

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 29 February 2012

(Extract from book 4)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Council committees

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

Procedures Committee — The President, Mr Dalla-Riva, Mr D. M. 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 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 Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

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

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

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

CONTENTS

WEDNESDAY, 29 FEBRUARY 2012

RULINGS BY THE CHAIR

- Planning: Phillip Island rezoning*..... 1009
- Legal and Social Issues Legislation Committee: meeting* 1009, 1031

PETITIONS

- Victorian certificate of applied learning: funding*..... 1012
- Children: Take a Break program* 1012

ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

- Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011* 1014

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

- Review of 2009–10 and 2010–11 annual reports* 1017

PAPERS 1018

MEMBERS STATEMENTS

- DonateLife Week*..... 1018
- Clarinda library: reopening* 1018
- Animals: welfare* 1018
- Mum for Mum program* 1019
- Rail: St Albans level crossing* 1019
- Police: Koo Wee Rup station* 1019
- Rail: protective services officers*..... 1020, 1022
- Darebin Community and Kite Festival*..... 1020
- Islamic Museum of Australia: soil-turning ceremony* 1020
- Nurses: enterprise bargaining* 1020
- Domenica Rossi*..... 1020
- Whittlesea: youth fair* 1021
- National Union of Greek Australian Students: Epimetheus and Paradigm* 1021
- Lawn bowls: 2012 Australian Open* 1021
- Windarrang* 1021
- Mount Alexander Shire Accommodation and Respite Group* 1021
- Firefighting: rural championships*..... 1022
- Country Fire Authority: Pura Pura brigade* 1022

CITY OF MORELAND: PLANNING SCHEME

- AMENDMENT C140* 1022, 1039

QUESTIONS WITHOUT NOTICE

- Manufacturing: productivity*..... 1032
- India: trade delegation*..... 1032
- Transport Industry Council: meetings*..... 1033, 1034
- Nurses: enterprise bargaining* 1034
- Department of Premier and Cabinet: catering*1034, 1035
- Planning: city of Stonnington* 1035
- Protecting Victoria's Vulnerable Children Inquiry: report*..... 1036
- Information and communications technology: data centres* 1037
- Midwives: graduate positions* 1037, 1038
- Higher education: regional and rural students*..... 1038
- Answers* 1039

QUESTIONS ON NOTICE

- Answers* 1039

ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012

- Second reading* 1052

PRIVILEGES COMMITTEE

- Reference*..... 1056

STATEMENTS ON REPORTS AND PAPERS

- Protecting Victoria's Vulnerable Children Inquiry: report* 1071, 1075
- Ombudsman: investigation into ICT-enabled projects*..... 1072, 1077
- Auditor-General: State Trustees Ltd — Management of Represented Persons* 1073
- Victoria State Emergency Service: report 2010–11*..... 1073, 1074
- Drugs and Crime Prevention Committee: violence and security arrangements in Victorian hospitals*..... 1076
- Budget update: report 2011–12* 1078
- Education and care services: national regulations* 1079
- Drugs and Crime Prevention Committee: people trafficking for sex work*..... 1079

ADJOURNMENT

- Gentle Annie Bridge, Whitfield: flood damage* 1080
- Community services: Child FIRST centres* 1081
- Ouyen P–12 College: funding* 1081
- Ovarian Cancer Awareness Month*..... 1082
- Electricity: smart meters*..... 1082
- Wallan-Kilmore bypass: route* 1082
- Local government: footpath safety* 1083
- Rail: Highett station*..... 1083
- Bendigo Health: pathology services*..... 1084
- Western Autistic School: principal* 1084
- Responses* 1085

Wednesday, 29 February 2012

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 9.34 a.m. and read the prayer.

RULINGS BY THE CHAIR

Planning: Phillip Island rezoning

The **PRESIDENT** — Order! I have two matters I wish to make brief comments on. The first concerns the motion in respect of Ventnor to be moved by Mr Tee later this day. Mr Tee has kindly provided me with information on the Supreme Court proceedings involving the matters that are being contested. I have read through that document and considered it in the context of the motion to be moved by Mr Tee. Because a date for those proceedings has not been set I think there is some leeway between the matters Mr Tee wishes a select committee to pursue and the matter set out in the affidavit, and it is acceptable that the motion should be put to the test. Mr Tee can proceed with moving that motion in this house later this day.

I point out, though, that whilst I do not see any impediment to the house establishing a select committee, if it were to vote that way, I would expect that as that select committee undertook its work it is likely that some of the witnesses appearing before the select committee may have regard to the civil proceedings in respect of the evidence they would be prepared to lead and protecting their rights concerning possible court proceedings. It may well be that the select committee could find itself in some difficulty in pursuing some of the lines of inquiry set out in Mr Tee's motion; however, I do not see that as an impediment to his proceeding with his motion and the house making a determination upon that today.

Legal and Social Issues Legislation Committee: meeting

The **PRESIDENT** — I also indicate formally to the house that I have been advised that the Legal and Social Issues Legislation Committee is meeting this day, following the conclusion of the sitting of the Council. That meeting has been convened by Mr O'Donohue and the call for that meeting was the subject of a point of order by Mr Viney, who was seeking my comment and perhaps ruling on whether it was appropriate that that meeting should proceed, given the amount of notice given of that meeting, which Mr Viney considered inadequate. As I recall, Mr Viney said notice of the meeting was given to members at around a quarter to 12 last night. It was very fortunate that the

members were actually still in attendance to receive that notice at that time — indeed, on that basis the notice could well have been given considerably later.

Nonetheless I have considered Mr Viney's point of order. It is my view, as I have indicated on previous occasions, that committees have the ability to conduct their own business and to have full control of their own affairs, and I do not see that I am able or have any power to intervene on the calls for meetings that are set down by chairmen. In many ways the issue for me comes down to a matter of courtesy in the time people are given so that they can prepare for those meetings. In that context, it may well be that Mr Viney is correct: courtesy is perhaps at issue in this matter.

In convening the meeting Mr O'Donohue no doubt had regard to the fact that the committee members, in their roles as members of the alternate committee, would not be engaged in the deliberations of that committee on that night. I think he genuinely considered that this was an opportunity to perhaps look at some other aspects with the legislation committee. But, as I said, I do not believe I have any ability to set aside that meeting or to request that Mr O'Donohue change his position. The fate of that meeting and any meeting is, in my view, in the hands of members of committees.

I suggest that when meetings are being called by committee chairs they might have due regard to at least, as a minimum, the convention of the house, which is invoked on many occasions, when matters are introduced to the house and it determines that those matters will be dealt with on the next day of meeting. Essentially that provides a 24-hour notice period for matters to be considered and allows members to prepare for those meetings or deal with those matters in cases where issues are before the house. Members might well have regard to that in the future.

Mr Lenders — On a point of order, President — and you, President, might want to take this point of order on notice — I am of the understanding that that meeting tonight will not be quorate. If my understanding is correct and that becomes evident to you during the next hour or so, then I guess in relation to your ruling about the standing order involving the house adjourning at 6.30 p.m. on Wednesdays if no committees are meeting, the issue is then about how those two matters interact if four members of that committee inform you in the next hour that the committee will not be quorate.

Mr O'Donohue — On the point of order, President, I am not aware that that is the case. I am not aware those apologies have been made, and I am surprised

that the Leader of the Opposition knows that information when I, as Chair, do not.

Ms Hartland — On the point of order, President, I want to clarify that I will not be attending the meeting, because the Legislative Council sat until after midnight last night and received notice of the meeting at only 11.45 p.m. last night, which I think is very discourteous.

Hon. D. M. Davis — On the point of order, President, I understand that paragraph (c) of the amended order provides that on Wednesday if there is notification that a standing or select committee is meeting that day the house would not normally sit. But this is a matter for the committee to determine. We have in effect six committees; three committees are paired with another committee, and they essentially work together. It is a matter for those committees to work their way through their schedule of work and particular tasks.

Mrs Peulich — On the point of order, President, these are important matters for all committee chairs. As Chair of one of the Legislative Council committees, I would like you to make your ruling having considered all matters. In response to Ms Hartland's point that she will not be attending the meeting tonight because the house sat late, it is my understanding that if committees do not meet on Wednesday nights, the house continues to sit. Therefore there are no light duties or going home early; the work continues. Those who voted for the committee system should ensure that they support it.

Mr Viney — President, I can advise you that I will not be available for this committee meeting tonight.

The PRESIDENT — Order! That is not a point of order — —

Mr Viney — I wish to add to the point of order. President, you have previously advised the house, in relation to a matter involving me, that adequate notice should be given, and on numerous occasions the clerks have advised me that there should be a no-ambush principle. I do not know if you have seen the notice of the meeting from Mr O'Donohue, President. It is the first meeting to be held in 12 months since Mr O'Donohue was elected to chair the committee, but that notice does not include an agenda. All it says is, 'We are going to have a discussion'. I am not sure who is bringing the butcher's paper and the crayons or whether we are sitting cross-legged on the floor, but it is absolutely inappropriate in the context of your previous advice to me that adequate notice should be given and that members should be consulted.

I point out that yesterday I consulted with Mr O'Donohue about my concerns that if the house met beyond midnight, the references committee should not meet. That is a position the committee has adopted at a meeting. It is a position the committee considered at a meeting and adopted. I have followed absolutely your advice to me and to this house that there should be consultation, there should be adequate notice and it should be a decision of the committee. That is the position I have followed. This is not the same situation. I put it to you that 18 hours notice with no agenda is absolutely inadequate. It is perfectly reasonable on that basis, on the basis of the no-ambush principle, on the basis of proper notice and on the basis of consultation, for members to say that they are not available for the meeting — and I am not.

Ms Mikakos — On the point of order, President, I support Mr Viney's comments on the lack of an agenda for this meeting. I wish to confirm Mr Lenders's advice to the house that I will be unavailable for this meeting and therefore there will be no quorum.

Mr P. Davis — On the point of order, President, I have listened carefully to the argument, which has been, in my view, unrelated to the substantive point. The point is that you, from the chair, have given a direction, which is that there is no capacity under the standing or sessional orders to deal with any matter relating to the operation of the committee. That is a matter for the committee itself, just as the operation of joint parliamentary committees is a matter for those committees. It is up to them to govern themselves, just as it is for this house to govern itself.

You have given a clear direction in my view, and nothing positive in terms of an argument has been relevant to that substantive principle, which is that Mr O'Donohue has properly given notice of the meeting. He has given formal notice of the meeting, and in relation to giving notice of matters that may be considered the next day, I remind the house that new business can easily be taken until 10.00 p.m. at night to be considered the next day at 9.30 a.m.

Mr Lenders — By leave.

Mr P. Davis — Indeed, thank you, by leave. The point being that these are matters for the governance of the Parliament itself and the governance of the committee itself. If it is that there are certain members of the house who choose to absent themselves from a meeting that has been properly convened, that is their free choice, but the committee can then in their absence deliberate on whether or not the meeting should proceed.

Hon. D. M. Davis — On the point of order, President, in regard to the issues covered by Mr Philip Davis, essentially this is a matter for the committee to govern itself.

Mr Elasmr — On the point of order, President, I hope you will allow me to clarify a couple of things. First of all we were called to come to a meeting at 8.00 p.m. tonight, and then because it was a late night last night Mr Viney, who is the deputy chair, cancelled that meeting after negotiating with all members. We were willing to come at 8.00 p.m. but we cancelled, and Mr O'Donohue, who knew about the cancellation, suddenly came up with the decision to hold this meeting tonight. The Leader of the Opposition knew about the discussion; everyone knew about the discussion. That is why I am declaring that I cannot attend the meeting tonight, and I support Mr Viney.

Mr Viney — Further on the point of order, President, the flaw in Mr Philip Davis's argument that it is not a matter for you is that that would be true if you had not previously given the house advice — whereas you have done so. I would put it to you, President, that the position that this meeting should be held with such limited notice, with no agenda and in this manner is inconsistent with your previous advice to the house. That is why I think Mr Philip Davis's argument simply does not stand up. You have indicated to the house what you expect of these committees. Since you indicated that, I, as chair of the references committee, have followed that advice, and I put to you that Mr O'Donohue has not.

Mr Barber — On the point of order, President, Mr Philip Davis's assertion is quite wrong, and this goes exactly to why we need a resolution of this matter right now. Mr Philip Davis said it was purely up to the committee whether it met or not and that it had nothing to do with the governance of this house, but in fact standing order 5.02 notes that on Wednesdays the house adjourns at 8.00 p.m. if standing committees are meeting; otherwise the house would adjourn earlier. We will therefore find ourselves here this evening still not knowing whether or not that committee meeting is occurring, having to have the same argument and not knowing at what time we are meant to adjourn. Therefore it is appropriate that we resolve this now.

The PRESIDENT — Order! I thank the members who have participated in this debate. As Mr Rich-Phillips said by way of interjection, it seemed as though I was taking RSVPs for the meeting! Can I suggest that the RSVP process is going to be important during the day. I would expect members who do not believe they can make the meeting to advise

Mr O'Donohue within the next hour, so that he can give me the courtesy of advising me whether or not there will be a quorum for the meeting and whether it can or cannot proceed. I can then look at the circumstances of the house, which goes to Mr Barber's point and a point which I think Mr Philip Davis mentioned.

With respect to the comments made in support of the point of order originally raised by Mr Lenders, the Leader of the Opposition, I would make the following points. The first is that I do not think I have been at all inconsistent in what I have said this morning compared with the previous ruling I gave. In my previous ruling I advised that a committee chair ought not be in a position of unilaterally making a decision to cancel a meeting without reference to the members — in other words, that the committee had charge of its own destiny and ought to determine whether or not there was a policy in place for that committee as to whether it would meet or not meet in certain circumstances. As I understand it, this committee, chaired by Mr O'Donohue, has in fact arrived at a position, and Mr Viney gave effect to that yesterday in a notification to members that if the house proceeded beyond midnight, I believe it was, the committee would not be meeting tonight. Mr Viney's position is that that is in deference to both the members and staff involved in those committee proceedings.

Mr Viney complied with what I regarded as a courtesy and also a matter of consistency in terms of the management of the committees. The issue I ruled on previously concerned the extent to which the chair could go in making a blanket policy on these things without getting the approval of the committee for such a policy. That was the issue upon which I gave a ruling previously, and I do not see that that is necessarily contingent upon the matter before me now. I certainly do not feel that there has been any inconsistency in this.

One of the concerns I have with these matters is that there is obviously now quite a bit of jousting between these committees. The committees were visited upon us in a circumstance where we believed that they would advance the work of the house and give us an opportunity to have a full and proper focus on legislation as well as a focus on references in the respective areas of policy and government administration. In trying to balance those committees the house sought to establish alternate chairs and have representation from the various members of the house in the management and conduct of those committees. It appears that in a couple of cases there has been, as I said, some jousting between those committees, and I certainly regard the matter before me now as a matter

of one-upmanship. That concerns me because I do not think it is in the interests of the committees' work going forward. In terms of the outcomes of the deliberations of this house and that of the committees, it has always been my experience in this place that the best results come when people can work together and find common ground rather than trying for a circumstance where they are able to get some tactical advantage in the short term.

The calling of this meeting tonight would seem to me to have been somewhat opportunistic in the respect that the other meeting had been cancelled. I share Mr Viney's concern and that of the Leader of the Opposition that the notice was probably discourteous to members at best, given the late time at which it was served. The advice I have been given this morning is that an agenda is not available for that meeting and that it is going to be a general discussion, which to me certainly indicates that members are at some disadvantage if they are to attend a meeting and not really be aware of what the discussion at that meeting is going to be. Again, I certainly think that in the best interests of proper debate and examination of issues it is incumbent upon those people who are convening meetings to provide advice to members about what is proposed to be discussed so they can prepare for those meetings. As Mr Viney has mentioned — and I know it is a term that came from the clerks rather than Mr Viney — there is a 'no ambush' principle in a lot of these deliberations, and there are very good reasons for that; as I said, it goes to the conduct of the house overall.

In respect of the matter raised by Mr Philip Davis — and it also goes to Mr Lenders's original proposition — it is my view that, under the standing orders, if none of the committees are to meet, there is a real possibility that the house will continue with its deliberations on other business this evening. That will be a matter for the house to determine by way of a vote, but if there are no committees meeting, it is open to the house to consider the conduct of its business program. In that context I will be asking members to advise Mr O'Donohue if they are likely to be apologies at the meeting tonight, and in that case Mr O'Donohue will inform me and we will be in a position to determine what the house might be doing later today.

Essentially what I am saying is that if the committees do not meet, it is in the house's ability to determine what happens. The default position is that we go to general business at 8.00 p.m. That is the position that is set out in the standing orders, but of course the house can resolve by a motion that it will adjourn at an earlier time. That is why I am saying it is within the ability of the house to determine what happens later this day, but

the default position laid down in the standing orders is very clear, which is that we return to general business.

PETITIONS

Following petitions presented to house:

Victorian certificate of applied learning: funding

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's axing of \$48 million funding for the Victorian certificate of applied learning program.

In particular, we note:

1. VCAL provides an important learning alternative to the VCE for students across Victoria.
2. Secondary schools stand to lose up to \$125 000 in funding which will impact heavily on teachers expected to deliver the support and services despite having inadequate time and resources to do so.
3. Funding has been axed despite strong objections from principals, teachers, parents and students across Victoria.

The petitioners therefore request that the state government immediately reverses its decision and restores funding to this vital program as a matter of urgency.

**By Mr LEANE (Eastern Metropolitan)
(30 signatures).**

Laid on table.

Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment.

Full funding for the program was provided by the previous state Labor government, but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

By Ms TIERNEY (Western Victoria)
(51 signatures).

Laid on table.

The PRESIDENT — Order! I am in effect inviting a point of order from David Davis because I want to give a ruling on it.

Hon. D. M. Davis — On a point of order, President, I read this out earlier, but it may have been lost in the hurly-burly of that lengthy point of order. The sessional order on the interruption of business amends standing order 4.06(1) to indicate that the President will interrupt business at 6.30 p.m. on Wednesdays if there is notification that a standing or select committee is meeting that day. I would argue that notification has been given. It is a very clear and direct statement in the sessional order, which obviously overrides the standing order for the purposes of this Parliament.

The point is that if notification is given that a committee is meeting, then people will make decisions or make organisational arrangements on the basis of that notification. Notice is usually given to the house at that point, and people become aware that the committee is likely to meet. In those circumstances I think it is very clear what the sessional order says, and I see no other way to interpret it.

Mr Viney — On the point of order, President, Mr Davis just said that when notice is given people can make arrangements. I remind people in the chamber that at 11.45 p.m. I was still in the chair. I did not actually see that email until the beginning of the adjournment. I am not quite sure what time that started, but I suspect it was around 1 o'clock in the morning. I think Mr Davis's argument is flawed. If he thinks that at 1 o'clock in the morning I am going to be making arrangements for the next night, he is sadly mistaken. Maybe he can do that. Maybe his life is so sad that that is okay for him, but it is not the way my life runs.

Mrs Peulich — On a point of order, President, I do not want to re-prosecute the earlier points of order, but I do want to add that notification to the house in many areas of its business is often short. An example was, and someone could attribute the motive for it, the attempt to ensure that the house continued to sit after midnight so Mr Viney's self-imposed rule in relation to the operations of the committee could be enforced. Like him, at 11.45 p.m. I had to find a place to sleep for the night because it was too late to go home, and I was

without a change of clothes. The opposition can suck it up because we had to pay the price for its shenanigans, which were clearly orchestrated.

Mr O'Brien — On the point of order, President, I want to make a further point on standing order 4.06(1) as amended by sessional order 1. It refers to notification of the meeting of a standing or select committee. It says in effect that the house will adjourn at 6.30 p.m. on a Wednesday if there is notification that a standing or select committee is meeting that day. It does not make any reference to an anticipated quorum. I know you ruled out of order those comments from members of the house about whether or not they would attend. The point of it is that it is for the committee to determine whether there is a quorum at the time of the meeting, not in anticipation of it. All the sessional order requires is that there be notification. Mr Davis's further point of order regarding the fact that the house should adjourn at 6.30 p.m. is valid.

The PRESIDENT — Order! I did seek to have this point in regard to notification brought into the proceedings and an opportunity for me to rule on that publicly because I think it is an important point. I reiterate that this Parliament works best if members act in good faith, with respect for one another and in a genuine way. I do not accept Mr David Davis's conjecture that notification is sufficient to give effect to the house adjourning and the committee notionally proceeding. I believe the notification of a meeting must be genuine and that there should be a reasonable expectation that the meeting will proceed and have a quorum with which to go about its business. If that is not a reasonable expectation, then this process of simply giving notice could be used disingenuously to disrupt the processes of the house in a way that is not respectful of members of the house or the processes we have.

Whilst the words of the order might say all that needs to happen is that notice be given, we could have from this day forth a sham motion that says, 'There is going to be a meeting tonight', and the Parliament would make its decision on that basis, but subsequently there would really be no reasonable expectation that a meeting might proceed or have a quorum.

It certainly seems that members have indicated that a quorum is perhaps unlikely for the meeting this evening. Members also need to look at whether or not their decision not to attend this meeting is based on a genuine principle or whether this is simply a boycott, because that would be disrespectful to other members. This is a most unfortunate situation before the Chair

today. I am not very happy about it, and I think members ought to think about this pretty seriously.

With respect to the point of order Mr David Davis has raised, I rule that it is not sufficient, in my view, simply to give notice of a meeting and for the house to accept that motion if there is not a reasonable expectation that the meeting will proceed. I do that in the context of saying that I do not want to see in the future motions coming before this house just for the sake of derailing the proceedings of the house, because that would, as I said, be disrespectful to other members and the house itself.

ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE

Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011

Mrs PEULICH (South Eastern Metropolitan)
presented report, including appendices, extracts
from proceedings, minority report and transcripts
of evidence.

Laid on table.

Ordered that report be printed.

Mrs PEULICH (South Eastern Metropolitan) — I
move:

That the Council take note of the report.

In doing so could I say I hope it cheers up your day. I think this has been a good example of a process resulting from a new committee system that has been established. I believe it is a historic moment for this Parliament, certainly for this chamber and for all the people who have been involved in the production of this report — both the staff, the committee members and, of course, all those who made submissions in response to a reference given to the committee by the chamber on a bill that was introduced by Ms Hartland, a member for Western Metropolitan Region, and worked out in quite some detail by a range of people associated with her, including her staff.

There is a minority report; it is a minority report that was submitted by Ms Pennicuik, a member for Southern Metropolitan Region. I note that her report states that she does not disagree with the significant findings of the report and, more so, that she has concerns about nuances and shades of meaning. Could I just say that I accept that this is indeed how

Ms Pennicuik feels. I found the process very rewarding, very genuine and very productive. In particular I would like to commend the committee members. There was, I think, substantial agreement on the process and the outcome. I would think that even Ms Hartland herself and her staff, who very competently appeared before the committee, would recognise that there were many flaws or unanswered questions in the bill that would probably make it better suited to be considered as a draft bill for consultation. No doubt Ms Hartland and the proponents of the bill have taken significant information out of the inquiry.

This report is unusual insofar as it does not make a determination as to whether the bill should proceed or not. It lays out the reasons, or value adds points for consideration by this chamber. And, indeed, it presents to the Council and asks that the Council take note of a range of factors, very significant factors, before determining its position on this bill. Ms Hartland, obviously, is the proponent; the opposition and the government are to formulate their responses, and I hope this report will assist.

There is currently a Council of Australian Governments process considering a range of matters, including a national beverage container deposit scheme. It was the view of the committee that, whilst on the surface the CDL (container deposit legislation) concept had significant appeal, it also involved significant and complex policy issues, and that, with the COAG process in train, it may be premature to introduce a state-based scheme before this process is complete and all the matters have been thoroughly considered.

The committee did not feel that it had the technical expertise to be able to perform assessments of the cost-benefit analysis; we did not have access to all of that information. Also there were contested positions on the constitutional and legal issues surrounding the introduction of the bill, which, of course, the government of the day would need to contend with in forming a view as to whether or not it would support such a bill following its introduction and during other stages of debate.

The lack of independent economic modelling for the proposed Victorian scheme and the possibility that funding shortfalls would be incurred by the state also presents some difficulty for this chamber, because there are financial implications. Notwithstanding the advice of the Clerk — very good advice that it is up to the chamber to decide whether this bill proceeds or not — there are dollar implications, and the chamber needs to consider whether it is appropriate for such a bill to be introduced in the Legislative Council.

There were also concerns about the impact of the proposed scheme on established curbside collection. Victoria's situation is unlike that of South Australia, where the CDL scheme was the first one on the ground and subsequent businesses evolved around that. Much of that had not been factored into the report.

I would like to thank all those who appeared before and made submissions to the committee. In particular I would like to thank the committee staff. It was a new process, and we found ourselves in unfamiliar territory. Their dedication and hard work and their turning around of material and drafts within very short time lines was something that all committee members greatly appreciated. I would like to thank the committee staff, in particular Mr Keir Delaney and Mr Anthony Walsh, for their work on the inquiry, along with all the committee members. I also commend Ms Hartland and her staff for the enormous amount of work they put into a concept which still deserves further consideration by the broader community in the light of the COAG process.

Mr SCHEFFER (Eastern Victoria) — Ms Hartland's private members bill is substantially the same bill that she introduced during the last Parliament. The then Labor government had a number of concerns with the bill and, while it passed in the Legislative Council with coalition and Greens support, it was never introduced to the Legislative Assembly. Let's be clear: the Hartland bill's reference to the legislation committee was a convenience for the government because the government needed something to keep the Environment and Planning Legislation Committee busy. It was preferable to have attention focused on a Greens bill rather than have the committee and the media raking over government legislation.

As Mrs Peulich has already indicated, the committee found a number of concerns with the bill itself and also with the policy the bill implies. The bill proposes an environmental levy of 10 cents on certain drink containers. The idea is that manufacturers and importers will pay the Environment Protection Authority 10 cents for every container they distribute in the market, and for each redeemed container 10 cents will be refunded. The scheme assumes that not all containers will be redeemed and that the EPA is permitted to keep the deposits for its administrative costs as well as for projects that promote litter collection or other related initiatives.

As Ms Hartland indicated, the Boomerang Alliance argues that the scheme would be self-funding. However, the EPA told the committee that it was more likely the scheme would operate at a loss. The

overriding concern Labor members have with the container deposit legislation scheme is that it focuses disproportionately on one type of litter, treating away-from-home drink container retrieval as separate from the overall waste management system. We think this issue should be dealt with as part of the bigger waste management system. I commend the report to the house.

Mr ELSBURY (Western Metropolitan) — I speak in support of the Environment and Planning Committee's report on the introduction of a bill for CDL (container deposit legislation), as put forward by Ms Hartland, which has been presented to the house. From the outset this was an idea that showed some promise. However, unfortunately we were unable to get figures to back up assertions that were made on the bill, and this caused me great concern. Basically, if the CDL did not reach the financial goals that it set itself, the Victorian taxpayer would once again have been paying for a scheme to assist the environment in some way.

Another point I would like to make about the CDL is that it seeks to make one form of trash into a viable economic option whilst ignoring other elements of rubbish. This is a major concern for me, as someone who has been a volunteer with Clean Up Australia Day. It was even apparent in materials we saw from Keep Australia Beautiful and in evidence we have received from other environmental groups espousing the CDL. In one video in particular I noticed a gentleman rummaging through rubbish to find bottles. But he left plastics and other pieces of debris behind, seeking only the cash cow. If this is an effort to try to reduce rubbish, I am rather dubious about that particular point.

Hon. M. P. Pakula — The coalition was all for it last term.

Mr ELSBURY — I was not in the chamber, Mr Pakula. In any case, it was a good idea, but unfortunately I do not believe it will reach the outcomes. I support the report.

Ms PENNICUIK (Southern Metropolitan) — The Environment and Planning Legislation Committee has looked into Ms Hartland's Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011. The process took us six months. It was a fair process, but I take issue with what Mr Elsbury said. I would suggest that there was conflicting evidence about the financial implications of the bill, and there was conflicting evidence about the legal and constitutional issues associated with the bill. They are reflected in the report.

As Mrs Peulich indicated, I have prepared a minority report which is there for all to see. I do not want to go to it, but I agree with Mrs Peulich that I do not significantly disagree with the findings of the main report. However, I feel the report is more negative about CDL (container deposit legislation) as a concept than was the evidence presented to us, particularly during our excursion to South Australia to see how it works there. There is a more successful CDL scheme there than the report suggests. That is what I say in my minority report.

I remind the house that of the 11 billion beverage containers used in Australia every year, 9 billion end up in landfill. South Australia recycles 38 per cent more PET, or polyethylene terephthalate, and 49 per cent more glass than the national average. In South Australia 87 per cent of beverage containers are recycled. In Victoria it is 35 per cent. We have a long way to go. We need a national scheme, but in the absence of a national scheme Victoria should lead the way.

I would like to thank Keir Delaney and Anthony Walsh, the members of the committee and everyone who made submissions to the committee and came to the hearings. Their contributions have all been valuable. I commend the report to people. I suggest people read the major submissions if they want to know more about this issue — its day will come, and soon I hope.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Environment and Planning Legislation Committee's inquiry into the CDL (container deposit legislation) scheme. I commend Ms Hartland for bringing this matter to a committee for investigation. The results of the investigation are inconclusive about the financial impact of this scheme. Whilst I commend the work of Ms Hartland and her staff member Liz Ingham for their work on it, this report is inconclusive in terms of the financial impact on existing recycling businesses and the ultimate reduction of litter in our parks and gardens. I worry about the amount of capital that existing recycling businesses would have to commit in order to make this plan effective. I worry about the impact on rates and the revenue of councils which, right now, take a very small margin from their recycling businesses. To extricate that from them will, based on some of the evidence we received, have a financial impact on residents and ratepayers.

I am a former president of an Apex club which used to make money out of Cash a Can, an aluminium can recycling scheme. If this container deposit legislation is enacted, it will have some financial impact on local communities, including groups such as Apex, Lions and Rotary clubs, which utilise funds from recycling to

build parks and help people who need a hand. In the case of the Apex club at Healesville, where I was the president, we bought a lawnmower to help cut the lawns of people who could not afford to do it themselves. If we take that money out of the system, we affect people and their lives.

I like the idea of cleaning up litter in the streets, but this scheme does not go to that. It is simply about getting bottles out of the system and recycling them — bottles that may or may not be in parks and gardens and people's homes. We would be creating a diversion away from what the main emphasis was.

I congratulate the committee and Mrs Peulich on her chairpersonship of the committee. Others could take a bit of a lesson on how to chair a committee from Mrs Peulich. It was a delight to be part of this committee. We learnt a lot, but the results are inconclusive.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to make my contribution as a member of the Environment and Planning Legislation Committee. I want to assure the house that I believe all members of the committee put in their best efforts. We had to deal with the synthesis of a lot of information from submissions that we sought and received and from evidence presented to us in the hearings. I think there are some salutary lessons to be learnt from this process.

I would like to make an overarching statement: as we move forward as a society we must adopt sustainable practices to save the planet and bring about positive environmental outcomes.

The fundamental principle that we always need to look for is to see that it is economically sustainable, because all the stakeholders will dissipate, and we will not have the robust commitment as a society if something is going to fall over financially and need to be propped up by agencies, ratepayers and taxpayers. The perspective and the input of government committee members was that we genuinely wanted to find out more as to the latest thinking and the latest schemes. Importantly, we acted in a responsible fashion in our deliberations so that if we were to embrace and recommend a scheme through a bill such as this going forward, it would also have a responsible impact on the taxpayers and ratepayers of Victoria. The jury is still out in terms of the economic and financial sustainability of such projects. I can speak with a measure of authority —

The ACTING PRESIDENT (Mr Elasmor) — Time!

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Review of 2009–10 and 2010–11 annual reports

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

Laid on table.

Ordered that report be printed.

Mr P. DAVIS (Eastern Victoria) — I move:

That the Council take note of the report.

In so doing, I will make a few remarks. This report is part of the accountability process which the Public Accounts and Estimates Committee (PAEC) runs in regard to the outcomes of Victorian government operations. The report is important in that it contains information which will be relevant and of interest to all members. The report found a lack of consistency and reporting from various government departments and agencies. The committee has subsequently recommended 43 courses of action to assist organisations to improve transparency and accountability.

Annual reports contain important financial performance information, information about the operation and performance of reporting entities against targets. Annual reports are an essential component of the state's accountability mechanisms. They provide crucial information about an entity's performance which can inform the government's decision making. They also provide to stakeholders, including the wider Victorian community, transparency about the government's performance. The Public Accounts and Estimates Committee examined the annual reports of the 11 Victorian government departments, Parliament's annual report, the three independent offices of Parliament and six selected emergency services organisations.

Overall PAEC made three major findings in the review. The first is that there is much variety and details on operations reported by the departments and agencies, with some providing substantial information about their activities while others provide only the barest minimum of information required by government. The second major finding is that while most reviewed entities have complied with the majority of the government's directions for annual reports there was a significant degree of non-compliance with some directions. The committee considers that there is some work to be done

by the central government agencies to ensure that all entities are aware of the requirements and that the guidance materials are clear and not unnecessarily complex.

The third major finding of the committee is that there is scope for some additional areas of reporting to be mandated by the government. As part of its inquiry the committee identified a set of better practice criteria for annual reporting based on work done by various auditors-general and other bodies. The committee found that not all of these criteria are being met and that anomalies exist because compliance with some criteria are neither mandated nor universal. PAEC's 43 recommendations in this report require that more details and consistency in annual reporting are provided by departments so that they are useful for the Victorian community and will assist the government in meeting its aim of increasing transparency and accountability.

There is an enormous body of work undertaken by the secretariat to prepare such a report and review the annual reports of departments and other entities. I need to acknowledge particularly the work of the secretariat, effectively led by executive officer Valerie Cheong. The senior research officer for this project, Christopher Gribbin, led a team including research officers Priyanaka Narayan, Bill Stent and Flavien Dreno. The business support officer is Melanie Hondros, and the desktop publisher is Justin Ong. I thank all the members of the secretariat staff for their dedication generally but particularly to this report. In addition I acknowledge the cooperative approach of the committee members. We make a genuine attempt to bring in bipartisan reports, and I am pleased to acknowledge that not just members of the government parties but also members of the opposition work with that in mind to advance transparency and accountability to the Parliament.

Hon. M. P. PAKULA (Western Metropolitan) — In my 2 minutes I will make some brief comments. Firstly, because I do not want to run out of time to do this, I want to thank the chair for his comments and the secretariat, particularly executive officer Valerie Cheong, Chris Gribbin, Priyanaka Narayan, Bill Stent, Flavien Dreno, Melanie Hondros and Justin Ong for all their work in helping the committee to compile this report. Secondly, I would like to take the opportunity to encourage members to fill out the feedback survey inside the front cover of the report. It is an important way for the committee to ascertain the usefulness of our reviews of the annual reports. I am not sure that those surveys have been widely returned in years gone by, and it would be an encouraging change if members took the time to view the report and return the survey.

