

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 29 June 2011**

**(Extract from book 10)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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## 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, #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 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.

\* *Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

# *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 Naphine 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*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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**Deputy President:** Mr M. VINEY

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**Deputy Leader of the Government:**

The Hon. W. A. LOVELL

**Leader of the Opposition:**

Mr J. LENDERS

**Deputy Leader of the Opposition:**

Mr G. JENNINGS

**Leader of The Nationals:**

The Hon. P. R. HALL

**Deputy Leader of The Nationals:**

Mr D. DRUM

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
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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



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## Wednesday, 29 June 2011

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

### PETITIONS

**Following petitions presented to house:**

#### **Community sector: wages**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the current and serious workforce crisis in the not-for-profit community sector.

The community sector offers support to those most vulnerable in our community and provides services that are central in addressing disadvantage. The sector is an essential part of our community safety net, working to reduce the worst effects of poverty, social exclusion, violence and inequality. To ensure that our community is able to access adequate and appropriate services, the community sector must be able to recruit and retain a skilled, dedicated and stable workforce. The sector is increasingly unable to do this, as the wages and conditions of these workers fall further and further behind other sectors. For example, full-time qualified community workers earn on average \$15 000.00 less than the average wage in Australia.

In 2010 the Australian Services Union will be running an equal remuneration case in the Fair Work Australia tribunal to increase the rates of pay for community sector workers to that of comparable workers. For too long the work in this sector has been undervalued and unrecognised — this cannot continue. Now is also the time for proper funding of the community sector.

Your petitioners therefore request that the Victorian government support the community sector by committing to properly funding the pay increase that will result from the ASU's equal remuneration case.

**By Ms MIKAKOS (Northern Metropolitan)  
(12 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 Mr LEANE (Eastern Metropolitan)  
(14 signatures).**

**Laid on table.**

#### **Rail: Altona loop service**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposed new train timetable will cut service to Altona loop and the Altona-Seaholme community in four ways:

the Altona loop will lose direct access to the city loop;

the Altona loop will lose all of its express trains;

services will be reduced from 20 to 22-minute intervals during peak periods; and

outside peak periods the service will be reduced to a shuttle so passengers will have to change trains.

The Altona and Seaholme communities do not need cuts, they greatly need improved public transport services.

The petitioners therefore request the provision of public transport improvements, not cuts. The petitioners request that the proposed Altona loop service cuts be rejected.

**By Ms HARTLAND (Western Metropolitan)  
(31 signatures).**

**Laid on table.**

#### **Forests: protection**

To the Legislative Council of Victoria:

The petition of residents of Victoria draws to the attention of the Legislative Council the issue of logging in Victoria's native forests.

The petitioners therefore request that the Legislative Council of Victoria acts to protect Victoria's native forests, including old-growth forests and water catchments, and supports the transition of logging into plantations to sustain jobs and our wood needs.

**For Mr BARBER (Northern Metropolitan) by  
Ms Pennicuik (1911 signatures).**

**Laid on table.**

## PAPERS

### Laid on table by Clerk:

Auditor-General's reports on —

Allocation of Electronic Gaming Machine Entitlements, June 2011.

Municipal Solid Waste Management, June 2011.

Multicultural Affairs — Whole of Government Report, 2009–10.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 35.

## MEMBERS STATEMENTS

### Cr Pat Claridge

**Ms DARVENIZA** (Northern Victoria) — I wish to take this opportunity to wish Cr Pat Claridge from the Benalla Rural City Council well as she moves on to another phase of her life with the Tomorrow: Today Foundation. Cr Claridge has made an enormous contribution to her community as a councillor. She has been a councillor with Benalla for eight years, including several years as the mayor.

I have worked closely with Pat during her time as a councillor and never failed to get caught up in her enthusiasm for the many projects she pursued. You could not help but be impressed with Pat, as she was great on her feet and always very well versed across all the issues that were affecting her community. She has a real passion for tackling disadvantage in the community, and with her easy-going, down-to-earth style she is always very approachable. You only had to be out and about to see that in action: people from all walks of life would come up to Pat, find her very easy to approach and want to have a chat with her. She always had time for people and always listened carefully to what they had to say. She will be missed on the council, and I wish her all the very best for the future.

### Early childhood services: south-west Victoria

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — Last week I had the honour of seeing firsthand the wonderful work being done in early childhood education in south-western Victoria. Together with my colleague Denis Napthine, the Minister for Ports and member for South-West Coast in the Assembly, I officially opened the new \$3.74 million Port Fairy Community Services Centre. The centre provides a one-stop shop for early childhood

education, care and health. We had the pleasure of meeting many of the children during a tour of their kindergarten and long day care rooms and the interactive playground. I commend the Port Fairy community and the Shire of Moyne on their vision and investment in the future education of Port Fairy's children.

In Dennington Dr Napthine and I were lucky enough to meet a number of children who benefit from the kindergarten inclusion support services program, which helps children with disabilities to take part in kindergarten. The Baillieu government committed an additional \$10 million in this year's budget to provide places for an additional 246 children to benefit from this program. We finished a very informative day with a visit to a Mother Goose session in Warrambool where we joined children who were learning through rhyme, song and story. All in all the day's activities showed the strength of early childhood education in this state and the commitment of families to help their children learn.

### Children: Take a Break program

**Ms BROAD** (Northern Victoria) — I raise a matter that was brought to my attention by Mr Graeme Davison, chairman of the Warracknabeal neighbourhood house and learning centre. Mr Davison sought my support, which I am certainly willing to provide, to help the Warracknabeal neighbourhood house and learning centre try to prevent the cessation of funding for the Take a Break program in Warracknabeal. He pointed out that there are only two child-care facilities in Warracknabeal, both of which are running at full capacity. Some 37 families currently use the Take a Break program, which employs two dedicated staff members. Some of the parents work while their children attend the program and they have nowhere else for their children to go while they work. If the program closes, these parents will have to cease work.

**Hon. W. A. Lovell** interjected.

**The PRESIDENT** — Order! I ask Ms Lovell to stop interjecting.

**Ms BROAD** — The chairman also pointed out that if the program closes, some parents will not be able to further their education because there will be nowhere for their children to go. The chairman further stated that removing funding for the Take a Break program would be devastating for Warracknabeal because no nearby towns have child-care places available. While some such towns are lucky enough to have child-care

programs other than Take a Break, those programs are at capacity now. For these reasons, on behalf of the centre I call on the Minister for Children and Early Childhood Development to continue funding for the Take a Break program.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I have always found Strangers Corridor to be good for conversation.

**Mr Leane** interjected.

**The PRESIDENT** — Order! Is Mr Leane quite done? Very good.

### **Ningaloo Coast: world heritage listing**

**Ms PENNICUIK** (Southern Metropolitan) — I welcome the listing by the United Nations Educational, Scientific and Cultural Organisation of the Ningaloo Coast in Western Australia as a world heritage site. The new world heritage site includes the Ningaloo Marine Park and Cape Range National Park as well as the Learmonth Air Weapons Range, Bundegi and Jurabi coastal parks, the Muiron Islands and the Muiron Islands marine management area. However, it leaves out the Exmouth Gulf and some pastoral settlements on the coast around the Ningaloo Reef. The site stretches for more than 200 kilometres along the westernmost point of Western Australia's coast. The 604 500-hectare park contains some 220 species of soft and hard coral.

The Ningaloo Reef area is of special significance to me because I spent several months living there in the mid-1980s, when I saw whale sharks, the spawning of the coral and fantastic fish such as sailfish, which unfortunately people used to catch and string up in order to weigh them before just throwing them away. The area was in much need of protection because of overfishing and neglect of the reef area, so it is with great pleasure that I applaud the tens of thousands of people who have worked over the last 20 years to bring about the world heritage listing of the Ningaloo Coast.

### **Victorian Farmers Federation: annual conference**

**Mr RAMSAY** (Western Victoria) — It was with great pleasure that last Thursday I attended two special events in Ballarat with the Premier, the Honourable Ted Baillieu, and the Minister for Agriculture and Food Security, the Honourable Peter Walsh.

The first event was the Victorian Farmers Federation annual conference, which was attended by over 300 farmer delegates. It was pleasing to hear the

Premier talk about the importance of a strong relationship between a large farmer lobby group and the government of the day. I admit that some members of the state opposition were in attendance, as John Lenders noted yesterday, but sadly federal government members were lacking. It is obvious that federal government members did not want to talk about the carbon tax, foreign investment in farming land here in Victoria, live exports or anything else the farmers wanted to talk about.

### **Floods: Creswick**

**Mr RAMSAY** — I also attended a very special function with the Premier in Ballarat. I suspect the Premier has visited Ballarat more times in the last six months than any Premier has done over the full duration of their term. The function was arranged to show gratitude to the people of Creswick. The government thanked all the volunteers who helped during the floods right across Victoria. It was pleasing to note that this government has invested more money in helping flood-affected communities than any other government has done in providing support during a crisis.

### **Road safety: government performance**

**Mr EIDEH** (Western Metropolitan) — In its 11 years in office the former Labor government in Victoria had a great commitment to road safety — to saving lives, reducing traffic congestion and making Victoria a better and safer place to live — yet under this government we are seeing the cutting back of road safety councils with more areas for them to cover and far less money to undertake their very special roles. Under this government we are seeing less spent on the very successful Fit to Drive program. This program is aimed at younger people and for that reason alone it should receive more money and not less, which is what has happened under this new government.

Under this government we are also seeing a bias in the provision of transport options to the south and east of Melbourne rather than a fair provision to the entire state, including my electorate, the Western Metropolitan Region. Road safety and traffic management are crucial elements of good governance. I seriously doubt that any member of this house would disagree with taking action to save lives.

That is why I commend Labor's road safety strategy, Below 200 By 2020 — Protecting Victorians on our Roads, an ambitious but achievable target to reduce the state's road toll to below 200. We need to do better because every life we save is precious. Labor's plan is

aimed at doing better than this government is doing at this time.

*Honourable members interjecting.*

**The PRESIDENT** — Order! In respect of 90-second statements, I take the view that members ought to have the opportunity to go through their 90-second statements without interjections. My reasoning for that is that it is an extraordinarily short period of time in which to get across whatever information a member wants to put to the chamber, and the time constraint means that the distraction of interjections is not helpful to the member or indeed the house. Obviously I understand that when a member comes out with something particularly provocative their fate awaits them. However, from my point of view, I prefer to hear, as much as possible, 90-second statements proceed with only the member's voice in my ears.

### **Floods: Creswick**

**Mr KOCH** (Western Victoria) — It was a privilege to join my upper house colleagues Simon Ramsay and David O'Brien along with the Premier, the Honourable Ted Baillieu, and the Minister for Water, the Honourable Peter Walsh, at Creswick last Friday, where the Premier hosted a function in order to show the government's gratitude to the many volunteers, small business people and residents from Creswick and indeed from many areas across the state who gave their time and energy to help those devastated during the Victorian flood crisis earlier this year.

The event recognised everybody who had lent a hand, as members of the community had done in so many different ways, whether it was by accommodating those who were forced out of their homes by the floods, or by filling sandbags, making sandwiches or donating goods, services or cash. The event also recognised the tremendous efforts of our heroes in the Country Fire Authority, the State Emergency Service and other emergency services who so often put their lives on the line to save those in greater need. All those present were given an attractive specially struck lapel pin that features our state emblem, the pink heath, as a symbol of recovery and growth and as a reminder of the catastrophic flood events of last spring and summer that affected so many communities.

The road to recovery is continuing and has involved the magnificent efforts and support of many groups in the community and support from the government. There is a real sense of community spirit evident within these organisations — we have seen groups and individuals

banding together for a common cause. These exceptional efforts will go down in history and remain in the minds of all communities affected by these floods, which were on a scale that had not been experienced in over 50 years.

### **Red Nose Day**

**Mr TARLAMIS** (South Eastern Metropolitan) — The 23rd Red Nose Day was held on Friday, 24 June, with funds raised to assist SIDS and Kids in providing vital services and programs to the Australian community. In 1988 the Red Nose Day concept was adopted by SIDS and Kids organisations around Australia. The first Red Nose Day was very successful, with around 1 million red noses sold, raising \$1.3 million and substantially increasing awareness.

SIDS and Kids is dedicated to saving the lives of babies and children during pregnancy, birth, infancy and childhood and to supporting bereaved families. Its work also includes education, research, national awareness campaigning, advocacy and fundraising. Each year SIDS and Kids fields thousands of queries through its bereavement support line; provides counselling sessions, after-hours counselling and home visits; and organises a range of support groups and events. Its programs are offered free of charge.

Since 1990 education initiatives such as the SIDS and Kids safe sleeping program, through which the organisation works closely with health-care professionals, child-care organisations and online support networks, have saved the lives of an estimated 6500 Australian babies. I commend all those involved with SIDS and Kids and thank those who participate in Red Nose Day activities.

### **NAIDOC Week**

**Mr TARLAMIS** — On another matter, NAIDOC Week celebrations will be held across Australia next week. The 2011 national NAIDOC theme is 'Change — The next step is ours'. NAIDOC Week is a time to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. It is an opportunity for all Australians from all walks of life to come together, promote understanding and awareness and work towards building a better future. I encourage everyone to take the opportunity to participate in local activities and experience firsthand the cultural richness and heritage of Australia's indigenous people.

### **Water: product rebates**

**Mr ONDARCHIE** (Northern Metropolitan) — I had the pleasure this morning of visiting Kevin Walker and his family in Brunswick West with the Minister for Water. We announced that the Victorian government will boost rebates on water-efficient products, making them available to all Victorians, from 1 July.

We had a chance to look around Mr Walker's family home. Mr Walker is an aeronautical engineer, and he showed us the water-saving devices he has in place around his beautiful home. We got to spend time with Kevin and his children by the most beautiful apple tree I have ever seen.

The coalition government is again delivering on a key election commitment by doubling funding for rebates on water-efficient products to \$40 million over the next four years. For the first time rebates for water-efficient products will be made available to help all Victorians — including those on non-reticulated systems — become water efficient in their homes and gardens. Up to \$1000 is available for rainwater tanks that are designed and manufactured to Australian standards and connected to home toilets and laundries. Washing machines are one of the biggest water users in the home, and a \$150 rebate provides an incentive for people to install the most water-efficient models. A rebate of \$200 on the cost of pool covers has also been introduced for the first time.

We need to be smarter in using water in our cities and towns, making the most of every drop in our homes and gardens. I thank the Walker family for the opportunity to visit this morning, and I wish Kevin and his family well with their upcoming adventure.

### **Community sector: wages**

**Ms TIERNEY** (Western Victoria) — On 8 June I joined many of my parliamentary Labor colleagues, along with thousands of other Victorians, to rally to fight for equal pay in the equal pay case currently before Fair Work Australia. In the most significant equal pay decision since the 1969 adoption of equal pay for work of equal value, Fair Work Australia has found:

... for employees in the SACS —

that is, social and community services —

industry there is not equal remuneration for men and women workers for work of equal or comparable value by comparison with workers in state and local government employment. We consider gender has been important in creating the gap between pay in the SACS industry and pay in comparable state and local government employment. And, in

order to give effect to the equal remuneration provisions, the proper approach is to attempt to identify the extent to which gender has inhibited wages growth in the SACS industry and to mould a remedy which addresses that situation.

Although this case has not concluded, Fair Work Australia has identified gender as an issue contributing to the low wages of community sector workers.

Before the November 2010 election the former Labor government committed to fully funding the outcome of the equal pay test case for social and community services workers. This morning I use this opportunity to call on the coalition government to support the community sector workers by committing to properly funding the pay increases that will result from the Australian Services Union's equal remuneration case.

### **Croatian community: independence celebrations**

**Ms TIERNEY** — On another note, I wish to signal my appreciation to the Croatian community in Geelong for its warm hospitality on Saturday night. The well-attended function was to recognise the 20th anniversary of Croatian independence. This is a well-organised community which has really contributed to making Geelong a great place to live.

### **Olivia Newton-John Cancer and Wellness Centre: soccer match**

**Mr ELSBURY** (Western Metropolitan) — On Friday last week I joined other members of Parliament at Olympic Park for a soccer match against the state political rounds reporters in support of the Olivia Newton-John Cancer and Wellness Centre. As a member of the Liberal Party I was placed on the right wing, which pleased me no end. After a hard-fought game the MPs vanquished the journalists 3-0. Congratulations to Shaun Leane and Tim Pallas for their vital scoring shots.

### **Croatian and Slovenian communities: independence celebrations**

**Mr ELSBURY** — Over the weekend I was pleased to be able to join members of the Croatian and Slovenian communities in celebration of their respective nations achieving independence 20 years ago. On Saturday evening I also joined a celebration of Victoria's separation from New South Wales. In each of these instances people celebrated the self-determination their states obtained — for Victoria, one achieved in peace, and for Croatia and Slovenia, one achieved after a struggle. Dictators, tyrants and those who stifle democracy should fear the strong force

freedom can arouse in the populace. The strong desire that people have to affect decisions which govern their lives cannot be denied. I am proud that I could attend these functions to celebrate the foresight and bravery of so many who have defended democracy and freedom for their people.

**The PRESIDENT** — Order! We now proceed to general business and motion 129, which stands in the name of Mr Viney. As members are aware, Mr Viney is not with us today and Ms Mikakos will be moving that motion on his behalf.

## LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE

### Work plan

**Ms MIKAKOS** (Northern Metropolitan) — On behalf of Mr Viney, I move:

That this house notes with concern that the Legal and Social Issues Legislation Committee has not met since its first meeting to elect Mr O'Donohue as chair and requires the committee to meet and develop a work plan in relation to the government's priorities and challenges in these essential areas of government and that the committee report to this house on its work by 1 December 2011.

It gives me great pleasure to move this motion on behalf of Mr Viney, who is not able to be with us due to family circumstances. I put on the record my best wishes to him and his family at this time.

I was very pleased earlier this year to be appointed by the chamber as a member of the Legal and Social Issues Legislation Committee as well as the Legal and Social Issues References Committee. The other members of the committee are Mr O'Donohue as the chair, Mr Viney as the deputy chair, Ms Crozier, Mr Elasmarr, Ms Hartland, Mr O'Brien and Mrs Petrovich. From the short time we have been together I think it is a very good committee. However, the only committee that is operating at the moment and has some work before it is the references committee of which Mr Viney is the Chair and Mr O'Donohue is the Deputy Chair. It is conducting a very worthwhile and interesting inquiry into organ donations.

I find it disturbing that despite the fact that last year, as part of the review of the standing orders of this house, there was bipartisan support for the creation of a new Senate-style committee structure, all three upper house legislation committees to date have no work to do. As I said, we had bipartisan support for this new Senate-style system, and I want to put on the record some comments that were made during the debate on

the report of the Standing Orders Committee tabled in this house on 6 October last year. The now Leader of the Government said:

It has been said that it is modelled on the Senate, and the Standing Orders Committee spent some time looking at a number of other parliaments and systems, which was instructive. We began to see there was a useful model where expertise could be developed by members of Parliament. There would be the capacity to shadow all the areas of government to build up that expertise through dealing with legislation and have the capacity to undertake references as required.

The dual chair system, where a government member would chair the Legislation Committee and an opposition member would chair the references committee, is also a good mechanism to provide a way forward.

Further on in the debate he went on to say:

I think the role of these committees can complement the joint committees and act in a more forensic way that is able to turn this chamber into a true house of review. This is the key reason the opposition is determined to support these changes.

When the coalition was in opposition, coalition members were very strong supporters of this committee system. We saw Mr Davis indicate his very strong support for the committee system, but it remains to be seen whether that commitment will be put into practice, because, as I said, these committees have as yet not been given anything to do.

The role of the Standing Committee on Legal and Social Issues is to inquire into and report on any proposal, matter or thing concerned with community services, education, gaming, health, and law and justice. As well as looking at bills before the house that could be referred to it by this chamber, it has the capacity to look at annual reports, and I note that a number of annual reports from all those departments will be coming before the Parliament fairly shortly. There is an opportunity within the time frame contained in this motion for the house to develop a work plan for the Legal and Social Issues Legislation Committee, but I would hope in fact this could be done for all three of the legislation committees because they can perform a very useful role, as the Leader of the Government indicated in his contribution late last year.

The Senate-style system on which these committees have been modelled is a very interesting system to look at. Last night I had a look at the bills currently before the Senate. A document prepared by the Senate Table Office, which is available on the Senate website, runs for 61 pages and lists the 211 bills that have been considered by the Senate from the start of the year to 27 June 2011 when this document was prepared. Bill by bill it goes through what has happened with that

legislation in both houses of the federal Parliament. What I found particularly interesting was looking at what happened when the bills got to the Senate. Quite a large number of these bills were in fact referred to the relevant Senate legislation committee, so it is a very common practice in the federal Parliament for bills to be referred to Senate legislation committees. I have had the opportunity over the years to look at some of their reports, and they are quite good reports. That has been my experience in terms of assisting senators to form views about what might be controversial issues and what are not controversial issues.

When we were in government, prior to the review of the standing orders we had set up a legislation committee, of which I was a member, which trialled a similar system, and we did have a few bills, particularly contentious bills, referred to that committee to look at how that committee could assist the work of this house. That system would mean that we would probably spend less time in the committee stages of bills. We would probably have fewer 2.00 a.m. or 3.30 a.m. finishes in the future if we were able to have controversial pieces of legislation, such as the growth areas infrastructure contribution bill, for example, go to the relevant upper house committee with the opportunity for members to consider the bill in quite considerable detail as well as for the committee to receive feedback from relevant stakeholders.

I think it would assist the business of the house if we were to utilise these committees, because we could have an opportunity for bills to be scrutinised in more considerable detail and do it at a time when members are not exhausted after debating quite insignificant pieces of legislation in the dead of night, as has been happening regularly of late.

The motion is essentially calling for the government to come to this chamber and elaborate on what it believes the work of the legislation committee should be. Obviously it is to be determined by the will of the full house, with all parties having some input, but the government in particular has some responsibility to indicate, given it has a majority in this chamber, whether it has some goodwill in relation to the operation of these upper house committees and whether it intends to have them doing anything over the term of this Parliament.

We have a number of inquiries under way in relation to the references committee, as I have already indicated. I guess I can only speak in relation to the inquiry being undertaken by the legal and social issues committee, of which I am a member, but I think we have been conducting ourselves in a way that is beyond politics.

Members have been genuinely interested in the merits of the arguments and the submissions and very useful feedback we have been getting from relevant stakeholders. That should indicate, particularly to new members of this chamber who are members of that committee, that these upper house committees can provide quality work and quality reports that add value to the legislative process.

I am sure Mr O'Donohue as the chair of the legislation committee is probably itching to get his hands on some legislation. He is also the chair of the Scrutiny of Acts and Regulations Committee, so he is already in the process of scrutinising legislation with particular terms of reference in looking at human rights and the other types of issues that SARC looks into. I am sure Mr O'Donohue would therefore appreciate, as chair of the committee, that he can also value-add to that process in terms of bills coming before the upper house and, in the government's interests, help expedite debate and the passage of legislation through this house, because, as I said, we could go through those controversial bills in considerable detail before they get to the committee stage.

I find it difficult to understand the reason why seven months into this government we have not had one piece of legislation referred to the committee of which I am a member. In fact there has not been any legislation referred to any of the upper house legislation committees. We have had a number of quite contentious bills to date that would have been quite suitable candidates to go before those committees, yet the government has not chosen to make such a referral, and on some occasions when there were attempts to refer bills to committees, the government opposed that process.

The other point I would like to make is that upper house committees are important to the accountability and scrutiny of government. They tie in with the role of the Legislative Council as a house of review — a point that was acknowledged in a comment I quoted earlier made by Mr David Davis when he was Leader of the Opposition. Despite the government campaigning around these themes of scrutiny and accountability, we have not actually seen much of that to date. There have been a whole range of areas in terms of the operations of the government in this house, in fact in both chambers, that have been of concern. When the government was in opposition it claimed that it would answer questions directly; in fact it indicated that it would probably do away with Dorothy Dix questions. A whole range of things that were said at that time have not been delivered. I have found it extremely frustrating to have to come in here time and again, question time

after question time, to pose questions to Minister Lovell on a whole range of issues in relation to early childhood education and to be effectively stonewalled and not get any responsive answers to those questions. If the government wants to have any credibility around these issues of accountability, then it needs to get serious about them, particularly in connection with references or legislation going to upper house committees.

As we are approaching the end of the financial year many departmental annual reports are going to be tabled shortly. I remember the government when in opposition being critical of large numbers of reports being tabled in the one sitting week — which happens because departments have reporting time lines that coincide. Members of the government were highly critical of the fact that we had boxes and boxes of annual reports out in the hallway. It will be very interesting to see what happens this year with those annual reports and whether they will in fact be tabled in the same week so that we get boxes and boxes of reports again.

We now have an opportunity to refer annual reports to these Legislative Council committees for further examination. I note that the Legal and Social Issues Committee has responsibility for the Department of Education and Early Childhood Development, the Department of Health, the Department of Human Services and the Department of Justice. There will be an opportunity for a whole range of reports around our local hospitals, our schools, the TAFE sector and the various levels of our judicial administration, as well as many other bodies that have a responsibility to report back to the Parliament, to be scrutinised in more detail by the relevant upper house committees.

In conclusion, the motion moved by Mr Viney is an important motion. I am pleased to have been able to support it this morning. It is timely that we have this debate, given that we are getting towards the end of this session of Parliament and the end of the financial year. As I said, we will have a number of annual reports being tabled shortly, and the government will be turning its mind to its legislative program for the spring session. The government should indicate to the house whether it is going to be taking these Legislative Council legislation committees seriously during this term of the Parliament — whether it intends to send any legislation, annual reports or other business to these committees for consideration this year and what it believes the work plan should be in the lead-up to the end of the year.

The motion moved by Mr Viney designates a report date. It seeks that the government report on the work

plan to this house by 1 December 2011. That is ample time for the government to get its act together in relation to these issues. I strongly support the motion before the house.

**Mr O'DONOHUE** (Eastern Victoria) — The government does not support the motion moved this morning by the opposition. Firstly, in responding to Ms Mikakos, who moved the motion on behalf of Mr Viney, I have to say that here we are on the last Wednesday before the break on opposition business day — an opportunity for the opposition, which likes to pass comment on every issue of the day, to perhaps flesh out some policy issues and tackle some of the significant issues facing Victoria in a substantive way in the Parliament and have a proper debate.

Indeed this would be an opportunity for the opposition to perhaps justify its decision with regard to the desalination plant when it was in government or to reflect on its failures with regard to the auction of the pokies licences on which the Auditor-General has reported. But no, what we are doing this morning is having the same debate we had in the last sitting week. The only difference is that in the last sitting week Mr Tee moved the motion and it was about a different committee, but the substantive issue to which Ms Mikakos has referred in debate is exactly the same as the issue that was debated in the last sitting week. So here we are again. The opposition has an opportunity to debate matters of significance to the people of Victoria and it has chosen to rehash the same debate the Parliament had during the last sitting week. I make that observation to start with.

I will also put this issue concerning parliamentary committees into context. If you listened to the opposition, you would think that it holds parliamentary committees in the highest esteem and that the work parliamentary committees do is one of the most important things to it. But the opposition's actions do not reflect that. We had in this place an amendment to the Parliamentary Committees Act to enable some of the joint parliamentary committees to start operation.

We have had a lot of debate this week about road safety. Indeed Mr Eideh in his 90-second contribution this morning talked about the failures of the government with regard to road safety, as did Mr Pakula in debate yesterday and Mr Merlino in the other place when debating the hoon driving legislation. It is widely agreed by virtually all members that the Road Safety Committee has played an integral part in developing road safety policies which have saved lives and helped the people of Victoria and our roads to be safer. It is often cited that seatbelts in Victoria came out

of a report produced by the Road Safety Committee. But what does the opposition do with regard to the Road Safety Committee? Opposition members in this place could not be bothered to nominate one member to be part of that committee. That is how important the opposition thinks road safety is. That is what it thinks of the Road Safety Committee. The opposition has double standards when it comes to that committee.

We have also heard members of the opposition talk ad nauseam about floods. The government is very concerned about the impact of floods on various communities. Mr Koch spoke about this in his previous contribution. As I understand it, the Rural and Regional Committee was given as its first reference an opportunity to examine the impact of the floods and how policies could be improved around that. But again the Rural and Regional Committee was not able to be constituted because not one member of the opposition could be bothered to be part of it.

You would think that some of the opposition members who represent country electorates would be interested in being part of a reference committee to examine the devastating impact of the floods in Victoria and part of a process that may deliver improvements in how flood mitigation can be improved in the future. But no, not one member of the opposition bothered to be part of that committee. It was not until the amendments to the Parliamentary Committees Act came into force that Mr Drum became a member of that committee and the committee was constituted.

The opposition says one thing in this place with regard to the upper house committees, but its behaviour towards parliamentary committees across the Parliament says something else. It needs to be held to account for that, and it needs to explain that contradiction. I look forward to members of the opposition making observations on that aspect when they subsequently contribute to this debate.

Ms Mikakos, in her contribution, spoke about the organ donation reference currently being investigated by the committee on which she and I sit together. I agree with the comments she made about what a worthy reference that is. Again it is an area where hopefully the committee and the report it ultimately produces can help to contribute to the advancement of public policy. For that reason I echo the comments made by Ms Mikakos.

It is disingenuous to talk about these committees as though they were six completely separate committees. There are six committees, but they have common membership between the legislation and references

committees and a common resourcing pool, and those committees are actively pursuing the references they have been given. To assert that the upper house committees that are in existence are sitting idly by, doing nothing and that they exist in name only is an absolute nonsense. All the members of those committees who are engaged on inquiries into those references are busy contributing to the development and advancement of those references. Hopefully at the end of that process they will contribute to the development of public policy in those respective areas of inquiry. The government refutes the assertion that the committees are sitting idly by doing nothing. It is absolute nonsense.

It is interesting to refer back to the standing orders when talking about these issues. I take members to standing order 23.02, headed 'Functions', which says at paragraph (4)(a):

Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills ...

It states 'may inquire into'; there is no mandatory function in the standing orders, for good reason, because these committees — —

**Mr Leane** — Is that how you are going to weasel out of it?

**Mr O'DONOHUE** — I take up Mr Leane's interjection. Going back to the issue of the Road Safety Committee, it is a pity Mr Leane did not show such an interest in road safety. It is easy for Mr Leane to make snide comments from over there, but it is a pity that the opposition did not care more about road safety when it failed to nominate one member from this place to be part of the Road Safety Committee in order to enable that committee to be constituted. It is a very poor reflection on the opposition.

To return to the motion, these committees are an opportunity to add value to the process. In her contribution Ms Mikakos, and indeed Mr Tee in his contribution during the previous sitting week, failed to nominate a specific example. They talked in generalities. They talked about what the committee may do or should do, but they failed to bring up any specific examples.

The government supports the Legislative Council committee process, as is reflected in the standing orders. Indeed the committees have been given very important work. I am very pleased to be a part of the organ donation reference, and I am pleased that Ms Mikakos sees the value of that reference. I look

forward to the committee working through that reference and reporting to the Parliament in due course.

Opposition members are disingenuous in bringing on this motion for debate after their frustration with the joint parliamentary committees. They are also disingenuous when they fail to present as part of their argument any specific examples. They are also disingenuous when given an opportunity to debate matters of significant public importance. We are debating today exactly the same issue we debated on the last opposition business day during the last sitting week. The government does not support Ms Mikakos's motion.

**Ms Mikakos** — You have not told us why.

**Ms HARTLAND** (Western Metropolitan) — I will take up Ms Mikakos's interjection; it is unfortunate that we have not heard why the government will not be supporting this motion. I will speak very briefly, because I think Ms Mikakos has outlined the concerns that we jointly have about the references. Having spoken to my colleague Ms Pennicuik and having had a look at the Senate processes, it seems to me that what happens in the Senate is that these committees are extremely helpful in dealing with bills. There is a fast turnaround. I know from speaking to senators, and I think Ms Pennicuik will confirm this, that the process takes literally a day or so and they get turned around. The process improves legislation, and often amendments come out of these committees that can be agreed to by the whole Parliament, so it makes the processes within the chamber quicker and more efficient. I am not quite sure why government members would not want legislation coming through this house in a more efficient manner.

**Mr Lenders** — They are too busy. They have got to have a winter break.

**Ms HARTLAND** — Yes. This situation is unfortunate. I made an attempt to refer a piece of legislation to a committee, an attempt which was rejected, and I am aware that there have been other attempts to refer other pieces of legislation to committees that were also rejected. I have never quite understood why that was, considering that on the occasion I attempted to do it I said that it should have a very fast turnaround because I understood the need for it. I refer to the Country Fire Authority legislation.

I found it interesting to hear Mr O'Donohue speak about how the government supports these committees, but one concern I have is a lack of resources for committees — that is, there is not enough money or

resources to run these committees adequately. The reference on organ transplants has been quite amazing. After a few hiccups early on with the committee, the committee members are now working extraordinarily well together. We had some incredibly insightful briefings just last week, and I think we have all come to a much better understanding of what organ transplant really means, including what the benefits and drawbacks are. Already we are starting to form some ideas about how we educate the community about organ transplant. Considering the extremely good work the committee could be doing on legislation, I do not understand why it is that the government will not support this motion and has not supported any of the attempts to refer legislation to the legislation committees.

**Mr LEANE** (Eastern Metropolitan) — I will briefly speak on this motion. Mr O'Donohue started and finished his contribution by belittling the opposition for bringing on this motion for debate. Knowing Mr O'Donohue as I do, I am sure he would have been consistent either way, but it is a bit of a shame that Mr Viney is absent and was not able to move the motion in his name. Perhaps he could have given us a bit of a wake-up call on this sleepy Wednesday morning, particularly after our having been here until the early hours last night.

Mr O'Donohue spoke a fair bit about how members of the opposition should be held to account. I would have thought that if any people in this chamber had struggled to accept the outcome of last year's election it would have been the people on this side of the chamber, but it seems to me that government members have been struggling to understand that they are in government. The role of those on this side of the chamber is to scrutinise legislation, and we all have a role as members of this chamber to make sure that legislation is in the best form it can be when it is passed by this house.

The issue around this motion and around these committees is that these upper house committees replaced a previous committee in the last Parliament, the Legislation Committee, which performed the role of scrutinising further legislation. The problem we have now is that there has been zero legislation for those committees that have been put in place to perform that and other roles — not one piece of legislation has been referred to these upper house legislative committees. What we have done is replace a committee that performed a role with three committees that have the opportunity to scrutinise maybe two or three times as much legislation as we had in the previous Parliament. The issue is that we have an arrogant government that

refuses to let any piece of its legislation go to these committees.

It is fine for Mr O'Donohue to belittle motions that come from this side of the chamber, but if he is going to belittle them and oppose them, it would be fantastic if he could clearly let the chamber know why his side of the house is opposing common-sense motions from this side of the house rather than resorting to weasel words that take us nowhere.

**Mr O'BRIEN** (Western Victoria) — I rise to oppose the motion. I send my best wishes to Mr Viney, and I understand that he has spoken extensively on motions similar to this. Perhaps it is a cause of some regret among opposition members that Mr Viney is not here to have carriage of his motion. That said, in relation to the government's response and the question of why we oppose this motion, it was very clearly answered by Mr O'Donohue in his excellent contribution. However, if his answer was not clear, I will answer the question now.

The motion is opposed for two basic and very simple reasons. Firstly, the motion starts with the notion that there is some concern — the motion wants this house to express concern — that the Standing Committee on Legal and Social Issues has not met since its first meeting to elect Mr O'Donohue as chair. The government does not believe there is any issue with that, because of the reasons that have been put by Mr O'Donohue. Plenty of work has been conducted by the members of that committee in their references capacity, particularly in relation to the organ donation inquiry, on which all members of the committee have been working constructively, and the members who have contributed to the debate today have acknowledged that it has been a worthwhile reference.

It is important, as was touched upon by Mr O'Donohue, to acknowledge when this committee will be performing a useful role to the Parliament and to the people of Victoria rather than a superfluous, unnecessary role.

**Mr Lenders** — Scrutinising legislation.

**Mr O'BRIEN** — I will take up that interjection, because the scrutiny of legislation has been undertaken extensively by this Parliament and by parliamentary committees, one of which Mr O'Donohue and I serve on, being the Scrutiny of Acts and Regulations Committee. That committee comprises not only members of the upper house but also members of the lower house. It is indeed a joint parliamentary committee, with the task of scrutinising every act and, with its subcommittee, every regulation of which this Parliament has carriage.

Since its formation this 57th Parliament has been conducting itself in a bipartisan, constructive manner in relation to the workings and deliberations of the committee. That effort has been very well spent.

Mr O'Donohue has been chairing that committee with great distinction, as he has chaired other committees, and in that regard the Scrutiny of Acts and Regulations Committee has been performing its roles by publishing *Alert Digest* issues on a weekly basis, referring questions to ministers as appropriate where there have been questions about legislation, receiving responses from those ministers and reporting to Parliament so that the Parliament can enable debate in relation to the scrutiny of legislation.

