

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 10 October 2012

(Extract from book 16)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

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

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

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

Participating member

Joint committees

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

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

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

Education and Training Committee — (*Council*): Mr Elasmarr 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, Ms Crozier and Mr O'Brien. (*Assembly*): 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 Carabines, 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'Donohue. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

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

CONTENTS

WEDNESDAY, 10 OCTOBER 2012

PETITIONS	
<i>Planning: permit process</i>	4431
OFFICE OF THE PUBLIC ADVOCATE	
<i>Report 2011–12</i>	4431
VICTORIAN COMPETITION AND EFFICIENCY COMMISSION	
<i>Report 2011–12</i>	4431
CONSUMER UTILITIES ADVOCACY CENTRE	
<i>Report 2011–12</i>	4431
FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE	
<i>Workforce participation by people with mental illness</i>	4431
PAPERS	4433
NOTICES OF MOTION	4434
MEMBERS STATEMENTS	
<i>Lemnos: independence day</i>	4435
<i>Greg Mills</i>	4435
<i>Royal Melbourne Show</i>	4436
<i>Arthur Calwell: biography</i>	4436
<i>Berry Street: community education campaign</i>	4436
<i>Climate change: government performance</i>	4436
<i>Wintringham: aged-care services</i>	4436
<i>World Homeless Day</i>	4437
<i>Howard Handley</i>	4437
<i>Health: government initiatives</i>	4437
<i>Benetas: aged-care services</i>	4437
<i>John Hall</i>	4438
<i>Solar Systems: Bridgewater and Mildura facilities</i>	4438
<i>Skin cancer: prevention</i>	4438
<i>Assistance Dogs Australia: graduation ceremony</i>	4438
<i>Roads: city of Wyndham</i>	4439
<i>Kennett government: 20th anniversary</i>	4439
<i>Legal and Social Issues References Committee: organ donation inquiry</i>	4439
BUILDING INDUSTRY: DISPUTE RESOLUTION	4439, 4464
QUESTIONS WITHOUT NOTICE	
<i>Health services: future</i>	4455, 4456
<i>Alfred hospital: transplant program</i>	4456
<i>Kyneton District Health Service: funding</i>	4458
<i>Japan: trade partnerships</i>	4459
<i>Aged care: Peninsula Health facility</i>	4459, 4460, 4461
<i>Higher education: TAFE funding</i>	4460
<i>Housing: Marysville temporary village site</i>	4461
<i>Regional rail link: environmental management plan</i>	4462
<i>China: trade mission</i>	4462
QUESTIONS ON NOTICE	
<i>Answers</i>	4463
STANDING COMMITTEES	
<i>References</i>	4470

STATEMENTS ON REPORTS AND PAPERS

<i>Department of Planning and Community Development: report 2011–12</i>	4494, 4496
<i>Department of Primary Industries: report 2011–12</i>	4495
<i>Auditor-General: Programs for Students with Special Learning Needs</i>	4497, 4498
<i>Department of Primary Industries: report 2010–11</i>	4499
<i>Disability services commissioner: report 2012</i>	4499
<i>Department of Human Services: report 2010–11</i>	4500
<i>2009 Victorian Bushfires Royal Commission: final report</i>	4501
<i>Swinburne University of Technology: report 2011</i>	4502
<i>Auditor-General: Energy Efficiency in the Health Sector</i>	4503
FIRE SERVICES PROPERTY LEVY BILL 2012	
<i>Assembly's amendments</i>	4503
APOLOGY FOR PAST FORCED ADOPTIONS	4504
ADJOURNMENT	
<i>Yallourn power station: flood compensation</i>	4504
<i>National disability insurance scheme: Barwon trial</i>	4504
<i>Diabetes: funding</i>	4505
<i>Calder Park Raceway: major events</i>	4505
<i>Aged care: Peninsula Health facility</i>	4506
<i>City of Kingston: councillor conduct</i>	4506
<i>Ruthven Primary School site: future</i>	4507
<i>Gas: Koo Wee Rup supply</i>	4507
<i>Dairy industry: future</i>	4508
<i>Responses</i>	4508

Wednesday, 10 October 2012

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

The PRESIDENT — Order! I have been advised that the Economy and Infrastructure References Committee will be meeting this day following the conclusion of the sitting of the Council.

PETITIONS

Following petition presented to house:

Planning: permit process

To the Legislative Council of Victoria:

The petition of certain citizens of Victoria draws to the attention of the Legislative Council the Baillieu government's plan to rush through 'code assess' legislation which threatens the livability of Melbourne and our suburbs.

In particular, we note:

1. developers that meet the 'code assess' standards will be fast-tracked for multistorey developments and local residents will have no warning, no say and no right to go to VCAT;
2. this legislation does not protect our suburbs from inappropriate development and it does not protect the rights of Victorians to have a say about the shape of their community;
3. this unrestrained development will put more and more pressure on already strained infrastructure like roads, schools, health services and public transport.

The petitioners therefore request that the Legislative Council urges the Baillieu government to withdraw the radical reshaping of the planning act that will remove community consultation from the development approval process and to rethink, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods.

By Mr LENDERS (Southern Metropolitan) (13 signatures).

Laid on table.

OFFICE OF THE PUBLIC ADVOCATE

Report 2011–12

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), by leave, presented report.

Laid on table.

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

Report 2011–12

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer), by leave, presented report.

Laid on table.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2011–12

Hon. M. J. GUY (Minister for Planning), by leave, presented report.

Laid on table.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Workforce participation by people with mental illness

Ms CROZIER (Southern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms CROZIER (Southern Metropolitan) — I move:

That the Council take note of the report.

Today is World Mental Health Day, so I am particularly pleased to be able to rise and speak on the Family and Community Development Committee's report on its inquiry into workforce participation by people with a mental illness.

Mental illness affects people within our communities in various forms. It does not discriminate on socioeconomic grounds, and some indicators show that one in five Australians will experience some form of mental illness in their lifetime. In recent weeks television programs have highlighted the devastating nature of severe mental illness and the impact it has on close-knit communities.

Mental illness can be mild or severe, chronic or episodic in nature and present at any age, and for many people who suffer from mental illness the desire to participate in the community, in school and in the

workforce is as important as it is to those who do not suffer from mental illness.

The committee heard from people who had experienced firsthand the barriers that prevented them from obtaining employment, and those barriers were identified as including stigma and discrimination, an inability or unwillingness to provide for a flexible workplace, and issues surrounding access to mental health and employment services. The effect of some medications may also have a direct impact on an individual's ability to function, which was also identified as a major barrier.

The very nature of mental illness being episodic in some circumstances also creates barriers for those individuals who suffer from mental illness and who are trying to obtain employment or remain in the workforce. Unlike a physical disability, mental illness can often be invisible, therefore going unnoticed by many either in the workplace or in the wider community.

It was evident to the committee that people who suffer from mental illness often face greater barriers to employment opportunities and workforce participation. This was reinforced by a report from the federal Department of Education, Employment and Workplace Relations which contained data stating that people with mental illness are up to 40 per cent less likely than people with no mental illness to participate in the workforce.

When those identified barriers can be overcome the benefits of participation are widespread. The personal benefits include social inclusion, which gives an individual a sense of purpose and, with that, increased confidence. The social benefits enable those with skills, knowledge and experience either from their work or from life's experience to pass those things on to others. The financial and economic benefits extend to both the individual and the government. An individual who is in employment and is self-sufficient is generally less reliant on government assistance, particularly in the areas of health and welfare services.

In conducting this inquiry the committee received 44 written submissions and held 32 public hearings in Melbourne and both Geelong and Bendigo in regional Victoria. The committee heard from a range of organisations, employers, agencies and, importantly, individuals. I would like to thank all the witnesses who came before the committee and gave evidence, especially those individuals who had suffered or were suffering from mental illness and who were prepared to share their stories and experiences when, at times, it

was difficult for them to do so. Hearing the experiences of those individuals enabled committee members to understand the complexity of the issues surrounding mental illness and the importance of participation in the workforce for people suffering from mental illness.

The benefits that early identification in education settings and encouragement to remain in education brings to younger people who suffer from mental illness were also highlighted. It was identified that mental health services provide critical support to people in attaining both their employment and educational goals. In determining how greater participation in the workforce by people with mental illness can be achieved, the committee recommended that a mental health employment strategy be developed and overseen by the Minister for Mental Health. In doing so the minister would be working closely with both state and federal government departments to ensure a decrease in duplication of responsibilities such as in the area of funding and provide greater clarification of the roles of respective government departments in relation to administering mental health services and programs.

Another very important and relevant requirement identified by the committee is to change perceptions of mental illness within the workplace. Supportive workplaces and early intervention, together with changed perceptions, were highlighted as being beneficial to people who suffer from mental illness if they are to remain engaged and continue to participate in the workforce. The personal, social and economic benefits I spoke about earlier may then be achieved. I believe the issues highlighted throughout this inquiry are important for our community, and governments at all levels can provide support which will assist those with mental illness to have improved workforce participation.

Finally, I express my thanks and gratitude to the members of the committee: my parliamentary colleague Andrea Coote; and from the Assembly the member for Broadmeadows, Frank McGuire; the member for Carrum, Donna Bauer; the member for Thomastown, Bronwyn Halfpenny; and the member for Ferntree Gully, Nick Wakeling. I also thank members of the secretariat, Dr Janine Bush, Dr Michael McGann, Stephanie Dodds and Natalie Tyler, for their contributions throughout this important inquiry which ensured that this report could be tabled today.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on the Family and Community Development Committee's report *Inquiry into Workforce Participation by People with Mental Illness*. At the outset I say it was chaired admirably by

my colleague Georgie Crozier, from whom you have just heard a very good summary of what was contained in that report.

The 'Chair's foreword' says:

To provide leadership, the committee has recommended that the minister responsible for mental health lead the development, implementation and coordination of a mental health employment strategy, working closely with other government departments and stakeholders.

One of the things the committee found from the inquiry was a lack of understanding on the part of employers of the needs of people suffering from a mental illness. Something as simple as having to take medication first thing in the morning means that people need to have some flexibility within the workforce. The employers themselves came to the committee and said they were happy to employ people with a mental illness but did not understand what their needs were. 'Flexibility' is the term that came through on all occasions. This is an issue of grave concern to the people who have suffered from a mental illness at any time in the past. People also recognised that a greater understanding of their needs is something employers need, and that in particular is a very good point.

I, too, put on record my thanks to the secretariat under the leadership of Dr Janine Bush and Dr Michael McGann, along with Stephanie Dodds and Natalie Tyler, for the hard work and support they have given to the committee. It was also a pleasure to work with other members of the committee from the Assembly: the member for Broadmeadows, Frank McGuire; the member for Carrum, Donna Bauer; the member for Thomastown, Bronwyn Halfpenny; the member for Ferntree Gully, Nick Wakeling; and our excellent chair, Georgie Crozier.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Adult Community and Further Education Board — Report, 2011–12.

Alexandra District Hospital — Report, 2011–12.

Alpine Health — Report, 2011–12.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2011–12 report.

Auditor-General Reports on —

Consumer Participation in the Health System, October 2012.

Managing Major Projects, October 2012.

Barwon Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Bass Coast Regional Health — Report, 2011–12.

Boort District Health — Report, 2011–12.

Calder Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Casterton Memorial Hospital — Report, 2011–12.

Castlemaine Health — Report, 2011–12.

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

Cohuna District Hospital — Report, 2011–12.

Colac Area Health — Report, 2011–12.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2011–12 report.

Confiscation Act 1997 — Asset Confiscation Operations, Report to the Attorney-General, 2011–12.

Consumer Affairs Victoria — Report, 2011–12.

Desert Fringe Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Djerriwarrh Health Services — Report, 2011–12.

Docklands Studios Melbourne Pty Ltd — Report, 2011–12.

Dunmunkle Health Services — Report, 2011–12.

Echuca Regional Health — Report, 2011–12.

Edenhope and District Memorial Hospital — Report, 2011–12.

Emerald Tourist Railway Board — Report, 2011–12.

Film Victoria — Report, 2011–12.

Forensic Leave Panel — Report, 2011.

Geelong Cemeteries Trust — Report, 2011–12.

Gippsland Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Grampians Regional Waste Management Group — Minister's report of receipt of 2011–12 report.

Greyhound Racing Victoria — Report, 2011–12.

Growth Areas Authority — Report, 2011–12.

Heathcote Health — Report, 2011–12.

Hesse Rural Health Service — Report, 2011–12.

Heywood Rural Health — Report, 2011–12.

NOTICES OF MOTION

4434

COUNCIL

Wednesday, 10 October 2012

- Inglewood and Districts Health Service — Report, 2011–12.
- Judicial College of Victoria — Report, 2011–12.
- Kerang District Health — Report, 2011–12.
- Kooweerup Regional Health Service — Report, 2011–12.
- Kyabram and District Health Services — Report, 2011–12.
- Kyneton District Health Service — Report, 2011–12.
- Legal Practitioners' Liability Committee — Report, 2011–12.
- Legal Services Commissioner — Report, 2011–12.
- Maldon Hospital — Minister's report of receipt of 2011–12 report.
- Maryborough District Health Service — Report, 2011–12.
- Melbourne Market Authority — Report, 2011–12.
- Metropolitan Waste Management Group — Report, 2011–12.
- Mildura Cemetery Trust — Minister's report of receipt of 2011–12 report.
- Mildura Regional Waste Management Group — Minister's report of receipt of 2011–12 report.
- Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2011–12 report.
- Moyne Health Services — Report, 2011–12.
- National Parks Act 1975 — Report on the working of the Act, 2011–12.
- National Parks Advisory Council — Report, 2011–12.
- North East Victorian Regional Waste Management Group — Minister's report of receipt of 2011–12 report.
- Northeast Health Wangaratta — Report, 2011–12.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2011–12 report.
- Numurkah District Health Service — Report, 2011–12.
- Ombudsman — Report on the Investigation into the temporary closure of Alfred Health's adult lung transplant program, October 2012.
- Otway Health and Community Services — Report, 2011–12.
- Parks Victoria — Report, 2011–12.
- Phillip Island Nature Parks — Report, 2011–12.
- Portland District Health — Report, 2011–12.
- Professional Standards Council — Report, 2011–12.
- Public Prosecutions Office — Report, 2011–12.
- Residential Tenancies Bond Authority — Report, 2011–12.
- Roads Corporation — Report, 2011–12.
- Robinvale District Health Services — Report, 2011–12.
- Rochester and Elmore District Health Service — Report, 2011–12.
- Royal Botanic Gardens Board — Report, 2011–12.
- South West Healthcare — Report, 2011–12.
- Southern Metropolitan Cemeteries Trust — Report, 2011–12.
- State Electricity Commission of Victoria — Report, 2011–12.
- Stawell Regional Health — Report, 2011–12.
- Surveyors Registration Board of Victoria — Minister's report of receipt of 2011–12 report.
- Swan Hill District Health — Report, 2011–12.
- Trust for Nature (Victoria) — Report, 2011–12.
- Victorian Coastal Council — Report, 2011–12.
- Victorian Commission for Gambling and Liquor Regulation — Report, 2011–12.
- Victorian Electoral Commission —
Report, 2011–12.
- Report to Parliament on the Melbourne District by-election held on 21 July 2012.
- Victorian Environmental Assessment Council — Report, 2011–12.
- Victorian Environmental Water Holder — Minister's report of receipt of 2011–12 report.
- Victorian Equal Opportunity and Human Rights Commission — Report, 2011–12.
- Victorian Government Purchasing Board — Report, 2011–12.
- Victorian Institute of Forensic Medicine — Report, 2011–12.
- Victorian Institute of Teaching — Report, 2011–12.
- Victorian Privacy Commissioner's Office — Report, 2011–12.
- Victorian Regional Channels Authority — Report, 2011–12.
- Victorian Registration and Qualifications Authority — Report, 2011–12.
- Victorian Skills Commission — Report, 2011–12.
- West Wimmera Health Service — Report, 2011–12.
- Zoological Parks and Gardens Board — Report, 2011–12.

NOTICES OF MOTION

Mr LEANE having given notice of motion:

The PRESIDENT — Order! Mr Leane provided a copy of this motion on a previous occasion, and the

clerks and I expressed concern about it. I have a number of concerns in terms of our requirements for accepting notices of motion. Firstly, this resembles a shopping list more than a notice of motion. Secondly, it is longer than we expect notices of motion to be and is not really succinct as a proposition. It is not coherent, in the sense that it starts off with — —

Mr Leane interjected.

The PRESIDENT — That is an ill-advised comment when I am on my feet as the President. If Mr Leane disagrees with my position — —

Mr Leane interjected.

The PRESIDENT — It is incoherent because it starts off noting the achievements of a former government, noting that another government was elected at a particular date and then going on to list a whole lot of propositions of what that government might have promised on that occasion, but it does not actually come to any proposition that invites the house to reach a decision. I will take this one on notice. Mr Leane and I will have a discussion about it, but from my point of view this notice is not in the correct form. He was previously advised of that, and I understood he was going to revise the notice to ensure that it did meet the form that was expected in the house. Mr Leane and I will have a discussion about that outside the chamber.

An honourable member interjected.

The PRESIDENT — At this stage it is not on the notice paper.

MEMBERS STATEMENTS

Lemnos: independence day

Mr TARLAMIS (South Eastern Metropolitan) — Last Monday officially marked the 100th anniversary of the liberation of Lemnos. On 8 October 1912 Admiral Pavlos Kountouriotis, aboard the Aegean fleet flagship *Averof*, liberated the island of Lemnos from the Ottoman Empire, ending 456 years of foreign rule. The Greek forces landed near Vourlidia in the bay of Moudros and travelled inland, where the first flag of liberation was raised on the small bridge opposite the Church of Assumption of the Virgin Mary in the village of Tsimandria. This has added significance for me, as this is the village where my father was born, where my grandmother's family is from and where I still have relatives. Recently, thanks to the work of Peter Volaris from Melbourne, a monument has been constructed at Vourlidia, and his family has personally funded the

reconstruction of the bridge on which this flag was raised.

Having reached this milestone, Lemnians not only celebrate 100 years of freedom but also the reunification of the island with ancestral Greece. There is a strong connection between Lemnos and Australia, which dates back to 4 March 1915 when Australian troops first landed on the island in the lead-up to the Gallipoli campaign which was the first major campaign by Australian forces and the wider Anzac corps in the First World War. Lemnos was the principal assembly, embarkation and supply point for the Gallipoli landings and Moudros harbour was a major staging post for naval operations, including the submarine campaign. It was the location of soldier rest camps and two Australian field hospitals, and it was where the first overseas deployment of Australian nurses to a war theatre took place. It is where 148 Australian and 76 New Zealand soldiers' graves are located in two commonwealth war cemeteries.

As we approach the centenary of Anzac in 2015, it is crucial that we do all we can to promote the significant role that Lemnos has played and to ensure that it is better understood, recognised and not forgotten. I congratulate the Lemnian community in Victoria and all around the world on this important anniversary.

Greg Mills

Mr ONDARCHIE (Northern Metropolitan) — One of the benefits of giving members statements is that you have the opportunity to congratulate one of your constituents. Today I congratulate one of my constituents in the person of Greg Mills. Greg Mills has been a Victorian Rugby League referee for over 22 years, and has given dedicated service to many aspects of refereeing. Still to this day, he is running around refereeing.

Greg is president of the Victorian Rugby League Referees' Association, where he has held numerous positions, including treasurer, for 10 years. Greg attends Victorian Rugby League club meetings to represent referees and to assist in the development of the game and local competition management. In addition to this executive work he is also a level 3 referee who conducts a mentoring program for young referees in the association.

Last year Greg, who officiates both under-7 games and senior games, was recognised by his peers for his commitment to refereeing when he was made a life member of the Victorian Rugby League Association. Just recently, on 24 September at the Sydney town hall,

he was recognised for his great work when he was the runner-up in the AAMI service to refereeing award. We congratulate him on his wonderful community service. We are very proud of him. We congratulate and applaud our own Greg Mills. In doing so, I also wish him a very happy birthday for tomorrow.