I want also to draw attention to one particular element of the report which is on pages 10 and 11 — that is, the position put by committee members that we believe it to be inappropriate for the Parliament to be included by the Department of Treasury and Finance as an applicable reporting entity. We say that because the separation of powers is entrenched in the Constitution Act 1975 and we consider that the sovereignty and independence of the Parliament needs to be recognised by the Department of Treasury and Finance, and as a result the Parliament should be removed from the list of applicable reporting entities.

That is an important recognition of the separation between the executive and the legislature, one that needs to be respected by the Department of Treasury and Finance, that the Parliament needs to guard very closely and that the committee brings to attention in the tabling of this report.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Government Advertising and Communications, February 2012.

Public Transport Performance, February 2012.

Border Groundwaters Agreement Review Committee — Report, 2010–11.

Statutory Rules under the following Acts of Parliament:

Bus Safety Act 2009 — No. 9.

Cancer Act 1958 — No. 8.

Road Safety Act 1986 — No. 10.

MEMBERS STATEMENTS

DonateLife Week

Mr TARLAMIS (South Eastern Metropolitan) — Last week was DonateLife Week. As an active supporter of organ donation programs and a registered donor myself, I fully encourage and promote initiatives that will lead to an increase in organ donation and awareness. This year the main focus of DonateLife's national awareness week was to encourage young adults to think about organ and tissue donation. Regrettably, only 57 per cent of Australians know the donation wishes of their loved ones, despite statistics

showing that more Australians are discussing organ and tissue donation among their families.

Last year 337 organ donors were responsible for saving or improving the lives of 1001 patients requiring an organ transplant. This was the highest annual total of deceased organ donors and transplant recipients in our history. Crucial to these improvements was the 2009 agreement between the federal Labor government and the states to implement the national health and hospital reform package, with the federal government funding 160 doctors in 77 hospitals across the country to work especially on organ, eye and tissue donation. To continue this ongoing improvement, governments of all persuasions need to continue to invest in education programs that highlight the benefits of organ donation to the entire community. I also look forward to the recommendations from the parliamentary inquiry into options to increase organ donation that is due in a few months.

Clarinda library: reopening

Mr TARLAMIS — On another matter, I was delighted last month to attend the official opening of the refurbished Clarinda library. The \$620 000 refurbishment included a redesign of the library's multipurpose room, which has provided a more flexible and adaptable community space. This is an important community asset which will provide great value to the local community for many generations to come, and the City of Kingston should be congratulated that at a time when many councils are merging their library services it is expanding them.

Animals: welfare

Ms PENNICUIK (Southern Metropolitan) — On 24 February I was privileged to attend an evening with Lyn White, hosted at Federation Square by Animals Australia. Lyn gave a profound and inspiring speech, beginning with the suffering of animals in the live export trade, for which she has become well known and has worked on for more than a decade. Regrettably in the past 24 hours we have seen that the brutal treatment of live export cattle continues. The live export trade is inherently cruel and must be stopped.

Lyn spoke of the daily suffering of billions of animals at the hands of humans, in agriculture, research and other fields. She posed the question why, when most people are so distressed by animal suffering — such as is seen in her footage of the Indonesian abattoirs — that they cannot bear to see it, they can be contributing to that suffering by the choices they make every day if they do not know or do not want to know about it.

In the audience that night was Siobhan O'Sullivan. Two nights earlier, on 22 February, at Melbourne University I attended the launch by Peter Singer of Siobhan's book, *Animals, Equality and Democracy*. In her book Siobhan explores why it is that we treat animals differently depending on their status or their use for and by humans and whether or not they are in public view. Laws and regulations for the protection of the same species of animal can differ markedly depending on these factors. This is something we all know but most people rarely think about, and Siobhan argues that this is inconsistent with liberal democratic values.

I pay tribute to these wonderful women and to the team at Animals Australia for their tireless efforts on behalf of animals. I believe the treatment of animals is becoming an important ethical issue in the 21st century, as it should.

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

Mum for Mum program

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — One of the most common things you hear a new mum say is, 'Babies don't come with a manual'. While a new family member is an exciting and often long-awaited event, it is likely that we all know a new mum who has been just a little bit daunted by the whole situation. That is why I was honoured to launch the Mum for Mum pilot last week. This wonderful program run by the National Council of Jewish Women of Australia brings women together in understanding and supporting relationships. Not every new mum has an extended or close family and not every new mum has a network of understanding friends. That is why Mum for Mum is such a great way to help with the transition to parenting. This program matches volunteers with mums who need a helping hand or just a bit of support or advice.

Mum for Mum complements the services the Victorian government already offers new mothers, including maternal and child health services. It is a not-for-profit volunteer organisation and a project that is thriving through community and local business support, all without the need for or expectation of state government funding. As a government we know that the health and wellbeing of mums has a big impact on the health and wellbeing of their children. The Mum for Mum pilot is an exciting endeavour, one which will make a real difference to entire families. I look forward to seeing the progress of this program, which has already had success in the United States of America and Israel.

Rail: St Albans level crossing

Mr EIDEH (Western Metropolitan) — Last week I visited the Main Road rail crossing in St Albans with my parliamentary colleagues in the Assembly the Leader of the Opposition, Daniel Andrews, the member for Mulgrave; Fiona Richardson, the shadow Minister for Public Transport and member for Northcote; Marlene Kairouz, the member for Kororoit; and Telmo Languiller, the member for Derrimut. It was personally disappointing, although not surprising, to see that this dangerous crossing, which has taken too many lives in the past and most recently caused another two deaths between October and January, has been ignored.

Once again the current Liberal government has neglected the safety of people in my electorate in the west. The Main Road rail crossing in St Albans is ranked no. 3 on the independent priority list as needing an urgent safety upgrade. I am baffled as to why the government has ignored the urgent need to upgrade this crossing and has instead decided to upgrade the New Street rail crossing in Brighton, which was formerly ranked no. 233, in the electorate of the Deputy Leader of the Liberal Party in the Assembly, Louise Asher. Is this another example of prioritising the needs of those on the other side of the Yarra River? How many more people need to have their lives tragically taken?

The ACTING PRESIDENT (Mr Elasmarr) — Time!

Police: Koo Wee Rup station

Mr O'DONOHUE (Eastern Victoria) — I was pleased to join the Deputy Premier and Minister for Police and Emergency Services, Peter Ryan, and the Speaker of the Legislative Assembly, the member for Bass, Ken Smith, at the official opening of the new \$1.65 million police station at Koo Wee Rup on 17 February. The new station will provide a boost to the police presence in the growing township of Koo Wee Rup. The station is now manned 16 hours a day and has one sergeant and four senior constables. Located next to the old station, the new police station features modern facilities such as an entrance foyer, reception counter, watch-house, mess room, interview room, holding room and lockup garage. It also includes some sustainable features such as rainwater tanks, a solar energy system and drought-tolerant garden. The new station was warmly welcomed by the growing community and will be a great asset to it.

Rail: protective services officers

Mr O'DONOHUE — I was pleased to see the first protective services officers (PSOs) graduate from the Victoria Police Academy on Friday, 17 February. Soon thereafter they commenced their important work. This is part of the delivery of an important government commitment and promise.

I remember with interest the comments of the Chief Commissioner of Police reported in the *Herald Sun* of 20 February. He talked about the benefits that PSOs will bring to the public transport system and how regrettable it is that only 37 per cent of people feel safe travelling on our railway network in the dark. It is time the Labor opposition got on board and declared its position in relation to protective services officers and whether it will remove or keep the officers if it wins the next election or continue to do what it has been doing — sitting on the fence.

Darebin Community and Kite Festival

Mr ELASMAR (Northern Metropolitan) — On 19 February with other parliamentary colleagues I attended the annual launch of the Darebin Community and Kite Festival. Fortunately the weather was kind on the day, so attendance was up from last year. The Chinese community again flew colourful kites to the delight of all the children present. I commend Darebin City Council staff on organising this well-attended annual event.

Islamic Museum of Australia: soil-turning ceremony

Mr ELASMAR — On another matter, on Friday, 17 February, I was invited to participate in a soil-turning ceremony for the proposed Islamic Museum of Australia. The founder and director of this museum is Mr Moustafa Fahour, who, along with the federal Department of Foreign Affairs and Trade, organised an extremely well-attended ceremony. Guess what? The Victorian Premier was there, so government members cannot attack me! Several senior federal cabinet ministers as well as state ministers were also there on that historic occasion. When it is completed the project will be the first of its kind in Australia. I congratulate the organisers and the Department of Foreign Affairs and Trade.

Nurses: enterprise bargaining

Mrs PETROVICH (Northern Victoria) — My statement today is especially relevant because we are

wearing out teal ribbons to acknowledge ovarian cancer.

I am concerned over a constituent's distressing experience as a result of strike action by nurses at the Bendigo hospital. A young woman was scheduled to have an operation in Bendigo hospital yesterday morning. This operation has been weighing on her mind as well as those of her husband and her parents, as it will determine both the status of her health and whether she can ever have children. The diagnosis is unknown but could be as bad as that she has ovarian cancer.

Feeling very anxious about this operation, early yesterday morning she left her home near Seymour with her husband and drove to Bendigo in a very bad storm. After waiting for some time she was told that her surgery had been cancelled due to the nurses strike. This young lady has taken a week's unpaid leave from work, and her husband had to take a day off work to take her to the hospital and care for her. She will need further time off work when her operation is rescheduled. She was very upset, but she also feels this situation is going to have a flow-on effect to others for a long time yet. She is angry that this sort of situation can happen due to strike action. The financial and emotional costs are disturbing for those who take unpaid leave and pay for their own transportation to hospital, which can include taxi and taxpayer-funded patient transport.

Whilst I support the right of any member of the Victorian community to protest, I have difficulty accepting the sort of supposed evidence that says the health and wellbeing of Victorians are not being impacted by the Australian Nursing Federation's action in relation to this and other cases.

Domenica Rossi

Ms MIKAKOS (Northern Metropolitan) — I pay tribute to Domenica Rossi, who, sadly, passed away in November 2011. Domenica made a significant contribution to the community in the northern suburbs by assisting in the development of services and programs for migrant women. She was a longstanding president of the Elderly Italo-Australian Women's Group of Darebin and a founding member of northern women's health groups as well as being involved in many other organisations. Domenica was inducted into the inaugural Victorian Honour Roll of Women in 2002 and received a Medal of the Order of Australia. Our community is stronger and better for the contribution of Domenica Rossi, and she will be sadly missed by all.

Whittlesea: youth fair

Ms MIKAKOS — On 16 February I was pleased to join the Assembly members for Yan Yean, Mill Park and Thomastown to support the Whittlesea Youth Employment Opportunities Fair organised by Whittlesea Youth Commitment. The fair provides youth in Whittlesea with a network of contacts to find employment or gain further training. Finding a job has become increasingly more challenging for today's youth with the latest youth unemployment figures at 20.6 per cent. It is more challenging due to a lack of action on jobs by the Baillieu government and cuts to the Victorian certificate of applied learning program and apprenticeship traineeships. The fair was well attended and included workshops that equipped youth with the tools they will need to enter the job market and further their skills.

Congratulations to the Whittlesea Youth Commitment team and the partners and volunteers who helped make this a positive and engaging experience for young people in Whittlesea.

National Union of Greek Australian Students: *Epimetheus and Paradigm*

Ms MIKAKOS — On a final matter, on 9 February I had the pleasure of attending the launch of the National Union of Greek Australian Students national convention and the launch of their two new magazines *Epimetheus* and *Paradigm*. NUGAS is a 42-year-old organisation that supports students of Greek heritage. I congratulate the national president, Lex Georgiou, the Victorian president, Natole Jasonides, and the committee members on a successful launch.

Lawn bowls: 2012 Australian Open

Mr ONDARCHIE (Northern Metropolitan) — On 23 February I was pleased to represent the government at Bowls Australia's 2012 Australian Open, which was a nationally televised event and was held in Darebin in Melbourne's north, one of Melbourne's great places to live, work and play.

Ms Mikakos interjected.

Mr ONDARCHIE — It is a great place. Ms Mikakos should visit Melbourne's north every now and again and check out what it is like.

The winner of the women's competition was Australian captain Lynsey Armitage. She just pipped 18-year-old Lisa Phillips from Victoria, who was last year's winner. An 18-year-old playing women's bowls in the Australian Open — what a compliment that is to the

sport in general. The winner of the men's competition was Commonwealth Games gold and silver medallist Mark Casey, and he claimed that trophy in spectacular fashion.

I commend the president of Bowls Australia, Joe Aarons, who is a recipient of the Medal of the Order of Australia, and his board. I also commend the vice-president of Bowls Victoria, Rosemary Varty, a former member of this place, on her wonderful work there. I commend the chief executive Neil Dalrymple and his management team who put together a wonderful televised event that put Darebin and Melbourne's north on the map. In particular I pay tribute to Des Ryan, who is the operations manager at Bowls Australia and who made things appear to be seamless. They provided Australians right across the country with a great event that was well televised on Fox Sports.

Windarring

Mrs COOTE (Southern Metropolitan) — A few weeks ago I had the great pleasure of visiting Windarring, a vibrant provider of services and supported accommodation in Castlemaine. As I walked through that organisation's front door, the whole atmosphere enveloped me. It was absolutely terrific. There were a lot of people doing so many different things. I want to put on record my praise for everyone involved: the volunteers, of whom there were many, the management and the participants. It was just a really great service.

The successes of Windarring are numerous, especially in the local community. It is involved with snooker nights, bike rides for charity and art exhibitions; it is involved at every level of the community. Whilst I was there I spoke to representatives of the organisation. They praised the huge support they have had from their local member, Damian Drum, a member for Northern Victoria Region, and they wanted to commend him on all the help and support that he gives to the organisation.

Mount Alexander Shire Accommodation and Respite Group

Mrs COOTE — It is also interesting to note that I was given a package from Robyn and her team from the Mount Alexander Shire Accommodation and Respite Group. This organisation is building a new respite centre on which it is to be congratulated. Ms Wooldridge, the Minister for Mental Health, has given them a \$300 000 grant. The Lions Club has provided help to the organisation, as have many

community members; indeed a local farmer has given the organisation 7 acres of land for the location of this very much-needed respite centre.

This was a great community at work. It was terrific to be there. I really want to congratulate everyone who was involved.

Rail: protective services officers

Mr ELSBURY (Western Metropolitan) — I was stunned to read the *Herald Sun* of 22 February and find the headline ‘Metro warned to keep eye on new protective services officers at stations’. The article states:

Station staff should be trained to recognise and report any gun-happy behaviour by protective services officers who hit Melbourne platforms today, Metro has been told.

The rail operator has also been warned that plain-clothes ticket inspectors could be at risk if PSOs did not recognise them during showdowns with fare evaders.

This information was provided by the Rail, Tram and Bus Union secretary, Trevor Dobbyn, who goes on to say that armed protective services officers ‘were a danger to the public and Metro staff’. I can understand why the union is upset; these are people on train platforms from whom it does not collect any revenue by way of membership fees.

I then found a media release from the Greens in which Sue Pennicuik, a member for Southern Metropolitan Region, said:

I am very concerned that 18 newly graduated PSOs are heading out tomorrow night with semiautomatic weapons on our most crowded stations ...

This is not the latest instalment of the Police Academy film franchise. These are people who have been well trained by the Victoria Police Academy. They know what they are doing. They know how to handle their weapons and they know what they need to do to deal with people who are in bad situations.

Firefighting: rural championships

Mr O’BRIEN (Western Victoria) — Last Sunday I had the pleasure of attending the District 6 rural firefighting championships event at Beeac near Colac, an event at which junior and senior firefighters test their skills in a competitive environment, at the same time building fitness and developing friendships that encourage them to begin their careers as volunteer firefighters. This occurred under the stewardship of legends such as Dot McGee.

According to Volunteer Fire Brigades Victoria, rural fire brigade competitions have been running in Victoria since 1872, when brigades discovered their training and efficiency improved when they engaged in training competitions with neighbouring brigades.

The event at Beeac proceeded despite the sweltering conditions. I applaud the organisers of the event, which included brigades from Connewarre, Napoleons, Ascot, Irrewarra, Truganina, Wallington, Beeac, Woodford, Elaine and a small one from Warrion that was merged in with the Beeac brigade.

The firefighting skills on display were called into action over the weekend as grassfires threatened the outskirts of Ararat, coming within 3 kilometres of the town. Over 250 Country Fire Authority and Department of Sustainability and Environment firefighters were involved in containing the blaze, which burnt over 1000 hectares. Fortunately there were no injuries or building losses as a result of the fire.

I commend the men and women involved in protecting lives and property in this part of western Victoria. It is a reminder of the dangers of complacency even at this late stage of the fire season.

Country Fire Authority: Pura Pura brigade

Mr O’BRIEN — On the same note, this coming weekend I will have the pleasure of handing over the rebuilt Pura Pura Country Fire Authority facility to the local brigade, which is one of our important country brigades near Skipton. I reiterate our government’s commitment to support the CFA and its staff by providing them with modern facilities to carry out their important work.

CITY OF MORELAND: PLANNING SCHEME AMENDMENT C140

Mr TEE (Eastern Metropolitan) — I move:

That amendment C140 to the Moreland planning scheme be revoked.

It is with some sadness that we find ourselves here again. It is another week and we have another decision made by this Minister for Planning to ride roughshod over local communities, local councils and processes. Today the victims of this planning minister are the residents living near the Brunswick terminal station in Moreland. The existing terminal station has been there since 1939. It is bounded on one side by Merri Creek and on the other side, literally across the road, we have a number of residents. We have families, we have

communities and we have children. The proposal by this minister will force on this community a massive expansion of the Brunswick terminal station.

We have another example of bad practices leading to potentially bad outcomes. Again we have the minister unilaterally changing zoning. In this case he is changing the zoning from residential to special use, but what is common for this minister — the form we have come to expect from him — is that in doing so his actions are unilateral. He is ignoring the council, he is ignoring the community and he has taken the issue out of the hands of the Victorian Civil and Administrative Tribunal, where the matter was to be heard, and is set to impose his own will on this community.

As I have said, this minister has form in this area. He has the dubious distinction of being the only Victorian planning minister in history to be sued twice in as many months. We have a planning process across the state in which this minister does not discriminate: his actions are littering the state, whether it is in Portland, Torquay, Serendip or Footscray. All are examples of at best mind-boggling incompetence and potentially something a lot worse. Today's example is just another one; it is really just the next instalment.

What we are being asked to look at today is the minister's decision to supercharge the Brunswick terminal station. This is the biggest change to hit this station and probably this community in 70 years. The community's members are being asked to tolerate and be exposed to a fourfold increase in the power surging through this substation. The protection community members have — their buffer — is literally the fact that they live across the road. That has caused some concern in the community. We have a substation that interacts with families with children, and the minister has ignored and turned his back on this community.

As I said, that is not new. That is the form this minister has. He operates regardless of local communities and regardless of their councils, and he disregards the notion of any process. So arrogant and so dismissive has he become that he refuses to even consult. Consultation, he says, is below him. On 15 February he put out a media release in which he said:

SP AusNet consulted with the Brunswick community and other stakeholders in developing its plans.

The minister has contracted out his obligation — his moral obligation at least — to look this community's members in the eyes, consult with them, listen to them and address their fears. These are not minor, trivial matters. We are talking about a fourfold increase in the capacity of this power station, yet the minister says, 'I,

the responsible authority, am going to rely upon SP AusNet to do the consultation'. That is in his media release.

Mrs Peulich — You're talking about moral obligations.

Mr TEE — It might be even more. I do not have any issue with SP AusNet. Like all others involved, it has been let down by this minister and this process — or the lack of any process. At the heart of this is a lack of regard for the community. This is coming out of the minister's own words. This is not my view but the minister's view as set out in his media release. Mr Guy is the planning authority, the minister with whom the buck stops; this is his decision and he has to take responsibility, yet he refuses to even set up a process through which he could consult with the community. He has ridden roughshod over the community. In addition, once again — as we have seen occur right across the state — he has disregarded the views of the council.

It should be noted that the council did consult. It had a consultation process, and it came up with an outcome. I will come to that later, but it is worth noting now that the Greens, Mr Barber, have not necessarily covered themselves in glory on this one.

Mr Barber interjected.

Mr TEE — No. It is worth noting and putting on the record that when this motion came up before the council — —

Mr Barber — What motion?

Mr TEE — The motion to approve the permit application. When that came to the council — —

Mr Barber — When was that?

Mr TEE — On 23 November. It was moved and seconded by not one but two Greens councillors. This is an application that came before that council because of the support of two Greens councillors.

Mr Barber interjected.

Mr TEE — It will be interesting to see, Mr Barber, how you dissect the position taken by those two councillors in relation to your own. I look forward to your contribution on that matter. I do not think there is much difference between what was before the council and what ultimately the minister approved, though I stand to be corrected on that.

Cooler heads prevailed, and the council rejected the Greens motion. In rejecting the motion the council focused on the health impact of the substation. What the council said — and this is from the minutes of its meeting of 23 November — was that:

The proposal is contrary to ... the Moreland planning scheme, because the applicant has failed to satisfactorily demonstrate how the buildings and works will reduce the impact on the health of the community and how the works will satisfy a policy of prudent avoidance to eliminate any health effects associated with exposure to electromagnetic energy fields.

The council went on to say:

The proposal is contrary to council's human exposure to electromagnetic radiation policy, February 2000.

That is important for two reasons. What the council is essentially saying is that it cannot guarantee the health of the community — those families, those residents and those children who live across the road. That is a very important consideration that has certainly moved me in terms of my position on this motion. It is important for another reason. In addressing this issue by reference to its policies in relation to health, the council has followed the advice of none other than the Minister for Health. The Minister for Health was approached by the community in relation to the health impacts of this massive increase. Through his chief of staff the minister said this to the community by way of a letter dated 16 August 2011:

I thank you for bringing the matter to my attention and encourage you to participate in the planning process which I understand is currently before Moreland City Council.

I am also advised that the council has a public policy on human exposure to electromagnetic radiation. This policy indicates that council will seek to achieve agreement with power companies on a Moreland prudent avoidance process and enforce compliance with this process in all new developments and upgrades. I recommend that you also discuss your concerns with the council with a view to seeking input into their precautionary strategy discussions with the power companies as part of the council's prudent avoidance process.

What we have is the Minister for Health saying, 'I understand that you have health concerns, but there is a council process. There is a council policy. Work through that council process, and work through that council policy'. Of course what happens when that council process and that council policy are worked through is that the council uses that policy as grounds for rejecting this planning approval. The community is given comfort by the Minister for Health that its issues will be addressed. Its issues are then addressed by the council, but the Minister for Planning disregards not only the community but also the process that the

Minister for Health in his own government encouraged the community to pursue.

We have a disconnect between the Minister for Health and the Minister for Planning. We have the Minister for Health saying one thing to the community and the Minister for Planning riding roughshod not only over the community but also over the Minister for Health. The Minister for Planning comes trampling in like some sort of dark knight, disregarding all the work the council has been doing and all the material it has in terms of the compliance of this proposal with its policies. He disregards all of that and once again imposes his own view on this community.

I do not hold myself out to be an expert on the health impacts of this expanded facility. That is not something I am an expert on, but neither is the Minister for Planning. You would have thought that on something so critical and so important where having gone through the process the minister is going to walk away from the views of the council and disregard that outcome, he would put in place some independent review that at the very least would give this community some comfort in relation to its very real concerns about the health impacts. Before you quadruple the power flowing through the system, you would have thought that you could get some independent advice. We are talking about a facility that has been there for more than seven years and a facility that will probably continue to be there for generations, yet, coming back to Mrs Peulich's point, this minister does not have the moral fibre to stand up and say, 'Hang on a minute. For my own sake I want to know that there are no health impacts. For the sake of this community I want to know what the health impacts are'. There is no comfort to this community or indeed to any community from this government.

For us, the health and safety of this community are paramount. If this planning scheme amendment is not disallowed, the community will be stuck with this decision by this minister for a very long time, so what the opposition is doing today is appealing to those in this chamber to vote to revoke this planning scheme amendment. We do so on the basis that this community deserves a proper process — a process that has a look at the health impacts and a process that has a look at whether this is the best way to proceed with this expansion. Such a process should look at how this massive structure being imposed on this community — a structure that has some three buildings, some of which are 50 metres wide and 10 metres high — will be a major impost on the landscape. However, once again the minister has had no independent verification of whether this is how the structure ought to be built.

There is no independent verification of whether you can do it differently, do it better or do it in a way that is safer. Our view is that before dumping this on the community the minister should have consulted and spoken to the community. Before the government rams this through it should be fully informed, and the requirement for independent advice is paramount in terms of that.

I am not doubting for one moment that the power companies have done their jobs to the best of their abilities — I do not have any evidence to the contrary — but this community has a number of concerns about the location, size and shape of this development. I congratulate the local member of Parliament for Brunswick, Jane Garrett in the Assembly, for her excellent advocacy on behalf of the local community in making sure that its views are properly and appropriately represented. She has done a sensational job of making sure that the community is aware of what is happening in relation to these issues and that these issues are brought to everyone's attention.

Again, what we have is a flaw in the processes adopted by this government and this minister. There is a flaw in the planning process, because once again they have failed to deliver a process. It is not even that we ended up with a flawed process — we have no process. There has been no independent panel, there has been no independent review of the merits of the proposal and there has been no independent review of the health impacts on the community. The government and the minister have failed to give this very important issue the very serious consideration it is due.

We on this side stand shoulder to shoulder with the community. We stand shoulder to shoulder with its request for an independent process — a process that will examine all the areas that are contested and a process that will make sure that we get a better outcome not just today but for generations to come. It is only then, once we have had an independent process, that the chamber and members in this house can really be confident that this is the best way forward and, more importantly, that this will not impact on the health of this community.

We are very keen for this planning scheme amendment to be revoked so this minister can do it properly and can get it right, so we do not flay about without any idea as to the consequences of the decisions that are being made, so we do not end up with an outcome that we come to regret because this matter was acted on in haste and without any due consideration. We would urge members today to support my revocation motion.

Mrs PETROVICH (Northern Victoria) — I am very pleased to rise to speak in opposition to this motion. The Minister for Planning, the Honourable Matthew Guy, is a very good minister and one who has taken many steps to improve planning regimes in Victoria following the appalling track records of a succession of poor planning ministers under the previous regime. Minister Guy has approved amendment C140 to the Moreland planning scheme allowing rezoning of the Brunswick terminal station site to special use zone. This allows for a vital upgrade of the terminal station.

I think a key point, and the nub of this whole conversation, goes to the fact that this station has been located at the same site since 1938. That site will now be zoned special use. It is not a huge step forward, but this means that SP AusNet, as the owner of that station, can begin its upgrade to those works to ensure security of supply of electricity across inner Melbourne, including the northern and western CBD and many inner suburbs. This is not in my electorate, but I think it would be a basic and key principle for a society that enjoys a reasonable standard of living: a secure and reliable power supply is a basis for how we live our lives, and it is the provision of an essential service that people have a right to expect. Many of our elderly people have been impacted during heat waves because of infrastructure that has been allowed to become run-down over a long period of time, and I think a step forward to progress an outcome is where this government wants to be; it wants an outcome that ensures that that power supply meets the needs of Victorians.

The planned upgrade is expected to cost around \$271 million. SP AusNet has consulted with the Brunswick community and other stakeholders in developing these plans, and this facility will be located on a site that is not an outdoor site — it is actually enclosed — and extensive landscaping has been included to ensure that there is some local amenity for that community. I think that is all part of good and proper planning for where we need to go.

Mr Barber — What about the wind turbine?

Mrs PETROVICH — These are all alternatives in the mix, I would have to say, Mr Barber, and as part of a suite of alternative measures these are things that need to be looked at. But currently they are not going to ensure the provision of a secure essential service for Victorians. Looking at clean and green energy is something that we need to work towards with appropriate planning processes around it, which this government has also provided for under Mr Guy's

guidance. It has ensured that people will not have the sort of infrastructure imposed on them in rural zones which is effectively an industrial use and which has a great impact on those communities. They have been very divisive. Under the previous government's wind atlas, with no consultation — —

Mr Tee interjected.

Mrs PETROVICH — That is nonsensical and absolutely what I would expect from Mr Tee. We need to understand that these things are solutions for the future, but as it stands now we need to work towards that future with an appropriate planning process to ensure that people are not impacted on, that their lives are not ruined and that whether it is a real or imagined health risk — the community is still out on that — —

Mr Tee interjected.

Mrs PETROVICH — I think a 2-kilometre buffer is very reasonable if you are living under a turbine, Mr Tee. When you look at the process that has surrounded the approach to the planning of this and the claim that there has been no consultation and the fact that the council actually rejected this planning application, it is interesting to note the breakdown of the vote on that council. This matter was taken to an urban planning committee of the Moreland City Council which was made up of seven councillors. The council planning department recommended granting the Brunswick terminal station permit with some minor conditions. Interestingly the vote went like this. For the upgrade: Jo Connellan, Greens; Toby Archer, Greens; Alice Pryor, Labor Left but pro Greens — —

Mr Barber interjected.

Mrs PETROVICH — That says a mouthful too, Mr Barber. But anyway, the councillors who voted against were: Enver Erdogan, Labor Socialist Left, anti-Greens — —

Mrs Peulich — Can you say it again? Sorry, we missed that last one.

Mrs PETROVICH — I will just reiterate for Mrs Peulich's benefit: Cr Enver Erdogan, Labor Socialist Left, anti-Greens; Cr Stella — excuse me if I do not get the pronunciation of these people's names right; people have trouble with my name too — Kariofylidis, Labor Socialist Left; Cr Lambros Tapinos, Labor Right. What does this mean? Is this a split in the Greens-Labor alliance? Or is this actually cheap politics on behalf of Labor, which is doing what it does best, which is using community issues as a springboard for a

cheap political shot. Is this another Labor cook-up? Is this misusing — —

Mrs Peulich interjected.

Mrs PETROVICH — I am not sure what Mr Tee's involvement is in this, but we have seen the debacle, the infighting and the factionalism and how constructive that has been at a federal level for Australia.

Ms Tierney interjected.

Mrs PETROVICH — Relevance is modus operandi, Ms Tierney. We clearly demonstrate who we are by what we do. The modus operandi of the Labor Party is self-serving and cheap political point-scoring; it could not organise the proverbial — —

Ms Tierney — On a point of order, Acting President, on the matter of relevance, I ask that the member be drawn back to the matter that is before the house.

Mr Finn — On the point of order, Acting President, clearly Mrs Petrovich was speaking about the decision-making processes of the council. If the decision-making processes of the council are not relevant to this debate, I am not sure what is. Clearly she was in fact being very relevant to the point at hand.

The ACTING PRESIDENT (Mr Tarlamis) — Order! I remind Mrs Petrovich to come back to the matter at hand.

Mrs PETROVICH — The matter at hand is that we have a democratic process of the responsible authority, which is the Moreland City Council, which is actually engaged in its business, but when you actually break that down to understand its process it is not quite as transparent as people would have you believe. We need to understand that this is an important piece of infrastructure. It is a simple planning amendment for the benefit of central Melbourne and the western suburbs of Melbourne — Labor heartland in fact — and yet these people, on the basis of cheap political point-scoring, cannot support their own community. When you actually break down that component of the council and look at the make-up of that planning committee it is important that you also note that the terminal station is located in Moreland's south ward, where the representative councillors are Jo Connellan, Greens, who voted for the upgrade; Alice Pryor, Labor Left, voted for; Lambros Tapinos, Labor Right, voted against — —

Mrs Peulich interjected.

Mrs PETROVICH — They want to have a bob each way. Does this go to demonstrate that these people could not organise a proverbial? Am I clear now? They cannot govern Australia. They cannot make a simple planning amendment.

It is clear that the coalition government has taken appropriate action to ensure that the lights stay on in Melbourne, in the CBD and in western Melbourne. At the request of Brunswick residents and the Merri Creek community group, nine alternative sites were considered. Is that consultation? Each site went through the statutory regulatory investment test investigation which applies to all new electricity works under the national electricity rules. Alternative sites investigated included two sites in Kingsville and sites in Brooklyn, Newport-Yarraville, Coburg, North Fitzroy, inner Melbourne and Kew. The result of those investigations was that the net benefit for energy users was greatest at the terminal station located in Brunswick. Is that a process? Is that looking for an outcome for a community? This whole motion today is very insulting to the responsible authority, and it is very insulting to those communities.

The motion is irresponsible on the basis that these people deserve a reliable power source. The terminal station is a piece of infrastructure that has been sitting there since 1938. Times have moved on. Construction costs for these options varied from about \$387 million to \$916 million, with operating costs of up to \$4 million a year. Had the terminal station been moved to Brooklyn, it could have cost each of CitiPower's 310 000 customers an extra \$360. This is coming right back to responsibly providing those services at a reasonable cost to the consumers, who are spread across suburbs including West Brunswick, Northcote, Richmond, Collingwood, St Kilda, Camberwell, Gardiner, Caulfield, Deepdene and Kew. The extra costs would have been passed on to energy users in the form of bigger bills. That would have meant a higher cost of living for the consumers and a higher cost of living for the people who those sitting opposite purport to represent.

It is reasonable for Victorians to expect governments to make decisions that will reduce costs and take the pressure of rising electricity prices off families. The decision that has been made in this case will save 310 000 CitiPower customers a considerable amount of money and will help ensure their security of supply into the future — not that that seems to have entered Mr Tee's head. SP AusNet has carried out significant community consultation and the upgrade will house the station. As I said, it will not be something that is sitting out there on its own; it will actually be housed and be

consistent with the character of the community in Brunswick.

If we talk about irresponsibility and where we go with all of this, we must look at what has happened in the great quest for a sustainable power supply. We talk about alternative power supply, and then we have a federal government that introduces the carbon tax.

Ms Crozier — A great big tax.

Mrs PETROVICH — A great big tax, Ms Crozier, you are absolutely right. Instead of looking at how we can reduce the carbon footprint, the whole conversation, as we saw this last week, resembles more the 'Look at me, Kimmy' approach that has been taken up by Labor politics. Is the carbon tax the conversation about reducing carbon dioxide? No. The carbon tax has been about, as Ms Crozier rightly pointed out, a great big tax, which has actually detracted from the whole issue of looking after what we need to, reducing our carbon footprint and looking at alternative energy solutions. This is about money. This is about a pot of money.

It is very interesting to look at the cost to communities. The opposition talks about what is responsible and what we are doing here today. This is going to be a simple amendment to improve a piece of infrastructure. This motion today says there has been no consultation and, no, we cannot do it. Looking at the impact of the carbon tax on the broader community, we see a deficit by 2015 of \$5 367 629 to Benalla; a deficit to the city of Greater Bendigo of \$54 653 304 and a loss of 489 jobs; a deficit to the city of Hume \$77 585 860 and a loss of 494 jobs; a deficit to the Macedon Ranges, where I live, of \$13 049 462 and a loss of 115 jobs; a deficit to Mildura of \$20 245 027 and a loss of 154 jobs; and Mount Alexander will have a dollar value loss of \$4 586 691 and a loss of 30 jobs, which is significant for that small community.

