific issues raised by the submissions, and I will cover some of those points. In doing that, I will recap some of the history.

The Taylors Road landfill is the state's only facility licensed to accept category B waste and is clearly considered to be of the status of significant land use. The former Minister for Planning became the responsible authority for the site in 2007 in order to deliver certainty to the community that prescribed waste would be handled safely and efficiently at the site. I have visited it, as I am sure Ms Hartland and many other people who are interested in landfill operations have, and it is run pretty tightly. That is not to say that there is no room for improvement; there is, particularly in the handling of complaints about odour and operations outside of the usual times of 9.00 a.m. to 5.00 p.m. in particular. That is separate, though, to some of these matters, and basically people have said that if it cannot comply with the existing permits, why not consider a soil processing facility? Whilst I empathise with that thinking, it would mean that we would not have a facility of state importance.

The soil processing facility will treat hazardous waste by reducing contaminant concentrations prior to re-use or placement as prescribed industrial waste in the landfill. That is a good policy outcome. Indeed in reading about some of the processes of addressing contamination, it is quite groundbreaking — to use a pun. It will enable contaminated soils to be removed and treated away from development sites where we do not want them to be spread throughout the community, freeing up those sites for redevelopment. Just recently — in my own experience, for example — with the dredging of Mordialloc Creek, where there was contaminated sediment, the works had to be held up after loading the trucks because there was nowhere to take the contaminated soil. Having truckloads of contaminated soil on the streets of Mordialloc was not a really good outcome, and there are many other similar

instances where this has occurred. The problem is that as an industrialised society we need a state facility to do this work.

With regard to what has been approved, on 22 December 2011 the Minister for Planning approved amendment C125 to the Greater Dandenong planning scheme and issued a planning permit that was subject to conditions. The amendments rezoned the land — and I do not think Ms Hartland is arguing strongly against that rezoning — occupied by the Taylors Road landfill from that of a farming zone, which is clearly inconsistent with the use to which it has been put, to that of an industrial zone 1. The associated planning permit allows part of the landfill site to be used for the purposes of materials recycling or a soil processing facility.

The Environment Protection Authority, the statutory authority for the protection of our environment, issued a separate works approval for this facility on 16 January 2012. The amendment was required because the former Minister for Planning rezoned the land from that of rural zone to farming zone in 2007, and the rezoning to industrial zone 1 better reflects the ongoing use of the land and is compatible with the site's surrounding industrial context.

It is not so much the fact that it is being rezoned; it is probably more about the sort of use to which it is being put. The former Minister for Planning decided to prepare an amendment to C125 following a request from Golder Associates on behalf of SITA Australia, which operates the Lyndhurst landfill. The applicant requested the minister, as the planning authority, to prepare a combined permit and planning scheme amendment in July 2010. The amendment was exhibited between November 2010 and January 2011. This is a really important bit of information, because what we are really concerned about here is how the effects of the site may impact on residents.

The soil processing facility is located in the north-eastern corner of the existing landfill, with the landfill providing a buffer to the south and the west of the new facility. The land to the north, south and east of the site, beyond the landfill, is industrial land. There are a number of scattered residential properties to the west. On 10 June 2011 the EPA advised the panel on this that it considered the proposed buffer distances and the facility acceptable. All the panel could do was rely on the authority that is responsible for the protection of our environment.

Were people notified of the proposal? There was a joint exhibition of the planning scheme amendment and the

EPA works approval which took place in November 2010 and resulted, as Ms Hartland said, in the receipt of numerous submissions — 332. Again, I do not actually see the name of the Greens-endorsed councillor, Lynette Keleher, on that list of submissions, of which 261 were pro forma. That does not diminish the merit of those, but it comes with the advice of the submitters. The EPA advised that it had no objection to the proposal, subject to the applicant obtaining a works approval for the soil processing facility. A gas provider, APA Group, had also confirmed it had no objection to the proposal. Melbourne Water confirmed it had no objection to the proposal, subject to standard conditions, and those have been included on the permit. Community consultation took place between 18 November 2010 and 20 January 2011. As I mentioned before, an independent panel was appointed to consider the submissions and provide recommendations to the minister.

I turn briefly to the issues raised by the submissions. The submissions related largely to concerns about adverse amenity impact, both from the existing landfill — and this is important because it goes back to my comments that some of those complaints to the EPA, especially those out of hours, need to be treated more promptly and to be seen to be so treated — and from the proposed soil facility use. Many of the concerns were technical in nature and were addressed by the EPA in its assessment of the works approval application.

The City of Greater Dandenong opposed the amendment and the application for a planning permit — I did not receive advice of that, but council did oppose it — and the council appeared before the panel. The main concern of the council was the ongoing use of the land for a landfill and the community expectation that the landfill would cease operation within a 10 to 20-year time frame. The permit condition recommended by the panel addressed this issue, and it was very important for this to occur.

The works approval and the combined planning permit and amendment C125 were jointly advertised, as provided under section 20B of the Environment Protection Act 1970. The EPA held a conference regarding the works approval on 21 February 2011. SITA also held a community consultation session in November 2010 during the exhibition of the amendment; officers of the EPA were also in attendance. The unresolved submissions to the combined permit and amendment were referred to the independent panel, which conducted a hearing over six days in June 2011. The panel report was received on 1 August 2011. A community engagement steering

committee is still in place. It meets every six weeks and comprises a number of community groups, council, the EPA, the Department of Planning and Community Development, the Department of Health and SITA. It was established to discuss landfill issues. An independent facilitator chairs these meetings, and the committee publishes a regular information sheet.

The panel recommended a condition of the planning permit linking the life of the soil processing facility to the life of the landfill operation. This is a critical point for the community. The condition was largely in response to community expectations of future use of the site for public open space once the landfill has ceased operation. The condition has been included on the permit.

This is a very important issue, the history of which spans many years and involves many agencies. I have cited some of the detail to demonstrate that there was a long and protracted process of accessing technical skills and expertise and there was a substantial amount of consultation. I personally have not received any direct representations. I believe revocation motions should be used sparingly for cases where there is impropriety, a lack of due process or a lack of consultation. I do not believe that any of those apply, and it is regrettable that those who are now raising the issue did not make submissions using the approved process. With those few words, I indicate that the government will oppose the revocation motion.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on this very important and complex issue. Today we have seen the conflation of two issues into one. There is the planning rezoning, which is really the subject of this motion. That question is whether or not the land should be zoned industrial. On this issue we in the opposition share the view of the planning panel and its conclusions.

In doing so we note the very extensive process undertaken by the panel and the level of engagement by the panel. The panel supported the rezoning because the previous farm zoning did not allow for the current use of the site as a disposal facility. The farm zoning in place was inconsistent with the way the site has been used since 1990. This inconsistency was the result of a change to the definition of 'farm zone'. When the facility was originally zoned, a farm zone was consistent with the use of the land as a disposal facility. The council changed the definition of 'farm zone', and all of a sudden the use of the land was inconsistent with the zoning. The panel recommended that this anomaly be fixed and the land be zoned in a way that would allow the disposal facility to continue operating. It was

recommended by the panel, and in my view there is a clear argument in favour of the rezoning.

The second argument of the panel for the rezoning from farm to industrial was that rezoning this land to industrial was consistent with the land use in the area. The panel found that the surrounding sites were zoned industrial and not farming. Again the logic of this panel recommendation is persuasive.

In terms of the issue before the chamber of whether the land should be rezoned, the opposition supports the view of the panel, because the rezoning accurately reflects the current use of the land and also the use of land in that area. I note that Ms Hartland in essence agrees. She said she does not really have any quarrel with the rezoning. Her issue is the planning application and the planning permit that provides for a class A facility. I will come to that in a second. For the moment I just note that Ms Hartland said her quarrel is not really with changing this to an industrial zone.

As I said, on balance we support the rezoning as recommended by the panel. In doing so we have considered the panel, but we have also exercised independent review and judgement. We have not, as Mrs Peulich has suggested, adopted a slavish adherence to the panel. We believe it is appropriate to recognise that every decision and every planning scheme amendment is important; every planning scheme amendment matters because it makes a difference to the lives of Victorians. And as a Parliament we ought not abrogate our responsibility by saying that there was a process and that is all we need to consider.

**Mrs Peulich** — Due process — a fully consultative process.

**Mr TEE** — Due process. We are elected to make decisions; we are not elected to hand over our responsibilities to a panel or indeed a duly constituted process. That is not why the voters of Victoria have put us here. They have put us here to represent them, not to slavishly implement the outcomes of a process. As I said, on the issue of the rezoning I do not know that there is that much between the parties in the chamber today.

I want to turn to the class A facility, which is not an issue that this Parliament has jurisdiction over but it is important because it has generated considerable community concern. The planning permit this minister has approved will mean that for the first time category A waste — the worst of the worst — will be delivered to this site. For the first time up to 60 000 tonnes a year of class A waste will be trucked onto the site. For the

first time the waste will be converted on the site into class B or C waste, and then it will be either disposed of on the site or the class C waste could be trucked off elsewhere.

That is a very significant change to the use of the land, and that is an issue which is rightfully concerning many residents in the area. The concern that has been generated is based around whether the proposed facility follows best practice. There are also concerns about appropriate buffers. There are concerns about the additional truck movements — and we are talking about trucks that will be moving up to 60 000 tonnes of waste onto this site every year. We are talking about the impact of emissions, both the particulate matter that will be around and indeed the odour, and there are concerns about the noise when this volume of activity is added to the site.

We believe these are very legitimate issues and concerns. We are somewhat comforted by the thorough and rigorous examination of these issues by the panel and by the extensive process the panel went through. However, we do agree that there is a deficiency in the government's policy approach to this matter. We know that this facility is one of three new facilities that are being proposed and that the other two are quite progressed — namely, the Renex Group facility in Dandenong South and the Innova Soil Technology site at Altona. What we are seeing is a mushrooming of these facilities, but we are seeing that occurring in a vacuum of political leadership; there is no framework or policy context. We are concerned that in those areas, and indeed in others that may emerge, these same issues that have concerned the community in Lyndhurst will arise.

It is incumbent on the government to act and to set out the standards and the framework when deciding where this waste can be disposed of in Victoria. We do not think it is appropriate that the government simply puts its head in the sand. We do not think it is appropriate that it vacates the field and simply says, 'We are providing a solution'. It is not; all it is doing is allowing an ad hoc approach that does not give the community, the councils or the proponents of these facilities any clarity, certainty or comfort. These are very serious issues that ought to be approached in a very considered manner by the government. Its silence on this issue borders on neglect.

The government's silence must also be seen as a sign that we can anticipate an increased demand for facilities of this type. We know there is increasing demand for inner urban renewal, and sites where historically a considerable amount of toxic waste has spilt into the

soil are now being eyed off by developers and by the community for housing and development. This is a longstanding issue, but it is also an emerging issue. It will continue to gather momentum, and therefore we urge the government to ensure that it has the appropriate policy settings in place. We urge it, as part of developing those policy settings, to make sure it sets out clear parameters and engages with the community.

As I said, I urge the government to take responsibility and to provide some guidance and the necessary tools. There is an absence of information in terms of projected demand. There is an absence of support and guidance for decision-makers like councils that will increasingly have to grapple with these issues. There is a complete lack of support and information for communities, which are rightfully very concerned about the impact that these sorts of facilities will have on them.

I note that the push towards inner urban development in Melbourne presents a number of challenges for the government. As well as the removal of soil affected by toxic waste, there is also the challenge of development near major hazard facilities. In relation to major hazard facilities, I note that the Minister for Planning has admitted in writing that there is a lack of policy and guidance as to where development should occur and the appropriate buffers for development alongside major hazard facilities. In one sense the government at least acknowledges the issue of development near major hazard facilities, but, as we have seen with this minister time and again, the fact that he might acknowledge something does not mean he will act.

While I impress upon the government the need to work quickly to come up with a framework for the way we deal with contaminated soil, I also acknowledge this minister's track record of being inactive on issues like this, which are very important. I urge him to lift his work rate, because these issues are just too important to be left in abeyance.

I conclude by saying that while we acknowledge the issues that Ms Hartland has raised and we share a number of her concerns, when we consider what is before this house — and what is before this house is the rezoning rather than the planning application — we are, on balance, supportive of the rezoning to industrial. We think that is a more appropriate zoning and is more reflective of current land use on the site and in the area. It does not make much sense to us to have a zoning of farmland on land which is clearly not farmland or where that zoning is inconsistent with the land use of the site and inconsistent with the way the site has been used since 1990. We share some of the sentiments and

concerns expressed by Ms Hartland, but we will not support the disallowance motion.

**Mr O'BRIEN** (Western Victoria) — I congratulate Mrs Peulich on her extensive and comprehensive contribution, and I thank her for that. It was in stark contrast to the most recent contribution, in which Mr Tee spoke for a reasonable time but said very little. Mrs Peulich demonstrated her longstanding interest and involvement in her electorate and in matters involving the City of Casey and the City of Greater Dandenong, plus her particular interest and involvement in landfill issues generally and especially on this site.

The government does oppose the motion. It is rare that a revocation motion is brought before the house. We do not believe, for the reasons well articulated by Mrs Peulich, it is appropriate that this amendment be the subject of a revocation motion, let alone that the motion be accepted by the house. We accept that the opposition and the Greens have every right to bring whatever motions they like, including motions to revoke planning scheme amendments, but there does not appear to have been any lack of due process in this matter. It is a difficult issue; there is no doubt about that. In terms of the minister's dual role as both a responsible authority and a planning authority, and in terms of accepting the recommendations of the panel and following on the process that commenced under the former government in relation to the preparation of the amendment, there is no example of sham consultation or other lack of due process that might be the subject of a successful revocation motion.

In relation to the issues before the panel, I think they have been well articulated by Mrs Peulich, and I do not need to go into them in detail. A concept that seemed to be suggested by Mr Tee's contribution is that it is the right of Parliament to review every planning decision because every planning decision is important. We accept that every planning decision is important, but the Victorian Parliament simply cannot be involved in every single one. Whilst important ones can be brought in as the subject of a motion, it is not appropriate to suggest that the Parliament should become a forum for the consideration of detailed planning decisions — which is what happened in relation to the Gunns decision, when the Tasmanian Parliament in effect turned itself into a planning authority, adding much difficulty to its procedures. That is the sort of short-sightedness — it is easy to say but very difficult and complicated in its actual application — that shows up the lack of a planning strategy from the other side.