Royal Melbourne Show

Ms MIKAKOS (Northern Metropolitan) — On 26 September, along with other members of the shadow cabinet, I attended the 157th Royal Melbourne Show, which has become Victoria's largest and longest running annual community event. It was a pleasure to meet with members of the board. It has been a signature event in Melbourne since 1848, attracting well over half a million visitors each year. It is a wonderful display of the very best of Victoria's agricultural and food produce.

Arthur Calwell: biography

Ms MIKAKOS — On another matter, on 30 September I attended the launch of the Arthur Calwell biography titled *I Am Bound to Be True* by the federal Minister for Immigration and Citizenship, Chris Bowen, at the Museo Italiano in Carlton. As Australia's first immigration minister, Calwell was the chief architect of Australia's post World War II immigration scheme and has since been considered by many as the father of multiculturalism. He introduced Australian citizenship; prior to that Australians were considered only British subjects. He was also a federal Labor leader, and the federal seat of Calwell in Melbourne's north-west is named after him. I congratulate his daughter, Dr Mary Elizabeth Calwell, on documenting the contribution of her father, the late Arthur Calwell, to Australian politics.

Berry Street: community education campaign

Ms MIKAKOS — On another matter, on 2 October I attended, together with many of my Labor colleagues, the launch of Berry Street's new community education campaign titled 'Kids like these need families like yours'. The campaign aims to increase the respite care available to vulnerable families, including full-time foster carers. There is currently a shortage of foster carers. Families offering respite care can go on to be permanent foster carers in the long term. I was moved to hear from a panel of young people just how much access to respite care and foster care has changed their lives.

Climate change: government performance

Mr BARBER (Northern Metropolitan) — We have a high and pressing need in Victoria to adapt to the impacts of climate change, which are already being felt. I would like to congratulate the Greens Minister for Climate Change in Tasmania, Cassy O'Connor, on producing an issues paper *Adapting to Climate Change in Tasmania*. This covers off on many of the important issues that will be pressing for all jurisdictions around Australia, which amongst others include the provision of information; taking climate change risk into account in public policy, planning and regulation; managing the risks to state-owned infrastructure, assets and services; and assisting vulnerable communities.

It is therefore surprising that the Victorian Minister for Environment and Climate Change, Mr Ryan Smith, who has a legislative responsibility to produce a climate change adaptation strategy by December this year, has so far delivered nothing. This is a difficult and pressing problem, and yet the added difficulty for Mr Smith is that members of his own party basically do not believe in climate change and would be horrified even to hear the words come out of his mouth.

It is clear that the federal Leader of the Opposition, Tony Abbott, as we now know with the assistance of Alan Jones, won the internal culture war in the Liberal Party over climate change, and it is now set up as a party that cannot take meaningful action on climate change, let alone adapt to the imminent effects that we will feel across our state.

Wintringham: aged-care services

Hon. W. A. LOVELL (Minister for Housing) — I recently had the pleasure of officially opening two housing estates in Benalla and Euroa aimed specifically at low-income older people. These estates had their beginnings generations ago as Alexander Miller Homes and have been given a new life by specialist aged-care provider Wintringham. The estates created through Wintringham's partnership with the Alexander Miller Estate and the Victorian government are communities with a true sense of home.

During my visit I was pleased to meet Marilyn in Euroa and Steve in Benalla, who told me how wonderful their new units are. Marilyn moved to Euroa to be near her grandchildren and described her new home as excellent. Steve, who had been homeless, said that after many years of drifting and struggling he was now living instead of just existing. These words are testament to the hard work done by Wintringham and its CEO, Bryan Lipmann, to keep the legacy of Alexander Miller

alive. Alexander Miller had a vision that was ahead of his time — to cater for those less fortunate who needed help in their older years. In his will Mr Miller made sure that more people were helped, targeting towns with a high need for affordable older people's accommodation. The Alexander Miller Estate currently owns around 200 properties across Victoria and caters well to the needs of older Victorians. I would like to congratulate Bryan Lipmann and Wintringham for doing such a wonderful job to keep Alexander Miller's dream alive, and I wish Marilyn and Steve well in their new homes.

World Homeless Day

Hon. W. A. LOVELL — Today is World Homeless Day. I pay tribute to all organisations, including Wintringham, that assist Victorians who have the misfortune of experiencing homelessness.

Howard Handley

Ms DARVENIZA (Northern Victoria) — I would like to pay tribute to a Labor stalwart, Mr Howard Handley, who died on 24 August this year at the age of 83. Howard was born in Wangaratta on 28 February 1929. He was the youngest of four children. He was described by his friends and colleagues as a railway man. His father, Alfred, was a railway man and an active member of the ALP and the railway union, and Howard joined the railway at the age of 14.

Howard's first job was in the kitchen serving food to World War II diggers on their way to the war. He progressed from the kitchen to the platform at Wangaratta, where he would check and punch tickets and assist with all platform duties. At the age of 22 he went to the shunting yard, where he would load the carriages with goods and then set them up for the train ready for their destination. He then became a signal man, which he did for another 30 years.

In 1951, at the age of 22, Howard joined the Wangaratta branch of the Australian Labor Party, and in 1991 was made a 40-year member. He also was made a life member of the Australian Labor Party. Mr Handley was an ALP member for 61 years and only missed a meeting because of ill health. Shortly before Mr Handley passed away I was honoured to present him with a certificate for loyalty and dedication to the Australian Labor Party signed by the Prime Minister, Julia Gillard, the Leader of the Opposition, Daniel Andrews, and our state secretary, Noah Carroll.

Howard loved his vegetable garden, fishing and his family. I would like to offer my condolences to his

wife, Betty, and his family and friends. He will be very much missed.

Health: government initiatives

Mr RAMSAY (Western Victoria) — A back injury this year meant I spent more time on my back than on my feet in the early mornings, and the loss of mobility took me to the hinterland of Queensland to reassess life. With good food, exercise and meditation and without sugar, caffeine, alcohol and life's baggage of iPads, iPhones, TV and radio I am now a convert to a healthy lifestyle of fresh food and exercise.

A health audit of Victorians — the most extensive undertaken — by the Victorian health monitor has shown that 1 in 20 Victorians has diabetes, 1 in 4 is obese, 62 per cent are overweight, 1 in 4 has high blood pressure and 7 out of 10 are not getting enough exercise. It seems ironic that our fresh food producers — our farmers — are of a demographic that has a poor health regime and works in a high-risk workplace. That is why I was happy to launch the Sowing the Seeds of Farmer Health biannual conference run by the National Centre for Farmer Health last month in Hamilton to highlight this problem.

I was pleased to be with the Minister for Health, David Davis, at the launch of Jamie Oliver's Ministry of Food kitchen in Geelong last week to highlight the importance of eating and cooking nutritious fresh food. These cooking courses will hit regional Victoria as a roadshow in January next year.

These frightening health statistics demonstrate the importance of the work the minister and the Department of Health are doing to roll out the prevention community model in 14 local government areas to promote the importance of healthy lifestyle in combating the rising rates of diabetes and obesity in our community. I will be very active as an ambassador in my electorate, Western Victoria Region, promoting these programs to stop our children and our communities from gorging themselves to death with poor nutrition. I call on all MPs to help me in this endeavour.

Benetas: aged-care services

Mr ELASMAR (Northern Metropolitan) — On Monday, 24 September, I attended the Benetas Dowell Court AFL luncheon hosted by Benetas, an aged-care provider covering both metropolitan and regional Victoria. Benetas provides home-based aged-care services as well as specialist residential care and

accommodation. I took the opportunity while I was there to listen to its very real concerns regarding ongoing and appropriate funding for the aged-care industry.

Changes to the aged-care funding instrument occurred from 1 July, but I have to say that irrespective of who is in government federally, our senior citizens deserve to be safe and secure in their twilight years.

John Hall

Mr ELASMAR — I was saddened recently by the death of an old friend, John Hall. During his activist years John was a local councillor for Preston for 24 years and was elected mayor twice. I had the pleasure of serving with his daughter, Chris Kelly, on the Darebin City Council back in the 1990s. Chris was a fine councillor and a credit to her father. John was well known for his strength and dedication to serving his Kingsbury parish church and the people of Preston. Sincere condolences to John's family and his many friends.

Solar Systems: Bridgewater and Mildura facilities

Mrs PETROVICH (Northern Victoria) — I would like to congratulate the Victorian coalition government on recently investing \$10 million in the development of solar technology at the Solar Systems site at Bridgewater. The Bridgewater facility is the largest concentrating photovoltaic solar plant in Australia and is a shining example of the sort of larger scale innovations that have been made possible for solar energy in our own backyards.

Advancements in solar cells mean that cells are able to operate at up to 40 per cent conversion efficiency with an expectation of reaching up to 50 per cent efficiency in the foreseeable future. The Solar Systems Bridgewater and Mildura facilities are perfect examples of the sort of innovations that are happening all the time in rural Victoria. Upon its completion the Mildura solar plant will be the largest in the world, producing enough clean energy to power up to 35 000 homes in the Mildura area.

Mrs Coote interjected.

Mrs PETROVICH — It is a fantastic piece of work. As Parliamentary Secretary for Sustainability and Environment the development of solar energy is something I am passionate about. Within my community there is a keen interest in the environment, and this interest extends to renewable energy. Although

we cannot yet completely rely on renewable energy, projects like those at Bridgewater and Mildura demonstrate that developments and innovation are happening every day in solar energy. I would like to congratulate the Minister for Energy and Resources, Michael O'Brien for investing time and resources in solar energy within my electorate and to thank the team at Solar Systems for its continuous hard work in this specialised field.

Skin cancer: prevention

Mrs PETROVICH — I would also like to raise the issue of the up to 1900 Australians who die every year as result of skin cancer. Two in three people will be diagnosed with skin cancer by the age of 70. Within the Northern Victoria Region skin cancer is a major killer, and it is important to look at ways of preventing this devastating disease. With summer just around the corner it is important to remember the risks associated with sun exposure and prepare before going outside. In 2009 the International Agency — —

The PRESIDENT — Order! It is time for 90-second statements, not 190 seconds!

Assistance Dogs Australia: graduation ceremony

Mrs COOTE (Southern Metropolitan) — On 4 October I had the greatest of pleasure to be on the stage at Federation Square as part of the Assistance Dogs Australia graduation ceremony. Assistance dogs are the most remarkable dogs. They are usually golden retrievers or labradors. After they have been bred, many puppies go into the prison system to be trained — because they need 24-hour care — by prisoners to be assistance dogs. They are also trained by people other than those in prison, but the prison program has turned out to be extremely successful.

These dogs do the most extraordinary things for the disabled people with whom they work — for example, they can press the button at the traffic lights, they can answer the telephone and they can take the washing out of the washing machine. They really are the most extraordinary, supportive animals. They are not guide dogs but assistance dogs.

My request to people in the chamber is, if they ever come across an assistance dog, to please ask the owner if they can in fact pat the dog. These are working dogs, dogs that are trained to take their carer out into the wider world. One of the people at the graduation was a 15-year-old boy called Jake. Jake's dog was a brown

labrador called Pudden. I asked, 'What does Pudden do for you?' and he said, 'Pudden loves me'.

Roads: city of Wyndham

Mr ELSBURY (Western Metropolitan) — I was somewhat perplexed the other day when I happened to spy the car of the Legislative Assembly member for Tarneit. He has two bumper stickers on the back of his car that read, 'Fix Wyndham's roads now'. Too bad that was not the mantra he had when he was Minister for Roads and Ports. In any case, the coalition is getting on with the job of fixing the roads problem that the Labor government left in the city of Wyndham. Works are being done at the intersections of Boardwalk Boulevard and Wallace Avenue in Point Cook, Old Geelong and Forsyth roads in Hoppers Crossing, and Derrimut and Dohertys roads in Truganina. We have made a commitment to the Sneydes Road and Maltby bypass interchange, for which we await a federal government commitment. There is also the duplication of the Palmers Road overpass as part of the redesign of the Williams Landing railway station in Laverton.

Kennett government: 20th anniversary

Mr ELSBURY — I would also like to say that I was proud to attend the celebrations of the 20th anniversary of the Kennett government. The Kennett government did a lot of great work for this state, bringing us out of the mire we were left in after the Cain-Kirner years. It was able to lift this state up once again to hold its head high and be an industrial power as well as the sports and arts capital of this great nation. To Jeff and all the ministers who worked in the Kennett government, I thank you sincerely from the bottom of my heart.

Legal and Social Issues References Committee: organ donation inquiry

Mr O'DONOHUE (Eastern Victoria) — Earlier this year the Legal and Social Issues References Committee tabled its report on organ donation in Victoria. When the report was tabled the majority of that committee referred to the Ombudsman the question of the alleged inconsistencies in the evidence of the CEO of the Alfred, Mr Way, and also the issue of the collaboration between the media units of the Department of Health and Alfred Health. The Ombudsman has tabled his report today.

At paragraph 32 of that report the Ombudsman says:

The committee —

that is, the majority of the committee led by Mr Viney —

said it was 'concerned that Mr Way was not as clear and open in his evidence to the committee as he was in his explanation to the Alfred Health board'.

The Ombudsman also said at paragraph 35:

... Mr Way's evidence to both the committee and the board was consistent and appears to have reflected his view of the reasons for the closure at the time.

In relation to the collaboration between the Department of Health and the Alfred media units, the Ombudsman found:

Although there was consultation between the departmental and Alfred Health media units in responding to the media, this was not conducted with the purpose of a particular political objective and was not unusual in the circumstances.

The inquiry this committee made was a real opportunity to advance the issue of organ donation in Victoria. It made many worthy recommendations. It is regrettable that the opposition members and the Greens member of the committee decided to undertake a partisan political exercise in relation to this issue, and the Ombudsman has vindicated the minority position of the committee.

BUILDING INDUSTRY: DISPUTE RESOLUTION

Mr TEE (Eastern Metropolitan) — I move:

That this house —

- (1) notes that in 2011 there were 1100 domestic building claims lodged at the Victorian Civil and Administrative Tribunal (VCAT) and that in 2010–11 the Building Practitioners Board reprimanded, fined or cancelled a registration on only 64 occasions;
- (2) notes that there have been numerous complaints about the effectiveness of the dispute settlement processes in the domestic building industry which often involve disputes about the construction of the family home, cause emotional and financial stress over an extended period of time and are often not resolved to the satisfaction of either the builder or the homeowner;
- (3) notes that the Victorian government has announced that it will be introducing changes to the operation of the building industry dispute resolution mechanisms; and
- (4) requires the Environment and Planning References Committee to inquire into, consider and report, no later than 1 December 2012, on the domestic building industry, and in particular —
 - (a) the role and effectiveness of VCAT, the Building Commission, Consumer Affairs Victoria and the Building Practitioners Board in investigating and acting on domestic building industry disputes and

consider if recommendations are necessary to improve the effectiveness, oversight and independence of these bodies in regulating the domestic building industry;

- (b) work with the Department of Planning and Community Development to ensure that any changes being made by the government will both improve dispute resolution mechanisms in Victoria and, where appropriate, incorporate the views of stakeholders, including consumers and builders;
- (c) consider recommendations that will set, promote and enforce high standards of work and behaviour in the domestic building industry;
- (d) consider whether the current regulatory structure promotes independence between the regulators and the industry; and
- (e) consider legislative and policy changes to strengthen consumers' rights in the domestic building industry.

I welcome the opportunity to move this motion, and I wish to make some comments on it and urge those in the chamber to support it, which is very timely because we know that the government is soon to announce legislation that will combine the functions of the building and plumbing commissions.

The government is working on a reform package for the building industry, and it is important that two things occur: that we ensure that those deliberations are informed deliberations and also that those deliberations be taken out of the closed environment in which this government operates, so as to provide some capacity for the public to be involved, for there to be engagement and for there to be consultation.

The changes proposed by the government will have significant ramifications. It is unclear to us on this side of the chamber why those decisions have thus far been made in the dark. This motion today offers an opportunity for the government to shed some light on its processes and the secrecy which is surrounding the development of the reforms the government is progressing in this area. This motion offers an opportunity for the government to get its review right by ensuring that there is engagement not just with the departments but with consumers, with the industry and indeed with the Building Commission. This motion proposes that before the government makes a decision on the role of the building and plumbing commissions, before amalgamating those two bodies and before considering the role of Consumer Affairs Victoria and the Building Practitioners Board let us put in place a process that will allow stakeholders and the community to have some input. Let us get it right.

Really this motion is about the opposition reaching out. It is about the opposition, and indeed the community, saying, 'Let's take the politics out of this very important issue'. We want to bridge the gap to set a standard which will provide an opportunity for a bipartisan approach to reform in this area. What we would like is an opportunity for all parties, including the Greens and the opposition, to work with the department, the industry and the community to identify some common-sense changes that will make a difference and get it right. This is about ensuring real reform that is informed by a dialogue with those at the coalface and those who have worked in, and in some cases been the victims of, the current system. For those reasons we think it is just too important to leave these reforms and legislative changes to the whims of the secret workings of the Baillieu government.

These are important changes that affect a large part of the community. We know that in 2011 some 1100 claims were lodged at VCAT. We also know there were only 64 reprimands, fines or cancellations of registrations by the Building Practitioners Board. There were over 1000 claims at VCAT, but the Building Practitioners Board took action on only 64 occasions.

In 2011 Consumer Affairs Victoria (CAV) received nearly 40 000 building complaints but pursued only 16 prosecutions. The work of this committee is to interrogate some of those statistics and see whether we have the balance right. Do we have the proper mechanisms in place to ensure that consumers and builders get a fair go? If not, what changes can we recommend to make sure that we get a better system and a better outcome?

The opposition is motivated by the fact that underlying these figures is a degree of human tragedy that occurs when families get involved in a renovation or building procedure which goes wrong. When a family builds or renovates its dream home it is probably one of the single largest financial commitments it will make. If that process comes unstuck, the impact on a family can be devastating. It can be devastating in a financial sense, but it can also be devastating emotionally. Time and again we have seen families break up. Time and again we have seen people taken to the edge through delays and the frustration of being unable to rectify work, get the work done and have their dream homes completed.

We know the government is looking at this issue. We think it is timely to open up the government's processes to ensure that we look at these claims root and branch. Are consumers getting enough information? Are builders getting enough information? Is there rigour in

terms of the standards we expect of our builders? Are they the right standards? Are they being properly enforced? Are the mechanisms in place to make sure that claims are properly investigated and acted upon? What more can we do to make sure that claims are investigated quickly, because we know that the longer these disputes take, the more heartbreak there is. We know that if we can intervene quickly, if we can get people on the spot, if we get people in early, a lot of these issues can be resolved to everybody's satisfaction. It is the delay and the cost that is associated with that delay that are the problems.

I want to read an extract from a report in the *Herald Sun* of 29 May, which I think articulates some of these concerns. On page 29 the report says:

One in six Victorians paying for home building and renovations meet problems, most of them related to unfair and unlawful trading practices.

But although government agencies can inspect shoddy work and force builders to fix problems, they rarely do so, instead advising owners to pursue builders through the Victorian Civil and Administrative Tribunal, where cases can drag on for years, with legal costs of more than \$100 000.

One owner says VCAT warned her efforts to force her builder to fix major defects could take years, with costs so high that, even if she won, she might lose her house to pay them.

It is claims such as these, which are very real and too often come across my desk, that the opposition would like to see examined. We know that on most occasions the industry works well and that most families get what they pay for and what they contracted to receive, but that does not take away from the heartbreak associated with those occasions when the outcome is not what the consumer, their family or indeed the builder expects. That is really what the opposition would like to see examined by this parliamentary committee.

Again I will give just one example. Ms Fiona O'Hare purchased her dream home in 2011, a home in which she hoped to retire. It was a property on a hill; it was on a large block and the house was three years old when she purchased it. She was doing some work on the house when she discovered that 3000 litres of water had seeped under her house. She realised there were issues associated with drainage, that the foundations of the house were, to put it mildly, fragile and that instead of brick pillars the house was being held up by three pieces of pine; the house was unstable. That house was condemned and is expected to collapse within three years. This person is left with a devastating problem. She has a financial commitment but is struggling without a roof over her head in circumstances where she has limited redress and where she has done little wrong.