Mr Leane — What is this based on? The report you wouldn't release?

Mrs PETROVICH — Mr Leane, this is based on an irresponsible Labor Party scoring cheap political points instead of looking for solutions for communities. That is the analogy I am drawing. I am speaking so strongly today against this motion because it is ill-conceived; it is clearly just another cheap political swipe. I think Labor needs to have a damned good look at where it is operating and how it is operating, and that has been very clear in the last week or so.

Last week I witnessed an appalling set of circumstances for Australia. I think it has been a shameful chapter in

the history of Australia; putting politics ahead of governing is something that will resound in the hearts and minds of Australians for very many years. There is a very interesting piece I have around — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Tarlamis) — Order!

Mrs PETROVICH — I think we have lost our way on the real issues and where we should be, which is going back to proper planning and looking at science. We should not get caught up in a grab for cash or in cheap politics but get back to what we are elected and what we have a responsibility to do, which is to provide infrastructure. Our mandate as a government is to cut the red tape, get out of the way and actually assist, and after 11 years of neglect things are moving.

I have to say that this motion is typical of a Wednesday. It is ill-conceived and has not been thought out. There has been a lack of research; the opposition has just said, 'Oh my God, what are we going to put on the notice paper? It is opposition business day'. The little bit of contrivance that is going on here is just cheap political point-scoring, and I cannot support anything to do with it.

Mr BARBER (Northern Metropolitan) — I compliment Mr Tee on bringing forward this motion as a kind of last-ditch effort to have this proposal reconsidered and brought down to a scale that is more acceptable to the local community. His analogy with a wind farm is very apt. If this were a wind turbine in Brunswick, under the government's rules everybody within 2 kilometres would get to vote and to veto it, and if it were not built by 15 March, the permit would be lost. It is difficult for the government to explain the difference between the two types of proposals in terms of impact and the way it sees the planning scheme operating.

The proposal goes back a lot further than Mr Tee's awareness of it. Although the previous two speakers devoted most of their time to which political party was most to blame, the reality is that this proposal was around for a long time before the community first became aware of it. This vote in the Parliament today is not the last ditch; it is not the last opportunity to have this proposal modified. I will come back to that when I have explained the context.

Most members of the community became aware of this proposal, unfortunately, when the yellow notice went up on the chain-link fence around the substation. I heard about it very shortly afterwards as the community

got organised. I went out and walked the site, I visited those community members who were raising the alarm, and I attended a number of community events designed to build community support and get the government on side. However, the proposal has been around since 2007 when it was being dealt with under the Electricity Industry Act 2000 under the responsibility of our then state energy minister, Mr Batchelor, and our then federal energy minister, Mr Ferguson.

In 2008 CitiPower put together a proposal where it argued the necessity of this development. When the matter first came to light in my community I had to go back and research to find the genesis of this project. Back then, as I have said, under the regulation of state and federal Labor energy ministers, CitiPower put forward and sought approval for the major expansion of this site. As a highly regulated operator monopoly of electricity distribution it is governed under clause 5.6.6 of the National Electricity Rules and has to go through a number of reliability and market benefits tests to get up a major capital works project like this.

I will not go through the entire paper trail on that one but will put it in simple terms for anybody who is not familiar with that area of regulation. The operator has to demonstrate that the investment is necessary, and if it can, not only can it do the capital works but it can then charge us all more on our electricity bills to recover the cost. It is aiming to achieve a reliability standard for our electricity supply. That standard is that electricity is delivered 99.998 per cent of the time and that in addition to reliability the necessary capacity is also met at the best cost that can be obtained. It is these kinds of processes that have been largely responsible for the spiralling cost of electricity. Upgrades to the local distribution systems make up the largest single chunk of our electricity bills and are contributing most to the growth, and it is the government's failure to get these sorts of regulations under control that is ensuring that our electricity bills will continue to rise.

CitiPower says it looked at a number of options. However, all of its options were about building bigger and charging us more for it. Options such as reducing the demand for electricity in the CBD and the inner city area or encouraging other forms of embedded generation to do the same job in a different way are not CitiPower's responsibility. As you read through its documents, because that was all it was required to do, you see it simply sat around waiting for someone to present it with such an option. Its incentives are only to build bigger and charge us more for it, and there is nothing built into the rules to make operators look at demand management, reduction in consumption or localised generation at a lower cost to avoid

investments like this in East Brunswick or anywhere else. Those rules need major reform, and without it our bills will continue to spiral. Who knows how many other communities like that in East Brunswick are going to have proposals like this dropped on their doorsteps?

In terms of the planning controls on the site, as those familiar with it would know, it is a residential 1 zone with no specific rules relating to the substation, except the substation has been there so long that it has pre-existing use rights. Throughout this entire period — from 2007 onwards, up until when the community first became aware of it and until November 2010 — the then planning minister, Mr Madden, now the member for Essendon in the Assembly, did not act to bring down a set of rules on this site that would have satisfied the community's needs. Instead the council was left to the tender mercies of the Victorian Civil and Administrative Tribunal while the company constantly threatened to go to VCAT, where the outcome could not be assured because of the lack of definite planning controls. It was pre-existing use versus the residential zone. No-one was able to give any certainty to the community as to how VCAT would treat that.

In the absence of action by either the previous government or the current one to lock in some rules that would define how big the project could be and its other requirements, the council, as always, was left in an invidious position. No wonder the council ended up splitting between those who thought they got the best deal they could have out of the modified proposal versus those who said, 'No, let's spin the wheel and take our chances at VCAT'. Mr Tee has never been a local councillor, so he has never had to look his community in the eyes and say to them, 'We can take the deal we've got now or we can risk it all at VCAT'. That is in fact a very difficult job for councillors.

Mr Tee — Is that how you justify it?

Mr BARBER — It is not how I justify it, Mr Tee, it is reality. It is reality in the absence of planning controls, which only the state government can approve, that say what they mean and mean what they say.

Here it was just a great big blank. And no, this is not the Greens versus Labor; this is local councillors — who as a bloc would say this — versus the state government's laissez-faire view, including Mr Madden's laissez-faire view of how the planning scheme ought to operate. It did not stop Mr Madden intervening in the Moreland planning scheme to introduce height limits in another area that he found politically sensitive. Those were controls that the local council had been demanding, and

he delivered them late in the day — just before the election — but he did not act in the same way on this site. If he had locked in a set of controls, I think it would have been much harder for Mr Guy to scrap those and bring in some new ones, and we would not be in this situation.

However, as I say, this is not the last opportunity for this project to be sent back to the drawing board. I never thought I would say these words as long as I lived, but Martin Ferguson to the rescue. The federal Minister for Resources and Energy now has the powers, through his regulatory control over the electricity industry supply, to send this one back to the drawing board. If he does not think he can get it through the National Electricity Rules, he should introduce legislation to do so. I know Adam Bandt, federal member for Melbourne, has written to both Minister Ferguson and the federal Minister for Health, Tanya Plibersek, in relation to health impacts, and we all agree that there is an inadequate amount of regulation for such a high-emitting facility in such close proximity to residents. We still have a chance to stop this proposal and have it modified to a level that the community would accept.

In my view the upgrade of this site is itself unnecessary. CitiPower should have been forced to look at demand reduction options in the area that is supplied here. It put numbers on that in its reports, but it is not CitiPower's responsibility under the rules to make those options happen, and the government — and I say this about all governments over a set of rules that have been established for a very long time — is just not interested in that. All the rules drive an incentive to build bigger and bigger and let electricity bill payers cover the cost. That is a necessary and urgent reform, but it is not as urgent as the steps that Mr Ferguson needs to take to block this proposal at the last ditch — and I know he will have the support of Adam Bandt if he does so.

I am supporting Mr Tee's motion. The government has already declared that it will use its numbers and we will not succeed here today, but I believe we still have an opportunity to get this one right and get it right for many other similar investments across the whole electricity grid.

Mr FINN (Western Metropolitan) — I rise to oppose Mr Tee's motion. I have to say, there is a certain *deja vu* feeling about this. I read this motion and thought, 'Here he goes again; he just can't help himself'. Can I suggest to Mr Tee that he might like to go for a walk. Can I suggest to Mr Tee that he get up from his seat, go out of the chamber, walk around the corridors and down the steps of this building, and he

will see that clearly marked on the pillars down the front it says 'Parliament of Victoria'. It does not say 'Moreland City Council', it does not say 'VCAT' (Victorian Civil and Administrative Tribunal), it does not say 'Department of Planning and Community Development'; it says 'Parliament of Victoria', and that is where we are.

This Legislative Council is not the place to bring your planning problems. It is a bit like going to Melbourne Park and expecting to watch the football; you have come to the wrong place — again. Some people never seem to learn, and this bloke is very slow on the uptake — extraordinarily slow on the uptake. Mr Tee has come to the wrong place; he has done it again. I can only suggest to Mr Tee that if he is really enthusiastic about judging planning matters, he might like to run for council. I can absolutely guarantee him that nobody on this side will miss him, so if he wants to run for council, I will even come out and give out how-to-vote cards for him. How is that for an offer? If Mr Tee wants to run for Moreland City Council, I will come out and give out how-to-vote cards for him.

It has to be said that I have a fair bit of faith in the Moreland council for the first time in many a long year. That is largely because councillors actually had the ability this time to choose a mayor who is worthy of support. I think Cr Kavanagh is probably in for a very long spell in the mayoral office in Moreland, and I wish him very well. He is doing a very good job, and I am sure he will continue to do a good job. He certainly does not need the grandstanding nonsense of Mr Tee, who comes into this place and tries to undermine the role of the Moreland council. I say to Mr Tee: this is the Victorian Parliament; this is the Legislative Council — this is not a planning authority. Our role is very different. We are a house of review. We are a number of things. There is often discussion about what the Legislative Council does, and in fact I think in an upcoming report from the Electoral Matters Committee — and we might be having a look at it, so I would not want to —

Mrs Peulich — Pre-empt it.

Mr FINN — Pre-empt anything at all — indeed, Mrs Peulich; I would not want to do that at all.

Mrs Peulich interjected.

Mr FINN — Perhaps I could call him something else, but I will not. I will say one thing to Mr Tee, and that is that we have a lot to do as members of Parliament.

Mrs Peulich — TW, time waster!

Mr FINN — Absolutely. That is what I am getting to, Mrs Peulich. We in this Parliament have a great deal of very important work to do. Why does this bloke over here insist on coming in here every Wednesday and wasting our time? Why does he come in here dragging this stuff up for a quick headline, for a bit of a rah-rah in the suburbs? He knows, we know, everybody knows he has come to the wrong place. I might have to say this time and again until it permeates through his skull. He has come to the wrong place. The Legislative Council of this Parliament is not the planning authority of Victoria. Mr Tee should go to the council, to VCAT or to the Minister for Planning, but this is the wrong place. He should not waste our time. We have more important things to do. He might not be aware that we had 11 years of Labor government that we have to recover from. He might not be aware that for 11 years we had the sort of neglect that has left our state on the precipice. As members of Parliament, we have a great deal of work to do to get Victoria up and running again.

It is absolutely shameful for Mr Tee or Mr Leane to come in here and waste our time every Wednesday. As Mrs Peulich points out, they are even turning wacky Wednesday into a farce. If they are going to come in here and they want to talk about something, they should at least make it relevant to the point. Let us at least discuss an issue in a forum where we can actually do something. It is a nonsense for Mr Tee to come in here, to reach into his bag of tricks every week and pull out something new and to try to drag this over the coals. As I say — and I will say it again — he has come to the wrong place.

I have to wonder if this is in fact not so much about a planning issue as it is about the need to solidify the Labor vote in Brunswick. As we know, for some time the Greens have been eyeing off the seat of Brunswick. It is only by the good grace of the Liberal Party that the Labor Party actually holds the seat of Brunswick.

Mr Tee — They are doing us a favour.

Mr FINN — We did. I do not know whether we did Victoria a favour.

Mr O'Donohue interjected.

Mr FINN — The lesser of two evils indeed. Mr O'Donohue has hit the nail on the head. You have to wonder if this is about planning or if it is rather about the need of Mr Tee and his Labor colleagues to win a few points from the Greens. Mr Tee knows the Greens are in Brunswick. I know Mr Barber is often in Brunswick. They can feel the hot breath of the Greens on the back of their necks. It is very unpleasant. Labor

members can feel that, so they are now coming in here trying to do a big song and dance and trying to tell the people of Brunswick that they are on their side. We know that is a nonsense, and the people of Brunswick know that is a nonsense.

I say that as I was a resident of Brunswick many years ago. Many years ago I lived in Brunswick, and even then there was a view that the Labor Party had failed the people of Brunswick, as it has failed so many in the inner city, the northern suburbs and the western suburbs. That is something the Labor Party obviously is feeling very sensitive about, and with good reason, because it has betrayed those who have voted for it over such a long time.

Mr Lenders interjected.

Mr FINN — Labor members come in here trying to beat something up in an area that we cannot actually do anything about. Mr Lenders is over there carrying on like a two-bob watch. I might say that is not unusual; it is pretty much par for the course. Would Mr Lenders, as the Leader of the Opposition, like to tell the shadow Minister for Planning that this is not the planning authority for Victoria? This is the Legislative Council. It is legislative; it is not planning. It is about making laws; it is not about listening to various planning points. This is the Parliament of Victoria. I am not sure how many times I have to say that.

Mr Ondarchie interjected.

Mr FINN — I know. I told Mr Tee to go down and have a look, Mr Ondarchie. He should go down. In fact, Mr Lenders might like to take him down there. Mr Lenders might like to take him down and show him the sign at the front which says 'Parliament of Victoria'. We have nothing to do with planning; we have authorities for that. We have VCAT, we have councils and we have the Department of Planning and Community Development. This is the Parliament. I might be accused of repeating myself, but some people just need to hear that message being reinforced time and again, because week after week the Labor members come in here doing the same thing. It is very weak indeed. A weak performance on a weekly basis, it has to be said. I will repeat that message to Mr Tee for as long as it takes to get the message through. He should not waste the time of this Parliament. He should not waste the time of the Legislative Council on matters that are best dealt by municipal councils, by VCAT or indeed by the minister himself.

You have to wonder what is in the minds of those on the other side of the house when we discuss electricity

because, as Mr Barber has pointed out, the cost of electricity is rising substantially and will continue to do so, particularly in the wake of the carbon tax that is about to hit our country in the middle of this year. However, I do not hear anybody from the Labor Party, or indeed from the Greens, saying that the carbon tax should be scrapped in order to prevent these price rises. I find that very sad because the carbon tax that is about to be presented to us by the Gillard-Brown government in Canberra is going to wreck a lot of families, it is going to wreck a lot of jobs and it is going to wreck a lot of businesses. This tax is going to cause a huge amount of damage, social disharmony and human misery, and this is something about which we do not hear anything from members opposite. They really need to take this seriously.

Instead of coming here wasting the time of this Parliament, talking about things that this Parliament does not have responsibility for, perhaps they should be talking about a campaign to urge the federal government to scrap the carbon tax. That would certainly be something. If they really cared about the people of Brunswick, or indeed the people of Victoria, they would be on the front foot and they would be calling on the Prime Minister to scrap her carbon tax. We can only hope that that will happen at some stage, although I will not be holding my breath. Maybe Kevin Rudd will, I am not sure. Mr Tee comes in here, President — —

Business interrupted pursuant to standing orders.

RULINGS BY THE CHAIR

Legal and Social Issues Legislation Committee: meeting

The PRESIDENT — Order! Members will recall that earlier this morning I asked if members who were making an apology for tonight's Legal and Social Issues Legislation Committee meeting could indicate or confirm those apologies to Mr O'Donohue, a member for Eastern Victoria. I asked if Mr O'Donohue could let me know if he anticipated that there would be a quorum at the meeting tonight. I expect that the apologies were conveyed to Mr O'Donohue, but Mr O'Donohue has indicated to me that there will be a quorum for the meeting tonight and that the meeting can proceed. The basis of that quorum will be members who are already members of that committee and have indicated to Mr O'Donohue that they will be in attendance as well as two participating members nominated by the government. That is in accordance with standing order 23.05. The meeting will proceed.

Mr Viney — On a point of order, President, I seek clarification. Is it the case that the government is able, through this mechanism, to propose participating members take part in a process of manipulating this chamber so that only government members will attend the meeting tonight — without an agenda — in order for this house not to debate a matter relating to a member for Western Victoria, Mr Ramsay, when Mr Ramsay is one of the participating members? Is that the proposition the government is putting before us?

The PRESIDENT — Order! I understand that an agenda has been circulated to all members of the committee, including those who gave an apology for tonight's meeting. Some of those members may well find that their diaries are now clear and that they will attend, particularly in the context of a rather lopsided committee in terms of representation. I am not prepared to comment on what was a fairly charged statement as to what the government's intention might be in this. It is not for me to speculate on the government's intention. I am just advising the house that Mr O'Donohue believes he can convene a meeting with a quorum this evening.

Hon. D. M. DAVIS (Minister for Health) — By leave, I wish to make a very short comment. I indicate that the government would be prepared to talk to parties about ensuring the smooth working of the committees and to have an informal discussion, if that would be of assistance to members of all parties.

The PRESIDENT — Order! I certainly think that would be helpful.

QUESTIONS WITHOUT NOTICE

Manufacturing: productivity

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. In question time yesterday the minister was not able to define the term 'productivity', claiming that it was too broad a concept to define. The Victorian Competition and Efficiency Commission is able to define the term in eight words. After 24 hours of research time can the minister now define the term 'productivity'?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am sure members opposite will be familiar with the debates over technical definitions of 'productivity'. Some economists hold that multifactor productivity encompassing the contribution of both labour and

capital inputs is the more robust measure. Others prefer labour productivity which expresses output relative to labour input or, more simply, gross value added per hours worked.

However, the real point of the productivity debate is not about econometric definitions but about how policy reforms can help businesses improve their competitiveness by working smarter and better. The economic modelling undertaken by the Victorian government shows that even a small improvement of just 0.1 per cent in manufacturing labour productivity would result in a lift in Victoria's gross state product of \$8.3 billion over 15 years. As the Reserve Bank governor, Glenn Stevens, noted today, the productivity debate is not some arcane academic argument. It is a tough challenge for business and workers alike. It is about management and employees 'grinding out difficult changes to the way they do things every day'.

The Victorian government believes government can and should help in encouraging businesses to undertake an upgrade in skills, technology and processes that will allow them to lift productivity. Given that growth in productivity in the Victorian economy slowed dramatically during Labor's decade in power, the Baillieu government is determined that lifting our performance on this measure is vital to ensuring that Victorian industry remains strong and successful.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — I thank Mr Dalla-Riva for his answer. Can the minister inform the house whether inflation is incorporated in the calculation of productivity?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — As I said yesterday, and I will say it today: those opposite do not get it. What they want to do is put a position into a box, and then once that box is assured that is where they head. I also explained earlier in my substantive reply that we are not into some arcane, economic argument. But the answer is no.

India: trade delegation

Mr KOCH (Western Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, and I ask: can the minister inform the house on how the Victorian government's super trade mission to India helped identify potential business opportunities for Victoria's automotive industry?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank Mr Koch for his question, because what we have heard over the last two days has been a mocking of the super trade mission. I was pleased to focus on one of the key sectors involved in the super trade mission to India, the area that those opposite want to continually talk down — that is, the automotive sector.

As I mentioned yesterday, the Indian super trade mission was the largest trade mission to ever leave Australia, with over 200 Victorian businesses and organisations involved in identifying new market opportunities in one of the world's high-growth economies. We had 17 companies and research organisations from the automotive sector taking part. They were in India to demonstrate their world-class capability as innovative, state-of-the-art suppliers into the global automotive industry supply chain.

I have spoken many times in this place about the importance of the Victorian automotive industry and, in particular, the importance of Victoria's specialist capabilities in design and engineering. I keep on reminding those opposite that Australia is one of only 13 countries in the world with the full manufacturing capability to take a vehicle from concept stage through to production, completion and onto the showroom floor.

The Indian automotive sector, with its extraordinary production volumes and relative low cost structures, is an emerging powerhouse in the global automotive industry. We met with industry leaders in India to discuss new opportunities for industry and research partnerships. One exciting development during the trade mission — this is for those opposite who are interested — was the announcement of a feasibility study into Mahindra Reva Electric Vehicles setting up a manufacturing plant here in Victoria. That is what we are about, actually generating opportunities for manufacturing here in Victoria, and this would be the first Mahindra Reva plant outside of India. I believe there will be many more opportunities for us to explore similar collaborations with the prospect of joint ventures and other partnerships between Victorian and Indian companies.

I had the opportunity to speak at the Future Technology Trends in the Automotive Sector conference in Pune, where I detailed how Victorian ideas, technology and automotive components are found in hundreds of vehicles worldwide.

Mr Lenders interjected.

Hon. R. A. DALLA-RIVA — Mr Lenders, for your ears, we visited the very impressive Maruti Suzuki plant, an operation which produces a motor vehicle every 12 seconds. I met with the head of Ford India, Michael Bowman, who is an Australian expatriate, and I heard about Ford's plans for a significant expansion and upgrade of its investments in India. I also visited General Motors India to see its massive new production plant outside Pune. We also toured the plant at Tata Motors, where there are 10 000 employees at a change of shift.

This was an opportunity for the Victorian government and the trade delegations to gain an understanding of the scale and sophistication of the Indian automotive industry and to identify the possibilities for closer cooperation with the emerging giant of global automotive manufacturing. It is an opportunity for tier 1 and tier 2 suppliers to get involved in the global supply chain. I have said it before and I will say it now: we understand it, we get it — they do not.

Transport Industry Council: meetings

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Employment and Industrial Relations. Owner-drivers are in many cases small businesspeople — sometimes large businesspeople, but generally small businesspeople — who have to contend with a great many issues. They make an enormous contribution to the Victorian economy. Many of their issues, particularly occupational health and safety and model rates for the industry, are dealt with through the Transport Industry Council of Victoria, which is an organisation under the minister's authority. I am wondering whether the minister can inform the house when the Transport Industry Council last met?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am very pleased to talk about the Owner Drivers and Forestry Contractors Act 2005, because essentially this is aiming to improve the position of small businesses in the transport and forestry industries and provide them with information and essential support to run successful operations. In 2010 the rates and cost schedules were updated for both the transport and forestry industries. This schedule provides current information about typical operating costs applying to businesses enabling parties to negotiate fair contracts. We are focused on supporting owner-drivers, and I will take on notice the question as to when they last met.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I thank the minister for the lesson in the history of the act and for taking on notice the question of when the council last met. He mentioned the 2010 rates, which are up on the Business Victoria website. Can the minister confirm that the rates have not been updated since 2010 — we are now in 2012 — and that the reason they have not been updated is that since he has been the minister he has not appointed a chair of the Transport Industry Council and the council has not had an opportunity to update the rates because it has never had a meeting?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I said, I am very supportive of the council in terms of what it is doing. I will take the question on notice because it goes to the details of the operations of the particular council.

Nurses: enterprise bargaining

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Health, Mr David Davis, and I ask: can the minister inform the house of any further recent developments relating to the EBA (enterprise bargaining agreement) negotiations with the ANF (Australian Nursing Federation) union?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. Whilst, as I have said on a number of occasions, I will not provide details of precise negotiations, I will update the house with respect to matters around the EBA with the ANF union. I make the point that yesterday there was a very significant ruling, after our question time, by Justice Tracey in the Federal Court. He ordered the cessation of the union's illegal activity — it was unprotected activity. He ordered that the actions cease. He demanded that the union place on its website, on its Twitter account, on Facebook and so forth clear indications that the illegal actions were not to continue.

Mr Jennings interjected.

Hon. D. M. DAVIS — I have to say the ANF put out on its Twitter account about 7.30 last night a statement saying that it would be complying with the orders, but it does appear now that there is a coordinated action at a number of hospitals around the state that is impacting severely on patients and that the ANF is behind that action. The ANF union has made the decision to proceed with unprotected action which is now illegal action since the section 418 order on Friday. So we have seen on Saturday, Sunday, Monday,

Tuesday and now into Wednesday illegal activity in defiance of Fair Work Australia orders and in defiance of orders by Justice Tracey in the Federal Court. These are having a very significant impact on patients, many of them vulnerable patients.

I can say that today there have been 59 further elective surgery cases cancelled and two category 1s cancelled and that there has been illegal activity at Barwon, Albury-Wodonga, Latrobe, Northern, Peninsula, Dandenong and Clayton. In some cases cancellations of surgery were made yesterday, ahead of the court order; in other cases they have been made today, in response to the ANF union's decision to pull nurses out from activity. This is extraordinary. It is targeted action. It is guerrilla-type action designed to hurt patients, designed to harm people and designed to make vulnerable people suffer — and it is quite wrong.

Victorians understand that we live in a system where there is a legal framework. We are all required to obey the laws of the land. We are all required to act in accordance with the law. The ANF union has taken it upon itself to act against the laws of the land and to act against lawful instructions from the Federal Court. This is a very serious matter. It is a very serious matter because of its impact on patients and particularly the most vulnerable patients. It is also quite wrong in principle for the union to be acting in this way and to be facilitating it. The orders of Justice Tracey could not be more clear:

... be restrained from:

... organising or continuing to organise industrial action ...

... directing, inducing, procuring, advising or assisting any person engaged to perform the relevant work to fail to attend ... or fail to perform, that work, or to perform that work otherwise than in accordance with the manner in which it is customarily performed ...

It is clear that Lisa Fitzpatrick is determined to hurt patients, to put patients at risk. She needs to obey the law, as does the ANF union.

Department of Premier and Cabinet: catering

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. Last sitting Thursday the Leader of the Government in the adjournment said that ministers pay for meals they have at cabinet and meals they have at cabinet committees. My question to the minister is: how much does he pay per week for these meals?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — It is

interesting — and I must put this on the record — to note that the Leader of the Opposition in this chamber is more interested in my meal catering bill than he is in jobs and manufacturing. He has asked me this, as the manufacturing minister. We have a significant issue with the manufacturing sector, we have an issue with the carbon tax, and what do we hear today from the opposition leader in this chamber? He is worried about whether I pay for the catering at cabinet. This is the priority of those opposite. I think it just demonstrates where their priorities are.

We know the focus of the Labor Party in the last week has been about leadership. We know the focus of the Labor Party has been about what is happening there. Where have we been? The Premier and three ministers, including the Assistant Treasurer, Mr Rich-Phillips, have been overseas, fighting for investment in this great state, fighting for manufacturing, fighting for tourism, fighting for every opportunity that we can see in one of the largest emerging markets in the world — and we have the Leader of the Opposition asking about the catering bill.

What I can say is I get a quarterly bill and I pay it.

Hon. G. K. Rich-Phillips — Unlike those opposite.

Hon. R. A. DALLA-RIVA — Yes. As has been pointed out, unlike those opposite, who were, when they were in cabinet, getting it for?

Hon. G. K. Rich-Phillips — Free.

Hon. R. A. DALLA-RIVA — Free. And who was paying for that?

Mr Drum — The taxpayer.

Hon. R. A. DALLA-RIVA — The taxpayer, Mr Drum. We are paying it now. We have the Leader of the Opposition, who is interested in wanting to know whether I pay for cabinet lunches. I pay the quarterly bill as and when due. I am happy to even let him know that we just pay it as it comes in. If this is where we are going in question time, heaven help the Labor Party into the future.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for actually finally admitting it. It has taken adjournment matters to the Premier, adjournment matters to the Leader of the Government and questions on notice, and I am delighted that finally a minister is prepared to answer the question. I ask in my supplementary question to the minister: does he pay

upon consumption or is it a notional charge that is a political smokescreen?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I can say that — —

Mr Ondarchie interjected.

Hon. R. A. DALLA-RIVA — We do have lemons; I do occasionally see lemons. We have a very modest menu and, can I say, not the lavishness that was there, paid by the taxpayer, previously. I pay the bill as it comes in — —

Hon. D. M. Davis interjected.

Hon. R. A. DALLA-RIVA — As Mr Davis says, and, as I am sure, every other minister pays it. I find it staggering that at a time when we have significant issues in the global economy and the Victorian economy the focus is on what we eat at cabinet and what we pay for. I pay for it, as does every minister — and I find that question staggering in the circumstances. All that Labor members seem to be interested in is their own jobs. They are not interested in what is happening in the broader community.

Planning: city of Stonnington

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Planning, Matthew Guy. What action has the Baillieu government taken to directly tackle antisocial behaviour through the use of the Victorian planning system?

Hon. M. J. GUY (Minister for Planning) — Question time has now updated from sandwiches to substance. I appreciate the question from my friend and colleague Mrs Coote about a very serious issue of antisocial behaviour throughout the city of Stonnington and predominantly in what is called the Forest Hill precinct, which is in and around South Yarra. I am pleased to inform members of the chamber that the Baillieu government has taken some immediate action to work with the Stonnington City Council by approving amendment C159 to its planning scheme — —

Mr Tee — What about the election commitment on this?

Hon. M. J. GUY — Here I am talking about antisocial behaviour, and Mr Tee is acting like a hoon by interjecting opposite me. I am talking about antisocial behaviour and curbing antisocial behaviour.

Mr Tee might want to listen to the answer, because it is one of significant interest.

Planning scheme amendment C159 prohibits new venues that have more than 200 patrons from trading after 1.00 a.m. and caps the number of venues of that type to around 50 in the Forest Hill precinct in the city of Stonnington. It is exceedingly important, and it has been widely well received, particularly by traders and people in and around the city of Stonnington's Forest Hill precinct.

As Mrs Coote, Ms Crozier and David Davis would know, their being members for Southern Metropolitan Region, Stonnington City Council is changing in this area. There is urban renewal taking place in and around the Forest Hill precinct. People will be able to see from the CBD some of the new residential towers that are going up in that precinct. A large number of people are moving into that precinct, so we have to be sure that urban renewal takes place while maintaining the vibrancy of the precinct. However, that should not come at the expense of residential amenity. That is what the Baillieu government has done in relation to the agreement regarding the C195 amendment. The Stonnington mayor, John Chandler, said:

Council is delighted that the Minister for Planning, Matthew Guy, has approved an amendment to the planning scheme, which means mandatory planning controls for Chapel Street licensed venues, to reduce alcohol-fuelled antisocial behaviour.

The council was particularly grateful that the government gave direct attention to this matter and showed strong leadership in insisting those controls be mandatory, because, as I said, antisocial behaviour is an issue in our community which we need to directly address.

This is not the first time the Baillieu government has used the planning system to directly intervene in an issue beyond the broader scope of planning approvals. Members of the chamber would be aware of the Baillieu government recently using reforms to the bulky goods sector to bring forward nearly 1000 jobs in Victoria over eight months. You, President, would be very well attuned to the support for, interest in and importance of using the planning system for bulky goods reforms.

While I am talking about bulky goods, it is worthwhile noting that in the Forest Hill precinct in the city of Stonnington I recently authorised planning scheme amendment C141 to provide interim controls to enable the preservation of the shot tower in the Jam Factory. An existing piece of heritage will be preserved in the

Forest Hill precinct while allowing residential change to occur.

What we are doing on this side of the chamber — and it is far from talking about sandwiches and lunches — is getting on with the job of government, providing real leadership for people who want to live in inner city Melbourne, protecting residential amenity and also allowing residential growth and working with councils to ensure that their requests for mandatory controls to assist with antisocial behaviour are dealt with positively. I thank the member for Prahran in the Assembly, Clem Newton-Brown, who has been very solid on this issue, who has advocated for this issue and who has been an excellent representative of his community, as have Mrs Coote, Ms Crozier and Mr Davis.

Protecting Victoria's Vulnerable Children Inquiry: report

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. I refer the minister to *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which was tabled yesterday, and specifically to recommendation 7, which calls for an increase in investment and appropriate infrastructure in universal services, including maternal and child health, kindergarten and community playgroups, to communities that have the highest concentration of vulnerable children and families, and I ask: why did the government's initial response, announced yesterday, not include any Department of Education and Early Childhood Development funding for this recommendation?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I note that the report of the Protecting Victoria's Vulnerable Children Inquiry is the responsibility of Minister Wooldridge, the Minister for Community Services, so I do not intend to take wide-ranging questions on this report. However, I welcome the tabling of the report, which is a damning report on the former government's management of child protection. These are issues the Baillieu government takes very seriously, and that is why Minister Wooldridge established this inquiry. A committee of ministers will advise the Premier on a comprehensive response to this report.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The report from the Protecting Victoria's Vulnerable Children Inquiry actually contains a number of

significant recommendations that relate to the portfolio of the Minister for Children and Early Childhood Development, so I expect her to be responsive to questions in relation to them. Given the minister's refusal to commit specific additional funding, will she at least commit in principle to the notion that increased resourcing of maternal and child health, kindergarten and community playgroups will improve early intervention for at-risk children?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — This is a comprehensive report that goes across government. A committee of ministers will advise the Premier on a response to this inquiry.

**Information and communications technology:
data centres**

Mr P. DAVIS (Eastern Victoria) — My question without notice is to the Minister for Technology, Mr Rich-Phillips. I ask: can the minister inform the house of any recent investments in data centres in Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Davis for his question and his interest in data centres. Data centres are a great opportunity for the Victorian ICT sector. We are seeing increasing demand for cloud computing services throughout Victoria and increasing demand for third-party data management provision throughout Victoria, creating further demand for data centres.

Victoria is well recognised as a great location to establish data centres. We have a reliable electricity supply, which is very important, we have a good climate, which is also very important to reduce the operating costs of data centres, and we also have good land supply, which is important, particularly for the location of data centres outside the CBD. Increasingly, with a view to security concerns, companies are wanting their data centres to be located outside the CBD in areas away from their operational bases.

Two weeks ago I was delighted to be in Deer Park for the turning of the first sod for the Digital Realty data centre. I know Mr Finn and Mr Elsbury were both very keen to see that project come on stream. The new Digital Realty data centre is a \$150 million investment. It is going to create around 200 jobs during the construction phase and a further 33 jobs ongoing. The estimate by Digital Realty of the impact of this data centre in the western suburbs is around \$365 million. It is a substantial investment in Deer Park which will have very strong flow-on effects for the western suburbs. It

highlights the great strength that Victoria has in the data centre market, it highlights the great strength that Victoria has in the provision of relevant staff and skills for ICT investments and it highlights that the Victorian government is getting on with the job of delivering new jobs for the Victorian community.

Midwives: graduate positions

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Health. In its 2011–12 budget the government cut the number of graduate nurse positions from 1330 to 1305. This has had a profound effect on student midwives, because some of them have not been able to find a graduate-year placement and therefore cannot complete their studies and become registered midwives. I am aware of at least one student who has had to go to Canberra to do her graduate year, leaving her husband and children behind in Melbourne. The minister would be aware that last year in the report *Maternity Services — Capacity* the Auditor-General talked about the crisis we currently have in maternity services. The question I ask of the minister is: will he see sense and restore funding for these graduate nurse positions so that we can have more registered midwives in the future rather than fewer?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I do not accept the premise that there will be fewer graduate midwives than last year. The information I have suggests that the government does not set the number of nursing and midwifery graduates at health services across the state. That is a matter for individual health services, including those in the private sector. I make the point that in the last financial year around 24 per cent of graduates were employed in the private sector. There has been significant growth in the private sector, and it is likely that a slightly larger number might be employed in the private sector this year.