The other thing the Scrutiny of Acts and Regulations Committee has done is to begin work on a very important reference that has been put to it by the Parliament into the Charter of Human Rights and Responsibilities. That work has just begun in terms of receiving submissions, but whilst other members may well be enjoying a break, Mr O'Donohue, the other members of that committee and I will be diligently working through a large number of submissions as well as considering public hearings in relation to that issue so that the committee can report to Parliament by its statutory deadline.

Those are just two of the tasks that have been undertaken by the Scrutiny of Acts and Regulations Committee. That is why, in a brief encapsulation, it is unnecessary for any specific referrals in relation to legislation to have been put to the Standing Committee on Legal and Social Issues. The other important reason why there have not been any such referrals as yet is that in this first session of Parliament the government has made it a priority to deliver on its election commitments and fix the problems and legacy that have been left by 11 years of the former government. With the tabling of the Auditor-General's report on the gaming issue, which I will turn to shortly, that legacy continues to unveil itself through a litany of mismanagement and waste. The situation in relation to the government's priorities in this area has been clearly stated. I take the house to the second part of the motion, which says:

... requires the committee to meet and develop a work plan in relation to the government's priorities and challenges in these essential areas of government and that the committee report to this house on its work by 1 December 2011.

It is not up to the Standing Committee on Legal and Social Issues to issue a work plan for the government. It is up to the government to determine its legislative agenda and work plan, which will be to meet the challenges that have been left to it by the former government. If opposition members are looking for identification of the government's clear statement of

the need to meet those challenges, I could refer to many documents, including the many addresses-in-reply, but I refer now to budget paper 1, the Treasurer's speech, which on page 2 has a very detailed section addressing financial and economic challenges. It outlines the litany of challenges that have been left to the government. Let us start with myki, the desalination plant, the north-south pipeline and significant delays as a result of the challenges that have been left to the incoming Victorian government by the federal government, including significant delays in the infrastructure funding of \$550 million by the commonwealth as well as dealing with projects like myki, the regional rail link and HealthSMART, which face significant cost overruns totalling \$2 billion and have contributed to the run-up of debt.

In terms of a work plan, the Victorian government's budget has been scrutinised by another joint parliamentary committee which has been working very actively under the chairmanship of Mr Philip Davis and deputy chairmanship of Mr Pakula. That committee is the Public Accounts and Estimates Committee. It is about to deliver, if it has not already, its second report. It has delivered its first report and has conducted the scrutiny of the budget process, which has again been conducted using the efficient resources of a joint parliamentary committee in relation to these budget challenges. Just to remind the house of the government's plan, I quote from page 3 of the 2011-12 budget:

The 2011-12 budget takes important steps in this task:

Delivering on the government's commitment of a \$100 million minimum surplus each year, with average surpluses of \$164 million over the forward estimates.

Achieving an additional \$600 million in efficiency savings from government departments, bringing the total value of savings delivered in this budget to \$2.2 billion over five years.

Increasing the rigour and oversight of major capital projects, with a mandatory process of scrutiny by the Department of Treasury and Finance and the Treasurer.

Lowering forecast expenditure growth with spending over the forward estimates period now expected to grow by an average 3.2 per cent a year, compared with 8 per cent a year over the past decade.

Reaffirming the importance of the government's public sector wages policy, stating that wage rises should be 2.5 per cent unless accompanied by productivity gains.

As a result of our fiscal strategy, net debt will stabilise at 5.9 per cent of gross state product.

I do not wish to take too much more of this important Parliament's time, because we have had 56 hours of hearings over two weeks in relation to the budget.

I note that the other aspect that has been going on in relation to scrutiny of the government's priorities and its work plan is the engagement of the upper house in its committee stages. This has resulted in each of the ministers at times spending a significant period at the table answering a wide range of questions in relation to not only the bill before the house but virtually every conceivable issue regarding the administration of policy, however tenuously relevant to the bill, that opposition members think it appropriate to ask.

I note the considerable performance at the table last night of the Minister for Planning, Mr Guy, in relation to the important bills that were carried by the Parliament yesterday. I also note the extensive time the Assistant Treasurer, Mr Rich-Phillips, spent at the table in relation to the budget papers. Ms Lovell, the Minister for Housing, has also spent a number of hours at the table, as has Mr Rich-Phillips, who is in the chamber, the Minister for Health and of course the capable Mr Hall, the Minister for Higher Education and Skills, who I believe spent 12 hours answering virtually every question that could conceivably be asked about the fantastic program that is encapsulated in the Regional Growth Fund Bill 2011. There has been plenty of opportunity, which has been taken up by the opposition — on occasion excessively, some might say — to scrutinise bills in this place.

**Ms Hartland** interjected.

**Mr O'BRIEN** — That is right; it is called transparency, Ms Hartland. It has been very transparent that much of that time has been wasted by the opposition through ill-informed questions or needless repetition of questions that have already been answered comprehensively by ministers. I need refer to none other than Minister Guy's comprehensive handling of those questions in relation to both the planning bills debated yesterday. I do not wish to take that much further, because we would be re-engaging in that debate.

Importantly many of the bills that have been put through this place in this first session of the Parliament have been to deliver on the coalition's election commitments. In that regard there has also been extensive debate in the community in relation to these bills, so it would not be appropriate to refer them to the Legislation Committee of the Standing Committee on Legal and Social Issues. That legislation has already been through an extensive debating process leading up to the election of the coalition government. That would

be a further scrutiny in the sense of a new issue or matter that might be considered, as in the analogies that are being made with the Senate system. It is simply not required in relation to legislation that delivers on the coalition's election commitments.

As we work through the 57th Parliament, from time to time issues may arise that require referral to that committee, but that will be considered on a case-by-case basis, as is the intention of the well-thought-out standing orders in chapter 23, which relate to the functions of this committee. I will quote from the standing orders briefly, because they are relevant to the nature of the function. Standing order 23.02(3) says:

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

Standing order 23.02(4)(a) says:

Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council ...

It is not for members of the opposition or the Greens to refer matters; it is for the Legislative Council. That is an important aspect of the structure of the committee — that is, that this chamber will refer the matters the committee will inquire into.

Every bill that goes through this place gets referred to the Scrutiny of Acts and Regulations Committee except when there is a need for urgency, which there has been on a couple of occasions in order to fix up messes that were left by the previous government.

Minister Dalla-Riva, who was in the chamber, took carriage of one of those important justice amendment bills that quickly identified and reacted to, virtually within the sitting week, an issue that had been left by the former government — that is, the failure to prescribe the lodging offences in legislation such as the smoking legislation.

That was an example of there not being the opportunity for the Scrutiny of Acts and Regulations Committee to meet prior to the introduction of the bill, but the committee still met to consider the legislation subsequent to its passage, as is its role, which is to provide that additional scrutiny, which in most cases it provides prior to legislation coming before Parliament.

Returning to the standing order I was quoting, it goes on to say:

... annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an act, provided these are relevant to their functions.

Standing order 23.02(4)(b) says:

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

In that regard all members should consider that the organ donation inquiry being conducted by the references committee of the Standing Committee on Legal and Social Issues is a worthwhile one; it is the sort of thing that does not waste parliamentary time or duplicate references but rather efficiently considers issues referred to it by the Legislative Council. The committee does not have self-referencing powers, which I know is frustrating to the opposition, but that is the structure that has been put in place having regard to all the parliamentary committee processes I have outlined, including the Scrutiny of Acts and Regulations Committee, the Public Accounts and Estimates Committee, which I am on, and the many other joint committees that enable such scrutiny. References have been made to duplication, and those processes prevent duplication.

In meeting the challenges, it is a potential reference of this committee to look at issues including education, gaming, health, law and justice and community services. Today we have received the Auditor-General's report, *Allocation of Electronic Gaming Machine Entitlements*. Returning to the motion, which calls for the government to ask the committee to develop a work plan to deal with the government's priorities and challenges, today the government is faced with an additional challenge of a very significant nature in relation to the handling of electronic gaming machine licences, as identified by the Auditor-General. As this report is hot off the press and relevant to the motion and the potential references, I will briefly quote from the conclusion on page viii, which states:

The allocation of the EGM —

electronic gaming machine —

entitlements was achieved within very tight time lines. However, the project failed to achieve a satisfactory financial outcome and there were serious shortcomings in the project management.

The revenue obtained from the sale of the entitlements was around \$3 billion less than the assessed fair market value of these assets. As a result of this very significant difference, the allocation largely failed to meet — —

**Ms Mikakos** — On a point of order, Acting President, Mr O'Brien is not even pretending to speak to this motion. He is now quoting from an

Ombudsman's report in relation to gaming issues. I fail to see the relevance.

**Mr O'BRIEN** — On the point of order, Acting President, this report is extremely relevant to the motion. It is relevant to the committee's terms of reference. Ms Mikakos may not have been listening. I was halfway through a quote. As outlined in the standing orders, the terms of reference of the committee include gaming as a potential matter to be referred. The motion is about why we have not referred matters to this committee, and it says that the opposition 'requires the committee to meet and develop a work plan in relation to the government's priorities and challenges'. As I stated earlier, the Auditor-General has presented us with another challenge. That is all I am doing.

**Mrs Peulich** — On the point of order, Acting President, I was listening intently — —

**Mr Lenders** — No, you were trying to make a printer work!

**Mrs Peulich** — We women can do two things at the same time. I was listening intently because we had a similar debate last week in the committee of which I am the chair. Mr O'Brien was talking about the opportunities to scrutinise executive government and government departments, such as that of the Auditor-General, so Mr O'Brien's reference to the report was pertinent to the question.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! I say to Mr O'Brien that he may make a passing reference to the report, but I ask him to come back to the motion.

**Mr O'BRIEN** — I will come back to the motion. I had not finished my sentence. I wish to complete the quote, which continues as follows:

This was due to the lack of demand at auction, combined with a low reserve, inadequate information and training for venue operators, and poor decisions made during the auction. Large venue operators, rather than the community, are the beneficiaries of this windfall gain.

This is an example. It was not from an Ombudsman's report, as Ms Mikakos said in her point of order; it was from the Auditor-General's report. In returning to the motion, I say that this is an example of the sorts of challenges this government faces as a result of the previous government's legacy. The question arises: does this sort of material need to be referred to the Standing Committee on Legal and Social Issues in the development of the work plan that the opposition says this committee should develop? This is not a federal government love-in where members of the opposition,

through the Legislative Council upper house committees, develop a combined work plan for the government to deal with the priorities and challenges that have been left as a result of the legacy of the former government. It is not a Rob Oakeshott-inspired opportunity to attempt to set the legislative agenda to deal with these important challenges in a bipartisan upper house committee.

The Auditor-General has done an excellent job of identifying the failings of the previous government. In the example to which I have referred the failings were to the tune of \$3 billion in revenue lost to the Victorian taxpayer, and that is just today's news and today's challenge. That sort of thing does not need to be referred to this upper house committee to develop a work plan, because the government will continue to meet these challenges. Its priority is to fix the problems that have been left by 11 years of mismanagement by the former government, and the upper house committees that are continuing to meet in relation to the references they have been provided will continue to fix those problems. The joint parliamentary committees, such as the Public Accounts and Estimates Committee, the Scrutiny of Acts and Regulations Committee and the other very important committees, will continue to provide that scrutiny, as will the ministers at the table, whenever the opportunity arises.

With those words I hope I have sufficiently explained for the opposition why the government opposes this motion, and I encourage opposition members to get on to more constructive pieces of business.

**Mr LENDERS** (Southern Metropolitan) — I thoroughly enjoy being here in the morning for a debate, and I particularly enjoy listening to comments such as those from Mr O'Donohue and Mr O'Brien. I will be quite analytical about what this motion is about and in speaking about the sheer arrogance of the government in saying what the opposition parties should do, how they should be scrutinised and on what terms that should occur.

*Honourable members interjecting.*

**Mr LENDERS** — Mr Drum is laughing. Let me start with Mr O'Brien's very arrogant, out-of-touch description of the Scrutiny of Acts and Regulations Committee (SARC). Let us start with his position. Mr O'Brien lauded Mr O'Donohue for the stunning work he does as the chair of this committee. Historically the committee has done good work. Mr O'Brien talked about scrutiny. Let us look at the first material decision of the Scrutiny of Acts and Regulations Committee under the Baillieu-Ryan

government. Under the Brumby government Labor had a majority on the committee, and at that time it appointed an opposition member to chair the Regulation Review Subcommittee. After electing Mr O'Donohue as chair, the first act of the current coalition-dominated committee was to appoint Mr Gidley, the Liberal member for Mount Waverley in the Assembly, to chair the Regulation Review Subcommittee. The first act of Mr O'Donohue's majority on that committee was to remove the former government's provision for an opposition member to chair the Regulation Review Subcommittee and put a government member in that role — to appoint a Liberal stooge.

**Mr O'Donohue** — On a point of order, Acting President, in my opinion Mr Lenders is not accurately reflecting the deliberations of the committee, but more importantly than that I am very concerned that Mr Lenders is commenting on the confidential deliberations of a parliamentary committee. I seek an explanation from Mr Lenders as to how he knows about the confidential deliberations of a parliamentary committee which he should not know about.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! The member cannot seek a personal explanation from Mr Lenders, but Mr Lenders and other members should not reflect on the internal deliberations of a committee.

**Mr LENDERS** — What I will say is that the Scrutiny of Acts and Regulations Committee, under the Brumby government, for whatever reason and whatever means, had an opposition chair of the Regulation Review Subcommittee — —

**Mr O'Donohue** — How do you know?

**Mr LENDERS** — Because it is in your report, Mr O'Donohue, which you as chair signed off on! Mr O'Donohue might notice that the committee's website states that he is the chair, Ms Campbell, the member for Pascoe Vale in the Assembly, is the deputy chair and Mr Gidley is the chair of the Regulation Review Subcommittee. If the website is secret, my apologies for reading the website.

What I would say is Mr O'Donohue is here reflecting the arrogance of the executive: you cannot comment; you cannot criticise. I find it truly amazing that his opening comments in response to a motion moved by Ms Mikakos calling for a work plan from a legislation committee was, 'How dare members of the Legislative Council even discuss during general business what the priorities of a council committee should be? How dare

they? Don't they know that this all-wise, all-powerful government has determined not just what it does but, for goodness sake, what the opposition parties should do as well?'

What was the first thing Mr O'Donohue said? He listed a whole range of other things the opposition should do. Through you, Acting President, to Mr O'Donohue, I say we are elected members of Parliament and we will determine what we move and say in this place. Those opposite can use their 21-19 majority as often and as arrogantly as they like to nobble us and close us down, but they will not silence us. If the opposition wishes to say its first item of priority on a Wednesday in general business is to ask a legislation committee of this house to come up with a program to scrutinise government, well — wake up! — we are going to do that. Those opposite will not silence us. We will continue in this place to seek to scrutinise this arrogant executive.

Let us look at what this motion is seeking to do. It is seeking to get a work plan from a legislation committee of this Parliament to scrutinise the government. I know that in what we call 'the Hall doctrine' Mr Hall has said we will not be sending things that are part of the government's mandate to legislation committees. That is quite interesting, really. The government may well have a mandate to act on the issue of protective services officers, it may well have a mandate to give teachers an 8 per cent pay rise and it may well have a mandate to take any such actions, but I would have thought the role of the Parliament is to scrutinise whether the mandate is being carried out or not.

Mr O'Brien got up and talked about electronic gaming machines; bring on the debate. Surely that is exactly what parliaments and committees are meant to have. You do not sit behind the governmental veil of secrecy and say, 'The government is scrutinised'. Mr O'Brien said ministers were scrutinising it. I have a high regard for Mr Rich-Phillips, but — heaven forbid — he might be tired one day, because he has been in this house to all hours, and he might forget a detail and present something to a cabinet which is itself not focusing. The government party room may not be focusing either, and some legislation may come to the Parliament and — heaven forbid — there may be a mistake. If Mr O'Brien's thesis is accepted, the opposition should not look at that piece of legislation. Mr O'Brien referred to the committee stage and said graciously that ministers spend hours in the committee stage, which is hardly news to me, as I have actually done it, and his attitude was, 'Aren't they good, and isn't it outrageous that the opposition is wasting its time by taking the house into committee with inane questions?'

It reeks of arrogance. It reeks of arrogance when the Premier's private office sends information to a cabinet that rubber-stamps it and sends it off to a government party room meeting that rubber-stamps it and sends it off to a Legislative Assembly that rubber-stamps it, with the rule of 44-43 there, and that sends it here, where the rule is 21-19. And somehow or other that is scrutiny! Through you, Acting President, to Mr O'Brien, I say I would have thought basic legal process 101 would have told him a bit more about the role of Parliament and scrutiny than this notion of, 'Trust us; we are the executive government', and further, 'We will tell you what to do as a body of people scrutineering in the Parliament and what motions to move and when to move them'.

Let us have the discussion that poor, precious Mr O'Donohue raised about the role of committees and how hard things are for the government. Given that Mr O'Donohue has raised that, let us talk about these committees. There are 12 investigative committees of the Parliament. The government wants to keep 12 investigatory committees so that — let us be blunt — 12 people can draw an extra \$13 000 salary and the caucus can be kept happy.

**Mr Drum** interjected.

**Mr LENDERS** — No, sorry, Mr Drum; you draw \$13 000 for your committee participation as well as a salary as the Nationals Whip.

**Mrs Peulich** — On a point of order, Acting President, I thought the Leader of the Opposition drew a 38 per cent increment on his salary as part of his role.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! That is not a point of order.

**Mr LENDERS** — To correct Mrs Peulich, it is actually 32 per cent, not 38, as can be seen by reading section 6 of the act. I have no reservation about saying I am paid an allowance to be Leader of the Opposition in this place, but never in the history of this state, to my knowledge, have people been paid three allowances. People such as Mr O'Donohue, Mr Drum, Mrs Peulich herself and Mr Koch are being paid three salaries. Mr Rich-Phillips has three ministerial jobs and gets paid for only one of them. He is paid as Assistant Treasurer, but he also works as Minister for Technology without extra salary and as Minister responsible for the Aviation Industry without extra salary. At least Mr Rich-Phillips can do three jobs without wanting three pays, unlike Mrs Peulich, Mr O'Donohue, Mr Drum and Mr Koch, who will only do those jobs if they get paid. Is it not interesting that

the one committee whose members do not draw an extra salary does not seem to meet? I reflect on that.

The point I am making is that while we are seeking to have scrutiny, Mr Three-Pays O'Donohue does not think it important to call this committee together and do a work plan. I am sure he will get up now and try to intimidate me, saying, 'It's secret'. He has not reported a work plan to the Legislative Council, and since we are talking about scrutiny let us consider why this is important. Mr O'Donohue voted for the adoption of a standing orders report recommending the setting up of these committees to scrutinise legislation, as did everybody on the other side other than Mr O'Brien and Mr Ramsay, who were not in this Parliament. Everyone else presently on the other side of this room voted for that measure with the laudable ambition that that would allow greater scrutiny. I put to you, Acting President, that a work plan from this committee specifying how it will scrutinise the government's priorities and programs is relevant.

Last night we were here until 2.00 a.m. discussing a very complex piece of legislation concerning the growth areas infrastructure contribution. The government had a mandate for part of that legislation; there is no question about that. It is very complex legislation; I can assure the house these things are complex. Following Mr O'Brien's analysis, I ask: how could there have been scrutiny on a complex piece of legislation at 2 in the morning when in my recollection Ms Mikakos, Mr Tee, Mr Barber, Mr Guy and the Chair were the only members contributing to the debate? I may stand corrected; one or two others may have been contributing to the debate also. That is not a reflection on those who were not contributing, but it is a reflection on the legislation committee.

If a legislation committee had been dealing with that during the day it would have been far fairer on Mr Guy, as the minister — he could have had his officials with him — and it would have been far fairer on the members of the committee who wished to ask questions — —

**Mr Leane** — And the people of Victoria.

**Mr LENDERS** — Yes, Mr Leane, and the people of Victoria who might have wanted to come. There are not many of them around at 2.00 a.m. to scrutinise this Parliament.

**Mrs Peulich** interjected.

**Mr LENDERS** — I will take up Mrs Peulich's inane interjection that I was the first out the door.

**Mrs Peulich** — Yes, you were. I saw you.

**Mr LENDERS** — If, at a quarter past 2 in the morning, after I had raised an adjournment matter and Mr Hall had responded to me, I walked out the door — I might say almost arm in arm with Ms Lovell, but I would not go quite that far — is that wrong? Is there something wrong with someone leaving work when they have finished their business? I had been here. I had done my work. That is the point about this committee: it will not do its work.

I will give Mr O'Brien credit for trying to run an argument about there being scrutiny inside government. He may well chair a government party room committee. I apologise to Mr O'Donohue; I am sure it is a secret and I am not meant to know, but I can speculate that Mr O'Brien may well chair a government party room committee and he may well be doing a good job of providing scrutiny — and I wish him well. I think it is very important for executive government to be scrutinised by its own joint party room, but the Parliament is more than just an electoral college to choose a Premier who then appoints a cabinet. The people who are reliant on him for patronage in total are the ones who scrutinise themselves. I know, having been a minister, that in the process things get through that only the Parliament will pick up. I say to Mr O'Donohue that he should reflect on some of the scrutiny that can occur in the committee stage of this Parliament or in a legislation committee.

In 2006 the Legislative Council sent two bills to the legislation committee to be scrutinised, as an experiment.

**Mr Drum** interjected.

**Mr LENDERS** — I suggest to members opposite, in particular to Mr Drum, that they should not open their mouths too far. My grandmother had a great saying: 'Don't open your mouth unless you have something to say, because people may think you are stupid. If you open your mouth, you remove all doubt'. Before he opens his mouth any further I suggest that Mr Drum read the Auditor-General's report and reflect on what his party was pushing for in seeking in this chamber to have prices pushed down through an amendment.

Going back to the scrutiny issue, what we have is a series of issues that have all come to a head. We have the Hall doctrine from The Nationals. When Mr Hall gets up in his place — and I give Mr Hall credit because, like Mr O'Brien, at least he is prepared to say

why he is doing something — and says he is not supporting — —

**Mr Drum** interjected.

**The ACTING PRESIDENT (Mr Elasmr)** — Mr Drum!

**Mr LENDERS** — Thank you, Acting President. I am terrified; he is so angry, I am quaking! The scrutiny of Mr Drum just sends chills down my spine!

Talking about scrutiny, at least Mr Hall had the courtesy, in leading the debate against one of the multiple resolutions that legislation not be referred to a legislation committee, to express what I call 'the Hall doctrine' — that is, 'It was the government's mandate'. We on this side have voted for many bills in this place that we do not support, because we accepted that they were clear mandate bills. If that is what those opposite see as 'fixing problems', as they would describe it, that is their call. If we think there is a clear mandate for it, we will support it. There will be the odd one or two bills we will not support, but generally we accept mandate bills.

Even accepting Mr Hall's argument that it is a mandate issue, government processes are not perfect, no matter how good the government is, and scrutiny will not worsen that. If we look at this place, we see that the only scrutiny we have comes from 12 joint investigative committees, and they all have government majorities. We cannot complain about that; we had government majorities on all investigative committees in the last Parliament other than on the committee which Mr Drum chaired. But Mr O'Donohue's point that the opposition parties did not care about this because we did not put members from this house on those committees is a furphy. Talk about arrogance! Government members are too lazy to serve on these committees, and they point to the opposition and say, 'You have to turn up to make a quorum'.

They make their own judgement as to what is important and what is not. If it were important to them, they would appoint people to these committees and not change the rules. If it were important to them, they would not go back to the long winter break of the Parliament so they can all pack up their bags and go for a rest in the sunshine. They would have Parliament meet and work.

If we talk about why this committee is averse to setting a work plan, is it not interesting that one of the first acts of the Baillieu government was to go back to the old practice of having a long winter break so these hardworking MPs can have a rest? Heaven forbid!

What was the first administrative act of the legislature? It was going back to the long winter break. The Bracks government got rid of that. The Parliament sat in every month of the year other than January, and that also helped to manage Parliament just a little bit better. There were no late-night sittings until 3.00 a.m. because, heaven forbid, Parliament was not sitting for eight weeks — ‘Goodness, gracious me. We will have to rush it all through’.

What do we have here? The first action was to bring back the long winter break. These poor, precious government MPs are so busy they cannot serve on the committees they want to serve on. They get really cranky because Mr O’Donohue might have to chair his references committee, chair his Scrutiny of Acts and Regulations Committee, be Parliamentary Secretary for Transport and maybe turn up to another committee. Heaven forbid! Most of his constituents would be delighted to have to chair a committee and be paid \$20 000 extra for it. They would be delighted to be a parliamentary secretary and be paid \$20 000 extra for it. Most people would see it as doing the job one is paid for. But, no, we are asking a lot of Mr O’Donohue — and of Mrs Peulich and Mrs Kronberg, according to the last debate. We are asking them to do their jobs as MPs. They will not scrutinise; they will not even let a committee meet to scrutinise their legislation, because they are pretty busy and they need an eight-week parliamentary break. They are pretty busy; it is not possible to get these committees to meet because they are busy, they have an eight-week parliamentary break and they have other important things to do.

I go also to the point made by Mr O’Donohue and Mr O’Brien that the references committee is looking at an important reference from the Minister for Health. Yes, it is. Let us be blunt; why is that reference before the Legislative Council references committee and not before the joint investigatory committee on family and community development, which it would normally go to? Because the government has to stop the opposition using the time to scrutinise something else, and these poor, precious, busy government members have to do all this important committee work. So the government sends a reference off — a good reference; it should be investigated by a committee — to a Legislative Council references committee so we cannot scrutinise the government.

What is it doing? It has 21 votes, and it is referring something that the Minister for Health wants looked at. He could go to the Department of Health; it has only a \$10 billion budget. He could refer it to the government’s other committees. He could refer it to any of the task forces or reference groups he has. But, no,

he will send it to a parliamentary committee so that it has to do what the government wants — and the government and a majority of 21 in this house are interchangeable. If we scrutinise from this side, we are criticised because the business we want to talk about is not what matters to government members. Surprise, surprise — we are the opposition. When we want to scrutinise things in the committee stage of a bill, it is considered outrageous. We are keeping Mr Rich-Phillips up! We are asking questions for 4 hours on the budget debate. Heaven forbid! I say to Mr O’Donohue that he should look back to the occupational health and safety bills of 2005 — we were three days in committee because of his lot. However, we answered the questions; that is what one does. We hear that it is pretty tough.

Then there is the Scrutiny of Acts and Regulations Committee, that great committee that Mr O’Donohue chairs. I am not allowed to mention what is on his website, because it might be privileged. What happens? Miraculously in this Parliament there is a government chair of the regulations subcommittee, whereas in the last Parliament there was an opposition chair of the regulations subcommittee. Is that not a surprise? Is it not interesting that every single motion in this place that is moved by the Labor Party or the Greens to refer a bill to a legislation committee — a committee with a government majority in effect, because there are three Labor members, one from the Greens and four coalition members, and the coalition has the chair’s casting vote — fails?

The government is too scared to refer even those bills to the committee. Why is it? Is it because the ministers do not trust Mrs Peulich, Mr O’Donohue or their other chair to do their bidding, or is it because Mrs Peulich and Mr O’Donohue are just too busy to do their jobs? What I would say to Mr O’Donohue is that if it is too hard to chair that committee and he is too busy to chair it — too busy being busy — perhaps he could let a Labor or Greens member take his place on the committee. Speaking for Ms Hartland here — I am sure she will not mind if I speak for her — I am sure members on this side of the house would be happy to do that work. If Mr O’Donohue is too busy being parliamentary secretary and chair of the Scrutiny of Acts and Regulations Committee and doing all the other important things he is doing, then perhaps he might let someone from the other side of the house chair the committee and do the job, because we are very happy to scrutinise government.

**Ms Mikakos** — I’d be happy to, Mr Lenders.

**Mr LENDERS** — You'd be happy to? Acting President, we have volunteers everywhere.

**Mr Tee** — I won't even take the extra pay.

**Mr LENDERS** — Well, Mr Tee, the difference is you do not get paid extra to do this work, and there may just be a correlation here — but it might be very uncharitable of me to think so. We have got a long winter break now, but this committee is too busy to actually scrutinise the government's legislative program. We cannot do that because we are not the government. What we have heard from Mr O'Brien is that we cannot scrutinise the government because it is scrutinising itself. We cannot even raise these matters — —

**Mr O'Brien** — On a point of order, Acting Speaker, I have listened carefully to Mr Lenders's contribution, and he has consistently miscategorised the government's position as being that the opposition cannot scrutinise government — that is what he is saying. We are saying in fact — —

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! That is not a point of order.

**Mr O'Brien** — We are saying the opportunity exists — —

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr O'Brien!

**Mr LENDERS** — This is the one opportunity I have, on behalf of my electors in Southern Metropolitan Region, to try to scrutinise government. If we get into this place and take the government into the committee stage of a bill, we are criticised for wasting time. If we suggest that a bill be sent to a legislation committee, we are told we are wasting the committee's time. They are very busy people; I understand. They do not want to earn their salaries. If we want to sit on a Friday, so we do not have to sit until 3 o'clock in the morning, we are told we are being ridiculous, because these very busy government members have got things to do other than sit in Parliament. If we suggest that we sit during July, through winter, which I believe the Parliament has done for the last eight years, we are criticised for that too because MPs have to have a chance to travel, to have a break and to do all these things that government members want to do.

It really begs the question: what are we doing here as an opposition? We might as well go home, because if we suggest scrutiny of government, we are told that it is not our business and that the government has got it under control. If we suggest committees meet, we are

told that is outrageous, that the government is busy and that Mr O'Donohue has got other things to do and Mrs Peulich has got other things to do.

**Mrs Peulich** — You're repeating yourself.

**Mr LENDERS** — Actually, Mrs Peulich, I have the floor, and you will not silence me.

**Mr Leane** — Bullying doesn't work.

**Mr LENDERS** — Bullying doesn't work. That is correct.

I support this motion because it is not an unreasonable proposition to have a work plan for a parliamentary committee that actually says we want to scrutinise legislation. What I would hope is that we do not again get into a situation like the one last night, where Mr Guy in the committee stage, at 1 or 2 o'clock in the morning, was having a go at Mr Tee and saying, 'If you just let us look at this thing and give us time, we will not make mistakes and we will consider amendments'. It is quite a novel thing for Mr Guy to say that. Mr O'Brien and Mr O'Donohue just want to apply a rule and say, 'We do not want to do this, so we are not going to do any scrutiny'.

I strongly urge the house to support the motion moved by Ms Mikakos to get a work plan for the committee so that we can actually have scrutiny of legislation, which is good for legislation. That is what everybody in this house signed up to in October 2010. The government has nothing to fear other than hard work.

**Mrs PEULICH** (South Eastern Metropolitan) — I am delighted to follow Mr Lenders in making a brief contribution on this motion. First of all, for anyone who has seen Mr Lenders in action over the last years, dizzy with the arrogance of government, this, his most recent performance, in which he oozed indignation, virtue and feigned reason, was a farcical act and one that oozed hypocrisy.

Mr Lenders perfected the style of an arrogant government. As a leader of the government he focused more on digging up dirt than doing his job, which was what Victorians expected him to do, and the time bombs will continue to be unearthed over the coming months. The Auditor-General's report tabled today shows that he so bungled the licensing system for our gaming machines that Victorians are paying a very hefty price, with the state government losing several billion dollars in that process. We are all waiting with great interest to be briefed fully by the Auditor-General on what Mr Lenders did not do when he had the job as Treasurer.

As Leader of the Opposition in this house he says that he is prepared to do the work and that other members are not. He earns an increment of 38 per cent — that includes allowances — on top of his basic salary. He has a car and a driver. Most of us do not. He was the first one out the door, and he does not sit on the very committees that he now expects to work. On a Wednesday evening, when the rest of us are beavering away and working very hard to earn a living, Mr Lenders no doubt goes off to his home to have a nice cosy dinner with the family. The reason we are on this side of the chamber, Mr Lenders, is that we did the work and Mr Lenders did not. Could I say — —

**Mr Lenders** — My family doesn't have cosy dinners at 2.30 a.m.

**Mrs PEULICH** — It is not unusual for me personally to work until 3 or 4 o'clock in the morning, and it does not need to be a sitting night. I also reject your very convenient slight on all members — —

**Mr Lenders** — Oh, you work hard!

**Mrs PEULICH** — Yes, I did work very hard.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Through the Chair!

**Mrs PEULICH** — I was greatly inspired by you, Mr Lenders. I worked very hard between 2006 and 2010, inspired mostly by you, your conduct and your targeting of innocent people — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I again ask Mrs Peulich to address her remarks through the Chair, and I ask for order.

**Mrs PEULICH** — I also refute the argument postulated by Mr Lenders that when Parliament is not sitting members of Parliament are not working. I take great pride in working very hard. I take my duties very seriously, and I have no doubt that the vast majority of members of Parliament similarly work hard. I refute and reject this false premise that somehow just because Parliament will not be sitting, everyone is going to be jetting out of the state to warmer destinations. I think it sells members of Parliament short and does this institution a great disservice. Most of us are happy to work, and if we actually calculated the remuneration per hour, I am sure it would not compare very favourably, but most of us who have been inspired into this job have not done it for the money but for the commitment and the love of the ideology.

**Mr Lenders** interjected.

**Mrs PEULICH** — Mr Lenders collected a very hefty salary during his service as a minister who short-changed the state, but his superannuation is no doubt very well protected.

I also reject some of the comments made by Mr Lenders in trying to portray this government as somehow wanting to take everything. Despite the government having a majority in this chamber, his colleague and Labor member Mr Viney does hold the position of Deputy President.

**Mr Lenders** interjected.

**Mrs PEULICH** — No, but if Mr Lenders were in government and had the numbers, he would not have been that gracious or inclusive. We were and we are, and I think Mr Viney has been doing a very good job as Deputy President.

**Mr Lenders** interjected.

**Mrs PEULICH** — I think Mr Atkinson does an outstanding job.

**Mr Lenders** interjected.

**Mrs PEULICH** — Yes, but you did not have an outright majority.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! This is not a conversation. Members should speak through the Chair.

**Mrs PEULICH** — First of all, Ms Mikakos said that Mr Davis's earlier comments recorded in *Hansard*, which I am not able to retrieve at this moment, show that he supported a previous system but that somehow he has now backflipped or has not honoured his endorsement of a system that is predicated on quite a package or suite of reforms, including the sister or mirror committees of legislation and reference committees. To look only at one committee and not the work of the other committee is like saying, 'I'm going to go down the street and buy one shoe because I'm only looking at one leg'. Ms Mikakos has to look at her other foot. The two committees are sister and parallel committees. The legislation committee is called a legislation committee because its task should be to look at legislation, draft legislation and debate.

**Mr Lenders** interjected.

**Mrs PEULICH** — We are six months into government. The references committee is busy working on references. At the same time Mr Lenders's political

party has chosen to downgrade the joint standing committees, where some of the most detailed and comprehensive work on some of the most complex issues is done and where there are no easy solutions. Labor refused to provide members to have those committees established and fully functioning, and we had to pass some legislation to enable those committees to proceed. The vast bulk of the committee work should really be done by those joint standing committees, but the Labor Party has chosen to undermine those joint standing committees on which the strength of parliamentary democracy has been substantially based and built. Similarly, and we canvassed this argument last week, the Greens members have decided not participate in those joint committees, including —

**Mr Lenders** interjected.

**Mrs PEULICH** — No, I am just laying the facts on the table. The Greens have deliberately made the decision not to take part in those committees and not to take part in two crucial committees which provide scrutiny of executive government to Parliament, and they are the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, of which Mr O'Donohue is the chair. Mr Philip Davis is the chair of the Public Accounts and Estimates Committee. Those decisions are decisions for the Greens party or the Greens members to make, and it has been explained that they have done this in the interests of being able to manage their workload.

**Mr Lenders** interjected.

**Mrs PEULICH** — I think it was a mistake on their part, but it is their decision to make.

This motion is fundamentally based on the false assumption that it is a singular unrelated committee when it has a parallel sister committee, a bit like yin and yang or one shoe on the left and one shoe on the right. They have to look at both feet and how they move, and Ms Mikakos's motion fails to do that.

The other comments that have been made are that these committees are vital — I am not saying they are not important — to provide scrutiny of executive government. I have already enumerated a number of means by which scrutiny of government occurs, including the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. At times this chamber dissolves into a committee of the whole for detailed questioning, as we saw the other day with the budget when Mr Gordon Rich-Phillips, my colleague in South Eastern

Metropolitan Region, spent several hours answering detailed questions in his role as Assistant Treasurer.

**Mr Lenders** interjected.

**Mrs PEULICH** — He absolutely did a sterling job, and last night Mr Guy did the same on the legislation that he was shepherding through this chamber. May I add that Mr Lenders made no attempt to direct the growth areas infrastructure contribution legislation to the relevant legislation committee. Why did he not do that? He opted not to because in many regards the work that the committee of the whole does may fulfil the requirements of scrutiny of executive government. All of these instruments exist. Whether they are questions on notice — yes, we can quibble about how quickly they are answered or otherwise — questions without notice, the Public Accounts and Estimates Committee, the Scrutiny of Acts and Regulations Committee, FOI or the Auditor-General, they are all mechanisms which provide scrutiny of government. Yes, under Mr Lenders's jurisdiction and role in the previous government many of them had very significant shortcomings, and we as members of Parliament have to make sure that we protect those organs of our parliamentary democracy because they survive members of Parliament, they survive governments and they survive political parties. They are very important for us to build on and strengthen.