We are very keen to interrogate some of these examples and to hear some of the real-life stories — and there are a number of them. We want to make sure it is a constructive process and a process whereby we work hand in glove with the government to come up with a way forward. This is not about playing the blame game; this is about having a bipartisan approach. It is about having a dispassionate look at the process and having a dispassionate look at what VCAT, the Building Commission and CAV do. It is about working with the department and feeding into the reforms that the government is set to announce. It is an opportunity for us to ensure that Victoria sets a benchmark nationally in terms of building standards but also sets a benchmark in terms of the integrity of our building practitioners and ensures that consumers have the rights that they need to get on with the job.

No-one wants to be in a dispute with their builder. People want to get on with it and they want to get on with the rest of their lives. But for some reason time and again we keep coming across individuals who believe that the system has failed them. We keep coming across allegations of shonky operators. This is an opportunity to shine a light on this issue and make sure that Victoria has the right processes in place to interrogate those allegations. It is about making sure that we, through the committee, come up with better ways to deliver for consumers and make sure that developers and the building industry have the protections they deserve. At the end of the day developers simply want to get on with the job. They want to build as per their contracts and move on to their next job. There is no joy for them, or for anyone, in the delays, the breakdown of relationships and the lengthy proceedings.

We are keen to have a look at this issue. We are keen for the committee to consider what legislative and policy processes can be recommended to strengthen the rights of consumers, and we are keen to ensure that we feed those processes into the government's decision-making process. Instead of the government just announcing the outcome of its process, instead of consumers first finding out about something when they read the newspaper, we want to give people an opportunity to work with the department up-front to make sure we get the outcome that everybody expects and that Victorians deserve. In that spirit — in the spirit of cooperation and bipartisanship — I urge all members to support this motion so that we can get on with making a better Victoria.

Mrs PEULICH (South Eastern Metropolitan) — On behalf of the government it is my pleasure to speak in response to Mr Tee's motion. First of all I point out

that in the 11 years Labor was in office I never heard Mr Tee talk about such serious issues and sad stories as he has outlined in his motion and which he wants to now give the Environment and Planning References Committee all of seven weeks to investigate. It really shows his lack of seriousness and the disingenuous motive behind this motion. The reference is larger than he has allowed for in terms of the timing of the process, so one has to question Mr Tee's intent. It is questionable and disingenuous. Mr Tee threw in a few words like 'secrecy' and suddenly thought there was a story to it.

Obviously the government will be opposing the motion for a range of reasons, one of them being the motive. The fact that Mr Tee expects an upper house references committee to undertake this detailed work and report back no later than 1 December shows that he is disingenuous and this motion is a simple stunt.

An honourable member — Not fair dinkum.

Mrs PEULICH — Absolutely not fair dinkum. He said, almost with his hand on his heart — if he had a heart — that the sad stories deserve exposition —

Mr Finn — You couldn't find one with binoculars.

Mrs PEULICH — Nor with a pair of tweezers. There certainly would not be many stories told if the report is due back on 1 December, so Mr Tee is clearly not serious about it. He spoke for a few minutes — I think it was 7 or 8 minutes — again demonstrating his lack of commitment and seriousness regarding important issues surrounding building and construction.

The parameters of the motion are very narrow. There are lots of stories of problems that were ignored by Labor for 11 years, which Mr Tee has never once mentioned — certainly not since I was elected to this chamber in 2006. The narrowness of the motion's parameters shows that Mr Tee is not really interested in fixing the building and construction industry — for example, the motion makes no mention of the important issue of industrial relations. How can a serious debate about the building industry be held with no mention of industrial relations? There is no mention of Labor's relationship with the union movement, and I think that goes to the crux of many of the problems surrounding building and construction. The motion discusses extensively the issue of consumer protection, but Labor had more than a decade in power and failed to do a single thing to respond to community concerns on this issue — and most of us have heard some of those sad stories.

As I mentioned before, the timing shows the motion is not serious. It is obviously much too short. By the time advertisements are placed in newspapers, there will be only a short period of time left, and it is just not feasible that the work can be undertaken in that short time.

This is not to mention — and I will come back to this a little later — the hollow talk about how this committee can operate in a bipartisan fashion. Mr Tee is a member of the Environment and Planning References Committee and its sister committee, the Environment and Planning Legislation Committee, and his performance as part of that committee has shown that there is virtually no bipartisanship in intent or practice. That was demonstrated by the fact that there were over 50 divisions on 36 motions on the previous reference undertaken by the committee into environmental design and public health. Mr Tee is disingenuous about the parameters of the motion, the timing and the spirit of bipartisanship, which is clearly an illusion and a fabrication.

The next point I would like to make is that the role of the Environment and Planning References Committee is to support the work of the chamber, as it did with the review of the container deposit legislation, which was introduced in this chamber by the Greens. It was found that there was not enough information to engage in meaningful debate on it. We undertook that inquiry and tabled a report that put forward what was pretty much a tripartisan position.

Mr Barber interjected.

Mrs PEULICH — Thank you, yes. This particular committee is not equipped, nor does it have the time, to undertake such detailed machinery work, which is best supported by the resources of a department which can set up processes that can be broadly consultative, with of course the appropriate scrutiny of this chamber through processes such as questions without notice, the Public Accounts and Estimates Committee hearings, statements on reports and papers and so forth. Our job is to provide the scrutiny.

The most important role of the legislation committee must be to support the work of the chamber and be able to undertake work in relation to legislation that has been introduced into the chamber. Reviewing acts and legislation is better undertaken through other processes, and as I have mentioned we are not best equipped to do that. A seven-week hearing, deliberating, writing, editing and reporting time frame is far too short and shows the motion to be nothing more than a 'Miley Cyrus stunt' with which Mr Tee is associated. Mr Tee is not a person of considered policy ideas. He lacks

substance. His approach to policy is a bit like that of *The Hollowmen*.

The Baillieu government is already moving forward with reforms in this area, and this has been acknowledged by Mr Tee himself. To undertake a further review now would delay those reforms and further delay justice for those who have complaints. That would be in addition to the 11 years when there was no advancement of these issues by the former Labor government. Mr Tee has sniffed an opportunity. He is trying to show he is relevant, and this is the best he can come up with.

The Baillieu government is undertaking a review of the structures of the Building Commission and various associated entities. We recently sought public comment on the domestic building insurance area of this structure. The Baillieu government is also responding to findings from the Auditor-General in relation to the operations of the Building Commission under the previous Labor government. The findings pointed to wide-scale failure to provide accurate reporting in building surveying and to a poor culture in the operation of the Building Commission. It also pointed to the need for reform of the commission and its reporting procedures.

None of these matters are the subject of the motion moved by Mr Tee. The government is responding to these concerns, unlike the previous Labor government, which was twice warned about these issues over the last 10 years. The motive for the motion is hollow, the time frame reflects that, and it is a simple stunt. Most importantly it is intended to cover over the fact that the inquiry into the building and construction industry called for by Premier Ted Baillieu through the Council of Australian Governments (COAG), with which Prime Minister Julia Gillard was forced to agree, now appears to have been stalled by Labor. Although there was an agreement that there would be an expert panel, at arm's length from Labor — and obviously Labor would not be happy about that, because it would want to stack it with its union buddies — it has not been announced.

Therefore on the one hand Mr Tee has moved this very narrow motion, which is a stunt, in the chamber, but on the other hand his federal colleagues are stalling a ridgy-didge inquiry into the building and construction industry that needs to take place.

Mr O'Donohue — And none of them is here with him.

Mrs PEULICH — That is right. There are two Labor members present in the chamber, which shows

the disingenuous attitude of the Labor Party to this issue on behalf. An article in the *Australian Financial Review* written by Mathew Dunckley and titled 'Building inquiry stalled' highlights where the serious work needs to occur and about which Mr Tee should be picking up the telephone and speaking to the Prime Minister or the federal minister responsible to ensure that this delay is brought to an end and that the inquiry that the Prime Minister agreed to through COAG proceeds without any further delay. The article says:

In July the states, led by Victorian Premier Ted Baillieu, won support from Prime Minister Julia Gillard for an inquiry into the cost of construction, but an August deadline for the appointment of an expert panel to lead the inquiry has been missed.

Mr Finn — What she says and what she does are two different things.

Mrs PEULICH — Absolutely. The Labor Party in Victoria did nothing for 11 years, and the Prime Minister agrees to something but cannot even meet the first deadline. The article continues:

Several sources have told the *Australian Financial Review* that disagreements over who should be appointed to the panel have led to the delays.

We know how the Labor Party approaches these appointments. It likes to have some stacked cards, and clearly the idea of an expert panel, at arm's length from politicians, is not something it can contemplate. The article goes on to say:

Mr Baillieu said the four biggest states had agreed to the process on the basis that the inquiry would be led by independent experts 'beyond the reach' of the federal government.

Clearly the Prime Minister does not like that. Mr Tee did not mention it, and I call on him to produce evidence of his having contacted the Prime Minister in order to address the delay. I ask him to table the letter, table the email he has sent, show us the text messages and tell us what he has done. rather than just moving his Miley Cyrus motion, which is really a joke, as we see when we examine the timing, the parameters and the nature of the work required, which would be better undertaken by a department rather than an upper house committee working from 6.00 p.m. until whenever on a Wednesday night. Further on, the article continues:

Business Council of Australia president Tony Shepherd said the nation could not afford the 'disappointing' delay in addressing the problem.

He is quoted as saying:

It is urgent because every day that goes by it is costing us money.

Not only is it costing us money but there will probably be more sad stories to which Mr Tee would like to give some exposition and sympathy. The best way he can show sympathy on this particular issue is by contacting the Prime Minister and saying, ‘Announce that expert panel now, because we cannot afford any more delays’. The article goes on to talk about the other issues that are pertinent to the building construction industry:

Mr Shepherd said the high cost of construction involved many factors —

none of which is mentioned in the motion —

including industrial relations, regulation, skills availability and infrastructure.

They are not mentioned in Mr Tee’s motion. The article continues:

The BCA had established its own task force to inform its submissions to the review.

Others have done so; Mr Tee has obviously missed the boat and is trying to cover up for his federal colleagues’ deficiencies and lack of commitment, as well as his own, by bringing this motion to the chamber. I suggest that we let the federal process proceed and use the forums available to parliamentarians — whether through the Public Accounts and Estimates Committee, statements on reports, questions on notice or opposition business — to really give exposition to the issues that negatively impact on building and construction and all the stakeholders involved, including consumers. With those few words the government intends to oppose the motion.

Mr BARBER (Northern Metropolitan) — If I were Mr Tee, I would not have had the guts to move this motion. I compliment him on that. But apart from that, there is very little in the last 11 years of Labor government administration of this area that I find to compliment.

Many citizens of the state of Victoria have had their lives disrupted or in some cases almost destroyed by the current system of so-called consumer protections in the building industry. All members here, and for that matter anybody who reads a newspaper, constantly hear and read about these tragic stories of people who have made what is usually the biggest consumer purchase of their lives — involving the construction of a new home — being sent down a rabbit hole, as for years and years they attempt to recover something from their investment when a builder has failed to perform or in many cases simply disappeared, and they go through a maze of different agencies and processes to try to get their matter resolved.

It would have been better if Mr Tee had simply drawn a line under the past by apologising for the poor performance of his government and made that apology good by pledging to come up with a policy in this area, because make no mistake, Mr Tee has absolutely no policy on how he would change this consumer framework. He is simply buying time to avoid that question while using this motion to attempt to make himself the good guy.

But the worst part was that he said it would be timely to have this inquiry. It has been timely for decades. He said that he wanted to avoid the blame game and make it a politically non-partisan issue. Now that he gets to sit in the spectator seat he would like an inside track on what the government is proposing in this area. In fact we have already had an inquiry into this matter, and I am surprised that the government did not refresh our memory on that; I know Mr Tee remembers it. It was an inquiry set up by the then non-government parties in the last Parliament into builders warranty insurance that morphed into a much larger inquiry into the entire consumer framework. Mr Tee ought to remember it because he was a member of that committee. In a minute I will go through what that inquiry looked at, what it uncovered and what Mr Tee said about it.

Suffice it to say there are few satisfied customers when it comes to dealing with the various bodies that seek to regulate builders or resolve consumer complaints. In fact there is a heavy reliance on builders warranty insurance — certainly that was the view of Mr Tee and the previous government — when that reliance is unwarranted. Some people call builders warranty insurance ‘junk insurance’; other people simply note that the name itself is a misnomer and sets up false expectations from the beginning.

Builders warranty insurance is not a warranty in terms of what you expect when you buy another major item such as a washing machine or a car, whereby if you find defects in that product you expect to have them fixed under warranty. Builders warranty insurance actually only covers instances where the builder does a runner, goes broke or, in extremis, dies and is incapable of picking up and continuing the partly constructed building. Make no mistake: at that point it is extraordinarily expensive for whomever — builder, customer or insurer — to try to get a building project going again. Never mind the contested nature of every issue; it is quite simply very expensive to bring in a new builder to restart a half-finished project.

The warranty insurance failed so badly that in the middle of our inquiry the then state government stepped in, took over that statutorily acquired, compulsory

insurance product and itself started to run that product through the government's own insurer, although retail functions are still out there in the private sector. I am looking forward to seeing the results of that over the next year or two when we get the relevant information from annual reports.

But that is just the beginning. During that inquiry we took evidence on the whole range of consumer frameworks. In fact the relevant bodies under the aegis of the Building Commission were very proud to show us their enormously complex noodle nation flow chart that ordinary consumers would be expected to move through, depending on the exact nature of their problem and complaint. When I noted that it was a rather complex diagram, the witness said, 'That's all right, they could call our call centre and we would tell them how to work their way through it and where their inquiry should go'. It was not surprising then that there were a number of findings from our inquiry that crossed over and extended beyond the simple matter of insurance.

We found through our evidence, although there was much conflicting evidence, that there was a small group of consumers who saw themselves as those who have to rely on the insurance — most other people just pay the insurance — and who did not find warranty insurance to be an effective consumer protection measure.

We also found that there was inadequate consultation with consumers and insufficient regard given to the aim of the scheme since its origination in 2002. It had been tweaked or in some places left to its own devices by the government. Certainly it was too early at the time of our inquiry to work out what would be the impact of the government's intervention, but as a matter of priority we called on the Victorian Managed Insurance Authority to monitor the new builders warranty insurance. There was also a recommendation that the broader processes operating around builders warranty should be the subject of dialogue between VMIA and the consumer interests that Mr Tee, with this motion, hopes to make himself the belated champion of. The committee extensively went through a broad range of evidence and heard from many of the interests that Mr Tee wants to talk about and highlight.

In chapter 3 of our report we talked about dispute resolution services. The Housing Industry Association called on the then government to take a much more proactive position regarding a more robust and accessible dispute resolution process, which sounds like what Mr Tee is now calling for. Of course consumers were in no doubt about what they wanted alongside the insurance product, which was a last resort scheme

rather than a first resort scheme as previously existed in Victoria. Consumers wanted a more proactive management of the issues by an independent body — the Queensland model, as we have called it.

It would be useful if speakers contributing to the debate on this motion, not least the mover of the motion, went back and reread that inquiry's findings and the recommendations it made. Unfortunately, though, when they get to the last page — the extract of the proceedings — what they will see is that Mr Tee and Ms Huppert, the Labor members of that committee, voted against each and every one of the findings and recommendations.

Mr Tee has had a change of heart sometime between 4 October 2010 and today. He now thinks there is a big problem in the area of protecting consumers who are working with builders. In extending the hand of friendship he would like to sit down and work with the government to fix it, and the way he does that is to propose another inquiry. Putting aside the motives of Mr Tee, I will support the inquiry, and as the first witnesses we should call previous planning ministers, including Mr Justin Madden. We should ask them, 'What was it that went wrong? What were you aware of and what did you do about it? How did we get to this point?'. We cannot call in the Building Commission, because the building commissioner from the relevant period is no longer with us, and that was as a result of an extremely damning Auditor-General's report into the building permit system. That is a related matter that Mr Tee does not want to form part of this motion.

For years we have seen problems with the issue of dodgy building permits, a process that began under Jeff Kennett when he deregulated the sector. As a local councillor I observed time and again breaches of planning permits during construction. When we asked a question about why a permit was issued for one building and not for another, given that the issues were the same in both instances, the answer was that if you wanted an easy ride, you would go to a private building permit provider who was infamous. Time and again the same problems were coming back to the same private building permit issuers, and that relates directly to this motion because consumers rely on the building permit sign-off to be sure that the house being built for them complies with the appropriate regulations. After all, if it is not compliant, it is going to be their problem after the builder packs up and leaves.

Mr Tee's suggested terms of reference want us to look at:

- (a) the role and effectiveness of VCAT, the Building Commission, Consumer Affairs Victoria and the

Building Practitioners Board in investigating and acting on domestic building industry disputes ...

I would like to take that point further and look at failings in the building permit system.

I wish Mr Tee good luck in getting a policy. We are half-way through this term of Parliament and he still does not have a policy to reform the problem that has been blindingly obvious to consumers or anybody who wanted to take an interest. Short of that, he is looking for an inquiry into the problem. But I hope he does not need an inquiry to inform himself of what is going wrong in this area and how it should be fixed so that before too long he can bring forward a policy, recognise that the past is the past and that there have been huge problems. He should draw a line under the past and tell us how in the future an Andrews-led government, with I presume Mr Tee as planning minister responsible for regulating this area, will fix this problem, which seems to be as bad now as it ever was in past years.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak in the debate on this motion. In so doing, I inform members that I oppose this motion. I echo the introductory words of Mr Barber when he said he was surprised at the guts of the shadow Minister for Planning for bringing such a motion to the house considering his government's failure to do anything substantive to resolve the issues. That position was further underlined by the opposition of the members of the former Labor government to the recommendations of the parliamentary inquiry which Mr Barber outlined.

I commend Mrs Peulich's contribution. She identified that the short time frame put forward in the motion demonstrates that this is another stunt and an attempt to raise an issue which the previous government failed to do anything about. Now Labor members have found themselves in opposition they have had a change of heart on the road to Damascus.

I note that in between speakers I was advised by the shadow minister, and I thank him for that courtesy, of a foreshadowed amendment to the motion by Mr Leane to omit in paragraph 4 the date of 1 December 2012 and insert 1 July 2013. That is another indication of opposition policy being made on the run and in an ill-considered manner. If there was to be an important inquiry into this issue, the change would only further delay until 1 July 2013 instead of 1 December 2012 any outcomes being achieved.

In a nutshell that is the consistent position that the opposition takes, along with its federal colleagues. The

federal Labor government was brought kicking and screaming to the table through the leadership of the Victorian Premier, Ted Baillieu, in his forthright advocacy at the Council of Australian Governments for bringing forward a proper inquiry into the core issues in relation to productivity in the building industry, including the behaviour of militant unions and other issues. It will be an inquiry that looks at productivity generally and not just at those issues.

We have seen, first of all, the unwillingness of the opposition to bring that issue into this debate today. If any inquiry were to be considered by this Parliament, its reference would need to be much broader, because those issues are very much at the heart of this industry. I will take members to some inquiry references shortly.

Mrs Peulich identified the failure of Mr Tee to advocate at all on behalf of the constituents he seeks to promote — domestic consumers — for whom this government has great sympathy. As a former practitioner in the area, I have seen many times the heartache that occurs for consumers, small builders, subcontractors and other people involved in domestic building disputes.

The opposition has a lot of gall to put forward a motion which is clearly a stunt and has an initial reporting time that is too short, which is now tacitly acknowledged by the foreshadowed amendment from Mr Leane. In any case the amendment would result in any outcomes being further delayed. We have waited 11 years. We now have a coalition government committed to genuine reform in this area. In relation to the issues that exist in the federal sphere our Premier has taken the charge to the Gillard government and will continue to do so.

In the state sphere a review is already being conducted which was not given much consideration by Mr Tee in his contribution. Not only the Minister for Planning, Mr Guy, but also the Attorney-General announced the review of the Victorian domestic building consumer protection framework, for which the government has outlined a very extensive public consultation process. It is an extensive process where the government is giving some direction as to the issues and problems it has identified as needing to be addressed. These are the problems that Mr Tee now seeks to claim to care about when in fact Labor's 11-year history of government shows the contrary to be the case. The problems that exist in this industry have been the subject of a comprehensive review and public consultation paper by the Attorney-General and the planning minister which provided an opportunity for public submissions.