I also note that last year in the public sector there were 1609 nursing and midwifery graduates, but this year there will be around 1600. Obviously the final number has not been set, because the year has not finished, but it is likely to be around 1600, so within a tiny number of graduates either way. Frankly I do not accept the premise of the question. The government is very committed to graduate placement, and I note that it has a computer matching system that operates across the state and is the envy of other states. I am quite happy to put on record that this computer system has existed for a number of years and has provided a useful means for graduates to find places to undertake their graduate training.

This year in Victoria the inflow of graduates was larger than the numbers going out, and that is generally the case. It is true to say, and I think the member will understand this, that not every graduate is provided with a graduate position in either the public or the private system. That has been the case for a long time. The numbers are broadly the same this year across both sectors, and Victoria still continues to do very well on a national level.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I would suggest that the minister should be speaking to the midwives who do not have a graduate year because of the 25 positions that the government is not funding in this budget to see whether they think the matching system is working well. They tell me it is not. I ask the minister: of those 1600 nursing and midwifery graduates, how many are fully registered? As he would understand, students cannot be registered after doing three years of training unless they have done their graduate year. Does the minister have the number of those 1600 graduates who are not registered?

Hon. D. M. DAVIS (Minister for Health) — I do not have that figure to hand, but I can find that for Ms Hartland.

Higher education: regional and rural students

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, Minister Hall. I ask: can the minister advise the house on how the Baillieu-Ryan coalition government is working with tertiary education institutions to extend higher education opportunities for students in regional Victoria?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I welcome the question from my colleague Mr O'Brien because it gives me the opportunity to talk about one of the best programs that the Baillieu-Ryan government has implemented, and that is the Regional Partnerships Facilitation Fund. I remind members that it is a \$20 million program of which \$11 million has now been allocated, with a final \$9 million being put out to expressions of interest later this year. The program has seen of the order of 1700 places provided for regional students, either directly in higher education programs or in education pathway programs amongst the eight successful ventures that have been funded.

I am disappointed that Ms Darveniza did not get a berth to ask this question during question time, because she shared my great excitement and delight just 13 days ago when we announced three of these grants in Shepparton that are going to greatly assist a lot of young people in her electorate of Northern Victoria Region and the Hume region. Ms Tierney would appreciate the significance of the announcements made in Ballarat last week when I was there.

In total four recent announcements have been made under this program. The first is directed towards strengthening regional food and dairy manufacturing education. It is a joint project headed by Goulburn Ovens Institute of TAFE, known as GOTAFE, including the University of Ballarat, which will enable graduate certificate programs in food technology areas to articulate directly into bachelor programs in food and nutritional sciences.

We also announced a program in Shepparton which is directly targeted towards assisting indigenous and refugee people, providing them with an opportunity to undertake a foundation study course that would provide them with an entry pathway to a higher education degree. There was also an announcement involving Swinburne TAFE and Mansfield Community Education Centre, where 12 adult education centres in the Hume region participate with La Trobe University in the delivery of pathway programs that directly articulate to La Trobe University degree programs.

In Ballarat there was a very exciting project. I particularly welcome the interest of Mr O'Brien, Mr Ramsay and Ms Tierney in this project. It is a partnership between the Australian Catholic University and the University of Ballarat which will see for the first time physiotherapy and podiatry degrees being delivered by the Australian Catholic University in Ballarat. That is a fantastic outcome for that region, given that these areas of health science are much in need and have not been delivered in the region before. Students being able to receive certificate level and diploma level training from the University of Ballarat and to articulate that to a degree in podiatry and/or physiotherapy through the Australian Catholic University is an outstanding outcome.

I am delighted to have had the pleasure of announcing the grants for those programs in the last fortnight — over \$3 million worth of government contributions towards the Shepparton announcement and over \$1 million towards the one in Ballarat. I think that is Victorian taxpayers money well spent, and I am sure such announcements are welcomed by all members on both sides of the chamber.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 3791, 3793–6, 3800–2, 3805 and 8221.

QUESTIONS WITHOUT NOTICE

Answers

Hon. M. P. PAKULA (Western Metropolitan) — I just ask the Minister for Planning again, with respect, whether he intends to provide me today with the written response he undertook to provide me with in the last sitting week?

Hon. M. J. GUY (Minister for Planning) — I apologise. I will give that to the member today.

QUESTIONS ON NOTICE

Answers

Ms PENNICUIK (Southern Metropolitan) — I would like to raise the matter of outstanding questions from 2011. There are 17 of those standing in my name still, and questions 139 and 140, directed to the Minister for Police and Emergency Services, will celebrate their first birthdays on Friday, 2 March. Instead of questions being answered in 30 days there are now questions that are 363 days old. In addition, questions 167, 175, 3566, 8178 and 8179 to the Minister for Police and Emergency Services remain unanswered; there are three questions to the Minister for Agriculture and Food Security relating to aerial baiting that date from 22 March last year and are unanswered; there is one unanswered question from 24 May last year to the Minister for Youth Affairs on the musical equipment bank; two questions, 711 and 714, to the Minister for Education are unanswered; there are three unanswered questions to the Minister for Ports from September, October and December last year relating to tidal stream notices and shoaling notices at the port of Melbourne in particular; and there is a question to the Minister for Public Transport, Mr Mulder, on Eastern Freeway and Monash Freeway noise from 11 October last year.

There is also one question to the Assistant Treasurer, from 11 October last year, regarding WorkSafe bullying complaints, but I received the answer to that question last night. I have received an answer to only one of all the questions outstanding from last year —

and that was from a minister in this house. The ministers in the other house have not answered them.

President, I have those numbers on paper, and I can give them to the Leader of the Government, but I also have details of how many times my staff and I have contacted the offices of those ministers asking for responses to those questions.

Hon. D. M. DAVIS (Minister for Health) — I will take a copy of those numbers if I can, and I will follow them up. As I think has been pointed out in this chamber before, including during the term of the last government, it is more difficult to get answers from members of the other place than it is to get them from members in this place. I will diligently follow those up. I think there was a very large number of questions answered yesterday. I have pushed — —

Ms Pennicuik interjected.

Hon. D. M. DAVIS — No, just in general a significant number of questions. I understand there are still outstanding questions.

It may interest the house to know that the current question 8229 was answered this week and that it was the same question as question 12 432, that question having been asked originally on 31 August 2010. It is a replica question, as it were, a question seeking information that had not been answered under the previous government but that has been answered under this one. I make that point by the way and will take Ms Pennicuik’s list, if I can, and will follow those through.

CITY OF MORELAND: PLANNING SCHEME AMENDMENT C140

Debate resumed.

Mr FINN (Western Metropolitan) — Before we found out about Mr Dalla-Riva’s luncheon arrangements and other riveting issues of the moment, I was trying to tell Mr Tee exactly why we were here in this Parliament. Until I heard from Mr Lenders, with his line of questioning during question time, I did not quite realise that perhaps we might have been better off sticking with the planning debate. You have a bloke who comes in here when we have huge issues around — we have manufacturing in crisis, we have a carbon tax about to belt us all around the ears — and all he and those opposite can do is ask, ‘Who paid for your lunch?’. I mean: what is going on in this state? I do not know who paid for Mr Dalla-Riva’s lunch, but he has

certainly paid for Mr Lenders's! There are no two ways about that.

Mr Ondarchie interjected.

Mr FINN — I do not see Mr Lenders being all that happy, it has to be said. I might just give him a thickshake — very thick indeed.

With respect to the motion moved by Mr Tee, once again, as I pointed out before question time, Mr Tee has come into this place wasting the time of the house on an issue that is not up to us to decide. These planning issues are matters for councils, they are matters for the Victorian Civil and Administrative Tribunal and indeed they are matters for the minister, but they are not matters for the Legislative Council. They are not matters for this Parliament. We have an inordinate amount of work to do, as we discovered at 2 o'clock this morning when we were still here doing that work. We have a lot of work to do; there are a lot of very important initiatives being taken by this government. There is a lot of heavy lifting to do to get Victoria back on track again. So you would almost have to say that Mr Tee coming in here wasting the time of the Parliament in this way is a criminal waste. Even Mr Tee must have something better to do than to waste the time of the house in this way.

Mr Tee gets up on his high horse and likes to rip into — —

An honourable member interjected.

Mr FINN — He is not very high; he was a bit lower than Mr Somyurek on his podium, which he had a few problems with during question time.

An honourable member interjected.

Mr FINN — No, he could not. I will leave that alone.

Honourable members interjecting.

Mr FINN — Thank you, Ms Crozier.

Mr Tee comes in here and likes to think he can give Mr Guy a bit of a belt around the ears. Well, he is failing badly. After hearing the performance again today, you have to wonder if this bloke can do anything right.

Mr Ondarchie — It's a wet lettuce.

Mr FINN — It's not even a wet lettuce; it's a dehydrated lettuce. It is just pathetic. I listen to him when he comes in here, and I shake my head and think,

'Dear God, the once great Australian Labor Party is reduced to producing members of Parliament — to producing shadow ministers — like him'. Do the people of Victoria know that if Labor wins the next election, Mr Tee is going to be a minister? Can you imagine him sitting at the cabinet table? Can you imagine him answering questions in question time? Good God!

Mr P. Davis — He would be the most boring minister in history.

Mr FINN — Mr Davis has been unkind enough to suggest that Mr Tee might bore for Australia if he had the chance, and that is probably a fair point, but I was not actually going to that. The point I make is that Mr Tee has great difficulty grasping reality, as do his comrades on the front bench over there. In terms Mr Barber might understand, they are off with the fairies. They are not in this real world, and we have seen that displayed with this motion and in question time today with Mr Lenders's performance in asking Mr Dalla-Riva about his lunch. I have been in this caper for a very long time, but I do not think I have ever before heard a minister asked during question time about his lunch.

Mrs Peulich interjected.

Mr FINN — I have some bread rolls upstairs, which I will put together.

I find it astonishing that, in this time when the federal Labor government is driving Australia into recession, the best the state opposition in Victoria can do is ask the Minister for Manufacturing, Exports and Trade about his lunch. I find that astounding, but given the standards set by the Labor Party in this state over a long period, it should not come as a surprise to any of us. Labor Party members must be getting close to hitting rock bottom, but it has to be said that every time we think they have hit rock bottom, they go a bit lower. They are just remarkable! The depths to which they will sink astound me. They are an extraordinary crew.

Mr Tee comes in here and tries to rip into Mr Guy, but to no effect at all. What Mr Tee should be aware of is that we on this side of the house are particularly proud of our Minister for Planning. We reckon he is doing a great job, and we think he is doing a great job based on the fact that he in fact is, as well as by comparing his performance to those who were planning ministers before him.

We remember what happened. We remember when Justin Madden, now the member for Essendon in the Assembly, was the Minister for Planning. He sat just

over there where Mr Dalla-Riva is now. He did not know what day it was. He would not have known what day it was if he were locked in a calendar factory. He was totally bereft of any ideas. He did not know what was going on with planning. Members will remember the episode with the Windsor Hotel and his staff. He said that maybe his staff were telling him one thing, but maybe they were not; he did not know. He did not know what was happening in his office.

Ms Mikakos — On a point of order, Acting President, we have a situation now where the member is clearly putting on a theatrical performance. It really does not befit his standing as a member of Parliament in this house when we are discussing a very serious issue. I specifically draw your attention to the issue of relevance. We are talking about the Brunswick —

Honourable members interjecting.

The ACTING PRESIDENT (Mr O'Brien) — Order! Points of order should be heard in silence.

Ms Mikakos — We are discussing issues dealing with the Brunswick power station; they have nothing to do with all these other matters that Mr Finn is speaking about.

Mr FINN — On the point of order, Acting President, even on the most casual reading of this motion a reader would note that it is about planning. That is what I was talking about. I was talking about the current Minister for Planning, the former Minister for Planning and the way planning has been handled in this state over an extended time. If that is not directly related to the motion, I for one would be very surprised.

The ACTING PRESIDENT (Mr O'Brien) — Order! I have heard both members on the point of order. I will uphold the point of order on the issue of the member's demeaning caricature of the former Minister for Planning. I have listened very carefully to the contribution. Everything the member has said has been relevant in the sense of the point the member has made. I do not know that it is unparliamentary to say he is entertaining in the way he makes his point, often using irony as a form of entertainment, but theatrics whereby a former member of the house is imitated et cetera are probably considered unparliamentary when having regard to the standing orders in this house as I understand them. I will not ask the member to withdraw, because I am not sure if there were any verbal comments; it is more about the theatrics that accompanied them. I will uphold the point of order in relation to that aspect and ask the member to continue with his contribution.

Mr FINN — Thank you, Acting President. I take on board your comments. I have not before heard a chair referring to a member impersonating other members, but you have to admit it was pretty good impersonation.

To get back to what I was saying before about the way planning has been handled in the state over an extended period, we had Justin Madden, who was a joke. He did not know what was going on in his ministerial office. He did not know what was going on in his parliamentary office. He had a bloke called Hakki Suleyman out in his office in Keilor running the Brimbank council from his office, and the minister did not have a clue. Here was a minister who was responsible for the planning decisions in this state also being responsible for all sorts of actions of the Brimbank council, which was being run by his electorate officer from his own electorate office. Apparently he did not know, so is it any wonder that when we see Mr Guy we puff out our chests with pride, because we have a real planning minister? We have a planning minister who knows what is going on. He knows what is going on around him, and he has vision. He can see where he is going, and he can see where this state is going.

Mr Leane interjected.

Mr FINN — I can see the look of distress on Mr Leane's face. I hate to do that to him, but I ask him: if the truth cannot come out in the Parliament of Victoria, where can it come out?

Hon. M. J. Guy — I agree wholeheartedly.

Mr FINN — Mr Guy is with me all the way. When Mr Tee comes into this house and attacks the Minister for Planning in the way he has, which is pretty pathetic, he should remember who we had as a planning minister in this state just a short time ago.

Hon. M. J. Guy — And who he sat behind.

Mr FINN — And who he sat behind — exactly right. I did not hear him when Justin Madden was riding roughshod over council after council from one end of Victoria to another. I am loath to use the word 'shonky', but perhaps it is appropriate. I will not use it. It is a word that —

Mr Leane — On a point of order, Acting President, making accusations against a member of Parliament, as Mr Finn is doing at the moment, needs to be done through a substantive motion and not through a debate about a power generator in Brunswick.

Mr FINN — On the point of order, Acting President, I was in fact thinking out loud, if you will, and debating in my own mind whether I would use the word ‘shonky’. I did not say that Mr Madden was shonky; I was merely debating out loud whether or not I would do that. I do that occasionally, as members on this side of the house and some members opposite would be aware.

The ACTING PRESIDENT (Mr O’Brien) — Order! I do not uphold the point of order, but I am happy for the President, if necessary, to rule on a general question which arises from the point of order. The member did not use the word ‘shonky’; he actually said he was not using that word. The question is that, in saying that he would not use the word ‘shonky’, is he then implying it, especially if he does not substitute it with another word? We all heard that word, so is that what is really going on? I think that is the essence of the point of order. If the member is happy to proceed with the contribution in relation to what he is prepared to say rather than what he is not prepared to say, we should probably not make implications within that. If there is any further clarification or further points of order Mr Leane wants to make, I am happy to hear them.

Mr Leane — On a further point of order, Acting President, a number of accusations were made about the member, for example, riding roughshod over councils. A number of accusations were made about the member’s behaviour. Accusations against a member of Parliament should be made by way of substantive motion.

The ACTING PRESIDENT (Mr O’Brien) — Order! I do not uphold the further point of order. Riding roughshod is not an unparliamentary thing to say in the context of the debate in relation to a motion such as this one. The word ‘shonky’, if used, was potentially implying improper conduct. It is at the border of that, which is why I think Mr Finn himself questioned whether he could use the word. He did not use it. He did not substitute it with another word. I will call him to return to the motion. The question of the implications of an unused word is a matter I will refer to the President in case he wishes to add any more to it. I call on Mr Finn to continue his point, but I note the time. He might just finish his sentence, and then we will have lunch.

Mr FINN — I am not sure what sentence I was up to at that point. I will just make the point before lunch that two motions of no confidence were carried against the former Minister for Planning in this house. Two! That had never happened before in the history of this Parliament. That is an established fact. I was here. I

voted for them both, and indeed the majority of members did. It is not a question of me casting aspersions on the former minister, Justin Madden. It is the fact. It is the reality. This house passed two motions of no confidence in Justin Madden as planning minister as a direct result of his performance as minister. I will pause there and come back after the lunch break.

Sitting suspended 1.02 p.m. until 2.07 p.m.

Mr FINN — Before we went to lunch — and I am tempted to ask the various ministers who are in the house at the moment what they had for lunch and how they paid for it, but I will leave that alone — I was pointing out to the house the result of some of the planning decisions we have seen in this state over recent years, not just the planning decisions themselves but the circumstances surrounding those decisions. We had a situation where the former Minister for Planning, Justin Madden, formerly of this house and now the member for Essendon in another place, actually had two motions of no confidence in him moved and passed, which had never happened before in the history of this Parliament. In the context of the debate on this motion it is extremely important that we remember that.

If we are talking about what Minister Guy has done or is alleged to have done or not to have done, we should also take into consideration what has gone before. We should take into consideration what Mr Madden’s performance was like as planning minister. You would have to say it was a joke. If it was not so serious, it would be laughable.

The bottom line is that when Justin Madden was the planning minister of this state the planning processes had no credibility at all. Nobody in business or anywhere took him seriously or took what he was trying to do seriously because, quite frankly, they did not know what he was trying to do; quite frankly, he did not know what he was trying to do most of the time. It is important that we take that into consideration in making any judgements about the current minister, Minister Guy, who, as I said before, we on this side of the house are extremely proud of because he is proving to be an outstanding — I do not think that is underestimating it — Minister for Planning. We on this side of the house will —

Mr Lenders — He aspires to be Gough Whitlam.

Mr FINN — I do not think, Mr Lenders, that anybody aspires to be Gough Whitlam. The only people who might aspire to be Gough Whitlam are Kevin Rudd or Julia Gillard — they are the only two Prime Ministers of this country worse than Whitlam! They are

the only two who aspire to be like Whitlam in any way, shape or form. That is just a little bit away from this motion, so I will get back to it. Mr Lenders should not lead me astray by way of interjection.

This motion is basically a nonsense. As I pointed out, it is a total waste of time. I do not understand why Mr Tee, who moved the motion — Mr Tee moved the motion, did he not?

Hon. M. J. Guy — Apparently.

Mr FINN — Where is he?

Mrs Peulich — He is having lunch.

Mr FINN — Where is he?

Hon. M. J. Guy — He is paying for his lunch.

Mr FINN — He has paid for it. We are back in here after lunch on wacky Wednesday and the mover of the motion, Mr Tee, the shadow Minister for Planning, is not here. He is not even in the house. It is the first item on the notice paper, and he is not even here. I am not going to speculate as to where he might be, because that could — —

Mr Koch — He is having lunch with Mr Dalla-Riva.

Mr FINN — Mr Koch says he is having lunch with Mr Dalla-Riva. Presumably Mr Dalla-Riva will be paying, just in case Mr Lenders was wondering.

Mr Ondarchie interjected.

Mr FINN — He may well be. This motion would have serious ramifications if it were to be passed, yet we have a situation where the mover of the motion, the shadow Minister for Planning — a frontbench member of the Australian Labor Party — is not even in the chamber. For all we know he might not even be in the building; there has been ample evidence to suggest he is not even on the planet, but that is something else altogether. The bottom line is he is not here now when we are debating his motion. I have words of wisdom for him; he needs them, and I am happy to give them to him, but he is not here. I do not think I have ever seen a situation where somebody has moved a motion in this house, the debate has been continuing and they have just disappeared — they have gone down the garden path or wherever they might have gone. He is not here, and that is a very sad reflection not just on Mr Tee but also on the opposition, and indeed the opposition leader, not that I would wish to cast aspersions on the opposition leader in this place.

Mr Lenders — You would indeed.

Mr FINN — You would think that if the opposition leader was doing his job, he would demand that Mr Tee be here. He would demand that Mr Tee, the mover of this motion, actually be in the chamber while it is being debated.

Mrs Petrovich — It is a shame.

Mr FINN — It is a shame. It is absolutely ludicrous that this bloke has come in here and moved a motion, the debate continues and he has shot through. He is not here; we cannot find him. I have been talking about this for the last minute or so. I would have thought that if he was listening to the debate in his office, he might have come in — but no. Clearly he has no interest in this debate, and if he does not have any interest, why should we? It is a nonsense that we are debating something which, as I have pointed out before, should not be in this chamber anyway. This is a matter for council, a matter for VCAT and a matter for the minister in his capacity as the ultimate planning authority. It is not a matter for this chamber, and by his absence the shadow planning minister, Mr Tee, has shown that he agrees with that.

Mr Ondarchie — He is not a shadow of a planning minister.

Mr FINN — He is not a shadow of a planning minister indeed, Mr Ondarchie; that is true. I find it astonishing that he would absent himself from the chamber when his motion is being debated. If he does not have any interest in the matter, I do not see why anybody else would.

We saw during the course of Mr Madden's reign as planning minister — if you could call it that — that Melbourne was allowed to expand in an extraordinary manner. In fact I well recall Premier Brumby talking about how Melbourne would soon be the biggest city in Australia. He took some pride in that; it was going to be the biggest city in Australia. I am not sure how he expected all those people he was attracting to Victoria and to Melbourne to get along if he was not going to provide them with an electricity supply. That is what the minister has done.

He is back. Hallelujah! Mr Tee returns. I can only hope he will listen to my words and perhaps learn something. I was just saying that what we need for a growing city — which is what we have and have had for some time now — is a strong and reliable electricity supply. It has been a concern for the last few years that on particularly hot days, for example, we are going to have blackouts. We are going to have nursing homes,

hospitals and schools without any cooling on 40-degree days — not that we get many of those any more; that will be climate change, global warming, no doubt. But on those particular days we need an electricity supply.

What Mr Guy has done is ensure that that supply is safe, that it is reliable and that it meets the needs of those in the inner east and the CBD. How embarrassing would it be if as the capital of Australia, as John Brumby was telling us, when it gets over 30 or 35 degrees, half of the city closes down, all the lights go out and the heating goes off? That is just nonsense.

Mrs Peulich — Wait for the wind turbines.

Mr FINN — Mr Barber's wind turbines may well help. I do not know how many wind turbines you would need to provide electricity for millions and millions of Victorians.

Mr Barber — You haven't read the detail of the capacity.

Mr FINN — How many?

Mr Barber — You haven't read any details about the capacity.

Mr FINN — It is going to provide —

Mr Barber — How much? Ten megawatts? One hundred megawatts?

Mr FINN — Now we have got the battle between the Greens and Labor for the Brunswick vote here; this is going to be good.

What this is going to do is provide reliability of service for the CBD and the inner east. That seems to me to be a pretty reasonable sort of thing. If we are fair dinkum as a government, we should be providing an electricity supply that people know will be there when they flick the switch. It is no good saying, 'Hey, come and live in Melbourne! I'll sell you these great houses for millions of dollars with views of the Yarra. There are marvellous places to live right throughout the city — but there is no electricity'.

Hon. M. J. Guy — And, by the way, we are going to close Latrobe Valley.

Mr FINN — Indeed. As Mr Guy points out, and Mr Barber will probably chime in here, those opposite wish to close Latrobe Valley — there are no two ways about that — in which case of course there would be no lights anyway, so it would not particularly matter.

Mrs Peulich — And have a great big tax.

Mr FINN — Then, as Mrs Peulich points out and as I mentioned earlier, to top the whole thing off we are about to have a great big new tax on everything, which will achieve precisely nothing. I could go into the rights and wrongs of global warming, which actually does not exist. I could talk about climate change, which has been going on now for probably a couple of hundred thousand years. I think it is probably a bit arrogant of some on the left in this country to think they can stop it by slapping a tax on everything. The only things that the Brown-Gillard government will succeed in stopping are business, employment, jobs and a happy home life for millions of Australians who will be thrust into poverty as a result of this carbon tax. That is something that we on this side of the house find repugnant. We will not and we cannot in all conscience tolerate that or support it in any way.

Yet those on the other side, those in the Labor Party and the Greens, do not have a problem with hurting Australians; they do not have a problem with hurting families; they do not have a problem with closing businesses; they do not have a problem with people losing their jobs; they do not have a problem with people losing their homes because they cannot afford to pay their rent or their mortgage; and they do not have a problem with children being turfed out of their schools because their parents cannot afford to pay the fees — not that that would worry them, because they do not believe there should be private education in this country anyway.

They do not care about any of that, and that is something you really have to take into consideration on a motion such as this, because it is all encompassing. It is not just a matter of planning at all; it extends into the much wider reaches of civic debate. These are matters that should be taken into consideration. We cannot have a situation where the previous government let Melbourne grow like Topsy with, it seems, very little control from anybody or anything and then not supply electricity to enable the city of Melbourne to function properly. That would be a nonsense.

This motion is something that, as members may have gathered by now, I am not going to support. Firstly, it is in the wrong place. As I may have mentioned in passing, this is the Parliament of Victoria. This is the Legislative Council. It is not the planning authority for Victoria. Secondly, we need electricity. I do not know what it is about people on the left in this country who have got it in for electricity, whether it be by way of tax, closing down Latrobe Valley or any number of other acts of lunacy that some of these people propose.

Either way this motion is one that is deserving of defeat. If this motion is defeated today — and I suspect that it might be — I am hoping Mr Tee will listen and will think about the ramifications of bringing in motions that are a waste of time on future wacky Wednesdays. Is Mr Tee listening? I hope Mr Tee is listening and that in future he will consider what he does before he brings motions in here that waste the time of the Parliament. I oppose Mr Tee's motion.

Ms MIKAKOS (Northern Metropolitan) — I rise to speak in support of Mr Tee's motion, and I take this opportunity to thank him for and congratulate him on bringing this motion to the house. I also take this opportunity to express my thanks for and acknowledge the hard work of the local member, the member for Brunswick in the Assembly, in continually raising the concerns of her local constituents on this issue. I am certain that some of those constituents will be interested to read today's *Daily Hansard* tomorrow, in particular Mr Finn's dismissive comments about their concerns. It is a shame that they will not be able to see video evidence of Mr Finn's performance, because if they could, they would be absolutely appalled at his carrying on, particularly before lunchtime. Mr Finn seemed to forget that he was in the Legislative Council of the Parliament of Victoria. He must have thought he was at the corner pub. He put on quite a performance.

We have a serious matter before us. The Brunswick community has been expressing legitimate and genuinely held concerns around this issue for some time. The Brunswick community wants to be assured that parliamentarians in this place are actually listening to it. Tomorrow, when members of the Brunswick community read today's *Daily Hansard*, I am sure they will be absolutely disgusted that members of the Baillieu government have treated their concerns with such utter contempt. What has been clear from the process to date, which has brought this revocation motion before the Parliament, is that the government is not interested in the community's concerns around this issue.

Mr Ondarchie interjected.

Ms MIKAKOS — There has been a longstanding history, Mr Ondarchie, going back many years.

Mr Ondarchie — Have you met with them?

Ms MIKAKOS — You would be surprised at how many conversations members of Parliament, including me, have had with constituents around this issue for many years. This issue has come about because the Minister for Planning has made a decision to rezone the

area in which the Brunswick terminal station is situated to allow for an upgrade and expansion of the station, which will see its size grow fourfold. The community has expressed a number of concerns that are still unresolved.

The member for Brunswick has done an excellent job of listening to those concerns and advocating for her local community. The Leader of the Opposition has been listening to those concerns. In fact he visited the site early last year. However, we have had very little interest from members of the government on this issue. It will be interesting to see whether Mr Ondarchie will get to his feet and contribute to this debate. I noticed that neither he nor Mr Guy are on the list of speakers for this debate today, despite the fact that Mr Ondarchie represents that area, as do I. I look forward to seeing whether Mr Ondarchie will actually make a contribution and defend the government's position, because I am sure he wants to run away from this issue as quickly as he can.

The government's response indicates that it is trying to wash its hands of this issue. The community has expressed genuine concerns about this issue. Families in Brunswick have expressed concerns around health, safety, the environment and amenities. They are concerned about this proposal, but Mr Finn has said in this chamber today that it is a criminal waste of the Parliament's time to be discussing this issue. It is an absolute outrage that members of the Baillieu government do not believe the Parliament of Victoria should be concerned about a government process that has not allowed community input and has not allowed an independent process to be undertaken to consider these concerns. A council has expressed an opposing view on this proposal on two occasions, after which the proposal went to the Victorian Civil and Administrative Tribunal (VCAT). The minister then called the matter in and just steamrolled the decision, ignoring the wishes of the local council and the local community. He allowed this project to go ahead with all those unresolved issues and without the community receiving answers about their concerns.

Mr Finn asked before, 'What are those issues?'. I will put some of them on the record. Mr Ramon Colodetti, one of the key people involved on behalf of the local community, wrote to the Minister for Health about the issues last year. He received a response dated 16 August 2011 from the Minister for Health's chief of staff, Rosemary Calder. Mr Colodetti raised issues around electromagnetic radiation and the concerns of some people in the community about that. I am not an expert in this area — no members of Parliament are

experts in this area — but the community deserves some answers on this issue.

In the response that the Minister for Health's chief of staff wrote to Mr Colodetti it is quite clear that there are still some unresolved issues. I want to quote from this letter, because I think it raises some issues that the community wants aired and which have not yet been responded to:

I am advised that a new standard for electromagnetic radiation protection has been under development for a considerable period by the Australian Radiation Protection and Nuclear Safety Agency ... and that the previous exposure standard published by the National Health and Medical Research Council has been withdrawn. As a result of the delay in publication of any new guidance, on 20 May 2011 the minister —

and I think in that case the reference is to the Minister for Health, David Davis —

wrote to the commonwealth Minister of Health asking her to expedite the publication of a new standard.

Effectively what this letter is confirming is that there is still no agreed standard from the federal government about electromagnetic radiation, and I understand this is still the case. However, the state government has proceeded with a decision without knowing where the bar is going to be set, what that standard is going to be in the future and whether this proposed expanded power station is going to exceed that standard. You would have thought the state government would wait to get some of those key bits of information before it went ahead and called the matter in, ignoring these issues and allowing this project to go ahead.

I thought Mrs Petrovich's contribution on this issue was very interesting. She has been advocating for 2-kilometre buffers for wind turbines, but the people of Brunswick apparently do not deserve the same level of protection in relation to electromagnetic powerlines.

There are a lot of concerns that could have been considered through an independent process, and perhaps people's minds might have been put at rest if scientific evidence indicated that the community should not be concerned. But because there has not been an independent process, the community will never know. Members of the community will never be able to put their minds at rest knowing there are no health dangers they should be concerned about. I can tell the house that the community is very concerned about these issues and if there had been an independent process, all of these issues would have been able to be considered.

This proposal affects Brunswick East, which is located in the Moreland municipality but is very close to the border —

Mr Ondarchie — What street is it in?

Ms MIKAKOS — It is in King Street. Perhaps Mr Ondarchie should go and visit it. It borders the municipalities of Darebin and Yarra, municipalities that are in my and Mr Ondarchie's electorate. Mr Ondarchie has been conspicuously silent on this issue.

This is an area that was previously zoned residential 1 and borders many homes and the parkland in the Merri Creek corridor. The Brunswick terminal station is owned and operated by SP AusNet, with CitiPower distributing electricity from the site to approximately 25 000 customers in the inner northern suburbs of Melbourne, including Brunswick, Northcote, Carlton, Fitzroy, Fairfield and Collingwood. I know residents even further north, for example in Reservoir, which is very close to my electorate office, are also concerned about this proposal because it will lead to high voltages travelling through powerlines situated over homes that have been there for many years. There are some concerns held by people not just in the Brunswick area but also further afield. I think Mr Ondarchie should get out there and have a chat to some of the residents about these issues, because he would be surprised about the level of concern.

We have had references made to previous council decisions in the course of this debate. For the record I want to refer to that issue briefly. There was quite a considerable discussion at Moreland City Council's urban planning committee meeting on 23 November 2011, and I have a copy of the minutes of that meeting. Two motions were discussed that evening. The first motion, moved by Cr Connellan and seconded by Cr Archer, both Greens councillors, supported this proposal going ahead. That motion, thankfully, was lost. There was a second motion, moved by Cr Tapinos and seconded by Cr Kariofyllidis, that rejected this proposal. In part that motion reads:

... because the applicant has failed to satisfactorily demonstrate how the buildings and works will reduce the impact on the health of the community and how the works will satisfy a policy of prudent avoidance to eliminate any health effects associated with exposure to electromagnetic energy fields.

This particular motion refusing the planning permit was carried by Moreland council. I know the mayor, of whom Mr Finn is a big fan, has expressed his concerns in the local paper. The mayor, Cr John Kavanagh, was quoted in the *Moreland Leader* of 23 February as saying this was a 'blow for local democracy'.

The Labor councillors on the local council have been supportive of the community's concerns around this issue, supported by the local member and the Labor Party, which at the last election gave a commitment to keep talking and working with the stakeholders and the community to try to find a solution that looks at alternative locations.

We were looking at a process that would have taken on board community concerns around this issue, but what we got from the Baillieu government was a reversion back to the Maclellan days. We know Minister Guy's hero is former Kennett government minister Mr Maclellan, who was infamous for the number of call-ins and ministerial interventions he made whilst he was planning minister. We know the Baillieu government has just reverted back to form and that Jeff Kennett is advising the Premier behind the scenes. That has come to the fore in recent weeks in the media as well. We know this state government is a conservative coalition government that, true to form, is about trampling on local communities' wishes, intervening in planning matters and allowing developments to go through, irrespective of the wishes of local communities.

I want to quote again from Mr Colodetti, a spokesperson from the Merri Creek Residents Group, who is rightly outraged at the contempt this government has shown.

Mr Ondarchie — Have you met him?

Ms MIKAKOS — In fact he was here earlier, Mr Ondarchie. There was an opportunity for you to meet him.

Mr Ondarchie interjected.

Ms MIKAKOS — I just told you he was here earlier.

Mr Ondarchie — Have you met him? Did you meet him out there?

Ms MIKAKOS — Obviously, Mr Ondarchie. The *Moreland Leader* of 20 February 2012, quotes Mr Colodetti as saying:

Last year we tried to get the state government involved and they said, 'No, it's not our position, we're happy for it to go through the planning process with Moreland council' ...

He went on:

Now it has been called in. The government has backflipped.

That goes to the crux of the motion. We have had a process whereby the government initially gave an indication it was going to allow the council to deal with this matter as the planning authority. The council expressed a view on two occasions. The matter has gone to the Victorian Civil and Administrative Tribunal, but the government has not allowed VCAT to decide on the matter. The minister has called the matter in and completely trampled on the community's and the local council's wishes. There has not been an independent process to consider all of these community concerns, and this project has been allowed to go ahead. For those reasons I support the motion, and urge the government to revoke this decision immediately.