I reject the argument that there is not sufficient opportunity, or no opportunity, to scrutinise executive government. The last point I would make is the one I made in the debate last week, and that is that the chair of the committee and the committee members have decided on a course of action. The same committee members who serve on the reference committee serve on its sister legislation committee. Ms Mikakos cannot hop around on one foot; she has to use two feet. She has to look at what is happening in both of the —

**Ms Mikakos** — You have amputated one leg.

**Mrs PEULICH** — No, I do not think we have amputated it. Under Labor's auspices we were all nobbled at the knees, but nonetheless we have to look at the work of both committees; they are the same members of Parliament who serve on the respective committees. Therefore they must manage the workload, and they are in the best position to structure it. In addition to that, they must have some capacity to undertake the work that may be referred to them by this chamber. The legislation committee especially must have the flexibility to be able to respond.

The now opposition downgraded the joint house committees, and it certainly uses all the benefits of the available means of democratic scrutiny. Ms Mikakos has mounted an argument based on a false premise that omits a vital piece of information. On those grounds this debate is unhelpful and dishonest, and I urge members of this chamber to allow the members of those committees to operate as they see fit, to manage their workload and to have the capacity to respond to the imperatives of this chamber. From what I have heard there has been no breach of the standing orders. The committees are operating within the rules of Parliament, and that is the way it should be. I urge everyone to vote against the motion moved by Ms Mikakos.

**Ms MIKAKOS** (Northern Metropolitan) — What we have seen on display during this debate is the extreme arrogance of this government. We had a contribution from Mr O'Brien, which in opposing this motion essentially put forward that there was no justification for any work going to these committees because the coalition had won the election. The justification seemed to be that the government had won the election and had a mandate, so there was no need for scrutiny. I find that attempt at justification to be absolutely astounding. Essentially what government members have been seeking during the course of debate this morning is to have members of the opposition apologise for doing our jobs.

**Mr O'Brien** — On a point of order, President — I will be brief — the opposition is totally miscategorising the submission that was made — —

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

**Ms MIKAKOS** — Goodness me! Mr O'Brien had his opportunity. He should sit down and listen for a little bit. What we have seen during the course of this debate is a whole lot of fig-leaf excuses in relation to the argument as to why we should not have any work go to the legislation committees of the upper house. The thing I found astounding was that when Mr O'Donohue began his contribution he sought to quote from the standing orders. I will also do that. Standing order 23.02 relates to the functions of the upper house standing committees, and Mr O'Donohue specifically referred to paragraph 4(a), which says:

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

Mr O'Donohue sought to emphasise that the word 'may' in the standing order seems to suggest that the legislation committee may not or shall not or did not need to consider any legislation. They were weasel words. It is quite extraordinary that Mr O'Donohue sought to make an assertion that the word 'may' in the standing order suggests that the Legislative Council does not need to refer any legislation to the legislation committees, because that runs contrary to all the arguments the coalition made when it was in opposition and when we had the Standing Orders Committee consider this and report to this house late last year.

We had support from all parties of the house for the introduction of this new upper house committee system. I put on the record, and I will not do it again, Mr David Davis's support during the course of that debate on 6 October 2010. He indicated that the Senate-style system that was being introduced into this chamber was a worthy system and would enhance the house of review functions of this chamber. I certainly agree that the upper house committee system has the ability to enhance the house of review functions of this house, but we are yet to see those committees operate in the way they were intended to operate.

Mrs Peulich fondly made an analogy in her contribution by saying that we have two mirror committees. Yes, we do: we have the references committee and the legislation committee. They perform two different types of functions. The references committee has references passed to it by this chamber. Because the government has a majority, they are all government references at this point in time. Then we have the legislation committees, which, as I just quoted from the standing orders, are intended to look at bills, draft bills and annual reports. We have had seven months of the Baillieu government, yet we have not had a single piece of legislation referred to any of those three upper house legislation committees to date.

I reject the analogy made by Mrs Peulich because she is saying you have to look at those committees in totality. They perform different functions, and I would argue that because we have only government references going to the references committee and nothing going to the legislation committee you have one foot with a sandal on it and the other foot having been amputated. Using Mrs Peulich's analogy, we have an unbalanced system where we have the upper house committees not carrying out the role they were intended to carry out, which was supported by all parties in this chamber last year.

It is a system that is fundamental to the operations of this chamber, a system that enhances, respects and

acknowledges the bicameral system we have in place in Victoria, a system that will enhance the scrutiny functions of this house. We have a government which when in opposition had a lot to say about scrutiny and accountability but which seems to have developed selective amnesia now it has come into office and forgotten all about these issues.

For example, we had the farce yesterday of Mrs Peulich coming into this chamber during question time and seeking to ask a member of the opposition a question. That was a complete abuse of what question time is meant to be about, which is scrutinising the executive government in this house. That was a farcical exercise by Mrs Peulich yesterday. I am sure we will have a lot more to say about the Take a Break program later in the day. She talks about people doing their job, but I would urge her to do her job as Parliamentary Secretary for Education and advocate on behalf of all those neighbourhood centres that are about to lose occasional child-care programs and seek to have those programs protected for the benefit of Victorian families. I will have a lot more to say in relation to those issues later.

We have really had no arguments of any substance put to this house in relation to why the government is opposing a work plan for the legislation committees. Mrs Peulich hinted in her contribution that because she now has a whole range of roles and functions in government as a parliamentary secretary and a chair of committees that perhaps she is too busy.

**Mrs Peulich** — I said that?

**Ms MIKAKOS** — Mrs Peulich was hinting at that, because she was talking about the need for committees to develop their own work plans based on the time management issues that each of the members of Parliament have. If that is an issue for Mrs Peulich or Mr O'Donohue, as the chair of the Legal and Social Issues Legislation Committee, then as I indicated, probably in a disorderly way, in an earlier interjection, I am quite happy to volunteer for the task. I am happy to put on the record here today that I am very happy to step in for Mr O'Donohue if he is too busy doing his three jobs and chair the Legal and Social Issues Legislation Committee to ensure that it actually gets under way and does the job it was intended to do.

We had a range of arguments put by Mr O'Brien and Mrs Peulich in relation to the role of the Scrutiny of Acts and Regulations Committee and the role of joint committees. Again, these are very different committees which have discrete functions and roles. SARC, as I referred to earlier, has a discrete statutory responsibility to look at the charter of human rights and particular

issues in relation to bills coming before the Parliament. The joint committees have references into which they are asked to inquire. I point out that the Baillieu government did in fact struggle to find members from the parliamentary party to fill all the slots of the joint committees.

**Ms Pulford** — They had factional trouble.

**Ms MIKAKOS** — The government had factional difficulties. I think a lot of its marginal seat members also felt that they were going to be too busy defending their seats to bother to put their hands up to do the work they were elected to do and be members of parliamentary committees. What the government had to do was come back into the Parliament and amend the legislation to reduce the number of members on those committees. That just shows you the seriousness with which this government regards parliamentary committees: it was prepared to reduce the representation on the joint committees. I have been a member of a number of joint committees over the years. In fact I have been a member of both SARC and other joint committees and have found them to be worthwhile. I am sure that our upper house committees could also do a good job if they were given the opportunity to do so.

I pointed out earlier that the system we have in place is modelled on the federal Senate system. This was a very conscious decision that was made by the parties on the Standing Orders Committee during the last Parliament after examining a number of models across a range of different jurisdictions. We thought that the Senate system worked quite well and so sought to put in place a system of having both references and legislation committees to perform very discrete and unique roles for this chamber.

Currently the federal Senate has 11 inquiries under way before its legislation committees. There are seven before the Legal and Constitutional Affairs Legislation Committee, one before the Foreign Affairs, Defence and Trade Legislation Committee, two before the Finance and Public Administration Legislation Committee and one before the Community Affairs Legislation Committee. The federal Senate sees fit to have 11 inquiries currently under way scrutinising legislation and I think in one case also looking at an exposure draft. Senators have the ability to perform their jobs as legislators as well as serve as members of these committees to scrutinise legislation and perform whatever other tasks they might be required to do as parliamentary secretaries or in other roles. Yet members of the Baillieu government find that they just do not have the time to fit these things in. They are

seeking to gut the committee system that we all supported last year — a system that would in fact enhance the scrutiny functions of this Parliament.

I thought Mr Lenders gave an excellent presentation in his earlier contribution. He made a very good argument. He posed the question that if additional salaries were offered to the upper house committee chairs, perhaps they might actually do something. That may well be something that needs to be examined.

**Mrs Peulich** — On a point of order, Acting President, we keep coming back to this fallacious point. We know that when members of Parliament and committees sit whilst the houses are sitting no additional income can be earned. So Ms Mikakos is being quite mischievous in attempting to mount that argument.

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

**Ms MIKAKOS** — We see a lot of sensitivity around this issue. I think it has probably touched a nerve that is a little bit too close to the bone, because I imagine that in the coalition party room straight after the November election there would have been a mad scramble for the roles of committee chairs, parliamentary secretaries and all those salaried positions —

**Mr Lenders** — Mrs Peulich has got three jobs.

**Ms MIKAKOS** — Mrs Peulich has got three jobs. We know she is far too busy to think about the legislation committees of this house. But we on this side of the chamber think they are very important and that it is important that we get them up and running.

**Mrs Peulich** — You should have done it over 11 years.

**Ms MIKAKOS** — I remind you, Mrs Peulich, that when we were in government —

**The ACTING PRESIDENT (Mr Finn)** — Order! Ms Mikakos should address her comments through the Chair.

**Ms MIKAKOS** — I remind members opposite that when Labor was in government we did in fact have a legislation committee. We looked at trialling a system that was a precursor to the system we now have in place, because we were quite interested in looking at how we could enhance the functions of this chamber.

A point I made earlier is that it is in the government's interest to have a legislation committee system operating because it means we can have a bill examined in detail through public hearings, and that would mean we could have shorter committee stages in the house and we would not have controversial bills like the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011 being considered in a committee stage at the end of a sitting day until 2 o'clock the next morning — a disgraceful state of affairs.

I point out that the motion before the house calls on the chamber to develop work plans for the Standing Committee on Legal and Social Issues. Mr O'Brien seemed confused in the way he expressed what the motion is calling for. The motion calls for the committee members to have regard to the totality of the government's priorities and challenges in terms of working out what each respective work plan should contain within it. It would be the work of the chamber and the three committees to develop what the work plans should be. It does not mean the committees have to consider every single piece of legislation or every single issue before the government of the day. It would be a matter for each committee to have regard to those priorities and challenges and determine what in its own view merits further consideration.

We think this is a sensible motion before the house today which was proposed by Mr Viney. Mr Viney has been a great champion of these issues for a long time, having made a significant contribution to the Standing Orders Committee and having given a great deal of thought to how our upper house committee system could better operate, and I commend him for that contribution.

We want to see committees being taken seriously. We want to see government members respecting the intent and the spirit the coalition indicated late last year when it said it was supportive of upper house committees. It is about time for this to happen, given that the government has been in office now for seven months and not a single piece of legislation for the upper house legislation committees to develop work plans around has gone before any of the three of them. I urge members to support the motion proposed by Mr Viney and moved by me that is before the house.

Earlier we saw a fig leaf of an excuse put before the house — a pretty small fig leaf, I should point out — by members of the government in relation to why they are opposed to this motion. The government has not given us a single sensible reason why it is opposed to this motion. The government has absolutely no basis on

which to oppose work being given to the three legislation committees, and we urge the government to get on with it, to get these committees under way and to give them the proper resources they need. This point was addressed by Ms Hartland earlier. The committees have been underresourced, and I believe that is going to be a problem, but if they are given appropriate resources, they can get under way and undertake the jobs they were set up to do. I commend the motion to the house.

### House divided on motion:

#### *Ayes, 18*

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

#### *Noes, 20*

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

#### *Pair*

Viney, Mr	Kronberg, Mrs
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**Motion negatived.**

## ROYAL ASSENT

**Message read advising royal assent to:**

**Aboriginal Heritage Amendment Act 2011  
Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2011  
Road Safety Amendment (Hoon Driving and Other Matters) Act 2011.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Planning: car parking

**Mr EIDEH** (Western Metropolitan) — My question is to the Minister for Planning, Mr Guy. Is the minister

considering any reduction to the minimum parking requirements for multistorey developments?

**Hon. M. J. GUY** (Minister for Planning) — There is a review which was put in place by the previous government and which went on for some period of time. Members of this chamber from the previous Parliament will remember that I asked the previous Minister for Planning, Justin Madden, about it, and he flippantly disregarded it. The review is the subject of some discussion within my department and will be released in due course.

#### *Supplementary question*

**Mr EIDEH** (Western Metropolitan) — Can the minister advise the house if the government will support councils imposing fees on new multistorey developments where there are insufficient on-site parking spaces so that councils can provide parking elsewhere?

**Hon. M. J. GUY** (Minister for Planning) — That is not a proposal that has been submitted to me, so it is not one that I am considering.

### Gaming: auction process

**Mr ELSBURY** (Western Metropolitan) — My question is to the Minister for Health, David Davis. I refer to the Auditor-General's report tabled today in Parliament, *Allocation of Electronic Gaming Machine Entitlements*, and to the current government's commitment when in opposition to allocate the entire proceeds of the gaming machine auction process to health and hospital infrastructure, and I ask: given the Auditor-General's forensic findings today, how much have Victorian hospitals and health services missed out on as a result of the botched process undertaken by the Brumby government and pointed to by the Auditor-General?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for his question and for his strong advocacy for hospitals in the western region of Melbourne. I note that whilst my portfolio area does not include gaming or indeed the gaming allocation process I am prepared to rely on comments made by the Auditor-General in his very important report tabled in the Parliament today. In opposition the now Baillieu government made a commitment that it would put hospital and health infrastructure to the fore and in doing so create a health infrastructure fund.

**Mr Lenders** — To the poor or the fore?

**Hon. D. M. DAVIS** — No, President, to the fore — I want to be quite clear about that.

**Mr Lenders** — So you don't care about the poor? You don't care about the poor.

**Hon. D. M. DAVIS** — President, it may surprise the opposition, but our hospitals are used by the rich and the poor but mainly by the sick, and that is our focus. The health infrastructure fund is an important fund, and we indicated that the proceeds of the gaming licence process would be allocated to hospitals and health services across the state. We indicated that at least a billion dollars would go to that process — as it turns out \$981 million is what will be received — but what the Auditor-General points to today is the almost \$3 billion that has been forgone by Victorians due to the botched process that was put in place by the Brumby government. The former Treasurer had a role in that process and the former gaming minister had a role in that process, and I invite the house and the people of the Victorian community to think about what could have been done with an extra \$3 billion. If the Victorian community — —

**Mr Lenders** — What about the mouse plague?

**Hon. D. M. DAVIS** — Mr Lenders, dealing with the mouse plague would be something that could have been funded by some of this money, but \$3 billion is a heck of a lot of money, and you bear a share of responsibility for that. You are one of the ones who have got to accept responsibility. You are one of the ones — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! There is just too much noise. I ask Mr Davis to direct his remarks through the President.

**Hon. D. M. DAVIS** — I thank you for your guidance, President, but I was provoked. The point I make here is that what the Auditor-General shows in his report is that the incompetence of the Brumby government has meant that the Victorian community has missed out on almost \$3 billion of additional money that could have been used to fund social infrastructure. Health and hospital infrastructure would have been a primary target. We would have ensured that an enormous amount of that money was spent on health and hospital infrastructure. For example, that would have funded the Swan Hill hospital, Ms Broad, to pick one example out of many. It would have funded — —

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — Mr Elsbury understands the enormous need for health and hospital infrastructure — —

**The PRESIDENT** — Order! I advise Mr Davis that I am over here. As I have indicated, I would like him to make his remarks through the Chair, not to the backbench. I am sure they are interested as well, but so am I. As I said, I am here.

**Hon. D. M. DAVIS** — The key point is that the Brumby government made a series of blunders in this process. I invite members of the community and members of this house to carefully read this report to see a litany of errors, a litany of mistakes, made by John Brumby, his Treasurer at the time, his gaming minister and others responsible for the process. It makes it clear, for example, that Treasury officials raised concerns about the process with Treasury ministers at the time, and those Treasury ministers failed to undertake action.

#### **Minister for Planning: meeting records**

**Mr LENDERS** (Southern Metropolitan) — My question is to the Minister for Planning. I refer to his answer to a question from Mr Tee on 25 May regarding the minister's meetings with developers and asking if he takes a minute taker from the Department of Planning and Community Development to record minutes. I ask: following the minister's unequivocal answer on 25 May, is that still his practice?

**Hon. M. J. GUY** (Minister for Planning) — Yes, it is.

#### **Biotechnology: advisory council**

**Mrs PETROVICH** (Northern Victoria) — My question is for the Minister for Technology, Gordon Rich-Phillips. Can the minister advise the house on the terms of reference and membership of the new Victorian Biotechnology Advisory Council?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Mrs Petrovich for her question and for her interest in the Victorian Biotechnology Advisory Council. The biotech advisory council is part of a commitment by the Baillieu government to bring the biotechnology industry closer to the government and provide a direct mechanism by which the biotechnology industry can have constant and ongoing access to government and, importantly, a mechanism by which the government can have access to the thinking of the Victorian biotechnology sector.

I have indicated to the house previously that in the budget of 3 May this year the government allocated

\$1.2 million for the establishment of the biotechnology advisory council. I am delighted to tell the house that yesterday I was pleased to issue a request for expressions of interest from people in the biotechnology industry to become members of the Victorian Biotechnology Advisory Council. Yesterday I was also pleased to publish the terms of reference for the new biotech advisory council. They are to provide advice to government about issues and opportunities in the biotechnology sector, including opportunities to increase productivity, ways to attract investment to the Victorian biotech and life sciences sector, ways to attract and retain people with skills in the biotechnology sector and opportunities for the sector in relation to the convergence of technology and other emerging challenges and opportunities.

I am also pleased to advise that in terms of the cohort of people the government is seeking we are looking for something of the order of 10 to 15 people to join the biotech advisory council. We are looking for people with broad industry experience from sectors such as the medical devices and diagnostic sector, the pharmaceuticals and biopharmaceuticals sector, the agricultural biotechnology sector and the industrial and environmental biotechnology sector. We are looking not only for people working in biotechnology companies in Victoria but also for those with international experience, those with experience in start-ups and those in sectors that provide support to the biotechnology sector, such as in clinical trials or venture capital.

The government is seeking a very broad base of people through an expression-of-interest process which opened yesterday. Nominations for the biotechnology advisory council close on 25 July, and I look forward to receiving a strong pool of applicants and making announcements in due course as to the make-up of the new Victorian biotech advisory council.

### **Planning: green wedge zones**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to media reports and to comments by the Premier that an audit of green wedges is being done in the Premier's office. As the minister knows, any threat to the protection of Melbourne's open space and green space is of great concern to the community, and I understand the audit is being done in the Premier's office. To the extent that the minister, as the Minister for Planning, knows what is happening, I ask: will the minister clearly state what limits, if any, this government will put on development in Melbourne's green open spaces?

**Hon. M. J. GUY** (Minister for Planning) — I think in answering Mr Tee's question we should acknowledge one thing, and that is that in the last Parliament, when the Labor Party was in office, we saw 43 000 hectares of green wedge land — I have no qualms about it; I support it, in fact — without any opposition in this chamber, transfer from green wedges into various zonings around the outer urban areas of Melbourne.

**Mr Lenders** interjected.

**Hon. M. J. GUY** — Actually, Mr Lenders, they are your mates. You preferenced your friends over there. You and your Socialist Left mates have kissed and made up. You are having dinner together and doing your hardest.

That aside, in answer to Mr Tee's question, on page 14 of the government's planning policy — and the Labor Party had not one page of planning material to offer the Victorian people, not a single page of planning policy — it says under the heading 'Green wedges':

A Liberal-Nationals coalition government will:

conduct an audit of green wedge land use with input from local councils and communities to determine whether the current land use schedules in each municipality are the most appropriate for green wedge land ...

It is flagged in policy, it was taken to the election and it is being implemented by this government right now.

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I thank the minister. I note that the minister was unable to, or did not, provide any limits in terms of development that we will see as a result of the audit. I also note that the Premier has stated that there will be consultation in relation to the audit, and again I acknowledge that this is an issue the Premier is dealing with and that the minister does not appear to have any responsibility for it. There is a concern that we will again see a developer doing the consultation, in the same way as we have seen a developer head the so-called independent advisory group to advise on the planning system, so my question is: what role will the development community play in the consultation process?

**Hon. M. J. GUY** (Minister for Planning) — First of all, just to correct a factual mistake, the person heading the advisory committee is not a developer, so the member should get his facts correct. Secondly, I point out that the government has said fairly clearly that it has seven — —

*Honourable members interjecting.*

**Hon. M. J. GUY** — If you want to run around spreading lies, that is up to you. The Australian Labor Party is good at that, as we know. At least it is consistent. ‘L’ is for ‘Labor’ and for ‘liar’, I guess.

The government has announced there will be seven audits, whether it be on land zoning or land use within the growth areas, and those audits will be factored in and be a strong part of the basis of the metropolitan planning policy. That is what we are doing. This process will not result in the green wedge zone being used for high-density housing — not at all. It will seek to preserve the integrity of the green wedge zone, and consultation is being conducted in the Department of Planning and Community Development.

### **Teachers: enterprise bargaining**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is for the Minister responsible for the Teaching Profession, Peter Hall, and I ask: can the minister advise the house of any recent procedural issues associated with the Victorian teachers enterprise bargaining agreement?

*Honourable members interjecting.*

**Hon. P. R. HALL** (Minister responsible for the Teaching Profession) — I thought the opposition might welcome a comment from me in respect of these matters; I know that members on my side, at least, are more than keen to hear about these sorts of matters. I intend as a matter of course, where I am able and insofar as the law permits me, to provide progress reports to the chamber on matters associated with the Victorian teachers enterprise bargaining agreement (EBA).

In terms of the most recent developments I can advise the house that last week there was a preliminary meeting between the department and the Australian Education Union and a preliminary meeting between the department and the Australian Principals Federation. I am advised that these meetings were cordial and that protocols for the conduct of the negotiations were agreed upon. It was also acknowledged that the parties expect formal negotiations to commence at the start of August. I say ‘expect’ because under the federal Fair Work Act 2009 all employees are able to nominate bargaining representatives, so they could be many or few. That will certainly affect the timing of the negotiations to some extent. As I said, the department has to consider any claims that come from other bargaining representatives.

I also report to the house that the current teachers EBA expires on 31 December. The department will be entering into these negotiations in good faith and with an expectation that we will finalise the new EBA in time to meet the expiration date of the current one. While the confidentiality protocols agreed to at the preliminary meetings and dictated to me by the Fair Work Act 2009 prevent me from commenting on those negotiations, which by law are confidential, I will from time to time update members on matters of process, as I have started doing today.

### **Bushfires: planning guidelines**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. The bushfires royal commission recommendations are very clear. I refer in particular to recommendation 40 in the planning chapter, which deals with permits for housing and subdivisions. The recommendation is to have guidelines for councils assessing permit applications that ‘substantially restrict new developments and subdivisions in those areas of highest risk in the bushfire-prone overlay’. Is the government still committed to this recommendation? In other words, I ask the minister: will there be guidelines for councils to use when assessing permits that will substantially restrict development in areas of highest risk in the bushfire-prone overlay?

**Hon. M. J. GUY** (Minister for Planning) — The Premier, the Minister for Bushfire Response and the government have committed to implement all the recommendations of the bushfires royal commission, and we will do so.

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I thank the minister. My supplementary question is: why, then, in the government’s response to this recommendation in the implementation report is there no mention of any guidelines to councils? Instead of providing guidelines to councils the minister’s department will be providing advice to consumers on how to build in high-risk areas. My question is: why has the minister replaced the requirement for guidelines with a glossy brochure providing advice, and is he concerned that this approach will encourage development in areas that are at high fire risk?

**Hon. M. J. GUY** (Minister for Planning) — No; I do not share the concerns that Mr Tee has put forward.

**Industrial relations: minimum hours**

**Mrs COOTE** (Southern Metropolitan) — My question without notice is to the Minister for Employment and Industrial Relations, Richard Dalla-Riva. Can the minister inform the house of any recent decisions that would increase flexibility in Victorian workplaces?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the member for her question and her ongoing interest in the important issue of ensuring flexibility in Victorian workplaces. The government welcomed Fair Work Australia's decision on 20 June to vary the general retail industry award 2010 to allow for greater flexibility in minimum shifts for student casuals. The variation will promote greater employment opportunities for students, particularly in regional Victoria. Victoria was the only state to intervene in the case. We did so because we felt it was important to support calls by national retailers for greater flexibility in the approach to after-school work by students.

The Fair Work Australia ruling will allow for a 1½-hour minimum engagement for student casuals. We on this side of the chamber see this as a victory for common sense. While the tribunal did not grant in full the National Retail Association's application to vary the modern award, the practical effect of the draft determination will deliver all or most of the flexibility sought in the application.

I also note that the Shop, Distributive and Allied Employees Association has said publicly that it intends to appeal this ruling. That is its right and entitlement, but the coalition government in Victoria does not believe that commonwealth laws should be making it harder for small businesses to hire students, especially in regional Victoria, or harder for students to get after-school work. We, as a government, think it is important that the industrial relations system should continue to accommodate a tradition that allows and encourages teenagers to get their first opportunity in a workplace by taking up a job after school.

**Urban Renewal Authority Victoria: chair**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Planning, Mr Guy. Last night in the debate on the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011 the minister told the house in relation to the appointment of Cr Clarke that a number of people were considered but he forwarded Cr Clarke's name to cabinet. Can the minister tell me if

his department played any role in putting forward to him possible candidates or a short list, or was this entirely an exercise that was done between him and his fellow ministers?

**Hon. M. J. GUY** (Minister for Planning) — The department did not prepare a short list to provide to me.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Over his coming career the minister is going to be making a number of statutory appointments. He will also be appointing those who make statutory decisions, and it is quite possible that he will be setting up advisory committees under the act and so forth. In relation to the Windsor panel the minister said it included long-time rolled-gold Labor mate Graeme Holdsworth. Of all these different appointments that the minister will be making, which ones will involve the department short-listing and making recommendations to him, and which ones will be exercises that he keeps within his office and between himself and other ministers?

**Hon. M. J. GUY** (Minister for Planning) — That will be done on a case-by-case basis, depending on the committee for which the statutory appointment process is put forward.

**Housing: Richmond estate**

**Mr ONDARCHIE** (Northern Metropolitan) — My question today is for the Minister for Housing, the Honourable Wendy Lovell. Can the minister update the house on the Richmond housing estate policing initiative and particularly the response from the local community?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for his question and for his ongoing concern for the safety of the residents of the Richmond housing estate. I am delighted to update the house today on the initiatives that this government is taking to improve safety for the residents of the Richmond housing estate. It is with pleasure that I advise the house that the command post on the Richmond housing estate is now operational. The police have advised that they have a daily roster to man that post, which will provide a greater police presence and greater safety to the residents of the Richmond housing estate.

About four weeks ago I formally advised the house that these initiatives are designed to increase safety and amenity for families on the Richmond housing estate. It is part of this government's approach to improving public housing estates, improving the safety of the residents there and making them a more pleasant place

to live. For too long residents were neglected by the former Brumby government, which had a soft-on-crime approach that left residents too scared to venture outside their homes for fear of drug dealers' reprisals or for fear of those affected by drugs.

I reported to the house that when we went down to Richmond to announce these initiatives we had residents coming up to us hugging us and crying, saying that the former Minister for Housing, who is actually the member for Richmond in the Assembly, had ignored the problem for 11 years. As they put it, he had supported the drug dealers and the drug users ahead of the residents of the estate. They were really concerned about his lack of concern for the safety of the residents of that estate.

On 15 June I was very pleased to receive a letter from the Richmond Renewal Community Liaison Committee about a motion it passed at its meeting. The letter reads:

Elected residents from the Richmond Renewal Community Liaison Committee at their meeting held on Thursday, 2 June 2011, unanimously supported the recent action taken by the honourable Minister for Housing, Wendy Lovell, in regard to drug issues affecting the estate.

In particular the minister's support for:

a greater police presence on the estate by allocating a vacant flat in the walk-up area to Vic Police as a command post;

the installation of four surveillance cameras in the walk-up area of the estate;

enabling the City of Yarra parking officers to issue parking tickets to restrict access to the area by drug users and dealers; and

establishing a working group with senior police and Office of Housing officials to explore other ways to tackle drug, alcohol and other associated issues on the estate.

That is a motion that the committee moved. It was unanimously supported. It is an unsolicited endorsement of this government's actions — —

*Honourable members interjecting.*

**Hon. D. M. Davis** — It is not supported by the opposition. The opposition is against it.

**Hon. W. A. LOVELL** — Mr Davis is right — the opposition does not support this. In fact it was very disappointing that a member for Northern Metropolitan Region, Jenny Mikakos, raised concerns about these initiatives and in question time a few weeks ago opposed these initiatives that the residents of the estate wholeheartedly support.

## QUESTIONS ON NOTICE

### Answers

**The PRESIDENT** — Order! I am advised there are no answers to questions on notice on this occasion but there will be a number forthcoming tomorrow. If members are intending to now raise with the Chair, and therefore with the government, outstanding answers, I would regard it as a courtesy if we go only to questions that were not raised yesterday during the substantive debate and if we rely on the answers coming tomorrow to determine where we are at with some of those questions. I am foolish to invite, but are there any — —

**Mr Leane** — You have talked us out of it.

**The PRESIDENT** — Order! Good. Excellent.

### PUBLIC SECTOR: APPOINTMENTS

**Ms PENNICUIK** (Southern Metropolitan) — I move:

That this house supports the establishment of an independent commissioner for public appointments to regulate and oversee the processes by which ministers make appointments to government departments, state-owned enterprises, statutory authorities, public sector bodies (as defined in the Public Administration Act 1994), the boards of public sector bodies and/or Victoria Police with the object of maintaining the principle of selection on merit in relation to all such public appointments.

I move this motion bearing in mind that the call for an independent process to appoint people to high-profile positions and positions that have some influence over public policy and the implementation thereof in the states of Australia and the commonwealth has long been discussed in public, and in fact it is Greens policy. Members will remember that in the last session of Parliament I often referred to a document we took to the 2006 election, *Making Parliament Work — Ideas from the Greens*. In that document we talked about a house of review, open Parliament and accountability. Under accountability we had a subsection entitled 'Public appointments on merit', which is still our policy. In that subsection the document states:

Ministers and government agencies make hundreds of appointments each year to public positions such as advisory boards, public corporations and regulators. They have both advisory and decision-making roles and an enormous influence on public policy. The UK initiated the Office of Commissioner for Public Appointments to ensure that public appointments are made 'on merit after fair and open competition'. Victoria should follow suit.

The subsection further states that the government should:

Legislate to establish a commissioner for public appointments to ensure that such appointments are made at arm's length from government and are made on merit.

This is thus an issue that has been publicly talked about for a long time, and it is Greens policy at both the state and national level. There have been some relevant issues in the public arena of late. One of them has been referred to in the last day or so. It concerns the appointment of Peter Clarke, a former president of the Liberal Party and a councillor with the — —

**Mrs Peulich** — Vice-president.

**Ms PENNICUIK** — Vice-president; I stand corrected. He has also been a councillor at Melbourne City Council. He has been appointed by the Minister for Planning, Matthew Guy, as the chair of Urban Renewal Authority Victoria. In the committee stage of debate on the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011 yesterday Mr Guy was not forthcoming with respect to the process for the appointment of Mr Clarke. In the last half-hour Mr Barber followed that up with a question without notice during question time. Mr Guy did say no short list of possible applicants for the position of the chairman of Urban Renewal Authority Victoria had been prepared by the department for him. I am not casting any aspersions on Mr Clarke; I am talking about the process. It appears that the process was that Mr Clarke was the only person considered and that Mr Guy recommended Mr Clarke to cabinet. If there is any information about a list of candidates who were considered as part of that process, Mr Guy has not come forth with that information, having been asked twice in the last two days whether that was the case.

Mr Ondarchie is looking at me. He spent some time yesterday in the committee stage of debate on the urban renewal authority bill going through a whole list of appointments to various bodies made by the previous government. Again that only goes to raise the issue of the perception in the community that whichever side of politics is involved, due process is not followed in the appointment of people to these important positions. In the last couple of days Dr Ken Coghill, an expert in governance from Monash University who often talks about these issues, has also called for an independent process for appointment to public positions.

There has also been the issue with respect to the police. Members will note that my motion refers to an independent process to oversee and regulate appointments to bodies including Victoria Police. The

role of Chief Commissioner of Police is a position associated with public debate as to whether it has become too politicised. I make no judgement on that, but there is certainly a perception in the community that that might be the case. It seems to me that at this point in time we should take stock of that and look at having an independent process for the appointment of the chief commissioner.

The current government has made public comments to the effect that the former chief commissioner, Simon Overland, was perhaps associated too closely with the former government; other people have made those comments too. As I said, I make no judgement in that regard. I have not seen any evidence of that so far, although there are ongoing inquiries. I am concerned, as are many in the community, about the resignation of the chief commissioner, about what causes may have been behind it and about what pressures may have been put on the chief commissioner by the current government. I was concerned to hear the current Minister for Police and Emergency Services say, when it was put to him that there should be an independent process for the appointment of the chief commissioner, that he rejected the notion out of hand and that the government would conduct the process and appoint the person it thought best.

We have an opportunity here. There is certainly a gap in our procedures and processes for the appointment of such influential positions as Chief Commissioner of Police, the chair of the Port of Melbourne Corporation, the head of VicForests or any other state-owned enterprise or public corporation that one might think of, and departmental secretaries. In some other jurisdictions all of these appointments are handled much more independently than they are in Australia.

With respect to the chief commissioner, a former Chief Commissioner of Police, Kel Glare, made the suggestion in public that a joint parliamentary committee should be responsible for overseeing the appointment of the chief commissioner. I am sure Mr Glare said that in good faith, but of course the joint parliamentary committees are all chaired and controlled by the government, so unless such a decision were to be a consensus and not a majority-vote decision, such a process would not advance us down the road of independence in terms of the appointment of the chief commissioner.

It has been suggested by others in the public debate on this issue that we could consider the British model in which candidates for command positions are vetted by an appointments panel that includes civil servants and an inspector. My motion calls on us to establish an

independent commissioner for public appointments. Such a body exists in the United Kingdom. It is called the commissioner for public appointments in England and Wales. In fact there is a commissioner for public appointments in Scotland and a commissioner for public appointments in Northern Ireland as well. However, I will concentrate on the commissioner for public appointments in England and Wales, which came out of the Nolan committee inquiry in the UK in the mid-1990s.

The office of the commissioner maintains a website and oversees the appointment of people to more than 1000 positions in public bodies, state-owned enterprises and government departments et cetera in England and Wales. It does so by publishing a code of practice, which is available on the website should members wish to look at it, on the interpretation and application of the principle of selection on merit by those responsible for making public appointments. The commissioner issues guidance in relation to appointments processes as he or she thinks fit and investigates and reports on complaints about appointments processes.

The commissioner for public appointments also monitors compliance with the code of practice. It is a quite extensive document, which I do not have time to go into in detail, but in terms of monitoring compliance with the code of practice, the commissioner for public appointments undertakes independent scrutiny of appointment processes, conducts regular audits of appointment processes and issues an annual report giving detailed information about appointment processes and providing summaries of the annual audit, complaints made and the highlights of the main issues that have arisen during the previous 12 months.

The commissioner also monitors the political activity of appointees and re-appointees to public appointments. For that purpose political activity regarding a candidate for a public appointment covers activity already in the public domain on behalf of a political party or candidate within the previous five years. The commissioner for public appointments is also responsible for promoting economy, efficiency, effectiveness and equality of opportunity in the procedures for making public appointments with the object of maintaining the principle of selection on merit.

Ministers in England and Wales make a large number of appointments, as do ministers here in Australia and in Victoria. Minister Guy, in answer to a question from Mr Barber in question time today, said that the process that would be adopted for appointments that he may make as the Minister for Planning to any bodies that fall

within his remit will be decided on a case-by-case basis. This is the status quo; it has been the status quo in Victoria for a long time. Basically it is the status quo at the national level and in other state parliaments. Of course there are criteria for selection. There were criteria for selection inserted into the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011 that was before the house yesterday, and they exist in some other legislation both in Victoria and other states and in the commonwealth. But in terms of an arms-length process — an independent process overseen by an independent commissioner — there is no such process in Australia.