In relation to many of the items that Mr Tee has put on the notice paper we have seen extensive submissions from a range of individual members of the public and groups involved in the building industry. There is a list on the Department of Treasury and Finance web page which I encourage interested members of Parliament and the public to look at. Through the spread of participants who have made submissions to the existing review the canvassing of the issues from a range of perspectives can be well identified.

The list reads, in alphabetical order: Adriana DeZwart; Albert Monichino, SC; Alphington Builders; Andris Blums, Archicentre; the Australian Institute of Building; the Australian Institute of Building Surveyors; the Australian Society of Building Consultants; Bovill Risk Insurance Consultants; and the Builders Collective of Australia. I am just up to B, and there are also supporting submissions. Still going on the letter B, the list of submissions includes the Building Compliance Reform Association. I have that organisation's submission, and it seeks extensive reforms and makes a passionate submission from that perspective.

There are also submissions from the Building Designers Association of Victoria, the Building Dispute Practitioners Society, Building Ethics Australia, the Cabinet Makers Association of Victoria, Calliden Group, the City of Melbourne, the Consumer Action Law Centre, Damien Cremean — who is a former president of the Victorian Civil and Administrative Tribunal — Deborah Armour, Digby Forbes and Fairweather Legal. We have legal practitioners, builders and cabinetmakers.

There was a submission from the Footscray, Wyndham and Brimbank Melton community legal centres. I am sure, Acting President, you would be interested in and no doubt aware of — through your active involvement in your community — the many concerns raised in relation to that particular part of your electorate in that particular municipality. They have been well documented in various other inquiries and have been a damning indictment of some of the practices of the Victorian Labor Party and its methods of, shall we say, branch stacking, cronyism and putting claims for power above genuine concern for constituents. When motions like this come forward it becomes evident that Labor members seek to simply jump on an issue in an attempt to win some votes rather than being concerned for the policy over the politics.

Going back to Mr Barber's opening statement about Mr Tee having the guts to bring this up, or the gall as I have put it, one of the classic Labor Party tricks is to

seek to criticise our side of politics for things its members do themselves. There is no greater example than when they used the phrase 'you're doing a Latham' when they were desirous of criticising one of our members. Let us get this straight: Mr Latham was put up by the Victorian ALP to be the Prime Minister of this country. He was not our problem. So 'doing a Latham' is doing what the Victorian ALP would do; it is like doing a Madden.

In relation to putting up motions that effectively put a spin on an issue directly contrary to the actions taken by ALP members, I think Mr Barber has made his point — I would say on this occasion and on other previous occasions — eloquently. That is something that is shown up by their record.

Mr Barber — Don't be a suck.

Mr O'BRIEN — I certainly will not be a suck to Mr Barber, but on that occasion he was eloquent. It was difficult for me to say those words, and I am certainly keen not to repeat them as often as I can.

I was up to 'F' — the Footscray, Wyndham and Brimbank Melton community legal centres. We also had submissions from Gavin Wigginton; the Housing Industry Association; Glenwill; Ian Warren; the Institute of Arbitrators and Mediators Australia, Victorian chapter — which is a very important part of it, being the mediators who try to resolve these disputes; the Insurance Council of Australia; Jo Keighley; John Anderson; the Law Institute of Victoria; Lawrence Reddaway; the Master Builders Association; Maxine Dunn; Michael Stokes; Neil McPhee, Paul Loyson; Peter Quartel; R. G. and L. M. Pearson. I am building up to it — we will have some fun when we get to 'S'. We had submissions from Ric Bonaldi, Saul Rozenbes, Sherry McQueen and Slater and Gordon Lawyers.

I have read the submission from Slater and Gordon Lawyers, which I should say has briefed me on occasion and is a very experienced firm in this area. The submission I have received from Slater and Gordon Lawyers demonstrates the types of issues it has sought to raise, but it certainly puts paid to any suggestion that this government is not consulting widely in relation to this review or that it is not allowing practitioners to put forward submissions. It could probably be said fairly that in general terms Slater and Gordon Lawyers is not seen to be associated with our side of politics, though that is a matter for others to comment on. I certainly do not wish to criticise it, but I wish to thank it for its submission and to briefly refer to it, because in doing so it demonstrates that this review is in fact a very practical one which will — given the

range of views that have been called for and have been submitted, the terms of reference of the review and the public consultation paper — allow issues to be clarified. However, in that submission, in its synopsis Slater and Gordon opens with these words:

Slater and Gordon commend the state government for conducting a review into the consumer protection framework for the Victorian domestic building industry.

We did not hear any such commendation from Mr Tee, but we will leave that. The next thing it says is:

We are at the 'coalface' when it comes to domestic building consumers in Victoria, particularly where disputes arise. We are broadly in support of the reform models outlined in the public consultation paper —

which I will take you to briefly, but again it is on the web page. Obviously I am not pre-empting any particular outcome but rather I am pointing to the range and type of submissions received and refuting any suggestion that the review that was announced in April 2012 has not resulted in effective and widespread public consultation. What it then says is:

The critical issues for consumers is to abolish the insurance of last resort scheme —

it picks up some of the points raised by Mr Barber —

to streamline the work of different government agencies and to enhance the disciplinary mechanisms and resources available to statutory authorities to sanction poor performing builders.

This is an important part. The next paragraph goes on to say the public consultation paper put out by the minister not only sought to identify the path that the government thought these important issues should take but also specifically sought consultation in relation to areas not identified in the options paper. There is not any suggestion that the government has sought to narrow consultation; rather it has provided leadership in a considered and carefully constructed options paper that allowed submissions to be received. It also provided the opportunity for those making submissions to identify other issues. That is what Slater and Gordon went on to do in its submission when it said:

The consultation paper sought the identification of issues not presented in the paper ... In our view the most critical issue not identified in the paper and the single issue that is most affecting the industry at the present time is the use of waffle raft slabs in new home construction. This submission identifies how this issue and the difficulties experienced by consumers in having their disputes resolved —

and this might be something that Mr Leane also could enlighten us on, given his former life —

cuts across almost all of the issues identified in the consultation paper. Slater and Gordon's position is that the government must give consideration to the situation of Victorian consumers impacted by waffle slab failures when considering any of the proposed models and the adoption of any transitional and/or reform models. Moreover, we believe this group of consumers deserves a range of special-purpose measures to have their disputes resolved without resort to litigation.

Further, it went on to say:

Slater and Gordon have received over 100 enquiries from owners of new homes where the waffle raft was used in construction.

It then not only continued to expound upon the issues within the terms of reference, but again, turning to the executive summary by way of example and the types of submissions received, it said:

Special consideration needs to be given to this group of consumers because there has been a systemic failure of:

- (a) the formulation of existing building codes and standards;
- (b) the building permit and certification process;
- (c) the enforcement of building standards process;
- (d) accountability by the builder post construction;
- (e) the dispute resolution process;
- (f) Building Commission acting as an effective watchdog; and
- (g) insurance of last resort that has not assisted homeowners in this situation.

It then goes on to describe what a waffle raft slab is. That is an example of a very helpful submission provided by Slater and Gordon.

I note that Ben Hardwick is a former practitioner whom I know. Again as a member of the government I thank them as I thank all the other submitters for the submissions that have been received. Continuing on from 'S', we had submissions from S. M. Harrison, Strata Community Australia Victoria, the Swimming Pool and Spa Association of Victoria, Tina Newton, Tony Coon, the Victorian Civil and Administrative Tribunal, the Victorian Bar and Willis Construction Risk. Those are the submissions that have been received.

I agree with Mr Barber's summary that a parliamentary inquiry is no guarantee of a non-partisan process. In fact in my brief experience it is sometimes the guarantee of quite the opposite. I think Mrs Peulich could readily identify that in relation to the work of a committee she was aware of where a very

unconstructive process of reviewing submissions caused her to come to the view she holds.

When we have a fundamental failure by the Victorian ALP to address the issue at the core of building construction in this country and this state we see the difficulty of trying to get bipartisan support. In our great democratic system of government we have elections where a government gets the chance to put into practice the process of considering public submissions and input, formulating legislation in response to issues and delivering upon that legislation, which this government has announced it will do. It certainly does not need to be diverted either to December or into 2013.

I should refer to some of the literature that has been published in relation to the issues that have not been raised by Mr Tee about the need for a broader inquiry into the problems in the building industry. I quote an article from the *Australian Financial Review* of 9 October in which Mathew Dunckley writes:

Scrapping over who should lead a high-level inquiry into rising construction costs has stalled the investigation before it has begun, sparking criticism from leading business figures.

In July the states, led by Victorian Premier Ted Baillieu, won support from Prime Minister Julia Gillard for an inquiry into the cost of construction, but an August deadline for the appointment of an expert panel to lead the inquiry has been missed.

I join Mrs Peulich in calling on Mr Tee to call upon the Prime Minister and the relevant ministers — Mr Shorten and others — to literally get on with the job and face the music in relation to these difficult issues for the ALP. They may be difficult issues, but they are nevertheless important ones for productivity and construction in Victoria.

Referring back to the submissions that have been received I thank those parties that have made submissions. I commend the Attorney-General and the minister for the broad consultation framework which, in closing, I will briefly refer to so that people are aware of its breadth. It is a current framework comprising both front-end and back-end components designed to eliminate a number of disputes — that is, to resolve disputes when they arise. There is also the back-end component of litigation and insurance.

In my experience I have seen that building issues are very difficult because they are causally focused issues; if something goes wrong there can be input from many parties. It can be resolved partially with instructions to builders about building surveyor certifications or the lack thereof and all the different subcontracting arrangements. If a problem occurs at any particular

point, it can escalate into other problems and affect other sites, costs and constructions and increase the financial cost and liability, and this can go on and on. You can end up having two to three-day disputes about what happened in a 5-minute phone call which had a cascading effect. As Mr Barber pointed out this is particularly the case in relation to situations where a builder goes off the job and you have to have a fresh approach, recommence work at the site and absorb the subsequent cost of delays.

That is the heart of the practical problem as opposed to other areas of litigation. It is probably one of the most difficult areas to resolve when disputes arise, and that is why there is a continuing need to address the issue. This framework and executive summary identifies that and puts up options for reviewing the management of disputes, the insurance model and the institutional model. It also outlines the need for public consultation, potential reform of the structures — the means for handling disputes — and the basis on which we can cut red tape and allow people to get on with their lives.

On a personal note I spent a number of hours on the weekend listening to my constituents in relation to private domestic building concerns. Those concerns still exist. There will probably always be some degree of disputation in this area, which is something that the Victorian Bar submission outlines. It is something we need to continually reform and work on.

I want to pick up Mr Barber on one point, lest it be said that I totally endorsed everything he said in his submission. He said there is an issue relating to private building surveyors in particular. There have also been many problems with council building surveyors, and I recall one famous case where the media alleged that a problem existed with a private building surveyor when all along the public documents revealed that the problem was with the council building surveyor.

An honourable member interjected.

Mr O'BRIEN — It was in the metropolitan area of Melbourne. It was quite a highly reported case, but given the issues involved and the time I will not take it any further. The case supports the adage that one should not always agree with what one reads, particularly anything that emanates from the mover of this motion, because there has been a tendency to put up scare campaigns and issues that do not have substance to get a good headline and raise a bit of consumer alarm.

Mr Leane interjected.

Mr O'BRIEN — Picking up on Mr Leane's interjection, I was aware in relation to one of the very first bills that this government and this minister brought before the house — and I will wrap up with this —

Mr Leane — No, take your time.

Mr O'BRIEN — I thank Mr Leane. I will go on a bit longer then. The bill that was brought forward related to the disability access provisions that had been a long time in negotiation across the building sector and disability groups for which I was —

Mr Tee — You watered them down. You ripped the guts out of them.

Mr O'BRIEN — I will pick Mr Tee up on that. That is precisely what we did not do, but it is precisely what Mr Tee alleged we did before the bill came into the house. With press release after press release and scare campaign after scare campaign the bill came in and the debates took place. The bill was explained to Mr Tee and was considered. His spurious claims were refuted in those debates, but he did not have the subsequent courage and grace to put out a press release saying he was wrong, that he exaggerated the concerns and that he overstated his position. He did not do that. Shame on Mr Tee! Taking up an issue seeking to exploit people with a disability and their genuine issues for the sake of debate is something that ought not take place. With those words I again oppose the motion, and I commend the minister and the Attorney-General for their continuing and considered work in the public consultation phase of this important reform.

Mr LEANE (Eastern Metropolitan) — Speaking of waffle, there was a lot of discussion about waffle in the previous contribution; however, I will not reflect on the Chair. I will give Mr O'Brien leeway, because he was not in this place in the last term, in regard to the issue he has with the amendment I am about to move. He said it shows the opposition is on the run. A valid point, which we accepted, was made by the previous government speaker about the time frame. Part of the debate is to concede that that is a valid point.

I move an amendment to the motion:

That in paragraph (4), omit "1 December 2012" and insert "1 July 2013".

Also part of the debate is conceding that this important reference may need a considerable period of time to be dealt with. I accept that Mr O'Brien is used to rule 21, under which things just get forced through. There is no point in listening to the other side when you have 21 votes out of 40; you just do whatever the hell you

feel like, whatever feels good — but that is not necessarily the way this chamber should work.

If we want to talk about policy on the run, yesterday we debated the Fire Services Property Levy Bill 2012, which a lot of government members talked about as being heroic and all sorts of things. But yesterday there was a house amendment to that heroic, groundbreaking bill which the government had to produce on the run, so we have to be sensible about the way bills and motions are debated in this house and accept that sometimes those on the opposite side of the chamber do make a valid point. This is one of those occasions. We are big enough to do that, and we look forward to the day when that is reciprocated by those on the other side of the chamber.

Mr Drum interjected.

Mr LEANE — My memory cannot go back that far, Mr Drum. I speak in support of my amendment, obviously, and I speak in support of Mr Tee's motion to have this inquiry. It is only an inquiry; it is only a reference to a committee. It is not the end of the world; it is a good process to go through.

Mr Tee has brought to this chamber a concern about the building industry, and I have had a number of conversations with him over the concerns I have about the building industry and the lack of opportunity presenting itself in the building industry at the moment. I know members of the government like to blame everyone but themselves, but I think the responsibility sits squarely on the Baillieu government. It has been in government for nearly two years, but it has not introduced one major project to facilitate work in the building industry.

I know government members bemoan previous governments' project overruns and so forth, but major projects are important to an industry that is very important to this state. The Baillieu government has not introduced one major project, and nothing has been started since this government came to power. I know that government members have been pretty keen to participate in the ribbon cutting for the previous government's projects, and good luck to them — to the victor go the spoils. They were all over the Royal Children's Hospital — and that was a great project, it was fantastic. But those projects were also a great stimulus to the building industry.

In recent weeks I have spoken to friends of mine who work for major plumbing and electrical companies — good companies and great employers. Their employers have come to them and said, 'Look, if you can find

another job, you might have to. It's not that we're not tendering or trying hard, it is just that the jobs aren't there'.

Mrs Petrovich — It is pretty tough to be an employer.

Mr LEANE — It is tough to be an employer, and I am saying that. I am saying they are good employers who want to keep their personnel working. They are tendering hard, but there is nothing to tender for.

Mrs Petrovich — You do not say that when the times are good, though, do you?

Mr LEANE — The trouble is there are no good times at the moment; these are bad times, because the Baillieu government has not done anything. It promised a lot, but it has not done anything. I have to say I am confused about what the Baillieu government is actually responsible for. It seems that it is everyone else's responsibility. There would be a number of people in our community who would dread the thought of an Abbott federal government in the near future, and the people on the other side of the chamber would probably head that list. If there is an Abbott federal government, who are they going to blame for their lack of responsibility and their inaction? They will have no-one to blame. It will be a sad day for them when they cannot take the blame away from themselves. Maybe one day they will stand up, take responsibility and say they are going to do this and that; I do not know. We look forward to the day, but it seems it is a big deal for them just to send a reference to a standing committee. However, let us wait for the day, and maybe it will get better, Mr Tee.

Mr Tee — I doubt it.

Mr LEANE — I doubt it, but maybe it will get better. We will wait with bated breath.

Mr FINN (Western Metropolitan) — In recent times there have been various accusations, particularly in Canberra, and some dirty tricks have been played. Some dirty pool is being played in the Parliament, but I have to say I do not think the federal government has been able to outdo the dirty pool that the Victorian Labor Party has come up with.

To start the day with Mr Tee is just not fair. Those of us who are having a bit of trouble waking up in the morning are immediately put back into a comatose state by the tones of Mr Tee as he goes on about the many and varied matters that he drones on about. Then we have to snap out of it in some way to come up with a reasonable and sensible response to the nonsense he is

peddling. If Labor Party members want to say that theirs is a party of fairness, a party that wants to give people a fair go, they should not inflict Mr Tee on us first thing in the morning. That is just not fair to anybody. I am sure there must be some human rights commission somewhere that is just waiting for a case based on that at some stage.

I thought the Prime Minister had a bad day yesterday, but you have to wonder what sort of day Mr Tee is having if he has to rely on Mr Leane to come in and fix up his mess. One of the major problems with this particular motion is that despite everything Mr Tee said about how important this motion is and how desperately we need this inquiry and all the rest of it, he has given us approximately five weeks to get to the bottom of it all.

This is fascinating. Mr Tee is now out of here. He has done this before. He comes in here and tells us how important this motion is. He tells us how much we need this motion, and then he is out the door. He is scurrying down the stairs, and the only person left in the chamber on the opposition side is our good friend Mr Leane. I want to publicly thank Mr Leane for his contribution today because compared to Mr Tee he was a breath of fresh air. Compared to Mr Tee he was the personification of common sense. I am willing to bet that nobody has ever come into this chamber and said that before about Mr Leane, but I am saying it today. I want to thank him for bringing us out of the snooze zone that Mr Tee had placed us in.

As for the amendment, it is a fascinating proposition Mr Leane has put forward and one that obviously had not occurred to Mr Tee; otherwise he would have tried to fix it up at some stage. However, as we know, Mr Tee is not too bright. There is not much we can do about that. Apart from the time provisions in this particular motion — —

The ACTING PRESIDENT (Mr O'Brien) — Order! The advice from the Clerk is that perhaps the reference to not being too bright is a bit unnecessary. I am not asking for a withdrawal; I just caution Mr Finn about his language.

Mr FINN — I will most certainly be extraordinarily cautious from this point on. As I say, I was a bit confounded to begin with about this motion giving us about five or six weeks to discuss this extraordinarily important matter that Mr Tee droned on about for so long. He is not even here now, but that is by the by. I was going to raise this, but Mr Lenders beat me to it, and I thank him for that once again. At least there is one member of the opposition who appears to be on the

ball. I do not say he is, but he appears to be on the ball, and that has to be a good thing.

The other part of the motion I have some concerns with is not what is actually in the motion but what is not in the motion. I have to say to the house that it absolutely astounds me that anybody would come in here with a view to talking about the building and construction industry in this state without making any reference at all to industrial relations. I find that absolutely astonishing because the history of some sections of the trade union movement and the construction industry is almost parallel. I have enormous difficulty understanding how one could separate the two because the history of the construction industry in my lifetime — let us not go back any further than that — in this state has been dominated by thuggery, criminal activity and people you would cross the road to avoid if you saw them coming.

We can go back to 1961, which was in fact the year of my birth. There was a bloke called Norm Gallagher who was elected as secretary of the Builders Labourers Federation (BLF). There might be members of the opposition who will get up and genuflect at the mention of his name. Mr Tee might be out there doing that at the moment. I know the left in this state adore the memory of Normie Gallagher. When you looked at Norm, he seemed almost a comical character. You would look at him and almost say to yourself that this bloke is just stumbling and bumbling. He was sort of like a poor man's Wayne Swan, if I can call him that; he was just bumbling and stumbling from one thing to another and really did not know what he was doing. However, unlike Wayne Swan, he very much knew what he was doing. Norm Gallagher led the BLF through a period of industrial anarchy in Victoria that is probably unparalleled in this country apart from perhaps what the BLF did in Western Australia some years ago.

Mr Ondarchie interjected.