Mr Tee said something very important about this in his contribution. He could not quite bring himself at the

start to say he supported the decision of the minister. He indicated a number of times that he supported the planning panel's view about the rezoning, but he could not quite get the words out to say he supported the decision of the minister.

**Mr Tee** — That is true.

**Mr O'BRIEN** — He has accepted that that is true, because he does not like to do anything but criticise from the sidelines. Then he used these magic words, which I wish to pick up on. He said that he considered the minister's actions to demonstrate a vacuum of political leadership, and there was no policy and no policy context. I thought for a moment that I was listening to a debate on the actions of the former Minister for Planning and the former government, which went to the 2010 election with no planning policy at all. Let that be said: it had no planning policy. It vacated the field, to use Mr Tee's words. It was an extraordinarily accurate description about the conduct of the former Labor government and its four planning ministers, but particularly its ultimate planning minister, who did not bring a planning policy to the election on this issue or any other issue relevant to Victoria's long-term planning needs.

By contrast, Mr Tee then accused the present planning minister of failing to take action in relation to planning issues in Victoria. That is an extraordinary allegation against the minister. It is contrary to many other allegations that have been made by the shadow minister about the genuine activity of this industrious minister, who is well across his portfolio and who has delivered and implemented a range of policies on behalf of the government — policies which were taken to the election by the coalition. The minister has also dealt with other issues that have arisen since the election. I will cite a couple of them to demonstrate the spuriousness of such a claim from the shadow minister.

The government has instigated the regional planning flying squad to assist rural councils with complex planning issues. We have implemented wind farm policies to give certainty and fairness to the community. We have removed Labor's policy of putting high-rise development along tramlines. We are on track to release 50 000 housing lots in Melbourne's growth areas to improve housing affordability. We have reformed the growth areas infrastructure contribution to make it fairer and to provide local infrastructure earlier. We have also established a new urban renewal authority which places Victoria in a position to undertake major urban renewal projects in Melbourne and regional Victoria. We have established a transparent logical inclusions process to look at urban

growth boundary issues in growth areas. This is in contrast to the Labor policy with its lack of probity and transparency.

We have established a housing affordability unit and a peri-urban councils unit in the Department of Planning and Community Development. We are undertaking a livability audit of Melbourne as part of the development of the new metropolitan strategy. We are removing the planning exemptions for packaged liquor stores, abolishing Labor's undemocratic development assessment committees, fast-tracking planning for the vitally important Portland hospital helipad and moving to protect Victoria's heritage assets. This is in contrast to the actions of the Labor government and the former minister, who vacated the field with a lack of policy and political leadership and did not even take a planning policy to the last election.

I would like to pick up on one aspect of Ms Hartland's contribution in which she cited Mr Stuart Morris, QC, a well-respected former Supreme Court judge who is now again a member of the bar. He emphasised the importance of long-term planning, which Ms Hartland mentioned in her contribution. This government agrees on the importance of long-term planning. However, those opposite vacated the field after the last election, and over the 11 years that they were in government they did not take action in relation to the policies that Mr Tee now calls for. To take such a churlish position not only smacks of hypocrisy but is outright ludicrous. We will rely any day on the record of our Minister for Planning, Mr Guy, over the records of any or all of the four planning ministers under the previous government put together.

I turn briefly to the specific issues concerning the Lyndhurst soil processing facility. The issue has been well summarised by other speakers, but I remind the house that the decision was taken by this Minister for Planning on 22 December 2011 when the minister approved amendment C125 to the Greater Dandenong planning scheme to rezone the Taylors Road landfill site from a farm zone to an industrial 1 zone. The amendment was prepared by the former Minister for Planning. The rezoning was undertaken to better reflect the land's use as a landfill site and to grant a planning permit for buildings and works associated with a soil processing facility. The facility reduces contaminant concentrations prior to reuse or placement as prescribed industrial waste contaminated soils in the landfill and is consistent with the state policy of encouraging urban renewal. The approval provides opportunities for sites undergoing development to transfer contaminated soil off site to be treated, reducing delays to development caused by treating soil on site.

As I said earlier in relation to the decision, the combined permit and amendment implements the objectives of planning in Victoria by protecting the state's significant land use. The Taylors Road site houses the state's only facility licensed to accept category B waste and enables the provision of benefit to the wider community. The operations on the Taylors Road site are encouraged to meet all applicable environmental standards. This facility is vital in enabling efficient redevelopment of infill sites around metropolitan Melbourne and Victoria. The minister provided further answers to questions on this issue as they were raised in question time yesterday. The absence of a licensed facility would require on-site treatment of all contaminated soil, resulting in delays to development throughout Victoria. As such, the site is of state significance.

The background to the site has been well summarised by Mrs Peulich, and I do not necessarily want to go into any detail except to put on record again that the City of Greater Dandenong was opposed to the application for a planning permit and the amendment and appeared at the panel. The main concern of the council related to the ongoing use of the land as a landfill site and the community expectation that the landfill would cease operation within a 10-to-20-year time frame. A permit condition now addresses this issue. That is, effectively, an instance of long-term planning in relation to this site. The amendment will not change the core role of the landfill but rather enhance it by allowing resource recovery activities to take place on the subject land to service the region into the future in line with state policy.

In confirming the government's opposition to the motion I indicate that we on this side of the chamber understand Ms Hartland's genuine concerns in relation to certain landfill issues. They are genuine concerns, but they are concerns that are shared by the government and have been well considered by the panel, the Environment Protection Authority and the minister, who has taken another timely decision and is continuing to fill the vacuum that was left by the former Minister for Planning, who failed to take a planning policy to the election, and by the previous Labor government's 11 years of failure to do any long-term strategic planning of benefit to Victoria, which left this state lacking infrastructure and in critical need in various areas. This government is working hard to meet those needs. I oppose the motion in the strongest terms.

**Ms HARTLAND** (Western Metropolitan) — I am disappointed that there is little support for the revocation of amendment C125 from members of this house. I am extremely disappointed that none of the

other speakers on this motion spoke about the concerns I raised regarding the health and safety of residents who live near this site. We have seen other sites that have leaked; we have seen other sites that have caused damage to local communities. While I am not saying that this is one of those sites at this stage, will it be one of those sites in the future, considering the record in relation to toxic tips across the state? I do not think there has been any guarantee that this site will not become a hazard for local communities.

Health studies involve vexed issues. I am aware of health studies that have been done in relation to the Lyndhurst tip and the Tullamarine tip. A major flaw of these studies is that they do not take into consideration the many people who may have lived near sites for 10, 15, 20 or 25 years but have then moved away from those sites. This is a major problem. Often these studies are not done on the right groups.

I have had contact with the Tullamarine group, and I have been at meetings with both those organisations. I think Mrs Peulich should have checked with the Residents Against Toxic Waste in the South East, known as RATWISE, before saying I have had no contact with the community. I have had contact with representatives from Casey City Council and Greater Dandenong City Council, with whom I have spoken about this issue. I have received emails about this issue, and I have made phone calls to the councils on this issue. I am not sure why Mrs Peulich was not contacted, but I certainly was.

I agree that this is an incredibly complex issue; it is not an easy issue to deal with. The reason I moved this motion today was definitely because we do not have a statewide way of dealing with these issues. We are going to need more and more soil remediation over the next 10 to 15 years to deal with a number of inner suburban sites that are contaminated. We need to be able to build housing on those sites. We need to look at the technology that is being cited by these companies that can be used on site rather than trucking material through residential areas to new facilities.

I do not take the step of proposing planning amendment revocations lightly; this is only the third time I have done so. On one of those occasions, regarding the Barwon Heads bridge, the coalition voted with me. I say to Mr O'Brien that I do not think I am the only person who has ever done this. I do not do this lightly; I moved this motion today because there was no other mechanism for me to talk about the issues and concerns of the local community. I believe the local community has missed out on being able to raise its concerns. We have to remember that the local community members

are the ones who live near this tip; they are the ones who will have ongoing concerns about their health and safety and their children's health and safety. I am extremely disappointed that those concerns have not been taken into account.

### House divided on motion:

*Ayes, 3*

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

*Noes, 36*

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

### Motion negatived.

## WORKSAFE VICTORIA: PREMIUMS

**Mr LENDERS** (Southern Metropolitan) — I move:

That this house takes note of the minister's answer to a question without notice on 1 March 2012 in relation to WorkCover premiums.

I might add for the historical record that this is the first time that a take-note motion in relation to a question without notice has been moved in my time in the Legislative Council.

**Hon. D. M. Davis** — There have been many threatened.

**Mr LENDERS** — That is right, Mr Davis; many have been threatened. It has been on the notice paper multiple times that the house take note of a minister's answer. The reason I am seeking to debate this motion today is that there was a quite extraordinary answer on 1 March from the Minister for Employment and Industrial Relations in response to a question and a supplementary question from me. I will be fairly succinct, because I know that a number of members wish to speak on this motion.

On 1 March Mr Dalla-Riva was asked a quite specific question by me. Given that it is a substantive motion, I will quote my question from *Hansard*:

My question is for the Minister for Employment and Industrial Relations. The Treasurer has announced a \$471.5 million withdrawal from the Victorian WorkCover Authority — —

**Mrs Peulich** — On a point of order, Acting President, you were not in the chair at the time, but in responding to an earlier motion by Mr Lenders I sought guidance from the Chair and the clerks, obviously through the Chair, about the appropriateness of quoting material from *Hansard* that had been published within the previous six months. I expected that the answer would be that if it were part of a contribution on a motion, it would be an exception. The advice given to me earlier today was that I could not quote directly from *Hansard* because of the six-month rule. I seek that in the interests of consistency you make the same ruling.

**Mr Barber** — On the point of order, Acting President, we have had previous rulings from the Chair that that rule does not apply when the material that is being quoted is from an answer to a question without notice and so forth. It is only using material in debate that would offend the six-month rule. That is to be found on page 53 of the clerks very handy guide entitled *Rulings from the Chair 1979–2008*. It is only material in debate that cannot be quoted.

**Mr LENDERS** — On the point of order, Acting President, I am happy to paraphrase. I do not need to quote it verbatim, if that assists in avoiding a ruling.

**The ACTING PRESIDENT (Mr Eideh)** — Order! Mr Lenders, to continue.

**Mr LENDERS** — The material issue of the question I asked was in relation to productivity and specifically about the effect on employment of the government's policy decision to withdraw \$471.5 million from the Victorian WorkCover Authority. Legislation would obviously come through this house seeking to give the government the authority to do that.

The reason I moved this take-note motion concerns four items relating to the response from the minister. As I said, I have not had a take-note motion debated in this house during my time in this house or in the other place — in 12 years in Parliament. I will keep it as specific as possible to the four items in the minister's answer that I would like the house to take note of.

The first point is that the immediate response of the minister, on being asked what I thought was a serious question about the effect on WorkCover of \$471.5 million being taken from it, was simply to swagger and to start sledging the opposition. The first thing the minister did was attack the opposition because the day before I had asked the minister a question about government expenses. I accept that Parliament is a fairly robust place, but if the first response to a serious question about the WorkCover authority is to attack an opposition member on what they asked the previous day, that is a very poor execution by a minister of what he is expected to do as a minister.

The second item I take some exception to is that the minister started to just go on about how good Victoria's employment statistics are. He was asked a specific question about the effect of the government's decision on productivity and employment, and straightaway we got an answer about manufacturing employment. I might add that if members want to get pedantic about figures, they will note that on the same day as this we saw figures from the Australian Bureau of Statistics showing that unemployment in regional Victoria had gone up by half during the stewardship of this government.

As a person who over the years has answered many questions on employment numbers, the one thing I would say is that I have never known a minister to ever not qualify the numbers, to say numbers go up and down, try to make a bit of a commentary on the statistics or to say that trends are going one way or the other. I have probably never heard a minister so shamelessly quote a single figure on employment numbers that was taken out of context. Again, this is not a motion condemning a minister; it is noting the extraordinary response of grabbing one aspect of ABS figures and not putting that into context. That is the comment I make on this point.

The third point I make on this take-note motion is that the minister said we need to boost productivity. This is one of the issues I take an extreme note of in relation to this particular minister. It might be difficult to pick the exact paragraph, but if members go to about the third paragraph of the minister's answer, I make the material point that that was a scripted answer read from a cue card. As he often does when he is responding to a question, the first thing the minister did was sledge the opposition for daring to ask a question and give us direction on what we should have asked the previous day. Without repeating the debate of this morning, I make that point.

The second thing about this was that the minister used the statistics very strangely. He just quoted a statistic, with no effort to explain it, debate it, qualify it or put it in context. Then he started reading from a cue card. It is absolutely evident to anyone who reads the answer of the minister that the first two paragraphs are actually his own words — and I congratulate him on that. In the third paragraph it is clear that he was reading from a cue card.

If members go to the third paragraph, which again I will not quote, they will see that it is clearly something that was written by a minder, a policy adviser — or the minister himself — in very different language from what he uses in the Parliament. We had this quite technical explanation, and then he looked up and said 'dare I say the word, productive' — so he actually adlibbed four or five words in the middle of reading from a cue card which had quite technical language, not written by that particular minister.

The points I make in taking note of this answer are, firstly, that the minister tried to avoid the responsibilities of his oath of office and answering questions in the Parliament by attacking the opposition on what was asked the day before. The second point is that he started to quote statistics completely out of context, just throwing them in because he had them. The third point is that he then quite evidently read from a cue card while interjecting a word or two of his own. The fourth point is that he then went on what I will call by a technical term, a 'rant', on the carbon tax.

I accept that he is not the minister responsible for the WorkCover authority. The Assistant Treasurer has that responsibility in this place. The context was a debate for some days about productivity and what it meant, and he was actually asked a question about taking \$471.5 million out of the WorkCover authority and what effect it would have on productivity and employment. Turning to the supplementary question and his answer to the supplementary question — and there is a lot of material there — he totally ignored it, and pretended it did not happen. The supplementary question brings to his attention six cuts to the WorkCover authority premium rate, which is what happened under the previous government. It refers to the returns in benefit improvements and that the authority was in the black. In the middle of all of that his response was that it has got nothing to do with anything and that we should blame it on the carbon tax.