It is fair to say that there has been public cynicism about the appointment of people to various bodies at the national and state level for as long as we can remember in terms of the lack of independence of the process and the fact that basically it is up to the government of the day to use whichever process it may choose, which can be no process at all and involve just appointing someone who it thinks should be appointed to that position for whatever reason it may have. This is an issue for all parliaments and whoever happens to be in government. It is an issue that creates cynicism within the public.

Before the current government was elected and before he became Premier, the Premier set great store by saying that he would be running a transparent and accountable government. I take him at his word; I take the government at its word. It is looking to set up an independent, broadbased anticorruption commission, which could mean that many of the systems we have for overseeing certain functions and structures in the Victorian statutory system will be overhauled. For example, it is said that the Office of Police Integrity may change and the Ombudsman may change. We have a gap in Victoria in terms of the independence of the appointment of people to high positions in statutory bodies, government departments, Victoria Police and other entities.

**Mr Ondarchie** interjected.

**Ms PENNICUIK** — In public sector bodies. Mr Ondarchie may want to think this is not a serious motion, but it is. I am suggesting that the government has said that transparency and accountability will be the hallmark of its time in government. The process for appointment to the public sector bodies I have mentioned is not transparent, and it is not accountable. That is a gap in our system. When we are looking at overhauling the system I point out this is another gap that can be filled and there is a model in place in the form of the commissioner for public appointments in

the UK. It could be a model for the government to look at in terms of establishing something in Victoria. It would put Victoria at the forefront of accountability and transparency in the appointments that ministers make.

In the UK the commissioner is responsible for the appointments processes to the boards of around 1000 national and regional bodies. Obviously the commissioner does not do all that work. There is an office which supports the commissioner and there are accredited assessors who work for the Office of the Commissioner for Public Appointments in England and Wales. The commissioner also investigates complaints and may conduct inquiries into the policies and practices followed in relation to appointments processes, which he regulates within certain parameters. The commissioner is also required to promote equality of opportunity and diversity as well as the principle of selection on merit. He has a number of programs to support these aims. As I said, the commissioner is assisted in his work by independent public appointments assessors. The model for the commissioner for public appointments I am proposing is the model that exists in the United Kingdom.

I referred before to a code of practice according to which appointments are made. It has seven principles, which are ministerial responsibility, merit, independent scrutiny, equal opportunity, probity, openness and transparency, and proportionality. Basically the commissioner looks for a balance across boards. For example, if the commissioner was looking at the appointment of people to a particular board, he would be looking for a balance across the board in terms of merit, equal opportunity and diversity, skills, representation of different minority groups and women, and the whole make-up of that board would be taken into consideration in that respect.

Openness and transparency is the aspect I am concerned with. We do not have that in Victoria, or really in Australia, in terms of the public actually being assured that a process has taken place that ensures that the person who is awarded a position is the person most qualified for the position. In relation to applications for the positions of departmental secretaries or members of the boards of public corporations or public sector bodies, we do not have the assurance that the process is open and transparent in terms of the number of people who can apply or who are facilitated to apply and then that the sifting and sorting process and the production of a short list et cetera is done at arms length from the minister and that the list is then presented to the minister with supporting documentation for a decision to be made and taken to cabinet. That is the sort of system that exists with the Office of the Commissioner

for Public Appointments in England and Wales which I suggest we should base our Victorian system on.

Another interesting development recently has been the action taken in the Federal Court by the Australian Securities and Investments Commission against Centro with regard to whether certain members of the board of Centro were actually paying attention to what was going on. Although the case relates to the board of a public company and not of a public sector body or a state-owned corporation, there has been commentary in the press about the broader relevance of the ruling by Justice Middleton. The ruling states:

... A director is an essential component of corporate governance. Each director is placed at the apex of the structure of direction and management of a company. The higher the office that is held by a person, the greater the responsibility that falls upon him or her. The role of a director is significant as their actions may have a profound effect on the community, and not just shareholders, employees and creditors.

...

... A board should be established which enjoys the varied wisdom, experience and expertise of persons drawn from different commercial backgrounds ...

While that ruling of course refers to public companies, there has been commentary in the press, as I said, suggesting that it also pertains to boards of public sector bodies and public sector corporations in terms of making sure that the people on those boards are the best people for the job, that they have gone through an independent process in terms of being selected for that board and that they have the expertise to be able to fulfil their roles.

I was thinking about this in terms of the police, and it is interesting to refer back to the report of the 1980s Fitzgerald inquiry into the Queensland police force, which came to the same sort of conclusion. It states:

The more important the office, the more imperative that appointments be made with scrupulous propriety. There will obviously be diversity and competing claims among those who are eligible for employment, but it would be wrong for those who know politicians and senior bureaucrats to be preferred, while a pool of talent is ignored or disqualified for no good reason.

Inappropriate appointments, particularly to important positions, are very disruptive of public administration and increase the exposure of the decision-making process to the risk of improper influences.

It goes on to say:

all eligible persons of whom the minister is aware should be accorded proper and impartial consideration and evaluation;

extraneous considerations, including personal and political associations or donations should not be regarded. The appointment should be based on professional selection and recruitment processes where merit is the underlying criterion for appointment;

appropriate qualifications for appointment should be formulated and publicly notified; and advertised where appropriate ...

It continues along that line. We know that many changes were made in Queensland with regard to those processes.

The Nolan inquiry talked about the seven principles of public life, which apply to people appointed to public sector bodies, to boards, to the police, but also I think to us. The Nolan principles are:

**Selflessness** — Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**Integrity** — Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity** — In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** — Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** — holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** — Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

**Leadership** — Holders of public office should promote and support these principles by leadership and example.

The seven principles of public office that I have just read out from the report of the Nolan committee in the United Kingdom in the mid-1990s would probably not have been a surprise to anybody, but they were reiterated in that committee because there were quite a few scandals and issues that arose in the UK at the time which led to the committee being formed, to its findings and to the further findings of other committees later on, and also to the establishment of the independent commissioner for public appointments.

In the Australian Research Council corporate governance project report titled *Appointments to Public Sector Boards in Australia — A Comparative Assessment* by Emeritus Professor Meredith Edwards,

which was published in issue paper series no. 3 in July 2006, she makes the point that often the establishment of such a commissioner — and I have been referring to the commissioner for public appointments in England and Wales, which is an appropriate model to refer to because it has been around for a while and it comes straight from the Westminster system, and I will refer to some other models later in my contribution — comes about when there has been a problem in terms of the appointment of people.

I am not sure that I can make the claim that there has been any terrible problem in Victoria, but there certainly has been an ongoing rumbling in the community about the appointment of people to public sector bodies and to boards at the federal and state level. This is an opportunity for us in Victoria to lead the way, to have a look at models that exist in other places in the Westminster system which have set up processes where this is at arms length, so not only is the appointment of public sector officials independent but they are seen to be independent, and that is as important as justice being done and justice being seen to be done. Professor Edwards makes the point that that often follows a scandal or a problem, but it is probably best to have a look at these ways of doing things and set them up before that happens.

#### **Sitting suspended 1.00 p.m. until 2.04 p.m.**

**Ms PENNICUIK** — Before the lunch break I was pointing out some findings of the Fitzgerald inquiry in regard to appointments to senior positions. It is worth noting that under the Queensland Police Service Administration Act 1990 the Crime and Misconduct Commission chairperson must agree to the appointment of the chief commissioner. Under section 4.2 the Governor in Council may, on a recommendation agreed to by the chairperson of the Crime and Misconduct Commission, appoint an appropriate person as commissioner of the police service. Before the break I was also referring to the Australian Research Council issues paper series 3 on corporate governance, which was prepared by Emeritus Professor Meredith Edwards. She says in her paper on page 8 that the commissioner for public appointments, to whom I have been referring in my contribution:

... deserves closer consideration by the Australian government and other Australian jurisdictions as it offers a means of enhancing accountability and rigour in public processes, which could assist in improving the performance of, and building greater confidence in, government institutions.

She goes on to say:

Recent survey evidence suggests that there is a variety of practices ranging from a systematic process of audit, advertisement, merit-based selection with cabinet approval, at

one extreme, to the practice of appointing 'mates' with little due process, at the other ...

For these reasons there is amongst some members of the public a lack of confidence about appointments to senior positions on government boards and state-owned enterprises et cetera, and the case for change is strong. In her paper Professor Edwards also talks about other models. She says:

Several Canadian provinces have also introduced reforms to the appointment process for public sector boards that curtail the role of ministers. In British Columbia, for example, again following a crisis, a radical new appointment system has been put in place ... All appointments to boards of public agencies now go through a single clearing house, a specialised central agency, which screens all applicants according to skills-based criteria determined in advance without ministerial involvement. The agency offers a selection of suitable candidates to the relevant minister after it has completed recruitment and vetting of candidates for a specific vacancy. Nova Scotia — again following a scandal in the early 1990s — has gone a step further in constraining the power of ministers by giving legislative committees the power to veto ministerial appointments as well as introducing a relative-merit standard that requires the appointment of the most qualified applicant ...

To be appointed, an applicant must be not just qualified but the most qualified applicant after it has been ensured that as many applicants as possible have been encouraged and facilitated to apply for the positions. I do not think we can necessarily be assured that those processes have been followed in the states of Australia. The issues paper goes on to say that in Australia there is no real transparency about how people are selected for board positions, unlike in countries where transparency has been regarded as essential to a process which gains and maintains public confidence.

I have moved this motion in the house because, as I said in my opening remarks, the government has made much of claiming openness and transparency. The issue of ministerial appointments has long been controversial in terms of who is appointed to boards, the opaqueness of processes and the lack of processes with regard to many of those appointments from both flavours of government in both federal and state parliaments. This mechanism I propose could be put in place in the state of Victoria at the same time as the government is looking at establishing an independent, broadbased anticorruption commission. I think that is the type of body which could be involved in the minutiae of setting up processes for recruitment of senior ministerial appointments. Certainly it may have a look at those if they are referred by an independent commissioner, which I am recommending the government have a look at establishing in the state of Victoria.

That would show the public once and for all that the process is transparent and accountable, and it would remove the idea that there is any cronyism or favouritism from either side in terms of ministerial appointments. I do not think it would be a stretch to say that has been a concern of the public for a long time, and it is something we need to take serious note of. There are processes existing in other Westminster parliaments, such as in the United Kingdom, which I have gone into in some depth in my contribution, and in the provinces of Canada. Also there are more extensive and comprehensive guidelines in places across the Tasman in New Zealand with regard to ministerial appointments.

My motion encourages the government to support the establishment of an independent commissioner for public appointments in its quest to make sure that its dealings in terms of ministerial appointments are totally open and transparent, which they are not at present. I encourage the opposition and the government to support my motion in the public interest.

**Ms PULFORD** (Western Victoria) — I am pleased to join the debate on Ms Pennicuik's motion, which seeks support from this house for the establishment of an independent commissioner for public appointments to regulate and oversee the process by which ministers make appointments to government departments, state-owned enterprises, statutory authorities, public sector bodies, the boards of public sector bodies and/or Victoria Police. Ms Pennicuik's motion also addresses the principle of selection on merit in relation to all such appointments.

I believe that Ms Pennicuik's motion addresses some very important questions and is a matter that is worthy of due consideration by this house. However, I wish to propose an amendment. I will start by speaking briefly to that amendment and will then go back to the substantive question of Ms Pennicuik's motion. I move:

Omit 'supports the establishment' and insert 'refers to the Environment and Planning References Committee for inquiry, consideration and report by December 2011 the question'.

This amendment would have the effect of sending this question to the Environment and Planning References Committee for more consideration than we can probably give such a significant question in the house this afternoon.

In moving this amendment I would like to indicate that the reason I have suggested the Environment and Planning References Committee is based on Mr David Davis's motion in this place on 10 February, a motion

which passed and which determined that departments be allocated to standing committees. That motion allocated the Department of Premier and Cabinet, which is probably the most suitable fit for this question, to the Standing Committee on Environment and Planning References Committee. That is my rationale.

The time frame that I have proposed in the amendment is six months. I imagine that six months is an adequate period for these matters to be given more consideration. I urge members to support the amendment so that the issue can be discussed in more detail, as it is an important matter.

I will now return to Ms Pennicuik's substantive motion. What this motion seeks to do is establish an independent commissioner for public appointments. This commissioner would both regulate and oversee the process by which government appointments are made. Government appointments are made to an incredibly large number of organisations with wide-ranging functions. As Ms Pennicuik indicated, these appointments include the Chief Commissioner of Police and the chairs of large organisations with significant responsibilities, such as the Port of Melbourne Corporation, the Victorian WorkCover Authority and the Transport Accident Commission. This motion proposes regulation and oversight of the process for the appointment of the 11 departmental secretaries. This is an incredibly significant matter for consideration.

I confess to having less familiarity than Ms Pennicuik with the UK experience. Ms Pennicuik talked about Northern Ireland, Scotland, England and Wales. I note that some of the approaches to appointments to public office in the UK have their origins in the Ecclesiastical Appointments Act 1534 and that the UK Parliament has information available to this day suggesting that ecclesiastical appointments still occur in a constitutional relationship between the Church of England and the executive, with the latter as advisers and consequently conduits to the Crown. Accordingly, all Crown patronage is exercised on the advice of ministers. That is a historical flourish, with your indulgence, Acting President. These are questions with which people have been grappling for a very long time, and members in this place today are no exception.

I will briefly turn to the context in which we are having this discussion. This motion moved by Ms Pennicuik comes in light of the government's shambolic handling of the resignations of both the former Chief Commissioner of Police, Mr Simon Overland, and the former Director of Public Prosecutions, Mr Jeremy Rapke. I suggest that perhaps it is more appropriate for

us to contemplate an independent commissioner for the regulation and oversight of the process by which government elicits resignations from senior public officials! That would be timely indeed, given the shenanigans of the new government with its advisers and meetings — —

**Mr Lenders** — Especially the Co-Premier.

**Ms PULFORD** — Yes, indeed, Mr Lenders. Mr Ryan has featured in both those matters.

As members are well aware, a Westminster system of government such as we have in Victoria provides for a clear separation between the legislature and the executive. As members of the legislature an important part of our role is to scrutinise the actions of the executive but in doing so not to devolve the executive's own set of responsibilities. Ms Pennicuik's motion applies to many appointments, such as to health boards and water boards; these alone must run to hundreds across Victoria. Even a conservative reading of this motion causes me to think that we must be talking about some thousands of appointments. Alas, I was unable to find one point of entry from which I could quickly tabulate all these appointments. That might be a job for the new government with its enthusiasm — I say with tongue in cheek — for open, accountable and transparent decision making.

**Mr Lenders** — They could have a round table.

**Ms PULFORD** — It could have a round table, yes, of people who could perhaps pull together a master list of exactly how many appointments we are talking about.

Victoria is very well served by people who give of their time and expertise to support the work of governments of all persuasions in Victoria. At one time I have had the pleasure of serving on a board that provided some policy advice to the then minister for WorkCover. It was a good number of years ago now, but in the last couple of years I have also had the opportunity to work with members of the Working Families Council and members of the Regional Development Advisory Committee, and in 2010 I worked with members of the Regional Development Australia committees that represent many regions in Victoria: there are five in regional Victoria and four in Melbourne, and they are joint appointments of the state and federal governments.

My experience of people in these positions is that they bring considerable expertise and assistance to their appointments. For some of these positions there is remuneration, but for many there is not. The

policy-makers and members of government who have a responsibility to administer the affairs of the state and implement a policy agenda are well served by these people.

The Labor Party was committed to encouraging greater diversity in board appointments and always welcomed candidacies that reflected a variety of perspectives across the state. It is a valuable input to government that we are talking about, and I take this opportunity to extend my thanks to those who are serving and have served in these types of appointments for the role they play in public life in Victoria. On the question of the appointment of our most senior public servants, I am a little uncomfortable about the notion that government could outsource that responsibility to an independent commissioner. As other members may reflect in their contributions, from time to time these appointments can be controversial.

Ms Pennicuik's motion goes to the question of merit. The Labor Party fully supports the principle of selection on merit — absolutely. It has and always will support candidates based on merit. I expect the government would have a similar approach; I would surely hope so. But merit can be a subjective concept, and that is one of the things on which the public rightly expects government to make sound judgements. When I say it is a subjective concept, I mean it is formed around the decisions the government is expected to make about what kinds of qualifications are valued, what type of experience is valued, which competing views on an issue need to be represented and things like that.

There have been some very concerning developments in Victoria in the last six months in the way in which we are governed. Committees of this house are, and have been, treated with disdain by the government. I hope my amendment seeking to refer this issue to one of our reference committees will be an exception to what seems to be the government's rule of opposing such things. Amendments to legislation are given very short shrift by this government. We have a freedom of information system that is seemingly run from the Premier's office. Serious allegations are being made and we have serious concerns about inappropriate dealings in the highest levels of both the Office of Public Prosecutions and Victoria Police. These are very serious matters indeed. In my mind this all adds up to our democracy being undermined in Victoria.

Ms Pennicuik's proposal is worthy of greater consideration. The motion is very broad, and I would guess there are many thousands of appointments to hundreds of organisations that would be impacted by this motion.

I also make the point that oversight is one thing, but regulation — as is also proposed in the motion — is quite another. Labor is committed to ensuring that the Baillieu government lives up to its pre-election rhetoric about being open and accountable and making decisions transparently. I urge members to support my amendment so that we can give this matter more thorough consideration than is perhaps possible on this Wednesday afternoon in the house. I think it is a very worthwhile discussion, and I look forward to other members' contributions to the debate.

**Mrs PEULICH** (South Eastern Metropolitan) — I will respond to the motion and the amendment on behalf of the government and indicate at the outset that government members will not be supporting the motion or the amendment, and I will outline some reasons for not supporting them.

Having come to Australia from a country where a communist regime was in power, I have great difficulty with regulating everything out of the sphere of democracy into something that becomes the responsibility of someone who has not been democratically elected; that would be my default position. From time to time many structures have come up for debate. Often such ideas are instigated by the Greens. Some of these ideas are good and deserve broader and longer political debate, but many have a common theme — that is, that people who are not directly elected or directly participants in democracy are somehow worthier or more trustworthy or will act with greater integrity than a person who has responsibility within parliamentary democracy and the democratic system.

I would have thought that, generally speaking, the quality of appointments and the manner in which appointment processes operate would come within the construct of a political decision, so those people who are appointed may or may not act to achieve the noble aspirations that Ms Pennicuik has outlined. We have certainly seen lots of examples where such arrangements have not quite worked in the way they were intended to work. I am a great believer in having democracy as a default position and not regulating it. Ms Pulford made an allusion in her contribution to the debate about whether we provide oversight or regulation, and I think that is very important.

Different approaches exist. In some societies the top layer of appointments become political appointments that come and go with a change of government, which is what we see occurring in the United States. I am not suggesting that we go down that track. At the other end of the spectrum is a public service that is intended to be

impartial; politicians may come and go, but there is really no change in administration. I suppose Australia and particularly Victoria are probably a blend of those two cases. Do we all believe the public service and parliamentary democracy — and all of us — need improvement? Yes, we do; there is always heaps of room for improvement. Are there examples of positions being filled by people where considerations have not been merit based? Yes, there are. It is usually through the roles that both chambers and various other structures play in parliamentary democracy that we expose that and take corrective action.

Sometimes resignations occur — and I am not alluding to the most recent ones. That is what happens. Even when an appointment is made through the best processes and there is an able appointee, that does not necessarily mean the appointment is going to turn out. You can still have resignations, because none of these systems is foolproof. When it comes to having a system that is better than most others, I vote for the default democratic model. Many of these commissioners, public servants and institutions are very good for societies that are going through massive transformation where there is little history of democracy or strong institutions.

**Ms Pennicuik** interjected.

**Mrs PEULICH** — No, I am saying that is where many of them have emanated from. They need something that cuts through and creates order out of chaos, and that is generally where they have probably been most successful. They are then phased out as parliamentary democracy or democratic institutions gain in strength, respect and understanding.

I do not think we can outsource democracy at every angle or codify everything at all times. We need to operate openly and accountably and have parliamentary democracy subject us to necessary scrutiny in the context of a free and open media. In countries where social institutions are not developed and where social capital and civil society are weak, some of these initiatives can have a real role to play in preventing the nepotism that has occurred in some of the fledgling democracies that have emerged from the breakdown of communism and the fall of the Iron Curtain or in Third World countries. Where there is a strong parliamentary democracy there is less need for absolutely everything to be codified to the extent that elected representatives lose trust and the ability to deliver on the platforms on which they have been elected. They become the instruments rather than the public servants becoming the instruments of those who are elected to govern on behalf of a state or a nation.

There are flaws; democracy is a flawed model, but I do not think a better one has yet been invented. Here in Victoria there are always criticisms and suggestions for better ways that many of these instruments can work. We have the bicameral system, questions without notice, questions on notice and the Public Accounts and Estimates Committee processes. We also have the Auditor-General, codes of conduct for members of Parliament and registers of interests. From time to time there are royal commissions on serious matters that have occurred and we need to come to terms with the reasons why. We have equal opportunity laws, and a code of conduct for MPs is not too far down the track. We have lots of frameworks within which to operate, and I think they provide a good check on inappropriate or perhaps corrupt behaviour, which brings me to that subject.

Typically speaking as an international measure Victoria and Australia probably have lower levels of corruption amongst public officials than many other countries in the world, and that is how it should stay. That does not mean corruption does not occur. Of course the definition of ‘corruption’ varies substantially and can range from a pecuniary interest or a private benefit to a broader definition which encompasses a real threat to democracy and the democratic process.

Another important aspect, and one of the major reasons I think the government has decided to oppose this motion and the amendment — which we heard about only a little while ago, thus breaching the conventions of this chamber if bipartisan support is wanted — is that we are going to establish an independent, broadbased anticorruption commission that will certainly have the powers to investigate anything that is corrupt amongst public officials and members of Parliament. I do not believe its powers would be curtailed in entering into the very area Ms Pennicuik has conceived of in this motion. I believe the motion is premature, and I have difficulty positioning it with my view that there ought to be democratic resolutions to issues.

If a government is perceived as appointing mates, and I think the previous government possibly fell foul of some of that, voters would throw it out of office. If voters end up perceiving that we do that, they will vote us out of office. That is how it happens. When you have one individual with powers to appoint, you can be pretty darned sure that the system in which they work, the framework within which they work, the powers they have, their accountability, the systems they have and the nature of the process all have to be pretty flawless. I prefer to place my faith in the process of democracy rather than in a person who, at the bottom line, is not democratically elected. Not only that, but a

person in this position can also be a political appointment. It is not foolproof; it cannot be foolproof. I think it is a flawed model with perhaps a much more difficult way of resolving conflict than the process of democracy.

It comes back to the basic issue: do we need an impartial public service? Yes, we probably do. Can it be made more impartial? No doubt there are areas where improvements can be made. Are there sometimes people appointed who are not meritorious? That can happen, but it is the exception rather than the rule, and there are democratic solutions — certainly solutions that are available to each and every member in this chamber.

I am not sure whether Ms Pennicuik has said so, but I have said previously that all it takes is one person to shine a light on a problem. That is why freedom of speech is so important in a democracy. All there needs to be is one person to expose an injustice, to expose corruption or to expose something that is inappropriate, and then it takes on a life of its own and leads to a series of consequences that often in turn lead to the sort of outcome that needs to occur. We may have seen that in recent times when people have perhaps resigned because they have decided that they could not work in the particular environment. That is fine; even the appointment of public officials through a public services commissioner will not prevent that from occurring.

I had a look at some of the models Ms Pennicuik was putting up, and I found one model very disturbing. It is outlined in a report called *Public Service Impartiality — Taking Stock*. I cannot actually establish which model it is based on; I have a feeling it is the Canadian model. When it comes to public officials, what it basically says is that public officials need to be impartial and the job they are employed to do needs to be undertaken impartially. However, under Canadian legislation public officials are completely free to take an active and full participation in any party political affairs in the rest of their lives. I would have thought that whilst the Charter of Human Rights and Responsibilities that is currently in place here may indeed enshrine those rights, the conventions of public service as we understand them mean that that happens far less often than is perhaps encouraged under the Canadian model.

I am not convinced that Ms Pennicuik's model and ideas stack up. I think they are the sorts of ideas that merit being debated by a range of stakeholders from lots of different perspectives, but I do not believe it is the sort of motion you bring into the chamber and ram through one week later so that it then goes on to

transform the way governments function. These ideas need time to develop, time to be scrutinised and time to engage the community. I think they can be transformational, but I am not convinced the solutions are necessarily going to be better. In fact I fear that it would lead to a less democratic system, greater intransigence and less ability to deal with those who perhaps end up being appointed and who may be fulfilling their public office but whose broader conduct may compromise the position.

On those grounds, especially with the development of a broadbased anticorruption commission and the existence of a code of conduct for MPs and the sorts of vibrant democratic forms that we have available to us, I do not believe Victoria needs a commissioner for the appointment of public officers. Certainly in the context of an independent, broadbased anticorruption commission we need to understand and work with such a commission and see how it will function and how it will impact on those very issues that Ms Pennicuik has outlined as her motivation for bringing this motion to the house. Nevertheless, I commend her on doing so and on generating a debate. These debates cannot harm democracy; they can only strengthen it. Even if through democratic debate we reaffirm what we stand for rather than adopting something different from another jurisdiction, that is always valuable and meritorious. Not to be unkind, but we will not be supporting either the motion or the amendment at this stage. However, I commend Ms Pennicuik for generating a debate.

**Mr P. DAVIS** (Eastern Victoria) — I take some pleasure in rising to speak on the motion before the house relating to the establishment of an independent commission for public appointments. When I say I take some delight, I preface my remarks by saying that I take some delight in rebutting the case put by Ms Pennicuik. Surprisingly I found myself in significant agreement, I regret to say, with Ms Pulford on this occasion. It concerns me how often I find myself agreeing with Ms Pulford these days — she reflects a general common sense lately. I thought her contribution today was common sense, and I particularly pick up her point that it is not at all appropriate for an elected government to divest itself of its power to govern, which essentially was her argument.

I pick that theme up by saying here we have a motion moved by Ms Pennicuik to facilitate a debate in the house — I suppose it is a policy debate — about a Greens policy. If it is the position of the Greens that this matter should be progressed, we should have a bill to that effect in the house. That would allow the house to

better understand what the Greens policy actually means. I do not know what it means.

During Ms Pennicuik's contribution I took notes about particular points to which I wanted to respond. Because there is no bill I am not clear what she sought to achieve by moving the motion other than in a generic sense to force the elected government to delegate its power to govern to a new independent commissioner for public appointments — that is, to a person or body that is not elected. The question then becomes who appoints the independent commissioner? How and to whom is the independent commissioner accountable? More critically, how can an elected government be accountable for the actions of appointees when the appointees are in effect appointed by somebody other than a member of the government? The minister, having responsibility for the discharge of their department and portfolio responsibilities, would find an intermediary between them and the people who discharge the powers and delegated functions of government but in reality they would have no capacity to control, discipline or be accountable for any action or lack of action on the part of an appointee to a public office.

That is why I am saying to the chamber, and in particular to Ms Pennicuik, who is in the chamber, that it would have been much better if we had had a 45-minute second-reading speech introducing a bill rather than spending 45 minutes or whatever it has been on this motion. That would have allowed us to better understand Ms Pennicuik's intent.

On the basis of principle I am absolutely opposed to Ms Pennicuik's motion simply because it removes the accountability of ministers. No minister in this place could be accountable to the Parliament and therefore to the public for matters relating to people discharging functions on behalf of the government without the government having any relationship with them.

Cr Peter Clarke of the City of Melbourne was mentioned by various speakers — I think by Ms Pennicuik and Ms Pulford. I have had an association with Cr Peter Clarke over a period of time and have found him to be an energetic, intelligent, knowledgeable man with great capacity in the area of expertise relevant to the position to which the Minister for Planning has recently and appropriately appointed him. Under the current regime if he in his new role took an action that was broadly disapproved of, he would be clearly accountable to the minister, and the minister is accountable to this house.

Members should consider what would happen if that appointment was made by a commissioner who is notionally independent — I do not know how anybody could be independent in reality as the appointment process means that the person appointed is dependent upon that appointment in some way. Independence is really a theoretical notion. At the end of the day everyone is accountable to someone. If Mr Clarke — I address him as such as he is soon not to be a councillor — were appointed through a process that was at arms length from the minister, he would be accountable to that process rather than to the minister. How could the house then have anything to say about the minister?

**Hon. M. P. Pakula** — We want to bag the minister!

**Mr P. DAVIS** — Mr Pakula interjected, 'We want to bag the minister'. That is the truth; that is the wit and wisdom of the opposition! Members of the opposition are here to be commentators, and that was a very good comment because it revealed the truth. The Parliament could not hold the minister to account under such a regime because the minister would simply have no responsibility for the exercise of the functions of officers appointed by an independent body.

Ms Pulford made the point exceptionally well that there are fine people working across government who have been appointed to various committees and bodies — they may be on an advisory board or formerly a statutory body board — many of whom receive a stipend. My observation is that the stipend is generally not commensurate with the effort involved. A daily fee for turning up to meetings generally does not reflect the effort required to prepare for those meetings. There are certainly passengers — we all know that — but overwhelmingly people appointed to bodies are there to represent stakeholders and the wider community and they use their best efforts and their best judgement, understanding and assimilation of information to make decisions or recommendations of behalf of the wider community.

In a previous government I had a role in facilitating many appointments to various authorities. It is a busy process just to coordinate the flow of paperwork for appointments to be made. To be frank, one of the big problems is that there is a real lack of people willing to put themselves forward for appointment to government bodies, to represent the community and to give advice to the government. Those who have served in executive government know this full well. With respect to Ms Pennicuik, she would not have had the opportunity of discovering this for herself. There is a need for people to fill such positions. I am sure that the previous

Labor administration had this experience as well. Even if you have an exhaustive advertising process and invite applications, there is often a big difference between the desire to appoint an exceptionally talented group of people to perform a task and the quality or indeed the number of the applicants.

I refer to an example from the days of the first Kennett government when commissioners were appointed for local government reform. I recall speaking to the then Minister for Local Government, who told me that when the Gippsland region of councils went through the process of recruiting the commissioners, after advertising the roles and processing the applications the councils had of the order of 108 applications in total for the whole of the Gippsland area, of whom only 4 — and I know this to be true — were women. And if you want to talk about quotas, 50 per cent of the women who applied were appointed!

**Ms Pennicuik** — You could have a whole debate on that.

**Mr P. DAVIS** — That is a separate debate. My point for Ms Pennicuik is that all of this is great in theory but it is theory born of the collective thinking of those who have never experienced government. I am not referring to Ms Pennicuik; I am referring to the Greens political party. However, that situation may have changed in Canberra; I understand that the Deputy Prime Minister is a fellow by the name of Bob Brown. Perhaps the Greens now have more experience in government than they had previously.

My view is that this is an entirely theoretical proposition with no real practical merit. This proposition could be better defined if the Greens went away and came back with a bill that provides more detail as to what they are intending to achieve. I make the point that in the upper house the Greens have 3 members out of 40 and in the Parliament they have 3 members out of 128. They do not hold any executive authority. I can understand their frustration that they do not get to appoint people to statutory boards in the public sector. I can relate to it because I have done 11 long, hard years in the wilderness in opposition, and that is pretty frustrating.

I have to tell the Greens members that I do know that ministers on both sides of politics, on the centre left and the centre right — whichever group of parties happen to be in power at any time — do endeavour to get the best people into positions of responsibility. I will say candidly that by and large many of the appointments that are made have nothing to do with the political class. Many of the positions Ms Pennicuik is referring

to are in fact positions in the public sector, which are in effect appointments made by departmental secretaries and not by ministers.

It does not serve a great purpose to remove the accountability of the ministers to the Parliament by establishing a process that would limit their responsibility. The whole concept of Westminster government is responsible government. Part of the notion of responsible government is to be responsible and accountable to the people through the Parliament. Therefore my view is that this is simply an attempt to centralise power and decision making and put the decision-making capacity in the hands of somebody who is neither elected nor accountable. That is dangerous for democracy in this state, and therefore I am opposed to it.

It is for that reason that I feel uncomfortable about supporting Ms Pulford's amendment, which is to bat this resolution off to a committee never to be seen again, I suspect. My view is that the house should invite Ms Pennicuik to go away and do the work that Ms Pulford thinks the committee should do. Ms Pennicuik could go away, sit in her dungeon, actually draft a bill and introduce the bill at another time so we could look at the practicalities of it.

**Mr Barber** — You need the support of the Premier to do that.

**Mr P. DAVIS** — No, you don't! Ms Pennicuik is quite capable of drafting a private members bill. Any member can bring in a private members bill if they so wish. The issue here — —

**Mr Barber** interjected.

**Mr P. DAVIS** — Do the Greens have a friend who could draft the bill for them? Do they know a lawyer? I can introduce them to a couple. They may charge a fee, because they are friends of mine. They are capitalists; they are in the commercial world.

My view is that for this debate to progress any further beyond today Ms Pennicuik will have to do the hard yards. You cannot just come in here and turn the Legislative Council into a debating society. My kids do this at school; they have debates. If you are to come in here with a serious proposition, and this is a very serious proposition, you should bring in a proposed action — that is, a bill that the house can properly consider. In my view this is not a well-considered motion, and therefore I am opposed to it.

**Ms PENNICUIK** (Southern Metropolitan) — I would like to thank Ms Pulford, Mrs Peulich and

Mr Philip Davis for making contributions to this motion. In her contribution Ms Pulford said this motion raises important issues and is worthy of consideration. I appreciate that. Ms Pulford has moved an amendment to refer the motion to the Environment and Planning References Committee — of which I happen to be a member — to consider it and to report back to the house by December 2011. Ms Pulford alerted me to her amendment before my motion came on today, and I am prepared to support it.

Ms Pulford went on, partly in jest, to talk about a commissioner for the removal or resignation of ministerial appointees. However, the UK commissioner for public appointments does have that role. The UK commissioner looks at complaints about appointments, resignations and reappointments. All of that is covered by the code of practice under which the UK commissioner for public appointments works. I referred to that code of practice in my contribution as being quite comprehensive. Basically it sets up the regulatory framework for the commissioner. Mr Davis and Ms Pulford talked about the word 'regulation'. Prior to the motion coming on Ms Pulford told me that she was concerned about regulation. The regulatory framework set up for the UK commissioner for public appointments is covered by the code of practice. The regime of ministerial appointments occurs via the code of practice that has been developed by the commissioner and the commissioner's office.

Ms Pulford and others mentioned outsourcing the selection process.

**Mrs Peulich** — Outsourcing democracy.

**Ms PENNICUIK** — Mrs Peulich mentions outsourcing democracy. Mr Davis said we would be taking ministerial responsibility out of our current system. The model that currently exists in the UK is under the Westminster system. Mr Davis also talked about the Westminster system, but we are talking here about the UK, the home of the Westminster system, and under its regulatory framework for the commissioner for public appointments the UK government has not removed that ministerial duty. The appointments are made by the minister; it is just that the selection process is at arms length from the minister and is, and is seen to be, independent. If the UK can have this system operating and does not see it as a threat to the Westminster system, democracy or the power and accountability of ministers, I find that argument very hard to support or sustain.

Ms Pulford mentioned that the ALP supports appointments on merit. You would have to say,

however — and I do not want to name any names — that many of the appointments made by the previous government, ALP governments in other states and previous ALP commonwealth governments have been called into question in terms of being partisan appointments. I do not think anyone could stand up here and suggest that has not been the case and that there has not been public furore and controversy over many of those appointments. That has happened under the watch of those ALP governments, and it has happened under the watch of coalition governments as well.

Ms Pulford also mentioned hundreds of organisations, but the UK office of the commissioner for public appointments is able to cope with them. I mentioned in my main contribution that one of the issues the code of practice deals with is proportionality. Many more resources and a lot more scrutiny are applied to high-level and very senior appointments than are applied to not-so-senior appointments, so a degree of proportionality is built into the system. That is outlined in the code of practice.

Mrs Peulich went on to talk about the theme of non-elected officials acting with more integrity than MPs. As I mentioned, at the end of the day under the main model I have spoken about, but also under the Canadian models, the appointments are still made by ministers; it is just that the process of selecting and interviewing candidates and presenting a short list is undertaken by the staff and accredited assessors of the commissioner for public appointments.

Mrs Peulich went on to say there were flaws and room for improvement. She also talked about parliamentary processes and royal commissions. I did not quite see the relevance of that to putting in place a mechanism whereby appointments to these positions made by ministers are and are seen to be at arm's length and nonpartisan. That is what we are looking at. A royal commission is something you have when something has gone wrong. This mechanism I am talking about would be aimed at putting in place a procedure and processes designed to ensure that the least number of things go wrong. I agree with Mrs Peulich that at the end of the day some things may still go wrong. Some people may resign; some people may have to be removed. I understand that this procedure would not stop such things from ever happening again. However, it is certainly true that there is some public disquiet about a number of appointments that have been made, going back a long time.