Mrs PEULICH (South Eastern Metropolitan) — I join with my coalition colleagues in arguing against yet another planning motion introduced by Mr Tee. It is a desperate motion that shows he is struggling to find some relevance in his shadow portfolio. There is an appalling history in planning over the preceding 11 years, but more importantly this is really about a turf war in a local community between the Labor Party and the Greens. This is yet another cheap shot by the Labor Party, which is trying to exploit a situation in order to try to build its electoral fortunes.

What this situation clearly demonstrates is that even though it has been only about a year since it was turfed out of office, the Labor Party, as embodied in Mr Tee, suffers collectively and individually from political amnesia. Predominantly the party was about waste and mismanagement, but planning in particular was one of the issues. The reason why people did not trust Labor on planning issues — and we still see the consequences of that — was its process. Planning is a difficult issue. On the one hand the Labor Party supports population growth and on the other hand we know, and we learnt even today at the Auditor-General's meeting, it failed to set aside the money necessary to plan for population growth. Planning therefore is at the centre of the tensions between a growing population and having to provide greater infrastructure and more development in established communities, which ends up being a very challenging exercise.

Planning is always difficult because in this portfolio, probably more than most others, due process is important. This motion and the sequence of events that occurred around Mr Guy, as the Minister for Planning, approving amendment C1450 are completely legal and logical examples of due process. I will work through that in a moment. The reason why Labor lost was that there was an absence of due process; it had bad policies — I will not use the word 'shonk' following advice from the Chair — and there was questionable

judgement and management of the portfolio by successive planning ministers under the Labor administration.

If Labor returns to the front benches while Mr Tee continues to serve, I cringe at the thought of what he will do to planning. In government Labor Party members were suddenly deaf to the concerns of the community. They did not care. They were not on the ground. They were nowhere to be seen as they enjoyed their free lunches. We can compare that to the situation now where cabinet lunches are paid for by cabinet ministers. Previous government members did not care, and now all of a sudden their hearing has returned. It is not a question of turning up the hearing aids. They are pretending to care, but the bottom line is we know Labor is all about politicking, trying to extract some political advantage, throwing mud and trying to find a story where one does not exist. I can accept that they may not agree with this particular amendment, but in terms of process it is legitimate, and the level of consultation surrounding this has been very extensive.

Victorian Labor is searching for relevance. We have a turf war between the Socialist Left of the Labor Party and the Greens. Mr Finn was absolutely right to talk about the Greens' hot breath — —

Ms Mikakos — We won!

Mrs PEULICH — I don't think so — on the necks of Labor Party members who are trying to hold onto this inner city turf.

What we have seen under Minister Matthew Guy so far — and of course you cannot reverse overnight 11 years of neglect, bad policy and opaque processes, often deliberately made opaque for political advantage — is that he has tried to clarify the process and set up an accountable and transparent process. He has tried to show leadership on issues where leadership is required, and of course he is continuing to work on trying to improve those policies. What Labor members have done is show collective amnesia. They have been trying to extract themselves, often throwing mud at people who are merely doing their job or concocting stories where they do not exist. They do so in a way that personalises and vilifies, throwing mud and throwing stones. Guess what? People who live in glass houses should not throw stones.

What we have seen time and again when Mr Tee moves one of these motions and we end up having a very robust and vigorous debate is that he slinks out with his tail between his legs, castigated. If the Labor Party wanted to rebuild its fortunes, it would be well

served by doing a reshuffle and putting people who have some ability in these very important shadow portfolios.

I will go to the matter of this particular motion specifically, which is:

That amendment C140 to the Moreland planning scheme be revoked.

We know that in the history of this chamber very few planning scheme amendments have been revoked. That has been for good reason — that is, because the necessary technical skill does not necessarily reside in this chamber. That is especially so where it can be shown that there has been a gross deficiency in the process and perhaps there are serious questions of probity. Revocations ought to be reserved for serious breaches of due process, serious breaches of probity and serious issues for which this chamber would have some relevance. As Mr Finn said, this chamber is not the planning authority. That is why over the history of this chamber revocations of planning scheme amendments have been so rare. We do not have the technical skill to be the statutory planning authority. If that were the case, then local government would not be the statutory planning authority.

Going to the big picture of the issue, the coalition government is of course committed to a very important issue that is at the forefront not only for those in Victoria but the nation, and that is having a safe and reliable power supply for Victorians. This is at a time when the nation is being slapped with a great big dirty tax, the benefits of which will be to shrink our manufacturing base, de-industrialise Victoria and Australia, shut down the power supply from the Latrobe Valley and invest more and more money in technologies where there is not necessarily a cost benefit. What is important for this government is to make sure that we protect the power supply for Victorians, which is critical to the functioning of this state.

The rezoning of the Brunswick terminal station from residential to special use will enable an upgrade of what is a vital facility to deliver that reliable power supply to a lot of inner metropolitan suburbs, which in many instances are represented by members of the Labor Party and some of which are represented by the Greens. More recently of course voters wisely have also elected more Liberal Party members to the upper house. Without this upgrade it is very likely that as early as 2015 areas across the CBD and inner Melbourne would suffer significant power outages at peak usage times as early as 2015. The Victorian coalition government has

acted to ensure a secure supply of electricity to Melbourne's inner east and the CBD.

I understand that the Brunswick terminal station has been located at the same site since 1938. It has an as-of-right use, so the local community has had a long time to get accustomed to this particular use. Not only that but many would not have been residents of that local area before the station was established, given that it dates back to 1938. Prior to amendment C140, which rezoned the land from res 1 to special use, the terminal was zoned, as I said, res 1, and that meant that the buildings and works required planning permission. Having it rezoned for a use that has existed since 1938 means that a planning permit is no longer required for the works.

There is obviously a turf war going on at Moreland City Council between the Greens councillors, Labor councillors, Independent councillors and so forth. I understand that two or more Labor councillors have actually been tossed out of the Labor Party because they voted for an Independent mayor in Mayor Kavanagh. Clearly this is a little hotbed of political unrest. The council has considered this application for a permit on two occasions. It is my understanding that the Greens councillors voted that the council should make a decision rather than take a punt on allowing objections to be taken to the Victorian Civil and Administrative Tribunal where there would be less control over the conditions.

Honourable members interjecting.

Mrs PEULICH — No; their argument was that. Clearly there has been the loss of time, given the need to have three years to build the facility and the extensive investigation of a number of alternative sites. In response to the Merri Creek Community Group, nine alternative sites were considered: two in Kingsville and others in Brooklyn, Newport-Yarraville, Coburg, North Fitzroy, inner Melbourne and Kew. The result of all those investigations was that the net benefit for energy users was greatest at the terminal station's current location in Brunswick. Any increase in costs would be passed on to electricity users. Combined with escalating costs and a carbon tax, this was not particularly good public policy.

In relation to Ms Mikakos playing cheap politics on the issue of the concerns about the electromagnetic field (EMF) — in particular, she mentioned that we are not experts — she forgot to mention that two EMF studies have been undertaken by the proponent, that the council has commissioned an independent review of these studies and that the proponent has advised that:

The measurements undertaken around the site found that the highest of the measured magnetic field is less than 5 per cent of the relevant health limit in the national guidelines and standards (including NHMRC and ARPANSA) and 2.5 per cent of the corresponding international limit, published over the past few decades. It is expected that the proposal will not significantly alter the magnetic field profile of the area and that the Brunswick terminal station does not contribute significantly to the magnetic field profile of the area.

On planning grounds and public policy grounds, given the need for security of energy supply and the beating up of concerns where they do not exist, the department sought that the minister rezone the land to special use. The minister has exercised his powers to do that and he has done that in an open and transparent way, taking into account the extensive community consultation and building in and responding to some of those concerns in the process.

With those few words, I intend to vote against Mr Tee's motion and urge all others to do likewise.

Mr ELASMAR (Northern Metropolitan) — I rise to add my voice to the concerns outlined by my colleagues regarding the expansion of the Brunswick terminal station and the proposal to build a new 66-kilowatt facility. When we have late nights it is good that on the next day we have some laughs and show a sense of humour, but it is also good to stick to the subject of the debate, which is the motion that Mr Tee has brought before this chamber. The former Minister for Planning, Mr Madden, now the member for Essendon in the Assembly, has been referred to and members have talked about Brimbank council and issues with the federal Labor Party. They have nothing to do with Mr Tee's motion, which is about community consultation and about safety and health, and this is what is important.

In 2010 the Moreland City Council received a proposal which was duly voted down by the people's elected local council representatives. It was rejected on the grounds of insufficient consultation, health and safety issues and the total disregard of the residents who live close to the proposed Brunswick power terminal.

Not satisfied with the rejection of their proposal by Moreland councillors, power companies organised so-called consultative forums for the community, and even then the people, after hearing expert advice from Dr Anne Voss, a health and safety expert, on the implications of the facility on their wellbeing and that of their children and families, again rejected the power company's proposed new 66-kilowatt facility. The sad fact is that as usual, the power companies have chosen the cheapest method possible to implement and construct this installation without regard to the health

and safety of the residents who are their prospective customers.

The establishment of working groups to discuss the design elements, planting and the facade treatment of buildings does not go to the core or the reasons the people of Moreland do not want this facility. I support their genuine concerns, and I join in the chorus of voices who want to disallow this amendment to the Moreland planning scheme.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on this motion. A number of my colleagues on this side of the house have highlighted the need to oppose this motion. This amendment is going to have an impact on many Victorians. As Mrs Peulich said in her contribution, and even though it is not directly related to my electorate of Southern Metropolitan Region either, the undertakings of the investigation happened at a number of sites, including a site at Kew, which is in my electorate.

I wanted to speak to this motion because it highlights how ludicrously the opposition treats energy security and why energy security is such an important aspect of our day-to-day lives. Speakers from this side of the house have concisely pointed out that energy security is absolutely fundamental to the modern-day economy and democracy that we live in. That is how businesses thrive. Electricity is the lifeline of a modern-day economy. While we are facing challenges to our economy from right around the world, the last thing we need is a disruption to energy supply that could further threaten that.

It has been highlighted that the Melbourne CBD, where thousands of Victorians and Melburnians are employed, drives a large part of the Victorian economy. It would be completely irresponsible if this government did not consider securing the energy supply for the CBD and other parts of inner Melbourne.

The Brunswick terminal station, as Mrs Peulich pointed out, has been located at the same site since 1938. SP AusNet, which is the owner of the station, needs to upgrade works to ensure the continued security of electricity supply. That is part of the planning process to enable a secure supply of energy. Mr Barber said this issue had been first raised with the relevant federal minister and the then Minister for Energy and Resources in this state in 2007, which is five years ago. That is symptomatic of the little regard held by the former government for planning for future population growth, business growth and energy needs.

It is interesting to note the contributions to this debate from the opposition. It has argued about and discussed in some detail the so-called lack of consultation by the Minister for Planning. I find that quite extraordinary, because it is well known that there was considerable consultation over the period during which the planning minister and the Minister for Energy and Resources were having discussions.

As we know, alternative sites were investigated. I mentioned Kew. There are two sites in Kingsville and others in Brooklyn, Newport-Yarraville, Coburg, North Fitzroy and inner Melbourne. The results of those investigations were that the net benefit for energy users was greatest at the current Brunswick terminal station. As it has already been pointed out, a request was made by Brunswick residents and a Merri Creek community group. Statutory regulatory investment test investigations are applied to all new electricity works and were undertaken under national electricity rules.

The Minister for Planning can be congratulated on his approach in this regard. He has taken on board those concerns and listened to Moreland council's concerns. Mrs Petrovich pointed out that that vote in council was fairly divided and split, with quite an interesting result, as she articulated when pointing out who was in favour of this proposal and who voted against it. It was quite contrary to Mr Tee's comments that the minister was riding roughshod over the community, councils and the planning processes and that bad practices were leading to bad outcomes. Securing the electricity supply for this state and this city will not lead to a bad outcome. In fact this development will secure a sustainable and long-lasting energy supply.

Ms Mikakos and Mr Barber raised concerns about the consideration of the health impacts of this development. I find this to be quite hypocritical of both of those members because they have previously scoffed at similar concerns about the effects of wind farms on communities and at people who have experienced ill effects from wind turbines or wind farms and the low-frequency noise they generate. GPs who have seen patients have raised concerns about this, and in fact a Senate inquiry is investigating those impacts. It is absolutely hypocritical of those members to argue that point.

Mrs Peulich referred to the electromagnetic field and the work that was undertaken by external engineering consultants and by the industry itself. Those findings were absolutely consistent with national guidelines and standards. I understand that Mr Tee and the Labor Party want to continue to scaremonger and make this an issue, but it is really a non-issue. The coalition

government is committed to supplying a safe and reliable power supply to Victorians, quite unlike its federal counterpart, which is going to impose a great big new tax. Mr Finn articulated that issue extremely well. That tax is going to have an impact on every consumer across the state. It is completely irresponsible. We see in today's *Australian Financial Review* the headline 'Carbon tax hit threatens price blow-out'. The industry says that it is going to pass on those costs to consumers. There is no doubt that is going to occur. Those costs will be passed on to consumers, and that includes Victorians, whether they are small businesses, a pensioner in their home or a large business. Consumers will be paying for the carbon tax one way or another, and it will not make a scrap of difference to the environmental outcomes that it was supposedly designed for.

Without the upgrade of this vital piece of infrastructure, it would be very likely that the CBD and inner parts of Melbourne would suffer significant power outages at peak usage times. This is completely unacceptable in a modern economy. That is why the Minister for Planning has undertaken this very important initiative. With those few words, I would like to commend his actions, and I commend the government for ensuring a secure supply of electricity to Melbourne's inner eastern and central business district areas. Like my colleagues on the government side, I will not be supporting Mr Tee's ridiculous motion.

Mr TEE (Eastern Metropolitan) — I will conclude and wrap up. I will start with Mr Finn's contribution, although I note that Mr Finn tends to lob in here with half-baked ideas and absurd statements and then disappear when there is an opportunity for the record to be corrected and for him to hear how absolutely ridiculous some of his statements were. I hope Mr Finn is talking to Mr Guy, the Minister for Planning, who is also missing in action.

Mr Finn said that the government is not the planning authority. The minister made the decision here, and under the law this house has an opportunity to review that decision. We on this side are seeking to exercise that opportunity. Mr Finn says that this is a waste of time; I hope Mr Finn is sitting in his office listening. This is not a waste of time. We on this side of the house will always stand up for local communities. We will always stand up for families and those who this minister puts at risk. We on this side of the chamber make no bones about our defence of those families who are going to be living on the same road as this great big substation. What we are saying to Mr Finn and Mr Guy, who are not here, is that we will always stand up for families, and unlike Mr Finn we do not think that

is a waste of time. We do not think that protecting communities from harm is a waste of time.

Mr Finn says that this is the wrong place to debate this issue and that it is a matter for local councils. Indeed that is right. However, what has happened — and if Mr Finn were here, I would tell him this directly — is that the local council did consider this matter. It did consult with its community and it did make an assessment. It went through a process and it decided to reject this development. We are here today because once again this minister has ridden roughshod over a local council. He has come in over the top and just said, 'No, no'. Big Brother from Spring Street, some Soviet-style Big Brother, has come in and said, 'No. I do not care what the community wants and I do not care what the council wants'. He has come in like some Eastern European Soviet bloc governor and said, 'I will decide. Single-handedly I will tell members of this community what is best for them'. Without any consultation, without any independent panel, without any process, without any assessment of some of the dangers that are involved, he has simply come in over the top.

Mrs Petrovich — On a point of order, Acting President, I am concerned about the reference to Eastern European countries. Was that some sort of slur?

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

Mrs Peulich — On a point of order, Acting President, the origins of the Minister for Planning are Eastern European, so I think that is an offensive reference to the minister and that the member should apologise.

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

Mr TEE — Mr Finn suggested that the Victorian Civil and Administrative Tribunal might be an appropriate jurisdiction. If Mr Finn is listening, I tell him that this matter had been to VCAT, and guess what? The minister said, 'No, I will not let the independent umpire decide this issue, because I know best. I will take it out of VCAT. Do not worry about it going through VCAT, where you have got an open and transparent process, I will take it in. I will make a decision in my office'.

Mrs Peulich — On a point of order, Acting President, the member is reflecting on the minister by suggesting that there was some sort of lack of probity in the process when the call-in powers are derived from

the Planning and Environment Act 1987, which has been agreed to by the Victorian Parliament.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I do not believe there was a point of order, but I say to Mr Tee that he should keep to the essence of summing up in reply to what has been raised.

Mr TEE — We have got VCAT, we have got the council and finally we have got the community. Mr Guy will not provide a process for the community and he will not meet with the community, and he refuses to come into this house, he refuses to take this opportunity to explain to this Parliament, and through this Parliament explain to the community, the action he has taken. He refuses to take this opportunity to assure the community that there are no adverse health consequences and that this is the best model and the right way forward. Ms Crozier, who is walking out of the chamber, talked about fear, but this silence from the government is what is driving fear. What is driving fear is the lack of process and the lack of transparency.

At least Mr Ondarchie, the other upper house representative for the area, had the dignity not to pretend to his community that he could defend the indefensible. I would urge all in this chamber to stop, have a think and step back. Let us have a decent, open, transparent process, which is decided on not in the office of the minister but out in the open, because that is what Victorians deserve.

House divided on motion:

Ayes, 19

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

Noes, 21

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

Motion negatived.

ROAD SAFETY AMENDMENT (CAR DOORS) BILL 2012

Second reading

Debate resumed from 8 February; motion of Mr BARBER (Northern Metropolitan).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise on behalf of the government and speak in relation to this private members bill, introduced by Mr Barber during the last sitting week, the Road Safety Amendment (Car Doors) Bill 2012. This is a relatively short bill that in effect seeks to put into the Road Safety Act 1986 an existing regulation and, in so doing, seeks to increase the penalty to 10 penalty units from the current 3 penalty units and to introduce a further penalty of 3 demerit points.

I was driving in my car on 15 February when I heard Mr Barber on 3AW's drive program speaking about this bill. I note Mr Barber's comments about the bill and about road safety — —

Mr Barber interjected.

Mr O'DONOHUE — I was on my way to an appointment, Mr Barber. I note Mr Barber's comments about road safety and its importance, and it is an issue that can enjoy cross-party support when it comes to the fundamentals and the principles before us today. I note that Mr Barber said cycling is getting safer, but, as we all agree, there are still a large number of injuries and unfortunate fatalities as well. The facts are that with the growing volume of cyclists, particularly in and around inner Melbourne, cycling is getting safer as a pursuit, but there are still too many accidents, as I said. Unfortunately there are fatalities as well. The issue before us today is what is known as dooring — that is, where someone, without looking as they should, opens a car door and causes an accident, with a cyclist running into that door. This is one of many issues that exist around the road space between cyclists, cars, buses, pedestrians and, at times, trams.

As I said before, the volume of people cycling has grown significantly. Like the previous government, this government acknowledges and recognises that cycling is a legitimate and important form of transportation and has a real role in the overall transport network for commuters, particularly in the 10 kilometres around the city. The Kennett government was perhaps the leader when it comes to a designated infrastructure program for bicycle lanes and cycling infrastructure, and to the credit of the previous government, it continued that program.

Mr Barber — Mark Birrell was a cyclist.

Mr O'DONOHUE — I take up Mr Barber's interjection. Mark Birrell was a cyclist — indeed he was. Mark Birrell was a pioneer in many ways during his term in the Kennett government, and he continues to be a pioneer in his many roles.

The program initiated by the Kennett government was continued by the Labor government. Investment was increased, and in this year's state budget the new government has allocated approximately \$14.5 million as part of the VicRoads bicycle program. Of course that is only one facet of the investment that is being made in cycling infrastructure. Through Sport and Recreation Victoria, new roads that are constructed will now have cycling infrastructure built as part of the required scope, so there is investment across government in cycling infrastructure. When it comes to retrofitting existing roads, that is expensive and difficult, because it can create some competition between different modes. At times there is tension between cyclists and drivers, as I am sure all of us would be aware.

Infrastructure is only one component of the equation here. Education is very much an important part of this process — this cohabitation, if you like, between different modes. I note that on 7 February Minister Mulder, the Minister for Roads and also the Minister for Public Transport, launched a new campaign: the Road User or Abuser campaign. The media release by the minister on 7 February is headed 'Rude on the road — campaign tackles bike riders and drivers behaving badly'. I quote from the media release:

A new campaign launched by the coalition government urges bike riders and drivers to share the road safely as research reveals Victorians feel we are ruder on the road than in other aspects of our lives.

The social media awareness campaign, Road User or Abuser, is the first of its kind, using a Facebook page as a forum for bike riders and drivers to come together to discuss their concerns about sharing Victoria's roads.

The media release goes on to say:

Dangerous driver behaviour among the most common causes of police reported crashes involving bicycles on Victoria's roads include:

opening a car door without checking for approaching bike riders —

which is the subject matter of the bill before us —

(approx. 20 per cent of bike/car crashes in the Melbourne CBD and surrounds)

driving across the path of an oncoming bike rider (approx. 30 per cent of crashes in Victoria)

bike riders being hit from the side or from behind (approx. 20 per cent of crashes in Victoria) ...

This is an important first step in that education process, and we need to change the behaviour of some road users. Other education campaigns have demonstrated over a sustained period that driver and road user behaviour can be changed for the betterment of the community, whether that be through drink-driving campaigns, seatbelt laws or other education campaigns broadly around road safety. Of course there must be some penalty for doing the wrong thing, but education — changing people's perceptions and their understanding of risk — is critical to that.

I am very pleased that the minister has undertaken this online education campaign. I note that in a subsequent media release of 23 February the minister called for more participants. Having just checked earlier today, I saw that that Facebook page currently has 1804 'likes', which is a good start, but I would encourage more members of the community to join up to that.

That brings me to the third component of what we are talking about today, and that is penalties. The bill before us deals specifically — and only — with the issue of penalties. It does not deal with education or infrastructure; it deals specifically with penalties. As Mr Barber said in his second-reading speech and contribution, there is already a penalty for dooring, and that is in place through the regulations. Whilst I respect Mr Barber's choice to bring this private members bill before us today, I think it is worth pointing out that there are other avenues open to Mr Barber. If his objective is to have the penalty increased, it would be more efficient to do it by regulation. He could have had discussions with Minister Mulder. He could have raised the matter on the adjournment. He could have debated a motion in opposition business time seeking the support of the house in calling on the government to change that regulation and increase the penalty. Be that as it may, Mr Barber has chosen to bring in a private members bill.

One of the problems with Mr Barber's private members bill is that because it is silent as to whether the matter needs to be brought before the courts, the presumption is that someone charged with an offence would need to come before the Magistrates Court, which could be a cumbersome, expensive and time-consuming way to enforce this increased penalty. I also note that the penalty is not specific to drivers, so it is possible that minors and other passengers would also be subject to the penalty.

The government has a range of concerns with the bill itself whilst having some sympathy for the motives

behind this private members bill. To ventilate in the public domain some of the discussions that I understand have been taking place between the various parties, there is discussion on foot about the potential for referring this bill to one of the Legislative Council legislation committees for further examination and refinement. I understand there will be further discussions with the various parties at the adjournment of this second-reading debate to facilitate that. If I can speak on behalf of members, I think that has been done with some goodwill on behalf of the various parties.

The last issue I wish to address is the coroner's inquest into the death of James Cross, who sadly died on 17 March 2010 in Glenferrie Road, Hawthorn, after a car-dooring incident. A very sad set of circumstances came together which tragically saw him pass away. The coroner made two recommendations in her report — and again I think Mr Barber has referred to this in his second-reading speech. The first recommendation is around improved cycling infrastructure and the second is around a VicRoads communications strategy and plan. The government is working on both of those recommendations. It is working to improve the infrastructure; it is working to implement the specific issues that the coroner has identified. As I have described previously, with the assistance of VicRoads the government already has an education campaign afoot.

It is worth noting that in her recommendations the coroner was silent about the need for an increased penalty; her focus was on improved infrastructure and improved education. In addressing any of these issues around road safety all three components are important. This bill deals specifically with one. The government has a number of concerns about the way this bill is drafted, but it is keen to work with Mr Barber and the opposition to explore ways to improve it.

Ms PULFORD (Western Victoria) — I am pleased to speak on Mr Barber's private members bill, the Road Safety Amendment (Car Doors) Bill 2012. I welcome the opportunity to join the discussion about how cyclists and drivers interact on our roads. This discussion is occurring today because of the actions of a non-government member in the Parliament. I note Mr O'Donohue's observation that there are a variety of ways to achieve the outcome that Mr Barber seeks through this bill. However, not all of them are so readily available to non-government members, the matter of regulation being largely a matter for the executive government.

Cyclists are many in Victoria. The Australian Bicycle Council estimated in 2009 that over a half a million

recreational cyclists participate in their sport or their chosen mode of transport in Victoria. However, in 2011 some more detailed work was done on this, and the council found that 1.08 million people ride a bike each week in Victoria and that 19 per cent ride weekly, 29 per cent ride monthly and 42 per cent ride annually. I fit into the monthly category — not quite weekly, but better than annually.

I was interested to learn that cycling participation is significantly higher among residents of regional Victoria than those in metropolitan Melbourne. It is interesting because some of the discussions and debate around this matter have focused on the crowds that are riding their bikes along our beautiful coastlines in and around Melbourne and about inner city cyclists and people riding into the CBD for work. But what the research shows is that people in regional Victoria are participating in cycling in greater numbers than people in metropolitan Melbourne. It is interesting to note that in Victoria female cycling participants outnumber male cycling participants. This is unique to Victoria, it seems, with the blokes outnumbering the women in other parts of the commonwealth.

However, this research was undertaken to provide a benchmark against which the National Cycling Strategy 2011–2016 can be measured. The strategy seeks to double the number of riders in Australia over that period, so this data is the baseline for that measurement. The survey from which I have been citing these numbers represents the views of some 9661 households, and that survey represents almost 25 000 individuals. This is work that has been funded by all state and territory road authorities.

Cycling as a sport is an increasingly popular activity. In recent times in Victoria, indeed in my own electorate, the UCI world championships have been held in Geelong. We have a new national registered road cycling team, and I certainly wish it well in its endeavours this year. Events in regional Victoria include the national cycling championships, and just one month from now the UCI Track Cycling World Championships will be held in Melbourne. The success of Victoria in attracting all these major events also fuels people's passion for cycling as a sport, and this is no doubt part of the reason there are so many more cyclists on the road.

Many of our cyclists are young people. Numerous government programs have had support across all sides of politics and over many years in promoting greater cycling participation. In recent weeks members will have received an invitation to participate in Ride2School Day, which is on 23 March. I have

suggested I will jump on the bike on that day and help to promote that event. I encourage other members, who perhaps have not yet had the opportunity to reply to that invitation, to take it up and to support this important initiative.

In 2011 the Minister for Health and Leader of the Government in this place was espousing the benefits of cycling to children at the Merri Creek Primary School. Those kids did not need much encouragement. The school already had a very high proportion of cyclists among the student body, but the efforts of the students were rewarded with 20 bikes and helmets. The minister promoted the Ride2School Star Rewards program and said then that all the studies showed children involved in sport and recreation at a young age are more likely to continue physical activity well into their adult years.

While I was preparing to make some comments on Mr Barber's bill, I learnt that Mr Finn has been at St Albans Heights Primary School also promoting the same program and congratulating that school on its improved bike parking facilities — again, part of the Star Rewards program. The Minister for Sport and Recreation, Mr Delahunty, and the Minister for Tourism and Major Events, Ms Asher, have on occasions taken the opportunity to champion Victoria's Cycle Tourism Action Plan 2011–2015, which again promotes participation in cycling at every level and seeks to ensure that Victoria gets its share of a \$2.4 billion national cycling tourism industry.

Melbourne has also been declared a bike city by the UCI, only the second city after Copenhagen to achieve this distinction. We really are in a part of the world where cycling is greatly valued for its health benefits and for its very practical transport benefits, and because we are a bunch of sports nuts at the best of times, for so many reasons. The Minister for Public Transport, when promoting the government's Road User or Abuser campaign, indicated that 94 per cent of bike riders think drivers intimidate them on purpose, and he said it was time for the drivers to respond.

In the promotion of the government's campaign to raise awareness of these issues it has been asserted that 88 per cent of drivers and bike riders agree that there needs to be greater mutual respect. There is plenty of evidence that the government is aware that there needs to be greater understanding and greater respect by all road users — cyclists of motorists and motorists of cyclists. This is very much what Mr Barber's bill seeks to address.

The bill has perhaps come about now because the government has vacated the field somewhat on road

safety but also because incidents of car dooring of cyclists have been increasing. One could assume this is partly because there are significantly greater numbers of cyclists on our roads. The number of infringement notices issued for this type of incident in 1999–2000 was 77. There was a slow but steady climb to 93 infringement notices in 2005–06, and then there was a really quite significant jump in the number of infringement notices issued in the last three years, with the latest data showing 187 infringement notices were issued in 2010–11. The crash statistics tell a similar story. In 2000 there were 60 reported incidents of vehicles striking a car door when the car was stationary that involved a cyclist; in 2010 that number had risen to 158.

Mr O'Donohue, and Mr Barber in his second-reading speech, indicated that this bill seeks to increase the number of penalty units from 3 to 10. There is a list of offences that incur 10 penalty units, but to provide some context, they include obstructing traffic when doing a U-turn and not wearing a seatbelt. It is also the penalty that applies to a cyclist driving through traffic lights.

I am encouraged by Mr O'Donohue's comments about discussions occurring outside of the Parliament on these issues. The Labor Party has some concerns about this bill and whether it is the right approach for dealing with the bigger issue of how cyclists and motorists interact on the road. We have been involved in discussions about the possibility of one of our parliamentary committees considering this bill in some more detail before this matter comes to a conclusion in this place. I look forward to hearing the outcome of those discussions.

In our view the government has wasted a year of Victoria's strong and proud history in road safety. Victoria has been an international leader in road safety policy. In Victoria, although not so much in recent times, we have had international delegations visit to meet with the parliamentary Road Safety Committee and people from our road safety agencies to learn about the many standard-setting endeavours that have held us in good stead. Labor is proud of its record in road safety, and we are proud of the reductions in the road toll that our policies and initiatives contributed to. We acknowledge that in many respects these things have enjoyed bipartisan support. I was terribly concerned by the dog whistling that occurred in the years leading up to the 2010 election around speed cameras and red-light cameras.

Mr Barber — Not so much dog whistling as a foghorn.

Ms PULFORD — Yes, perhaps it was a foghorn rather than a dog whistle. Members of the then opposition certainly embarked on a careless and irresponsible endeavour by suggesting that in some circumstances speeding and running red lights were not such bad things. I noticed an almost immediate about-turn in the rhetoric around speed cameras upon the coalition coming to government. I would urge government members to continue to embrace the long history of a bipartisan approach to road safety because there are few areas of state government responsibility that are so important.

We have a challenge to deal with the vastly greater number of cyclists on our roads and the way in which they interact with our motorists. I welcome Mr Barber bringing this bill to this place. As I said, the Labor Party has some concerns about whether this bill is the best way to advance these issues. I welcome Mr O'Donohue's comments that these discussions will occur after debate on this bill is adjourned in a few moments. With those comments, I thank the house for the opportunity to speak on this bill.

Mr KOCH (Western Victoria) — I move:

That the debate be adjourned until Wednesday, 14 March.

Mr BARBER (Northern Metropolitan) — I am happy to support the motion. I have not received any undertakings from the government or any other party as to whether they are supporting my bill. There has also been some discussion of the possibility of referring my bill to a parliamentary committee. I am aware that the government will probably not support my bill if we push it forward today, and therefore I am happy to support debate on the bill being adjourned.

Motion agreed to and debate adjourned.

Debate until Wednesday, 14 March.

PRIVILEGES COMMITTEE

Reference

Mr BARBER (Northern Metropolitan) — I move:

That there be referred to the Privileges Committee for inquiry and report the conduct of Mr Simon Ramsay, MLC, in relation to his vote in the Council on 12 October 2011 relating to amendment VC82 to the Victoria planning provisions, and whether his vote breached standing order 16.07 or any provision of the Members of Parliament (Register of Interests) Act 1978.

The nature of my motion recommending investigation by the Privileges Committee into the conduct of

Mr Ramsay, a member for Western Victoria Region, and his vote on planning scheme amendment VC82 is just about one of the most serious claims that can be made against the conduct of another member. In my five years here there have been many claims and motions moved against members — allegations of no confidence or of impropriety in their administration or otherwise — and many of those allegations were based on supposition, rumour, innuendo or someone's theory about what might have happened. They were seeking an investigation to try to prove what somebody suspected.

But in the case I am bringing forward today I will base my motion and the argument for it solely on material that is already in the public domain. The most important piece of information is a letter that Mr Ramsay himself wrote and that has come into our possession. In doing so I will seek to set out a prima facie case for the allegation — prima facie in the sense that the contents of the letter, if proven, would represent the offence we are claiming. However, we have not moved a motion condemning Mr Ramsay, censuring him or making a finding against him; we have moved a motion requesting that the Privileges Committee investigate the material and the claims that I am putting forward. I will not be sitting on that Privileges Committee, so that will be for other members to determine.

I would much rather be debating energy policy or some other issue than debating the conduct of a member. The reason for that is that every time we come in here and spend more time debating the conduct of members we reduce the public trust, and that makes our job harder. However, the nature of the material and the allegations that I am putting forward are, as I said, just about the most serious that can be made against a member, and with that material and that understanding in my possession I do not have much choice but to bring it to the attention of the chamber for decision and action. I am going to base my case on five facts — facts alone — and I believe these facts are irrefutable. I will summarise them first and will then deal with them in detail.

Fact 1 is that the Parliament's vote on VC82 in October last year, in which Mr Ramsay participated, increased the likelihood that the Mount Gellibrand wind farm would lose its planning permit. It was that vote on VC82 that created that possibility. Fact 2 is that Mr Ramsay had a direct, personal and pecuniary interest in that outcome in relation to the Mount Gellibrand wind farm and that that is a breach of section 3 of the Members of Parliament (Register of

Interests) Act 1978 dealing with the code of conduct for members.

Fact 3 is that Mr Ramsay failed to fully disclose the nature of that interest, which in itself is a breach of the code of conduct in the aforementioned act. Fact 4 is that his lack of disclosure meant that we as members could not debate or challenge under standing order 16.07 his right to vote on that planning scheme amendment. Fact 5, based on the statements Mr Ramsay has made since this came to light, is that he does not understand any of the above. I surmise that it seems no-one from his party has explained it to him. Now I will return to each of these issues.