I will not go on for long, because I know other members wish to speak on this take-note motion and it is late in the day. A minister is asked a question about an issue in Parliament and his response is fairly typical

of this minister generally to questions. I am not in the business of trying to praise Mr David Davis in this chamber, or any of the other four ministers of this government in this place, but most ministers will at least argue in a political way; they will try to get back with the facts and make their political points, and they will refer to the previous government. But what we have from this minister is not even an attempt to give the Parliament an answer.

I make four points. Firstly, he critiques questions asked by the opposition the day before. Secondly, he throws some statistics out. Thirdly, he reads from a cue card and then half-way through the cue card makes a commentary on his own material. Fourthly, he has a rant on the carbon tax. What the carbon tax has to do with a decision made by the state government to take a \$471.5 million dividend or capital draw-down — whichever term you wish to use to describe it — out of the WorkCover authority absolutely baffles me. This was an extraordinary answer from a minister. It is no wonder that for the first time in my life in this Parliament a take-note motion has been put on the agenda and actually debated, because it was one out of the box. It is worth a commentary that that is not what one would expect from a minister of the Crown on a serious issue, of a \$471.5 million draw-down from the WorkCover authority. I flag that when the bill comes to the house we will be asking questions of the Assistant Treasurer to try to get some more answers on this matter, rather than the very feeble response we got from the Minister for Employment and Industrial Relations.

**Mr P. DAVIS** (Eastern Victoria) — The penultimate comment by the former Treasurer, now Leader of the Opposition, distilled the whole debate and saved me an enormous amount of time, because Mr Lenders acknowledged full well that his original question was entirely misdirected. I am stunned that Mr Lenders would glorify his precedent-setting speech today in this framework, suggesting that this motion is somehow special because he has chosen to lead a debate on it.

**Hon. D. M. Davis** — A legend in his own lunchtime.

**Mr P. DAVIS** — The interjection from the Leader of the Government that Mr Lenders may indeed be a legend in his own lunchtime — and we want to know how much he paid for it — is a very apposite interjection.

**Mr Lenders** — It is nice you are supporting him for a change.

**Mr P. DAVIS** — I am always pleased to say that I always support the leader. Having said in my preamble that I am disappointed about the motion led by the Leader of the Opposition, I want to make a specific point about the minister's reply in relation to the original question, and for the record it is probably useful to read the original question. The original question from Mr Lenders to the Minister for Employment and Industrial Relations was:

The Treasurer has announced a \$471.5 million withdrawal from the Victorian WorkCover Authority, hence reducing the authority's ability to cut premiums. Given the minister's strong views on productivity and employment, what impact will these foregone cuts have on employment and productivity in Victoria?

The response from the Minister for Employment and Industrial Relations was quite clear, and I quote:

In terms of the specific question about WorkCover, that falls within the responsibility of the Assistant Treasurer, Mr Rich-Phillips.

That accords entirely with the Leader of the Opposition's own concluding remarks that when the proposed legislation comes to this house he will ask the Assistant Treasurer particular questions. I congratulate him on acknowledging at the end of his contribution that that is the case, but I wish to go to something quite particular, which is the procedures of this place.

The procedures of the Legislative Council are determined by standing orders, as the Leader of the Opposition knows full well, because he held the quill to the parchment and drafted these standing orders, which were adopted in 2010. He drove their adoption so he would know about standing order 8.01, which is headed 'Questions to ministers or other members':

- (1) Questions may be put to —
  - (a) Ministers of the Crown relating to public affairs for which the minister is directly connected, or has responsibility when representing a minister from the Assembly, or to any matter of administration for which the minister is responsible ...

**Mr Lenders** interjected.

**Mr P. DAVIS** — The Leader of the Opposition, out of his place, seeks to interject, so I will not take up his interjection. I will ignore it entirely, but I do note that the question which I just cited for the record is to do with a matter — that is, the WorkCover authority — which is clearly in the purview of the Assistant Treasurer. Indeed it was stated in the concluding remarks of the Leader of the Opposition in his contribution to this debate — as a matter of fact, he acknowledged it to be so — that the Assistant Treasurer

is the only person responsible for the WorkCover authority as determined under the general orders.

We know that the general orders show quite clearly what the ministerial responsibilities are. I am sure the Leader of the Opposition is fully aware and cognisant of the general orders. I would invite him to think further about standing order 8.02 headed 'Rules relating to questions'. I notice that he has so little interest in this matter that he is determined to leave the chamber. Standing order 8.02(1) states quite clearly that 'Questions should not contain ... hypothetical matter'.

I put it to the house that the general preamble to this debate on the question that was asked on Thursday, 1 March, invited commentary around hypothetical matters. Quite clearly the purpose of members asking questions without notice is to elicit information for the benefit of the house and for the proper conduct of business of this Parliament.

I note further that under 'Rules relating to questions' standing order 8.02(2) states that 'Questions should not ask for ... an expression of opinion'. If ever there was a question put to a minister in this place that sought an expression of opinion, I suggest it is the question that the honourable member — —

**Mr Lenders** — I am not honourable.

**Mr P. DAVIS** — If Mr Lenders chooses to advise the house he is not honourable, one can interpret that in a number of ways. I would suggest that, according to my value system, Mr Lenders is an honourable member. The point is that this question contradicts the provisions under the rules relating to questions in that it is seeking an expression of opinion. In my mind it could well have been within the jurisdiction of the Chair to have ruled that question out of order on that occasion. However, as a robust forum, question time is operated on a pretty long rein, which I think is the agricultural term.

It was probably not a bad call to let it go and allow the minister to answer the question in any manner in which he felt entitled to answer it, because that is the precedent and procedure in this place — that ministers are not obliged to answer a question the way a member would seek to have them answer it. Indeed I know it is very frustrating for members of the opposition to have ministers not answer questions entirely in the manner in which the opposition members would seek answers to be given. Of course ministers have very specific responsibilities and they are inevitably under pressure from their peers not to transgress their portfolio obligations. While there is a cabinet process that leads

to conclusions about collective decision making for the purpose of the administration of certain acts, those acts are delegated by the Premier under the general order, and clearly the Accident Compensation (WorkCover Insurance) Act 1993 is not an act for which Mr Dalla-Riva has responsibility.

In my view, in the circumstances the minister gave entirely the right response, which was to suggest to the Leader of the Opposition that he ask a similar question of the Assistant Treasurer. I can round out my contribution by saying if there was any doubt at all about that position, it was absolutely confirmed in the concluding remarks of the Leader of the Opposition, in which he acknowledged that when the WorkCover amendment bill comes into this place he will be asking questions of the Assistant Treasurer. I congratulate him for concluding on that note, because it saved us all a great deal of time.

**Ms PENNICUIK** (Southern Metropolitan) — This is an interesting matter that Mr Lenders has raised. It is interesting that, as Mr Philip Davis has mentioned, Mr Lenders addressed this question to the Minister for Employment and Industrial Relations. In Mr Lenders's defence, I would agree with him that he was asking the question in relation to the impact that the \$471.5 billion withdrawal from WorkCover authority would have on employment and productivity in Victoria. In defence of the minister, the particular slant of the question was probably directed to the correct minister in that respect, even though the Assistant Treasurer in this place would have responsibility for answering the question. I think the right question is: why is the government proceeding with the withdrawal of \$471.5 million from the WorkCover authority, because that is the seminal question in this matter?

I do not agree with Mr Davis that Mr Lenders was asking for an opinion, because I would have thought that the minister should have a position on whether the withdrawal of those funds would have an impact on employment and productivity. On the other hand I would say that that is not the real issue with the question either, because I would not suggest that particular amount of money would have much of an impact on employment and productivity across the state of Victoria. However, the withdrawal of that amount of money from the WorkCover authority will have an impact on workers in terms of their views as to what that money is meant for. The money is derived from premiums paid by employers by way of insurance, and the primary use of that money is to compensate workers who have been injured at work or made ill at work. That is the prime reason for having a workers

compensation system — the no. 1, the no. 2 and the no. 3 reasons.

Prior to having a workers compensation system, workers were injured at work and did not get compensated. Unless they could be cared for in hospitals or under medical insurance they lost not only their ability to work, having been injured, but they also lost income. Even today there are restrictions that remain in the workers compensation system, such that those workers who have been most badly injured or made most ill from their work can have their WorkCover benefits removed after 52 weeks.

I raised this issue during the last Parliament when we had a very lengthy debate on the workers compensation changes. At that time the previous government had had a record of returning \$50 million worth of premiums to employers every year for five years — the years for which we could get figures out of the then Treasurer. Coincidentally the then Treasurer is now the Leader of the Opposition in the Council, and it was he who asked the question that is the subject of this take-note motion. I had a bit of trouble at the time getting that figure from the Treasurer during the committee stage of that debate. Suffice to say that any of the surplus that was available then was going back to employers and not to workers. Any surplus should be going to increase benefits for workers and to run occupational health and safety campaigns through WorkSafe to make workplaces safer and ultimately reduce the number of injuries and illnesses that workers suffer.

The real question we should be looking at here is: why is the government embarking on this process of removing money from the WorkCover pool, which is there to compensate workers? It has never been done before in Victoria. As far as I am aware, it has never been done anywhere else. It is not the government's money to remove from the WorkCover authority pool. It is workers compensation money, and it should not be put into general revenue, from where it will dissipate, spent on who knows what.

The government says it needs this money for the budget. That is a matter of priorities. As my colleague Mr Barber always says, what you pay for in the budget and how you get the money are matters of priorities. We have other things going on that are costing a lot of money, such as 940 PSOs (protective services officers) being stationed across the railway system completely unnecessarily, which is going to cost \$1 billion. If we were to discontinue that project, we would save \$1 billion. It is interesting that \$471 million is nearly half-a-billion dollars, which is what Victoria has spent so far staging the Australian Formula One Grand Prix.

By the time we get to 2015 that figure will have increased to three-quarters of a billion dollars spent by the state of Victoria on the grand prix. So lots of savings could be made without raiding the WorkCover fund.

I was quite astonished to read an article in the *Age*, written by Clay Lucas last year when this was announced, which states:

A spokeswoman for the Treasurer —

Kim Wells —

said the authority was well-run and well-placed financially.

The spokeswoman was quoted as saying that the authority's:

... accumulated financial position represents the combined outcome of many years of premium payments, not just those made by current employers' ...

It was therefore appropriate that the broader Victorian community benefited from the authority's strong financial performance ...

That is just an amazing statement. That is not what the money is paid for by employers — paid for according to the degree of risk those employers pose to workers in terms of their safety record and the hazardous nature of the work their workers engage in, which is how premiums are set.

It is interesting that Mr Lenders began the supplementary question he asked of Mr Dalla-Riva on the day in question, 1 March, by saying:

During the last 12 years 75 per cent of the profit — if that is the correct word —

it is not profit, is it? They are accumulated WorkCover funds —

out of WorkCover has been returned in premium cuts and 25 per cent has been returned in benefit improvements.

If I had my way it would be the other way round, with 75 per cent going to workers benefits improvements, particularly given the situation that still applies in Victoria as a result of previous amendments made to the workers compensation scheme legislation that made it harder for workers to claim for stress at work. That was done under the previous government, and it could be improved. It is very difficult for workers to get compensation for chronic, long-term illnesses. There are therefore many gaps in terms of benefits to workers in the workers compensation scheme. That should be turned around.

Until we have full benefits for workers we should not be returning premiums to employers, who bear the responsibility for providing a safe workplace. That is the issue we have in front of us. Members of the government should change their minds, and the government should not proceed with taking the money from the WorkCover authority. It is a very dangerous precedent to set. The money is not there to be put into general revenue to be spent on something else. It is there to benefit injured workers. That is its primary purpose, and the government should leave it alone. That is the real issue that should be discussed here today in relation to this matter.

**Ms PULFORD** (Western Victoria) — I wish to join the debate on Mr Lenders's motion to take note of the extraordinary answer given by the Minister for Employment and Industrial Relations to a straightforward question about costs on business and the impact they have on employment. Mr Philip Davis tried to put up an argument or two in defence of the minister's answer, but the opposition feels that the enormous gulf between the question and the answer on this occasion, on 1 March, necessitates our bringing this debate on. Nothing in Mr Davis's contribution convinced me otherwise.

Searching back to the start of the 55th Parliament, there are no examples of a take-note motion being debated in relation to a question without notice. As other speakers have indicated, this is not something we undertake lightly; however, the answer to the question from Mr Dalla-Riva is something he made light work of. It was the usual spray about the carbon tax, which is his answer to every question, and he made an attempt at the outset to try to pass to the Assistant Treasurer, Mr Rich-Phillips, the question about employment costs and the impact on employment. This is a common tactic that we see from this minister. In response to a question only today about jobs in Portland at Keppel Prince Engineering in my electorate, he again tried to deflect responsibility to one of his colleagues. It is a disturbing pattern because it undermines our ability to hold this minister to account.

Of course there are challenges facing the Victorian economy. The Treasurer, Kim Wells, has indicated that the government has a jobs target of between 50 000 and 55 000 jobs a year. He indicated that last year. However, in youth employment, the construction industry and renewable energy, for example, based on answers from the Minister for Employment and Industrial Relations only today, this minister seems hell-bent on avoiding his responsibilities.

The challenges facing the Victorian economy need a response from this government. In terms of the context in which this motion is being debated today, I will cite a couple of recent media reports. In the *Australian Financial Review* of 10 March Mr Steven Wojtkiw, the spokesman for the Victorian Employers Chamber of Commerce and Industry, said VECCI is closely watching state and federal governments to ensure that things are not made worse. The article indicates that the extent of job losses across New South Wales and Victoria is worse than reported, with a great deal of underreporting in the data and employers dropping out of the workforce and bosses winding back hours in the country's most populous states. In Victoria we know, from talking to people in our electorates, that this is a very real experience.