Another point I made in my main contribution which I think is really important is one that is also made in the

issues paper I referred to and is one I made during the last Parliament with respect to the setting up of an independent commission against corruption. It is that the three major independent commission against corruption models in Australia — those in Queensland, Western Australia and New South Wales — were all introduced because of scandals. There had been royal commissions into misconduct which resulted in the setting up of New South Wales's Independent Commission Against Corruption, Queensland's Crime and Misconduct Commission and Western Australia's Corruption and Crime Commission. I have always urged this government and I urged the previous government to set up an independent commission against corruption before there was a scandal that would result in its being set up, so it is good that that is happening now in terms of the plans to set up an independent, broadbased anticorruption commission in Victoria.

The issues paper I referred to in my principal contribution, a paper which has looked at this issue in depth on behalf of the Australian Research Council and in terms of better governance in Australian jurisdictions, suggests the Australian and state governments should look at some type of mechanism similar to the Canadian and UK models the paper discusses before there is a need to do so. The point would be to set up the process as a bona fide way of ensuring accountability and transparency.

I agree that perhaps this idea needs time to develop. My intention here is to put the issue on the agenda for debate, and we have had a debate about it. Some different points of view have been aired. Certainly the ALP is prepared to say there are important issues here that need consideration. I would even say Mrs Peulich has pretty well said that too, although the government is not prepared to support the motion. The motion only proposes that the house support the establishment of such a mechanism.

That brings me to Mr Philip Davis's contribution, which I was at a loss to understand. It rested on a false premise. Most of Mr Davis's argument went to the contention that there would be no duty and no accountability on the part of ministers, and that is just not the case. I have been at pains to say that under the models I mentioned the minister still appoints the person at the end; and the person, whether they are on a board or a statutory authority, is responsible to the minister at the end of the day. Resting on that false assumption, Mr Davis's contribution did not really go very far.

Mr Davis made two other comments I have to address. The first was that somehow this is an idea that has been cooked up by the Greens. That is not the case; it is not a theory. I have written down that he said, 'Great in theory with no practical merit'. This is a system that operates in the United Kingdom — in England and Wales, in Scotland and in Northern Ireland — with three separate commissioners. It operates in some states in Canada. It is not some theoretical notion that has been cooked up by the Greens; it is something that operates in Westminster systems similar to ours. It is an issue that has been the subject of much academic inquiry. It is also something that has been suggested by many commentators over the years, but particularly lately in regard to some controversial appointments and resignations. All we are saying is, 'Here is a model that we support in terms of increasing accountability and transparency in the way ministerial appointments are made in Victoria'.

The last point I will go to is Mr Philip Davis's observation that I should have brought a bill into the Parliament. I do not totally dismiss that notion; I have not ruled it out.

**Mrs Peulich** interjected.

**Ms PENNICUIK** — It is a good idea if, going to Mrs Peulich's point, we need more time to think about this. At least this motion puts it on the agenda. Mr Barber said by way of interjection that we, as members of the Greens party, have to write to the Premier to ask for permission to have parliamentary counsel draw up a bill for us. My inquiries of colleagues in other state jurisdictions lead me to the conclusion that that requirement does not exist in any other Parliament. It is only in the Parliament of Victoria that a private member has to write to the Premier for permission to use parliamentary counsel. It is not the case in New South Wales, Western Australia, Tasmania, the ACT or South Australia. Those MPs do not have to do that; private members can go straight to parliamentary counsel and request that a bill be prepared for them.

**Mr P. Davis** interjected.

**Ms PENNICUIK** — Mr Davis will be interested to know that I have written to the Premier regarding a bill I wish to have drawn up by parliamentary counsel. That was in April, and he has not deigned to respond to me yet, even though I have contacted his office several times. The reason I am following this strategy is to put the issue on the notice paper and up for debate as a serious matter. It is something that exists in other Westminster parliaments, and it is working. It is

something that should be looked at in Victoria in terms of transparency and accountability, which is the mantra of the government. There is not much transparency in ministerial appointments. I do not lay it just at the feet of this government; it was so under the previous government as well. However, that does not mean that this government should not take the opportunity to fix it up and make it better in the state of Victoria.

With those words I will support Ms Pulford's amendment. I think she has come up with a good idea — that it go to the references committee for more debate, so that the committee can come back with a recommendation as to what system can be set up in Victoria based on those in other Westminster systems.

#### House divided on amendment:

##### Ayes, 18

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

##### Noes, 20

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

##### Pairs

Viney, Mr	Kronberg, Mrs
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#### Amendment negatived.

#### House divided on motion:

##### Ayes, 3

Barber, Mr ( <i>Teller</i> )	Pennicuik, Ms
Hartland, Ms ( <i>Teller</i> )	

##### Noes, 35

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Mikakos, Ms
Crozier, Ms	O'Brien, Mr
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Ondarchie, Mr ( <i>Teller</i> )
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms

Elasmar, Mr  
Elsbury, Mr  
Finn, Mr  
Guy, Mr  
Hall, Mr  
Jennings, Mr  
Koch, Mr  
Leane, Mr

Ramsay, Mr  
Rich-Phillips, Mr  
Scheffer, Mr  
Somyurek, Mr  
Tarlamis, Mr (*Teller*)  
Tee, Mr  
Tierney, Ms

#### Motion negatived.

### CHILDREN: TAKE A BREAK PROGRAM

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to move:

That this house —

- (1) condemns the Baillieu government for not funding the Take a Break occasional child-care program from 31 December 2011, leaving Victorian families, especially in rural and regional communities, without access to affordable and community-based child care; and
- (2) calls on the Baillieu government to reinstate funding for this important program.

In speaking to this motion I wish to raise my concern about the Baillieu government's heartless decision to cut the important Take a Break occasional child-care program that has been in existence now for many years in this state. This motion also calls on the Baillieu government to reinstate funding before the end of this year.

This cut is one of a range of cuts to programs across the early childhood education sector. It is another victim of the \$480 million cuts to the education department's budget. These cuts have meant that the Young Readers program, which distributed free books to parents of young children through maternal and child health services, has been axed. We have seen the cutting of free internet services for Victoria's kindergartens, which were previously hosted through VICNET. We have seen an absence of dedicated funding in the budget for the establishment of children's centres, which were a very good initiative of the previous government, and significant underfunding of kindergarten infrastructure, with the provision of only \$15 million in capital funding for kindergartens in 2011–12 —

**Hon. W. A. Lovell** interjected.

**Ms MIKAKOS** — which is far from adequate to address Victoria's baby boom, let alone prepare kindergartens for the 15 hours of four-year-old kinder from 2013.

The minister interjects and says it is actually more than \$15 million, but she is claiming credit for federal money. In relation to the Take a Break program we constantly hear the minister saying in this house that child care is a federal responsibility, yet when it suits her purposes she is happy to claim the credit for money given to her by the federal government for kindergartens.

I have been quite concerned that for some time now Minister Lovell has been indicating her willingness to walk away from the very important national partnership agreement for early childhood education that was entered into by the previous Labor government. Her colleagues might have a different view on this issue. I particularly note that The Nationals member for Murray Valley in the other place, Tim McCurdy, released a media release on 9 June stating that his government was committed to supporting kindergartens in the move to implement the new national standards, so it is interesting that Mr McCurdy might be committed yet Minister Lovell seems to be quite equivocal in relation to these issues.

We have seen a significant underfunding of kindergarten infrastructure by the Baillieu government. We have had Minister Lovell asking the federal government to make up her shortfall. She is neglecting to acknowledge not just in relation to kindergartens but in the wider context of the whole Take a Break issue that the federal government has contributed \$210.6 million to Victorian preschools in anticipation of the commencement of the national partnership that will implement 15 hours per week of four-year-old kinder by 2013 — we hope it will be 2013, but I would not put my money on it because the minister is indicating that she does not have the funding to implement it, so it is doubtful whether that time line will remain in place.

What we have for the first time is a federal government contributing to kindergarten capital infrastructure. The Gillard federal government did not go around saying that kindergarten infrastructure was the sole responsibility of state governments in the way that the Baillieu government has been seeking to absolve itself of responsibility for the Take a Break program. The federal government was prepared to work with the Victorian government to commit significant funding to Victorian early childhood education, to the tune of \$210 million. By contrast the Baillieu government is not prepared to put in a measly \$1.9 million to keep occasional child care going in this state. So we have \$210 million from the federal government for early childhood education, yet the Baillieu government is not prepared to put in \$1.9 million; it is crying poor. It is

not prepared to put in a measly \$1.9 million to keep occasional child care going in this state.

We on the Labor side think that is absolutely appalling. There is no absolutely no reason this program should be scrapped. It is disappointing that the Baillieu government has turned its back on a program that provides such significant benefits to families. We have had the minister talking about tough budget decisions that have had to be made, but a number of very significant small programs that have a huge impact in the community have been axed by this government for relatively small amounts of money. Hundreds and hundreds of Victorians could continue to benefit from the Take a Break occasional child-care program. It would take a relatively small amount of money to save this program, but ending funding of the program will mean that families across Victoria will be unable to access affordable community-based occasional child care to undertake tasks that benefit those families.

As I said before, we have heard from the minister and from the government on numerous occasions seeking to absolve themselves of responsibility for this issue. We saw that again yesterday through the stunt Mrs Peulich was involved in during question time. I want to come to that issue because what we learnt from that exercise yesterday is that this is a government that is continually seeking to dodge responsibility. We are seeing a government that is failing to recognise and acknowledge that last year the Take a Break program was funded entirely by the Brumby Labor government, funding which Mr Baillieu is now cutting.

**Mrs Peulich** — It was not coincidental that it was your election year?

**Ms MIKAKOS** — We fully funded that program because we recognised how important it is to Victorian families. Clearly Mrs Peulich does not care about Victorian families, because she is prepared to scrap a program that Victorian families rely on. For a party that went to the last election claiming that it was going to reduce the cost of living pressures for Victorian families, which put out quite deceptive material in relation to grocery prices claiming that somehow it was going to reduce grocery prices — —

**Mrs Peulich** — On a point of order, Acting President, if Ms Mikakos has run out of argument or steam on Take a Break — it is a very narrow motion — she does not need to digress and canvass a whole range of election issues. We are more than happy to debate those issues, but this is her motion, and it is a very important motion. If she has run out of steam, she ought to sit down and let others speak.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I apologise; I have only just taken the chair and I am taking advice from the Clerk given my absence. At this point in time I do not see it as a point of order. I will ask Ms Mikakos to continue but ask her to keep within the boundaries of the motion.

**Ms MIKAKOS** — This motion is about an issue that affects Victorian families. Victorian families have a lot of cost of living pressures on them, and one of those pressures is the cost of child care. The great thing about the Take a Break program is that it has been able to provide affordable, community-based child care for the community over many years. The point that I was seeking to make is that the government went to the election claiming that it was going to address cost of living pressures, that it was going to address the needs of Victorian families. What has it done in its first year in office? It has scrapped a whole range of programs that Victorian families rely on, including the Take a Break program. It is a disgrace that this government could claim that it was going to make the needs of Victorian families a priority and then turn around and cut occasional child care.

On numerous occasions government members have come into the chamber and said that the sole responsibility for child care lies with the federal government. I want to make the point that the government needs to look at what other state governments around the country are doing. Other state governments, including the New South Wales and South Australian governments, have been prepared to fund occasional child care. Those governments provide ongoing funding for the neighbourhood model of occasional child-care services. The Western Australian government provided funding for these child-care services until 21 December 2010, and the Queensland government will continue its funding until 30 June 2012. What have we seen? We have seen conservative coalition governments in Western Australia and New South Wales prepared to fund this program, but their Victorian counterpart has decided to scrap it. So much for the argument that this is the sole responsibility of the federal government, because the government's coalition colleagues in other states do not agree with Mrs Peulich — they accept that there is a need to continue this program.

**Mrs Peulich** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I understand Mrs Peulich is the next speaker, so I ask her to refrain from interjecting and wait until the time for her contribution. I suspect that Ms Mikakos is trying to, perhaps innocently, incite some discussion

from Mrs Peulich. I ask Ms Mikakos to, as best she can, not incite the member opposite.

**Ms MIKAKOS** — If Mrs Peulich wants to continue to interject, I will respond to her. She will have an opportunity to have her say shortly. If she sees fit to continue to interject, then certainly I will get my message across too. What Mrs Peulich is seeking to do is drown me out. We know that the government does not want this debate in the community because it is embarrassed by this debate; it is embarrassed by the fact that it has seen fit to make the heartless decision to scrap this program, and it is embarrassed about the pressure that is putting on communities all around Victoria. I am sure Mrs Peulich has had concerns expressed to her around these issues as well. Certainly I am prepared to talk to whoever I need to talk to in relation to advocating for Victorian families on this issue.

In response to Mrs Peulich's question without notice that was ruled out of order yesterday I made the point that I was prepared to communicate with the federal government. I do not know what Mrs Peulich has been doing, but it is extraordinary that she thinks it is unusual for shadow ministers with particular portfolios to have some communication with their federal counterparts. I am doing my job. Mrs Peulich is playing politics with this issue, but I am seeking to have this issue fixed. This is what Victorian families want. If you talk to them around the various centres around Victoria, you hear them say they are not interested in this finger-pointing exercise. They want to see the program reinstated; they want it to continue.

As I said before, this program was 100 per cent funded by the previous state government last year. We were prepared to fund it. We value the program. We saw that it was worthy of support from the state government. We had 225 centres around the state funded last year, but what we see is this government looking at making cuts at the first opportunity, à la the Kennett government's style. Are we surprised by this when we have the minister's chief of staff, the former Kennett government chief of staff, advising it? We have seen many other former Kennett staffers come back into this government, infiltrating the Baillieu government as chiefs of staff, as behind-the-scenes advisers. What can Victorian families expect from this government in the future? They can expect more of the Kennett-style cuts that we saw during those horrible years in the 1990s when my electorate got absolutely nothing. My electorate was decimated as funding for services and important programs in the northern suburbs was cut across the board during those years. We are seeing the Kennett advisers coming back into the offices of

government and advising those people at 1 Treasury Place. What are we seeing as a consequence? We are seeing in the budget cuts to important programs.

I remind members of the importance of this program. This program is currently provided at more than 225 neighbourhood houses and early education centres across Victoria. It gives parents and guardians of children the opportunity to participate in important activities, including part-time employment, study, recreational classes and voluntary community activities, as well as taking care of various family responsibilities such as medical appointments. It gives children who are in the care of those providers the opportunity to socialise and interact with other children in an early learning environment. Historically the program was jointly funded by the state and federal governments. I will quote from the Take a Break guidelines, which are available on the Department of Education and Early Childhood Development's website:

The Take a Break child-care program is jointly funded by the Victorian and commonwealth governments and is administered by the Department of Human Services. This funding is a contribution towards the agency's child-care operating costs, such as salaries, on-costs and consumable items.

Funding under the Take a Break child-care program is provided to agencies on the basis of an effective full-time (EFT) place. An EFT purchases 1920 hours of care per annum, which is the equivalent of 40 hours per week for 48 weeks a year.

The guidelines on the website, which have applied in previous years, acknowledge that this is a joint program. Despite this, the Baillieu government is banging on and constantly claiming that the program should be the sole responsibility of the federal government. It was never the sole responsibility of the federal government; it is a joint program. It is a program that has been in place for many years. What happened is that the federal government decided to step in and provide funding for the first time, as I explained before, for kindergarten infrastructure, an area that had previously been the sole responsibility of the state government. The federal government made a significant contribution of \$210.6 million towards preparation for the implementation of the national partnership agreement. The federal government takes the view that the state government should be prepared to find \$1.9 million in its budget when it is making a contribution of \$210 million to Victorian taxpayers.

Minister Lovell does not think that is enough; she wants more. She wants the federal government to somehow pay for everything that is in her portfolio responsibility. She comes into the chamber and talks about public

housing projects that were funded through the stimulus package that the federal government put in place to keep the economy going and save us from a recession. She does not acknowledge the federal contribution. She talks about money she announced in the budget this year for kindergarten infrastructure and lumps in amounts of money that were given to her by the federal government. She does not acknowledge that. She is prepared to take with one hand from the federal government and make no acknowledgement of that contribution.

When the federal government changed its view in relation to the Take a Break program in 2010 the former Brumby Labor government took over its full funding and provided \$1.9 million to allow it to continue for another year. We did that because we supported this program. We recognised how important it was for families. Minister Lovell will claim it is a lapsing program, but it is only lapsing because her government has refused to fund it beyond this year. Minister Lovell has claimed in answers to questions I have raised previously around a whole range of other programs that when the previous Labor government was in office we should have funded every program in perpetuity, or for a decade or two decades — who knows where she wanted us to draw the line? — yet there are other programs the Baillieu government has only funded for 12 months. It will be interesting to see when we come back next year for discussions around the budget whether Minister Lovell will acknowledge the issue around lapsing programs.

The Baillieu government had the opportunity to step in and provide funding beyond the end of the financial year to keep the Take a Break program going in 2011–12, but it has not sought to do so. It has made a very deliberate and conscious decision to stop funding this program, leaving many families, especially those who are economically disadvantaged, without assistance for children's services that would be beneficial to them and would provide for positive outcomes in their lives. I do not believe this cut is fair because it will hurt many Victorian families.

At the PAEC budget estimates hearings Minister Lovell stated that the Baillieu government has 'continued the funding for this program until the end of the year'. One would take those words to mean there will be funding for the provision of services until December 2011. I have spoken to people in centres around Victoria, and that is exactly how they understood what the minister said; that is exactly what their expectation was. Unfortunately when the minister said 'the end of the year' she really meant the end of September, because as I have raised in this house before, the minister sent a

letter dated 3 June to the providers of the Take a Break program advising them:

All services currently receiving TAB child-care program funding will receive the equivalent of six months of their annual allocation in June 2011. These funds will enable both the provision of services until at least 30 September 2011 and the funding of any wind-up or transition arrangements that may result from this decision.

Effectively what this means is that the centres are going to be required to use the last three months of their funding to pay out staff redundancies and other staff entitlements, so programs will wind up way before the end of the year. In fact this has been confirmed to me by staff at numerous centres, who have told me they are looking at winding up their programs by the end of September. I have heard of one centre that is looking at closing up shop much sooner because it has longstanding staff whose redundancy payments will be quite considerable. As one can imagine, these centres attract a great degree of staff loyalty. The staff love their jobs; they love working with kids. They want to stay in their jobs and are absolutely devastated about this cut. If they had their way, they would continue on in their employment rather than having to go out and look for another job.

Victorian families are also going to have some very difficult decisions to make within the next three months. Previously families might have thought they had until the Christmas holidays to get themselves organised and look for alternative providers — if one is available, and there are none available in many regional towns around our state — but now they will only have until the end of September. This greatly alarms me, because September is only a few weeks away. When I have spoken to a number of parents, and mothers in particular, about this issue I have seen tears in their eyes. They are absolutely devastated about this. It is going to be a huge upheaval for mothers and their families to look for alternative providers.

Members can shout me down as much as they want, but I am not going to shut up about this issue. People can try to play politics with this, but it is a serious issue. I would say it is one of the most important issues we have had to debate in the Parliament this year, because it is going to have an absolutely devastating impact on Victorian families.

The minister has claimed in her correspondence that she is going to be working with the sector to establish any available alternatives. I would urge her to hurry up and do that, because there is not much time. Centres are already laying off staff as we speak. In fact a lot of them have already given staff their redundancy notices.

Unless the minister steps in and makes an announcement very soon that she is going to continue this program, we are going to have a lot of very upset families very shortly.

In terms of alternatives I want to make the point to the minister that there are not many alternatives. For many Victorian families full-time child care is just not an option. It is not affordable. It does not meet their needs. If parents are in part-time employment and they only want to put their child into care for 2 to 3 hours a day so they can attend that part-time employment, having to put that child into full-time care will mean that it is just not worth their while going to that job. The government is going to put a lot of pressure on a lot of women around the state to make some very difficult decisions. I come back to the point I made earlier about cost of living pressures and family incomes. We all know that people are already feeling a lot of stress as it is around these issues. Once you give people very limited choices around employment, you are putting a huge degree of stress on their families.

The alternative for the occasional child-care providers is also very limited. For most of them it will mean the closure of the service. Some of them have told me that they will only be able to keep the program going by cutting into other programs. Neighbourhood houses, community centres around the state that we all value — or I hope we all value them — that provide really important programs to Victorians will have to dip into limited budgets or cut back on other programs to cross-subsidise from other program budgets for casual child care. Some of them will not be able to do that because their funds do not give them that flexibility, so many centres are saying to me that they will be shutting down their programs.

Research conducted by the Association of Neighbourhood Houses and Learning Centres last year found that 55 per cent of neighbourhood houses throughout metropolitan Melbourne and Victoria said they would have to close down their child-care services without the Take a Break subsidy. My discussions with people across a range of centres in both regional communities and metropolitan Melbourne suggest to me that that figure would be much higher than 55 per cent, sadly. Now that this is actually happening and the centres and committees of management are sitting down and looking at the funds remaining for the rest of the year, they are finding the reality of the situation is that they will struggle to keep these programs going. They provide an essential service particularly in rural and regional areas where long day care is not convenient or even available as an option for families. I

will shortly come to the issue of regional and rural communities in particular.

I have made this point before, but it is important to make it again: the minister has claimed that occasional child care is a federal responsibility, but in the letter I mentioned earlier that the minister sent to providers on 3 June she informed them that adult community and further education (ACFE) funded occasional child care would continue to be funded. In response to my question, the minister acknowledged at that time that she would continue to fund adult community and further education occasional child care. I welcome that; it is positive news for those providers. But by doing that, the minister acknowledged that there is a role for state governments in relation to occasional child care, despite her claim that it is entirely a federal government responsibility.

The minister failed to acknowledge the inconsistency in her approach in relation to this issue, because effectively she is saying that the Baillieu government will fund occasional child care for parents who want to study in order to return to work but will not fund occasional child care for those who are already working or self-employed or who are stay-at-home mums. I cannot understand the logic in an argument that says, 'We will give you occasional child care to train you up so you can get a job, but once you get that job you are on your own; you do not get occasional child-care funding any more'. That creates an absurd situation for a government that claims it is prepared to support Victorian families. The alternative options are very few for parents in those situations. They will face increased fees for occasional child care at those centres that decide to stay open. Many centres have said their fees will need to go up in order to keep the programs going or parents will face the considerable cost of long day care, which may not meet their needs.

I have had the opportunity to talk about this issue with many families in many different situations over the last few months. Over the last few weeks I have visited a number of occasional child-care centres around Victoria and have heard firsthand about the concerns of many staff and parents at these centres. I have heard, for example, from nurses who work night shift and need a few hours of occasional child care in the morning to catch up on some sleep. I have spoken to a mother who works at home as an architect and uses occasional child care to have the time to make telephone calls to clients. For a government that professes to support small businesses, this cut will be felt very deeply by many women who work from home.

I have also spoken to a mother who has serious medical issues that require her to leave her children in occasional child care from time to time so she can attend important medical appointments. She told me she finds it impossible to take her young children with her when undergoing scans. She cannot take them into a room containing a scanning machine, for the obvious reason of the risks of radiation exposure, but leaving young children in the reception area is not a suitable alternative either. What will this mother do in her situation? She told me she has no family in Victoria she can call on to assist her at these times. The occasional child-care provider was her only option. This woman had tears in her eyes and was very upset. I can fully understand why she would be upset, because this is another new stress that she has to think about and work out how she will cope in the future in those circumstances.

I also want to point out that parents who have disabled children or children with special needs or health issues and who need to attend regular medical appointments for one of their children also rely on this type of occasional child care.

An article entitled 'Cash crash may close child care in Mordialloc-Chelsea' was published in the *Mordialloc Chelsea Leader* of 1 June; it appears on page 5. A mother of two-year-old twins who is self-employed and relies on the Chelsea Occasional Childcare Centre to keep her business going is quoted in the article. There are many parents in those situations.

**Mrs Peulich** interjected.

**Ms MIKAKOS** — I did say earlier that Mrs Peulich is inevitably going to interject. I know that Mrs Peulich did encourage parents to attend a rally outside the office of the federal member for Isaacs, Mr Dreyfus.

**Mrs Peulich** — On a point of order, Acting President, that is an absolute lie. The member is attributing motives to me which are unparliamentary, and I expect Ms Mikakos to apologise. It is an absolute blatant lie.

**Ms MIKAKOS** — On the point of order, Acting President — —

**Mrs Peulich** — Stop telling porkies!

**The ACTING PRESIDENT (Mr Ramsay)** — Order!

**Ms MIKAKOS** — I attended this rally, Acting President, and parents did say to me that Mrs Peulich

did encourage them to protest outside Mr Dreyfus's office.

**Mrs Peulich** — Rubbish.

**Ms MIKAKOS** — I had the courtesy to go and speak with these families. You were not there, Mrs Peulich. Where were you?

**Mrs Peulich** — Where were you? Where have you been for 13 years? You are an absolute disgrace.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I will deal with the original point of order from Mrs Peulich. I am sorry; I am taking advice from the Clerk. I am in a bit of a dilemma on how to rule on this issue because I am a little unclear about what is right in relation to what Ms Mikakos said, but there is no doubt that Mrs Peulich felt that her comments were not only inflammatory but untrue. I ask Ms Mikakos to provide an explanation to the Chair before I rule on the point of order.

**Ms MIKAKOS** — Thank you, Acting President, for giving me that opportunity. What I said was that Mrs Peulich had encouraged people to attend a particular rally outside a federal member's office. I had conversations with some of those protesters who informed me of this. The point I was making was that I was prepared to attend this rally. Mrs Peulich was not there, yet she has been claiming that I have not been talking to my federal colleagues. That is certainly not the case.

**Mrs Peulich** — You provide the names of the people who told you that or apologise.

**Hon. W. A. Lovell** — Further on the point of order, Acting President, I note that this place is called cowards castle because people can come in here and make any claims they want. Ms Mikakos certainly has been making many untrue claims today. She made a claim that Mrs Peulich encouraged people to attend a rally. She did that to impugn Mrs Peulich and to question her motivations and the political persuasion of her constituents. Mrs Peulich found it offensive, I found it offensive, and I think Ms Mikakos should withdraw.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I do not believe that is a point of order. I will go back to the original point of order. I am looking at standing order 12.20(2), which states:

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

I am not convinced that that is the case at this stage. I am aware that Mrs Peulich will have an opportunity to

speak next and can reply in a manner she sees fit, so I will give her some latitude in that. However, I am not happy with Ms Mikakos's commentary in her contribution, particularly in respect of Mrs Peulich and what she might or might not have done. While I am not going to ask Ms Mikakos to withdraw those comments at this stage, I do ask her to refer very closely to the substance of the motion we are debating at the moment and not to reflect on other people in this chamber who might or might not have done some activity which is still unclear.

**Ms MIKAKOS** — Thank you for your ruling, Acting President. Obviously there is a great deal of sensitivity on the government benches in relation to this whole issue, because I know they are feeling a lot of pressure around this issue, and so they should be.

**Mrs Peulich** interjected.

**Ms MIKAKOS** — As I said, the decision to scrap this program is having a huge impact in the community, and you cannot run away from that. I have been prepared to talk to anybody who has contacted me around this issue.

**Mrs Peulich** interjected.

*Honourable members interjecting.*

**Ms MIKAKOS** — I have spoken to numerous parents around this issue — and numerous staff and families around the state — and our paths have not crossed, Mrs Peulich, in relation to this.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I ask Ms Mikakos to direct her contribution through the Chair. If the member is going to continually refer her contribution to Mrs Peulich, she is going to incite responses. For the sake of this chamber and for the sake of the order of the day I ask Ms Mikakos to contribute through the Chair and try not to incite particularly Mrs Peulich into responding to remarks. That will allow a smooth flow of dialogue through the chamber. I ask the member to do that please.

**Ms MIKAKOS** — I was only responding to Mrs Peulich's interjections, and I made it very clear at the outset that if she was going to continue to interject, I was going to respond to those comments, so the ball is in the court of Mrs Peulich in terms of how we proceed with this debate.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I am asking the member to confine her contribution to the motion at hand.

**Ms MIKAKOS** — I know Mrs Peulich wants to shout me down and interrupt my flow.

**Mrs Peulich** — On a point of order, Acting President, in her first sentence after you finished making that request Ms Mikakos is deliberately flouting your rulings and defying the Chair.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! The advice given to the Chair is that Ms Mikakos is running very close to the wind. I have to say I will support the point of order. I think I have been reasonably restrained in allowing Ms Mikakos to stray from the substance of the motion; however, she seems to continually want to direct her contribution to Mrs Peulich, which only seems to incite the interjections. I uphold the point of order and I ask Ms Mikakos again — I think this is the third time — to continue her contribution without referencing Mrs Peulich and to speak through the Chair on the substance of the motion at hand.

**Ms MIKAKOS** — I will be attending a rally tomorrow. I look forward to — —

**Mrs Petrovich** — Did you organise that?

**Ms MIKAKOS** — No, actually I did not organise it; it has been organised by the community.

**Mr Ondarchie** — On a point of order, Acting President, this is now the fourth occasion on which your ruling has been defied. You asked Ms Mikakos to speak through the Chair, and on that occasion she chose to speak directly to those opposite.

**Ms MIKAKOS** — On the point of order, Acting President, Mrs Petrovich's interjection was impugning my motivations in relation to this rally that is being held tomorrow. She was claiming that I have organised it. In fact I have not organised it.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I ask members to give me space to rule on points of order. I have two now, and I do not support either of them. Again Ms Mikakos is launching away from the substance of the motion. I ask her to stick to the motion, or I will take some other action. I would prefer not to do so. Hopefully we can proceed without any more points of order. I understand there are some frustrations on the government side of the house, and I think that is somewhat reasonable given the flow of contribution at the moment. It is in Ms Mikakos's hands to allow us to

go forward in relation to her contribution and those of the other speakers who wish to speak on this motion.

**Ms MIKAKOS** — I think this is a really important motion and a really important debate. It is important that members have an opportunity to make a contribution, and I am seeking to have that opportunity provided to me without interruptions from the other side.

The point I want to make is that there are 9000 children who currently attend this program and whose families will now be looking for alternative providers. That is a huge number of families. I am trying to impress upon government members the impact this cut of a measly \$1.9 million is going to have on thousands of families in Victoria. Nine thousand children currently attend that program. The jobs of approximately 140 child-care workers and countless volunteers are also at threat. As I said before, these are workers who in many cases have been at these centres for years. They love their jobs because they love working with children. We have had shortages in recent years of qualified child-care workers; the last thing we want is people abandoning this profession and going to work elsewhere.

When we were in government we took steps to increase the number of professionals working in this area by increasing the qualifications and training for people working in early childhood education so that they would get increased recognition and pay and more people would be attracted to the sector in response to that. We put in place steps that we were in fact pioneering — Victoria was the leading jurisdiction in relation to the national quality framework that Minister Lovell is now chairing because she has taken over former minister Maxine Morand's role in that regard. Victoria is in fact a leading jurisdiction in relation to attracting early childhood workers, and that is now at risk because many of the staff will look at leaving the sector and going to work in other professions.

We have had parents and staff at centres who have spoken out in local papers all around Victoria about their concerns. I want to put on record some of the concerns that have been articulated, just to give members an idea of the huge impact this is having all around the state. For example, an article in the *Colac Herald* of 27 May reports that the licensee of the Deans Marsh Occasional Care centre, Ms Belinda Ferrari, told the *Colac Herald* that the centre will close down at the end of this year without continued state government support. She believed that increasing fees was not an option, as families who most need child-care services are often the ones who can least afford them. She went on to say — —

*Honourable members interjecting.*

**Mr Scheffer** — Acting President, I am having problems listening to Ms Mikakos due to the noise.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I have some sympathy for Mr Scheffer. I could not hear what Ms Mikakos was saying either, with the continual interjections. I ask members to refrain from interjecting and allow Ms Mikakos to hopefully finish her contribution soon.

**Ms MIKAKOS** — I can assure you that I have a lot to say on this issue, Acting President, and I am just warming up.

I was quoting from an article in the *Colac Herald* of 27 May entitled 'Day care set to close thanks to budget cut' in which Ms Belinda Ferrari said that the centre there is the only child-care option in Deans Marsh and that two of the staff at the centre will lose their jobs and have to cease their child-care studies as a result.

A staff member from the neighbourhood house and community education centre in Newport was also reported in the *Hobsons Bay Weekly* of 25 May, in an article entitled 'Child-care jobs on the line', as saying that the cut in funding may mean the centre will lose the services of a staff member and that the centre was unable to afford to pay the extra wages.

The manager of the Duke Street Community House in Sunshine, Ms Bronwen Merrigan, was reported in an article entitled 'Kids to lose care as parties row' in the *Brimbank Weekly* of 24 May as claiming that the scrapping of funding for the Take a Break program would result in them having to end their program.

The Brunswick Neighbourhood House has estimated that more than 120 child-care places funded by the centre each week which will be affected by the funding cuts, as reported by the *Melbourne Times Weekly* of 8 June 2011 in an article entitled 'Government breaks funds for child care'. In that same article Ms Gena Wittingslow, manager of the Jika Jika Community Centre — a centre that I have become very familiar with over the years — also expressed the importance of the funding to the running of that centre, as often it is running either at a loss or just breaking even to allow their much-needed child-care services to continue.

The Preston Neighbourhood House Take a Break program caters for 49 families in that community. Its manager, Neil Gidman, said the program would be 'unviable without government support'. Mr Gidman expressed the view that some staff face redundancy as a result and that funding cuts would affect other courses

offered at the neighbourhood house. This was referred to in the *Preston Leader* of 14 June in an article entitled 'Funding cut fury'. This is the point I was making earlier about the cross-subsidy that might occur in some centres where the committee management dips in and takes funding away from other programs and redirects it to occasional child care.

Moving further north-west, the manager of the Tullamarine community house is described in an article of 31 May headed 'Child-care jobs in limbo' on page 3 of the *Hume Weekly* as warning of the possibility that up to 50 per cent of its staff may lose their jobs as a result of the cuts.

The Attwood house community centre has been providing occasional child care for about 23 years; however, funding cuts may impact on other programs offered by the centre at the same time as child care. This is referred to in an article on page 5 of the *Hume Leader* of 14 June. There are hundreds of centres in the eastern suburbs, including two in Eltham, two in Diamond Creek and others at Panton Hill, Greensborough, Watsonia and Montmorency, that are also worried about what the cuts will mean for them.

On 8 June the Nillumbik edition of the *Diamond Valley Leader* ran an article on page 1 headed 'Costly cut to care'. It reports the Greenhills neighbourhood centre in Greensborough as saying that it has decided to increase fees as demand is so great that it simply cannot close the program down.

In Warrandyte the Warrandyte neighbourhood house manager, Karen Throssel, has spoken out about how she believes the government had abandoned families. This is of great concern to the families who use the centre.

Parents of children at the Park Orchards learning centre have expressed their concerns about the cost of full-time child care and the fact that waiting lists are quite long. This was referred to on page 14 of the *Manningham Leader* of 8 June in an article entitled 'Child care facing crisis'.

The point I am making is that families are expressing different concerns because the value of occasional child care is that it is flexible and people use it for different reasons. There is a need to maintain a program that has that flexibility because it meets a lot of need in the community.

The other point I make by giving these examples is that the cutting of the program will be responded to in different ways by different centres. Some have said they will increase fees, some have said they will wind

up their programs and some have said they will dip into other programs to cross-subsidise occasional child care. No matter what happens there will be an impact on families because they will either be looking for another provider or paying more for child care.

I turn to the impact on rural and regional Victoria, to which I referred in my motion. We know that families in rural and regional areas with limited child-care services available will be the hardest hit by this government's decision to cut funding for occasional child care.

The *Geelong Advertiser* of 2 June reported in a page 7 article headed 'Regional funding cuts leave child care at risk' that child-care centres in Anglesea, Inverleigh, Drysdale, Rokewood and Meredith are all now facing uncertain futures. Two centres, in Lara and Geelong, are expected to be forced to let staff go because of this loss of funding, and the executive director of Barwon neighbourhood centres was reported as labelling the decision to cut funding as appalling.

In Ballarat there are eight services — in Ballarat North, Delacombe, Wendouree West, Daylesford, Creswick, Clunes, Rokewood and Meredith — that currently receive funding for the Take a Break program and are at risk of closing once the funding runs out. Parents will be limited not only in access to occasional child care but also in their ability to afford it. One mother, Sarah Chignell, spoke of her worry as to what she will do without the service in Daylesford. A *Ballarat Courier* article of 3 June headed 'Ballarat child care funding threat' —

*Honourable members interjecting.*

**Ms MIKAKOS** — It is good to know members are listening. This is serious. This lady has three children, with her eldest being severely disabled and in need of full-time care. The occasional child-care program provides her a viable option so that she can take her eldest son to his medical appointments whilst ensuring that her other two children are looked after in a safe and friendly environment. She advised the newspaper that her husband had only just returned to work this year after they were successful in securing a place at this occasional child-care service. They have no other family members living within 90 minutes travel time. A cut to this town's program would mean that parents such as Sarah and her husband would have to entertain the possibility of stopping work yet again to care for their children. It is serious and alarming that families will be faced with these kinds of terrible decisions.

The residents of the northern Victorian town of Wallan are concerned about the child-care program at the Wallan neighbourhood house, which employs qualified child-care workers as well as school-based trainees. It will be forced to close down at the end of the year. This was reported on 7 June in an article on page 3 of the *Star Wallan, Kilmore, Broadford* headed 'Child care gets cut'.