It has been stated by Mr Ramsay and also by the Deputy Premier, Mr Ryan, that planning scheme amendment VC82 does not relate to the Mount Gellibrand wind farm and only relates to future wind farms. That is not correct. A section of planning scheme amendment VC82 creates transitional arrangements for wind farms that already have planning permits likely to expire within a short period around when this planning scheme amendment was created. The Mount Gellibrand wind farm is one of those. When a planning scheme amendment is implemented it is actually quite rare for it to have a retrospective effect, but this transitional arrangement provision within VC82 says:

Any extension of time of a permit granted pursuant to these transitional arrangements must specify an expiry date for the commencement of the development no later than 15 March 2012.

There would be many occasions when changes to planning rules occur and affect pieces of land where planning permits have already been issued. There is also a provision in the act for planning permits to be extended. At the time those planning permits are extended — based on a piece of case law from VCAT (Victorian Civil and Administrative Tribunal) — the decision-maker has to consider a number of things. One of the things they have to consider is whether there have been major changes to the rules in the time since the planning permit was first issued. That is routine.

But this planning scheme amendment in relation to the Mount Gellibrand wind farm, and I believe about eight other wind farms, says that is not correct. It says no minister or local government decision-maker is allowed to extend the planning permit of Mount Gellibrand and other wind farms beyond 15 March. The rule in this planning scheme amendment says a wind farm whose permit is about to expire has to get an extension on its permit and that extension cannot go past 15 March this year. It says such a wind farm would then have to achieve all the secondary development plan approvals

to the satisfaction of the responsible authority — and they are considerable in relation to wind farms — and that it would then have to commence substantive works by 15 March.

With a number of wind farms caught short, if you like, not expecting these changes and then finding themselves with a period of six to nine months to commence substantive works on their wind farm as well as take all those other steps I just outlined, there was a real scramble. For the purposes of Mr Ramsay's conflict of interest, which I will move onto next, it does not matter whether there was a highly likely instance of Mount Gellibrand missing those deadlines and losing its permit; it only needed to be a realistic possibility — which of course it was.

There were many steps that the wind farm had to go through and many hurdles it had to jump over, including the possibility of court actions delaying its time line, court actions which, we will see, Mr Ramsay threatened to initiate. If there was even a possibility that amendment VC82 could mean that this wind farm could lose its planning permit, then that was enough for there to be an engagement of Mr Ramsay's interests.

By the way, if that planning permit expires on 15 March, the other rules in amendment VC82 mean that Mr Ramsay, who lived 1.6 kilometres from the nearest turbine in the wind farm in question, would have had an absolute right of veto under these rules. The proponents of the Mount Gellibrand wind farm would not have been able to seek a new permit post 15 March without the absolute support of Mr Ramsay. The hurdles put up were to the benefit of Mr Ramsay's action, which was to squeeze money and other valuable considerations out of the wind farm company. If it had gotten to 15 March and he had been successful or those eventualities had occurred, then after 15 March his negotiating hand would have been even stronger.

The next matter is the claim that Mr Ramsay had a direct personal and pecuniary interest in the possible outcome in which the Mount Gellibrand wind farm would lose its permit. The information on that comes from a letter Mr Ramsay wrote to the company — a letter of demand. The letter was dated 5 October. Bear in mind that Mr Ramsay's vote on amendment VC82 was on 12 October. I have copies of the letter and all the other documents that I am referring to here, and they are available for members who want one. The letter details a whole range of meetings and issues Mr Ramsay raised about the wind farm. When it gets to the end, he makes a claim. He says:

In light of all the above, I request that Acciona agrees to:

- (a) retain an independent expert to complete full noise attenuation works on both residences of my property including installing double glazing on all windows by 1 September 2012;
- (b) remove the turbines with the numbers 56, 58, 61, 55, 57, 60 and 52 as numbered in the turbine plan;
- (c) not locate any turbine within a 2-kilometre radius of my main residence;
- (d) not locate any turbine to the south of my property within a specified 'viewing corridor' such that I am able to continue to enjoy uninterrupted views from my home and garden to the Otway Ranges; and
- (e) seal Mooleric Road between the front gate of the property Mooleric and the corner of Ondit West extension road and Mooleric Road. These works must be completed by 1 September 2012. This is to help alleviate excessive noise and dust that will be caused by vehicular movements; and
- (f) pay me an amount of \$66 000 plus GST by 16 March 2011 in order to fund the planting of fast-growing native trees (at \$11 000 per kilometre for 6 kilometres) around the boundary of my property; or
- (g) enter into bona fide discussions to purchase my property at current market value which purchase must occur by 31 December 2011.

On that last point, I believe from my research that the property Mr Ramsay was referring to is on realestate.com. I will not read out the address, but if I am looking at the correct property, the asking price of that property is \$1.4 million. Mr Ramsay was trying to avoid a disbenefit to himself. He has told us in the past that he believes that living next to a wind farm would reduce your property value by 40 per cent. He believes that. If we take him at his word, it appears that he was trying to avoid a disbenefit to himself with a rather large dollar figure attached to it. He was asking for what would have been quite expensive works and improvements to be made on his property, which he thought would ameliorate the impact of living next to the wind farm, or, alternatively, for the company to buy his property off him. There is nothing more direct, personal and pecuniary than that. If the wind farm's permit had expired due to the proponent's inability to meet a number of requirements by 15 March, Mr Ramsay would have had the right to veto that wind farm making a further application, and we can imagine he would have been asking for even more than he was asking for there.

This is a breach of the code of conduct for MPs contained in section 3(1)(a) of the Members of Parliament (Register of Interests) Act 1978. It says:

Members shall —

- (i) accept that their prime responsibility is to the performance of their public duty and therefore ensure that this aim is not endangered or subordinated by involvement in conflicting private interests ...

It also says that members shall:

- (ii) ensure that their conduct as members must not be such as to bring discredit upon the Parliament ...

And it further says in subsection (ii)(c) that:

a member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of the use of, his position as a member ...

Mr Ramsay's position as a member includes voting on amendment VC82. Based on my experience with matters of conflict of interest in the local government sector and in broader public debate, I argue that it was impossible for Mr Ramsay to untangle his vote on VC82 from the broader public interest that he was required to serve when making decisions on how to vote in this chamber and from his own very direct, very pecuniary and very, very personal interest in the Mount Gellibrand wind farm, as covered under VC82.

I also state that Mr Ramsay failed to fully disclose the nature of his interest, and I base that on a number of debates we had last year. Initially, in March, we had a debate on planning scheme amendment VC78, which also related to wind farms. However, VC78 had little impact on the Mount Gellibrand wind farm or any other wind farm. It contained some minor changes that embodied new noise guidelines, which nobody thought would have much impact on any wind farm, it included some more application requirements and I think it also returned responsible authority status to local councils. I am certainly not suggesting that amendment VC78 had a major impact on any wind farm, particularly Mount Gellibrand wind farm. However, during the VC78 debate, Mr Tee, the mover of the motion, did make allegations, or suggestions, that Mr Ramsay had a pecuniary interest. I now state that I believe Mr Tee was wrong. There was no basis for Mr Tee to make that claim in relation to Mr Ramsay's vote on VC78, for the reasons I have just explained.

However, in the course of that, two things happened. One is that the President got up and made a comprehensive ruling in relation to pecuniary interest, and he continued at length on this topic. This was in the context of an allegation that had been made against Mr Ramsay. The President read out standing order 16.07. We do not normally read large slabs of *Hansard*, but we are debating a matter that concerns the vote in

Parliament, so I have to read some sections. The President then said:

I indicate in the first instance that it is my view that in most circumstances the Chair is not in a position to determine the pecuniary interests of members because the Chair is simply not in possession of direct information about what members' benefits, sources of income or advantage might be beyond the basic register of pecuniary interests.

He said:

Further, a member would need to be one of a relatively small number of people with a pecuniary interest to be denied his or her right to vote, given their representative role ...

He also said, referring to Mr Ramsay:

... unless he is in possession of facts not available to me suggesting that he has some other pecuniary interest rather than an interest in common with other citizens of Victoria, given that the motion is about a state matter.

He finished by saying:

I do not believe that necessarily represents a pecuniary interest for him.

He is referring to Mr Ramsay. However, then Mr Ramsay got up and made a declaration of interest of sorts. He said:

I do have an interest in a wind farm that is proposed to be built locally in my area, as I do have an interest in at least 14 wind farm proposals that were slashed with a tick by the previous Minister for Planning, Justin Madden, in a haphazard manner just prior to the last election.

Various other bits of anti-wind farm rhetoric followed. Then he said:

For Mr Tee's information, the implication in relation to my interest in such matters concerned a planning permit applied for and issued eight years ago for a wind farm development in the shire of Colac Otway. The fact is that the permit sits under the old planning regime, so it has no relationship to either this motion or the gazetted new guidelines that the planning minister proposed; the permit sits under the old guidelines of 2003.

Mr Ramsay then said:

I have no direct interest in the proposed wind farm under the planning permit issued eight years ago. The project has had three different managers, and there is still no sign of any construction.

That might have sounded like a disclosure but, in light of what we now know about Mr Ramsay's dealings with the wind farm company, it was not full disclosure — it was not anywhere near it. In fact the charged and rhetorical nature of Mr Ramsay's speech served more to point us in the other direction, away from there being anything much to scrutinise —

particularly his statement that it was 'issued eight years ago', which is factually correct, and that 'there is still no sign of any construction'. That matter was dealt with on 23 March 2011. We now know from Mr Ramsay's letter that a few days earlier he had already had his first meeting with the wind farm company and that he was aware at that time that the company was getting serious about construction and was taking steps towards getting its secondary development approvals and then commencing works. It may be literally true that there was no sign of any construction, but Mr Ramsay well and truly knew that the company was gearing up. If that alone was a disclosure, it was not a very good one.

Then on 12 October 2011, when Mr Ramsay first stood up to speak on VC82, he launched into a spray about Mr Tee. He said:

Consistently ... I have heard his misinformation, his non-factual and his downright incorrect information about wind farming.

By interjection, I said to Mr Ramsay:

Choose your words carefully.

I said this because I had some awareness at the time that Mr Ramsay still had a relationship of some closeness with this project, although I was not at all informed about exactly how close that relationship was. Mr Ramsay said:

Yes. I say this on the basis that I have some intimate knowledge as a land-holder, as a farmer and as someone who is going to live next to a wind farm in my area ...

Again, that is 1000 miles short of the real information that Mr Ramsay had in his hand at that time about what his relationship was. He had posted his letter of demand seven days earlier. He simply said, 'I live next to a wind farm that is going to get built'. He did not tell us he was in direct negotiations or that he was threatening to take the matter to the Victorian Civil and Administrative Tribunal. He certainly did not make clear to me, let alone other members of the chamber or the general public, the nature of his interest. The test for disclosure for Mr Ramsay is not just whether he confirms or denies allegations that might be thrown across the chamber. The test for Mr Ramsay and all of us in disclosing our interests is whether a member of the public or a fellow member of Parliament who hears us speak on the matter understands the nature of our interest in the matter. That is the test.

In the written disclosure that we all have to provide in relation to our assets Mr Ramsay simply states, 'primary production property, Birregurra'. Again, that falls a long way short of the real situation. That may be

referring to his property on Mooleric Road. We know that is actually Mr Ramsay's principal place of residence, and we know there is a second residence on that property from which he obtains an income. However, from reading that motion and hearing his disclosure in March or October 2011, none of us would have ever been the wiser that Mr Ramsay had a direct, personal and pecuniary interest in a wind farm that was potentially affected by amendment VC82. Those disclosure requirements are also contained in the Members of Parliament (Register of Interests) Act 1978. Section 3(1)(d) of the act states:

... a member shall make full disclosure the Parliament of —

(i) any direct pecuniary interest that he has ...

and

(iii) any other material interest whether of a pecuniary nature or not that he has —

in or in relation to any matter upon which he speaks in the Parliament;

The written return is not enough. There is a proactive requirement here to get up and make further and complete disclosures at the time you speak on a matter. In the UK House of Commons, where they have had a lot of scandals of their own, the requirement is the same, and it even goes one step further: it requires a member to disclose his or her personal interests, even when making representations to a minister or another person as a member. If that rule applied here in the same way, Mr Ramsay would have had to do it whenever he was making representations to the Minister for Planning, something on which I have no information.

In between the two planning scheme votes Mr Ramsay asked a question during question time on the subject, and he also raised an adjournment matter on the subject. Under that full regime of disclosure he would have had to declare his interests at those times. Very little of that goes on here. It is rare for a member to start by making disclosures. In the local government sector, of course, every council meeting begins with people making the necessary disclosures. No person observing the debate, without being able to do an incredible amount of detective work in anticipation of the contents of amendment VC82, would have known the nature of Mr Ramsay's interest. That interest had dollar signs and a lot of zeros on it.

The lack of disclosure meant that we as members could not debate or challenge Mr Ramsay's right to vote under standing order 16.07, which reads as follows:

No member will be entitled to vote upon any question in which he or she has a personal, pecuniary or direct interest in the matter, and the vote of any member so interested will be disallowed. The interest must be direct, personal or pecuniary and separately belonging to the member and not in common with the public in general or any section of the public or on a matter of state policy.

This is where the government is going to try to make a technical argument or an argument that it is all a matter of degree. I have already argued — and I think it is irrefutable — that Mr Ramsay failed in terms of disclosure and avoidance of conflict of interest under the act. That alone is enough, but for completeness we also have to address the question of standing order 16.07, because when the President made his ruling in March last year he effectively read Mr Ramsay's rights. There cannot have been any confusion for Mr Ramsay on this question.

I do not know whether new members coming to this place are taken to an induction by their parties and told about the code of conduct and its other requirements, but they ought to be. Every member in this place — and I have been surprised to learn there are members here who, even after having been here a long time, do not know there is a code of conduct in that act — needs to be fully aware of it, just as any local councillor would. Any local councillor voting in the same way as Mr Ramsay would be hanging from a yardarm right now. There is absolutely no doubt in my mind about that. Even if that councillor were a complete ignoramus, the other councillors would have told him straight up that he had a clear conflict of interest and could not be in the room voting on a planning scheme amendment that affects him so directly. Mr Ramsay and his advisers in the government seem to have completely missed these connections.

We have a standing order that arises from a ruling that goes right back to the House of Commons in 1811. The original version of the standing order was slightly different, but it is worth understanding what the Speaker said then:

But this interest, it should be further understood, must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy.

The government has argued that this amendment is about wind farms, that wind farms affect a lot of people across the state and therefore Mr Ramsay was just one of who knows how many people who were affected in the same way. That is not the test, yet if we were talking about a member who owned a business and that business paid payroll tax, and we were voting on

payroll tax, they would have interests in common with a large section of the community. Likewise, when members vote on their own pay rises, every single one of us — all 128 members — has that same interest. If we all declared a pecuniary interest, then there would be nobody here to vote one way or the other. We share in common a class of people.

I put it to the government: how many other people had an interest the same as the one held by Mr Ramsay? What proportion of Victorians was it? We know the short-term, one-off extension opportunity that put the Mount Gellibrand wind farm up against it, and on such a short time line, applied to, maybe, nine wind farms in Victoria. In practical terms maybe six of them were going to need it. Within the area immediately adjacent to those wind farms would have been all the land-holders who were going to benefit, and there would have been some neighbours. If the government says Mr Ramsay was a member of a section of Victoria, how big was that section? Was it 100 people? I do not think it was much bigger than that. For the government to use that argument it would have to say that section was closely related and had identical interests to those held by Mr Ramsay, and there are not that many people living next to wind farms whose permits were about to expire and thought they had the opportunity to get themselves a benefit or avoid a disbenefit.

It is clear from Mr Ramsay's statements that he does not understand much of what I have just said. He continues to argue that the wind farm rules he voted on have no impact. He continues to go off on side issues about whether he had the rights of a citizen to push forward the matter that he did — which he did. He just did not have the right to come in here and vote to give himself the leverage he needed. The other argument put forward by Mr Ramsay and the government is that the wind farm got its permit and it all came to nothing, so there was no conflict of interest. Sorry, things are not judged that way looking back down the time tunnel. They are judged the way they had to be judged at the time Mr Ramsay voted, which was: was there a reasonable prospect that the wind farm might lose its permit and therefore have to negotiate directly with Mr Ramsay about what he was seeking? Yes, there was a reasonable likelihood of that happening. It did not even have to be a 10 per cent chance. In other matters of conflict of interest in the local government sector we have seen people with even a remote chance of benefiting nevertheless be ruled out, in one case losing their council seat on a conflict of interest.

By the way, if the government intends to go forward with that argument, I make the point that the development of this wind farm could still fail. It could

happen as a result of a legal action. I will tell members what the two grounds would be. One is the ground that Mr Ramsay was threatening to make in his letter. Clearly he was seeking information through his engagement with the company that would demonstrate a disjunction between the development plan it was proposing and its permit. If that were the case, if the company were to get secondary approvals for the detailed layout and design of its wind farm which differed from the constraints of its original permit, he would mount a case to say that was void. He says that in his letter:

At our meeting of 23 August 2011, you showed me the turbine map but refused to provide me with any other detail about the wind farm including the development plan documents; an assessment of noise impacts including noise curve data; construction, roadworks and access plans, tree planting plans and other relevant information to help me determine —

this is the important part —

whether the development plan as submitted by Acciona constitutes a material change in the planning permit.

Further on he is even clearer when he says:

If agreement with Acciona cannot be reached on these matters, I reserve all rights with respect to any proceedings that may be brought in the Victorian Civil and Administrative Tribunal or any other court or tribunal.

Mr Ramsay still has the ability to take that action. The other possible action that could arise is that it could be argued that the substantive works already commenced are not substantive enough to meet the test, and thereby it could be argued that the company has run out of time and has to start all over again. They are possibilities, but they are not extreme possibilities. They are very real possibilities, and as long as they are real they form a further basis for Mr Ramsay to have an ongoing pecuniary interest in the matter. That is the case I am putting forward. I am asking that the Privileges Committee investigate this matter and make a finding.

As I said, I have always found it a great disappointment and sadness to be here debating the conduct of a member, and I include the matters the Liberals and Nationals brought up in the previous Parliament. In order to have clean air we first require clean politics.

Mr Ramsay could have handled this differently. He could have made full disclosure about his direct personal and pecuniary interest in the matter we were voting on, which none of us were aware of at the time that he voted. He could have absented himself. He could have said to his community, that minority who are dramatically and rabidly opposed to wind farms,

'I'm with you, but on this one the question of integrity is so important that we should not leave it in any doubt'. He would have maintained his support amongst the group that he has obviously been pandering to with his anti-wind farm campaign, and he would also have enhanced his reputation for integrity amongst all his constituents.

Instead he chose to make small and grudging disclosures by way of rhetorical exchanges across the chamber. He did not give us the detail that has now come to light dramatically from his own very detailed letter. As I said, that set off a chain of events that requires us to be here today, some time later, questioning his conduct when it should have been questioned and dealt with at the time the vote was taken.

Hon. P. R. HALL (Minister for Higher Education and Skills) — This motion is one of a very serious nature, as was acknowledged by the mover of the motion, and it is one which all members should give serious consideration to. We should not take lightly the matters contained in the motion nor the comments made by members who have participated in this debate. It is rare for a member of Parliament to be referred to the Privileges Committee accused of certain actions contrary to the standing orders and the Members of Parliament (Register of Interests) Act 1978 and the like. Because it is a rare occasion, we need to treat this matter with the seriousness that it deserves. We need also to be absolutely certain in our minds that the course of action sought to be taken is warranted by the actions of the member.

I listened very carefully to Mr Barber. I also went back and read through some of the parliamentary debates about these matters that were conducted in March and October 2011, particularly the October debate as it is used to give rise to part of this motion.

The first thing I want to do is make a general observation. Where somebody was deliberately intending to mislead, to cover up or to act irresponsibly, illegally or corruptly, then there would be no doubt that government members would support a motion for the matter to go before the Privileges Committee. I want to make that very clear right from the outset.

As I said, I have read the debates that have taken place in this chamber. I believe that at no time has Mr Ramsay attempted to conceal the fact that he owned a property in close proximity to a wind farm development. There have been a number of relevant debates and he has been open, frank and honest on that. On each of those occasions he has expressed an interest

in the matter, and he has said quite clearly that he has more than a personal interest, that it is one that extends to him as a member representing Western Victoria Region.

I think Mr Barber referred to the fact that Mr Ramsay had an interest in the Mount Gellibrand wind farm permit. That was in exactly the same way that he had an interest in 13 or 14 other wind farm planning permits right across his electorate. It was not improper for him to say those things. Therefore the first point I need to make in this debate is that I do not think Mr Ramsay has at any point, in the Parliament or in the public arena, sought to deliberately conceal the fact that he had property which was in the near vicinity of a proposed wind farm.

Secondly, the substance of the motion before us is the question of the entitlement to vote. It is based upon the arguments Mr Barber has advanced. They and the suggestion that this matter should be referred to the Privileges Committee go to standing order 16.07 of the Legislative Council of Victoria. Mr Barber has anticipated that this issue would be put forward as an argument by government members. It certainly will be, because again it is something that we need to consider very carefully.

On pecuniary interest, standing order 16.07 provides:

No member will be entitled to vote upon any question in which he or she has a personal, pecuniary or direct interest in the matter, and the vote of any member so interested will be disallowed.

Importantly:

The interest must be direct, personal or pecuniary and separately belonging to the member —

I repeat 'separately belonging to the member' —

and not in common with the public in general or any section of the public or on a matter of state policy.

If members read Mr Ramsay's comments in the debate in the Council on 12 October 2011, they will see that he was not talking about his particular situation. He was talking broadly about planning permits as they apply to wind farm developments right across Victoria. In every instance that he spoke in that debate and previously he was expressing a view that was public or general in nature. He was not expressing a view separately belonging to him; he was speaking on behalf of his constituents and other people who live in Victoria, because we are all in one way or another affected or impacted upon by wind farm developments.

Mr Barber suggested that the point is one of degree, and it is, because there is no doubt that every piece of legislation and every debate that takes place in this chamber impacts on us all in one way or another. We come to this chamber with different experiences, different personal circumstances and different interests. Those experiences and interests determine in some way or other views on matters that we debate in this chamber.

The real guts of this motion is the question whether in this particular case Mr Ramsay had an interest separately belonging to him. I suggest that in no way has he ever argued in this place separately for his own personal interest; he has argued on behalf of the people that he represents. It would set a dangerous precedent if we started disqualifying any member from commenting on issues important to the electorates we represent. We should have that right. We are elected to do that; that is part of our job. If we think we have some interest or there is something that needs to be declared, we should declare it at the start of a debate. As I said, in my view Mr Ramsay has never sought to conceal the fact that his own property is near to a site where it was sought to develop a wind farm.

I want to go also to a further point made by Mr Barber. He said that Mr Ramsay's vote in that 12 October last debate in this chamber increased the likelihood of Mount Gellibrand losing its permit. I guess my vote did that too, and Mr Barber's vote had an impact on whether the permit was lost or retained. Every single one of our votes mattered to the same degree as Mr Ramsay's vote. Our individual votes had an influence one way or another.

What has not been established in relation to Mr Ramsay having a vote is whether there was a pecuniary interest based on the way in which he voted. Mr Barber said Mr Ramsay's vote increased the likelihood of the wind farm losing its permit, but I still do not know whether the loss or the retention of that permit would have been advantageous to Mr Ramsay. The type of positive or negative benefit that may have arisen had the permit been lost or retained has not been clearly explained to me. I do not think there is a case, and I suggest other members may not have that information either.

Mr Tee — I'll let you know.

Hon. P. R. HALL — Mr Tee has said he can respond to that matter in a way. I would be very interested in that, because a benefit might be of a pecuniary or non-pecuniary nature; it could be either. I do not think it is conclusive that Mr Ramsay's vote

would have increased the likelihood of his gaining in any case.

We could argue about aspects of a whole range of other matters. Mr Barber has said he is arguing his case based on five facts. The first is that the way in which we voted increased the likelihood that Mount Gellibrand would lose its planning permit, and I have just commented on that. I have brought the Members of Parliament (Register of Interests) Act 1978, including section 3, which deals with the members code of conduct, to question time every day since becoming a government minister. I have highlighted and marked up sections over the years. Members can read through that act and find out what the code means. They can read that the definition of 'financial benefit' includes a 'remuneration, fee or other pecuniary sum exceeding \$500'.

Another aspect we could debate is when something becomes a pecuniary benefit that you are required to disclose. Should you disclose it in a circumstance where there is a possibility that there may be a benefit in the future or where you actually get a benefit? When should you disclose it? If you read this act to the letter of the law, the register of interests requires members to list what assets they have and the income they receive. We could apply each section of this act to this circumstance and others as well, but I would suggest there would be no conclusion to the example that is the subject of this debate today.

My contention, and that of the government, is that a prima facie case has not been established in relation to Mr Ramsay's vote on planning scheme amendment VC82 on 12 October 2011 that warrants consideration of this matter by the Privileges Committee of the Parliament. I say that on the grounds that Mr Ramsay has never hidden the fact that he lived in an area close to where a wind farm planning permit has been sought, nor has he ever spoken in Parliament seeking to gain a benefit for himself. I admire the fact that he has taken an interest in wind farm planning and has spoken strongly on behalf of his electorate. That is what he is guilty of: speaking strongly on behalf of his electorate on these matters. Good on him for doing that, because that is what he was elected to do.

There is no case here. All Victorians are affected by VC82. Mr Ramsay has done nothing wrong. In his actions he has obeyed in every respect the spirit and the law in relation to the register of interests of members of Parliament. I went to the trouble of looking up Mr Ramsay's interests in the register under the cumulative returns of all members. A property is described there; he is not hiding that at all. No problems

have been raised about the disclosure of his interests in relation to the Members of Parliament (Register of Interests) Act 1978, nor is there any problem in terms of Mr Ramsay's actions abiding by the provisions of standing order 16.07. As such the government strongly believes there is no case for Mr Ramsay to be referred to the Privileges Committee.

Mr TEE (Eastern Metropolitan) — I am disappointed with Mr Hall. The direct pecuniary interest of Mr Ramsay is set out by him in a letter of 5 October. There he seeks an entitlement as follows: double glazing in his house, the sealing of a road leading to his driveway and the payment of \$66 000 plus GST. He seeks — —

Hon. P. R. Hall — Relate that to his vote of 12 October.

Mr TEE — I am coming back to it; I will get there. He seeks \$66 000. Alternatively, he seeks bona fide discussions in relation to the purchase of his property. I have seen the material that Mr Barber has in relation to the value of that property. I do not know the value of that property, but Mr Ramsay seeks those things in his letter of 5 October. Then he effectively says in the letter that he has three ways of getting that entitlement. The first way is Acciona paying or providing that entitlement to him; and in regard to the second way Mr Ramsay said:

Please note that I intend to make representations to DPCD seeking that the development plan be varied as outlined.

What Mr Ramsay has is a development plan that in his letter he says is before the minister. Again, so we are all absolutely clear about what is happening here, he said in his letter:

As you confirmed, Acciona on 13 May submitted the development plan documents to the Department of Planning and Community Development for the Minister for Planning's consideration as required by the planning permit.

So what he is saying is, 'I have got this. I want this. I can pursue it by Acciona paying it to me. I can pursue it by going through the department and getting it included in the development plan, which is before the minister for his consideration'. That is what he said in his letter. In regard to his third option, Mr Ramsay said:

If agreement with Acciona cannot be reached on these matters, I reserve all rights with respect to any proceedings that may be brought in the Victorian Civil and Administrative Tribunal or any other court or tribunal.

Mr Ramsay can resolve it here by way of Acciona paying him, he can go to the department and get the development plan that is sitting on the minister's desk

buried, or he can pursue this by pursuing his legal rights. There cannot be any doubt about the fact that Mr Ramsay has a pecuniary interest. That is what he said in his letter. The next question is: did he declare that interest? The answer is no. What he said — and he said it twice — is that his interest is very limited.

In *Hansard* of 23 March 2011 Mr Ramsay is reported as saying:

... I have no direct interest in the proposed wind farm under the planning permit issued eight years ago.

If he did not have that interest, why did he ask for \$66 000, why did he say he would get it incorporated into the development plan and why did he say he would take it to court? Mr Ramsay clearly had an interest and clearly believed he had an interest. Has he declared that interest? The answer is clearly no. Instead he is reported as saying in this house:

... I have no direct interest in the proposed wind farm under the planning permit issued eight years ago.

Both cannot be right.

Hon. P. R. Hall — You have no guarantees.

Mr TEE — Mr Hall says he has no guaranteed rights, but in terms of his belief in his position, as outlined in his letter to Acciona, he said he would go to the department to get the development plan varied to get that put in the development plan.

Alternatively he can reserve his right to go to the courts, or Acciona can pay him now and he will go away. Did he declare his pecuniary interest? No, he did not; not at all. Mr Hall has said we are all affected. Actually no, we do not all have a \$66 000 entitlement. This is a unique entitlement that this member has declared for himself.

The final part of the equation concerns the benefit he would receive. How could he advance his entitlement that he holds out by way of these amendments? The question is: will these amendments enhance his capacity to get what he believes he is entitled to? The answer is yes. Absolutely. The planning scheme amendment will directly advantage him in his personal capacity to get that money that he is claiming. Is there a rock-solid guarantee? No, but there is no doubt that it will advantage him personally. He should have declared it and he should not have voted on it, because he has got a direct personal gain from it.

Let me tell you how that gain works. The wind farm has a permit, but the transitional provisions that are put in place through the planning scheme amendment make

it very difficult for that wind farm to proceed. Bloomberg has done some research on this. It has estimated that about 30 per cent of these wind farms that have permits will not succeed, and that is because of the transitional provisions that Mr Ramsay is voting on. These transitional provisions require a start date. It is a very tight deadline. So you have a start date that requires that any extensions are lodged by 15 March 2012, and if those extensions are not lodged, Mr Ramsay would win. He would win because what happens is if you fail to stay in the old system, you jump into the new system.

Mr Ramsay has a house that is within 1.5 kilometres of a wind farm. If this proposition is successful, and the Gellibrand wind farm does not meet those exacting standards, then the new provisions kick in. Because Mr Ramsay lives within 1.5 kilometres of a wind farm, he has got his guarantee. If he is within 2 kilometres of the wind farm — and he says in his letter that he is within 2 kilometres of a wind farm — he can go and demand his price, because under the new provisions anyone within 2 kilometres can name their price. His interest is \$66 000 or you purchase it. That is his interest. I do not have that interest. Where is my interest in that? Where is your interest in that? You do not set out your interest.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Crozier) — Order! I ask members to speak through the Chair.

Mr TEE — If the wind farm permit requires amendment, then Mr Ramsay wins. There are no guarantees, but if an amendment is required, Mr Ramsay wins, because unless the permit was issued by a council, any permit cannot be varied. So if it is issued by the minister or the Victorian Civil and Administrative Tribunal, you have got an issue with the amendment. If you need to amend it, Mr Ramsay wins, because he lives within 1.5 kilometres and the new rules apply if the permit expires. Mr Ramsay said that this proposal has been going on for eight years, and it shows no sign of starting yet. That is telling, because if the permit expires, Mr Ramsay wins. Under the provisions that he voted for, it means that the new provisions come into effect. They will then apply. Mr Ramsay lives within 1.5 kilometres. Bingo!

If the proposal does get an extension of time, development must commence by 15 March 2012. So again this is a very stringent condition. Mr Ramsay says this has been going on for eight years. Any extension of time means that the development must commence. Development usually means construction on the

ground. There is a dispute about what it actually means, but it says ‘development’. It does not mean the paperwork must be completed. The proposal must commence by 15 March.

Mr Barber — Bulldozers rolling.

Mr TEE — Bulldozers rolling! As has been said, that is a very tight window when you have got a long lead time on these contracts. What we have is Mr Ramsay saying, ‘There is no sign of construction. It has been going on for eight years and there is no sign of construction’, and he votes for a system that puts in place a very tight time frame, a system that requires a very limited capacity to get amendments and a system that says that if there are any extensions of time, construction has to commence by 15 March. That is what he is looking at.

On the one hand he says, ‘I’m voting for the people of Victoria’, but he does not disclose to the people of Victoria and to this Parliament that he is also seeking to obtain \$66 000, to get his road sealed, to get double glazing or to get them to purchase his house. Mr Hall asked: was he open, was he honest and was he frank? Mr Hall has read the transcript; I have read the transcript; Mr Ramsay did not declare his interest. He did not declare his \$66 000. What he said was: ‘I have no direct interest in this matter’.

We know that by the time Mr Ramsay voted on 12 October he had written that letter — that was on 5 October. And do you know what? He did not correct the record. He did not change the record. He said in March that he had no direct interest. He came in here on 11 October, a week after having set everything out in his letter of 5 October, and, guess what? He did not declare it. I say to Mr Hall that I am not sure on what basis that could be an open, honest and frank disclosure. It seems to me he did not declare a pecuniary interest that was unique to him. No other individual has a \$66 000 claim out there.

Mr O’Brien interjected.

Mr TEE — That is right. However, the issue here is Mr Ramsay has an interest different to yours and mine. That is the point about the provision, you see. The provision says the interest must be direct. I do not have that direct interest. It must be personal or pecuniary, and it must separately belong to the member.

Mr O’Brien — Who says you don’t have a potential interest?

Mr TEE — I do not have a claim for \$66 000, and I do not think anyone else does.

Mr O'Brien — Who says?

Mr TEE — Because I do not live within 1.5 kilometres of this wind farm.

Mr O'Brien interjected.

Mr TEE — I do not have a contract in place with the wind farm developer. I do not have the unique circumstances of this position. He should have declared it.

Here today we do not stand in judgement. The only thing we have to concern ourselves with today, as I think Mr Hall said, is: is there a prima facie case? That was the test Mr Hall set for himself. There is Mr Ramsay's letter of 5 October in which he stated what his entitlement was and how he was going to get there. There is also his coming in here a week later without telling us in the Parliament or the people of Victoria that while he is voting on the one hand to strengthen his claim, as set out in his letter, that might be motivating him. That might suggest there is a prima facie case for the Privileges Committee to have a look at this issue in some detail.

We are not in a position to make any final decision on the matter. It is not our role to comment on the accuracy of the contents of the correspondence and compare it to *Hansard*. I submit that is not a matter for this chamber but one we ought to refer to the Privileges Committee to look at. I urge members to support Mr Barber's motion.

Mr VINEY (Eastern Victoria) — I think it might be useful to have something of a short potted history of this fairly murky matter. Let us be clear. Back in 2005, when Rob Hulls was the Minister for Planning and Mr Ramsay was not in this place, Mr Ramsay found himself in a situation where there was a proposal for wind farms to be placed on a property he owned adjacent to the property he currently lives on — a substantial property, as I understand it. On 27 July 2005 Mr Ramsay wrote to the Minister for Planning, and in that letter he indicated he was writing in support of an application for the development of a wind farm known as the Mount Gellibrand wind farm. He said:

The proposed site as I understand it —

of course, this was his own property —

... has met the environmental impact studies, and full consultation with the local community has been conducted.

He wrote about how very little impact on visibility or aesthetics there would be. He wrote about the wind farm having the support of the local land-holders,

himself being one, and so forth. He concluded by saying:

I strongly urge you to support the application and I look forward to consideration in this matter.