Mr FINN — As Mr Ondarchie points out, Mr Gallagher was a dedicated Maoist. Whilst I will not delve into the intricate political intrigues of the various communist parties of the 1960s and 1970s, it is interesting to note that many of the tactics used by Mr Gallagher during his period in charge of the BLF were in fact direct from the communist handbook, and violence was certainly among them. You would have to say that the internal battles within the BLF were marked notably by those who in any way opposed Mr Gallagher finding themselves in very short order with broken arms and legs and down the bottom of a pit. That was the way Norm Gallagher and the BLF at the time ran things. If you showed any sign of

opposition at all to Mr Gallagher or the way he ran the BLF, you needed to make sure that you had medical insurance. I know of one chap many years ago who found himself with broken arms and legs and down the bottom of a pit as a result of his relatively mild challenge to the authority of Mr Gallagher. To those who say Mr Gallagher was a harmless and quite humorous figure I suggest very strongly that he was anything but that.

We well remember the way Mr Gallagher used to negotiate terms and conditions. He would have a concrete pour, and halfway through the concrete pour he would say to the employer, 'Give me a 100 per cent pay increase, or give me this or give me that. Give me A, give me B and give me C'. If the employer said, 'No, we can't do that', he would stop the concrete pour there and then. This happened time and again, and the company would then have to dig it up again.

Mrs Petrovich interjected.

Mr FINN — As Mrs Petrovich points out, this was a tactic — a form of industrial terrorism, I would describe it — that was used time and again by Norm Gallagher against employers in this state, and I think it may even have taken over in other states as well, because there was that internal battle, from memory. I am going back to the dim, distant past now, but there was an internal battle within the BLF between Norm Gallagher and Jack Munday from New South Wales, who ran the green bans. I think Jack was done over by Normie. I think there were a few people in New South Wales who tasted the New South Wales health system firsthand as a result of Mr Gallagher's involvement in that particular internal dispute in the BLF. There is no way that Mr Tee — if indeed he ever bothers coming back into the house — or anybody else can come in here to try to claim, by omission in this particular case, that the history of construction in this state and the history of militant trade unions can be separated, because they cannot. It is just not on.

It has been interesting to see what has happened on the streets of Melbourne over recent months. I will be very careful here because I do not want to tread on any court cases that may be pending, but I have to say that what we saw on the streets of Melbourne, particularly in Lonsdale Street, very much reminded me of what the Builders Labourers Federation used to get up to in its heyday. These people were on the streets doing exactly what the BLF did. We saw the same degree of violence. In those days the BLF loved nothing more than to belt a few police, and we recently saw the CFMEU (the Construction, Forestry, Mining and Energy Union) also get into the field of belting a few police at the Myer site

in Lonsdale Street. I think a couple of them might have come off a little worse for wear, and that cannot be a bad thing. But it certainly raised a great deal of interest from the construction industry and did nothing to promote Victoria's ability to look after those who wish to invest in our state. That is something which concerns me enormously.

A story on that particular matter by David Chandler appeared in the *Australian Financial Review*. It was interesting to read that David Chandler is the principal of Resolution Services Group, a group with which I am not overly familiar. He is also deputy chairman of the federal Labor government's Building the Education Revolution implementation task force, so he is no stranger to the Labor Party. On 31 August this year he wrote a letter headed 'Bad old days of the BLF return to menace us'. This has not been written by the state president of the Liberal Party or somebody from The Nationals; this is somebody who is intimate with the federal government — as unfortunate as that might be — and, as we know, generally speaking you do not get a job with the federal government unless you get on with it pretty well. It is interesting that Mr Chandler writes:

The industrial anarchy on Grocon sites this week by the Construction, Forestry, Mining and Energy Union reminds me of the Builders Labourers Federation activities during the 1960s, 70s and early 80s.

I have to say to this house that I absolutely agree with Mr Chandler. He goes on to say:

The Hawke government finally deregistered the BLF in 1985.

I have some recollection that Premier John Cain was also heavily involved in that deregistration. It would be very interesting to know what John Cain thinks of the Labor Party's apparent sympathies with the CFMEU in 2012. Mr Chandler goes on:

At the time I was in charge of the new Parliament House project in Canberra.

Bob Hawke had the guts to say 'enough' and put the industry first.

This is interesting; Mr Chandler points out:

The CFMEU absorbed much of the former BLF membership, and since then has almost emulated the BLF of old. Its recent behaviour across high-profile projects such as those of Grocon and Bovis Lend Lease indicate that the bad old days are again pressing.

That is a warning that should concern us all. Nobody in Victoria would want to go back to those days, certainly not Mr Ondarchie. Mr Chandler goes on to say:

For anyone who does not have direct insight into just how intimidating and soul destroying the unlawful behaviour now being served up to Grocon is, the transcripts of the 1992 Giles royal commission into the New South Wales building industry make confronting reading.

Unions have always picked issues such as safety and consultancy as platforms from which to assert their moral righteousness. But these should and can be addressed lawfully as was the case under the now-defunct Australian Building and Construction Commission.

What a tragedy it is that that body is defunct. I certainly welcome the call by and clear intention of Tony Abbott to reinstate that particular body if he becomes Prime Minister sometime next year. Mr Chandler goes on to point out:

The replacement overseer, Fair Work Australia, seems toothless and not up to the task.

I think that has been obvious to most of us for quite some time.

And don't expect the federal government to do much about it in the countdown to the next election. CFMEU campaign donations will be too important.

What a tragedy it is when the Labor Party and the federal government of this nation put campaign donations and the support of a trade union ahead of what is best for the people of this nation. That is shameful in every way. Mr Chandler then points out:

Bill Shorten is clearly no Bob Hawke, as evidenced in his comments in Monday's *Australian Financial Review*, where he reportedly said 'the government would not support any unlawful behaviour, but the [Grocon] blockades were not covered by industrial legislation ... This is a matter of tort.' What an abject failure in government leadership.

I am pleased to see that Mr Shorten's name has been mentioned in all this because I was a bit concerned that he may well have disappeared overseas. For all we know, given Mr Shorten's absence from the political scene in recent weeks, he may well be in the Ecuadorian Embassy in London with Julian Assange. You just would not know, because the last thing Mr Shorten wants to do at the minute is to be associated with that debacle of a government in Canberra for which, I might point out, he is responsible as he is the one who put the Prime Minister in the position she currently occupies.

Mr Chandler pointed out:

It is good to hear the opposition spokesman on employment and workplace relations, Eric Abetz, reinforce why the Gillard government was wrong to disband the ABCC. The argument that the building industry does not need special attention is wrong.

I want members to particularly listen to this:

Everyone knows that union strategy starts with chipping away at the big contractors first and getting all or part of their ambit claims locked in before flowing these on across the industry.

Dealing with these tactics cannot be left to individual companies that at some stage have to fold their case and make some albeit unreasonable concessions. That's how the scourge of site allowances came into the industry.

Initially these started as shopping voucher claims on major retail developments. This was the price for some short-lived industrial peace.

What transpired is that site allowances are now an embedded major cost of projects nationally.

Mr Ondarchie interjected.

Mr FINN — Mr Ondarchie has absolutely hit the nail on the head. That is extortion, and it is outrageous that the Prime Minister of this country and indeed the Leader of the Opposition here in Victoria would turn their backs on what is happening on building sites from one end of this country to the other. It is a disgrace, it is outrageous and it works against the best interests of this nation and the people of this nation.

Mr Chandler continued:

The Prime Minister recently announced a review into construction costs and productivity, a reluctant concession to the strong representations made by Victorian Premier Ted Baillieu.

The review was resisted by the CFMEU.

Surprise, surprise!

While all facets of the construction industry's management and work practices need significant changes to improve overall performance, unions put themselves into the spotlight as the primary causes of inefficiency through the actions now being played out on Grocon and other major contractor sites. Government leadership is urgently needed.

We are talking about a Prime Minister and a Minister for Employment and Workplace Relations in Canberra who could not lead to save themselves and who would not know how to lead if you pointed them to the door and gave them a *Melway* street directory. They have absolutely no idea at all what is going on. Is it any wonder that the inquiry that Mrs Peulich referred to has not been able to get off the ground when the CFMEU is against it? As we all know, and as has been pointed out specifically in this particular article, the CFMEU is a major part of the ALP and at the moment the Prime Minister needs every friend she can get, even if they are a member of the CFMEU. That is sad in itself.

Mr Chandler pointed out:

The CFMEU just doesn't get it.

The cost of construction is going up faster than any other part of the Australian economy. That is why major projects are becoming harder to justify and are now being placed on the backburner. Businesses and households do not have the capacity to pay for unchecked rising construction costs.

The challenge for the CFMEU is to recalibrate its business model.

It should be looking at how to improve skills, to broaden the potential for multiskilling and to establish meaningful dialogue with employers about ways to innovate and improve the sector's performance. But I think this is too big an ask.

I think Mr Ondarchie may have indicated that he too believes it is too much of an ask.

It is worth pointing out, in the context of the history of the BLF that I have outlined, that Mr Chandler concluded by saying:

The unions appear to have learned nothing in the 27 years since the deregistration of the BLF. They will probably just play havoc in the last of the sunshine leading up to the next federal election. I hope that the new generation of construction workers and managers does not have to go through the horrible experiences of intimidating and threatening union behaviour that most will not have experienced in their careers to date.

At a time when construction needs to attract the brightest to lead it into a more productive future, CFMEU behaviour on Grocon's sites must be stamped out forthwith. Projects are hard enough, and attracting new investment is even harder.

I do not think a truer word has been spoken, particularly in this area. It is, I believe, a national tragedy that we have a federal government and a Labor Party in this state that just refuse to bite the bullet on this issue. Labor members come in here and put forward a motion such as this — it is good to see that Mr Tee has wandered through the chamber for a minute — which does not mean much at all. They will give us five weeks to discuss it all and then they will walk away, as they have always done.

Why would that be the case? Is it because of Mr Leane's, Mr Tee's, Ms Darveniza's or Ms Pulford's preselection? They may well have representatives of the CFMEU present — they might; I am not suggesting motive here to anybody. Might it just be that the ALP at this stage does not want to take on the CFMEU, because members of the opposition may find themselves on the wrong end of the preselection process? The CFMEU boys will go into the preselection room and they will remind — I think Mr Tarlamis is taking particular interest in this — members opposite of how they were treated at the hands of the parliamentary Labor Party during the course of this term of government.

There are people in the Labor Party who are exhibiting the same sort of fear, the same degree of fear, that has previously been exhibited by people on construction sites who took on Norm Gallagher. As I said, way back then those who took on Norm had their legs and arms broken and were dumped down a pit. But here, in 2012, there are members of the parliamentary Labor Party who might find themselves getting the same treatment at the preselection conference if they take on their comrades — they are more than comrades; they are their masters really — in the CFMEU.

It is fascinating to see blokes like John Setka — talk about conviction politicians; this bloke has more convictions than anybody else I can think of — who is about to take over as secretary of the CFMEU. The Gallagher era is back with us, and that will inevitably flow through to the internal politics of the ALP. We can well understand why they are loath to take a stand against the thuggery that the CFMEU has embarked upon and will continue with, given half a chance.

Mr Leane may well like to talk about what the Electrical Trades Union might get up to. I would love to discuss that. Mr Leane might like to put forward a motion himself at some stage so that we can discuss the internal politics of the ETU, because that would probably be more fascinating than what is going on in the CFMEU.

We have an opposition that has come in here with no intention of doing anything about the problems facing the construction industry. We have here an opposition that has come in here with a motion that does not even mention the major problem affecting the construction industry — the union. That is the thing that worries employers and worries those who seek to invest in construction in this state more than anything else. The opposition, for various reasons that I have outlined, does not want to know about it. It is very much a case of 'Don't mention the war! Don't mention the CFMEU. Don't mention the BLF'. It is astonishing for those of us on this side of the house. We are astonished —

Mr Ondarchie — Yet not surprised.

Mr FINN — Yet not surprised at the same time, if one can be astonished but not surprised. We are amazed that the Labor Party, in the person of Mr Tee, would come in here to try to pull this one on us. Give us a break!

I say to members of the opposition, especially Mr Tee: get fair dinkum. There are real problems in construction in this state; there are real problems in the building industry. They should not come in here with their

grandstanding, making all sorts of funny noises about things that are not directly related to the major problems the construction industry has in this state. If members opposite wish to have a constructive discussion about the building industry, its problems and the problems facing people who work in it, they should put a motion up so that we can discuss all the issues, so that we can have a discussion that is fair dinkum and that will actually contribute to the general welfare and benefit of the construction industry and the Victorian economy, but this motion does not do that.

The fact that Mr Tee has spent most of his time out of the chamber since moving the motion indicates that he too knows it is not fair dinkum. If the mover of the motion is not interested in the debate, I fail to see why any of the rest of us should be. It is yet another wacky Wednesday special. It is a great pity that the Labor Party has again taken the opportunity to waste the time of the house. I believe that is something the people of Victoria will not take well. It does not serve the best interests of the state or the people of Victoria.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Health services: future

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. In the last two days I have had the opportunity of reading quickly 60 health-care reports that have been presented to the Parliament in that time. Unfortunately many of those reports are similar in nature to the report of the West Gippsland Healthcare Group, which indicates that there has been a significant deterioration in the budget position of that health-care group, increasing service delivery pressures and increasing waiting lists. West Gippsland is not alone. I ask the minister: of the 60 reports that have been tabled in the last two days, how many in his view had a deficit reported for the reporting period?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As he would know, this is reporting time and a series of health-care reports are being tabled, along with reports from other portfolios. He would understand that hospitals manage their own budgets and that the budgets of health services across the state have increased significantly. What I can indicate to him is that the financial position of health services in aggregate has improved across the state, and as reports for all the services are tabled, one after the other, he will see that position become clear. I have no doubt that he is a numerate fellow, and he will be able

to add up the various figures for services across the state. What he will see is that the overall financial position of health services has improved. The comprehensive final results of health services across the state had greater deficits under his government, under the previous health minister, than will be the case this financial year. He will no doubt see that as he adds the figures for health services together.

Mr Jennings will discover that some health services certainly face significant financial pressure with the growth in the population and the increased complexity of patients. I will give one simple base example — the number of patients being transferred out of emergency departments into ward beds has increased significantly this year and last year, and that is a sign of increased complexity. There is no doubt that there are more patients, that there is pressure on health services, that there is a challenge for health services and that there is a greater level of complexity of patients being treated, but what he will find is that the overall aggregate result across health services shows that the financial position of health services has improved compared with when he was in government.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister may be able to subsequently prove that. He definitely cannot prove it today, and he has not taken the opportunity to prove it today. The test of the minister will be whether the Victorian community believes health services are keeping up with demand and are not performing in a worse fashion, a deteriorating fashion, as has been indicated by West Gippsland Healthcare Group and many other health-care groups across the state. They are not alone, because budget increases have been marginal compared with demand pressures. I ask the minister: what guarantees can he give the Victorian community that health-care delivery will improve in line with demand and that waiting lists will not grow significantly as they have done, as will be shown in each and every one in the cumulative total of these reports?

Mr Lenders — Good question.

The PRESIDENT — Order! It might be a good question, but it tests me a little in terms of whether it is supplementary to the substantive question because I believe it goes to a different aspect of the finances. On this occasion I will allow the minister to address the question.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his broad-ranging supplementary

questions, which I think number about six or eight. What I will say to him very clearly is that funding has increased to health services, and increased significantly. There has been a record budget spend in health this year, and that is a key point. Equally the number of people treated in our health services across the state has also increased to a record level, and that will be shown very clearly — —

Mr Jennings — Not elective surgery.

Hon. D. M. DAVIS — Total separations will be much higher than under previous years. What we will see is elective surgery and overall separations being higher, and the number of emergency department presentations will also be significantly higher. As I say, the complexity of patients is also increasing, and that is very closely signified by the greater number being transferred from emergency departments into the general hospital. The premise of the member's question is wrong, and the member will just need to wait patiently as health services table their annual reports, one after the other, over the next period, and then he will see the underfunding and the mismanagement of health services which was apparent under the former government.

Alfred hospital: transplant program

Ms CROZIER (Southern Metropolitan) — My question is also to the Minister for Health, Mr David Davis, and I ask: can the minister inform the house of the outcome of any independent assessment of the health of the Alfred's transplant program?

Hon. D. M. DAVIS (Minister for Health) — It is with pleasure that I respond to Ms Crozier's question, and I understand that she, as a fellow member for Southern Metropolitan Region, has a strong interest in the health and performance of the Alfred hospital. I welcome the Ombudsman's report that has been tabled today. It essentially gives a very clean bill of health to the Alfred hospital and makes it clear that it is performing well, that Mr Viney's mean-spirited inquiry was misplaced, and that the politicisation of an inquiry into organ donation was quite unfortunate. The recommendation that the Ombudsman made is fully accepted — —

Mr Leane — On a point of order, President, I do not know if it is unparliamentary, but it is a bit bizarre that the minister would refer to Mr Viney's 'mean-spirited inquiry' when it was a reference that came from this minister. I think the minister is misleading the house.

The PRESIDENT — Order! There is a time for debate and there is a time for a point of order which goes to the procedures of the house. I would suggest that Mr Leane explore that theme in debate and not by a point of order.

Hon. D. M. DAVIS — The reference by Mr Viney to the Ombudsman has been shown to have been misplaced. What is very clear is that funding to the Alfred hospital under this government has increased massively. Last year there was a significant increase in targeted funding for organ donation, this year statewide there was an additional \$5 million of targeted funding, with \$3.5 million of that going to the Alfred. On top of that — and this is an important point to remember — the basic weighted inlier equivalent separation funding to health services is the major source of its funding for transplants, as for most conditions. The Alfred had increases of more than \$20 million last year and more than \$25 million this year, which is a significant increase in funding.

I also want to say something about the scurrilous accusations made by Mr Viney about Mr Andrew Way, an excellent CEO at the Alfred hospital. I am very pleased that the Ombudsman could see the commitment and focus of Mr Way on delivering high-quality health care, working with his teams of highly specialised clinicians to deliver what is one of the most important services in this state. I indicate to the house and to the community the government's commitment to these services. That is, as was alluded to before, precisely why the initial reference was given to the Standing Committee on Legal and Social Issues. That will receive proper attention and is informing government activities more broadly.

Organ donation is a collaborative national effort, and we work with the commonwealth on these matters/ We welcome that collaboration because it is a matter that works better across a national footing rather than on a pure statewide footing, and in that way the pool of donors is clearly expanded. There is no doubt that there are challenges and workforce issues that we need to work through. The significant funding for organ donation to which the government has committed will assist in expanding services at the Alfred, and this stands in stark contrast to the additional targeted funding provided in 2010–11 under the last government and the last health minister. Do you know, Ms Crozier, how much the funding for targeted organ donation work was in that year?

Ms Crozier — No, tell me.

Hon. D. M. DAVIS — It was zero. There was no additional targeted funding provided.

Mr Lenders — On a point of order, President, I draw your attention to the fact that Mr Davis was asked a question by Ms Crozier, and now in answering the question he is turning to her and asking her a question. I ask you to direct him to answer the question she asked him rather than posing questions to her during question time.

Hon. D. M. DAVIS — On the point of order, President, whilst interjections are disorderly, it is a tradition in this house that there is some banter and discussion between members during responses, and so long as that is at a reasonable level I believe it is perfectly in order.

The PRESIDENT — Order! It is really the responsibility of members to show courtesy and address their comments through the Chair rather than to other members in the chamber, and I think for the most part Mr Davis was in fact meeting that expectation of the house. It is not unusual for ministers or indeed for members of the opposition to seek some support from their colleagues in terms of certain debates and matters that they wish to canvass in the Parliament. In this case I do not think Mr Davis's action was out of kilter with circumstances, given that the substantive part of his answer was given without any reference to any other member. I believe he was just trying to make a point to the person who had posed the original question. As I said, though, the expectation is that matters will be addressed through the Chair.

Hon. D. M. DAVIS — I certainly will direct matters through the Chair.

The Ombudsman also pointed to the need for a costing study, and the department and I certainly strongly support that. I can indicate to the house that a contract has been let with Paxton Partners. This is an area of some importance nationally because we do need to get the costings right. Nationally we are moving to an activity-based funding system, and the costings that are part of this will be very important. We have some disagreement with the commonwealth government on the quantum of block funding. We believe organ transplantation needs significant block funding to make it viable and to support the service in the long run. This costing study, which will be worked on by the Alfred — —

The PRESIDENT — Order! Thank you, Minister.