On 8 June the *Numurkah Leader* ran an article on page 3 headed 'Fight for Bridie Knight', referring to the occasional child-care provider Bridie Knight as being the only one in town. Without additional government funding it will be forced to close at the end of the year.

I have received a letter from a concerned volunteer of the Swifts Creek community centre, which has provided the Take a Break program since its inception nearly 20 years ago. I spoke to the manager of the centre, Murray Kibble. I was advised that the centre would have to double its fees in order to keep the program running. The residents of Swifts Creek and the Omeo region in the north-east of Victoria, arguably one of the most isolated areas of our state, have only one occasional child-care facility. I have been informed that there are a number of families in Swifts Creek who rely on this centre in order to keep their jobs and that losing the only occasional child-care centre in their town would be devastating.

I ask the government and the minister to consider how they can inform parents with young children in these areas that they will have to make alternative arrangements for occasional child care. For these families there is no alternative. For the residents of Swifts Creek and Omeo the closest occasional child-care centre is in Bairnsdale, about 1½ hours away, and I have been informed that this centre is currently full and that the program might also be at risk. The residents of Swifts Creek and Omeo may well have no options whatsoever.

I have received correspondence from a concerned parent in Moorilim, which is south of Shepparton. She has two children under the age of four and no extended family nearby. She relies heavily on the occasional child-care service offered at the Murchison preschool. The end of the Take a Break program will have a devastating impact on families in this particular town.

There is such a degree of interest in the Baillieu government's cuts to the Take a Break program that it has made global news. On 20 June 2011 the 'TopNews' website, which is based in the United Arab Emirates, had a story about a petition to save the Take a Break child-care program. It is recognition that this issue has

huge public attention and support that is growing every day. It seems that the world is listening, even as far away as the United Arab Emirates, yet the Baillieu government is not listening.

**An honourable member** interjected.

**Ms MIKAKOS** — It was on the internet! This is having an international impact. It is embarrassing that the Victorian government — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I am sorry to interrupt Ms Mikakos, but I am having trouble hearing myself with the chatter on both sides of the chamber. I cannot see how members on Ms Mikakos's side of the chamber could be helping her contribution, given the background noise. As for the other side of the chamber, with the ongoing interjections, I am finding it difficult to follow Ms Mikakos's contribution. While I have allowed a fair bit of leniency in relation to interjections, the ongoing interjections and background chatter are making it very difficult for Ms Mikakos to provide us with her contribution and finish it. Judging by her demeanour I suspect we are in for a long night, so I ask members to try to be tolerant and allow her contribution to be heard in this chamber.

**Ms MIKAKOS** — I have sought to give the house a snapshot of some of the communities across Victoria that have been impacted by the decision to cut this program. I have talked about programs in my electorate of Northern Metropolitan Region, but I particularly want to highlight the impact that this cut is going to have in rural and regional communities, which have no alternative option for child care. The government needs to think long and hard about the impact this cut will have in those communities. The government can seek to shift responsibility as much as it likes, but at the end of the day it will have to wear responsibility for cutting this program.

It is time the Baillieu government realised that the flow-on effect of these cuts is enormous. Not only will children miss out on being cared for in a caring, supportive early learning environment, but parents, staff and centres as well as regional and rural communities will miss out. The minister should reconsider her decision and urgently commit funding to allow the Take a Break child-care program to continue in order to provide access to services and the opportunities for families across Victoria to have their needs met for affordable community-based occasional child care.

I have to end by reminding members opposite that we are talking about a measly \$1.9 million program. It is a

tiny program. It is a drop in the ocean in terms of the scale and size of the state budget. The minister could fix this overnight if she wanted to. She needs to hear the concerns of the community, which have no doubt been clearly articulated in the media monitoring and emails she has been receiving. People who have called me have said they have also been emailing and writing to the minister. Many centres have written to the minister as well.

I am calling on the government to listen to the concerns of the Victorian people, address the needs of Victorian families and save the Take a Break program. I commend the motion to the house.

**Mrs PEULICH** (South Eastern Metropolitan) — Perhaps I should have called for a toilet break in preparation for my contribution to this debate, but I will just have to endure. Ms Mikakos spoke for 1 hour and 5 minutes. It was a very important debating opportunity on a very important issue in the Victorian Parliament, but unfortunately we got nowhere near the full truth or the full story. In fact we received about 30 per cent of the story. I will return to that later.

Ms Mikakos has been trying to exonerate Labor at both the state and federal level for its absolute mismanagement of early childhood services that has underpinned the national partnership agreements, negotiations in respect of universal access to kindergartens being increased from 10 to 15 hours and the enormous strain on budgets right around the different levels of government that play a part in the delivery of kindergarten services. What Ms Mikakos has failed to do is admit that this program was bungled, as was the federal government's failure to continue funding the Take a Break (TAB) program. Ms Mikakos should have given us a break on Take a Break by being truthful and calling on Kate Ellis, the federal Minister for Employment Participation and Childcare, to reconsider the federal government's decision to cut the majority funding of the program, rather than doing what her first profession does all too well — that is, prosecuting a single case or single angle without fessing up to the whole truth.

**Ms Mikakos** — So you are attacking lawyers as a whole profession?

**Mrs PEULICH** — I am not attacking lawyers at all.

Ms Mikakos has been spoiling for a fight, because she is on such thin ground. The former Labor government was also on thin ground in terms of its relationship with its federal colleagues, and Ms Mikakos is on very thin ground as the shadow minister assisting the leader on

children and young adults. I have never seen a shadow minister or any person spoiling for a fight as much as poor old Jenny Mikakos. She almost needed her boxing gloves in here. She would have loved to have been martyred for prosecuting a single side of the case, which failed to expose the whole truth in relation to an important program. The reason is that she is politically hamstrung. She admitted yesterday — it is in *Hansard* — that the federal Labor government is the majority funder of this program, which was continued beyond the death knell of the last election in the interests of Labor Party members who were trying to protect their political skins and backsides and trying to cling on to government for a little window of opportunity. What the Labor Party failed to do was defend the interests of the sector.

Let me say my bona fides are on the public record. Before entering this Parliament I was the Victorian president of an organisation called Parents of Children in Day Care. We traversed all of Victoria, and the groundwork we put in was the reason the child-care fee relief system was put in place federally.

**Mr Ondarchie** — So you didn't do it via the newspaper.

**Mrs PEULICH** — No, I didn't. In fact we bussed to various country towns and town halls in metropolitan Melbourne trying to expose the dilemmas facing child care. That was the groundwork that forced the federal government to instigate child-care fee relief. My bona fides and commitment in relation to child care are therefore well established. It is actually in my biography, and I am very proud of it.

**Mr Ondarchie** — The shadow minister just reads the newspaper.

**Mrs PEULICH** — Absolutely. And not only that; the sad part is that the shadow minister seems to read the newspaper only online. I am in my 15th year of serving in Parliament and in my 5th year of representing South Eastern Metropolitan Region in the upper house, and I have never once seen Ms Mikakos in South Eastern Metropolitan Region. In fact until Labor members lost government very rarely did I see any of them on the ground in South Eastern Metropolitan Region. Ms Mikakos has now found Chelsea, and she thinks she is a martyr. And the people of Chelsea are very nice.

I will also set the record straight in relation to an issue about a rally. Ms Mikakos had the audacity to claim that I had somehow incited people to attend this rally. First and foremost, I have attended many a rally and

have encouraged people to express their democratic rights. If I had done what Ms Mikakos said, I would have been very proud of it, but I did not do it. Ms Mikakos was more than comfortable with being very economical with the truth. Quite simply she was telling porky pies. I see nothing wrong with people rallying around a cause; I think that is a very proud democratic tradition.

Ms Mikakos is trying to walk a very fine line. She is trying to absolve herself and absolve the former government for its failings, she is trying to stick it up the coalition and at the same time she is trying to go completely mute to protect her federal Labor colleagues. It is an act of contortion I do not think she is going to be able to pull off. There are a whole bunch of federal members of Parliament who are quivering in their boots in relation to not only the corrosive impact of the carbon tax debate but also the festering away of this issue.

The people who would be sweating on this include Darren Cheeseman, the federal member for Corangamite, who is sitting on a 0.41 per cent margin. Every person in the seat of Corangamite ought to be knocking on Mr Cheeseman's door asking, 'What is happening to the federal government's 70 per cent share of the Take a Break funding in terms of reinstating that program?'. Wendy Lovell, the state Minister for Children and Early Childhood Development, has said that our contribution is on the table. If the federal government comes good, this important program can be salvaged.

People ought therefore to be knocking on Darren Cheeseman's door. They ought to be knocking on the door of Laura Smyth, the federal member for La Trobe, who is sitting on a 0.91 per cent margin in what will be a very difficult seat to hold not only because of the toxic nature of the carbon tax debate but also because of the Take a Break issue. Mike Symon, the federal member for Deakin, is sitting on 2.41 per cent. His has been a short parliamentary career. In the federal seat of McEwen Rob Mitchell is sitting on 5.32 per cent. In the federal seat of Chisholm Anna Burke is sitting on 6.11 per cent, and Take a Break is a very important program in that seat.

Let me tell the house: Ms Mikakos is not doing these members any favours whatsoever. What she ought to be doing — and it is a simple action — is spending 60 cents on a telephone call. Actually it would not even be her 60 cents. She needs to pick up her taxpayer-funded mobile phone, and she needs to dial the Prime Minister and say, 'Hello, Julia. Come and fix the problem!'. She does not even need to pay for that

telephone call. Ms Mikakos may feel, however, that the Prime Minister or the federal Minister for Employment Participation and Childcare, Kate Ellis, will not take her call. Obviously Ms Mikakos has not been influential, because this is an issue and it has not been fixed. Either Ms Mikakos took no action or she did take action. She claimed yesterday, as reported in *Hansard*, that she did, so I look forward to moving a motion calling on her to table that letter. No doubt she will try to reconstruct it with an appropriate date. We have not heard anything about it publicly. In fact she has refused to mention the majority funding that is provided by the federal government.

In addition to the two telephone calls Ms Mikakos should be making to the Prime Minister, Julia Gillard, and to Kate Ellis, she should also be phoning Darren Cheeseman, Laura Smyth, Mike Symon, Rob Mitchell and Anna Burke.

In the federal seat of Melbourne Ports there is Michael Danby, and I would imagine a lot of people in that seat would not be particularly impressed by the federal government's failure to protect the Take a Break program. Steve Gibbons in the federal seat of Bendigo is sitting on 9.53 per cent. Do you know what? With the toxic nature of the carbon tax debate, any seat with a margin under 13 per cent is a goer. Each one of those members should be sweating at the brow and praying on their knees every night.

In the federal seat of Isaacs there is also Mark Dreyfus, who Ms Mikakos obviously had the pleasure of visiting during a recent rally, which can I say I did not know about. I will say, however, that I have advised constituents to take the matter up with their federal member, given that the federal government is the majority funder.

**Ms Mikakos** interjected.

**Mrs PEULICH** — I was not aware of the rally. I am glad that Ms Mikakos went, because — guess what? — she would probably be the only Labor member to have visited the area in a very long time. Mr Dreyfus lives in Malvern and is not often seen in the electorate. I am indeed concerned that the local constituents do not have a Labor representative to take this matter up with. They especially need one who could take the message up to Julia Gillard and Kate Ellis and be heard, as clearly Ms Mikakos has not.

There is even Anthony Byrne in the federal seat of Holt — and I think he is a pretty nice bloke. On a 13.23 per cent margin Mr Byrne will be sweating on the result because of the toxic nature of the carbon tax

debate and the festering away of the issue of the Take a Break program. I say for the benefit of Ms Mikakos that Labor needs to give Take a Break a break, and she needs to tell the full story.

**An honourable member** interjected.

**Mrs PEULICH** — Give us a break — absolutely. Ms Mikakos failed to secure the adequate funding of the partnership agreement made with the federal Labor government on the universal kindergarten commitments. She failed to tell the full truth about the Take a Break (TAB) program and in doing so, in her role as a shadow minister not as a lawyer — a lawyer prosecutes one side of one case; a shadow minister is in a leadership role — failed to point out all the factors, in the hope that she could lead some sort of resolution of the issue. She failed to do that until forced to do so yesterday with one little word, 'Yes'. She had written to the federal government expressing her concerns. That is the first time we have heard her say that. She failed to tell the full truth; therefore we are still debating the issue rather than fixing it.

Ms Mikakos has failed to make sure that adequate representations have been made to the Labor government and her Labor colleagues. She has failed to positively influence the outcome as a member of the Labor Party with the federal Labor government, being the majority funder, funding 70 per cent, of the Take a Break program. She has failed to be of influence.

**Mr Ondarchie** interjected.

**Mrs PEULICH** — Maybe they do not talk to each other; I do not know. Maybe Ms Mikakos is preoccupied with other matters; I do not know. But clearly there has not been an outcome. Worst of all — and this is the reason I am angry — is that Ms Mikakos has been callously economical with the truth. I think that is a very sad thing.

**Ms Mikakos** — On a point of order, Acting President, there were a number of points of order raised when I was speaking on the motion which impugned my motives and expressed offence at some of my comments. I am offended by that comment. Mrs Peulich is effectively calling me a liar, and I ask her to withdraw that comment.

**Mrs PEULICH** — On the point of order, Acting President, I said that Ms Mikakos has been economical with the truth in prosecuting one side of the case, which is the minority funding provided by the state government, and she failed to mention the federal government being a major funder of the program. In

that regard I have not used the words 'lying' or 'liar'. I have said she is economical with the truth.

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

**Mrs PEULICH** — The TAB program was an example of the state government working cooperatively with the commonwealth government to deliver what was, as has been outlined, a practical service to families who do not require full-time child care. As I mentioned earlier, it was originally funded on the basis of a 70 per cent commonwealth contribution and a 30 per cent state contribution. That changed in an election year. Let me say that the former government would have promised and done anything in an election year. Let me also say that if the Labor governments, both federal and state, had not wasted billions upon billions of dollars on projects such as pink batts, Building the Education Revolution, the national broadband network, the electronic gaming machine losses that we saw exposed today by the Auditor-General, which amount to billions of dollars, and nearly \$2 billion, being the cost of the desalination plant to Victoria —

**Hon. D. M. Davis** — Every day.

**Mrs PEULICH** — each and every day, we may not be quibbling about a small amount of money. In addition to that, we know of the huge black hole that has been left by Ms Mikakos and her colleagues in their agreeing to the universal kindergarten commitment to move from 10 hours to 15 hours per week without securing two things. First and most importantly, is the funding to cover the cost of operations and teachers. The second thing is the facilities — the infrastructure to be able to deliver that access, which represents a 30 per cent increase. The former government agreed to something and then was in a frenzy about how it was going to deliver it.

That program — and they are all related because of the bigger black hole that is left as a result of the level of incompetence and bungling associated with the former Labor government, of which Ms Mikakos was a middle bencher as a parliamentary secretary — has left some very big holes that Ms Lovell and this government, as well as local government, have to plug.

In relation to forecasts, I know that the Municipal Association of Victoria, in conjunction with the department, has been trying to draw a line under the requirements to meet the infrastructure needs in relation to the universal kindergarten commitment. The audit was due at the end of May. I have not seen the outcome of that, but I know that early forecasts, certainly from

my discussions with the South Eastern Metropolitan Region councils, are that for the infrastructure alone statewide there is a black hole of over \$600 million — a \$600 million black hole left by the pussycat members of the former Brumby Labor government who rolled over to their federal colleagues and got a little scratch on the tummy but who forgot to secure the dollars and cents that would make that commitment work.

There is a need for over \$600 million, and probably more, for the infrastructure — the space, the rooms and the buildings. Not only that, where are the teachers for the classrooms? As a result of the level of incompetence and bungling of the former government, the three-year-old kinder program is under threat.

In relation to the Take a Break program, Labor has failed to give us the break, and the break is that we have the money on the table. Labor has to make good and come up with the 70 per cent funding. In the 2010 federal budget, the federal government discontinued funding for the TAB occasional child-care program, which meant services would have been due to cease on 30 June 2010. This did not allow enough time for those services to adjust and put in place some sort of transitional arrangements or for people to make alternative arrangements. The Labor government, with the state election on the doorstep, agreed to fund the federal government's share for one year until 30 June 2011. That was a one-off commitment; there is no evidence within the department, on the advice I have received, that any commitment beyond that was made. It was always intended to be a one-off commitment, and the former government made it clear that the funding was for only one year.

Upon its election the Baillieu government formally requested the Gillard government to reinstate TAB occasional care funding, as the program could not be sustained on the state funding alone, especially in the context of the very big black hole left in relation to universal access.

**Mr Ramsay** interjected.

**Mrs PEULICH** — Absolutely. Unfortunately the federal minister took her time, and a response was very slow in coming. The request has not been agreed to, and the 2011–12 federal budget failed to reinstate the program. We did not hear any of those details from Ms Mikakos, who is not in the chamber to listen to the other side of the story — the 70 per cent of the story that she ignored, despite making a contribution of in excess of an hour. She is taking a break, even though parents in Victoria who have relied on this program have not been given one by her Labor colleagues.

The coalition encourages anyone who is genuinely concerned, even members of the state opposition, to liaise with their federal Labor colleagues, Kate Ellis, the federal Minister for Employment Participation and Childcare, and Prime Minister Julia Gillard, to exert pressure where it can be most effective. They are sustaining a fair bit of damage on this. But the question that still needs to be answered is why is it that the federal Labor government has provided additional assistance to other states, such as Western Australia and Queensland, in order to help them keep this program afloat, yet it has not provided similar assistance to Victoria? We know from time to time Ms Gillard can take a very punitive and vindictive approach to Victorians for not kowtowing and not being prepared to roll over as the state Labor government did with universal access and a range of other partnership agreements. But I do not believe Victorian families, especially those who have relied on Take a Break, should be the victims of that vindictiveness.

Let me point out to members how the federal Labor government has been of assistance to other states but not to Victoria. In Queensland the state government made an initial commitment to fully fund the program known as Limited Hours Care until 30 June 2011. The minister has recently agreed to further extend the funding until 30 June 2012 using savings from other grants programs. The messages to services in Queensland will be that the Queensland government is unlikely to continue funding all the services beyond this time, and the cut in funding has made it difficult to sustain the program. The government is encouraging services to contact the commonwealth minister responsible for child care. Clearly the Queensland government understands where the future of the Take a Break program lies.

In Western Australia the government will use the Royalties for Regions program — —

**Mr Leane** — Are you going to vote for this motion or not?

**Mrs PEULICH** — I will be very keen to move a motion tomorrow, and we will see how you vote on that motion. We will see how genuine you guys are.

**Mr Leane** interjected.

**Mrs PEULICH** — No, if Ms Mikakos did the right thing, and indeed — —

**The ACTING PRESIDENT (Ms Crozier)** — Order, Mrs Peulich! Order!

**Mrs PEULICH** — If Ms Mikakos did the right thing, and indeed if it were a complete motion, an honest motion, identifying all of the funding deficits, we would probably have nowhere to go. However, this motion is incomplete, it is dishonest, it is manipulative, it is politically exploitative and it is not intended to find a solution, so we will see.

The Western Australian government will use the Royalties for Regions program, utilising mining and onshore petroleum royalties, to fund approximately 23 occasional child-care services until the end of the 2012 calendar year. Western Australia only has 28 occasional child-care services. We have something like 229 of them, so it is a very different ball game and certainly a much bigger problem. You would expect the federal government to come to the aid of Victorian parents more readily, but it has been silent, and Ms Mikakos has been an accomplice to it. Further, in relation to assistance with funding for the Western Australian Take a Break program, I understand that eight services have been given approved child-care benefit exemptions, which is obviously a federally funded benefit, to operate for less than five days a week. Five of these services will receive sustainability assistance, again federally funded, of approximately \$150 000 per year from DEEWR (Department of Education, Employment and Workplace Relations). Clearly Prime Minister Julia Gillard and child care minister Kate Ellis are helping Western Australia. They are also helping other states.

In relation to South Australia the authorities state:

The program will continue with state funding, although it may be necessary to reduce the number of sessions funded per service and increase fees.

Historically in South Australia they have only been charging about 25 cents per hour, so increasing fees and reducing the sessions in order to keep the program afloat is viable for them.

In Tasmania the Tasmanian DEEWR office supported five of the larger services to transition to long day care. Four of these services are receiving sustainability assistance from the department. So we have Tasmania also being supported by the federal government. I want to ask Ms Mikakos why it is that she as shadow spokesperson has not been able to procure the sort of support from the federal government that has been extended to Tasmania, South Australia, Queensland and Western Australia. She clearly has not been making the calls or the representations, or if she has, she has not been influential as she has not been successful.

Typically 35 per cent of the federal funding came to Victoria. The federal government has removed that. Ms Mikakos is more than happy to speak for 1 hour and 5 minutes but not say a word about what the federal contribution needs to be. Even the federal Minister for Employment Participation and Childcare, the Honourable Kate Ellis, is quite up-front about this. In a letter to the Honourable John Murphy, MP, chair of the Standing Committee on Petitions at Parliament House in Canberra, the minister, Kate Ellis, MP, in a letter dated 3 February 2011 wrote — and I will quote from the third paragraph:

The government made the decision in the 2010–11 federal budget to cease its funding contribution to state governments for the neighbourhood model occasional child-care program —

now listen to this —

in order to generate new funds to support the new national quality framework.

That is largely true but partially incorrect. The Victorian government has access, as part of the various partnership agreements, to \$210 million; however, the seven areas or activities for which that \$210 million must be used under the agreement do not include child care, so the money could not be used for keeping Take a Break afloat.

Ms Mikakos's feeble attempt to say, 'You're getting bucketloads of money and you're still being miserly' does not wash because we are bound by the Council of Australian Governments agreement and the partnerships which are in place. The federal Labor member for Isaacs, Mr Dreyfus, has used a similar line in a letter to a constituent and clearly has been less than forthcoming with the truth in the process.

**Hon. D. M. Davis** interjected.

**Mrs PEULICH** — Yes. Who knows how he's been spending his money?

Another concern has been raised with me in relation to various petitions that are being tabled. I understand some have been generated by people who wish to present the one-sided argument that we have heard today. There have been other petitions generated by people who understand where the funding has come from. I was most disturbed to learn that in one neighbourhood house in South Eastern Metropolitan Region a petition signed by a number of petitioners calling on both the federal government and the state government to reinstate funding to Take a Break was shredded. It was actually shredded. I think that is

disgraceful, and if that has occurred, I would be very distressed — —

**Ms Mikakos** — On a point of order, Acting President, I am seeking to have you rule in relation to Mrs Peulich suggesting that somehow the Labor opposition has been shredding petitions. I find that completely offensive, and I ask her to apologise for that comment.

**The ACTING PRESIDENT (Ms Crozier)** — Order! There is no point of order. I ask Mrs Peulich to continue.

**Mrs PEULICH** — Ms Mikakos knows that there is no point of order. I do not believe in telling half the truth. I believe that you tell the truth and you contribute to fixing the problems and building the future. Telling 30 per cent of the truth and not the other 70 per cent of the truth is not the way to exercise the position of leadership that Ms Mikakos occupies with the support of her party in the community and here in this Parliament. I would be very disturbed if any similar petitions organised by concerned users and supporters of the service who understand where the funding has come from were treated in such a shameful manner.

I would ask, in summing up, that Ms Mikakos reaffirm her support for the integrity of petitions irrespective of what they say or how they have been compiled. They are very important instruments of democracy.

**Ms Mikakos** interjected.

**The ACTING PRESIDENT (Ms Crozier)** — Order! Through the Chair!

**Mrs PEULICH** — I think Ms Mikakos is still trying to make herself a martyr on 30 per cent of the truth. This government is committed to improving early childhood services. Nearly \$95 million is being provided to improve key early childhood services through a range of initiatives which were announced in the recent budget. There is \$41.5 million for kindergarten fee subsidies to ensure children from low-income families have access to kindergartens. There is \$14.2 million for kindergarten cluster management, including provisions for an extra 160 kindergartens to join the program. There is \$10 million for kindergarten inclusion services to support access to and participation in kindergarten programs for children with severe disabilities. There is \$8.2 million to continue early childhood intervention services to support the needs of children from birth to five years of age with a disability or developmental delay. There is \$6 million in operational grants to support 87 small rural kindergartens, and \$15 million

for the children's facilities capital program to ensure Victorian children have access to the best facilities to support their learning and development.

Despite those initiatives and despite the very best efforts in the community and in the local government sector to maintain the quality and access to early childhood services, the state Labor opposition has let the community down. It has let them down by not securing the funding that is needed to make universal access a reality — not the 'No child will live in poverty' type of opportunism, but a general opportunity to improve access to kindergarten services with the infrastructure that is needed, with the staff that is needed, and of course without leaving big black holes which then place stress on other opportunities and initiatives that the community deserves.

I also call on Ms Mikakos, in her summing up, to again recommit to the answer she gave yesterday that she recognises that the federal government is a funder — in actual fact it is the majority funder — and that she ought to be calling on her federal colleagues to reinstate the program. We know that the state contribution is on the table. We can make this work, but it has to be based on the whole truth and not just 30 per cent of the truth.

**Ms HARTLAND** (Western Metropolitan) — Before I start my contribution I note that in the previous Parliament the Greens would not support motions from the Liberal-Nationals that had the word 'condemn' in them. We will continue that process, and we have discussed this with the Labor Party. In the future we will not be supporting motions that have the word 'condemn' in them. I know there is a very good chance that we will be wedged on this issue and there will be press releases from the Labor Party, from the Liberal Party and from The Nationals saying that we do not support the Take a Break program, which is anything but the truth. I think we made ourselves fairly clear in the previous Parliament that we did, and we will continue doing so now, because we believe it is the right thing to do.

I want to speak about the program, because I have not really heard a great deal about it in the last hour and a half of debate. I have heard a lot of slanging off and I have heard a lot about who is on what percentage of what vote in which seat, but I have not heard a great deal about the program.

This is a particularly important program. Having spoken to people at various neighbourhood houses, the same concerns have been raised with me at each of those houses. When I spoke to people at the Duke Street house, which is in Sunshine, some of the

comments that the parents made were very concerning, such as those of Marina, whose two children have attended the occasional child care at Duke Street. Her oldest child has autism, and she believes the care he has received there has helped his development, and he was able to make many friends. Rachel has three children who attended occasional child care. She says that not only did this educational child care provide them with an economical option when their finances were tight whilst they started up a business but her children were able to attend together in a wonderful environment to socialise. A current user of the service, Penny, has two children who attend. She said, 'It is amazing; my kids love the time here and look forward to it'. In fact it was the Post and Antenatal Depression Association which recommended that Penny use the service. When I spoke to people at PANDA yesterday it was interesting that they talked about the program and its flexibility and about the fact that there are very few programs to which they can refer mothers suffering from postnatal depression for this very simple kind of socialisation with their children.

There is no doubt about how important this is. I have just witnessed about an hour and a half of both sides of this chamber claiming, 'It's your fault', 'It's my fault', 'It's their fault'. I do not really care anymore whose fault this is. This is a program that deserves to be saved. It is a program that deserves to be funded completely, and I would really like it if both sides of politics and both federal and state politicians got together and sorted this out, because the only people they are putting at risk, the only people they are harming are the people who use this service. I do not think this service should be one that is held captive by people not being able to cooperate.

I will be attending the rally tomorrow with the people from the neighbourhood houses who have organised it. I will continue to support them in this campaign until someone sees sense and funds it properly at both a state level and a federal level.

**Mr SCHEFFER** (Eastern Victoria) — The government's decision to wind up funding for Take a Break child-care services in September this year will be a disaster for thousands of families across the state, including those in Eastern Victoria Region. As the motion moved by Ms Mikakos states, the end of this important service will leave parents and guardians with reduced access to the short-term respite care that currently enables many parents to get a range of things done — going to a job interview, visiting a doctor or dentist, meeting the teachers of older siblings, providing care for a sick relative or undertaking a recreational activity. It provides a bit of respite away

from their children so that they can undertake some exercise or do some things that are good for them.

I support the motion moved by Ms Mikakos and join her in appealing to the Minister for Children and Early Childhood Development, Wendy Lovell, and the Premier to visit the services and consult with affected parents and guardians. I am sure they have visited services, but perhaps they need to visit more services and listen to more people to hear what they say and to see the situation for themselves firsthand and then ultimately reverse what we on this side believe is a rash decision.

The concerted development and expansion of quality child-care services is relatively recent in this country, dating back to the late 1980s and early 1990s, when the Keating ALP federal government invested massively in long day care, occasional care, family day care and outside-school-hours care. It was a transition from childminding to affordable, accessible, quality child care that involved well-designed and customised facilities; trained carers; affordability, including fee relief; and access for working parents at the times they needed this suite of services. While all this today may be seen as self-evident and possible — even if it is not yet fully achieved — it was, even two decades ago, little more than an ambition and at the forefront of the women's equality agenda.

Affordable and accessible quality child care was an aspiration towards which women activists in particular campaigned because it underpinned their ability to work and gain full economic independence and autonomy. The roughly 20 intervening years have seen a general improvement in the quality of child care in this country and certainly in Victoria. While this improvement was at various times qualified and uneven, there has been progress despite the unravelling of the good work of the Cain and Kirner governments by the Kennett government and the wind backs of the Howard federal government after the period of positive investment of the Keating government during the 1980s.

The Bracks and Brumby Labor governments also made a real and positive contribution to child-care services and improvements during their 11 years in office. Labor's Fairer Victoria included a broad and integrated range of policies and programs that recognised that the early years of children's lives are fundamental to their prospects and that it is imperative to rethink the delivery and funding of children's services. Labor invested massively in the establishment of children's centres. The early education centres that include child care, kindergarten services, maternal and child health

services, early childhood intervention services and family services provided families with a one-stop shop that both saved them time and ensured that there were holistic services for their children.

At that time in the late 1980s and 1990s I was working in the child-care field, and this seemed to be an aspiration that was going to take much longer to achieve than any of us could imagine, so it was gratifying for people like me who had worked in the industry for so long to see the Brumby and Bracks governments deliver those children's centres. Labor fostered partnerships amongst the state and local governments, the community and parents in the delivery of affordable quality childhood services.

Children's services, or hubs, were a dream of parents of the 1970s, 1980s and 1990s, and they became a reality under the previous government, as I indicated. The Take a Break program was a component of this holistic approach to provide comprehensive children's services, and it is really an incredibly retrograde step for this government to signal the death knell on aspects of this important service.

We have heard that this program is delivered at more than 220 neighbourhood houses and early education centres across Victoria, and 33 of those operate across my electorate, the Eastern Victoria Region. Take a Break programs can be found in the Yarra Ranges, on the Mornington Peninsula, in the Latrobe Valley, in East Gippsland and on the Bass Coast. They provide important and local community support for thousands of families in dozens of towns, and the removal of these services will do the Baillieu government no credit whatsoever.

As we know, the Take a Break program was funded by the federal government in 2010, and Labor came to the assistance of the 9000 children and all their families who used the 220 services across the state with the \$1.9 million that would allow the program to continue for a further year until the longer term viability of the service could be worked out.

For many communities the Take a Break program is the only occasional child-care service option, and the state government funding through the government subsidy is the only way the service can continue to be available. The minister has said that the Take a Break program is a commonwealth responsibility. That is nonsense. The government and the minister are entitled to their view and also entitled to run a campaign to get the commonwealth to do as they want, but they are not entitled to hold the 9000 children and their families hostage to their campaign. The minister has an

obligation to continue this important service, and frankly it beggars belief that a mere \$1.9 million expenditure is something the government thinks is worth causing so much distress over.

Many reports and letters have been published in local papers across this state, which Ms Mikakos has referred to at great length and in great detail — including in the United Arab Emirates, which is an astonishing detail! — and placed on the record. Many of us have received emails expressing the deep concern of many constituents, and that is a strong indication that we as members have of the widespread alarm that the government's decision has caused.

The alarm is even more disturbing in regional areas, because children's services options are much more limited in regional areas and country towns. The services are reliant on the government subsidies that they have attracted up until now and will continue to attract until September. Michelle Coburn is the manager of the Berwick neighbourhood centre, and she has indicated to me that she is happy for me to let this Parliament and the minister know that over 280 families in that area will be affected by these funding cuts and that many of the families, parents and children from the Berwick area will be going to Melbourne on Thursday to take part in the march to Parliament House. Ms Coburn also said that many centres will be closing down for the day this Thursday and that a huge number of parents and children from everywhere will be marching to Parliament House between 1.00 p.m. and 2.00 p.m. to protest.

The Berwick neighbourhood house centre could lose up to \$23 000 if the government does not reverse its decision to make the \$1.9 million budget cut. Programs such as the one operating out of the Berwick neighbourhood centre will have to cut back on important necessities such as stationery supplies if the government goes through with these cuts, and there will be no choice but to raise fees and cut staff, and this will in the end contribute to the winding down of the program.

The government has the opportunity to review its decision and provide funding to support the continuation of the Take a Break program. Those on this side of the house support the continuation of this program and urge the government to do what it can to make sure that the program continues to be viable.

When you step back and think about the \$1.9 million needed to maintain the Take a Break program you realise it is 0.004 per cent of the state budget. That is less than the annual catering allocation of the

Department of Premier and Cabinet. Minister Lovell's careless decision in implementing this cut brings no credit to the Baillieu government and considerable harm to communities right across Victoria who do not deserve to be treated in this way.

The coalition has given a firm public commitment on any number of occasions since the election that it is dedicated and committed and that it will fix the problems in Victoria. This is a problem. I believe it is absolutely incumbent on this government to fix the problem and not point the finger across this Parliament at members of the opposition.

The government really ought to get used to the fact that the opposition is not in government any longer. This is a fixation of those opposite that I see emerge day after day. It is almost as if members opposite cannot quite believe they are in government, they have executive responsibility, they have control over the budget and they can decide whether or not this program continues. It is not up to the opposition. It is not up to Ms Mikakos; she has no executive authority. So it is absurd to hear the opposition continually transferring executive authority to this side of the house when actually it rests on that side of the house.

**Mrs COOTE** (Southern Metropolitan) — I will start by addressing the last comment from Mr Scheffer. It pretty much sums up what we are talking about here today. Mr Scheffer said Ms Mikakos has no authority. That is absolutely the truth. We have just heard over 1 hour of Ms Mikakos pretending to be holier than thou, purer than pure and talking about bleeding heart attitudes, but her colleague has summed it all up: she has no authority. Quite frankly those who read *Hansard* tomorrow will know that not even Ms Mikakos's own colleagues believe she has any grunt or authority. That is an absolutely fascinating admission. From here on in we can temper any conversations we have on this issue by saying, 'Ms Mikakos? Yes, she is full of a lot of wind, a lot of hot air and a lot of rhetoric, but actually she has no authority to talk about any of this'.

It is important at this point in the debate to remember what we are talking about — the Take a Break program. In its May 2010–11 budget the federal government discontinued funding for the Take a Break occasional care program, which meant services were due to cease on 30 June 2010. It is very easy to talk about the federal government, but I remind the chamber this was a federal Labor government. This was not a Liberal government; it was a federal Labor government. I also remind the house we heard from Mr Scheffer about the 1970s women's lib bleeding-heart approach, but it was in fact Mr Scheffer's own party that was

cold, heartless and all the things he has criticised us for. In fact it was his own party that cut the funding. Let me just repeat that in its May 2010 budget the federal government discontinued funding for the Take a Break occasional care program, which meant services were due to cease on 30 June 2010.

But there was a minor hiccup for the federal government, and that was the state election. What did the then Brumby Labor government do about this? As it did not allow enough time for services or families to adjust, the then Victorian Labor government agreed to fund the federal Labor government's share for one year, until 30 June 2011. This was a one-off commitment, and the former Labor government made it clear that the funding was for one year only.

Ms Mikakos, the member with no authority who spoke at length before, and her counterpart, Mr Scheffer, a member for Eastern Victoria Region, who also spoke at length about how heartless the Liberal government was, have to understand that this cut was implemented by their federal colleagues and their former state ministers in order to save their own necks in the state election that was held last November because they did not want to wear the political fallout that they now feel so passionate about. Where was this new-found passion at the time? Why were they not arguing with the federal government? Why were they not out there in 2010 saying, 'We want more money. You cannot cut this off. This is appalling.' Why were they not out there discussing and debating the \$1.9 million that Mr Scheffer spoke so passionately about with their federal counterparts?

On the other hand, why did they not take it up with their then ministers? Why did they not lobby their own ministers and say, 'It is not good enough to have a one-off situation. There should be ongoing funding.' Mr Scheffer said the \$1.9 million was 0.004 per cent of the budget, or something like that. He talked about the fact that that sum could be compared with catering contracts. But we are talking about the catering contracts of then Labor ministers and whatever sandwiches they might have been eating at that time.

The point here is that opposition members did not lobby their federal counterparts well enough, and they certainly did not lobby their ministerial colleagues for this funding to be recurrent. They lacked authority. How right Mr Scheffer is. They had no authority. They did not have any authority with their colleagues at state or federal levels then, and they have no authority now.