The employer organisations are consistent on this. In September 2011 VECCI chief executive Mark Stone said in a media release:

Congratulations are due to the Victorian government and WorkSafe for achieving the lowest premium rate in Victoria, at 1.33 per cent ...

On that occasion Mr Stone also said:

Given the strong surplus, there is room for some premium relief — we would encourage the Victorian government to look at reducing premiums for business.

...

A premium cut will provide a welcome cost reduction to these businesses ...

On 15 December VECCI again indicated that it would welcome greater consistency in the treatment of WorkCover in terms of state government dividend policy and that it should not endanger Victoria's low WorkCover premiums. Again the business community is urging the government to provide an environment where business costs are predictable, manageable and low. VECCI released publicly only yesterday its 2012 state budget submission, and again the familiar refrain about government doing what it can to reduce costs to businesses is unsurprisingly a key feature of its submission.

Action is required. Tim Piper from the Australian Industry Group was quoted as saying in the *Herald Sun* of 9 March:

We are looking for action from the state government to make sure manufacturers have a future and jobs are saved.

There is concern in the business community about this move. This is a remarkable thing the government is doing, and it would be nice if the Minister for Employment and Industrial Relations were able to

indicate to the house what the government expects the impact of this cash grab from WorkCover to be on employment and employers. Employers are concerned about it, and anyone in this place who has sat at a round table with business community leaders or representatives of large organisations, medium organisations or indeed very small organisations with perhaps a handful of employees knows the commonly expressed concerns about WorkCover premiums, payroll tax and other costs associated with employment. Those are the priorities frequently expressed to us as members of Parliament, articulated by employers through peak bodies and at every other opportunity — at functions and meetings, through the media and in any number of other places.

The government has indicated that it needs to balance the budget. I note Ms Pennicuik's comments earlier about government and budget balancing being about choices. It is a lazy position for the government to strip the Victorian WorkCover Authority of almost \$500 million, and the business community is concerned. In addition to the uncertainty around the funding basis for the Victorian WorkCover Authority, the government has also asked the Essential Services Commission to undertake a review of the WorkCover authority and the Transport Accident Commission (TAC). This has the potential for serious ramifications in my electorate. The *Geelong Advertiser* reported on 14 March that the Premier was refusing to guarantee the 800 jobs at TAC in Geelong in the event of a merger of the two organisations.

The challenges facing the Victorian economy are well known, and the Minister for Employment and Industrial Relations has a lot of work to do. Input costs to business are of course an incredibly important part of the equation.

I will make some brief comments about the performance of WorkSafe. As earlier speakers indicated, the former Labor government was able to manage improvements to benefits for injured workers and successive premium reductions over many years. WorkSafe chief executive Greg Tweedly has a number of comments attributed to him in WorkSafe's media release of 8 March. He indicates a new record low rate of injury in the reporting period, which is welcome news for all of us. A \$10 million actuarial release is detailed in that statement, and Mr Tweedly himself said in the media release:

This is a strong result for the community and reflects the ongoing efforts by employers and workers across the state; however, this positive outcome masked a further deterioration in common-law liabilities, which rose from \$2.1 billion to \$2.4 billion.

The deterioration was largely driven by the actuaries' recognition of increased lodgements of common-law claims, particularly those at the lower end of the serious injury spectrum.

Should this trend continue, the actuaries have indicated strongly that there will be further increases in liabilities in future valuations.

The financial figures are included in that media release, and the funding ratio in the reporting period is 97 per cent. To suggest that this is a conservative measure, an easy way to find \$500 million with which to make those government choices, is to make light of the seriousness of this measure. This measure is unprecedented and requires legislation in Parliament to enable it to occur.

Ms Pennicuik made some remarks about the costs to business and the \$471 million dividend. Ms Pennicuik suggested that she thought there was a great deal of capacity in the system to increase benefits to injured workers and perhaps also to reduce costs to businesses. Again I cite an article in the *Herald Sun* of 14 March in which spokesman and workplace law expert John Cain, from Maurice Blackburn Lawyers, described the dividend as a backdoor tax. We also know that what is clear to practitioners in this field is that while the government says there is nothing to look at here, there is plenty of capacity in the system to maintain premiums, maintain benefits and pull out a lazy \$500 million.

What is clear to practitioners is that the squeeze is on, and that many long-term, serious injury benefit recipients are experiencing a renewed and vigorous reopening of claims. That includes people who have had their entitlements established through court proceedings and settlements many years ago. I am told of notices being issued to long-term WorkCover recipients who have had their permanent and serious incapacity established in the courts. The notices are outrageous, such that some of them even say, 'We do not think that your injury is work-related'. There is a bit going on in WorkCover in Victoria at the moment, and the government is making light of these matters.

There are serious concerns held by the business community about the impact this will have in the longer term on people who have been adversely affected, horrifically affected in some cases, by injury or illness that has arisen through the course of their employment. We have a minister who is reluctant to answer questions at the best of times on anything in his area of responsibility. A \$471 million backdoor tax on employers is highly likely to have an impact on employment in Victoria, and that is what Mr Lenders's

question was about. Mr Dalla-Riva was either unable to answer or refused to answer.

Labor demonstrated that it is possible to run a scheme that is highly competitive compared to other states, but also to support injured workers while doing so. Every member in this place knows that a sustainable WorkCover scheme is something that employees and employers value. Victoria has an advantage with its comparatively low premium rates. When Mr Dalla-Riva evaded answering Mr Lenders's question on this very important subject, he demonstrated very clearly a lack of understanding about input costs to businesses, which are a key driver of employment, and proved yet again that he is not up to the job.

**Hon. D. M. DAVIS** (Minister for Health) — I will be brief, but I begin by saying that this is an entirely misconceived approach by the opposition. Nobody is denying the importance of the WorkCover scheme, of the management of the WorkCover scheme by the Assistant Treasurer, Mr Rich-Phillips, and the fact that he will manage that scheme in the interests of the community, of business and the long-term position of the state. When I say this motion is entirely misconceived, I mean that it is in fact a cover for the failings of the Leader of the Opposition. He has come into this chamber today with a farrago of assertions, mostly unsupported by any significant evidence. It is clear that this is a misdirected approach by the Leader of the Opposition and his team.

I do not want to reiterate the points made by Mr Philip Davis earlier. He made the points eloquently about the entirely reasonable decision of the Minister for Employment and Industrial Relations, Mr Dalla-Riva, to direct questions about WorkCover to the minister responsible for WorkCover, and he did that by reference to the standing orders. The opposition was not able to satisfactorily answer the points he made. This opposition is struggling for questions, struggling for relevance and struggling for understanding about what happened in the recent state election.

The points raised by Mr Lenders failed, in my view, to get to first base. One of his attacks was that the minister was using cue cards, he asserted. What is so unusual or new about a minister having notes or material in front of them that would relate to pertinent facts and figures about their portfolio? If the attack on Minister Dalla-Riva is that he has used notes and facts and figures on a sheet of information in front of him to reference occasionally, spare me!

If the attack is that Minister Dalla-Riva has pointed to the impact of the carbon tax on manufacturing, the impact of the carbon tax on the Victorian economy, the impact of the carbon tax on employment, then I am sure he stands condemned for that act. But he is protecting the Victorian economy, protecting manufacturing and protecting jobs in Victoria by standing up against Prime Minister Julia Gillard's carbon tax. When one talks to the business community across this state it is concerned about the impact of the carbon tax in Victoria. Mr Dalla-Riva, in a number of his responses, has very properly, as minister responsible for manufacturing and employment, made clear points about the impact of the carbon tax on Victoria and how it is going to disadvantage Victoria.

The Leader of the Opposition also asserted that Mr Dalla-Riva ranted. It is true that Mr Dalla-Riva became animated when it came to the damage caused to the Victorian economy by the carbon tax and other similar things. It should not be so surprising that Mr Dalla-Riva would become animated and very direct in his response when holding the previous government to account for the failings, the cost overruns, the black holes and the financial position in which the state was left. I could go on with the desal plant and a long list, but I am not going to do that today because I know time is short.

However, I do intend to make it very clear that Minister Dalla-Riva has worked very hard to protect the interests of Victorian employers, to protect jobs and to protect Victorian manufacturing, and that comes through in his responses to questions in this chamber. As I said, the Leader of the Opposition and his supporters have made a farrago of assertions; nevertheless, no case has been made. The fact that he has brought a novel technique to the chamber with this particular motion is beside the point. It is the substance of what he has brought to the chamber on which he fails.

**Debate adjourned on motion of Mr LEANE (Eastern Metropolitan).**

**Debate adjourned until later this day.**

## PRODUCTION OF DOCUMENTS

**Mr BARBER** (Northern Metropolitan) — I move:

That this house requires the Leader of the Government to table in the Legislative Council by 12 noon on Tuesday, 17 April 2012, a copy of the *Network Revenue Protection Plan* for the 2012 calendar year, prepared under section 10.1 of the Metlink services agreement.

This should be an uncontroversial motion. We requested the same documents last year and received them in a timely fashion from the government. I hope the motion will be supported again today.

**Mr LEANE** (Eastern Metropolitan) — The opposition supports Mr Barber's motion calling for these documents to be tabled. As he has stated, he received those documents last year, so there is no reason why he should not receive them this year.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise to speak on Mr Barber's motion. I do so for a number of reasons. The government will not be opposing Mr Barber's motion, but I would like to make a few comments in relation to it. In his motion Mr Barber is calling for a copy of *Network Revenue Protection Plan* prepared under section 10.1 of the Metlink services agreement.

I agree with Mr Barber that fare evasion is a real issue. I have been very critical of the numbers of fare evaders I have seen when travelling on public transport. It never ceases to amaze me how many people either do not have a ticket or do not validate their tickets. It is right to be concerned about fare evasion. The government is taking that situation seriously. I note that an article in the *Age* newspaper last year reported a leap in fare evasion from 9.3 per cent in 2009 to 13 per cent in 2010.

I am pleased to say that the coalition government is cracking down on public transport fare evaders. The Minister for Public Transport, Minister Mulder, has undertaken some extensive work in this area. He released a press release last year highlighting the fare evasion statistics from our time in government. The press release gives the specific fare evasion figures for May last year for tram, train and bus and the overall figure of 13.5 per cent. I am pleased that an authority like Public Transport Victoria will be much more customer focused and will be looking at this real issue that affects our public transport system.

This is just one of the issues that the Baillieu government has been addressing. It is addressing a whole range of aspects of public transport. The minister has been making a number of announcements, including addressing maintenance backlogs left by the previous government, looking at improving our infrastructure and conducting network upgrades. I note that this upcoming Easter a huge amount of work is going to be undertaken right across the network. Undoubtedly it will have some impact on the public transport system, but it will have great benefits overall.

In relation to my own region I am pleased that the coalition government is addressing concerns around a number of stations. The Balaclava station upgrade has a very large concept design. An enormous amount of work, consultation and money has been put into upgrading that station. Balaclava station is on a very busy line, the Sandringham line, and is used by just over 3000 passengers each weekday. An enormous number of people rely on it to travel to the city and other places right across the metropolitan rail system each and every day. The station will have upgraded security, including improved closed-circuit television.

In conclusion, we will not be opposing Mr Barber's motion, but I reiterate that fare evasion is an issue that this government is addressing.

**Motion agreed to.**

**Business interrupted pursuant to resolution of Council this day.**

## STATEMENTS ON REPORTS AND PAPERS

### **Auditor-General: Compliance with Building Permits**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Auditor-General's report on compliance with building permits. Almost 7 per cent of the state's workforce is reliant on the Victorian building industry. The industry generated over \$24 billion in domestic and commercial building works in 2010–11. These buildings in construction works are governed by the Building Act 1993, the Building Regulations 2006 and the Building Code of Australia, the objective of which is to ensure that buildings are safe and meet minimum standards. A competitive building permit system was introduced in 1994 as part of a package of reforms designed to speed up the building approvals system, which up until that time had been administered by local councils.

By 2009–10, under the new system, around 85 per cent of permits were being issued, worth 93 per cent of the total value of approved building works. The monopoly previously held by municipal building surveyors on issuing building permits was removed, which opened the market to private building surveyors, who have to be registered and insured to protect the public interests. The Building Commission was established as a new statutory authority to oversee building control, including the competitive building permit system. These reforms of the building permit system were

introduced to ensure a speedy and efficient process that has inherent safety factors built into the system.

However, the report found a distinct pattern of incompetency, lack of transparency, and lack of leadership within the Building Commission. It would appear that confusion reigns. Municipal councils are not diligent in their enforcement of the Building Act 1993 due to their lack of understanding of their own powers and functions in regard to private surveyors. Ninety-six per cent of permits examined by the Auditor-General did not comply with minimum statutory building and safety standards. Instead, results reveal a system marked by inadequate practice, including lack of transparency and accountability for decisions made.

The audit found the Building Commission cannot demonstrate efficiency in instituting or maintaining minimum building and safety standards. There are eight detailed recommendations put forward by the Auditor-General's office. Let us hope the government implements them all as soon as possible, in particular paragraph 6 of recommendation 1 and recommendation 6. The last two paragraphs of recommendation 1 state:

develop and implement a strategy, in consultation with the local government sector, to enable more effective coordination with councils to monitor the performance of the building permit system and of building surveyors;

clarify councils' responsibilities for monitoring and enforcing the Building Act 1993 relating to private building surveyors in consultation with the Department of Planning and Community Development and relevant stakeholders.

Recommendation 6 states:

The Building Commission should strengthen its complaints handling and investigation processes ...

In conclusion, the building permit industry appears to be in crisis and it needs to be fixed as a matter of urgency. I support the Auditor-General's recommendations, and I hope, along with the rest of us, the implementation of his recommendations occurs sooner rather than later.

### **Review of Climate Change Act 2010: report**

**Mrs PETROVICH** (Northern Victoria) — I rise to speak on the report titled *Review of the Climate Change Act 2010*. The report of the independent review of Victoria's Climate Change Act 2010 tabled yesterday has found that having both state and national emissions reduction targets would impose additional cost burdens on Victorian households and businesses. In fact those costs have had a significant price implication. The

report cited those implications on modelling which indicated that even with the commonwealth's carbon tax in place, meeting the 20 per cent target would require the Victorian government to spend an additional \$2.2 billion to purchase international offsets. This seems to be a duplication, and it is probably a pretty good finding from the perspective of Victoria's economy.