As I understand it, this application was subsequently approved. The application having been approved — with a proposition for wind farms to be put on this property through a leasing arrangement — Mr Ramsay subsequently sold that land-holding to another person, who of course would have the benefit of the income stream from those leases should the project proceed. Presumably — and I do not know this — the value of the sale would have been enhanced by the inclusion of that planning application, which is why these things are usually done.

It transpires that Mr Ramsay — subsequently, I might say — has argued something quite different to the company, Acciona. He has argued quite differently to the effect that it will have an awful impact on his property and that it will have visual impact on him. He said he requires the wind farms, the location of which he had supported on that property, to be removed so that his view of the Otway Ranges is not obscured or in any way affected. It is breathtaking; it really is.

It is quite extraordinary that someone could be so openly supportive of a project that they had a clear interest in before they were a member of Parliament and were happy to be up-front about, that he could openly propose something, support it, write to the Minister for Planning seeking the minister's support for that project and then subsequently try to extract some further benefit from the company he was earlier supporting. The reason I mention that is that it goes to the question of motive in all of this and the question of the history of Mr Ramsay's integrity on this. If you are someone who is prepared to so openly say, 'I want something to proceed', and then subsequently try to extract some other benefit out of that, that says something about the person involved.

What we now see is that Mr Ramsay participated in debates and votes in this chamber on matters directly relevant to the proposed wind farm and the planning processes involved. It is clear from Mr Ramsay's own correspondence that he had meetings with Acciona. He had meetings around all of the time periods that these matters were considered in this chamber, including meetings a few weeks before and a few weeks after the various dates in March and October last year. He had meetings discussing this specific project, and he wrote to Acciona seeking compensation — \$66 000 plus GST — for the sealing of the road and other benefits,

or, alternatively, for the purchase of his substantive property.

I do not believe Mr Hall would have ever acted this way, but I might say to members opposite, including Mr Hall, that it is unacceptable for a member of Parliament to vote on matters without declaring an interest in respect of such a property, which on realestate.com is advertised at \$2200 per acre for 646.7 square acres, totalling \$1.422 million. If that is not a direct pecuniary interest, then I am not sure what is. To most Victorians \$1.422 million would be a significant amount of money. Perhaps it is not for Mr Ramsay — I am not sure — but to most of us it would be a substantial amount of money.

What we are being asked to consider today is the question of whether or not there ought to be a Privileges Committee investigation into this matter. The privilege that comes with being a member of Parliament is that there is a significant degree of trust between us and the people we represent. There is a significant degree of trust that we will act appropriately and with integrity. If we want to maintain that privilege and that trust, it is incumbent upon us to make sure that, where there is any doubt, we have a proper process of accountability and an opportunity for members to be able to defend themselves and be subject to a proper and thorough investigation. If we are going to maintain that trust with the community in order to be their representatives, we must have that occur.

Where there is a question such as this — where Mr Ramsay has directly written to a company on a matter that is subject to consideration of regulations and planning issues in this chamber, where a member has spoken on, voted on and been defended by the President on these specific issues and where the member has not declared that interest, presumably either because he did not want to or because he genuinely did not think there was a problem — I do not think it is asking too much for the matter to be considered by the Privileges Committee.

I point out that the President intervened when Mr Tee was talking on the debate on planning amendment VC78. I note there were considerable interjections from Mrs Peulich on this. When Mr Tee raised his concerns about a pecuniary interest that Mr Ramsay may hold, the President intervened and said he was concerned because it was a ‘serious matter to suggest in a speech’ and because ‘in the context of the motion before the Chair I do not believe that Mr Ramsay’s exposure to a potential wind farm development in his area represents a pecuniary interest’.

The President was placed in the position of making that comment without knowing all the facts and without knowing that Mr Ramsay had in fact written to the company involved and made a direct financial claim against the company. In the context of the President’s intervention — that is, to say, ‘If you are going to make allegations about a pecuniary interest, you need to do so with some evidence’ — what the President did not know and what Mr Ramsay did not fess up to is that he had written to and had three meetings with the company seeking compensation or the company’s purchase of his property for \$1.422 million.

I have been in this Parliament for, I think, 12 years now. I have sat in this chamber for a number of years and heard a lot of debates where allegations and criticisms have been made of members. I have heard Mrs Peulich shout out about brown paper bags. I have heard her calling out about corruption, and I have heard members make pretty serious allegations, particularly against the former Minister for Planning, Justin Madden, who is now the member for Essendon in the Assembly. However, in those debates I have never heard of someone being so plainly open to an accusation of having made a claim for direct financial compensation on a matter they were voting on in this chamber. I have never heard that. I have heard allegations about process, and I have heard allegations about whether or not people were influenced by other people, but in all the allegations I have heard in this place I have never heard an allegation of someone having such a clear, direct financial interest in an outcome of something the chamber is considering.

I might say that in relation to the criticisms that were made of Mr Madden, I defended him on many occasions. I sat in this chamber and responded to those criticisms. We had points of order and countless arguments about it all and whether it was proper. I was on the select committee — I think it was the Standing Committee on Finance and Public Administration — that investigated the Windsor Hotel deal. I have been on select committees looking at the Tattersall’s tendering process, and I never heard an allegation claiming a direct financial interest when those criticisms were being made. There was no such allegation against Mr Madden. There was no such allegation against former Premier Bracks. There was never anything substantiated. There was never any document presented. There was never anything like that.

The key difference is that Mr Madden sat there and listened throughout all of those debates, and then he responded. In all of those debates he responded to what was said in the debate and defended himself. I have not

seen Mr Ramsay in here for 1 second of this debate — not 1 second. That is a stark difference. I would say if he did not have anything to hide, he would be in here and would be defending himself. But he is not here. He is not defending himself. I do not believe he is on the speakers list.

Where there is a clear concern about a process that has taken place regarding a member, it is our job in this place to send the matter to the Privileges Committee, which is the proper place for it to be considered. There are very few things I would have a particular pecuniary interest in, but on one occasion in this chamber there was some debate on Victims of Crime Assistance Tribunal legislation, and I indicated to the house that my wife was a solicitor who had worked in the legal field. I thought it was important that I put it on the record that I had an interest, even though an indirect interest, in the matter. It is proper to do that. If Mr Ramsay had done that, there would not have been any difficulty, and there would be no problem here today.

We should be open with the community about any interest we have before we participate in a debate and certainly before we vote on a matter. Mr Ramsay had ample opportunity on two occasions to do that. Instead he chose to defend himself by saying he did not have an interest. In fact he said he did not have an interest even though I think two weeks later he met with the company. He must have known he had an interest. He clearly had an interest in that he supported a project on land he owned and subsequently sold. He clearly had an interest in that sense. Then in the middle of these debates he was in negotiations with the company about how he might be compensated.

It is instructive to look at those dates. On 5 October Mr Ramsay wrote to Brett Wickham, the Asia-Pacific director of generation at Acciona Energy Oceania Pty Ltd. Yet on 12 October in this house Mr Ramsay is reported as saying:

I have stood here before and responded to a contribution from Mr Tee in relation to this amendment and about wind farm generation generally in the state of Victoria. I find myself having to defend the Baillieu government's policy in relation to the new amendments but also the new guidelines. I do so on the basis that what I have heard from Mr Tee is absolute and utter rubbish.

Mr Ramsay had decided to criticise the opposition.

Consistently in this house I have heard ...

Mr Ramsay continues by criticising Mr Tee's information about wind farms. He later says:

I say this on the basis that I have some intimate knowledge as a land-holder, as a farmer and as someone who is going to live next to a wind farm in my area ...

He then criticises Mr Tee for living in Melbourne. But Mr Ramsay did not say in that contribution that eight days earlier he had written to the wind farm company seeking either \$66 000 plus GST in compensation or for them to buy his property. His grand declaration was, 'I am someone who is going to be living next to a wind farm' — almost with a tear.

Mr Barber — 'In my area'!

Mr VINEY — 'In my area'. Yet he was not living next to a wind farm in his area; he was going to be living next to a possible wind farm that he had supported. He supported the planning application on his land and had subsequently sold the land to someone else, with the benefit of the planning permit having been approved. Then he had written to the company asking for \$66 000 plus GST in compensation, plus the sealing of his road, or alternatively for the sale of his property. Mr Hall would never do any such thing. I know him well enough to know that is true.

If Mr Ramsay wants to play in this area of business, that is fine. I have no objection to people having business interests or farms or to them representing their rights if there is a project. I have no objection at all to Mr Ramsay representing himself and Ms Henderson in relation to that property. That is not the issue. It is a simple issue that to earn and keep the trust of the Victorian people you have to be honest and open. You have to come in here when you know you are going to vote on something that affects your interests and say, 'I want to make it clear to everyone in here and to the people of Victoria that I have an interest'. If the interest is absolutely direct, then there is a question as to whether or not Mr Ramsay should have asked himself if he should vote. But the first principle is that you declare it, and the reason for that is so that everyone can understand the member's interest, the basis upon which someone is voting and the basis upon which someone is speaking.

Mr Ramsay spoke on this matter and said, 'I have a general interest in wind farms in my area', when he had in effect been the proponent as the land-holder. He then sold the land and also tried to seek compensation from the company for the project. With that company he also sought to amend what he had previously supported. Having said there was no visual impact, he then wrote to say, 'Actually I want to have a clear view of the Otways'. He had written to the Minister for Planning saying there was no visual impact. Come on! We would question all this stuff in anyone, let alone a member of

Parliament. Mr Ramsay has placed himself in the situation of proposing something and then opposing. Mr Ramsay now needs to account for that. The proper place to account for that is before the Privileges Committee. If this government is genuine about being open, honest and accountable, it will refer this to the Privileges Committee and allow the process to be properly considered and Mr Ramsay to put his case. Mr Ramsay has not come in here to put his case, so he ought to be prepared to put it to the Privileges Committee.

In all the debates about Justin Madden, Theo Theophanous and Steve Bracks and all the other debates, in all the matters of integrity that have come before this chamber, I have never heard a case of such a clear, direct personal interest — not once. Not once in any of those matters did I hear of a clear, direct personal interest. There may have been criticisms about process, there may have been criticisms about policy decisions, but there were never allegations of such direct personal interest, and I think the allegations need to be accounted for in this place. I seek the support of this chamber to deal with this in a proper way by sending this matter to the Privileges Committee.

Hon. D. M. DAVIS (Minister for Health) — I am pleased to rise to make a contribution on this general business notice of motion 268 in which Mr Barber seeks that the conduct of Simon Ramsay be referred to the Privileges Committee for inquiry and report. He draws particular attention to the 12 October 2011 vote on amendment VC82 to the Victoria planning provisions and argues that it has breached standing orders and the provisions of the Members of Parliament (Register of Interests) Act 1978.

I want to first pay tribute to Mr Hall's contribution and indicate that I believe the arguments he put clearly reinforce the longstanding practice in this chamber that members will vote where there is a broad community interest but will not vote where there is a very narrow, specific interest, and this is not that particular case. That longstanding principle has not been breached by Mr Ramsay. Mr Ramsay, in this chamber and elsewhere, has very clearly made the point that these recent planning provision changes in no way affect the wind farm in question. The wind farm in question had a permit under the last government, a longstanding permit that was established under decisions of previous ministers, not the current minister.

The current minister was acting in concert with a longstanding practice that where permits have been granted firms can proceed with development opportunities that are intrinsic to those permits that

have been granted and are able to proceed in a way that is unimpeded. There is no chance that the current minister would have breached the principles behind guaranteeing that there is not a sovereign risk to a firm of that nature. I believe the salient point here is that the intrinsic permit was granted a number of years ago under the previous minister.

Mr Ramsay did not, in my view, in any way take any action in this chamber with the vote — and that is the essence of what Mr Barber has brought here — which was in his interests when amendment VC82, which dealt with broad issues across the state, was voted on in this chamber. Indeed in earlier contributions in this place Mr Tee has indicated clearly that amendment VC82 is a broad, statewide matter. It was not a matter that was to impact directly on Mr Ramsay's interests; it was a matter that, frankly, was about the future and the future arrangements that were going to be in place for wind farms. It put in place a coalition election promise that there would be a better regime for wind farm permits that would apply into the future, a regime that would provide better arrangements for the community, better protection for land-holders and better protection for those who live in the vicinity of wind farms.

Future wind farms will be dealt with under those provisions. The wind farm proximate to Mr Ramsay was dealt with under the earlier provisions. For those reasons the coalition is very much determined to support Mr Ramsay. Mr Ramsay has not breached the conduct provisions as outlined in the motion.

The PRESIDENT — Order! Just before Mr Barber speaks, in regard to my position as President, I would like to make a couple of quick remarks on this particular motion. I do not want to enter broadly into the debate; in fact I congratulate members on the way they have conducted this debate because, as I have said on previous occasions, these are serious motions and they deserve to be debated in an appropriate context, as I think this motion was today.

I just make the point that from my perspective in assessing this matter I very much hold the view that members, by being members of Parliament, do not forfeit their rights to effectively protect their property and their interests per se. The only question I think that comes into a matter like this that is of concern to me is whether a member has improperly used or sought to use their position as a member of Parliament in trying to protect their rights or responsibilities and their entitlements as an ordinary member of the community. As I said, just because you have been elected to Parliament does not mean you have to roll over on

every occasion and accept what may come your way. You are entitled to use the laws of this country to protect your interests.

I have listened to the debate, and I am not convinced that in fact there has been clearly shown any indication that Mr Ramsay has improperly used his position in this case. I suspect that Mr Barber would argue that the Privileges Committee, were it to meet and examine the matter further, might find or express some concern about some matters that have been published in the media or that have been referred to in this debate. But from my point of view this sort of reference to a Privileges Committee is very serious, and I have not heard in the debate sufficient substantiation to suggest Mr Ramsay sought to use his position as a member of Parliament to gain some advantage in negotiations which he might have had and which were consistent with the rights and entitlements of any ordinary citizen. I would need to have been convinced of that to cast my vote to send this matter to the Privileges Committee. Mr Barber, to sum up.

Mr BARBER (Northern Metropolitan) — As we know, here in Victoria the Premier has proposed a number of measures designed to lift standards in public life. He has proposed an independent, broadbased anticorruption commission, and he has proposed codes of conduct on fundraising and for ministers. By virtue of the fact that the government controls both chambers, it will also fall to the government to support any measures to enforce existing codes of conduct and those others that the Premier might apply to his executive government. When government members vote to let this one slide they will be setting a standard, not just for themselves but for other members of Parliament, for public servants and for local councillors. And the government will not be able to later ratchet it up and apply a new and tougher standard to those others that it was not prepared to put on itself very early in the piece.

Mr Hall argued that Mr Ramsay's disclosure that he lived near a wind farm in his district and had an interest in it and 14 other wind farms was disclosure. It was the opposite of disclosure. He was saying, 'My interests are no different to anybody else's'. His interest was very different.

The argument was that this was all based on the standing orders. If the standing orders were read the way Mr Hall wanted them read, then they could never catch anybody. Mr Hall, who I think is one of the most ethical members of this place and would, I think, see a conflict of interest in his own position coming from 100 miles away and avoid it, came in and said he had

difficulty seeing what the problem was for Mr Ramsay. He said, 'Well, Mr Ramsay was speaking on behalf of others'. What he said in the debate is not my concern; my concern is whether he knew on behalf of whom he was voting. He had an irreconcilable conflict between what amendment VC82 was going to do to the company that he was negotiating with and the broader interest. When you have that sort of irreconcilable conflict of interest, the only thing you can do is step out.

Mr Hall also argued the government's case by saying he did not know what the effect of Mr Ramsay's vote was, that it was the same as Mr Barber's vote and Mr Hall's vote. It was not a matter of what other members' votes were or whether the motion would have passed without Mr Ramsay's vote; it was simply a matter for Mr Ramsay to decide whether he could vote or not.

Mr Hall said he did not know whether Mr Ramsay would have been advantaged or disadvantaged by voting. I did not know either until I read this, but now I do know. It does not matter whether it was an advantage or a disadvantage to Mr Ramsay; either was enough. It would not even matter, by the way, if Mr Ramsay had come over here and voted with the Greens to try to knock off amendment VC82. He should not have been voting on a matter that affected him so personally, whichever way his vote was going to go.

Mr Hall said Mr Ramsay never hid the facts. He never disclosed the facts. That is the issue. The code of conduct in the Members of Parliament (Register of Interests) Act 1978 requires him to disclose the facts. Failure to observe the code of conduct or to disclose is a contempt of Parliament which can only be investigated and dealt with by the parliamentary Privileges Committee. It attracts whatever punishment the committee wants to dish out and a \$2000 fine.

There is a lack of regulation in relation to our regular written disclosure returns. That is not this government's fault; it has been that way for decades. It is something that the Premier might want to pick up on and fix so that full disclosure is required. Rather than it being enough to simply say, 'Rural property: Birregurra', it should be something that would be enough for us to ask the questions we should have asked if Mr Ramsay was not going to ask them.

Finally, President, not to question any ruling you might make in this place of course, but you made the argument that Mr Ramsay should not have to forfeit any of his rights to protect his own interests. I agree

100 per cent. But as soon as he had a direct personal and pecuniary interest in the matter that was before this chamber, he forfeited his right to vote — unfortunately for his constituents. In some circumstances we as members can act to avoid such conflicts. Ministers routinely do, of course. They get rid of all conflicting interests in their portfolios; otherwise they just cannot go on and do their jobs.

This is one of those rare instances where a vote of the chamber was making the executive action that would have affected the company in question. As I have said, Mr Ramsay failed to disclose as he should have under the law. He should not have been able to vote, but that could have been prevented only if he had disclosed. The government is taking such a reductionist approach to the question of the standing order that we might as well scrap that standing order if that is going to be its view. Thank you very much for your assistance, President.

House divided on motion:

Ayes, 19

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

Noes, 21

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

Motion negated.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Protecting Victoria's Vulnerable Children Inquiry: report

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which was tabled in the Parliament

yesterday. I take this opportunity to congratulate the Honourable Philip Cummins and the other members of the inquiry on a comprehensive investigation into Victoria's child protection system. Ensuring that our most vulnerable children are adequately protected is a critical task. However, the last thing we need just now is another report from the Baillieu government which goes nowhere. I am concerned that the government did not put out a detailed response to the report yesterday, despite having had the report for four weeks. In particular the Minister for Children and Early Childhood Development, Ms Lovell, has been missing in action so far, and in question time today she seemed to suggest she would be reluctant to respond to my questions about the recommendations in the report that relate to her portfolio.

This is an important report which contains wide-reaching recommendations that cover a number of government departments. In addition to the recommendations regarding the child protection system, which are relevant to the Department of Human Services, there are also recommendations that relate to the health system, early years services, education and the Victorian court system. I would expect the ministers with these responsibilities to come into this house and answer questions specifically relating to their portfolios as well as explain what they will do to implement the report's recommendations.

However, this report comes in the wake of the Baillieu government's Christmas present to Victorians: the announcement that 3600 public sector jobs will be cut. We heard last week that 500 jobs will be cut from the Department of Human Services in an organisational restructure. That is only what we know so far. We do not know how many jobs will be cut from the Department of Education and Early Childhood Development or the Department of Health, two departments that also figure prominently in this report. The government needs to explain how it will implement these recommendations in light of \$480 million being cut from the DEECD budget and \$500 million from the Department of Health budget. These departments are losing money and workers at a time when they most need them to implement these important recommendations. I am concerned that these things are occurring at a time which will make it harder to implement reforms that are critical to children's welfare.

In his media release yesterday the Premier outlined new funding. The Community and Public Sector Union has already commented that this is a repackaging of previous funding, so it will be interesting to see whether there will be a matching of the rhetoric that we have

heard so far and whether we will see a significant investment across government departments in the state budget this year. I think that would be the community's expectation in relation to this report and the wide-ranging recommendations contained within it.

In relation to chapter 7, I was particularly interested to read the commentary and recommendations about Victoria's early year services. The report makes it clear that we have a high-quality early childhood education system, which is a positive legacy of the former Labor government's administration. We have very high kindergarten participation rates in our state, and many families utilise maternal and child health services. However, there is always room for improvement. I note that the inquiry report also comments on the Auditor-General's finding last year that more could be done in relation to maternal and child health services.

Earlier today I specifically raised with the Minister for Children and Early Childhood Development recommendation 7 in the report, which talks about investment and appropriate infrastructure for universal early childhood services. However, Minister Lovell dodged the question. She even failed to give in-principle support to additional investment for the protection of vulnerable children, which was very disappointing.

I will be coming back to this report in the future. It is critical that these recommendations are addressed speedily. I particularly urge Minister Lovell to get on with it, to address the recommendations that relate to her portfolio and to contribute a significant investment by way of funding early childhood services.

Ombudsman: investigation into ICT-enabled projects

Mr ONDARCHIE (Northern Metropolitan) — It must be my lucky day; I get to speak after Ms Mikakos. I rise tonight to speak on the Victorian Ombudsman's report entitled *Own Motion Investigation into ICT-enabled Projects*. To be honest, I think it could otherwise be called 'Brumby's bungled, boundary-less, budget buffoonery'.

Ms Mikakos talked about funding problems and budgets. This report makes 58 recommendations on improving the way ICT-enabled projects are planned and delivered. It talks about information and communication technology systems and how these may be better administered in the future. It examines 10 projects that were run under the Brumby Labor government. Most of them failed to meet delivery time frames, and all of them ran over budget. The original

budgets for these programs totalled \$1.3 billion. The latest estimated cost is \$2.74 billion — \$1.44 billion over budget, and a cost to the taxpayer. Those opposite could be mentioning that when they talk about funding problems. On average the projects will have more than doubled in cost by the time they are delivered.

There has been abject waste, according to the Ombudsman's report. Common mistakes in how ICT-enabled projects were managed under the Brumby government included problems with leadership, accountability, governance, planning, funding, probity and procurement, and project management. It was interesting to listen to Ms Mikakos's response to the budget update on 8 February this year. She was reported as saying:

We are proud of our record because we delivered a great deal to the people in the northern suburbs.

This was a deal that was \$1.4 billion over budget.

Ms Mikakos also made a comment about me cutting ribbons and running out of things to tweet about. Let us talk about Twitter. Ms Mikakos joined the Twitter forum on 23 November last year — 97 days ago. In that time she has delivered to the people of Victoria 1143 tweets, averaging about 12 tweets a day. I wonder if that is a good use of taxpayers time and money. But let us forget about the average of 12 tweets a day, because Ms Mikakos has broken the record today. Today, 29 February, she has tweeted 26 times. It is interesting that she worries about my tweeting patterns. Maybe she should get out and meet her constituents, because they do not know who she is. I have met many people from businesses, community groups and schools in my short time in this place, and they say the same thing to me over and over again: 'We have never heard of her'.

Honourable members interjecting.

The PRESIDENT — Order! I remind Mr Ondarchie that this is the part of the parliamentary process in which members discuss reports, not where they launch attacks on other members. Mr Ondarchie's discussion of tweeting by another member is fairly tenuous as a matter related to the report he has chosen to speak on. As far as I am aware, that report does not mention anything that Ms Mikakos might have done on Sadie Hawkins Day, and I would ask Mr Ondarchie to get back to discussing the report rather than the member.

Mr ONDARCHIE — After 11 years of cost blow-outs by the former government, including the 10 ICT projects in the report I have referred to today,

we stand and wonder why schools such as Doreen Primary School, William Ruthven Primary School and Greensborough College — none of which were mentioned by Ms Mikakos in her time in government — are experiencing funding shortfalls. There must be forgetfulness, denial or something like that on the other side of the house, because this report clearly shows there was complete mismanagement by the Brumby government. Interestingly enough those opposite who stand up to defend the track record of the Brumby government fail to mention that they denied Victorians \$1.44 billion, and the cost continues. They should hang their heads in shame and spend less time on Twitter.

**Auditor-General: *State Trustees Ltd* —
*Management of Represented Persons***

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Auditor-General's latest report, *State Trustees Ltd — Management of Represented Persons*. State Trustees manages the financial and legal affairs of more than 10 000 Victorians who are deemed legally incapable due to disability, mental illness or injury. The primary role of State Trustees is to represent and act in the best interests of those people. Our law courts have entrusted State Trustees to represent and care for the legal and financial wellbeing of these people. This report shows a multitude of serious problems within State Trustees that severely compromise its charter as a champion for the frail and disadvantaged within Victoria.

To my mind this government's inability to properly fund and manage this agency, together with poor information management and high case manager turnover, means that decisions about the affairs of clients are based on incomplete or inaccurate information. Case managers can be encumbered with excessive caseloads of 400 clients, and this is unsustainable from an occupational health and safety viewpoint. It is unacceptable to me and the people of Victoria.

State Trustees is failing in its responsibilities, and it is not its fault. This report clearly shows a lack of proper financial support. It is stopping the very dedicated people who comprise the staff of State Trustees, who have previously provided an excellent standard of service to the people entrusted to their care, from continuing to do so. They are at breaking point. High staff turnover means there is stress and low morale in the workplace. As legislators we owe the courts and the people of Victoria a system of care that is acceptable and reasonable. According to this report, the current service provided by this government is substandard and

utterly indefensible. I call on the coalition government to reassess the funding for this very important division within State Trustees and to realistically fund the activity that is the reason for its existence — that is, to provide proper legal and financial care for represented persons in Victoria.

**Victoria State Emergency Service: report
2010–11**

Mrs PETROVICH (Northern Victoria) — I rise to speak on the Victoria State Emergency Service (VICSES) annual report entitled *Committed to Victorians*. From the outset I have to say Victoria SES is an organisation of which we can be extraordinarily proud. It consists of volunteers — —

Mr Finn — Hear, hear!

Mrs PETROVICH — Exactly, Mr Finn — who devote themselves to responding to Victorians in need, whether that be during our increasingly frequent storms, of which we have had far too many, cutting tree branches, clearing roads or tarping roofs. It is a very impressive thing to see an SES unit responding quickly to a motor vehicle accident and performing its role, particularly when using the jaws of life. Many people trapped in vehicles have been saved by these well-trained volunteers being able to skilfully access vehicles with this amazing tool.

I would like to commend the CEO, Mary Barry, on her governing of this organisation. She notes in her report that response to the flooding and storm damage across Victoria has been outstanding. She says:

Starting in September, Victoria was struck by heavy rainfall, which resulted in flooding throughout the central, north-east and north-west areas of the state.

That was followed by a cycle of even more heavy rain, leading to more flood response operations in November and December. What that has meant to many communities is three and four incidents of heavy floods which have caused major infrastructure damage. What is not mentioned generally is the impact on those communities and the role of the SES and how it assists during those times when the power is out and trees are down. Ms Barry goes on to say:

Whilst these were not small operations, they were to be surpassed by the largest flooding event ... in nearly four decades.

That was on 4 February last year, and it resulted in rainfalls totalling 100 to 300 millimetres across two-thirds of the state. They were quite astounding

drought-breaking events, going from the sublime to the ridiculous. Ms Barry states:

When the floods had receded, it was evident that 140 townships across 35 municipalities had been affected.

It is very important that we congratulate those volunteers who have given their time, often 24 hours a day, 7 days a week, and acknowledge and express thanks for the invaluable understanding and support provided by the volunteers' families. Ms Barry goes on to say:

Over 50 VICSES volunteers were honoured at the annual VICSES awards ceremony held in February 2011 at the Ivanhoe Centre with the Minister for Police and Emergency Services, the Honourable Peter Ryan, in attendance to congratulate the award recipients.

This goes hand-in-hand with the additional work around awards for those participants.

An important aspect which Ms Barry notes in her report is something that emerged in another report prepared by this Parliament, and that is that, unusually, our emergency services do not always have communication systems that marry. She states:

VICSES has finalised the implementation of the One Source One Message warning system as a joint collaboration with the CFA —

Country Fire Authority —

This system is a web-based tool that disseminates warnings and advice to the public, the media and other stakeholders.

This is a very important piece of equipment to ensure that Victorians are alerted to oncoming issues, whether that be weather or any other significant event.

The Driver Reviver program was launched at Federation Square and features a partnership between VICSES and the Transport Accident Commission. That program was backed by an effective TV and radio campaign.

The report has details about affected areas that I represent in Northern Victoria Region and some of the floods that happened around Tatura, Wangaratta, Benalla, Euroa, Myrtleford and Bright. Those communities were dreadfully affected and they were assisted by the SES. In that area there was an awards ceremony which saw a number of volunteers and staff recognised with commendations for bravery and service awards for the roles they played during and after the Black Saturday bushfires in 2009. Seven Marysville SES volunteers received commendations and service awards. Four Marysville SES and nine Kinglake volunteers

received group commendations and bravery awards. Four CEO awards, one being — —

The PRESIDENT — Time!

Victoria State Emergency Service: report 2010–11

Mr EIDEH (Western Metropolitan) — I rise to speak on the State Emergency Service annual report for 2010–11. How can any of us in this house accurately describe the State Emergency Service (SES) of Victoria? As a collection or grouping of heroes, an organisation of the most committed volunteers or wondrous people who care about being sensational neighbours in the truest sense of the word? In so many ways they are all of these things and much, much more, and I know deep in my heart that every member of this house will agree with me. They provide their services at the worst of times — in raging fires, in torrents of flood, in hailstorms and powerful winds — and whenever their services are needed, they will be there.

I for one wish to thank them deeply for everything that they do for us, risking their lives for us and giving to the community more than we sometimes realise because if we are not victims or in an area hit by some calamity, we do not see the great service that the members of the SES give. The annual report for 2010–11 is in many ways the paper administration record of what they do, put down as accountants and record keepers want it, but does it really acknowledge the heroes who make up the SES, the men and women — and I stress that, both genders — most of whom are volunteers? As you read through the report you realise that they are highly trained volunteers and professionals in what they do and how they do it. They are prepared for emergencies and ready to travel great distances when they are needed. They are trained in first aid, occupational health and safety, operational incident management, rescue techniques, managing traffic, roof safety systems, incident management, road rescue and a host of other rescue skills.

I must also thank the Municipal Association of Victoria, which is a strong and dedicated partner of the SES. However, the SES works with many agencies and government departments, as the report highlights, and that level of cooperation makes you feel proud to be a Victorian. Indeed as you read the list of disasters that have involved SES members in the 2010–11 period you cannot help but be struck by the range of their duties and the professionalism and care with which they carry them out. The 5500 volunteers and 110 paid staff are the SES. Thankfully, no-one lost their life during the

term of this report but, as you would expect, there were injuries as the great people of the SES put their lives on the line to help others.

The low rate of injuries and deaths is due to the great training that they undertake and the positive mentality of the members of the teams, who know not to take unnecessary risks and to be prepared for danger as much as they can be and who are always looking out for each other. Their team spirit is amazing, and the SES personnel whom I have met leave me with a warm feeling of safety.

On a separate issue, I wish to note the high number of women on the board and in the executive management team. It is proof that women can undertake duties as well as men and that gender discrimination has no place in a modern society. Once upon a time this would have been impossible but today it is the norm due to the efforts of successive governments on both sides of politics to break down the barriers for women.

The report shows an organisation that is well managed and operates in a sound manner, but also an organisation that relies on government funding and external sponsorship from private companies. I wish that all insurance companies would look at the list of sponsors in the report and ask themselves why, with one exception, they are not there — that is, why they do not actively and financially support the SES, given that the great work of the SES reduces damage and loss and makes it easier for people to live in their own homes, thus also significantly reducing payout costs for insurance companies. But that is for the insurance companies to consider.

Without the SES, we would all be worse off. In closing, I wish to again congratulate and thank the volunteers, the staff, the leadership team and all those who supported and helped the SES to achieve the great results contained within the report. They are statistics in one sense but they are very real to them and to those they help.

Protecting Victoria's Vulnerable Children Inquiry: report

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make remarks on *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which was tabled yesterday. The report was completed by a very distinguished inquiry panel: the Honourable Philip Cummins, chair; Emeritus Professor Dorothy Scott; and Mr Bill Scales. The report was presented to the Honourable Mary Wooldridge, the Minister for

Community Services, who sought a comprehensive inquiry with very broad terms of reference.

This provides a great opportunity for Victoria to revolutionise a system which has basically been a reactive one of services delivered in silos, often staffed by professionals who are going through a revolving door and who often work in isolation and have been inadequately supported. After 11 years of trying to get the former Labor government to address the crisis in Victoria's child protection system, I think the minister was courageous in calling for this comprehensive inquiry, which was a major election commitment of the coalition government.

The inquiry was commissioned 12 months ago under the very impressive leadership of a panel of three, as I mentioned. The panel members traversed the state conducting public hearings, meetings and consultations and received in excess of 220 written submissions. The minister asked the panel members to make recommendations to strengthen and improve child protection and support, and they have done that. They have delivered 90 recommendations and 20 findings and listed 14 matters for attention.

The report is also a harrowing read. Indeed I was most disturbed to read some of the facts and figures on top of what we know — that is, that under the former government we lost half of the foster carers. In a system where there is a rapid transition of children before permanent placements are found for them, that is a devastating situation. One in four of our child protection workers walked out the door in their first year and nearly half of them had less than one year's experience. Day after day through the media we heard stories of mismanagement leading to vulnerable children being exposed to further risk and abuse.

Some of the figures are quite astonishing. In particular, between 2000 and 2011 reports to child protection increased by 49 per cent. Interactions with statutory services are also increasingly recurring events for many vulnerable children and families. The report's analysis shows that significant risk factors linked to child abuse and neglect include a family's history of family violence, alcohol and other substance abuse, mental health problems, intellectual disability, parental history of abuse and situational stress.

A range of recommendations have been made. A very important recommendation is a bold one on which the government has already made some announcement. The inquiry's fundamental recommendation is that we develop a whole-of-government vulnerable children's strategy to respond comprehensively to the report. It is

not about the single silo out of the starting blocks, as Ms Mikakos has mistakenly called for because she obviously has not read the report. The absolute nub of the recommendation is that we establish a whole-of-government response to ensure that there are seamless service provisions to our most vulnerable and needy children.

Ms Mikakos interjected.

Mrs PEULICH — I have certainly read at least the executive summary and some highlights of sections, which clearly — —

Ms Mikakos — Because you have had it for four weeks, unlike me.

Mrs PEULICH — Which clearly shows that you have not read it, and if you have, you have not understood it.

The inquiry also recommends that all relevant ministers be charged with responsibility for developing and implementing a new vulnerable children's strategy. The minister has already announced that there will be a new, high-level committee of ministers which will work on the agenda of developing and implementing a comprehensive response to this report.

The report stresses the need to meet the growing demand, to divert families early and to be innovative in our responses. Already the Premier has announced an immediate commitment of \$61 million over four years for a number of initiatives. They include the recruitment of 42 additional child protection practitioners, the expansion of the Child FIRST program, and the establishment of six additional multidisciplinary centres.

I commend the minister. This is an opportunity for the state government to fix a problem that Labor ignored and on which its members are now trying to find some high moral ground. It is deplorable.