Let me just remind this chamber what happened next. Upon its election the Baillieu government formally

requested that the Gillard government reinstate the Take a Break occasional care funding as the program could not be sustained on state funding alone. We found that the Labor Party did not lobby its then ministers when they were responsible for this program, and at the time of the May 2010 budget it did not lobby the federal Labor government at that stage. It did not lobby the federal government after that time either, certainly not going into the election campaign. It was quite content to do a one-off funding arrangement with its federal colleagues. The Labor Party just rolled over and said, 'Yes, we will do what you say, that is okay, we are happy, you tell us what to do, Julia, and we will do it for you'. And that is exactly what has happened.

It was left to the Baillieu Liberal government to lobby the opposition's federal colleagues very strongly on behalf of this program. However, the federal minister failed to respond to the Victorian government's request and the 2011–12 federal budget failed to reinstate the program. It is just that, as Mr Scheffer said, 'They do not have any authority'. Mr Scheffer also said he felt that Labor members are just getting used to being in opposition. Get used to it, because it is just the beginning! The Baillieu government recognised that this program was an important program, and therefore it agreed that it would continue to fund it and maintain the arrangements while it gave people the opportunity to think about other resources and whilst we were lobbying the opposition's colleagues in the federal Labor government.

It is important to see just what Minister Lovell has achieved. It is important to think about kindergartens and see what Ms Lovell was able to achieve for the kindergartens of Victoria in the budget in May 2011. I remind the chamber that the Minister for Children and Early Childhood Development announced an \$8.2 million funding package for kindergartens across the state.

Where is Mr Scheffer? There he is; he is going over to talk to the member with no authority. He is very movable. We know that he is a movable feast in his electorate, but he will be very pleased to know, and I will reiterate here, that this \$8.2 million funding package for kindergartens was across the state, so those people in his area he was speaking of in his contribution will be covered by this budget allocation.

Ms Lovell said the new funding package will include the following: \$3.4 million in new state funding to provide 1359 community-based kindergartens across Victoria with \$2500 flexible grants for new information technology equipment or other resources; \$4.8 million in a national partnership funding, including \$2.6 million

so that 35 kindergartens currently piloting 15-hour kindergarten programs can continue that work; and \$2.2 million to enable another 23 kindergartens to pilot innovative 15-hour kindergarten programs. This government is actually doing something for kindergartens. We had been lobbying the federal Labor government for the Take a Break program to be extended, and then we came back into the budgetary process and put our money where we said we would during the election campaign.

In addition, in the budget the government delivered a \$101 million package to support early year services, and this is a very important thing to understand because this government really understands and appreciates how important it is to have those early years looked at and encouraged and that early learning is a very important part of a child's development. In fact in this place we have heard the Minister responsible for the Teaching Profession, Mr Hall, speak about education on a number of occasions. This is unlike what I can remember of a former Brumby Labor education minister when all he could talk about was the Moscow on the Molonglo, I think it was. What was the term? I think Mr Lenders would know the term. I have just forgotten, but Mr Lenders seemed to know it exceedingly well because he said it quite a lot, I recall. That seemed to be all he could say, and we did not get anything. However, we know that the then education minister was taken out of education and put into Treasury — what can I say?

The \$101 million package to support the early years was brought down in this budget by Ms Lovell, and I reiterate that it has \$41.5 million to provide free kindergarten for 18 300 low-income families, \$18.2 million for children needing extra assistance at kindergarten and \$15 million for capital works initiatives.

I quote from a media release of 5 June put out by Ms Lovell in which she said:

Our key budget measures, the new IT and equipment grants program and our leadership in the national reform process, are just some examples of how this government is helping to build a bright future for Victoria's children ...

It is not just in this area that the Baillieu government allocated funding. There was an enormous amount of funding allocated — \$60 million of new funding — to assist children with autism across the state. That is a very important grant because early intervention is a very important part of identifying the needs of children presenting with an autism spectrum disorder. This \$60 million worth of new funding across the state will certainly help with early intervention programs. It will

help children to develop in the best possible way they can. It will help to look at funding and support in primary schools and then into secondary schools.

I know Ms Crozier, who is in the chamber, has a particular interest in autism and its influence in Southern Metropolitan Region. She has spent many long hours talking to the excellent staff at the Currajong School. Ms Crozier is a passionate supporter of resources for autism, which form an important part of a child's development program, and she has been very influential in bringing that issue to the attention of the Minister for Education, Mr Dixon. Mr Dixon recognises that many programs need to be looked to for early identification of children with autism. In the past members of this chamber have been understanding of — —

**Business interrupted pursuant to standing orders.**

## ENVIRONMENT AND PLANNING REFERENCES COMMITTEE

### Membership

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

That Mrs Petrovich be a participating member of the Environment and Planning References Committee.

**Motion agreed to.**

## STATEMENTS ON REPORTS AND PAPERS

### Adult Multicultural Education Services: report 2010

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to speak on the Adult Multicultural Education Services annual report 2010. AMES provides a vital service for newly arrived migrants and refugees who have left their homeland in search of a better life for their families, often as a result of civil unrest, poverty or conflict in their home country. There are multiple barriers experienced by new migrants, and some face complex settlement challenges requiring special assistance. These may include mental illness, outcomes of torture and trauma, disability, chronic health issues, homelessness and family violence. These are compounded when combined with the requirements of settling in Australia, such as learning English, adapting to new social customs and understanding the Australian way of life. AMES provides vital services to a much-maligned minority in the community through

encouraging and supporting measures to enhance participation in the wider community and assist in overcoming the barriers to social inclusion and employment.

For the last 60 years AMES has played an important role in assisting migrants to find their place in the community. From its inception AMES provided English-language education classes to postwar migrants who came to Australia looking for a new beginning. AMES then expanded its services enormously, providing settlement, education and employment services to our culturally and linguistically diverse communities. When reading the report what immediately caught my attention were some of the figures it contains. The figures from 2010 include: assisting more than 3300 refugee clients settle in Victoria; delivering a staggering 3.4 million hours of adult migrant English programs; supporting nearly 650 clients through their youth programs, including 181 in Noble Park and 161 in Dandenong; assisting approximately 18 000 job seekers; and coordinating more than 2200 volunteers.

Servicing the South Eastern Metropolitan electorate, AMES has established sites in Keysborough, Dandenong, Springvale, Noble Park, Cheltenham, Moorabbin, Oakleigh, Glen Waverley, Narre Warren, Frankston, Cranbourne, Hampton Park and Berwick. AMES delivers primary services in four areas: settlement, education, vocational training and employment. It understands that learning English is a significant barrier for migrants to overcome in settling successfully in Australia. English is a key factor for migrants when entering the workforce and participating in the community and is vital in assisting them to realise their full potential in society. Since 1952 more than 500 000 clients have learnt English through AMES, which has developed accessible and relevant programs for English-language education that are tailored specifically to the needs of the individual student. Informing this approach is an understanding that each student has different learning needs, so a variety of learning programs and flexible delivery methods are critical to its success.

In addition to the education and employment services in Springvale and Noble Park, the organisation provides much-needed settlement services and support which directly link it to communities with large new arrival and migrant populations. Last year 70 AMES staff assisted more than 3300 refugee clients from regions affected by serious conflict to settle in Victoria. They work in partnership with a number of non-government organisations, such as the Brotherhood of St Laurence and the Springvale Community Aid Advice Bureau, to

name just two. This is by no means a simple process, as many new arrivals have experienced conflict, trauma and in some cases torture and are haunted by past experiences which are exacerbated by the uncertainties they face in a new culture and new country.

The case coordinators, as they are known within AMES, monitor and review their clients' settlement priorities, engaging and maintaining resources and referrals to the specific needs of the client. They produce remarkable results and last year implemented a strength-based approach to service delivery which focuses on new arrivals' skills, attributes and strengths, which are used to build a strategy to assist refugee and newly arrived migrants to become settled in their new culture.

AMES has succeeded across many streams of migrant and refugee settlement services across Victoria, too many for me to sufficiently cover here today. I congratulate the staff and volunteers on their inspiring commitment to some of the most marginalised members of the community. I commend the report to the house.

### **Auditor-General: *Victorian Life Sciences Computation Initiative***

**Ms CROZIER** (Southern Metropolitan) — I rise to speak on the Auditor-General's report *Victorian Life Sciences Computation Initiative*. In doing so I am pleased to make some comments in relation to this report. The findings in general are sound; however, there are some findings and areas of the report that I expect would not apply in the future. The Victorian Life Sciences Computation Initiative (VLSCI) was a \$100 million investment intended to provide Victorian life sciences researchers with a significant new supercomputing capability and a centre of expertise to support their use of the facility. This capability is expected to help researchers facilitate improvement in medical and health outcomes through the generation of new knowledge.

In general life sciences can encompass a wide range of scientific research, including medical research, microbiology, physiology, pharmacology, biotechnology and environmental issues, to name just a few. Obviously I have a specific interest in the medical and health outcome of the findings in this report. Members of the chamber will have heard me say on several occasions that I have worked in the research area, especially in the area of diabetes, a devastating disease that is causing great concern to many within the health sector and has ongoing serious social and

economic implications and health impacts upon our Victorian community.

The Baillieu government is also very focused on health outcomes and is particularly focused on improving health outcomes for Victorians. At page vii the audit summary states:

The aim of the VLSCI is to strengthen the capability and reputation of Victorian institutions and researchers working in life sciences by acquiring a peak computing facility ... ranked in the top 10 life sciences research facilities in the world. It aims to employ over 50 people in life sciences research across five programs.

All of this is very admirable, but there needs to be a robust and accountable process when dealing with public money. I draw members' attention to the fact that a \$50 million grant was given to the University of Melbourne to assist with this program, a grant provided by the previous state government. The report highlights that the overall initiative was consistent with the university's strategic and business objectives and state government policy as outlined in the previous government's innovation policy at that time. However, at page ix the audit summary states:

The University's planning and project management documentation was not of a sufficient standard for a state government-funded project of the size and complexity of the VLSCI.

In addition, poor planning and poor project management practices were undertaken. At page ix the summary goes on to say:

a detailed procurement strategy was not prepared and there is no documentary evidence of the university identifying and evaluating alternative procurement options.

the University's risk management plan did not identify, and have strategies to manage, a number of major risks associated with the procurement.

Further to that, at page x the summary states:

The university's procurement attracted only one capable party willing to partner it in the VLSCI. As a result, it did not create the competitive tension needed to achieve a value-for-money outcome.

The report concludes that overall the procurement process was not well planned and the university was not able to demonstrate it represented value for money. Having only one company involved in such a process does not allow for opportunities to retest the market. I think that is the most important aspect in relation to what we are trying to do when we are dealing with public moneys. The entire management component of the procurement process was unable to demonstrate the level of transparency and accountability required for

larger public sector procurement. It is absolutely imperative that public money grants be managed appropriately. The audit makes a number of recommendations in relation to this, and I again thank the Auditor-General for undertaking this report. I expect that future large-scale procurement processes under this government will be managed appropriately to prevent potential repercussions as highlighted in this report.

### **Centre for Adult Education: report 2010**

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the 2010 report of the Centre for Adult Education (CAE). It is always a pleasure to report on documents that prove so many good things about our state. This is a report that proves the success of educating and training adults, many of whom go on to obtain satisfying jobs or to obtain university degrees. To quote from page 6 of the report:

CAE continues to be Victoria's largest adult and community education provider.

I wish to note that a recent former member of the CAE's successful board of directors is Ms Jane Garrett, the member for Brunswick in the other place.

In reading the report you cannot help but note the many success stories, and all while the Honourable Jacinta Allan and the Honourable Bronwyn Pike, the members for Bendigo East and Melbourne respectively in the other place, were ministers. Our side of the house cares about the community and about education, and I should note that many of the managers and team leaders at the Centre for Adult Education are women. This is proof that we do not always show bias against women within the community and that we indeed recognise people's merit, skills and abilities. For that reason alone — that is, the high proportion of senior people within the CAE who are women — I congratulate the organisation.

The CAE is amazing. The number and diversity of programs it delivers is astounding. Having over 55 000 subject enrolments is amazing. There are courses related to the Melbourne Fashion Festival and the Melbourne Writers Festival and programs delivered to Royal Automobile Club of Victoria members, as well as Victorian certificate of applied learning programs, Victorian certificate of education programs, computer courses, retail training programs, courses for youth at risk and a great many more. Working with a host of other organisations the CAE proves that successful partnerships are born in an environment where the team is greater than the self and in an environment where different organisations care about the end result of a better trained and successful

community more than achieving brownie points by doing it alone.

It is very important to note that the CAE's financial management of its resources earned it the Auditor-General's seal of approval. In an environment where we were facing a global financial crisis and reduced funds, the CAE proved to be competent and capable in how it managed its finances, which is another point to be proud of.

The CAE has grown and strengthened over the years. Today it is highly regarded by educational institutions and Victorian government departments for the professionalism of its staff and its delivery of excellence time after time. As members of Parliament we should acknowledge the invaluable work that it undertakes for the community, delivering benefits that most of us may never see but which are vital to people — mums and dads, older persons and those whose circumstances may have denied them an education in their younger years. Students range from age 15 to over 65. The latter figure is something very special, because we must recognise that learning is for life and that education and training do not automatically stop when you reach a certain age but continue in one form or another until the day we die. Thus, almost half of the CAE's students are 45 years of age or over. When I think of this and those who attend the University of the Third Age, I am simply at a loss for words. I commend this report and congratulate all those involved with the Centre for Adult Education.

### **Ombudsman: corrupt conduct by public officers in procurement**

**Mrs COOTE** (Southern Metropolitan) — I wish to speak this evening on the Victorian Ombudsman's report of June 2011 entitled *Corrupt Conduct by Public Officers in Procurement*. I am not certain which word sums this situation up best, except to say that it is absolutely atrocious. This is why the public has such little faith in the public service and its procedures. This is a litany of disgraceful examples of basic corruption, and it relates primarily to Arts Victoria.

This came out of a referral from the Corruption and Crime Commission of Western Australia. Western Australia picked this up and alerted us here in Victoria to an issue with procurement in relation to what turned out to be printer toner. It was not even noticed under the former government's regime — this is something we had to be told of via an inquiry in another state. That is the first major indictment of what was happening in Arts Victoria under the Bracks and Brumby governments.

I have to go back and talk about what the situation was in relation to purchasing outside the state purchase contract. The executive summary of the report says:

On 1 January 2006 the Victorian Government Purchasing Board (VGPB) established a state purchase contract for the use of public bodies when purchasing stationery and office products. The state purchase contract includes the purchase of toner cartridges.

I do not think any of us here in this chamber would think of toner cartridges as being a method or tool for corruption, but as this whole nasty saga unfolds we see that the corrupt purchasing of toner cartridges cost this state an inordinate amount of money — over \$80 000 in Arts Victoria alone. It was not just Arts Victoria; a number of Victorian government schools and a prison were also involved, but I will come to them in a moment.

Going back to the methodology of the state purchase contract, agencies were bound by the state purchase contract: they had to purchase toner cartridges in accordance with the contract. Victorian public bodies falling outside the scope of the state purchase contract have guidelines regarding how purchasing should be conducted, and from 2006 to 2010 OfficeMax was the approved supplier of toner cartridges to the Victorian public sector. In 2009 the Department of Justice identified that nine government bodies had purchased goods outside the state purchase contract from the company in the amount of \$260 937. The Ombudsman's officers identified that one public officer was responsible for approximately \$148 000 of this expenditure. That is a huge amount of toner cartridges!

This is a huge indictment. I will explain the situation again, because it is an astonishing amount of money: a total of \$260 937 was spent outside the state purchase contract, and one officer was responsible for \$148 000 of this expenditure. I remind the chamber yet again that this was not picked up by Arts Victoria and its processes and it was not picked up by the Bracks government — it was picked up by Western Australia.

What else has happened with the purchasing and what was the enticement to spend so much on toner cartridges? I do not believe it was a lot of photocopying. It would seem that in return for these purchases a number of public officers accepted gifts from the company for their personal benefit. For example, in 2009 an Arts Victoria employee received over \$8000 in prepaid Visa cards and Coles Myer vouchers.

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

***Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011***

**Ms PULFORD** (Western Victoria) — Black Saturday was a tragic event in Victorian history, with an incredibly significant and tragic loss of life, many injuries, much property lost and many kilometres of Victoria's landscape scorched. After these terrible events, as members well know, Victorians banded together, and the rebuilding work continues. The report I wish to speak on today is the report in response to the recommendations of the 2009 Bushfires Royal Commission, which the government recently released. I have spoken of these matters in previous parliamentary weeks, including in an adjournment debate — and I am grateful to the Minister for Energy and Resources, Michael O'Brien, for his timely response on that occasion.

In Australia bushfires occur from time to time. Every action must be taken to ensure that the best possible preventive measures are in place to prevent an event like Black Saturday from occurring again. I commend previous Premier John Brumby on quickly moving to establish the royal commission and this government on its intention to continue much of the work undertaken by the previous government; however, I do not commend this government on what I believe is its plan to make regional Victoria pay the lion's share of the state's burden in limiting bushfire risk insofar as it relates to fires that are caused by electricity.

Chapter four of the report discusses the royal commission's recommendations 27 to 34, which deal with electricity-caused fire. There is no doubt that electricity was the cause of a number of fires that burnt on Black Saturday; those facts have now been determined. History tells us that electricity has been the cause of numerous fires across Victoria over the years. We must take action to ensure that the state's electricity network is safe and reliable. However, the burden of ensuring a safe and reliable power network is one that belongs to all Victorians. My concern is that the Premier, Mr Baillieu, and his government plan to shift the cost of ensuring that our electricity grid is safe to the shoulders of Victorians in some locations based on distribution network areas — locations that are disproportionately in regional Victoria.

Electricity distributors Powercor Australia and SP AusNet have already indicated their intention to raise the price of electricity in Victoria. This rise will affect the end users who live within their distribution areas. These companies are responsible for distributing electricity to much of Victoria but not to most areas of

metropolitan Melbourne and the Mornington Peninsula. These price rises are a result of power companies passing on the costs they face to ensure that their infrastructure is fully compliant and safe for the bushfire season in the way that the royal commission set out in its final report.

Mr Baillieu and the Liberal-Nationals coalition were elected in no small part on a platform of keeping the cost of living down. The government's commitment to fully implement every recommendation of the royal commission and the approach it took were somewhat different in respect of a handful of the commission's recommendations. The responsibility for powerline maintenance rests with the power companies, yet Mr Baillieu and the coalition government seem to be taking a region-by-region approach to this issue and doing nothing, as regional Victorians stare down the barrel of a gun loaded with ever-increasing power bills.

**Auditor-General: annual plan 2011–12**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to make a few remarks on a very broad document, the Victorian Auditor-General's annual plan 2011–12. In doing so I would like to commend some of the work that has already been done by the Auditor-General as evidenced by the wide range of audit reports that have been tabled and which have focused on important topics outlining various examples of the mismanagement of the former Labor government. These reports have included: *Municipal Solid Waste Management*, which was tabled today; *Revitalising Central Dandenong*; *Tertiary Education and Other Entities — Results of the 2010 Audits*; *Indigenous Education Strategies for Government Schools*; *Management of Major Road Projects*; and the most interesting one tabled today, *Allocation of Electronic Gaming Machine Entitlements*. I would like to make some comments on the latter report, which was obviously part of the Auditor-General's work plan.

The Victorian community booted out the former Labor government on the basis of a range of failures in major projects such as the desalination plant, myki and smart meters, but I think the exposure of the incompetence that was associated with the allocation of the electronic gaming machine entitlements is probably the clearest example of the government's incompetence. This is a damning report on a huge loss of revenue that arose from a lack of ministerial oversight and sheer incompetence on the part of those who had been given the important task of managing this project.

Today the Auditor-General outlined a very disturbing level of incompetence and appalling project

management which cost Victorian taxpayers an unprecedented \$3 billion. The former government allocated 27 300 10-year gaming licences for a mere \$980 million. The licences were valued at up to \$4.5 billion. In the estimates of the Victorian Auditor-General's Office (VAGO), the licences were valued at between \$3.7 billion and \$4.5 billion with the midpoint of \$4.1 billion. This represents a loss to the state of Victoria of \$3 billion. We spent a fair bit of time today debating the funding of a small program. If we look around at the infrastructure that this state needs, just think of what could be paid for if we still had that \$3 billion in the Victorian state government coffers.

**Mr O'Brien** — The regional growth funds.

**Mrs PEULICH** — It is amazing. One of the key criticisms made by the Auditor-General is that the auction reserve price was set at \$5500 for club entitlements based on the lowest price paid for a club entitlement at the pre-auction club offer (PACO). Information and training provided to auction participants was completely inadequate and the auction ended prematurely before all bids had been exhausted. The decision to establish the gaming licence review process which ultimately led to this poor outcome was taken in 2007 under the watch of then Minister for Gaming and now Leader of the Opposition, Mr Daniel Andrews. The gaming review committee of the cabinet, which had the primary cabinet-level oversight of this project, had the membership of a number of Labor luminaries, including former Premier John Brumby, former Treasurer John Lenders, current Leader of the Opposition and then Minister for Health Daniel Andrews, former member for Mitcham Tony Robinson, member for Niddrie and former Attorney-General Rob Hulls, former Minister for Energy and Resources Peter Batchelor and member for Mill Park Lily D'Ambrosio.

It is particularly disturbing that the Auditor-General also found that the then Premier and the Treasurer repeatedly ignored warnings from their departments not to proceed with the auction, yet no formal review was undertaken. The end result was a \$3 billion loss of revenue to the state, with large venue operators rather than communities being the beneficiaries of this windfall gain.

I think this is a really important report, so I will take my cue from what Mrs Coote has been doing, which is giving an appraisal of the report as a sequence, because I think there is a lot of very valuable material here in terms of learning what not to do. The fact that 27 300 gaming machine licences were allocated for \$990 million, or an average of about \$37 000 per

machine, far below their market value, is simply incomprehensible ineptitude. The Auditor-General found that reserves for this auction were set too low. According to VAGO's report, the club entitlement reserve was based on the lowest price paid by a club operator at PACO, an amount of \$5743, which was then rounded down to the nearest \$500.

The reserve price was grossly low and 72 per cent of the entitlements were bought at the auction. The Auditor-General found that this was a poor way of setting the reserve price since it was based on the least profitable gaming venue in the state, a venue that was so unsuccessful that shortly after the auction it closed. According to the Auditor-General's report the average price paid for these entitlements at PACO — —

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

**Mrs PEULICH** — I could have gone on for a long time.

**The PRESIDENT** — Order! I am not sure Mrs Peulich would have been able to continue speaking on that subject, because she was referring to an Auditor-General's report that was issued only this morning, and there was not — —

**Mrs PEULICH** — It was a report that had been identified in the Victorian Auditor-General's annual plan 2011–12. I was using that as a platform.

### **Deakin University: report 2010**

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution on the Deakin University annual report 2010. I would like to begin by acknowledging Professor Sally Walker, the former vice-chancellor of Deakin University, who resigned from her position during the reporting period. Professor Walker was Deakin's fifth vice-chancellor and its first woman vice-chancellor. She led the university for seven and a half years, and during that time had many achievements. The quality, opportunity, excellence and strength of Deakin University today has much to do with the leadership that Professor Walker added to the institution. I wish her well in her future endeavours.

It is an absolute pleasure to welcome the sixth Deakin vice-chancellor, a woman as well, Professor Jane den Hollander, whom I have had the opportunity to meet on several occasions. Professor den Hollander began as vice-chancellor at Deakin in July 2010. I wish her well in her continuing leadership of Deakin.

Members in this chamber may well know that Deakin is a frontrunner in the area of research. Last year, during the reporting period, then Prime Minister Kevin Rudd visited the Geelong technology precinct at Waurn Ponds to announce funding of \$37 million for the establishment of the Australian Future Fibre Research Innovation Centre. This grant, which demonstrates the absolute confidence governments have in Deakin University, signals the university's excellence in the development of materials and fibres. The grant includes expansions, the construction of new research laboratories and the establishment of the Australian Carbon Fibre Research Facility.

Last year I had the pleasure of attending the official opening of the Proof of Concept building at the Geelong technology precinct by the member for Bendigo East, Jacinta Allen, who was then the Minister for Rural and Regional Development.

An important component of Deakin's strength in the area of research is its international relationships. In November of the reporting period the BioNanotechnology Research Centre, a partnership between Deakin University and The Energy Research Institute, was opened in New Delhi.

Deakin University is unique. It is Victoria's only regional university comprising four distinct campuses: one in Warrnambool, two in Geelong — the waterfront and Waurn Ponds campuses — and one in Melbourne. Through these different geographical locations Deakin offers a wide-ranging, diverse service to many Victorians, Australians and international students in rural, regional and metropolitan areas. Deakin has some 10 000 virtual students in addition to its part-time and full-time on-campus students. Deakin's online learning facilities are a great feature of the university.

Deakin University is recognised as one of Geelong's major employers. It is also a significant employer in Warrnambool. It is right at the heart of innovation, education, culture and excellence in Geelong, Warrnambool and metropolitan Melbourne. Its linkages and partnerships within Geelong and regional Victoria and internationally are an absolute credit to the staff, students and management of this great institution.

In the Warrnambool *Standard* on Tuesday this week there was a photo of the mayor of Warrnambool, Jacinta Ermacora, the vice-chancellor of Deakin University, Jane den Hollander, and the CEO of Warrnambool City Council, Bruce Anson, who have signed a memorandum of understanding (MOU) that will help plan research agendas and facilitate collaboration across government, academia and

industry. It is an MOU that has been signed by the council and the university. It will also mean there will be an interaction between staff whereby staff can be seconded across the council and the university. It will also foster student placement arrangements going between the university and the council. To quote Mr Bill Millard, the director of city growth for the Warrnambool City Council:

This is a very exciting step in the future of education and learning in our city ...

I commend the report to the house.

### **Ombudsman: investigation into an allegation about Victoria Police crime statistics**

**Mr ELSBURY** (Western Metropolitan) — I wish to speak tonight on the Ombudsman's *Investigation into an Allegation about Victoria Police Crime Statistics — June 2011 — Whistleblowers Protection Act 2001*. Crime statistics are a powerful tool. They can be used by police to make decisions on resourcing. The people of a community can use this information as a way of gauging their personal safety, and they may base decisions on whether they stay in a neighbourhood on it. Media will provide this information across the state and use it as a measure of how well a government is performing on law and order. Given the power of this information, the emotion it can generate and the weight given to such statistics, the political clout and the effect the police force's crime statistics can have on the outcomes of political debates is very clear. The Ombudsman has for many years expressed the view that accurate crime statistics are an important issue of public interest.

In September 1991 Hawthorn won the grand final over West Coast, and the then Victorian Legal and Constitutional Committee of Parliament recommended the establishment of an independent bureau of crime statistics. According to the Ombudsman's report this committee noted that:

A comparison was made to the approach taken by NSW where the establishment of the Bureau of Crime Statistics and Research in 1969 ... has taken a lot of the heat out of the crime debate ...

Quoting from page 44 of the *Inquiry into Crime Trends — Fourth Report — June 2002* of the Victorian Parliament's Drugs and Crime Prevention Committee, the Ombudsman's report also highlights that:

It has been stated that '... ultimately, the usefulness of crime statistics as a basis for understanding crime depends on their accuracy and reliability'.

Unfortunately the reason this report was called into being was the release of inaccurate crime statistics at the behest of the former chief commissioner in the week before the state election campaign officially kicked off and the government went into caretaker mode. This inaccurate data was made public on 28 October 2010 via a media release. The Ombudsman's report says:

The media release stated that '... further analysis of the past three months — compared to the same three months last year — has shown a 27.5 per cent fall in street assaults in the city and a 12.4 per cent decrease in assaults across the state'.

The Ombudsman's report goes on:

I consider that the quoted reduction of 27.5 per cent of assaults in the CBD —

that is, the central business district —

between the July–September quarter 2010 compared to the July–September quarter in 2009 without qualification, was based on yet to be validated data. It was therefore likely that releasing the data without qualification could reasonably be perceived to be misrepresenting the fuller picture of the trends. The crime statistics were subsequently used for political purposes during a public debate by the then new police minister three days before the election.

The report goes on:

The release of the quarterly crime statistics data, particularly so close to an election, was likely to be used in a political context.

In the former police commissioner's defence he stated that the statistics were released at this time of his own accord because he did not want the statistics to come out the week before the election, which the normal quarterly reporting would have caused to occur. The former police commissioner was also quoted in the report as saying:

As I explained in my interview, resourcing and tasking decisions are not and never would be made on the basis of this single data set.

Considering the non-time-critical nature of the data, what was the hurry? Why could more time not have been given for full evaluation of the data so it could be presented in a reliable form after the election if the former police commissioner was seeking to maintain Victoria Police's political neutrality in the election campaign?

On the basis of the very limited exposure I had to the former police commissioner I suspect he was appointed for his analytical and strategic abilities and management skills. To manage an organisation like Victoria Police requires a high level of intelligence, a

fact reflected by the extensive process we have now entered into to find a new police commissioner.

Normally I would be able to stand here and proudly proclaim Victoria as a leader in most things, but in the instance of managing crime statistics this report highlights how far behind we really are. New South Wales has had a crime statistics and research group since 1969, South Australia has had one since 1978 and Western Australia since 1988, and here is Victoria in 2011 with no such organisation. This government accepts the Ombudsman's recommendation on the establishment of a crime statistics agency, and work is under way looking at the structures of the organisations I mentioned a moment ago. The government is committed to establishing an agency to address the concerns.

### Statements interrupted.

**The PRESIDENT** — Order! Ordinarily we would still have around 20 minutes left for statements on reports and papers, and indeed there are members who still have contributions to make. However, as members would be aware, we are to proceed to a joint sitting with the Legislative Assembly this evening at 6.15 p.m. to elect members to the Victorian Health Promotion Foundation. During the joint sitting three members will be elected to the foundation.

I am advised that the Economy and Infrastructure References Committee and the Environment and Planning References Committee are both meeting at 8.00 p.m. I understand, however, that they are not likely to continue past what would be our adjournment time of 10.00 p.m. As I understand the intention of the chairs of those committees and of the government — and I understand this has been discussed with the opposition, or the opposition has expressed a view — we will therefore resume the proceedings of this house once the committees have discharged their duties this evening. The time of resumption of this house's proceedings will depend on those committee proceedings, and members will need to wait on the bells, which I will order to be rung at a suitable time when proceedings can continue. We will resume statements on reports and papers and then return to general business ahead of the adjournment at 10 o'clock.

I also take this brief opportunity to thank the staff for last night. I was nicely tucked up in bed because, as members would be aware, I was not well. I know that people here soldiered on again for quite some time during the extended proceedings last night. Again I indicate the appreciation of members for the

contribution staff make on those occasions. The chair will be resumed at the ringing of the bells.

**Sitting suspended 6.13 p.m. until 9.29 p.m.**

## JOINT SITTING OF PARLIAMENT

### Victorian Health Promotion Foundation

**The PRESIDENT** — Order! I take this opportunity to report that the house has met with the Legislative Assembly today to elect three members of the Parliament to the Victorian Health Promotion Foundation and that Assembly members Mr Neil Angus, MP, the member Forest Hill; Mr Tim Bull, MP, the member for Gippsland East; and Ms Danielle Green, MP, the member for Yan Yean, were elected to the foundation for a three-year term commencing immediately.

## STATEMENTS ON REPORTS AND PAPERS

**Statements resumed.**

### Adult Multicultural Education Services: report 2010

**Ms DARVENIZA** (Northern Victoria) — I am very pleased to rise to speak on the Australian Multicultural Education Services 2010 annual report. AMES is a wonderful organisation which was responsible for assisting more than 3300 refugee clients to settle in Victoria in 2010. In 2010 the organisation delivered more than 3.4 million hours of its adult migrant English program, supported nearly 650 clients through its youth program, provided 312 000 vocational education and training contact hours, assisted approximately 18 000 job seekers, coordinated more than 2200 volunteers and supported nearly 1800 community events through its multicultural hub. The organisation was obviously very busy during 2010, as it has been in other years. I want to congratulate AMES, particularly Ian McHutchison, the chief executive officer, and Graham Sherry, the chairperson, and all the board members.

The report points out that a settlement framework was developed and finalised during the 2010 reporting period to guide AMES's work. It describes how the services across the organisation can be linked up and delivered in order to achieve short, medium and long-term settlement outcomes for newly arrived refugees and migrants. The framework acknowledges that to participate fully people must be given the opportunity to access services, connect with family,

friends and community, and have a secure job. All of these things are very important in maximising people's participation within a community, particularly the participation of those who have arrived in a new community as refugees or migrants. The framework provides the map of how settlement outcomes may be improved by working in partnership with others and building on AMES's shared knowledge and capacity, including with new settlers.

In his letter the CEO talks about how AMES's research and community consultation through 2010 have found that the vast majority of people who participate in its programs want and need to be able to work. Many have skills which they are sure are in short supply, and many more have both the enthusiasm and the willingness to contribute to whatever work they can do.

In his letter the CEO also outlines that AMES's service delivery, change and improvement, its partnerships and community services and research efforts have been directed towards assisting its clients to achieve their employment ambitions. There has been a real focus, not only in the research that the organisation has done but also in the services it is delivering, on ensuring that people are able to use and build on their skills and knowledge in order to work. We know that if someone is able to work, they are able to participate even more fully in their community and support their family as well. AMES is looking very much at the organisation's employment team, which has made great progress in becoming a highly skilled specialist provider to culturally and linguistically diverse job seekers. It has been an aim of the organisation to enable its clients to find work.

For nearly 60 years AMES has welcomed refugees and new migrants to Victoria, working with all levels of government, business and the community to help its clients reach their full potential both socially and economically. This is an excellent report, and I urge members to take the time to have a look at it.

### Auditor-General: annual plan 2011–12

**Mr P. DAVIS** (Eastern Victoria) — I have great pleasure in making a few remarks tonight on the Victorian Auditor-General's Office annual plan 2011–12. The reason I have some pleasure reflecting on this is that it highlights the lack of rigour in the Parliament in relation to transparency. I recall some four years ago the then opposition attempting to discover what was going on in terms of the allocation of electronic gaming machine licences and seeking documents in relation to those matters. In seeking those documents it came to a pretty pass where the government perpetually frustrated the

house in its endeavour to achieve that outcome. It ended of course with the then Leader of the Government being suspended from the service of the house, setting a precedent in this place. It was the first time in 150 years of the Legislative Council that that had ever occurred.

I make reference to the audit plan which goes to the tabling of reports in Parliament, amongst other things. The work of the office and the report that was tabled today identify that the state forwent revenue of \$3 billion as a result of the flawed process that was adopted by the Bracks and Brumby governments, presided over by the then Minister for Gaming and now Leader of the Opposition in the lower house, Daniel Andrews, and the then Treasurer, John Lenders, now Leader of the Opposition in this place. What does this mean for Victoria? It means two things: firstly, that \$3 billion has been lost to the Victorian taxpayer through the incompetence involved in this process; and, importantly, that the government cannot have any confidence in any of the processes that the former Bracks and Brumby governments put in place during their time in office.

This is a scandal of huge proportions, a scandal which should be well understood by the Victorian community. That the members of the now opposition could blithely ignore this report fascinates me. They have shown no inclination whatsoever to accept the criticism which was today summarised for me at a briefing by the audit office on this revelation. When specifically asked in relation to the management of this project if any aspect of the project was managed well, the response from the audit office was, 'The majority of entitlements were allocated by the time line determined'. But in respect of every other aspect of management and implementation of this project it is a disaster. I have never seen such a litany of embarrassing performances by government on any project.

This is an interesting report to read. There were 27 300 gaming machine licences allocated for \$980 million, but the licences were valued by the Victorian office of the Auditor-General at approximately \$4.1 billion, meaning there was a revenue loss of about \$3 billion. While I accept that there will be debate about the precision of those estimates, that is not material in my view because essentially it is the quantum of the forgone revenue to the state which is of significance. We could talk about why this occurred, but it is quite clear that it occurred because the ministers responsible for the project were disengaged from it and were more engaged in refusing to disclose information to the Parliament, therefore frustrating scrutiny.

**Statements interrupted.**

## DISTINGUISHED VISITOR

**The PRESIDENT** — Order! I take this opportunity to acknowledge that we have a visitor in the gallery, Mr Mark Robinson, MP, member for Cleveland in the Queensland Parliament. We welcome Mr Robinson, who is a Victorian abroad, because he grew up in Victoria and has the distinction, along with Russell Northe, the member for Morwell in the other place, of having been taught by none other than Peter Hall. We are certainly pleased to see Mr Robinson, a second student faring well after their education by Mr Hall.