The findings supported the views of people, including the federal Minister for Climate Change, Greg Combet, and the federal Minister for Resources and Energy, Martin Ferguson, who have spoken against the duplication of state and federal emissions targets. In chapter 2.1.3, which is headed 'State government role in adaptation', it is clear that broad conclusions were drawn about the role of state governments in adaptation. It states:

It is generally accepted that the state government will have a stronger role in this area of policy, due to local and regional variations associated with the impacts of climate change.

Local initiative and private responsibility will be the keys to successfully adapting to the impacts of climate change.

I would be very comfortable saying that with a ground-up approach there is much to be achieved. It has been unfortunate that the whole conversation around a carbon tax has actually taken away the impetus for many of the practical solutions that communities are interested in. It has actually stolen the oxygen from the issue of environment because people are very concerned about the cost implications, and rightly so, of this tax, which seems to be more about a cash grab than actually providing environmental solutions.

As part of another piece of reading, I would like to speak about a report that was also released yesterday, *Report on Climate Change and Greenhouse Gas Emissions in Victoria*. It dovetails quite comfortably into the other report I have been speaking about. It talks about Victoria's carbon profile and contains some interesting statistics. It says carbon stock on Victorian public land remained fairly stable between 1950 and 2010 without any significant variations as a result of major bushfire events in 1983, 2003, 2006–07 and 2009. It also says:

The model suggests that Victoria's average carbon stock on public land (from 1950–2010) is approximately 717 million tonnes of carbon (2.6 billion tonnes of CO<sub>2</sub>). It also suggests that at the end of 2010 —

a year after we experienced the terrible fires of Black Saturday —

the carbon store was approximately 680 million tonnes. A return to the long-term average will depend on future bushfire

events. If trends for increased fire risk for Victoria occur, modelling indicates that the structure, dominant species and function of some forest ecosystems could alter, changing the state's carbon storage capacity.

I have to say this is an area of particular interest for me. People wonder why I wax lyrical about prescribed burning and that the only thing we have control over is fuel reduction. I think all officers and all state members who are involved in the protection of communities need to understand that without this prescribed burning work they are putting the environment at risk, they are putting biodiversity at risk and they are putting the catchments at risk. For people who really care about the environment this work is absolutely imperative. I ask every member of this chamber and every member of the public service to get behind this program, because those who do not are actually jeopardising a whole range of things that we value very much. I have to say the targets we are working towards are increasing, and in probably one of the wettest seasons that we have experienced in living memory, we are ahead of the game. As recently as 1200 hours ago — —

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

### **Budget sector: midyear financial report 2011–12**

**Ms BROAD** (Northern Victoria) — I wish to make some remarks about the 2011–12 midyear financial report presented this month by the Treasurer. Firstly, this report makes it very clear that Victoria's financial position is deteriorating under the Baillieu-Ryan Liberal-Nationals coalition government. I refer to page 3 of the report, where it is stated that for the six-month period to the end of December 2011 the general government sector recorded a net result from transactions of a deficit of \$341 million and the state of Victoria recorded a net result for the same period of a deficit of \$801 million. This is in stark contrast to the record of the previous Labor government, which delivered surpluses throughout its period in government.

Secondly, the report makes it clear that public investment is declining — save for investment reflecting decisions of the former Labor government, which understood very well that public investment in infrastructure is vital for business and for jobs, whether that be through direct public investment or in partnership with business. I turn to page 6 of the report, where it is clear from the summary balance sheet position at the end of December 2011 that in that period general government sector net assets decreased by some \$7.1 billion and there was also a \$653 million

decrease in financial assets. We are seeing that position also deteriorating, and there is a chart on page 8 that shows the position in relation to net infrastructure investment is very stark indeed. That chart shows the levelling out of investment that is now taking place. The level of investment is only being held up by projects and investments initiated by the former Labor government, such as the regional rail link and the purchase of rolling stock. If it were not for those projects and investments, the position would have deteriorated even further in relation to investment and, consequentially, jobs.

Under these circumstances, priority setting for the coming budget, which is to be brought down by the Baillieu-Ryan government in May, will be critical, because the government is clearly cutting back on investment. We are seeing the consequences of that in regional and rural Victoria as well as in metropolitan Melbourne. I am going to take the opportunity here to set forward what I believe should be priorities for investment on behalf of some school communities in northern Victoria that have been overlooked by the Baillieu-Ryan government to date.

Just last week I was pleased to visit Robinvale P-12 College. It is very close to completing the magnificent building program that the former Victorian Labor government funded in concert with the federal Labor government. It is a fact, however, that some \$5 million to \$6 million — and that is an estimate about which I certainly would not claim to have all the details — remains to be invested in order to complete the building program for the cafeteria, the library, landscaping, security fencing and administration. I think those are the main things that need to be completed. That would also provide — —

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

### **Auditor-General: Melbourne Markets Redevelopment**

**Mrs KRONBERG** (Eastern Metropolitan) — I am always pleased to rise and make some remarks about the Victorian Auditor-General's reports. The one on which I will speak today is entitled *Melbourne Markets Redevelopment*, dated March 2012.

The Melbourne Wholesale Fruit and Vegetable Market, which incorporates the National Flower Centre, is regarded as a really important part of Victoria's economic infrastructure. It is quoted as currently having a turnover in excess of \$1.6 billion. Many members in the house today will appreciate that the redevelopment

has been a long and, unfortunately, very painful odyssey. The redevelopment and relocation of the market and all of its activities and operations from the present location in Footscray Road to the site that is currently under construction in Epping in the City of Whittlesea has been a long and tortuous road. I want to make some points about the importance of this market, the importance of the success of the project, the timely commissioning of the project and where we have been in recent years.

I think it is worth reading into the record that the intention of the new market is to establish 'a modern, innovative and efficient fresh produce trading and distribution precinct'. It is one the largest infrastructure projects undertaken in Victoria in recent years, but unfortunately producers, wholesalers, distributors and the general population are still waiting for the benefits to flow from this new piece of infrastructure. The new market has three main components: a trading floor where produce is displayed, bought and sold; a warehousing and cool storage facility used to store and distribute produce; and the fit-out of leasehold areas to facilitate the business needs of each lessee.

The government acquired the additional land for the site to develop this market precinct. The initial project planning and governance arrangements for the relocation were assessed by the Victorian Auditor-General as sound. However, and this is a signature characteristic once again resounding, echoing and reverberating down through the decades, there was — guess what? — poor project implementation. It sounds like a broken record. This poor project implementation has adversely affected the project. One would expect that would be the case. There has also been poor management on behalf of the stakeholders. That is one of the things that we need to underscore in terms of the poor governance arrangements.

First and foremost this has meant that the relocation of the market has been significantly delayed. The market was originally meant to move to the Epping site in 2008, but it is forecast that there will be another two years of construction, commissioning, installation and bedding down activity before it is able to swing into full operational mode. This will see a total delay of six years. If that is not bad enough for people who are trying to run a business and feed this state, the expected cost overrun will be 100 per cent. The cost of this project will be double the original forecast cost.

To me the pivotal issue is something fundamental to a market economy. The pivotal issue and the reason to call the former Labor government's management of this project into question is simply that the tenants of the

market, including those who currently operate there, operate in an intensely competitive environment where transactions occur quickly and are heavily dependent on price. What is of critical importance during the relocation is the ability to continue business at the new Epping site — —

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

### **Climate change and greenhouse gas emissions in Victoria: report**

**Mr JENNINGS** (South Eastern Metropolitan) — I am pleased to have the opportunity to discuss the report published yesterday entitled *Report on Climate Change and Greenhouse Gas Emissions in Victoria*. It arrived in the Parliament, delivered by the Baillieu government. It is a document that could well have been written by Tim Flannery. The Baillieu government clearly owns the analysis in this document, and it will be recalled for all time that the Baillieu government owns the information that it published yesterday and tabled in the Parliament. I am sure all members of the government will wholeheartedly support the analysis published by their government and delivered to the Parliament of Victoria in accordance with Victorian law.

What does that analysis say? Interestingly, this analysis could have been written by Tim Flannery because it reports that, in terms of climate change projections, by 2030 it is anticipated there will be an increase in the average temperature across Victoria somewhere of the order of 0.6 to 1.3 degrees Celsius relative to 1990. The Baillieu government's projections say that by 2070 the temperature may rise to somewhere of the order of 1.0 to 2.2 degrees Celsius under low emission scenarios and 1.9 to 4.2 degrees Celsius under the high emission scenarios considered by the Baillieu government. It is recognised by the Baillieu government that those scenarios are in play, relevant and could potentially lead to the aforementioned effects on the Victorian climate.

The report goes on to indicate there will be an increase in the number of high fire danger days. It anticipates a rise in sea level that could affect the coast, particularly in far east Gippsland. The Baillieu government report quantifies that the number of days above 35 degrees Celsius in Melbourne may increase from 9 days — which was the norm up until 1990 — to 11 to 13 days per year by 2030, and potentially up to 15 to 26 days per year by 2070. That means there is significant risk to the Victorian community in terms of extreme weather days and high-risk fire days. It will mean that there will be a significant reduction in stream flows that occur during this time.

In its forward projections the report indicates that Victorian areas with on average one day of snow cover per year may be reduced by 22 per cent. It confirms what all aware citizens of the global community understand, which is that the frequency of droughts may more than double by 2050. The Baillieu government clearly owns this analysis. It tabled this analysis in accordance with Victorian law and now, as part of its organising principles for climate change scenarios, it recognises the potential for those adverse impacts on the Victorian community.

The same report indicates that the actions of Victorian citizens and the Victorian economy can make a positive contribution to domestic abatement and the reduction of greenhouse gases in Victoria. The report also indicates that during the decade between 2000 and 2009 on average carbon dioxide (CO<sub>2</sub>) emissions in Victoria reduced from 25 tonnes per person to 22.2 tonnes per person. The economy responded positively to the greenhouse challenge by being more efficient, so that in 2000, 544 tonnes of CO<sub>2</sub> equivalent were emitted in the name of generating \$1 million worth of economic activity, and only 425 tonnes were emitted by the end of the decade.

A significant contribution to the abatement had been made by Victorians. Significant inroads had been made by the economy. In land use policy that relates to forestry activities there was an improvement during the course of the decade recorded by the Baillieu government in its document. It is sad for Victorians that on the same day the government released this report it also released a tawdry document, which could have been written by Stephen King, which outlines its response to the review of the Climate Change Act 2010.

### **Auditor-General: *Melbourne Markets Redevelopment***

**Mr ONDARCHIE** (Northern Metropolitan) — Tonight I rise to speak on the Auditor-General's *Melbourne Markets Redevelopment* report of March 2012. I have had chances to make statements on a number of the Auditor-General's reports during recent parliamentary sitting weeks. It is a bit like reading the Harry Potter series — that is, the characters are similar, there is a sinister plot and there is a group doing the same scenes and themes. The group I speak of is the former Brumby Labor government. It let Victorians down again. When will members of the former government confess? When will they apologise? When will they accept responsibility? To refer to Mr Jennings's words in his recent contribution, they owned this report. When will they stand up and say, 'We made a mess of it'?

The project will cost more than double the \$300 million included in the 2004 business case. The project will be six years late. The procurement process was not demonstrably fair. The stakeholder management was not effective. It is likely the former Brumby Labor government paid more for the trading floor than it needed to. The project was not fully costed prior to funding being sought. The price bid by the unsuccessful bidder was \$40 million more than the bid of the successful bidder. Poor probity management resulted in a procurement process that did not demonstrate fairness or appropriate management of conflicts of interest.

The people from Northern Metropolitan Region, which I represent, are delighted when there are new skills, new jobs and new prosperity in the region. We are delighted to see this and the creation of opportunities in Epping, but it comes at a cost. The report exposes the previous Labor government's monumental mismanagement of the Melbourne Markets relocation project. There were cost blow-outs, delays, poor stakeholder engagement and probity concerns that marred the whole relocation.

The former Brumby Labor government repeatedly proved it was incapable of delivering major projects on time or on budget. 'On time' and 'on budget' are phrases that are foreign to the former Labor government. There were gaming licences, myki, the desalination plant and political advertising. Unfortunately the Victorian public has been left to pick up the costs of another blow-out of the Brumby Labor government.

The coalition government is working with the market community and all stakeholders to overcome the problems identified by the Auditor-General to deliver viable and vibrant fruit, vegetable and flower markets at Epping. We are fixing the problems of the former Brumby Labor government again and again. The cost of the project went from \$300 million to \$670 million; that is a massive black hole.

**Mr Koch** — How much?

**Mr ONDARCHIE** — It was \$300 million that went to \$670 million. That is a massive, huge black hole.

**Mr Jennings** interjected.

**Mr ONDARCHIE** — It cost more than the Bendigo hospital. The Baillieu coalition government is determined to support the people from Northern Metropolitan Region. We will again fix the problems caused by the Brumby Labor government, and we will again deal with the fiscal mismanagement and fiscal ineptitude of John Lenders and the rest of the Brumby

Labor government. It is lucky for Victorians that those in charge of the chequebook are responsible people and not the amateurs of the past.

### **Budget update: report 2011–12**

**Ms MIKAKOS** (Northern Metropolitan) — I am pleased to be able to make a contribution today on the Victorian budget update. The financial report indicates that the government does not have any plans for creating jobs in Victoria. Thousands of people have been involved. An estimated 15 000 full-time jobs have been lost in Victoria in the last month alone, despite 27 000 new full-time jobs having been created in Australia. Since the Baillieu government's election to office there has been a loss of 21 000 jobs. We have come into this chamber on numerous occasions to ask relevant ministers — particularly the Minister for Employment and Industrial Relations — about their plans to promote employment growth in this state. We are yet to receive an answer.

Today the Minister for Employment and Industrial Relations did not know how much young workers are paid, including the hourly minimum rate for 18-year-olds. The Minister for Youth Affairs has been unable to inform the Parliament what the youth unemployment rate is. There have been situations where ministers of the Crown have been unable to reassure Victorians that they actually have a plan for jobs growth in this state. The government has proposed the sacking of 3600 workers from the Victorian public service, creating difficulties for many thousands of families in our state as well as taking away services that support Victorian families across many portfolio areas.