Kyneton District Health Service: funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. The minister would be aware from my first substantive question that I am concerned with the deteriorating financial position of Victorian health-care groups and their deteriorating performance and adverse outcomes for the Victorian community. In light of that I note the report of the Kyneton District Health Service, which is another service which has indicated that those pressures are acute. In May of this year the doctors and nurses, the community and the opposition drew to the minister's attention the deteriorating quality of care being provided at Kyneton, and I note that in the last 24 hours he has been written to by doctors in the region to indicate that there is a crisis. Between May and now, what has the minister done about that deteriorating situation?

Hon. D. M. DAVIS (Minister for Health) — Kyneton is a very important health service. Kyneton is on the edge of the city growth zone. Its population is growing and it faces a challenge in meeting that demand. I indicate that I have met with the CEO and have had a number of discussions, but the department has also been working closely with Kyneton. Very shortly there will be an appointment of an interim medical director to Dr Jacqui Smith to undertake a greater oversight of medical activity at Kyneton.

I make the point very clearly that Kyneton is an important centre, as I said. It has medical coverage for the urgent care centre, which has historically been provided by the local GPs. As a result of issues related to the arrangements, two of the local practices — as the member would probably be aware — have withdrawn from the on-call roster. Medical coverage is now provided by four GPs plus an intern.

The department supported mediation on these matters in 2011, following on from which Kyneton District Health Service and local GP practices agreed to meet regularly to identify and address a number of issues. The department, as I said, continues to work closely to support the GP engagement. I have emphasised with the CEO the importance of working collaboratively with the medical and clinical staff at the hospital, and I believe she is endeavouring to do that. The appointment of the interim director of medical services will be an important step in responding to these matters.

Kyneton has established this primary care centre and there is strong involvement from Adult Retrieval Victoria via a telemedicine link to strengthen the clinical oversight. I am not pretending that the

management of a lot of these local challenges is easy. The department has been seriously engaged in that process. I have sought to work with the CEO. I have emphasised the importance of collaborative arrangements with the medical practitioners. I know the CEO has a strong focus on quality and safety, which I support and the government supports, but there is a little way to go to get a final solution that will provide a durable outcome for the community. It is something that the government takes very seriously and, as I indicated, the step of appointing an interim director of medical services will be valuable.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I note that the minister indicated that in the last six months he has had a conversation with the CEO about collaboration and then subsequently that there is going to be an appointment of an interim medical director. He also drew attention to the importance of telemedicine within the region as being an important vehicle for service delivery. Is the minister of the view that those efforts can demonstrate to the community that in fact a quality service will be delivered in Kyneton, and what guarantees can he give to the community that in fact a quality service will be delivered by that health-care group?

Hon. D. M. DAVIS (Minister for Health) — In the first instance I can indicate that a quality service is being delivered, but that is not to say the community would not want an even stronger service than the one there now. I indicate strongly to the community that we will work with the local hospital and the clinicians to seek an approach that the government —

Mr Jennings — You will?

Hon. D. M. DAVIS — And the department. This is an important matter for local communities, that there are proper services —

Mr Jennings — You are going beyond the CEO and talking to the staff?

Hon. D. M. DAVIS — The department has engaged on a number of levels, including meeting with local practitioners and others, so I do not pretend that I would do this alone. This is something that will require —

An honourable member interjected.

Hon. D. M. DAVIS — To be fair, I am just indicating that this is a serious matter. The government is taking this seriously. We are seeking a response that will involve clinicians, and I believe there has got to be

collaboration with clinicians, whilst equally a strong focus on safe and quality outcomes.

Japan: trade partnerships

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Manufacturing, Exports and Trade. Can the minister outline to the house any outcomes from the recent trade mission to Japan?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. I will outline the reasons for and the importance of our recent trade mission to Japan. We undertook that mission in May this year to ensure that we maintain our strong and enduring partnership with that significant trading partner. We know that Victoria is the home of in excess of 140 Japanese companies. Toyota, we know, and there is also Sumitomo, Mitsui, NEC, Yakult, Kagome and others that have been here for many years.

Just this morning the Deputy Premier, the Minister for Agriculture and Food Security, Mr Walsh, and the federal Minister for Industry and Innovation, Greg Combet, and I jointly announced a very significant investment in regional Victoria with Australian Paper and its parent company, Nippon Paper Industries. Mr Yamashita, the executive vice-president of Nippon Paper Industries, came from Japan for this important announcement. This followed our visit to Japan when we met Mr Haga, the president of Nippon Paper, in Tokyo on 14 May, at which time we indicated to Mr Haga our belief in the importance of continuing trade relationships between Victoria and Japan.

What we are seeing is that Australian Paper already has a significant presence, as the member would know — —

Mr Somyurek interjected.

Hon. R. A. DALLA-RIVA — It may be on Mr Somyurek's wish list, but it would be good if he asked me a question occasionally.

Australian Paper already has a significant presence in this state. It operates Australia's largest integrated paper and pulp manufacturing facility at Maryvale. It employs over 940 people. Australian Paper is now taking a major step forward to secure a long-term future in Australia. Part of Nippon Paper's commitment is to be in the top five global companies in the paper and pulp industry.

In terms of development, today I was happy to announce that Nippon Paper will be spending \$90 million on a greenfields de-inking plant at Maryvale that will incorporate state-of-the-art, purpose-developed technology from Nippon Paper. This will process 80 000 tonnes a year of white waste paper that would have otherwise gone to landfill. It will allow Australian Paper to triple its output of recycled paper content. It will take it much closer to its goal of including recycled fibre in nearly all its product range by 2015, and we know that it is very much focused on supporting Australian consumers who can buy locally and have an environmentally credentialled paper available at a competitive price.

I am also happy to report that the construction and ongoing operations of this greenfields plant will create an additional 140 direct jobs and underpin about 1100 full-time jobs across Victoria. When the plant becomes operational in 2014 Australian Paper estimates it will add around \$110 million annually to the Victorian economy. That is just the start of it, because the Nippon Paper Group sees this as part of its long-term strategy — a 10-year development — in terms of developing into being one of the top five paper companies around the world.

The establishment of this plant has been a very important issue. We have worked closely with Australian Paper and the commonwealth to secure this investment in Victoria by providing investment support and facilitating and coordinating regulatory and planning approvals across all levels of government. This is a demonstration of what trade missions can improve.

Aged care: Peninsula Health facility

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Ageing. I refer the minister to recent media reports on 22 and 28 August in the *Peninsula Weekly* and *Mornington Peninsula Leader* in which Peninsula Health has signalled its intention to either sell off or find a partner for its residential aged-care facility in Rosebud. Given that the expression of interest document is not a public document, it is not clear which of these options will eventually be put to tender. Given that the Rosebud residential aged-care service is the only publicly owned residential facility on the Mornington Peninsula, is the minister's government intending to privatise this facility?

Hon. D. M. DAVIS (Minister for Ageing) — Peninsula Health has made a decision, as it will from time to time, to work through the configuration of

services, and it has a tender to work in a partnership with a private sector partner.

Hon. M. P. Pakula — So that is a yes.

Hon. D. M. DAVIS — No. Let me be quite clear: it will depend on the final result of the tender arrangements. If the final arrangements can deliver better services for people on the peninsula, there may be some change; if they cannot deliver better services, Peninsula Health is determined that the facility will remain in public hands.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — Given that the minister would be required to give approval to sell off a public asset, has that approval already been given, consistent with a change of government policy?

Hon. D. M. DAVIS (Minister for Ageing) — There is no change of government policy, as alluded to. The point is that we would have to see the final results of the expression of interest to see whether it is in the interests of people on the peninsula. If it is not, I am sure it will not proceed.

Higher education: TAFE funding

Mr O'DONOHUE (Eastern Victoria) — My question is for the Minister for Higher Education and Skills, Mr Hall, and I am pleased to ask: can the minister advise the house on what opportunities there are for young people in East Gippsland to undertake training which helps them secure jobs or move on to higher education qualifications?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr O'Donohue for giving me the opportunity to talk in particular about the very fine work being undertaken by Advance TAFE in East Gippsland, but he also gives me the opportunity to put the record straight on a matter raised yesterday in question time in this chamber. The Leader of the Opposition, Mr Lenders, asked me yesterday about a student called James who was featured in the 2010–11 education department annual report. James was a student of Advance TAFE in East Gippsland and, as Mr Lenders said, was enrolled in a diploma of business. Mr Lenders and the Leader of the Opposition in the other place claimed that Advance TAFE was closing down the diploma of business program. Indeed Mr Lenders had the audacity to suggest that I should be reimbursing James some of the fees he has paid for this particular course.

I advise the house, to set the record straight, that Advance TAFE in East Gippsland currently has 57 students enrolled in its 2012 diploma of business program, and it fully intends to continue with that program into next year. The suggestion by the leaders of the opposition in both houses that this course was to be closed is simply not true. Therefore I can only come to the conclusion that their research is very slipshod in this particular case. I would not suggest that they were in any way attempting to mislead the house.

Hon. M. P. Pakula — You couldn't answer it yesterday — and you're the minister.

Hon. P. R. HALL — Mr Pakula says I did not say this yesterday. There are 2000 training programs offered across Victoria — 2000 different accredited training programs. If he expects me to have a corporate knowledge of every one of those offered by the 18 TAFE institutes in the state of Victoria, then he is suggesting I am a computer of some considerable size with a memory capacity beyond that which any of the members opposite — let alone any other human being — possesses. I am more than happy to provide the house with details of particular matters, which I have now had the opportunity to do. It is important to set the record straight.

The fact of the matter is that East Gippsland Advance TAFE is continuing with the diploma of business because it is a very important and popular program. It provides good employment outcomes for the people in East Gippsland, and indeed it will be continuing in 2012. James is just one of the somewhere around 11 000 students who are enrolled in various programs with Advance TAFE. Advance continues to serve the region well in terms of both meeting local needs and providing innovative courses that others around the state have the potential to tap into.

In respect of that I also want to say welcome to Advance TAFE, Central Gippsland Institute of TAFE and Chisholm Institute of TAFE, which are currently working on a program that next year will see many of these sorts of programs delivered in a far more broader sense across the region through technology-enabled learning centres. I know Mr O'Donohue has been a staunch advocate for that to occur at Pakenham, where there is no provision, and that will happen.

We are also looking to upgrade Advance TAFE's facilities. This state government is very committed to the redevelopment of the Port of Sale Advance TAFE campus in Sale. We have put our money on the table, we have demonstrated our commitment and we are now asking the federal government to come to the party

through an investment in that facility from the Education Investment Fund. Advance TAFE provides great opportunities for the students of East Gippsland and will continue to well into the future.

Ordered that answer be considered next day on motion of Mr O'DONOHUE (Eastern Victoria).

Aged care: Peninsula Health facility

Ms MIKAKOS (Northern Metropolitan) — My question is again to the Minister for Ageing. The Australian Nursing Federation has expressed concerns that in the event of Rosebud Residential Aged Care Services being privatised the nurse-resident ratios that apply to publicly owned residential aged-care facilities will no longer apply. Can the minister guarantee that there will be no erosion in the quality care standards or the staffing arrangements that apply to the aged-care residents on the Mornington Peninsula?

Hon. D. M. DAVIS (Minister for Ageing) — What I can say is that I think the member misunderstands Peninsula Health's purposes in this matter. Peninsula Health is seeking to improve services for people on the Mornington Peninsula, and there are a number of models and partnerships that may be struck in that process.

I can indicate that Peninsula Health is absolutely determined that there will be no reduction in available capacity on the peninsula. It is true to say that the public capacity on the peninsula represents about 4 per cent of operational high care and 3 per cent of operational low care. I can indicate to the member that Peninsula Health will ensure that any potential partners that are identified through the expressions of interest process will have to be approved under the commonwealth arrangements for providers of aged care.

The fact is that Peninsula Health will not proceed with any of these steps unless they are in the interests of people on the peninsula. If the expressions of interest demonstrate a better outcome for people on the peninsula, Peninsula Health will examine that way forward. If they do not, Peninsula Health will not.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — It appears that the Vertigan report was purely coincidental. The minister has not responded to my question about the staffing arrangements. A spokesperson for Peninsula Health was quoted in the *Peninsula Weekly* of 22 August as saying:

It is unlikely another partner would take the staff on because an experienced provider is likely to have their own staff ...

Will the minister guarantee that all the nursing and administrative staff at Rosebud Residential Aged Care Services will be redeployed within Peninsula Health in the event that this facility is in fact privatised?

Hon. D. M. DAVIS (Minister for Ageing) — The premise of the member's question — that it will be privatised, as she has described it — is of course wrong. Let me be quite clear: Peninsula Health is determined to expand and strengthen services on the peninsula. It is determined to respect and support its staff, and if staff were redeployed in any way, it would be determined to ensure that they were redeployed in a fair way. I can indicate very strongly that Peninsula Health is determined to get a better outcome and a better expansion of services.

Mr Lenders — You said that in Mildura.

Hon. D. M. DAVIS — Mr Lenders interjects about Mildura. It was Labor that sold the Mildura hospital in 2000. Candy Broad was a member of that cabinet. Mr Thwaites, Minister for Health in a previous Labor government, sold Mildura hospital. It was Labor that sold it on to a super fund in New South Wales which has former Premier John Brumby on its board. Oh, my goodness! I would not be bringing up Mildura too often if I were Mr Lenders. I do not know whether he was in the cabinet. No, I think he was just a parliamentary secretary in 2000. He was in the lower house.

Mr Lenders — It was Rob Knowles.

Hon. D. M. DAVIS — No, it was not Rob Knowles who sold the hospital; it was Labor.

Housing: Marysville temporary village site

Mr DRUM (Northern Victoria) — My question without notice is to the Minister for Housing, Wendy Lovell. I ask: can the minister provide details of the future of the Marysville temporary village that was established to support the community after the Black Saturday bushfires?

Hon. W. A. LOVELL (Minister for Housing) — I thank Mr Drum for his question and his ongoing interest in the Marysville community. Mr Drum, Mrs Petrovich and I were all representatives of the Marysville community at the time of the bushfires. We have all been personally affected by what happened in Marysville, and we all wanted to see the best outcomes for the people of Marysville into the future.

The temporary village was set up in Marysville by the former government after the 2009 bushfires. The village was set up by my department, the Department of Human Services, and the Victorian Bushfire Reconstruction and Recovery Authority. The village has helped 91 households and over 176 people who were displaced by the fire to return to Marysville and to help establish Marysville once again. All those residents have now either relocated or rebuilt in the area, and I have had strong representations from local members, including Cindy McLeish, the member for Seymour in the other place, Mr Drum and Mrs Petrovich, who wish to see the village play an ongoing role in the economic recovery of Marysville.

I am pleased to say that I visited Marysville on 27 September to mark a new role for the temporary village — that is, as an outdoor education centre known as Camp Marysville. In fact 41 units from the temporary village have been sold to the Outdoor Education Group for a recreation and wellbeing centre. These will be used by school groups, by community groups and by churches. A further 8 units have been sold to the neighbouring El Kanah Marysville guest house. El Kanah is rebuilding at the moment, and its new building looks fantastic. It provides a little bit more up-market accommodation, and the 8 units it has purchased that will be relocated to its land will provide affordable family accommodation in Marysville.

This project will complement other investments by the Victorian government, including its \$5.2 million Marysville and triangle economic recovery package and the \$1.7 million Marysville and surrounds tourism and events package. The new Camp Marysville will also contribute to the economic recovery of Marysville into the future. I wish the Outdoor Education Group well in its endeavours. I encourage everyone to visit Marysville and to help with the economic recovery of Marysville.

I would also like to take this opportunity to thank the members of the Department of Human Services for their dedication to the Marysville community. When we have natural disasters all too often we hear thanks for the emergency services, which is only right, because the Country Fire Authority, the State Emergency Service and police play an enormous role, and we also hear thanks for groups like the Red Cross and other community groups. But often those in government departments who provide so much support to those regions are forgotten, and I know that those in the Department of Human Services provided an enormous amount of resources and support to communities during the bushfire period. I thank them for their hard work.

Regional rail link: environmental management plan

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, and it is a follow-up to the question that I asked him in August relating to the environmental management plan for a regional rail link, which in the words of his planning scheme is to provide ‘an integrated and accountable framework for managing environmental effects during the project construction and operation’. That question itself was a follow-up from a previous question asked in June 2011. Can the minister now, today, tell me whether he has approved this environmental management plan and whether it is to be made available?

Hon. M. J. GUY (Minister for Planning) — Yes, I can tell Mr Barber that I have approved that EMP — environmental management plan. I think I did specify that in the last question he asked me, although I did not have the date to provide in that answer.

Supplementary question

Mr BARBER (Northern Metropolitan) — I missed the last part of the minister’s answer. Is he saying that the environmental management plan is to be publicly released, and if so, when?

Hon. M. J. GUY (Minister for Planning) — There is a supplement to the EMP, which is for operational noise. I think that is due at the end of December. There is also a requirement for section 2 to have an environmental management plan, which is to be submitted to me in March. That decision needs to be made once all the material has been submitted to the government.

China: trade mission

Mr KOCH (Western Victoria) — My question without notice is to my colleague the Minister for Technology, Mr Rich-Phillips, and I ask: can the minister inform the house of the outcomes arising from the China super trade mission for the technology sector?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Koch for his question and his interest in the China super trade mission, and I am very pleased to inform the house about the impact of that mission for the technology sector, in particular for the ICT and life sciences sectors.

Yesterday my colleague the Minister for Manufacturing, Exports and Trade spoke about the

super trade mission being the largest mission ever to leave Australia and the largest mission ever to arrive in China. It was a mission with around 400 organisations represented and 650 delegates travelling over the course of the week through 13 cities and having around 2000 business-to-business meetings, which were organised by the Department of Business and Innovation. I take this opportunity to thank the department's officers for the work they put in while putting in place those 2000 business-to-business meetings, which were an enormous opportunity for Victorian companies to explore opportunities in exports and in investment as well.

I would also like to focus on the ICT and the life sciences sectors, where we had around 53 individual organisations represented and more than 70 individual delegates attending out of those two sectors. Already we have seen tangible outcomes from the mission. We have seen the leading Chinese ICT company, VanceInfo in Beijing, announce an additional 60 jobs that will be created at its facility in Melbourne. We have seen the Victorian ICT company CPT Global sign a deal with ChinaEtek Service and Technology for the provision of ICT services. We have seen Huawei based in Shenzhen undertake to lead a delegation of its procurement professionals to Melbourne to work with Victorian companies to explore opportunities for Victorian companies to partner with Huawei. This is a fantastic opportunity for Victorian companies to engage with one of the world's largest telecommunications companies.

I was very pleased to visit the University of Shanghai with National ICT Australia, the national ICT body which the Victorian government supports in partnership with the University of Melbourne, to sign a collaboration with the University of Shanghai for the rollout of the FarmNet software platform, which is being developed through NICTA. This is an important piece of software which will lead to better land and water use in the agricultural sector, and of course that is one of the great opportunities in the Chinese market — that is, to drive more productive agricultural outcomes. Victoria is a leader in this area, and it is a great opportunity for Victorian organisations and Victorian platforms, like the FarmNet system developed through NICTA, to be rolled out more widely.

I was also very pleased to participate in an agreement signing between SmartTrans, a local company, and China Merchants Bank, for the rollout of a payments platform for e-commerce, which is of course an enormous opportunity in China as well.

We have already seen substantial agreements signed as a consequence of the China super trade mission. Importantly that mission gave opportunities to Victorian companies that they would not otherwise have had to engage with the Chinese market and to recognise and explore the potential of the Chinese market, whether from an investment or foreign export point of view. We look forward to seeing those opportunities crystallise in the years to come as Victoria engages more closely with China. The Victorian government sees China as an important market. We now have four representative offices throughout greater China, including in Hong Kong. It is an important market for the Victorian government, it is an important market for the Victorian economy, and we look forward to those ties growing stronger in years to come.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 441, 446, 461, 474, 8153, 8154, 8364, 8365, 8367, 8369, 8370, 8372, 8373, 8375, 8377, 8379, 8508–11, 8514, 8515, 8518, 8519, 8552, 8553, 8588, 8592–4, 8598, 8600 and 8682.