**Drugs and Crime Prevention Committee:
violence and security arrangements in
Victorian hospitals**

Mr SCHEFFER (Eastern Victoria) — During the last sitting I made some remarks on the final report of the Drugs and Crime Prevention Committee's inquiry into violence and security arrangements in Victorian hospitals and emergency departments. I focused on the material in the extract from the minutes of proceedings at the end of the report that documents the divisions that took place during the committee's deliberations.

Labor members — that is, Shaun Leane and me — unsuccessfully moved in the committee that the \$21 million the government had already committed to improving security in hospitals should be allocated over the current parliamentary term. The Liberal Party members of the committee voted this proposal down. They were unable to even stand by a commitment that their own government, specifically the Minister for Police and Emergency Services, Peter Ryan, had made.

To be fair, the \$21 million allocation was for introducing armed PSOs (protective services officers) into hospitals, a proposal that everyone rejects. Doctors, nurses, ambulance officers, hospital administrators and researchers have all said it is an appalling proposal. The Drugs and Crime Prevention Committee faithfully reported what the evidence shows and what the hospital professionals have told us, yet the \$21 million is now off the table.

The government has said if we do not want to spend the money on armed PSOs, then we cannot have it. The government has said it does not give a damn what the committee found and what the professionals have said. Its ham-fisted, knee-jerk, law and order response prevails, and this government knows better.

Last week the Victorian branch of the Australian Medical Association in its budget submission called for the government to let hospitals have the originally committed \$21 million. The AMA has asked that the funds be allocated to exactly what the Drugs and Crime Prevention Committee unanimously recommended — that is, more trained staff, more behavioural assessment rooms and closed-circuit television cameras in emergency departments and triage emergency areas. I commend the AMA on doing exactly what the community should be doing in relation to reports from the Parliament's committees — that is, using the research and informed opinions they contain to prosecute a case.

The government and Minister Ryan, with the active support of the chair, Simon Ramsay, Brad Battin, the member for Gembrook in the Assembly, and Tim McCurdy, the member for Murray Valley in the Assembly, should not be able to get away with using the Drugs and Crime Prevention Committee to bury the fact that the coalition wants to dump a funding commitment. This is not something abstract. The issue of violence in our hospitals is serious and people are getting hurt. They ask the government to let them have the funds that the government has already promised, which they have turned down simply because they had the nerve to say that the government's idea to put armed PSOs in hospitals was downright dangerous.

Dr Stephen Parnis from the AMA came to talk to the committee. He is reported in the *Age* of 21 February as saying that violence in our hospitals has affected work attrition:

Something like 90 per cent of emergency nurses have been subject to physical violence and I think 5 per cent of GPs have been threatened with weapons ... so it's serious stuff and anything we can do to reduce it will make a big difference ...

I am also thankful that Jess Walsh, state secretary of United Voice, has come out in support of her members who work as security guards and who are in many cases people who work on the front line. Ms Walsh has been quoted in the *Age* as saying that United Voice has been "overwhelmed by reports of frightening episodes of aggression at hospitals".

The Minister for Health, David Davis, has put on the record that he is considering the committee's findings and will respond in due course. I urge the chair of the Drugs and Crime Prevention Committee, Simon Ramsay, and his Liberal colleagues who supported the findings of the report to help the health minister come to the right decision sooner rather than later given the urgency of the situation. I urge them to stand up and throw their support behind the AMA, the Australian Nursing Federation, United Voice and hospital workers to make sure that the government puts \$21 million back on the table and works collaboratively with all workers affected to deliver improved security.

Mr Leane and I have made it abundantly clear where we stand, and we were astonished that the Liberal members of the committee ducked supporting our recommendations as shown in the extracts. Now is the time for them to say they were wrong and to turn this around.

Ombudsman: investigation into ICT-enabled projects

Ms CROZIER (Southern Metropolitan) — I am pleased to rise and speak on the Victoria Ombudsman's *Own Motion Investigation into ICT-enabled Projects* report of November 2011 which I made reference to and spoke about during the last sitting week. I said in my contribution at that time that I was absolutely appalled and horrified at the extent of the wastage of money that had occurred — according to the findings of this report — in relation to a number of projects.

As members may recall, the Ombudsman in his report investigated 10 major projects. In my contribution I spoke on three projects — that is, the LINK database, HealthSMART and the myki ticketing fiasco. Today I

will speak on further findings in the Ombudsman's report, specifically the Ombudsman's comments in relation to CRIS, which is the client relation information system. I think that is particularly important and relevant in light of *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which was handed down and tabled yesterday and compiled by Philip Cummins, Emeritus Professor Dorothy Scott and Bill Scales. I only have volume 1 in the chamber; it is a very large, extensive and detailed report that follows a year-long inquiry that highlighted so many failures in the system.

I have to congratulate the Minister for Community Services, Mary Wooldridge, and the Premier on taking such decisive and immediate action to improve the state's child protection system after having reviewed and taken into account the recommendations in this report and the significant reform required in this area to protect the most vulnerable group within our community. I have to say, and the Premier has indicated this today, protecting children, families and the wider community is this government's first priority. The Premier has expressed strong support for doing just that. This report, as I said, should be commended. The panel should be commended for undertaking such detailed reporting so that the government can identify those areas and work towards improving them. The report shows failure after failure in relation to the management of care.

I mention that issue, because the Ombudsman's report in relation to ICT-enabled projects deals with another example of a failure to deliver. In this instance the CRIS system let down the most vulnerable members of our community. Page 89 of the Ombudsman's report details the key and major issues of this system. It is worth noting that the report states:

The client relationship information system (CRIS) was completed nearly three years behind schedule and costs rose by over 218 per cent or \$47 million.

The increased costs are of particular concern given that CRIS was funded entirely by the Department of Human Services (DHS), not through the cabinet budget committee.

The report goes on to state:

The client relationship information system (CRIS) project commenced in October 2001. DHS designed CRIS to replace, enhance and create client information systems for child protection, juvenile justice, disability services and specialist children's services. The initial approved budget for CRIS was \$22 million.

In relation to that, as we know, the cost blew out and the money was wasted. It could have been put to good use instead of our having that extraordinary waste. This

is just another example of the previous administration's inability to handle such projects, and its continued wastage with programs that had enormous amounts of dollars attributed to them. That is taxpayers money that could have been put to better use in child protection, education, transport or indeed in our health system, which is under great stress.

Budget update: report 2011–12

Mr TARLAMIS (South Eastern Metropolitan) — I rise to speak on *2011–12 Victorian Budget Update*. The release of this budget update just before Christmas was as cynical as it was cruel. It dumped 3600 public sector jobs, with the government making the unrealistic statement that the update would not affect front-line services. Only last week the Secretary of the Department of Human Services announced that there would be 500 jobs lost through, amongst other things, redundancies and a recruitment freeze. These workers deal with some of the most vulnerable people in our community. It seems completely inconceivable that there will be no effect on front-line services. The budget update promises to increase car registration by \$35. This is in contradiction to the government's spin of 'reducing the cost of living'.

Honourable members interjecting.

Mr TARLAMIS — Someone has woken up!

Stamp duty on new cars below the luxury tax threshold will go from 2.5 to 3 per cent — that is, for cars that families and workers can afford to buy. The government plans to decrease the period for people to pay land tax. The government intends to take almost \$500 million from WorkSafe Victoria. The government is taking money from injured workers who require support, and threatens to increase the premiums of the businesses that have funded it. The public sector jobs cuts are an extraordinary statement by this government. The Liberal Party's job plan is to get rid of jobs, and it seems that by that criteria it has been very successful. In a time when 21 000 full-time jobs have been lost in Victoria, the rest of the country has created 50 000 jobs. That was in contrast to the steady job creation that occurred under the previous government, which was the standout government during the global financial crisis. That is something of which all those on the government benches seem blissfully ignorant.

What is even more sobering is that the participation rate has dropped by 0.7 per cent since the Liberals took office. Now over 1.6 million Victorians of working age are out of the workforce, so 1.6 million Victorians are no longer looking for work. These are the figures that

the government does not really have a handle on. It is all well and good to lead trade delegations or appoint your chief of staff to a highly paid overseas post, but why is it that the government cannot spend some time concentrating on jobs at home, and not just jobs for its former staff?

It seems that this government's plan for infrastructure only extends to funding projects in marginal seats like the upgrade to the level crossing at Brighton railway station, which was ranked by the Department of Transport as being the 223rd priority for upgrades to level crossings. The upgrade occurred at the expense of level crossings across the state that are far more dangerous.

This government just does not get it. Victoria requires not only a jobs plan, but also a clear plan to invest in people and infrastructure. Members of the Liberal Party would have us believe that there is some sort of magic to the workplace market through flexibility. The Liberal Party is the first to talk about workplace flexibility, but what it really means is flexibility for the manager, not the worker. It is a one-way street, with the workers struggling against the traffic. The Victorian economic growth estimate for 2011–12 has been revised down from 3 to 2.25 per cent, which is a poor reflection of the direction of our economy.

The budget update forecasts more Victorians being out of work, with an unemployment rate increasing from 5 to 5.5 per cent. This government's solution to higher unemployment is to slash jobs. This government's solution to poor management is to increase taxes. This government's solution to poor planning before the election is to raid the Victorian WorkCover Authority. In contrast, when Labor was in office it created jobs through investment in infrastructure; it created jobs by building important infrastructure like the Royal Children's Hospital; it created jobs by building the regional rail link; and it created jobs by providing confidence to business and workers. It provided money for programs like the Take a Break child-care program, because investing in people is something that only the Labor Party is interested in; it invested in schools, because the next generation is as important as this generation; and it invested in alternative programs like the Victorian certificate of applied learning, because higher learning should not be only for those who aspire to go to university straight after high school. These are all things that this government does not seem interested in.

When the former Victorian WorkCover Authority board chairman, James MacKenzie, described this government's actions as absolutely absurd and

economic nonsense, he had confined his remarks to the \$500 million taken from the WorkCover authority. I would say that his comments are more appropriate for this government's approach to the budget and to funding services. The Treasurer, Kim Wells, has put in the most underwhelming performance as a Treasurer since Queensland Senator Barnaby Joyce was opposition finance minister for about 5½ minutes. The Treasurers' grasp of numbers leaves the community disappointed wherever he is heard, which is not very often, and for not very long. I expected that this Treasurer would last about as long as Barnaby Joyce, but I was proved wrong.

The presentation of the budget update is a massive victory for mediocrity. This budget update is clearly a Liberal budget — it is big on cutting jobs, predicting higher unemployment and lower growth.

Education and care services: national regulations

Mr FINN (Western Metropolitan) — I am sure that most members of this house would be aware that much of the work I do both in this place and in the electorate is concerned with the welfare and protection of children, wherever they may be and whatever age they may be. I believe the welfare of children is very much our primary responsibility, not just as legislators, but also as adults. As a result of that view, I was fascinated to pick up a hefty document called *Education and Care Services National Regulations*.

My initial reaction to this particular document was to wonder if so many regulations were strictly necessary, because in this document we have over 250 pages of regulations, and the table of contents stretches to 16 pages before we even get into it. I will browse through and touch on just some of those matters. We have, of course, supervisor certificates of children, we have 'Policy on interactions with children', 'Protection from inappropriate activities or treatment', 'Relationships in groups' and 'Access for parents'. We have 'Children's health and safety', going through 'Health, hygiene and safe food practices', 'Food and beverages', 'Service providing food and beverages (other than water)', 'Sleep and rest', 'Tobacco, drug and alcohol-free environment' and 'Awareness of child protection law'. We have 'Incident, injury, trauma and illness policies and procedures', 'Notice of serious incidents', 'Incident, injury, trauma and illness record', 'Infectious diseases' and 'First aid kits'.

We then go on to part 13. I am just picking out parts as I go along; this could keep us going for quite some time. Part 13, which is headed 'Information, records

and privacy — national authority and regulatory authorities', includes 'Application of Commonwealth Privacy Act 1988', 'Modifications relating to national education and care services privacy commissioner and staff', 'Modifications about financial matters', 'Modifications about annual report', 'Modifications relating to national authority and regulatory authorities', 'Modifications relating to determinations', 'Miscellaneous modifications', 'Relevant administrative tribunal' and 'Regulations'.

As I say, I could go on for quite some time because there are many regulations in this particular document. I had to ask myself the question: is this document strictly necessary? Are all these regulations strictly necessary to protect children in this day and age? The conclusion I have come to is: probably. The tragedy is that being a child is not what it used to be. For most of us our childhood was happy; it was protected. We were able to go down to the park or to the local footy ground or whatever. We lived a pretty safe life. These days, however, there are so many dangers and threats, and many of those dangers and threats come from people who children should be able to trust, people who are authority figures, such as teachers and child-care workers, some of whom might have agendas which quite frankly disgust me.

I recall that during my maiden speech to the Parliament in 1992 in the other place I spoke at some length about respect, and I think that is really what we need to have. We needed to have it then, and we need more to have it now. We need to return to the basic principle of respect, particularly respect for the rights of the defenceless — for the rights of those children who need our protection and are very much in need of that respect. As a society we need to change the attitude that has developed over recent years. It is an attitude which I suppose encompasses greed to a very large degree — it certainly encompasses selfishness — and means children are put down the list. If they cannot defend themselves, who cares? That is not a civilised way of dealing with children, and it is an indictment of society that we have to have a document such as the one I have been referring to.

Drugs and Crime Prevention Committee: people trafficking for sex work

Mrs COOTE (Southern Metropolitan) — In this instance, with respect to this report, it is not a pleasure to rise to talk, because this is a serious concern for our entire community and in fact for the whole country. I am referring to the report of *Inquiry into People Trafficking for Sex Work*, though this evening I wish to speak about the government's response to that excellent

report, issued in June 2010 by the Drugs and Crime Prevention Committee. This was the first parliamentary committee inquiry of its kind in the country and as such it attracted an enormous amount of interest and debate. The overwhelming response from people across the country was horror at the thought that people were trafficked for sex work here in Australia. Sadly it was not just in Australia; it was here — not too far from this building. I think that was what the horror was.

The debate has gone forward. The ABC program *Four Corners* did an in-depth inquiry into this issue — and it did a very good job. The debate is out there. Other jurisdictions have taken it up too, and it is pleasing to see that under Premier Baillieu the Victorian state government has gone a long way to addressing a number of the issues. The parliamentary committee made a number of recommendations, and I know they have been heavily debated both within our law and order system, in the corrections area and by local councils — and local council issues are also important. The relationships between the Australian Federal Police, the local police and local councils and the interaction between all those authorities was also very pertinent to the inquiry.

I would like to talk in detail about some of the recommendations and what the Baillieu government has said in its commentary about them — for example, the introduction to the government's response says:

The government has acted upon the clear commitments it made in relation to illegal sex work and the clarification, strengthening and enforcement of relevant laws. These include establishing a multi-agency illegal brothel task force, and passing legislation to toughen asset confiscation laws relating to illegal sex work crimes and to make Victoria Police the lead agency for enforcement to ensure that appropriate attention is paid to the removal of criminal elements.

That is an important aspect in order for us to be very clear who is responsible for removing the criminal elements and this illegal work. The introduction to the government's response goes on to say:

The government welcomes commonwealth and international initiatives to prevent and eradicate people trafficking for sex work and for other purposes. While policing and prosecution of people trafficking are largely the commonwealth government's responsibilities, the Victorian government will progress a range of initiatives to address sex trafficking directly, to target illegal and unlicensed sex work services more broadly, and to offer appropriate assistance to sex workers.

It is important to understand that the Baillieu government has put in place programs, and intends to put in place more programs, to make certain that

affected people in this area are protected. Recommendation 4 of the committee says:

The committee recommends that clear protocols outlining areas of responsibilities and methods of collaboration and communication be developed between relevant state agencies.

This is a very important point. We needed to have clarity. What we found through doing this report was that no-one quite knew where the boundaries were. The government has put in place some very good programs, and that is now looking much better. As the government's response to recommendation 4 says, the government supports the recommendation in principle. Further:

The Victorian government recognises that collaboration between relevant agencies is crucial to support both the detection and prosecution of crimes related to the illegal sex work and the efficient regulation of the industry generally.

As usual, given the time limit of only 5 minutes, there is so much to say and so little time to get it all in. This is a very important report, and the government's response is a very important document. I hope I will be able to have a chance to speak on this report again in the next sitting week and to address recommendation 7 at length. Once again the Baillieu government has taken the initiative. It has taken the recommendations of this report and is actually doing something to start addressing this insidious and important issue and to make quite certain that Victoria leads the way on it.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Gentle Annie Bridge, Whitfield: flood damage

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight on the adjournment is for the attention of the Minister for Roads, and it is regarding the Gentle Annie Bridge in Whitfield. In 2010 I attended Whitfield along with Dr Bill Sykes, The Nationals member for Benalla in the Assembly, and a number of others as part of a flood task force. Dr Sykes was very adamant that the Gentle Annie Bridge needed to be fixed forthwith and called on the then Brumby government to do it immediately. He was back in the area on 10 September 2010 with the Leader of The Nationals, Mr Ryan, who was saying it was a priority issue that money be spent on this local road.

Of course since then there has been a change of government, which happened 15 months ago. We now have the Deputy Premier, Mr Ryan, walking around the state with his \$1 billion fund, and he has not fixed the Gentle Annie Bridge at Whitfield. That is part of the reason why I am raising my matter on the adjournment for the Minister for Roads: because he has a \$100 million local roads fund which is meant for fixing local problems.

The Gentle Annie Bridge at Whitfield was made dysfunctional by the floods in 2010. It has been affected by most natural disasters since, and according to the local mayor the council is still waiting for government funds. The simple action I seek from the Minister for Roads is to do what the Minister for Regional and Rural Development could not do with his \$1 billion fund: apply some of his \$100 million fund, which was touted around the state while he was in opposition as well as in government as a great solution for every problem, and actually do something with it to try to fix the Gentle Annie Bridge. Hopefully this Liberal minister will do what The Nationals Deputy Premier has failed to do and fix the Gentle Annie Bridge at Whitfield.

Community services: Child FIRST centres

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Community Services, the Honourable Mary Wooldridge, and it is associated with *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which came out yesterday. The panel comprising that inquiry was chaired by the Honourable Philip Cummins, with Professor Dorothy Scott, OAM, and Bill Scales, AO, also serving on the panel. It is around Child FIRST — being the family, information, referral and support teams — which works in conjunction with the statutory child protection system to support families by improving their ability and resources to cope in very difficult times.

I am aware that there is very sad information in the report, which came out in the last 24 hours. In particular I am calling on the minister to give some consideration to providing Child FIRST centres in my electorate of Northern Metropolitan Region. As a government our duty is to our children; Mr Finn talked about that not that long ago. I would be interested in the minister giving due consideration to the development of Child FIRST centres in my electorate, in particular — and the report seems to suggest that there is good foundation for my suggestion — in the local council areas of Hume, Moreland, Yarra, Darebin, Whittlesea, Nillumbik and Banyule. All are in the Northern Metropolitan Region of Melbourne and all have

families that could do with appropriate levels of support through Child FIRST. I call on the minister to give due consideration to establishing Child FIRST centres for those areas.

Ouyen P-12 College: funding

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Education, Mr Dixon. The matter concerns the funding of the final stage of Ouyen P-12 College redevelopment. I understand the school community is very frustrated. It feels that it has been working hard and done as advised only to be abandoned by the Baillieu-Ryan government. I am particularly concerned to learn that the community has grave fears about student and teacher safety because the college is currently operating across two campuses which are separated by a highway and a railway line. I was advised by the school earlier this month that there have been a number of near misses. I hate to think the Baillieu-Ryan government is going to wait for tragedy to strike before it gets around to funding the redevelopment of this project.

Ouyen is a major grain deposit and out-loading point for the region. This means that trains, trucks and semitrailers are in action there throughout the year. Staff and students must cross the busy Sunraysia Highway and the railway line, with the silos and the weighbridges between the two campuses. In addition to the safety concerns about crossing a busy major road and the railway line regularly, valuable teaching time is wasted as teachers travel to and from the two campuses.

I am also concerned to learn that the P-8 students are still operating out of the former primary school building, which is very run down, badly damaged by white ants, contains asbestos and has outdated plumbing. I understand the school community feels it is between a rock and a hard place as it weighs up the cost and effort of continuing to maintain the run-down former primary school building and the lack of commitment from the government to funding the final stages of building for the proposed new P-12 college campus. Given the amount of time and effort demonstrated by the school and the community to deliver the P-12 model of learning and the promises the government made to the Ouyen community, I specifically request that the minister commit the funding for the completion of the P-12 college project in the 2012-13 state budget.

Ovarian Cancer Awareness Month

Ms CROZIER (Southern Metropolitan) — My adjournment matter is for the Minister for Health, the Honourable David Davis. As we know, February is Ovarian Cancer Awareness Month. Teal Ribbon Day is today, and I am pleased so many members are wearing a teal ribbon, showing their support for raising and highlighting the very important message of the risks of ovarian cancer and awareness of its symptoms. Very often it is an insidious disease. Many women do not know they have ovarian cancer, as the symptoms can be mild. By raising awareness of those symptoms to women of all ages, it is hoped diagnosis and treatment can be addressed at the early stages of the disease.

The statistics of the disease, although not as high as those for many other cancers, are sobering, as they are associated with very large mortality and morbidity rates. In fact more than 1200 Australian women will be diagnosed with ovarian cancer this coming year, and 800 of those women will die from the disease. In Victoria 340 women are diagnosed each year, and of those, 230 will die from ovarian cancer. Those are the real and raw statistics this devastating disease brings to bear.

Ovarian cancer awareness through the wearing of a teal ribbon is one way of getting the important message of awareness of ovarian cancer to our community. The action I ask of the minister is that in his capacity as Minister for Health he outline further initiatives that may be undertaken to improve awareness and assist Victorian women in understanding their risk of developing ovarian cancer.

Electricity: smart meters

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Energy and Resources, Mr O'Brien, and it relates to the difficulties I have been having accessing the data from my smart meter. Mr O'Brien has some knowledge of this because he watches me like a hawk on Twitter, I happen to know. He has seen some of the material I have been putting out there. This represents my formal request to him to intervene on my behalf.

In accordance with chapter 7 of the National Electricity Rules, I have written to both my retailer and my distribution business — Origin and CitiPower respectively — and asked them to take the necessary steps to connect my in-home display to my smart meter so my in-home display can start catching the data from my smart meter out of the air and telling me in realtime how much energy I am using. I have no intention of

waiting around until a company tries to sell me a second smart meter to go with the one I already have. I have already paid for the first one, and now I would like the data from it. I want to be able to check my bill. I want to be able to reduce my consumption, and when the time comes I want to be able to check whether the plans that have been offered to me by the electricity companies are favourable to me or not when it comes to time-of-use pricing.

So far I have paid all of the costs of the smart meter and had none of the benefits. Of course the companies I have written to have not said no, because legally they know that they cannot say no, but they have not said yes either; they have simply obfuscated. Most recently CitiPower talked about the glacial pace at which it is developing devices for smart meters. I am ready to go. In a letter CitiPower said to me:

This work will result in the development of appropriate frameworks, processes, and protections which will facilitate the widespread take-up of IHDs —

in-home displays —

These frameworks will provide consistent approaches to matters such as device and installer accreditation, consumer support, protection and privacy, and service fees.

This is the first time we have had some honesty. It intends to charge us again for access to the data from our smart meters when all it really needs to do to make it accessible is take a few very simple steps using the technical information I have already provided to it.

I know for a fact that other distribution businesses in other areas, such as United Energy, have already established an online portal where citizens can simply login, as they do to use internet banking, check their own energy consumption and access their devices. I want the minister to ask CitiPower to do this, starting with me and going on to all the other citizens in that distribution area.

Wallan-Kilmore bypass: route

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Premier. I refer him to the 2011 Kilmore traffic survey results released under FOI and belatedly available on the VicRoads website via the 'Kilmore-Wallan bypass public information display material — November 2011' link. This link takes users to 'Options considered by the Kilmore-Wallan bypass options examination — 2007'. Some 15 pages later, readers come to a page headed 'Traffic volumes — 2011'. For those lucky enough to find this information, it is obvious why the Baillieu-Ryan government has buried these survey

results. VicRoads makes the following statement about the traffic survey results:

Current traffic counts show that the largest traffic flows occur between the Hume Freeway and Wallan, and between Wallan and Kilmore and Broadford, rather than to the north of Kilmore.

This indicates that the majority of traffic is due to local growth.

In fact the VicRoads traffic survey results over the period 2000 to 2011 show that annual traffic flows to the north of Kilmore in both directions have grown by just 0.5 per cent compared with an annual growth rate more than 10 times that rate — 5.5 per cent — between the Hume Freeway and Wallan alone. VicRoads makes this further statement:

Growth trends show that the largest future traffic flows will occur between the Hume Freeway and Wallan, and between Wallan and Kilmore and Broadford, rather than to the north of Kilmore.

In the light of this indisputable evidence from VicRoads and local concerns about the impact of growth in local traffic flows on businesses and residents' daily lives, I call on the Premier to indicate what action his government is willing to take to fix this problem. The facts now clearly demonstrate that Mr Baillieu's promise of a \$130 million bypass road from the Hume Freeway to the Northern Highway north of Kilmore will not solve Kilmore's local traffic problems — that is, assuming Mr Baillieu delivers on his promise to build a bypass north of Kilmore and does not select a route to the east of Kilmore that utilises existing local roads.

Local government: footpath safety

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Local Government. Very recently I joined the chairman of the Victorian Disability Advisory Council, Tony Staley, on a visit to the Geelong Disability Advisory Council. We had an extremely interesting visit. There was very good dialogue between some of the people with a disability in and around the Geelong area, and they came up with innovative ideas and suggestions. It was a very good opportunity to hear about local issues, many of which were reflected by members of the Victorian Disability Advisory Council, who do a phenomenal job, I might add.

One of the members of the Geelong Disability Advisory Council who is blind brought up a really interesting notion, something I ask the minister to investigate. He said when there is construction occurring in a major street or any street,

multicoloured — orange and white — cones are put up and usually orange and white tape is put around the area as well as a construction sign to show people that it is a no-go zone and the footpath is unsafe at the time. The man who is blind said, 'We can't see the cones. We can't see the tapes. Therefore it is very difficult for us to know as we are walking down the street whether there is a construction zone there. It is a danger to us'.

His suggestion was that rumble pads or something similar be put onto the footpath so that people who are vision impaired will know they are coming to a construction site or something that will affect their safety. I think that is an excellent idea and suggestion. I am not certain as to how it could be rolled out, but the action I seek is that the minister work with the construction sector, the local council and her department to devise a way in which better awareness mechanisms can be put into place so that vision-impaired people can safely traverse footpaths around construction sites.

Rail: Highett station

Mr TARLAMIS (South Eastern Metropolitan) — Tonight I raise an adjournment matter for the Minister for Public Transport. The action I seek is for him to provide clarity with regard to the future of Highett railway station and confirm that he and his department and office have no plans to close the station or reduce services should the government honour its commitment from the 2010 state election to build a railway station at Southland shopping centre.

At the last election the Labor and Liberal parties both promised to build Southland station, and there have been ongoing concerns about the current government's intention to keep this promise. I am aware that last year the government, through the Department of Transport, commissioned a Southland railway survey. That survey posed a number of questions to commuters, ostensibly to gauge their feedback about services at Highett railway station, the number and frequency of trips that commuters make to and from the station and at what times these trips occur.

It has been raised with me that this survey is a sneaky way of tricking the community into supporting the closure of Highett railway station, and that has caused concern for train commuters who use that station regularly. They also feel misled by the state government, which at the last election did not indicate its intention to close the station or reduce its services. Many of the people contacting my office have called for the release of the results of the Southland railway station survey in full, including the number of

respondents and their location when interviewed. They are seeking an assurance that there are no plans or agendas to close the Highett station and that the services at the station will not decrease. This is an important issue for the people of the local community, who now have great unease about the future of the Highett railway station. The Southland railway survey has only exacerbated that concern.

Highett station is an asset that the community values. In an article published in the *Moorabbin Leader* newspaper of 17 November 2011 the member for Bentleigh is quoted as saying the Liberal government would not close Highett station. However, last week in an article about the Southland railway survey, published in the same newspaper, the member for Bentleigh in the Assembly, Ms Miller, did not comment on the future of the Highett station nor on the survey itself.

I therefore ask the Minister for Public Transport to provide clarity with regard to the future of the Highett railway station and confirm that he, his department and his office have no plans to close Highett railway station or reduce services.

Bendigo Health: pathology services

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Health, the Honourable David Davis. Over the last 20 months or so, as far back as July 2010, the Bendigo Health has been conducting a series of reviews into the provision of pathology services for the Bendigo hospital. Whilst this review process was initiated under the Labor government, the process has continued on under the coalition government since the state election at the end of 2010.

It was announced earlier this week that the competitive tender process that was undertaken has led to Healthscope, a private provider, being given the contract for the next five years as the provider of pathology services within the Bendigo region. Following this announcement there has been an unbelievable level of negativity from the member for Bendigo West in the other place, Maree Edwards, which might not surprise many in this chamber. The member's negativity is consistent with earlier criticisms by the member for Bendigo East in the Assembly, Jacinta Allan. We now have both the member for Bendigo East and the member for Bendigo West, both Labor members, critical of this decision.

Therefore I have been forced to defend the hospital's decision based on a few facts that have been released

by Bendigo Health. We have been told there will be no job losses at the services, so the people who are currently involved at the hospital will have their jobs retained. We have been told there will not be any lowering of the service provision offered by the new provider. We have been told there will be no loss of post-mortem services and no loss of training capacity with the new arrangements.

As well as all of these effective savings there will be the financial saving of tens of millions of dollars of Victorian taxpayers money. However, the Labor members representing Bendigo continue to be critical.

Mr Lenders — Billions?

Mr DRUM — With an 'm'. It has always been with an 'm'. Mr Lenders is a former Treasurer — —

Mr Lenders — I'd like to listen to the tape.

Mr DRUM — You can listen to the tape all you like, but the 'm' was always there. I was going to talk about one of my friends from another part of Australia who happened to get his m's and b's mixed up. However, I did not think our own former Treasurer would also be getting the Joyce virus.

In the event of any further criticisms coming from opposition members I will need to be equipped with the full details of these new arrangements. I am therefore asking the minister, if he can, to provide me with a more detailed briefing about the new arrangements so that the facts of these new contracts may be put forward and some of these silly issues put to rest.

Western Autistic School: principal

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. Shortly after entering this place in 2006 I became involved in a campaign for a new campus of Western Autistic School. Some members may remember that. At that time I met the principal, Val Gill, and she impressed me with her fervour and, as I later discovered, her considerable public relations skills. At the time I was struck by the empire she had built in and around Western Autistic School, including her teaching academy. Shortly after this, parents of children at Western Autistic School started to approach me with complaints about the administration and educational outcomes of the school. They also complained that Ms Gill was disadvantaging their children in order to promote her four-year program when children everywhere else in Melbourne received 12 years of schooling. I have come to the same conclusion.

This is not a matter I bring lightly to this house, but events of the past 18 months have convinced me that I must. Ms Gill has embarked on a very public campaign to undermine the promised P-12 autistic-specific school in Melbourne's west. She has caused and continues to cause both confusion and enormous distress to parents who have done nothing to deserve such treatment. Her statement, as reported in the local newspaper last week, referring to autistic-specific schools as autism silos is the last straw. It is insulting and it is deeply offensive. She continues to put her own empire ahead of the interests of children with autism and their families.

As a result I ask the minister to dismiss Ms Gill from her role as principal of Western Autistic School. I am aware of the gravity of this request, but I believe the time has well and truly come to put the kids first. This is a very serious matter and one which, as I mentioned before, I do not raise lightly. It is something to which I have given a great deal of thought and something that I sincerely hope the minister will act upon for the good of those children with autism in the western suburbs and their families. I believe it is our responsibility.

Responses

Hon. W. A. LOVELL (Minister for Housing) — An adjournment matter was raised tonight by Mr Lenders for the Minister for Roads regarding the Gentle Annie bridge, which Mr Lenders said a couple of times was in Whitford. I was pleased on the third occasion he actually got it right and said it was in Whitfield.

An adjournment matter from Mr Ondarchie was raised for the attention of the Minister for Community Services. Mr Ondarchie outlined his concerns for vulnerable children in Northern Metropolitan Region and asked the minister to give consideration to the development of Child FIRST centres to service the Hume, Moreland, Yarra, Darebin, Whittlesea, Nillumbik and Banyule council areas. I congratulate Mr Ondarchie on that adjournment matter. It is a serious issue and one which I know he cares deeply about.

An issue was raised by Ms Darveniza for the Minister for Education regarding Ouyen P-12 college and its need for funding. I am glad Ms Darveniza has finally worked out where Ouyen is. She certainly did not care about it or want to know about it when Labor wanted to put a toxic waste dump at Ouyen.

Ms Crozier raised a matter for the Minister for Health regarding ovarian cancer awareness and asked that the

minister outline further initiatives to enable Victorian women to better understand ovarian cancer.

Mr Barber raised a matter for the Minister for Energy and Resources regarding smart meters and asked the minister to intervene on behalf of Mr Barber to have an in-home display connected to his smart meter. It was rather unusual to have a personal request in the adjournment debate.

Ms Broad raised a matter for the Premier regarding the 2011 Kilmore traffic report and asked the minister what action he was willing to take to address traffic matters in Kilmore. As Ms Broad noted, the Baillieu government has committed \$130 million to building a bypass in Kilmore.

Ms Broad — On a point of order, Acting President, I did not hear the minister say she was going to refer that matter to the Premier. She made a statement about the matter I raised. I seek her assurance that she is going to refer it to the Premier.

The ACTING PRESIDENT (Ms Crozier) — Order! Can the minister clarify that for Ms Broad?

Hon. W. A. LOVELL — I can assure the member of that. Furthermore, I was going to say at the end that I will refer all the matters to the ministers involved.

Mrs Coote raised a matter for the Minister for Local Government regarding her visit with Tony Staley to disability services in Geelong. She asked the minister to investigate treatments such as rumble strips as a way to make construction zones safer for vision impaired people.

Mr Tarlamis raised a matter for the Minister for Public Transport seeking clarity around the future of the Highett railway station.

Mr Drum raised a matter for the Minister for Health regarding reviews of pathology services at Bendigo and Bendigo hospital's decision to privatise pathology services, which will result in a saving of many millions of dollars to the state and will not result in any job losses or reduction of services in Bendigo. Mr Drum is particularly concerned about the negativity of two of the local members in Bendigo, Ms Edwards and Ms Allan, the Assembly members for Bendigo West and Bendigo East respectively. Mr Drum's request for the Minister for Health was that he receive full details of the project to enable him to set the record straight when the two Labor members criticise the project.

Mr Finn raised a matter for the Minister for Education regarding autism education at Western Autistic School.

He particularly had concerns about administration. I will refer all the matters to the relevant ministers.

I have written responses to the adjournment debate matters raised by Mr Elsbury on 12 October 2011, Mr Philip Davis on 8 November 2011 and Mr Ramsay on 8 December 2011.

The ACTING PRESIDENT (Ms Crozier) —
Order! The house now stands adjourned.

House adjourned 7.02 p.m.