In terms of cost of living pressures, this government has put up motor vehicle registration fees by \$35 and there have been cuts to important services such as occasional child care. I plan to speak a fair bit on occasional child care today. I put on record how disappointing it is that this government during its term of office has disadvantaged 9000 families who rely on the Take a Break occasional child-care program. As a consequence of the government withdrawing funding that we used to provide, 71 per cent of occasional child-care services have increased their fees — some have increased their fees by a rate as high as 45 per cent — and 16 per cent of providers have cut their hours. This is data that I have sourced from the Association of Neighbourhood Houses and Learning Centres, which has surveyed its members recently. This data is based on what its members told the association about the impacts of cuts to that program on Victorian families.

In addition, six centres have closed their child-care programs. Staff from another six centres — this could possibly be more — have said they will close their programs soon. I draw this to Mrs Petrovich's attention, because this is having a disproportionate impact on regional communities. Regional communities do not have alternatives. Unless this issue is addressed — the federal government is doing its part to address this issue — Victorian families are going to have fewer options in occasional child-care placement options in regional communities.

What we see from the financial report is a government that is raiding the WorkCover authority and seeking to prop up its budget whichever way it can, but cutting important services that Victorian families rely on such as child care and also many other services in the education sector and our health system. The most important thing that Victorian families would be looking to this government for is some direction about growing the economy and creating more jobs in the state. Despite the recent *Herald Sun* editorial that was headed 'Wake up Ted, we need you', we are still waiting on Mr Baillieu to take action.

### **Auditor-General: Public Transport Performance**

**Mrs PEULICH** (South Eastern Metropolitan) — This is a useful opportunity to make a few remarks on a topic that is very important to South Eastern Metropolitan Region — that is, public transport performance, particularly in the context of the Auditor-General's report tabled in February. The public transport system is obviously recognised as being essential to Victoria's economic prosperity and livability for its citizens. The report notes that on a typical weekday, public transport accounted for 8.4 per cent of the 12.6 million journeys made or 15 per cent of the 113 million kilometres people travelled. Whilst that is a substantial number of journeys and kilometres, it falls far short of the former Labor government's 12 per cent target for all journeys made.

The audit is scathing. It looked predominantly at the 10 years of Labor government. The Department of Transport expects further strong patronage growth over the next decade, which is why this report is so important and so many important lessons are to be drawn from it. I am confident that the new Minister for Public Transport has matters in hand and is working hard to change the culture of the department to ensure that it plans better, that the reliability of the services are improved and that capacity is built over time.

Obviously the growth in patronage will be driven by a growing population and rising traffic congestion.

Anyone who drives along Punt Road or the Monash Freeway in the morning may be tempted to consider using public transport. Unfortunately not all suburbs have it. It is convenient, of course, for people who travel predominantly between two destinations, point A and point B, on a work day, but in the modern context many people are mobile and moving between different destinations, a bit like members of Parliament except when Parliament sits. I know that if on a non-sitting day I relied on public transport for my mobility, I would probably do about 20 per cent of the work I do per day. Unfortunately it does not suit everyone and, as I said, some suburbs are not well served by public transport.

The challenge is how the Department of Transport will cost effectively manage the expected growth in patronage while simultaneously improving performance. We have already seen and the Auditor-General has reported that since the change of government there has been an improvement in satisfaction.

The audit assessed effective delivery by determining how well the Department of Transport and its affiliates had met the objectives of the Transport Integration Act 2010 of, firstly, meeting public transport users needs; secondly, delivering a coordinated public system; thirdly, contributing to a more environmentally sustainable state; and fourthly, improving access to public transport for people with disability. The conclusion was that the Department of Transport did not have the capability to foresee the rapid growth of customers between 2004 and 2009.

**Mr Barber** interjected.

**Mrs PEULICH** — That is the conclusion.

**Mr Barber** interjected.

**Mrs PEULICH** — Exactly. I think they should have done better, but they did not.

Therefore the department was unable to deal with performance pressures that contributed to the decline in satisfaction about public transport.

From the findings we know there are outstanding weaknesses in how the department measures and reports on performance, objectives of the act are not being appropriately measured or managed, there was partial application of the department's improved planning approach, there is a need to advance all plans to the same level of preparedness and there is a need to better incorporate performance outcomes into planning.

To address those matters a raft of recommendations are made, including benchmarking public transport operating costs, which is very important for long-term plans to improve efficiency; developing the capability to forecast the performance implications; addressing residual gaps in the measurement framework; developing its plans for buses, trams and regional trains to the same level of detail it has applied for metropolitan trains; preparing progress plans to monitor performance against accessibility, sustainability and coordination objectives and developing rigorous plans to better manage these in the future; and lastly, finalising its draft processes for setting its state budget targets and applying them to contract threshold and other targets.

A number of recommendations were made, but the most important, of course, is to change the culture. I believe we have the minister, the commitment and the policies to deliver that.

### **Budget sector: midyear financial report 2011–12**

**Mr EIDEH** (Western Metropolitan) — I would like to make a few comments on the midyear financial report 2011–12. The list of economic failures by this government in under 18 months in office has already set new world records that will never be breached. Its tardiness in administering the state, as the *Sunday Herald Sun* recently published, is staggering. In the midst of all that, our state is in very serious danger of being downgraded by economic forecasters. And on that side of the house they call this leadership. I call it a living nightmare for the men and women of our state, a nightmare that is reaching into every home and every business as the level of unemployment in this state breaches everything happening in every other state. The record speaks for itself, and the Premier himself, the Honourable Ted Baillieu, is also on the record.

Premier John Brumby left this state in a solid economic position, with a solid financial rating, with a history of budget surpluses, with a long list of investments in essential infrastructure for the benefit of the people of our state and with a list of achievements that regularly saw members on this side of the house talk about how Victoria was then leading the rest of Australia in every positive aspect imaginable. Sadly, the only leadership that Victoria is showing today is reverse leadership.

The economic management of our state by the Baillieu-Ryan government is woeful. The myth of improvements to rail services reaching into my electorate has been exposed. The performance levels of Yarra Trams are becoming worse month by month,

week by week, day by day and journey by journey. Compared to the rest of our nation, Victoria lags behind in retail trade, in building approvals, in new home loans, in job vacancies, in business investment, in construction work done, in weekly earnings — in fact, in virtually every area.

The government is closing down the 24-hour mental health help line — money is more important than saving lives, is it not? Cutbacks in the Victoria Police's unsworn members and support for the law enforcement assistance program database are already impacting on police services and thus threatening a new crime wave that could endanger many Victorians.

However, pensioners in public housing will help the government by paying much more for their rent. This may also help to cover some of the costs of the \$80 000-plus spent on spin doctoring websites by the Baillieu-Ryan group. Power suppliers and public transport companies are also raising their costs at our expense, with the full blessing of this government.

Is this a state in crisis? It does seem to be, and yet a little under two years ago we were the most admired state in the nation. Today, under this current leadership, we are a laughing stock. Only the people of Victoria are not laughing.

### **Protecting Victoria's Vulnerable Children Inquiry: report**

**Mrs COOTE** (Southern Metropolitan) — I have great pleasure in speaking on *Report of the Protecting Victoria's Vulnerable Children Inquiry*. I commend Minister Wooldridge for commissioning this comprehensive report. The professional panel was made up of Emeritus Professor Dorothy Scott, the Honourable Phillip Cummins and Mr Bill Scales. It is a pity I have only 5 minutes, but I will bring up other parts of this report at other opportunities.

It is very important for members to have a look at the foreword written by the three members of the panel of whom I just spoke. It states:

The inquiry was provided with complete freedom by the Victorian government to conduct its own investigations and to reach its own conclusions. It has been a fully independent inquiry.

The inquiry has been fully supported by the Victorian government. It has had open access to government, government departments and agencies and government personnel.

This is an open and transparent report, and the recommendations have been welcomed. The Minister

for Community Services, Mary Wooldridge, has already come up with a comprehensive response, which was outlined in a media release of 28 February. The heading is 'Coalition government takes immediate action to protect Victoria's vulnerable children'. The Premier, Ted Baillieu, announced that we would take immediate action. The really comprehensive report took 12 months to come to fruition, and it is over 900 pages long. The media release states:

Having conducted public hearings, meetings and consultations across Victoria, as well as receiving more than 220 written submissions, the panel has made 90 recommendations, 20 findings and identified 14 matters for attention.

When the inquiry was tabled on 28 February, the coalition government acted immediately on the overreaching recommendation of the whole-of-government vulnerable children and families strategy to respond comprehensively to the report. This was a major and immediate reaction, and the minister and the Premier are to be congratulated. A high-level committee of ministers, chosen by and reporting to the Premier, will develop this strategy. The media release further states:

Mr Baillieu said the coalition government is also ... committing \$61.4 million over four years to immediately start improvements to service delivery at the front line.

This report not only was well received by the coalition government but was immediately acted upon. There are many recommendations in the report, and I will take the opportunity to bring up many of the issues in this segment of the proceedings in further sitting weeks. It is important to reflect upon some of the statistics quoted in the introduction of the executive summary because it puts them in context.

The vast majority of Victoria's children and young people live in families where they are loved, cared for and encouraged by their families.

These children are supported, loved and cherished, but this report reflects upon the lives of children who are vulnerable in our community, who are falling through the cracks, who for a whole range of reasons, none of which are caused by their own actions, are in danger or have been endangered in their lives. The introduction states that:

These children will be supported by their families through the highs and lows of childhood and adolescence and will grow up with the personal resources and capabilities to live independent, well-adjusted and productive lives.

... Every week, nearly 60 children and young people from across Victoria are removed from their parents by the state and placed in the care of another person or organisation ...

During 2010–11, about 3000 children and young people were placed in accommodation away from their family home.

On average, the children stay in the care of the state for about 18 months, but the report also states:

Over the past decade, the number of Victorian children and young people in out-of-home care has increased by 44 per cent — an annual growth of around 4 per cent a year — bringing the total number of children and young people in care to 5700 at June 2011 ...

People across Victoria felt so concerned about the welfare of children that they made about 55 000 reports to the Victorian Department of Human Services in 2010–11. Of these 55 000 reports, nearly 14 000 were considered sufficiently serious by the Department of Human Services that they were formally investigated.

I will take the opportunity to report further on this report on Wednesday of the next sitting week.

### **Review of Climate Change Act 2010: government response**

**Mr SCHEFFER** (Eastern Victoria) — I am making some comments on the Victorian government's response to *Review of the Climate Change Act 2010*. The government's decision to step away from the commitments it subscribed to when it was in opposition, and when the climate change legislation went through the Parliament in 2010, has quite frankly dismayed the community. As we know, the government said the passage of the clean energy future legislation through the Australian Parliament necessitated a review of the Victorian Climate Change Act 2010. The government also said that besides the need to review the Victorian legislation itself, the passage of the commonwealth energy laws was an opportunity for the Victorian government to review its wider policy response to climate change.

During its time in opposition, right up to the global gear change that followed the 2010 United Nations Climate Change Conference held in Copenhagen, the Victorian opposition's climate change policy aligned with that of the federal Liberal Party under the former leadership of Malcolm Turnbull. This policy recognised the integrity of the global and Australian scientific consensus about climate change, and agreed that one of the important strategies to lessen greenhouse gas emissions was to establish a carbon trading scheme that would both reduce emissions and stimulate the development of a modern, low-carbon economy. With the election of Tony Abbott to the federal Liberal leadership, this consensus was shattered, and a destructive campaign was launched to tear apart any progress being made to bring the community through what was an enormously

complex policy debate important to the country's prosperity and viability.

The current Victorian government and its members in the Parliament and in the community have progressively realigned their policy with that of the Leader of the Opposition, Tony Abbott. The coalition permitted its attack dogs to confuse and muddle public debate through retailing and spreading untruths. One of the most scandalous examples of this was when the Minister for Energy and Resources, Mr O'Brien, was reported in the *Age* of 25 January 2012 as rejecting departmental advice and using his own calculations to make it look as though the commonwealth's carbon price would lead to Victoria paying an extra \$2.5 billion a year to Canberra.

The government's attack on the renewable energy industry, on the planning regime that restricts the location of wind turbines and on the tariff regimes for solar panels has impacted heavily, with no apparent benefit to the Victorian economy or the climate. In recent weeks the government has attempted to link any and every economic issue in the state to the supposed impact of the carbon price, and eventually this week the government came out to say that it would dump the 20 per cent greenhouse emissions target enshrined in the Climate Change Act 2010.

The report *Review of the Climate Change Act 2010* and the government's response to that review were the vehicles the Baillieu government used to finally break with the policy position it subscribed to when it was in opposition and embrace the disastrous and reckless farrago of evidence-free stances taken by the federal opposition as the mood takes it. Someone said to me yesterday that this government is exactly the same as the Kennett government, only slower. The aptness of this is evidenced in the transition from what at first blush looked like a sort of Rupert Hamer-type government to one we can now recognise as a Kennett-Abbott-type government.

The government agrees with the recommendation that the 20 per cent emissions target should be revoked because Australia now has a commonwealth climate change regime with a 5 per cent target and because having the 20 per cent target would not drive significant additional emissions abatement. The government's response goes further, asserting that the 20 per cent target would actually inhibit Victoria's economic growth and impose large costs on the government and the community. It is difficult to see how the government arrived at this conclusion.

The opinion piece in this morning's *Age* by Michael Power from the Environment Defenders Office gives a pretty good account of why the government's position is flawed. Michael Power says that the government's slipping away from its responsibility to act on climate change fails to recognise that for the clean energy future package to work, state governments need to take complementary measures. It is not either/or; it is both/and.

State governments can take important actions in transport, planning, forestry and mining to indicate the examples that Michael Power mentioned in his opinion piece. The government's response is particularly alarming and disappointing — and Mr Jennings drew attention to this — in the context of the Department of Sustainability and Environment's *Report on Climate Change and Greenhouse Gas Emissions in Victoria*, which presents some alarming projections related to increasing temperatures, increasing sea level rises, fewer and heavier rainfall days and more consecutive dry days. We ignore these projections at our peril.