Ms HARTLAND (Western Metropolitan) — I refer to question 8682, which was directed to Mr Davis. It was lodged on 29 August and the answer is now 30 days overdue.

Mr Drum interjected.

Ms HARTLAND — I advise Mr Drum that I do not think it is unreasonable for me to raise this issue. If an answer is overdue, it is overdue.

Hon. D. M. DAVIS (Minister for Health) — I will follow that question through for the member.

The PRESIDENT — Order! Ms Hartland raised with me an issue in respect of question on notice 8391. She sought a ruling as to whether or not that question has been answered. I found it a little difficult to adjudicate on this one, because I think the Attorney-General, in discussing the Coroners Court and the Victorian Systemic Review of Family Violence Deaths, made some comments that were responsive to the question. However, Ms Hartland pointed out in her letter to me seeking a ruling that in fact she was quite specific in seeking a response on a funding amount. Given that the minister has not responded in respect of that element of the question, I will ask that it be reinstated.

BUILDING INDUSTRY: DISPUTE RESOLUTION

Debate resumed.

Mrs PETROVICH (Northern Victoria) — I am rather bemused by the motion before us today. It appears to be an ill-conceived motion and smacks of being cobbled together. Mr Tee has put so much thought into this motion that he has allowed just seven weeks for an inquiry into this important subject. We have listened intently to the debate for most of the morning, and for most of that time Mr Tee was not in the chamber. It has taken the wisdom of Mr Leane to move an amendment which has a more appropriate time frame at least.

I spent 20 years in the building industry. I am probably one of the only people in this chamber who has spent time in the building industry as an employer and been part of it from a non-union point of view. Until recently my family maintained a business in Bendigo and worked in metropolitan and country Victoria for over 100 years. A decision was made to close that business, which was sad day for our family in many respects, but it was a business decision.

Normally I would have been reluctant to rise to speak on issues around the building industry because it is well known that businesses that speak out or have spoken out historically against unions and drawn attention to themselves are treated in a punitive fashion. Mr Finn spoke eloquently about the history of the BLF (Builders Labourers Federation). I know it will be to the joy of many opposite when I state that Norm Gallagher made me a Liberal. He really helped me in my decision-making process as a young person.

Mr Lenders — And Greens preferences made you a member of Parliament.

Mrs PETROVICH — That was a typical response from Mr Lenders. I advise him that the people of northern Victoria elected me, but Norm Gallagher and compulsory unionism certainly had an effect on my family business and an impact on determining where my political allegiances lie.

Our family business employed up to 80 people, and there were businesses that operated around us in a range of ways. I would have to say that when we were at our greatest we were the biggest target for unions. When times are busy, it is the modus operandi of unions to target businesses. When times are a little tougher, as Mr Leane expressed, the employer becomes the best friend of the union, because unfortunately the tough

decisions have to be made about who stays on and who does not. That is very hard when you run a business that employs people you know and work well with. Many of the people we employed were unhappy about having to join unions, because we treated our staff very well. We employed apprentices, trained them properly and brought them all the way through; we complied with all the conditions. In many respects it was a good time to be in business; business ethics were of a certain standard.

I think everybody in this chamber would acknowledge that there are reasons for looking into the activities in the building industry. They have been allowed to develop over a long time. Given the culture and activities around some fly-by-night operators and unethical business people, I am quite surprised that over the last 11 years there has been no motion debated to look into the building industry.

It is interesting to note that Mr Tee's motion is a little bit at odds with what is going on federally; they are very much at cross-purposes. It is at odds with what is going on in the industrial world too, especially when we look at item (3) of Mr Tee's motion pertaining to dispute resolution mechanisms. Taking into account what has gone on recently in Melbourne, do we send in Mr Grollo or others who run crane companies to resolve those issues? We have seen many examples of how businesses can be impacted on.

There are two sides to this conversation, and I think many in the building industry service their communities and deliver for their customers from a residential perspective. There are complexities around that delivery, particularly on more complex jobs. I suppose even in residential construction there are complex jobs, depending on the size of the development. The builder really is in a position of responsibility and trust, because the sub-trades rely on him and on the integrity of the contract. In many cases there are issues around payment on completion of work, and variations to the contract are always a nightmare. Generally these can be worked through, and I think there is a level of conciliation between most builders and sub-trades. But when it does turn ugly it is very easy for those sub-trades to be caught without their payment, either by a builder who is unable to pay or by a contractor who is unethical and decides that that component of the work was not required. That has a ripple effect through the industry and small business, and ultimately it has an effect on jobs.

It has been very clear that the Premier of our state, Ted Baillieu, has led the charge federally and has dragged our Prime Minister and Bill Shorten, the federal

Minister for Employment and Workplace Relations, kicking and screaming to the table to establish a high-level inquiry into rising construction costs. This is something they are still talking about. If this issue about the protection of consumers is so imperative, I say again that Mr Tee and state Labor are now at odds with their federal colleagues. They are certainly at odds with us and our principles of how to establish a committee to investigate the rising costs. This issue was brought up by Ted Baillieu at the Council of Australian Governments. The four biggest states in Australia supported that move, and we now have Labor members arguing about who is going to be part of that committee. Hopefully it is not all about jobs for mates, because there is a bigger and higher issue here. However, the net result of this process has been a stalling, and that committee is yet to be established.

Business Council of Australia president Tony Shepherd said the nation could not afford this disappointing delay in addressing its problems. This is urgent because every day that goes by it is costing us money. He said the high cost of construction is due to many factors, including industrial relations, regulations, skills availability and infrastructure. Given that, there is a great irony in what happened in Melbourne recently. Anyone who operates in the building industry knows they are at the mercy of a range of external factors, whether they be the weather, the economy, the supply of materials or labour, industrial relations or, perhaps in some cases, claims for unreasonable terms and conditions. It is a very difficult place to operate.

After 20 years I have to say I have a great empathy for owners of small businesses who are out there fighting very hard to win contracts through a pricing structure that is extraordinarily competitive and to manage and operate their businesses. At the end of the month, after they have paid their subcontractors, overheads, running costs and wages, often the jobs are not that profitable because it is a highly competitive market, particularly in relation to housing. It is a tough industry and we need to ensure that proper processes are followed to support it. It is disappointing to have a motion like this, which has obviously had very little thought put into it, before us today. It seems to be a quick grab for point-scoring in a committee that we have heard on many occasions is highly dysfunctional.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mrs PETROVICH — Before the lunch break I was talking about external impacts on local businesses in the building industry and how vulnerable, in many respects, people operating in the building industry are to external factors, including price increases and labour shortages, or labour abundances in many cases when there is a

downturn in work. It is quite heartbreaking for many people to have to retrench employees. It is one of the sad things I had to do during the ‘recession we had to have’ under former Prime Minister Paul Keating. We had to tell people that unfortunately we no longer had sufficient work for them.

I know the impact that had on their families, their mortgages and their lifestyles was significant, and it caused great distress to me and my father, who is a very ethical man who put a lot of emphasis on relationships with his workforce. He enjoyed great loyalty during his time as manager of that company. I have experienced many of these things firsthand, and I understand the complexities of operating in a rural area and the difficulties around the impact of the external environment, such as the weather, on the building industry. The building and construction industries are great litmus tests of the economy and often the very first to show the telltale signs of what is going on in government at a federal level and even of the impact of drought and poor weather conditions.

It is important for me to talk about the contrast between the motion that has been put forward today, which is quite an ill-conceived one, and some of the work our very good Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva, has continually flagged. I made a quick search of *Hansard* and looked at many of the questions that have been addressed by Mr Dalla-Riva around the Office of the Australian Building and Construction Commissioner, known as the ABCC. Under the protection of the ABCC there was the capacity to seek heavy fines against militant and unlawful behaviour in the construction industry, and the ABCC had in fact taken successful action against the CFMEU (Construction, Forestry, Mining and Energy Union) leadership many times in the Federal Court of Australia.

It is a great shame that that body was disbanded. As Mr Finn highlighted in his contribution, that has returned us to the dark days of the BLF in many respects, and we saw that in recent times at the Grollo site and other sites around Melbourne, where a work-to-rule mentality and illegal strike activity caused a great deal of distress to workers who were legally going about their work, trying to access the site in the face of illegal strike activity. During the era of the BLF I was running a business. It was distressing to me to see those sorts of strike actions and those violent acts — the pushing, the jostling and the harassment of people with no justifiable cause for those actions.

It is important to note that this motion today is probably at odds with a whole range of things going on in Labor. In his book Lindsay Tanner has addressed issues about where Labor is heading, because Labor has some

strange political masters and allegiances which have muddied the water for it in a way that will be its downfall. The relationship between the Greens and Labor in the federal Parliament has really been highlighted in recent times, particularly the relationship around the indebtedness of those two political parties to the CFMEU. They are indebted to the leadership, and Victorian industry and Victorian people are paying the price now.

It is interesting to look at donation rates. The CFMEU construction division donated \$30 000 to the Greens in the 2010 election campaign. Interestingly this followed the Greens announcing support for a policy to abolish — —

Mr Barber — On a point of order, Acting President, for all its faults this motion is tightly written, and it relates to the consumer framework for homebuyers in Victoria. The government wants to talk about everything else but that. We have had a 20-year history of industrial relations in the building industry. Such things are completely off the topic in terms of relevance.

The ACTING PRESIDENT (Mr Ramsay) — Order! I advise Mr Barber that raising a point of order is not the time for debate. The debate on the motion involving a number of speakers on both sides of the house has been quite far ranging, so I ask Mrs Petrovich to continue within the framework of the motion.

Mrs PETROVICH — In context I suggest that external factors and influences impact on costs, impact on how businesses operate, impact on the consumer and impact on the workforce. I think all of these things are very relevant, and I understand them firsthand.

Relationships across the building industry that are intrinsic to the functioning of the industry are about the participation of a range of people. Interestingly that is also the case when we look at decision making. The CFMEU construction division donated \$30 000 to the Greens in the 2010 election campaign. This followed the Greens announcing their support for a policy to abolish the Australian building and construction commission. Whilst the Greens may not be in favour of the motion today I think they are intrinsically involved in a patchwork malaise and lack of support for the construction industry, which in effect also has an impact on the consumer.

There is a level of responsibility in this for all of us. At the time the Victorian government warned about this and has done so many times since. Members need only look at Mr Dalla-Riva's comments in *Hansard* where he advocated very strongly, saying that the reckless decision to neuter the industry watchdog would have

damaging repercussions, which in fact it is having. We are now seeing the direct consequences of that action.

I will not talk too much more today, though I could say a lot more about my personal experiences of bad behaviour on the part of unions. I could also talk about the lack of understanding by those opposite of how small businesses operate. Kicking people when they are trying to provide jobs is not a good way to build a strong economy.

Mr ELSBURY (Western Metropolitan) — I am pleased to rise this afternoon to speak on this motion. Considering the size of the motion it is rather interesting to note the limited time frame in which the opposition proposes we develop some sort of meaningful report. Basically this motion consists of just over half a page of text. It is in four parts, the fourth point of which is divided into a further five areas. The time frame proposed by Mr Tee, which ends on 1 December 2012, means there are just seven weeks to put something together, to be able to develop — —

Mr Tee — No, 1 July — —

Mr ELSBURY — You have had your turn, Mr Tee; you will have your turn again, sir.

Mr Tee — It is 1 July.

Mr ELSBURY — It is 1 July?

Mr Tee — Next year. It has been changed.

Mr ELSBURY — It has been changed?

The ACTING PRESIDENT (Mr Ramsay) — Order! Mr Tee should address his comments through the Chair.

Mr ELSBURY — I have here Legislative Council notice paper 90, which was printed at 9.30 a.m. I grabbed it, and that is what I am working from. But in any case I am pleased that the opposition has decided that its time frames were clearly ludicrous, because that is what they were. The opposition originally asked for seven weeks to seek a cross-section of community views or, as Mr Tee put it, 'to let consumers have some input'. It seems that Labor has made a slight amendment to this motion.

The motion talks about the importance of consumer protection. That is very interesting coming from Mr Tee, whose party, in its 11 years in government, did nothing about this particular subject. It did not bother to assist people who had problems with the building industry. Indeed Mr Barber was very clear when he pointed out that Labor has no policy on this matter at all. It does not have a policy on this matter, but it will

give us two public holidays. That is its big policy so far. We will have two public holidays in Victoria if Labor ever gets into government again. We will shut down industry and construction for two extra days every year, which will yet again slow down people moving into their own homes or finding accommodation. Well done! Top marks! Labor has brought out two populist policies, not having thought them through. Now it wants to bring this issue to a committee.

It is also interesting that this motion does not make any mention of industrial relations or address the issues that unions have created for the construction industry in recent times. That is rather interesting considering we could draw some parallels — and some of my colleagues already have — between the relationship of the ALP and its union masters. Union involvement in the party is quite extensive. Perhaps the question needs to be asked as to whether it is an unhealthy relationship that somewhat taints the intent of this motion.

Last time I checked, being able to get your own home was not just about detached housing or being able to buy your block of land out in the suburbs and purchase a home. Indeed Mr Barber's recent attempt at a point of order acknowledged the tight framing of this motion. But if the Greens and the Labor Party — which showed its colours in the Standing Committee on Environment and Planning, of which I was a member — had their way, we would not have semidetached homes; we would all be living in great big apartment complexes. One thing this motion completely ignores is the fact that there are people who live in large residential towers and other such complexes whose lives can be disrupted by industrial action, usually brought about by the unions. Sometimes these actions can be illegal, as we found out recently.

Large-scale projects developed by large construction companies supply affordable housing in areas where people wish to establish their homes. In my region construction is currently being undertaken very close to the Footscray train station. It is a Grocon development and will house the State Trustees. There is an office block in the first stage of this particular development. The second stage will be residential apartments.

We have already seen some disruption at this particular site. What is there to say we will not have more disruption caused by the unions on this particular project? We are talking about mums and dads; people who just want to establish a home in Footscray, because it is a great part of the world in which to live. It is close to the city; it is close to public transport; and there is the lifestyle. You can walk to the mall in the centre of Footscray and down to the Whitten Oval to see the Doggies go out for a run when they are in pre-season and season training. It is a good lifestyle to have. But

this motion completely ignores this particular sector of the construction industry. It completely ignores the area that can be most heavily hit by the actions of the union movement against a major development.

What is the government doing? We have sought public comment on domestic building insurance. We have sought from the people of Victoria and from other interested parties their thoughts on domestic building insurance schemes. This government is responding to the findings set out in the Auditor-General's report into the operations of the Building Commission under the previous Labor government. The Auditor-General's report, entitled *Compliance with Building Permits*, highlighted a wide-scale failure to provide accurate reporting in building surveying, a poor culture in the operation of the Building Commission and the need for reform of the commission and its reporting data procedures. The government is currently working through that report to find remedies for those issues and provide people with a definite outcome as to how the building industry will move forward and, when you sign up for a house and land package or a new apartment complex, how it will all fit in and when you will be able to take possession.

Just recently legislation was passed to make construction contracts for off-the-plan projects clearer by providing specific information about commencement and finalisation dates. I know of a number of people, especially in the outer parts of Western Metropolitan Region, who have been caught up in off-the-plan developments which have not exactly gone the way they thought when they signed up. We have tightened up the contractual arrangements for that type of project to make sure that people know what they are getting into and the timeframes being proposed so that they get the product in a timely fashion — the product being a home.

When it comes to the use of the committee system and referring matters to committees for inquiry the Labor government did not have much of a field day, to be quite honest, because back in February 2003 it knocked back an inquiry into bushfires; in November 2003 it knocked back an inquiry into the Royal Children's Hospital select committee; in June 2004 it knocked back an inquiry into small business opportunities; in November 2004 it knocked back an inquiry into tertiary education and training and the agriculture industry; and in February 2006 it knocked back yet another inquiry into bushfires.

The Standing Committee on the Economy and Infrastructure Legislation Committee has recently concluded an inquiry on the Road Safety Amendment (Car Doors) Bill 2012. Its references committee has inquired into commonwealth payments to Victoria and

primary health and aged-care services. The Standing Committee on Environment and Planning, of which I am a member, has concluded an inquiry into the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011. Its references committee has also conducted an inquiry into environmental design and public health. The latter inquiry was noticed by just about everyone in this building and beyond because of the battle lines that were drawn up at every single meeting. We had an aggressive chair who went out and basically knocked back anything the minority group wished to put forward. She used her casting vote to force through a series of recommendations that the government minority did not agree to. It was not a consensus report, it was not a joining of ideas. There was not even an attempt to present this as a bipartisan effort. Complete and utter power was used to knock back — —

Mrs Peulich — Jackboots.

Mr ELSBURY — Jackboots just about says it all, as Mrs Peulich suggests. Certainly it felt like that, because members would go into a meeting and wonder what the heck was going to happen. You knew you were either going to be howled down or would not win the vote anyway. I am pleased that the government members of the committee held the line. We did our absolute best to work through the information presented to the inquiry, and we came up with a series of amendments we thought were very reasonable, but they were knocked back on almost every occasion. The fact that the minority report that we all signed was open in its criticism of the way in which the inquiry was conducted was justified. However, we are ready to go should another motion be referred to the committee for inquiry.

There is also a Standing Committee on Legal and Social Issues, which has worked its way through inquiries into the Wills Amendment (International Wills) Bill 2011 and the options and mechanisms to increase organ donation in Victoria.

We have a committee system which is working and which has gone through some important legislation and policy ideas. We have weeded out a few things that possibly would not be in the best interests of Victoria, but we have made recommendations nevertheless. Where they possibly may not work at a state level, they should perhaps be boosted to the federal level.

The Baillieu government is responding to the needs of Victorians in this particular area, unlike the Labor government which for 11 years did nothing, even though it was warned twice by the Auditor-General that there was a major issue with the compliance system. We are working through the Auditor-General's most

recent report on the construction industry and we will continue to do so. I tend to agree with the views of others that there is little point to this particular motion. It is too narrow in its focus. It is too late. We already have the report from the Auditor-General. We will be working as hard as we can to remedy the issues that Mr Tee has highlighted in his motion. I will not be supporting this motion.

Mr TEE (Eastern Metropolitan) — I rise to briefly summarise and reply to the debate on my motion. What is interesting is the amount of common ground around this debate, which is a recognition that there is an issue out there. Mr O'Brien in particular spent some time identifying some of the individuals who have been affected by this issue and who have come his way. All of us in this place have at some stage met with Victorians who have been caught up in a web where they have spent a considerable amount of money trying to remedy inaction, shoddy workmanship or incomplete work. They have not had the support or the structures in place to help them through that impasse, which is a problem not only for consumers and Victorian families but also for the developers who are caught up, because for them there is no victory or way through in this — there are simply additional delays. I welcome that degree of common ground.

Once you reach that common ground, there is a divergence. We on this side of the house want to do something about it; those on the other side do not. We on this side of the house want to find a way forward; those on the other side do not. We on this side of the house are concerned about those Victorian families; those on the other side are not. We want to move forward, whereas those on the other side keep finding excuse after excuse to do nothing.

Members opposite, and Mrs Peulich in particular, have asked about my motives in moving this motion. I inform Mrs Peulich that my motives are clear. My motive is to find a way forward for those Victorian families who are caught in this trap. My motive, and the motive of the opposition, is to stand shoulder to shoulder with Victorian families who are looking for a resolution to an intractable problem that is crippling them financially and destroying them emotionally — families who are unable to find a way forward.

Those opposite have found any excuse to do nothing. They say they are conducting an insurance review. Mr O'Brien spent a long time summarising some of the submissions made to the insurance review. I commend him on his reading of a list of people who made submissions. I am sure he thinks that was a valuable contribution to the debate, but the fact that there is an insurance review does not address the real concerns. It is a fobbing off of the families who are affected by this

problem. Those opposite are saying there is an ambulance at the bottom of the cliff, whereas we on this side of the house are looking for practical, common-sense remedies at the front end. We want to find a way forward before people have to deal with insurers, because that should not be the first step, and for many it is not an ideal proposition to go through to the insurers.