**Mr Lenders** — Or despite their education by Mr Hall.

**The PRESIDENT** — Order! Possibly. The opposition leader can be very unkind.

## STATEMENTS ON REPORTS AND PAPERS

**Statements resumed.**

### **Auditor-General: *Victorian Life Sciences Computation Initiative***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Auditor-General's report *Victorian Life Sciences Computation Initiative* of June 2011. I am pleased to speak on this report because it highlights the importance of scientific research to the science community of Victoria. The Brumby Labor government allocated an investment of \$100 million to provide Victorian life sciences researchers with a new supercomputing capability and a centre of expertise to support their use of the facility. The expected outcome will be improved health through the acquisition of new knowledge, together with a facility which will provide researchers with a peak computing environment ranking in the top 10 life sciences research facilities in the world. It is also the aim of the project to employ over 50 people in life sciences research across five programs. The Department of Business and Innovation is overseeing the administration of the grant agreement between the state government and the university.

According to Dr Peter Frost, the Acting Auditor-General, the Victorian life sciences computation initiative is consistent with government policy and with the University of Melbourne's strategic and business objectives. Early indications are that the program is achieving its policy objectives by providing life science researchers with additional computational

and research capability. This has driven changes in computational research, with the potential to make important contributions to life sciences in Victoria.

However, according to Dr Peter Frost, notwithstanding these positive early signs, the absence of sufficient needs and options analysis and sound procurement processes means the university cannot demonstrate that the peak computing facility and associated life science computation centre represent the most effective use of the \$50 million provided by the state government for life science research.

The university identified the broad need for additional computational and research capability for life science researchers and the need to attract additional specialist life science researchers. There are some teething problems with the project, and the report contains several worthy recommendations. I am not going to go through them all, but I would like to highlight recommendation 2a, which states:

Where the Department of Business and Innovation provides significant grants to public agencies for projects that are significant in size, complex or high risk, it should require agencies to demonstrate that grant proposals are adequately supported and include option and cost-benefit analysis.

In conclusion, in order for Victoria to maintain its premier position in the scientific world of Australia it is critical that all assistance be given to Melbourne University to enable it to deliver this very important health initiative for all Victorians.

***Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011***

**Mrs PETROVICH** (Northern Victoria) — I rise to speak on the report *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission — May 2011*. I have spoken on many occasions in this house about the impacts on communities across Victoria affected by Black Saturday, when 173 lives were tragically taken, and those communities are still struggling to recover. This report articulates some of the steps that have been taken to assist in that progress, which will be long and arduous.

Having said that, I am quite proud to rise to speak on this report tonight because there have been very many positive outcomes as a result of the bushfire royal commission. That royal commission worked tirelessly and with such a lot of commitment to the community of Victoria. I can only imagine the strength and courage it took to hear the many submissions from those

communities and family members and emergency services people who worked so hard. Those people delivered the vital information which has formed the basis of this report.

The Baillieu government supports all of the recommendations in the royal commission's final report, as stated by Premier Baillieu in the report's preface as follows:

The government supports all of the royal commission's recommendations in the final report and is committed to implementing each of them. The Victorian government is making major investments and reforms to the way Victoria prepares for, and responds to, bushfires.

In total, the Victorian government will invest over \$900 million in response to the final report. This implementation plan is the next step in delivering on our commitment to improve the way Victoria prepares for bushfires and provides further detail on how and when each commitment will be implemented.

Having been part of that recovery process in the aftermath of those fires, I know the implementation will take a considerable amount of work, and part of that work relates to planning and preparation for bushfires. In section 3, at page 6, the report talks about how critical better planning and preparation is to reducing the consequences of bushfires. It states:

This requires a concerted and ongoing effort at all levels — from individuals and households to communities, municipalities, regions and the state.

As we saw in the aftermath of the fire, this certainly has been an effort which has involved everyone, and many people who have had to have an ongoing role in that recovery process have also been going about their normal lives.

One of the areas I am particularly interested in in terms of preparedness is efforts in fuel reduction. I am proud to be part of those efforts, and I have been working cohesively with the Department of Sustainability and Environment. I can proudly say that in this burning season the DSE has had a target of 200 000 hectares and has worked very hard across the board to reduce the fuel load, which was one of the key factors of the disaster on a very bad day, 7 February, which was Black Saturday. Unfortunately this year we have had I think the wettest year in living memory. Having seen the aftermath and the devastation of bushfire, I feel the irony in having four flood events which left Victoria awash.

**Mr Finn** — Tim Flannery said it would never rain again.

**Mrs PETROVICH** — I will restrain myself, Mr Finn. That is very true; there was speculation that it would never rain again in the state of Victoria. The recovery process has been very difficult for those communities that have also had 10 years of drought. Victoria has copped it, and rural Victoria has certainly had its hands full. Having said that, in terms of the work that has been done I think we have achieved 197 000 hectares of prescribed burning across the state in the wettest burning season in living memory. I can say that the troops and I are disappointed that we did not achieve the 200 000 hectares, but that does not mean the burning season is over. We will be continuing on in the spring, and there is a lot of work to do. It is part of restoring confidence in Victoria — —

**The PRESIDENT** — Order! That concludes the time available for statements on reports and papers, so we will return to general business. Mrs Coote was in the middle of her contribution.

## CHILDREN: TAKE A BREAK PROGRAM

### Debate resumed from earlier this day; motion of Ms MIKAKOS (Northern Metropolitan):

That this house —

- (1) condemns the Baillieu government for not funding the Take a Break occasional child-care program from 31 December 2011, leaving Victorian families, especially in rural and regional communities, without access to affordable and community-based child care; and
- (2) calls on the Baillieu government to reinstate funding for this important program.

**Mrs COOTE** (Southern Metropolitan) — I would like to remind the chamber where we were before what was quite a long break. We took a break from the Take a Break motion here tonight, but now we are back. I would like to remind the chamber of what Ms Mikakos's colleague Mr Scheffer had to say about her, which was extremely unkind. He was saying that she has no authority at all. He is not here in the chamber tonight to refute that. I think it is absolutely right, because in the break we have just taken it came to my notice that out there on the tweet lines the very organisations that Ms Mikakos was speaking of in her contribution are saying, 'Call upon the Prime Minister Julia Gillard to reinstate that funding'. All those people she so carefully talked about are out there tweeting away saying, 'Julia Gillard, you reinstate this. You put the money back. It's your issue. You took it away; now you put it back'.

I say to Ms Mikakos that it was a pity we all took a break, because it took the impetus out of her argument. I would like to remind those in this chamber of what has happened. In May 2010 the federal Labor government discontinued funding for the Take a Break occasional child-care program. This meant services were due to cease on 30 June 2010, which did not allow the government time for families to adjust. The then Victorian government agreed to fund the federal Labor government's share of the program for one year until 30 June 2011. This was a one-off commitment by the very mean Labor government we had then in Victoria. It was the one that did not provide the recurrent expenditure. It did not put enough pressure on the federal government, and this was a one-off contribution by the then Labor government. Let us just remember that.

Upon its election the Baillieu government requested that the Gillard federal government reinstate the Take a Break occasional child-care funding as the program could not be sustained on a state funding basis. However, the federal government minister failed to respond to Victoria's request and the 2011–12 federal Labor budget failed to reinstate the program. This left the Victorian government with a dilemma. We funded it, as we said we would do, but it has now come to this position where Ms Mikakos is expressing 'Woe is me' bleeding heart stuff and 'Isn't it terrible about the Baillieu government?'.

It is Labor's issue. They did it. It was the federal Labor government which took away the funding in the first place. The reality is that the program was not funded by the state Labor government under the former Premier, Mr Brumby, and the former Treasurer, Mr Lenders, who happens to be in here at the moment being exceedingly quiet — he is seriously taking a break from the debate — but the Baillieu government kept this program going. The issue is that all those people who Ms Mikakos spoke about are out there twittering away and saying in fact it is Ms Gillard's problem, it is her issue.

Interestingly in her contribution Ms Mikakos said, 'I am not going to be playing politics', which is a very strange thing for Ms Mikakos to say given that she is from a political party and given that this is a motion she has moved on a particularly political issue, but no, she was not playing politics. 'We are not playing politics', she said, so in her whole contribution, which went for over an hour, she did exactly that. However, as we have seen, her colleague Mr Scheffer came out and said that she has no authority. We know that from her own side. She was out there spouting the old Labor rhetoric that it was the old child-care debate reiterated, reiterated and

reiterated, but let me remind Ms Mikakos and this chamber one more time that this was Labor's fault — federal and state — at every turn. They are trying to drum up this issue here and it is completely and utterly inadequate.

I too have had, as other members in this chamber have had, letters from all of the people within our electorates, and they have all been quoting exactly the same letter, so I think probably Ms Mikakos, who I might say was extremely wrong when she said that my esteemed colleague Mrs Peulich had been generating demonstrations, I think she said, with that man who lives in my electorate but represents somewhere else, except there are a few of those —

**An honourable member** interjected.

**Mrs COOTE** — Exactly. This one was a federal member, and the reality is it is a long way from the truth.

**Mrs Petrovich** interjected.

**Mrs COOTE** — It was Mr Dreyfus, thank you very much. Where does Mr Dreyfus live and where does he represent? I think the issue here is that we get back to Take a Break. Take a Break is the name of the motion that we are discussing here today.

Ms Mikakos quoted a number of Leader Press articles, and I have one of my own to quote from. This one was in the *Caulfield Glen Eira Leader* and on page 5 of the *Port Phillip Leader* on Monday, 27 June 2011. It says:

The federal government withdrew money for a 25-year-old community-based occasional child-care program.

And the state government had supported it but is now scrapping the funding. But they say in this article something Ms Mikakos neglected to tell us when she was going through her litany of online quotes. In fact these articles from the Leader Press are saying that it was the federal Labor government that scrapped the 25-year-old community-based occasional child-care program. The same article states that more than 90 families use the doomed Southport Playhouse centre in South Melbourne, which is in my electorate, in Ms Crozier's electorate and in the electorate of the former Treasurer, Mr Lenders.

**Mr Lenders** — And in Mr David Davis's electorate.

**Mrs COOTE** — And it is in Mr David Davis's electorate as well. He is in the chamber now. Where is Ms Pennicuik? There is no sign of the Greens; they must be taking a break.

Last year the federal government cut its share of a jointly funded government project, which involved keeping it open at a cost of \$20 000 a year. Everybody is now pointing the finger at the Labor Party — at Labor Party policy, at Labor Party decisions. That is what has happened. Ms Mikakos spoke at length about how it was going to affect many families, but I suggest that she get onto Twitter and have a look at what those families are saying. It is important that Ms Mikakos has a good look at this.

I have said it before and I will say it again: the Baillieu government under the Minister for Children and Early Childhood Development, Minister Lovell, has done an excellent job in putting a sustained amount of funding towards the recognition of early childhood development. During the budget debate in June Ms Lovell said there would be a new funding package, which as I said before will include \$3.4 million in new state funding to provide 1359 community-based kindergartens across Victoria with a \$2500 flexible grant for new information technology and \$4.8 million in national partnership funding for 35 kindergartens. And we are currently piloting 15 kindergarten programs at a cost of \$2.2 million to enable another 23 kindergartens to take part in the innovative 15-hour kindergarten program.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

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

That the house do now adjourn.

## Floods: Benjeroop

**Mr LENDERS** (Southern Metropolitan) — My issue tonight is for the Minister for Water, Mr Walsh. The matter I raise is in regard to the district of Benjeroop and the fact that there are five properties in that district that are still partly covered by water. As we know, Benjeroop is a community that was under deep water for a period during the floods earlier this year. We also know there has been a lot of interchange with Lindsay Schultz, the water warden from the area, who engaged with the Premier, and I believe even the Duke of Cambridge was up there. People were roaming around and looking at how this community could be helped.

It is interesting that the Minister for Water made a bet with Mr Schultz that the area would not be flooded in a month's time. I am not blaming the Minister for Water for this, but part of Benjeroop is still flooded. Minister

Walsh has been meeting with some but not all of the residents of Benjeroop, which is in his own electorate. At the moment we have a working party looking into what the future of this district is. We have an issue as to whether or not compensation is going to be paid to some farmers, we have an issue about community reconstruction, we have a Department of Primary Industries-led task force with a declared chair but no public terms of reference and no time line set for when this committee must table a report, and we have a community that is getting a little bit anxious. When a group of people from Benjeroop came a long way to Melbourne to meet with the Premier they could not get in the door to see him.

**An honourable member** interjected.

**Mr LENDERS** — Yes, the Co-Premier, Peter Ryan; they might have seen him. They came down to see the Premier, but they did not get the courtesy of a meeting.

The action I am seeking from the Minister for Water tonight is for him to make it clear to the residents of Benjeroop exactly what the terms of reference of this working party are and what the time line for the working party's determination is and to provide some transparency.

I spoke today to Mr Duncan MacKellar, who has 200 acres at Benjeroop. He has been talking to many of his neighbours at Benjeroop to try to find out exactly what Minister Walsh's Department of Primary Industries-led working party is doing. It has told the media it is going to make a determination shortly, but the terms of reference have not been seen, the time line has not been seen and we have had a promise made by the minister to the community that the water would be gone within 30 days, but many months later it has not. Communities need more than a promise of a couple of Crownies made on radio. The action I seek from the minister is to make the terms of reference and the time line transparent and to act on promises he can keep rather than making idle ones that he cannot keep.

### **Wind farms: health effects**

**Mr RAMSAY** (Western Victoria) — I would like to draw the attention of the Minister for Planning to the issue of wind farms in Western Victoria. It is certainly topical at most times, but it is certainly topical at present following the handing down last week of the Senate inquiry into the social and economic effects of wind farms and a Victorian Civil and Administrative Tribunal hearing on a wind farm near Terang in the state's south-west. I have already spoken to the house

about my concerns in relation to the impact of noise, the loss of visual amenity and the potential impact on the value of properties that play host to or neighbour wind turbines. I have also spoken about the community unrest in those regions, and I have spoken of my concerns about the legislative framework that exists around an industry that is in constant change, which includes the use of bigger and better turbines. I again raise these concerns with the house.

I have spoken to Waubra resident Steve Coleman, who with his wife owns and operates the Quoin Hill Winery. There are no turbines on Mr Coleman's property, but it sits amongst the 128 turbines that make up the Waubra wind farm owned by Acciona. Of the 128 turbines, 30 are within 2 kilometres of his home, 13 are within 1.5 kilometres of his home and 5 are within 1 kilometre, the closest of which is just 600 metres away. Mr Coleman is not opposed to wind energy. In fact he hosted the wind farm's official opening function by the then Minister for Energy Industries, Theo Theophanous. He has also been a member of the community reference group for wind farm development and on the Waubra Wind Farm Festival committee. But Mr Coleman is now suffering sleepless nights from the noise generated by the turbines. His last rate notice showed the value of his property had declined. His employees are now asking to go home early because of the noise. His monitoring equipment shows the noise generated by the turbines exceeds the accepted levels, and further his calls to the Acciona complaint line are dealt with by way of a receipt to indicate his complaint has been registered.

Mr Coleman wants to know how people currently affected by the turbines can be helped. Further, and more importantly, Mr Coleman wants to know what changes will happen to reduce the impact of wind farms on people and communities in the future. I note that the outcome of the Senate inquiry is that it is urging that more research be done on the potential health effects of wind farms. I am keen to continue listening to all sides of the wind farm debate. As such I am working towards hosting a wind farm forum in Ballarat in a couple of weeks. I hope this will provide an opportunity for everyone to understand where the wind farm debate is up to and what the current legislation and legalities mean.

I am feeling increasingly uncomfortable about the planning approval and ongoing monitoring process for the Waubra wind farm. As such I feel compelled to request the Minister for Planning, the Honourable Matthew Guy, to consider initiating an inquiry into the wind farm's establishment and compliance with the noise standards detailed in its planning permit

conditions. It may be a timely opportunity in light of the Victorian Civil and Administrative Tribunal hearing last week to reject plans by Wind Farm Developments to build 12 turbines at a place near Terang called The Sisters. In this case the deputy president of VCAT, Helen Gibson, decided the project, which was rejected by the Moyne council, should be judged according to the new guidelines set down by the Baillieu government earlier this year. This decision could have broad ramifications for wind energy projects that are already approved but not yet built across Victoria.

### **Yarra Valley Racing Centre: track redevelopment**

**Hon. M. P. PAKULA** (Western Metropolitan) — The matter I raise is for the Minister for Racing, Dr Napthine, and it concerns Yarra Valley Racing club. I was pleased to attend the Yarra Valley Racing club course at Yarra Glen last Tuesday, where I met with the chairman of the club, Barry Coulthard. What has happened at Yarra Glen as a result of fire and flood is very sad for the club and a terrible shame for the entire community.

There was very heavy rain on Derby Day last year, and when the water from that combined with the run-off effects from bushfire the course became flooded — not for the first time — to the extent that potholes started appearing at about the 100-metre mark of the course, which is generally where horses I have backed hit the fence! I think Mr Drum has probably had the same experience. That meant that racing had to be immediately suspended and the club had to call off its cup day meeting. Close to \$1 million will need to be spent to make the track safe again.

Yarra Valley Racing already had in place a medium-term plan for track redevelopment, which is desperately needed. It might mean spending some \$3 million or \$4 million in total, but it would be a completely false economy to fix the drainage now, not do anything about the redevelopment and then effectively have to close the track twice, so it is important that the redevelopment occur. Yarra Glen has one of the best country facilities in the state in terms of racing clubs. Yarra Valley Racing is a very successful club and has good crowds. It does not rely on a Tabaret, as many other clubs do. The club has begun some substantial work on the grandstands and environs with money from the Regional Racing Infrastructure Fund, but the state of its own track is poor. Common sense would indicate that the drainage work and track redevelopment should happen together and should be done as a matter of urgency.

Unfortunately the government and Racing Victoria Limited are not prepared to spend the money to even undertake the drainage work to make the track safe again without flood mitigation activity, so for some months now Melbourne Water has been conducting a study, the report on which is due fairly soon. The club is concerned about two things: firstly, that the report could somehow be used to delay or shelve the track reconstruction; and, secondly, that some in the industry estimate that the track will not reopen until October 2013.

The community should not have to wait that long, so the action I seek from the minister is that he ensure that the government provide sufficient funding for the drainage remediation and track redevelopment to be done concurrently —

**Mr Koch** interjected.

**Hon. M. P. PAKULA** — and that the work commence in a timely way, Mr Koch, so that the community of Yarra Glen has its racing club back next year, not in 2013.

### **Community sector: wages**

**Ms HARTLAND** (Western Metropolitan) — My adjournment this evening is for the Minister for Community Services, Mary Wooldridge. Our social and community sector workers are underpaid, and gender plays a significant role in this pay gap. Fair Work Australia has handed down the decision to grant a 3.4 per cent increase to the one in six workers who are dependent on awards. This aims to allow Australia's lowest paid workers to keep pace with the cost of living.

However, just keeping pace with the cost of living while continuing to be paid less than their workforce counterparts is not good enough and comes too late for many. One person for whom this has come too late is Matilda Langley. Matilda is a highly qualified professional who has worked in the social and community sector for 11 years. As Matilda outlined in her email sent to a number of members of Parliament, she has invaluable experience, skills, knowledge and networks.

Eleven years is a very long time to be underpaid and have very little opportunity to get ahead, let alone just keep up. What kind of secure financial future can one possibly plan? Matilda has very little superannuation and no long service leave. The time has come when Matilda can no longer personally subsidise her employment, and she has been forced to leave the

sector, taking her skills, experience and knowledge with her. She is moving to another sector and as a result receiving \$20 000 more in wages every year.

On leaving, Matilda stated in her email:

... while I'm sad to be leaving, I'm more sad for the sector that is losing my skills, qualifications and enthusiasm ... and I'm saddest of all for the disadvantaged and vulnerable Australians that will increasingly be 'serviced' by less and less experienced and qualified community workers.

We must act immediately to prevent any further loss of social and community sector workers. We must act to pay them their worth — much more than Matilda received over the last 11 years. To make the outcomes of the Fair Work Australia case a reality, the government must meet the funding requirements. The social and community sector organisations need an increase in funding to match the increase in wages their staff deserve. The action I ask of the minister is that she ensure that this increase in funding occurs.

### **Regional Policy Advisory Committee: membership**

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Deputy Premier, Peter Ryan, who is also the Minister for Regional and Rural Development. In early June this house passed the Regional Growth Fund Bill 2011. The Regional Growth Fund is an investment of \$1 billion over eight years in infrastructure and job creation throughout regional Victoria. This investment is almost double the declared amount of investment in regional Victoria made by the previous government, the current opposition.

Not only is the Regional Growth Fund nearly double the investment of the previous government but we are also putting an unprecedented amount of decision making and resources in the hands of local communities across the state. As the new financial year approaches, regional Victorians are eagerly awaiting the introduction of the Regional Growth Fund. One of the important aspects of the Regional Growth Fund is the Regional Policy Advisory Committee, which will consist of no more than nine people — that is, the chair and eight others. I would like to ask the minister when he will be in a position to publicise who will be on the Regional Policy Advisory Committee in the roles of the chair and the eight other members who will be assisting the minister with their advice.

The functions of the Regional Policy Advisory Committee include offering the minister advice about the strategic infrastructure priorities of the state, the significant policies and projects across the state, the

operation of the Regional Growth Fund and the outcomes of the projects that the Regional Growth Fund pushes forward. The Regional Policy Advisory Committee will also look at the impacts of the acts and subordinate legislation on rural and regional Victorians — to act, in a sense, as a rural proofing group on all legislation. It will also have an opportunity to look at policy and how it affects and relates to rural and regional Victoria and at any other matter that may affect rural and regional Victorians.

As Victorians eagerly await the introduction of the Regional Growth Fund, I look forward to hearing who will be on the Regional Policy Advisory Committee to assist the minister in rolling out this policy which represents an investment never seen before in regional Victoria. It is certainly an investment which is double that put on the table by the previous government.

### **Manufacturing: Victorian Competition and Efficiency Commission report**

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Manufacturing, Exports and Trade concerning recommendation 12.1 in the draft report released last week by the Victorian Competition and Efficiency Commission (VCEC). There are a number of unpleasant recommendations in this report but recommendation 12.1 in particular needs to be highlighted and immediately rejected by the government and the minister. Because the government did not bother to formulate a substantive policy or plan for the manufacturing industry going into the last election, whilst it was in opposition, it had to take the unusual step of commissioning VCEC to come up with a plan for manufacturing. It took four months for the government to ask VCEC to come up with a plan.

This government has now been in office for eight months, and last week VCEC released a draft plan for the manufacturing sector. Meanwhile, during the last eight months, the manufacturing sector has been under considerable stress from the high Australian dollar and the low-cost, mass-production economies such as that of China. The purchasing managers index reflects the vacuum created by the lack of government leadership by showing that manufacturing is in a state of contraction.

Recommendation 12.1 calls for the abolition of local content and local job requirements in government procurement. The adoption of this recommendation would be tantamount to sticking a knife through the heart of the Victorian manufacturing industry, which employs more than 300 000 Victorians and is

comprised of over 25 000 businesses. The adoption of this recommendation would effectively mean exporting tens of thousands of Victorian jobs to places like China and other countries with low-cost economies. The action I seek from the minister is for him to immediately and unequivocally reject recommendation 12.1 in the VCEC draft report.

### **Public transport: ferry service**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Public Transport. As members of this house would be aware, the west of Melbourne includes some of the fastest growing parts of Australia. The tragedy is that after 11 years of neglect by the former Labor government infrastructure in the west has been left behind, further evidence of the fact that Labor despises the outer suburbs of Melbourne, as pointed out by the Minister for Planning last night. In particular roads have been left behind as those areas — Wyndham and Melton, for example — have grown. As we know, Wyndham is the fastest growing municipality in Australia, and as it has grown the road network has not been able to keep up. There are roads through Werribee and Point Cook which are now bursting at the seams during peak hour and gridlocked every day. Of course that overflows to the West Gate Freeway and onto the West Gate Bridge. It has to be said that it flows a little bit better since the roadworks have been finished, but we still have that overwhelming problem of too many vehicles on those roads.

It is important that we consider other forms of transport instead of the roads that I speak of. The development of Wyndham Harbour into what will be a very exciting part of Melbourne opens up the possibility of a ferry service from Wyndham Harbour which would travel to Altona, Williamstown and along the Yarra into the city. I believe this could revolutionise commuter travel in the west of Melbourne. It may well be something that might catch on even in the east of Melbourne, but they can work that out for themselves. A ferry service would obviously ease pressure on a number of roads, and I believe it would be a goer. This would work. I have often thought as I have seen ferries travelling across Sydney Harbour from time to time what a very pleasant way that would be to get to work every day. There is a real possibility for us to do that now from Wyndham Harbour into the city past Altona and Williamstown and right through that route, and it would be a delight.

The action I seek from the minister is for him to consider setting up a feasibility study on the western waterways to examine the possibility of establishing a ferry service. I am not suggesting that this would be run

by the government — I think it would be far better run by private business — but I believe we are talking about the highways of the future.

### **Regional cities: government policy**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the attention of the Minister for Regional Cities, Dr Naphthine, and concerns regional cities and regional centres. In 2010 the previous Labor government approved amendment VC71 to the state planning policy framework. This introduced regional Victoria's settlement framework, which recognised Hamilton as a regional city and centre. This was done to ensure that the capacity of major infrastructure was not affected adversely.

It also provided for focusing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise access and mobility for commuters, and to provide adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, and more effective utilisation of land. The framework was also about strengthening settlements to ensure that retail and office-based employment and community facilities and services are concentrated in central locations. Hamilton fitted very nicely into all of this because it had excellent health services and educational opportunities as well as being the largest town in the shire of Southern Grampians.

At a recent Public Accounts and Estimates Committee hearing in May, Minister Naphthine listed 10 regional cities he represents as Minister for Regional Cities. Hamilton was not included in this list. Being recognised as a regional centre, as Hamilton was under the Brumby Labor government, the town was in a strong position to attract government business into the shire as well as to attract significant commercial investment. Under the new government system, which excludes townships like Hamilton — and I should say Portland, which is in the minister's own electorate — from representation in the regional cities portfolio, these towns will be significantly disadvantaged.

I ask the minister to take action and to explain to me and to the people of Hamilton and Portland why their regional centres have been locked out of the minister's portfolio, resulting in these towns missing out on opportunities for funding.

### **Commonwealth Scientific and Industrial Research Organisation: Highett site**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change and relates to the imminent sale of the CSIRO site at Highett. As I understand it, it is intended that the 9.5-hectare site will be sold as a single parcel with the intention that the majority of the land be developed for residential purposes. I am surprised that the CSIRO is not retaining at least some of the site for its own purposes, but I expect this is due to the lack of funding from successive commonwealth governments.

A flora and fauna assessment conducted by the CSIRO and Bayside City Council found the site to have local and regional biodiversity significance, including regionally rare yellow box eucalypts in an unusual occurrence of the species in grassy woodland in southern Victoria; the presence of seven recorded flora species that are rare within the Gippsland plain bioregion and therefore of regional significance; the presence of several large individual yellow box and river red gum dotted around the site; and the presence of several native flora and fauna species that are rare within the Highett area and therefore of local significance for biodiversity.

What is known as the Highett grassy woodland at the southern end of the site has the last remnant mature stand of yellow box — *Eucalyptus melliodora* — remaining in the Gippsland plain bioregion west of Sale and 200-plus-year-old river red gum trees along with an understorey of wildflowers and indigenous grasses. This woodland has survived for more than 150 years, and its soils remain a valuable seed bank of indigenous species.

A number of concerned residents of Bayside and surrounding municipalities have contacted my office opposing the potential development of 3 to 4 hectares at the southern end of the CSIRO site which contain the grassy woodland. They and I would very much like to see these hectares preserved for conservation, regeneration and open space for passive recreational use.

I visited the site on Tuesday, 21 June, and I agree with Biosis Research's assessment that it presents a rare opportunity to preserve significant remnant native flora in a suburban environment. The member for Sandringham, Mr Thompson, has also raised this issue on the adjournment debate in the lower house. I have written to federal ministers Kim Carr, Tony Burke and Penny Wong requesting that they use their best endeavours to ensure that the 4 hectares at the southern

end of the site incorporating the grassy woodland be excised from the site in order to protect the remnant vegetation.

My request to the minister is that he use his powers under the Flora and Fauna Guarantee Act 1988 to protect the significant flora species that have been identified on the site and that he also write to the relevant federal ministers requesting their assistance to achieve that outcome.

### **Heinz Australia: Girgarre factory closure**

**Ms DARVENIZA** (Northern Victoria) — I raise a matter for the attention of the Minister for Employment and Industrial Relations, Richard Dalla-Riva. The matter concerns the recent announcement that Heinz will close its Girgarre factory in January next year and management's ongoing refusal to meet with workers and discuss their entitlements, given that the factory is closing. You do not have to work in industrial relations to know that to refuse to meet with them and discuss what their entitlements might be, given that the factory is closing, is no way to treat your workforce, particularly when many of these workers have given many years of loyal service to the company.

The union has made repeated attempts to discuss the entitlements of Girgarre's 146 workers and simply wants Heinz management to sit down and talk to a union representative about these workers' entitlements. However, the company's position, which is particularly disturbing, is that any communication should take place only in writing. Management has said the company wants to engage in written discussions only. This is very worrying, because workers do have entitlements given the factory is going to close, but management is refusing to discuss them. This has put the union and management at loggerheads about entitlements. That is particularly concerning for staff who risk losing their redundancy pay if they leave the company before it closes in January and for long-term casual staff, who management say will not receive redundancy pay.

Heinz management is reported as saying that employees are and will always be its highest priority and that they are a very important part of the process. That is very strange, because if that is the case, why will the company's management not sit down with the workers and the union and discuss what the workers' entitlements are? I call on the minister as a matter of urgency to step up and take some responsibility for ensuring that Heinz management meets in good faith with the company's employees and their union representative to ensure that workers at Heinz get all of their entitlements.

### Regional and rural Victoria: fuel prices

**Ms PULFORD** (Western Victoria) — My adjournment matter is for the Minister for Consumer Affairs. It has long been a fact that petrol prices in regional Victorian areas are higher than in our larger centres. It is also well known that the price of fuel varies throughout regional Victoria.

**Mr Drum** interjected.

**Ms PULFORD** — Are you finished, Mr Drum? It was a late night last night; I think people would all like to get home, so if I can continue.

I draw the minister's attention to an article that features in the *Weekly Times* of 22 June. This article indicates that the average petrol price for June in Melbourne was 139.9 cents per litre; in Portland, 147.9 cents; in Horsham, 146.4 cents; in Hamilton, 147 cents; in Echuca, 146.9 cents; and in Swan Hill, 146.5 cents. What is of note in these figures is that Melbourne had an average price in March of 143 cents per litre, and there certainly appears to be a relationship between population and price fluctuation. The article tells the story of a Colac resident, Bill Brown, and a petition to the commonwealth House of Representatives about this issue, on which Bill has obtained some 6500 signatures.

Fuel prices have a dramatic effect on the people who live in and the businesses that operate in regional Victoria, and the reasons for price differences and fluctuations are many and varied. However, the *Weekly Times* article certainly indicates that there might be a significant relationship between price fluctuation, population and the proportion of the local petrol market that is held by the big supermarket chains of Coles and Woolworths.

I urge Minister O'Brien to consider making a request from the Victorian government to the Australian Competition and Consumer Commission asking that the commission consider these matters and their impact on the price of fuel in regional Victoria.

### Responses

**Hon. W. A. LOVELL** (Minister for Housing) — I say to Mr Lenders that I have no written responses to adjournment matters tonight. The Leader of the Government will respond to those tomorrow.

On the adjournment tonight issues were raised by Mr Lenders for the Minister for Water regarding five properties in Benjeroop that are still inundated by water and particularly the terms of reference and time lines

for the working party to address those issues at Benjeroop.

Mr Ramsay raised an issue for the Minister for Planning regarding wind farms in western Victoria.

Mr Pakula raised an issue for the Minister for Racing regarding Yarra Valley Racing Club and the effect of fires and floods on the track.

Ms Hartland raised an issue for the Minister for Community Services regarding the community sector wage claim and the Fair Work Australia wage case. I note for Ms Hartland's information that the Baillieu government is the only state government to have made any provision for that wage claim, that going into the election it was certainly the coalition which made a commitment to that wage claim and that there was nothing from the Labor Party in relation to that issue.

Mr Drum raised an issue for the Minister for Regional and Rural Development regarding the Regional Growth Fund, particularly around the timing of the announcement of the membership of the Regional Policy Advisory Committee.

Mr Somyurek raised an issue for the Minister for Manufacturing, Exports and Trade regarding the draft manufacturing report from the Victorian Competition and Efficiency Commission, particularly recommendation 12.1.

Mr Finn raised a matter for the Minister for Public Transport regarding traffic congestion in the western suburbs due to 11 years of neglect of the western suburbs by the Labor Party. He particularly called for a feasibility study into alternative forms of transport, such as ferry services from Wyndham Harbour. I note for Mr Finn that information from the western suburbs shows that ferry services have been very successful over the years. In fact my grandfather ran his ferry service along the Yarra from Williamstown to Melbourne and that is how he met my nanna, so I think a ferry service is a great idea.

Ms Tierney raised a matter for the Minister for Regional Cities regarding the cities that are within his portfolio.

Ms Pennicuik raised a matter for the Minister for Environment and Climate Change regarding protection of flora species in a grassy woodlands area at the CSIRO site at Highett.

Ms Darveniza raised a matter for the Minister for Employment and Industrial Relations regarding

entitlements for workers at the Heinz factory in Girgarre.

Ms Pulford raised a matter for the Minister for Consumer Affairs regarding petrol prices in country Victoria, which caused a number of members in the chamber to reflect on the failure of the federal Labor government's FuelWatch policy.

I will pass those matters on to the ministers for their reply.

**Ms Pennicuik** — I raise a matter regarding a written response I received from Minister Ryan Smith in relation to a matter I raised on the adjournment about the dangers that opera house net traps were posing to platypuses, with the Department of Sustainability and Environment reporting that several platypuses have been drowned over recent months as a result of the use of these traps. I raised the matter for the Minister for Environment and Climate Change due to his responsibility under section 4 of the Flora and Fauna Guarantee Act 1988, among other things:

- (a) to guarantee that all taxa of Victoria's flora and fauna ... can survive, flourish and retain their potential for evolutionary development in the wild; and
- (b) to conserve Victoria's communities of flora and fauna; and
- (c) to manage potentially threatening processes ...

The minister responded that because the use of the nets is regulated under the Fisheries Act 1995 the question is the responsibility of the Minister for Agriculture and Food Security. I accept this, but I seek the President's advice as to whether Minister Smith should investigate a matter relating to a threat to a species of native fauna and act on the issue I raised, such as by declaring the use of the nets a potentially threatening process and issuing a ban on their use, which I think is his responsibility under the act. I seek your advice, President, as to what to do.

**The PRESIDENT** — Order! Quite often in the adjournment members raise issues for ministers and perhaps the minister responsible for a specific act is different to the minister from whom a member has sought some action. This is clearly a case of one minister being responsible for an act and therefore the use of those devices, but from Ms Pennicuik's comments tonight I understand that she sought the consideration of another minister because the use of those devices has implications for that minister's area of responsibility, being the care of or concern for fauna and flora. I will take the opportunity to discuss that with Ryan Smith, the Minister for Environment and Climate

Change, in the next few days, and no doubt by Ms Pennicuik's raising it his department will also take note that that was the focus of her adjournment item on that occasion.

**Mr Tee** — I have an outstanding adjournment matter for which I seek an explanation. It was a matter that I raised for the Minister for Roads on 4 May, and I think it is now some 26 days outstanding. I seek an explanation pursuant to standing order 4.13.

**Hon. W. A. LOVELL** (Minister for Housing) — As I indicated, the Leader of the Government will have some adjournment matters to table tomorrow, but I will raise that issue with the Minister for Roads.

**The PRESIDENT** — Order! That being the last of the matters to be raised, the house stands adjourned.

**House adjourned 10.38 p.m.**

**Wednesday, 29 June 2011**

**JOINT SITTING OF PARLIAMENT**

**Victorian Health Promotion Foundation**

**Honourable members of both houses met in  
Assembly chamber at 6.17 p.m.**

**The CHAIR** — I welcome members to a joint sitting of the Legislative Council and the Legislative Assembly. We will proceed with the election of three members of the Parliament to the Victorian Health Promotion Foundation. Under joint standing order 19(2), the Chair of joint sittings alternates. On this occasion it is the President, which explains why I am here.

I now take pleasure in inviting proposals from members with regard to the three members to be elected to the Victorian Health Promotion Foundation.

**Mr BAILLIEU** (Premier) — Thank you, Chair. May I not only welcome you to this chamber but also propose:

That Mr Neil Angus, Mr Tim Bull and Ms Danielle Green be elected to the Victorian Health Promotion Foundation.

I understand they are willing to accept the nomination and the appointment, if chosen.

**The CHAIR** — Is there a seconder for the proposal?

**Mr ANDREWS** (Leader of the Opposition) — I have pleasure in seconding the proposal.

**The CHAIR** — There being no further proposals, and as there are only three members proposed for the three positions available, I declare that Mr Neil Angus, Mr Tim Bull and Ms Danielle Green are elected to the Victorian Health Promotion Foundation.

I now declare the joint sitting closed.

**Proceedings terminated 6.19 p.m.**