### **Budget sector: midyear financial report 2011–12**

**Mr FINN** (Western Metropolitan) — I am sure it will disappoint any number of members of this house to note that I am going to be speaking on *Mid-Year Financial Report 2011–12* and not the climate change report on this occasion, although you cannot help but feel that that might be coming. I just have a feeling.

I want to start this afternoon by quoting from chapter 1 of *Mid-Year Financial Report 2011–12* 'Midyear results for the state of Victoria, including the general government sector'. I want to quote a couple of paragraphs:

For the six-month period to 31 December 2011, the general government sector recorded a net result from transactions of a deficit of \$341 million, while the state of Victoria recorded a net result from transactions of a deficit of \$801 million.

These half-year results are an imperfect guide to the 2011–12 full-year likely results. In particular, they do not include the impact of significant revenue items which are expected to occur in the second half of the financial year such as delayed grants from the commonwealth government for the regional rail link —

that is, of course, if the federal government has not gone broke first —

and Victorian Comprehensive Cancer Centre projects, as well as land tax revenue which is mainly recognised in the March quarter.

There is another line in this that is extremely important — one that cannot be overemphasised — which is:

The challenging economic environment reinforces the importance of sound financial management.

That would have to be the understatement of this year — and perhaps the next as well. I have to say that when reading the report I had a certain feeling of *deja vu*. There was a sense that I had been here before. As many of you might know, in October this year it will be 20 years since the Kennett government came to office. As a member of the Kennett government — in fact its youngest member — I was one of those people who was faced with the economic disaster that was left to us by the Cain and Kirner governments. Here I am — a little older, it has to be said — elected as a member of the Baillieu government, picking up the mess left by the Bracks and Brumby governments. The more things change, the more things stay the same.

It is, in the opposition's terms, something that all began in November 2010. That is what it would like to tell us, but we know better. This is, and I am sure Mr Guy will know what I am talking about here, the cycle of life. What happens, whether it be in Victoria, New South Wales, Queensland, Western Australia, federally or wherever, is that the Labor Party gets in and completely — —

**Hon. M. J. Guy** — New Zealand.

**Mr FINN** — New Zealand is another one, Mr Guy — absolutely. The United Kingdom, Barack Obama and the United States — you name it: they have the runs on the board. They get in, and they completely destroy the economy. After a while the people wake up and they throw them out and put in the conservatives, who do the right thing, build up the economy again and make things look rosy. What happens? Out go the conservatives, and in come the socialists again. They start spending all the money, and up goes the deficit.

In Queensland, for example, Campbell Newman, the newly elected Premier of that state, has more than an \$80 billion debt that he has to deal with. I wish him well, but he has his work cut out for him. But this happens: Labor gets in, and it stuffs up the state; the conservatives get back in, and they fix it up. Labor comes back in, and it does it all over again — and around and around it goes. Really, when are we going to draw the line?

Impacting upon the subject of this report, the budget, we have had such Labor disasters as myki and the desalination plant — surely the only desalination plant

in the Southern Hemisphere, if not the world, that is running late because of floods! Could you imagine that? It has blown out to such an extent that we could not see it with binoculars. We have had the police IT blow-out, we have had the Melbourne Markets blow-out — as Mr Ondarchie pointed out earlier this afternoon — and we have had other blow-outs and so much waste that have come directly from the previous Labor governments that we find ourselves now in a situation, as we did 20 years ago, where we as a conservative government have to do the right thing by Victorians.

Let me tell members from both sides of the house that we will do the right thing. We will fix up the state, as we did before. Mr Scheffer said that this government is looking more and more like the Kennett government, and I think that is a very good thing. The Kennett government did the right thing by Victoria, and so will this government.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! The time has arrived for this house to meet with the Assembly in the Assembly chamber to elect three members for appointment to the Victorian Responsible Gambling Foundation board. The chair will be resumed at the ringing of the bells.

**Sitting suspended 6.12 p.m. until 6.21 p.m.**

## JOINT SITTING OF PARLIAMENT

### Victorian Responsible Gambling Foundation

**The PRESIDENT** — Order! I wish to report that the house met with the Legislative Assembly today to elect three members of Parliament to the Victorian Responsible Gambling Foundation board. I am pleased to report that Mr Tim McCurdy, MP, Mr David Southwick, MP, and Mr Ian Trezise, MP — the members for Murray Valley, Caulfield and Geelong in the Assembly — were elected to the board for the term specified in section 11 of the Victorian Responsible Gambling Foundation Act 2011.

## ADJOURNMENT

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

That the house do now adjourn.

### Department of Primary Industries: pig health and research unit

**Mr LENDERS** (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. On 7 March I had the great privilege of visiting the piggery of John Bourke in Stanhope. John is the president of the Victorian Farmers Federation's pigs group. It was good for me, as shadow Minister for Agriculture and Food Security, to have the opportunity to see a working piggery. It was good for me to do that as part of our outreach project, and I am very pleased the VFF offered me the opportunity to get to know the sector better.

One of the things about visiting John Bourke in his piggery at Stanhope was that I learned a lot more about the industry than I would have had I been sitting in Melbourne. Amongst other things, John outlined to me how 65 per cent of the processed pork we see in our supermarkets is actually imported from places such as Denmark, Canada and the United States and some of the concerns sector members have about whether the same standards applied to piggeries in Australia apply to some of their competitors who have come in from overseas. He also raised some issues about general matters the industry is experiencing. In particular he had a concern about the Bendigo-based pig health and research unit within the Department of Primary Industries moving to Melbourne and whether that unit was going to be funded on an ongoing basis or not.

I put on the record that I was part of the government that started the process of relocating some of the DPI functions to Bundoora and to Attwood. The VFF disagrees with that — it considers that those functions should stay in Bendigo — and it is also interested in whether the minister, now that he is the minister rather than the shadow minister, still has the view that this move should not be happening and that the functions should not be moved to Bundoora. I guess the main issue was that the VFF does not want the unit to move. The VFF also wants ongoing funding for DPI's pig health and research unit, because with rollover funding — on a year by year basis — rather than ongoing funding the unit is finding it difficult to keep some of the good research staff it needs to do the important work in this area. Of course the industry has a levy which partly funds this DPI research unit and which the industry has agreed to.

The action I seek tonight from the minister is that he guarantee that the funding for DPI's pig research unit will continue and that he review whether the position he had in opposition on whether that DPI area should

move from Bendigo to Bundoora and the position he has on that in government are the same.

### **Barwon Valley School: recreation facilities**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is directed to the Minister for Education and relates to recreational space at the Barwon Valley School in Geelong.

A concerned parent of a young man attending his last year at the school recently wrote to the *Geelong Advertiser* expressing concerns about the lack of recreational space in which to play games and kick the footy at the school. Barwon Valley School is the only government school in the Geelong area that caters specifically for children with an IQ of less than 50.

**Hon. D. M. Davis** interjected.

**Ms TIERNEY** — Barwon Valley School, it is called. The article details the issue of Barwon Valley School students being denied access to adequate playground facilities due to portables being continually allocated to the school to cater for the increased school population. The student's mother, Michele Denham, stated in the *Geelong Advertiser* that her son, Brett, was one of several students unable to move freely at the specialist school, which had fast outgrown its space. She said:

They're denied what every other kid in Victoria has access to, and that's a playground ...

...

The only place for them to play kick-to-kick was in the bus bay, which is extremely dangerous. I've been complaining to the education department and I've basically been told it's the school's problem.

These issues are being raised at the same time as this government is about to evict 85 special needs students from the Hendy Street, Corio, campus of the Nelson Park School, another specialist school in Geelong catering for students with needs different to those of the students at Barwon Valley School. The campus site is up for sale, forcing the school to house all of its students at the Libau Avenue, Bell Park, campus. I urge the minister to address this important issue of the lack of space for our specialist schools in Geelong and to meet personally with representatives, including parents, to understand the issues affecting these schools and their students.

### **Sunbury: tertiary education facilities**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Higher

Education and Skills, Peter Hall, and relates to tertiary education facilities in Sunbury in my electorate. Sunbury has a current population of approximately 35 000 people and a projected population in excess of 60 000 people by 2030. Labor, both state and federal, chose to ignore the tertiary education needs of this rapidly growing community.

**Hon. D. M. Davis** interjected.

**Mrs PETROVICH** — Absolutely ashamed, Mr Davis. Under the watch of Ms Duncan, the member for Macedon in the other place, Jacinta Allan, the shadow Minister for Regional and Rural Development, and Julia Gillard, the then federal Minister for Education, we lost the Victoria University Sunbury campus facility.

**Mr Finn** — Shame! That is shameful.

**Mrs PETROVICH** — It was a criminal shame for those people, Mr Finn. The financial and emotional costs of our local kids leaving home or the effort of travelling for 3 hours a day to complete tertiary education did not seem to feature in Labor's thinking when the community was robbed of a profitable and viable tertiary education facility.

The coalition government fully understands the importance of returning tertiary education to Sunbury, particularly to the region's young people. We are working with the community to achieve a solution; we are not sitting on our hands, like Labor did. I am passionate about returning a tertiary education facility to Sunbury, and I am pleased to have the support of a range of community and education groups in this cause.

I have had numerous meetings and discussions on the issue in recent weeks and last week met with community and education representatives to discuss various proposals for trade training and other tertiary facilities in Sunbury. I know that Mr Hall is also committed to finding a solution that delivers the best possible outcome for the Sunbury community and that his department is heavily engaged in the process. I ask that the minister provide the house with an update on progress as the coalition works towards providing Sunbury with tertiary education facilities that meet the future social and economic needs of this growing community.

### **Victoria University: boatbuilding course**

**Hon. M. P. PAKULA** (Western Metropolitan) — I too want to make reference to Victoria University in my adjournment matter, which is for the Minister for Higher Education and Skills, Mr Hall. It concerns a

decision by Victoria University to discontinue its training course for marine craft construction apprentices.

I know Minister Hall is aware that this matter has been raised previously by the member for Williamstown in the Assembly, Mr Noonan, and certainly in response to his representations the minister has thus far declined to intervene in any expansive way other than giving a commitment to maintain a watching brief. I am also aware that the general manager of the Boating Industry Association of Victoria, Mr Clyde Batty, has since written to Minister Hall and indicated as part of that correspondence that:

... our manufacturing industry members are advising that the employment of new apprentices has ceased and that the 'laying off' of current first-year marine craft construction apprentices will begin shortly (except for the lucky few first-year apprentices who are still being trained by Victoria University — all four of them).

I am also aware that Gordon TAFE has completed a business case which suggests that for seed funding of \$750 000 it can pick up the course which Victoria University has discontinued, and in doing that it would be able to keep what is a growing boatbuilding industry afloat, as it were.

The Treasurer and the Premier have consistently talked about their so-called four pillars, one of which is skills development. What we have here is a real life example of how a reduction in the availability of options for skill development is going to cost jobs in the boat construction industry and put the viability of the entire industry at risk. The action I seek is for the minister to respond urgently to the request he has had from the Boating Industry Association of Victoria and provide a sufficient quantum of seed money — not necessarily the whole amount but a sufficient quantum — to ensure that marine craft construction apprentices continue to be trained here in Victoria.

### **Project Respect: funding**

**Ms MIKAKOS** (Northern Metropolitan) — My matter is for the Minister for Community Services, although the Minister for Consumer Affairs may also wish to respond to this matter because it is to do with sex trafficking. My understanding is that there are a number of ministers who have some portfolio responsibility for this issue. Specifically I wish to express my concern at the recently lapsed state government funding to Project Respect, which is a very important organisation focused on the prevention of emotional, sexual and physical abuse of women in the sex industry, including women trafficked to Australia.

Over the past four years Project Respect has received \$60 000 a year from the Department of Justice and \$20 000 from the Victorian Multicultural Commission. It has been brought to my attention that state government funding for this organisation ran out two weeks ago. Project Respect is a not-for-profit organisation that specialises in providing support to victims of trafficking for prostitution through outreach programs, and demand for its services have been continuously increasing. I got to know a lot about this organisation when it provided evidence to the previous Parliament's Drugs and Crime Prevention Committee inquiry into people trafficking for sex work, in which the committee noted that it was important for organisations such as Project Respect to 'be encouraged to extend their outreach training and awareness programs throughout the state and to as many different types of groups as possible'. I point out that this was a bipartisan recommendation through that report, which the government had supported in principle when it responded to the report.

The report also talked about how organisations such as Project Respect should be included in any consultative advisory bodies that might be established to advise government on these issues. Recommendation 17 specifically states that non-government organisations that support trafficked women should 'be provided with additional resources to continue and extend their involvement in the training of police, municipal officers, sex industry regulators and other relevant persons'.

I am very concerned that despite having written to Minister Wooldridge about this organisation in the past — and also to Minister O'Brien and the Minister for Police and Emergency Services — the funding has nonetheless run out. I am calling on the minister to urgently reinstate funding for Project Respect to allow it to continue to provide support for women in the sex industry, including those who are trafficked to Australia. I particularly draw the minister's attention to the much-vaunted Sex Work and Other Acts Amendment Bill 2011, which the government brought to this Parliament only last year, and the fact that the government said in its media release on 8 December:

Sex trafficking, slavery and sexual servitude are heinous crimes which are strongly condemned by this government.

I ask the government to make a response to that commitment and actually put some funding into this organisation.

### **Mentone: beach renourishment**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Environment and Climate Change, Ryan Smith, and it relates to beach renourishment in my electorate of Southern Metropolitan Region. I would like to commend the minister; he has done a fabulous job with beach renourishment at Elwood Beach.

It is very interesting to look at statistics about some of the beaches around Port Phillip Bay. There are 40 million annual visits to beaches in Port Phillip Bay. Healthy beaches are essential for recreation, tourism, families, local businesses and of course the economy. Port Phillip Bay beaches are an important recreational and tourism asset for our state and local communities, and after recommendations from an independent coastal engineer, this year the government will spend \$2.294 million to renourish four beaches around the bay. Those beaches are Mentone, North Aspendale, Clifton Springs and Portarlington beaches.

Elwood Beach has just been renourished. I encourage everyone in this chamber to go and have a look — go and walk your dogs, go and push your babies in their prams or whatever you have to do. It is absolutely terrific. Elwood Beach was renourished with approximately 60 000 tonnes of imported sand from a land-based quarry, and the beach front was widened from between 10 and 15 metres to between 45 and 50 metres at high tide. This is really important. If you go down on a summer's day or indeed a summer's night, you see how many people are enjoying our beaches. We have to make quite certain that they are renourished as properly as they possibly can be.

The action I seek is to urge the minister to work very closely, as he did with the City of Port Phillip, with City of Kingston councillors and with the committees of management to renourish Mentone beach.

### **Wallan Secondary College: funding**

**Ms BROAD** (Northern Victoria) — My adjournment matter is for the Minister for Education, Mr Martin Dixon. The action I seek is that the Baillieu-Ryan government provide funding to complete the Wallan Secondary College building plan in the May 2012 state budget. Almost one year ago, in the lead-up to the May 2011 state budget, I called on the members of the Liberal-Nationals coalition government to put up the money for the school building plan. Today I am again calling on the government to make funding available to finish the Wallan Secondary College

building plan as a priority in the budget because it refused to do so in last year's budget.

When in opposition a member for Northern Victoria Region, Mrs Petrovich, was quick to criticise the former government for any delays in funding earlier stages of the new school, built with funds allocated through Labor budgets. In government Mrs Petrovich is conspicuously silent on the subject of her government even committing funding to finish Wallan Secondary College, let alone the need to allocate funding in the May 2012 state budget. The member for Seymour in the Assembly, Ms McLeish, has been keen to talk about election funding for sports fields at Wallan Secondary College, but she is deafeningly silent on whether she supports allocating funding in the state budget for finishing the building plan.

This matters because the Minister for Education has admitted that the Baillieu government's list of priorities for school building works was drawn up by Liberal and Nationals members, but Ms McLeish has not put Wallan Secondary College on the list. Priorities also matter because in last year's budget the Baillieu government slashed Labor's commitment of \$1.7 billion for school building works to just \$208 million. I urge the government to make Wallan Secondary College a priority and provide the funds to finish the building plan in the May 2012 state budget.

### **Weather forecasting: Wimmera Southern Mallee region**

**Ms PULFORD** (Western Victoria) — My adjournment matter this evening is for the attention of the Premier. The weather impacts on everything we do, and one could easily make the case that for regional communities, like the community I represent, access to reliable, up-to-date weather information is even more important.

Many industries based in the regions are heavily dependent on weather, including farms, tourism and airlines, and there are other important considerations like emergency management that are also affected by weather. Knowing what the weather is going to do, as best we can, is a vital part of so many operations. For years we have all watched the weather report on the evening news and made appropriate arrangements for the following day, only to have our best laid plans thrown into disarray when that forecast of no rain has been not quite accurate! Obviously 100 per cent accurate weather predictions are unlikely, but over the years there have been huge leaps in the area of weather forecasting. This has been assisted by the technologies that enable us to monitor live and predict weather.

Jo Bourke, executive director of the Wimmera Development Association, has raised with me the issue of a campaign and provided me with a submission made by the association to the Bureau of Meteorology. It details the challenges that the Wimmera Southern Mallee region faces in accessing real-time weather data and explains that it is seeking to address the radar information black hole that exists between Mount Gambier and Mildura, where distance is impacting upon accuracy.

Contained in the report are details of how weather technology has made great advances but these leaps are slower to make their way to regional parts of the state and indeed the country. The report makes very clear the benefits such technology could bring in terms of advances for the region in agriculture, water resource management and aviation. The report details the potential impact on emergency services, including the ability to better identify and categorise lightning strikes into dry or wet strikes based upon the existence of rain. This information would also assist managers of reservoirs to manage flood risk. This is fundamental in a region that has on average 21 fires started by lightning each year.

I ask the Premier to read the report and, along with the Minister for Agriculture and Food Security, the Minister for Regional and Rural Development and the Minister for Police and Emergency Services, commit the Victorian government to taking this up with the Bureau of Meteorology to advance this cause so that technology can be upgraded for the economic and social benefit of the entire Wimmera Southern Mallee region.

### Responses

**Hon. D. M. DAVIS** (Minister for Health) — I have one written response to the adjournment debate matter raised by Mr Lenders on 9 February. Tonight I have received eight new adjournment matters, and I will respond to those.

Mr Lenders raised a matter for the Minister for Agriculture and Food Security concerning his visit to a piggery at Stanhope — —

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — I did not catch that. The minister visited under the guidance of John Bourke from the Victorian Farmers Federation, as I understand it. Mr Lenders made a number of points about the moving of services — which began under the previous government — from Bendigo to the Bundoora and

Attwood locations of the Department of Primary Industries. Mr Lenders sought the views of the minister on those matters, and the action he sought was for the minister to review his position and guarantee funding. I will pass those matters on to the minister, but I note his strong advocacy for agriculture and for the particular industry that has been referred to.

Ms Tierney raised a matter for the Minister for Education regarding recreational space at Barwon Valley School — a special school in the Geelong region — as well as another school, and she referred to certain playground facilities that she indicated were insufficient. I note that the condition of those playground facilities is related to the provision of services over a number of years, including the last 11 years under the previous government, but I am quite happy to pass that on and see if the minister is able to meet with the particular schools in question. I know that the minister has a strong commitment to specialist school education.

Mrs Petrovich raised a matter for the Minister for Higher Education and Skills, Mr Hall, concerning tertiary education in Sunbury, which is an area of significant population growth. She pointed out the failure of the previous government and the federal government to provide support for Sunbury tertiary education over a long period of time, indicating that Sunbury has been robbed of a tertiary education facility and that this has disadvantaged Sunbury over a significant time. I know that the member has advocated very strongly on behalf of the Sunbury community to the Minister for Higher Education and Skills and has sought that he provide an update on tertiary education in Sunbury. She seeks further assistance in that regard, and I will pass that on to the minister.

Mr Pakula also raised a matter for the Minister for Higher Education and Skills concerning Victoria University and the marine craft construction apprenticeship and representations he has had from the Boating Industry Association of Victoria. He also indicated that this is important for the manufacturing industry. He made the point that the Gordon Institute of TAFE has a business case which seeks seed funding of \$700 000 — or he indicated perhaps less — to assist the industry to continue with these important apprenticeships that assist with skills development, an important aspect of the government's focus. Mr Pakula specifically seeks seed funding and an urgent response from the minister to the representations that Mr Pakula has pointed to. I will pass that on to the Minister for Higher Education and Skills, who I know is very focused on the provision of support for apprenticeships

in those manufacturing areas, particularly for groups like those Mr Pakula has pointed out.

Ms Mikakos raised a matter for the Minister for Community Services, which was also of relevance to the Minister for Consumer Affairs, seeking additional funding for Project Respect, which is a not-for-profit group that seeks to provide support on prostitution-related matters. She indicated that a report was tabled on this issue in the previous Parliament and that she has written to ministers Wooldridge and O'Brien. She seeks that funding be provided to Project Respect. I will pass that on to the relevant ministers. I have no doubt about their commitment to providing a strong response. As Ms Mikakos pointed out, the government legislated on this issue in recent times.

Mrs Coote raised a matter of relevance to the members for Southern Metropolitan Region. The matter for the attention of the Minister for Environment and Climate Change is in regard to beach renourishment. She pointed out that healthy beaches are an important aspect of not just tourism but recreation more broadly. She pointed to four beaches that are listed for work: Mentone, North Aspendale, Portarlington and I think one additional beach on the Bellarine Peninsula. Mrs Coote particularly pointed to Elwood beach, where 60 000 tonnes of sand was put in place, making a very significant difference to that beach.

I know all members for Southern Metropolitan Region in the chamber tonight will understand the importance of what has occurred at Elwood and will welcome the actions of Minister Smith, the Minister for Environment and Climate Change, in facilitating beach renourishment, which is of importance for tourism and recreation in that area. Mrs Coote further seeks that the minister liaise with the City of Kingston in regard to beach renourishment at Mentone. I will pass on that point to him. I understand the importance of the work that the City of Kingston is doing and the support it would offer to Mrs Coote's campaign and her advocacy with Minister Smith for the Mentone beach renourishment project.

Ms Broad raised a matter for the Minister for Education regarding additional support for the Wallan Secondary College building plan. I note there was a significant lag under the previous government in provision of sports funding, which was an election commitment of the current government. I also note that there is a need for further steps to be taken and that election commitments will be honoured in the term of this government. Cindy McLeish, the member for Seymour in the Assembly, is a strong advocate for Wallan, including for the school. I know she advocates on behalf of other facilities in

Wallan, including ambulance stations and so on. I am sure she will be prepared to advocate very strongly on these matters concerning Wallan Secondary College. On Ms Broad's behalf I will pass on the matter to the Minister for Education.

I also note an adjournment matter raised with me tonight by Ms Pulford for the attention of the Premier. It concerns the weather and up-to-date information about it. The Premier may be all powerful, but he is probably unable to directly influence the weather. He may be able to influence the Bureau of Meteorology.

**Mr Lenders** — Don't you talk down the state!

**Hon. D. M. DAVIS** — I am talking down the capacity of the state's Premier and anyone in this chamber or the other chamber to directly influence the weather. However, I do not talk down the Premier's capacity to put a case to the Bureau of Meteorology. I note the point that has been made by the Wimmera Development Association in its submission, which points to a radar black hole in the region between South Australia and the western side of the state. On a very serious note, this obviously has significant impacts on a whole range of activities throughout that area, particularly agriculture and tourism, although I am not going to provide the list again. I think that was a fair point. I will pass on the matter to the Premier.

Ms Pulford has also asked that the Minister for Agriculture and Food Security and the Minister for Regional and Rural Development, who is also the Minister for Police and Emergency Services, read the report. I suspect they may have already read the report. I am aware that there have been conversations on these matters. I suspect that there will be some enthusiasm for taking this matter up with the Bureau of Meteorology and perhaps some federal colleagues. As for influencing the weather directly, that may be more difficult.

**Ms BROAD** (Northern Victoria) — In accordance with standing order 4.13 I seek an explanation from the Leader of the Government as to a number of adjournment matters that I raised in 2011 to which I have not received a response and which are therefore well and truly overdue according to the standing orders. For the minister's benefit, they are matters that I raised for the Premier on 17 August regarding the national disability insurance scheme; for the Premier on 30 August regarding government advertising; for the Premier on 26 October in relation to the future of the Snobs Creek discovery centre; for the Minister for Roads on 22 November regarding the Wallan-Kilmore

bypass; and again to the Minister for Roads on 6 December in relation to the Wallan-Kilmore bypass.

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for raising the matters, and I will take those particular adjournment items up with the relevant ministers. I do not have a direct explanation for each of them now, but I will seek that information.

**Mr LENDERS** (Southern Metropolitan) — On a similar note, and under the same standing order, I have five adjournment matters that I raised which have not been replied to: for the Premier on 10 February, 2 August, 12 October, 13 October and 10 November; for the Minister for Environment and Climate Change, whom the Minister for Health also represents in this place, on 8 February; and the most significant ones for me, for Mr Davis, the Minister for Health, on 5 May and 8 December last year, to which he has not yet replied. For the latter two matters for which Mr Davis himself is responsible, I would be quite happy for him to say we will get them tomorrow and leave it at that. As for the other ones, I will give him the grace of not asking again this week for responses to them. For the record, there are five for the Premier, one for the environment minister — which, again, I give him on notice. However, on the two directed to Mr Davis on 5 May and 8 December I ask that he explain what the delay is, and hopefully he will be able to get back to me with those tomorrow.

**Hon. D. M. DAVIS** (Minister for Health) — I will take those matters on notice and reply to the member.

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

**House adjourned 6.54 p.m.**

**Wednesday, 28 March 2012**

**JOINT SITTING OF PARLIAMENT**

**Victorian Responsible Gambling Foundation**

**Honourable members of both houses met in  
Assembly chamber at 6.17 p.m.**

**The CHAIR (Hon. Ken Smith)** — Order! Whilst joint standing orders 19 to 22 apply to this joint sitting, there is no joint sitting order to cover the nominations of members to the board. Therefore the first matter to consider is the adoption of rules.

**Mr BAILLIEU (Premier)** — I move:

That the rules for nominations, which are in the hands of members, be adopted.

**Motion agreed to.**

**The CHAIR** — Order! I now invite proposals from members with regard to three members to be elected to the board of the Victorian Responsible Gambling Foundation.

**Mr BAILLIEU (Premier)** — I propose:

That Mr McCurdy, Mr Southwick and Mr Trezise be elected to the board of the Victorian Responsible Gambling Foundation.

I understand each of them is willing to accept the appointment if chosen.

**The CHAIR** — Who seconds the proposal?

**Mr ANDREWS (Leader of the Opposition)** — I second the proposal.

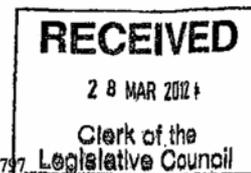
**The CHAIR** — Are there any further proposals?

As there are only three members proposed, I declare that Mr McCurdy, Mr Southwick and Mr Trezise are elected to the board of the Victorian Responsible Gambling Foundation. I now declare the joint sitting closed.

**Proceedings terminated 6.19 p.m.**



**Minister for Public Transport  
Minister for Roads**



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

Dear Mr Tunnecliffe

**PRODUCTION OF DOCUMENTS**

I refer to the Legislative Council's Order of 26 October 2011, seeking the production of documents comprising *any safety assessments, advice received, reports or related documents held by the Department of Transport or the Transport Safety Regulator, including any received since November 2010, regarding the manual gates and railway crossing at New Street, Brighton.*

I also refer to my letter to you of 5 November 2011 advising that the Government would endeavour to respond to the Order as soon as possible.

I now wish to advise you that the matter is still under consideration. The Government's response to the Order will be forwarded as soon as that process has been completed.

Yours sincerely

**Hon Terry Mulder MP**  
Minister for Public Transport

25 / 3 / 2012