There has to be a middle ground, a starting point where we say we will not just rely on insurance but will try to help these parties find a way through early and up-front. That might be through on-site inspections, on-site mediation or a host of other measures, some of which have already been tried to considerable effect. To pick up Mr Barber's contribution, a parliamentary committee has already considered the issue of insurance, and hopefully the committee report to which Mr Barber referred will feed into the government's review. I do not cast any aspersions on where that is up to or where that is going, but I will say that is not the work of this committee. That is not what is being proposed in this motion. What is being proposed in this motion will, if anything, complement the work that is being done in relation to insurance.

Again I do not make any comment on the need for or merits of that review or indeed pre-empt any of its outcomes, but it is clear that it is a very different issue and that it is at the wrong end of the problem. It is at the end where the wheels have already come off. I am saying that we should start off at the other end and find as many ways as possible to ensure that we do not get to the stage where insurance companies are involved.

In listing their excuses, their reasons to fob off Victorians, those opposite say the proposed time frame is too tight. The original time frame is to coincide with an announcement that the government will be making in relation to the amalgamation of the building and plumbing commissions. That work is being conducted now in secret, and the timing of this is to ensure that when the announcement is made and the legislation is introduced that legislation and process is informed by the work of this committee. Those opposite say the seven-week period is not long enough. I am happy to detach this process from the government's legislation. However, I would urge the government to consider whether or not it is appropriate to proceed with that legislation while these issues remain unresolved.

Nonetheless, turning to the concerns that people like Mrs Peulich and others have raised about the tight time frame, I am pleased that Mr Leane decided to move an amendment to extend the time frame of the committee inquiry to pick up the concerns of those opposite so that it can have a thorough look at all of these issues and give Victorians an opportunity, which the minister will

not give them, to be heard and indeed to frame the legislation that the minister is drafting.

I understand that those opposite do not want to do this, that they acknowledge there is a problem and that they have a whole raft of excuses, but that is because they do not want to admit to Victorians who are caught in this situation that they do not want to help them. It is because those opposite do not want to look in the eyes of Victorians who are stuck in this position and say, 'We're not going to help you'. Those opposite ought be courageous enough to admit that that is motivating them, rather than finding half a dozen spurious excuses to do nothing. Turning your back on Victorians is not how you help them. Ignoring the problems of Victorians is not good government. The government is walking away from its responsibilities, and it ought be condemned for doing that.

The ACTING PRESIDENT (Mr Ramsay) — Order! Mr Tee has moved a motion dealing with the domestic building industry and referring the matter to the Environment and Planning References Committee for inquiry. Mr Leane has moved an amendment to omit certain words and expressions and to insert other words and expressions in their place.

Amendment agreed to.

House divided on amended motion:

Ayes, 18

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

Noes, 21

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

Amended motion negated.

STANDING COMMITTEES

References

Mr VINEY (Eastern Victoria) — I move:

That this house requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012–13 that are to be tabled in the coming weeks —

- (1) Department of Education and Early Childhood Development;
- (2) Department of Health;
- (3) Department of Human Services; and
- (4) Department of Justice;

and calls on the committee to write to the respective departmental secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of sitting weeks throughout October, November and December 2012 in the completion of its inquiries.

Mr LENDERS (Southern Metropolitan) — On behalf of Ms Pulford, I move:

That this house requires the Economy and Infrastructure Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012–13 that are to be tabled in the coming weeks —

- (1) Department of Business and Innovation;
- (2) Department of Primary Industries;
- (3) Department of Transport; and
- (4) Department of Treasury and Finance;

and calls on the committee to write to the respective departmental secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of sitting weeks throughout October, November and December 2012 in the completion of its inquiries.

Ms TIERNEY (Western Victoria) — I move:

That this house requires the Environment and Planning Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012–13 that are to be tabled in the coming weeks —

- (1) Department of Premier and Cabinet;
- (2) Department of Sustainability and Environment; and
- (3) Department of Planning and Community Development;

and calls on the committee to write to the respective departmental secretaries to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on

Wednesdays of sitting weeks throughout October, November and December 2012 in the completion of its inquiries.

Mr BARBER (Northern Metropolitan) — I move:

That this house requires the —

- (1) Legal and Social Issues Legislation Committee to inquire into, consider and report on the 2011–12 reports, together with the estimates of expenditure for 2012–13, of the —
 - (a) Country Fire Authority;
 - (b) Metropolitan Fire and Emergency Services Board; and
 - (c) Victorian Human Rights and Equal Opportunity Commission.
- (2) Economy and Infrastructure Legislation Committee to inquire into, consider and report on the 2011–12 reports, together with the estimates of expenditure for 2012–13, of —
 - (a) VicForests;
 - (b) the Port of Melbourne Corporation;
 - (c) V/Line;
 - (d) the Transport Ticketing Authority;
 - (e) the Linking Melbourne Authority; and
 - (f) Transport Safety Victoria.
- (3) Environment and Planning Legislation Committee to inquire into, consider and report on the 2011–12 reports, together with the estimates of expenditure for 2012–13, of —
 - (a) the Environment Protection Authority;
 - (b) Southern Rural Water;
 - (c) Places Victoria; and
 - (d) Parks Victoria;

and calls on each of the committees to write to the respective heads of those bodies to invite them and other relevant senior staff to give evidence at public hearings at 8.00 p.m. on Wednesdays of sitting weeks throughout October, November and December 2012 in the completion of their inquiries.

Mr VINEY (Eastern Victoria) — If the committees of this chamber were following the standing orders, I would have thought all these motions would be unnecessary and we would not need to spend time in this chamber debating what the standing orders require these legislation committees to do. Let us go back and review how we have got to the point where these motions are required.

The development of the standing committees in this chamber has been modelled very deliberately and quite precisely — in fact word for word in the standing orders — on the practice of the Australian Senate. All parties in the last Parliament were agreeable to this proposed structure of standing committees. It was something that was discussed for a considerable time by the then Standing Orders Committee, now called the Procedure Committee, and it was agreed on comprehensively by everybody as part of the review of the standing orders of this chamber. When it was introduced everybody agreed it was a welcome development for this Parliament.

The reason it was viewed as a welcome development for this Parliament was that it was thought that, no matter which party was in government, it would introduce a process of accountability and secure, if you like, and firm up the role of this chamber as a house of review. It would ensure that the democratic processes that exist in this state are secured and solidified by the practices of the house and of the whole Parliament.

It was always intended that this structure would come into place after the election of the new Parliament. The reason we were able to reach agreement on all this was that prior to the election everyone would have had a view about what they thought the outcome of the election might be, but no-one ever knows what the outcome of an election will be. It was quite clear that everyone agreed with the proposal, in the absence of knowing which of the major parties would be most affected by these changes.

Put simply, there is a references committee that effectively has a non-government majority through the election of a chair with a casting vote in the event of equal votes for each of the topics covered by the three broad standing committees, and that would give the opportunity for the non-government parties to be involved in inquiries, policy inquiries or public issue inquiries, on their set topic, without self-referencing powers, so long as the house had provided a reference to that committee. The power to provide a reference to the committee was a safeguard for any government of the day against abuse by non-government parties.

The legislation committee was established with a standing requirement, if members read the standing orders, to conduct reviews of departments and the annual reports of departments and agencies to ensure that there is scrutiny of the activity of government. The security for the government in that instance is that the government would have a majority on the committee through the casting vote of the chair, who would be a government member in the event of equal votes in the

committee. Everyone agreed this was a fair and reasonable process that provided proper scrutiny, but things could not be taken out of the control of government.

At that time the government representatives on that committee were the then President, Mr Lenders and me. It was the then government's view — and we put this on the record at the time — that some of the practices of this house in referring things to various select committees were unnecessary and at times some of those things obviously made us uncomfortable. That is the nature of what happens in government. As a government we saw this as a good development. It made sure that the house of review had proper processes that could be followed and it enabled scrutiny of the activities of government.

Come the election, the Liberal Party and The Nationals got a majority in this house in their own right — and congratulations to them on that — but in my view that did not give them the right to close down the processes of scrutiny, which is what we have seen take place. The legislation committees of these standing committees rarely, if ever, meet. The Legal and Social Issues Legislation Committee met shortly after it was formed for about 10 minutes on the same evening as the Legal and Social Issues References Committee. The purpose was basically to get a run-down on resources and on what the standing orders say and to elect a chair. The chair of the legislation committee is Mr O'Donohue, and I chair the references committee.

The references committee subsequently was given a couple of references and went on to inquire into one reference in particular. It has had a number of meetings. It would have been at least 12 months before the legislation committee met again. At the second meeting of the legislation committee Mr O'Donohue was surprised that we had to adopt minutes of the meeting because he did not think we had had a previous meeting. In fact we had had a meeting in which he was elected chair. That is how rarely the committee met. The legislation committee then had one reference on the Wills Amendment (International Wills) Bill 2011. As I have said before, whilst important, it was hardly one of the most significant bills to come before this Parliament since the election.

The Legal and Social Issues Legislation Committee has not been meeting regularly to consider bills of significant public interest, as happens in the federal Senate and as the Parliament prior to the election anticipated would occur. It was also anticipated that there might be a reduction in the number of joint parliamentary committees to ensure that resources were

adequately provided to the upper house committees. That did not occur. Being a bit of a political cynic, I suspect that did not occur because the government wanted to appoint as many chairs to joint parliamentary committees as it could — along with an extra 10 per cent of their salaries. Reducing the number of committees would have made it a little more difficult to reward the backbenchers. Nevertheless, that was the decision of the government.

We could have lived with that provided the upper house committees had done their job. Their job is to review important pieces of legislation, giving stakeholders and the public an opportunity to make comment to members of Parliament in public hearings on important pieces of legislation that will affect them and all Victorians. That is the purpose of having those inquiries. As uncomfortable as governments of the day of all persuasions may be from time to time about those processes, I for one think it is far better that interested parties and stakeholders have input to legislation rather than the processes of bureaucracy simply being followed. This is a government that is not particularly known for its public consultations. Here is a legitimate and perfect opportunity to ensure that the public is able to provide the Parliament with that input on important legislation.

It would be fair to say that the government has only used the references committees to ensure that the members of the opposition are tied up with sometimes very complex inquiries that I would have thought with government resources might have been able to be better done through other methods involving the support of the bureaucracy, rather than committees with half a staff member trying to go through complex economic issues, or in our case social issues on the organ donations inquiry. Nevertheless, we have been willing to tackle those things, and some of the reports that have come out of the references committees seem to have made good contributions.

The real issue here is the failure of the government to allow the legislation committees to do their job. I invite members to look at what the standing orders say. They say there are legislation committees to cover economy and infrastructure, environment and planning, and legal and social issues. The standing orders then list the functions of the committees, and they are fairly clear. The standing orders nominate the service delivery areas that each committee is to have responsibility for. 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, 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.

It is absolutely clear that there is no reference from the Legislative Council for these things to occur. It is an expected function of the legislation committees to undertake this work, as occurs in the federal Senate. Our standing orders are absolutely modelled on the Senate's standing orders. Everyone understood that. In fact when we went through amendments to the standing orders to incorporate these changes we insisted that all the words in the federal Senate standing orders were included. There were no adjustments and no amendments to those words.

We have accepted — although I think it is probably ambiguous — that based on the practices of the Senate the references committees may inquire into those matters referred to them by the Legislative Council. The references committees can only do so by reference from this Council, but the legislation committees can inquire and ought to inquire into these things on their own.

Let us get to the nub of this. What is this about? This is about the avoidance of scrutiny. This is about making sure that ministers and departments are able to do what they want to do without scrutiny.

Let us have a look at an example. Last week's *Latrobe Valley Express* contained an article about job cuts at the Department of Education and Early Childhood Development regional office in Moe. That office provides all the support services for the Latrobe Valley and general Gippsland region, such as disability support work, reading recovery, welfare officers and those kinds of things. That office currently has 70 staff members; that number will be cut to 4.

The relevant minister, Mr Hall, who is the lead minister for the department of education, has responded to the news that the job cuts will take the regional office from 70 to 4 people — which will make it little more than a facade or shopfront — by saying that it is a departmental decision and he is not responsible for it. The article states that the relevant minister in charge of the department says that the sacking of 66 staff from a regional office is a decision of the department and that a decision to cut the staff providing those services to the Latrobe Valley and Gippsland down to only four people is a decision of the department, not the minister. Frankly, I find that absolutely unbelievable.

I do not believe any competent minister of the Crown would allow such substantial decisions that directly affect the communities across Gippsland and the Latrobe Valley to be purely a departmental decision,

not involving a minister. The department has apparently made this decision without any reference to the minister.

Hon. W. A. Lovell interjected.

Mr VINEY — If the Deputy Leader of the Government was listening, she would know I am giving an example of what we want to inquire into. If she were listening instead of falling asleep, she would have understood.

The minister is asking us to believe that the department is making this decision without his involvement, supervision, instruction or direction. We want to test that. How can we test that? The only way this place is capable of testing something like that is to bring the head of the department before the parliamentary committee and ask them to indicate, under oath, whether that is the case. The committee could ask how the decision was made, what sorts of briefings might have been given to the minister in terms of the resource cuts that are obviously driving this and whether or not the department sees providing disability services to kids in the Latrobe Valley and Gippsland as being a front-line service or not.

We are being told that we are not losing any front-line services. We are led to believe that 66 of the 70 staff in the regional office of the education department are not front-line staff. None of the people who provide reading recovery are front line. Disability support services staff are not front line. Welfare support services to disadvantaged kids in the Latrobe Valley are not front line.

Mr Lenders — The minister's driver is front line.

Mr VINEY — There you go. Mr Lenders advises me that the minister's driver is a front-line service, so ministerial drivers are not going to be made redundant.

We are led to believe that none of these people provide front-line service delivery, that the minister is happy for the department to sack these 66 people, or shift them off to Dandenong where the new regional office will be, and that there will be no impact on front-line services.

It might also be instructive to find out whether the minister can support the fact that when I found out about this and put out a media release some six weeks ago the minister's response, in his media release of 20 August, was that I was scaremongering.

Mr Lenders — You scared him. He would be under scrutiny.

Mr VINEY — That may well be so, Mr Lenders. I am only 5 foot 5. I am surprised that I scare anyone. What are you looking at, Mr Finn? You are probably less than 5 foot 5.

The ACTING PRESIDENT (Mr Finn) — Order! Reflections on the Chair, particularly in the manner that Mr Viney is making them, are grossly disorderly, and I advise him to return to the matter before the Chair.

Mr VINEY — You were looking somewhat surprised, Acting President, and I should not have referred to you as 'Mr Finn' when you were sitting in that place, so you have my deep apologies.

Ms Pulford interjected.

Mr VINEY — It does not stop Mr Finn's and my aggression.

When Mr Hall put out this media release he said there was no intention by the department — his cover again — to close down its offices in Warragul and Moe. We now find that he is honouring that commitment by keeping four people there. Everyone in the Latrobe Valley and Gippsland who has been across this issue knows it is a sham and a joke.

I think it is entirely proper for a parliamentary committee under its normal processes of regular scrutiny of annual reports and assessments to bring in a senior departmental officer such as the secretary of the department, who could have a representative of the minister's office or a lawyer with them — I do not care who they come with — and I think they should be expected to come before an upper house committee and answer the questions legitimately asked by members of this chamber. It would seem to me that we ought to be able to test the veracity of the minister's statement that there is no intention by the department to close those offices.

I might say that the minister went on to criticise the last government for closing the Morwell office. There is a big difference between shifting a number of staff from Morwell to Moe, some 10 kilometres or so — that is, shifting the staff to a different location so that you consolidate resources in the one location — and sacking 66 staff and having only 4 to service some 300 000 people in the eastern region of Victoria, which is the area that I and Mr O'Donohue cover. That is but one example. There are numerous others that we would like to pursue, and I think it is proper for this house to require its committees to do their job — to do what they have been required to do. I for one am fed up with these committees being used as a mechanism to close this place down on a Wednesday

evening. I have now sat in this place for I think 9 of my 12 years as a member of Parliament, and I have seen general business used — —

Mr Lenders — Closer to 13.

Mr VINEY — Mr Lenders corrects me — it is 10 of my 13 years; how time goes fast when you are having fun! For 10 of my 13 years I have sat in this place, and I have seen and participated in general business motions many times in this place. I think they are a very effective way of raising issues and having the house deal with them. It is interesting that when the then opposition, now in government, had the numbers in this chamber in combination with the Greens it changed the standing orders from having the traditional 3-hour general business debate to having the capacity for all-day debate. We had some difficulties with that as a government, because they were not always comfortable debates, but I always enjoyed them. However, on coming into government that has suddenly been changed.

The government has done two things with the general business time allotment. First, having resisted the introduction of time limits and so on, it has reintroduced time limits — because they were still in the standing orders — for all debates except general business, and it has then used the general business debate to put up member after member. That has been done not to match opposition speakers but to tie up the time of these debates to make sure that only one or two debates can be covered. It has then made sure that at least one of the legislation or references committees meets on a Wednesday evening so that this place does not have to come back and continue general business. It is avoiding scrutiny in two ways: firstly, by putting up speaker after speaker on motions to ensure that we can deal with only one or two motions; and secondly, by making sure that Wednesday evenings are not available for general business.

I probably would not really object to that if we were using the Wednesday evenings properly, but we are not. On Wednesday evenings there is often only one committee meeting. I think that is the case tonight — only one committee is meeting tonight.

Ms Pulford interjected.

Mr VINEY — Ms Pulford reminds me it is her committee, and it is obviously a very hardworking committee, but on the few occasions when Ms Pulford's committee, my committee or Ms Tierney's references committee is not meeting, the government has ensured that one of its legislation

committees has met, probably for 10, 15 or 20 minutes. I know on one occasion our legislation committee met for 10 or 15 minutes to discuss virtually nothing, and it was to ensure that the house did not continue with general business. I really do think that is a disgrace. It is an absolute abuse of what was intended in this process. I have no objection to — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Finn) — Order! The general discussion developing around the chamber is most unhelpful and quite possibly disorderly. I ask members to refrain from that discussion.

Mr VINEY — It is an absolute and utter disgrace that legislation committees have occasionally been called with the sole purpose that this house does not continue on a general business matter. I think it is an abuse. As I said, I have no objection to the house being suspended on Wednesday evening so that the committees can do their work. But sadly the committees have not been doing their work, and this motion and the motions of Ms Pulford, Ms Tierney and Mr Barber are now required to ask the committees to get on with their job, do what they are required to do and do what all of us are paid to do — that is, inquire into matters.

The role of the Parliament is to hold the executive to account. I know that job is often undertaken by the opposition, and clearly it is more likely that contentious issues will be raised by opposition members than by government members, but accountability is beyond politics. Accountability means that Parliament needs to take responsibility for the accountability of its agencies and public service. It is not the sole responsibility of a minister to hold his public servants to account; it is a requirement of the Parliament to hold those organisations and agencies to account. The Senate has done so effectively.

I do not expect government members to hold ministers to account publicly. I understand that is not the way politics works, but we do have a responsibility as a Parliament to ensure that all of the workings of the government — that is, the public service and its agencies — are held to account. There are plenty of instances in history where government members have been involved in the accountability of the public service and of agencies.

We cannot do that unless we have a proper and effective committee system. We had a system which, until the election, everybody agreed with. Until the government of today had a clear majority in this house

there was no dispute that this was going to be an effective methodology. We were not trying new ground. We were introducing a system that had been tested for many years in the Australian Senate.

Members will know that in its procedures this house has very much followed the Australian Senate. Members will know from my fairly regular use of *Odgers' Australian Senate Practice* that this place is modelled on the practices of the Senate, so the house did the right thing in introducing into its standing orders a system of committees modelled on the Senate system. We know that we did the right thing. All sides of politics agreed with it — the Greens, the Labor Party, the Liberal Party and The Nationals. There was no dispute. So what is the problem? What is the problem with the government resolving to support my motion and the motions of Ms Pulford, Ms Tierney and Mr Barber? What is the problem with the government supporting these motions for the committees of this Council to do their job?

I want to touch on one other thing involving the loss of resources as a result of the failure of the government to allow these committees to do their work. Three staff members were made redundant. People with very good research skills were lost to this house and to the Parliament. They did good work in supporting the committees and certainly helped make the organ donation report into something worthwhile.

There is a process of involvement for the staff that we employ in this Parliament. I know the clerks have ensured that there is a degree of rotation so that staff in the Legislative Council get the opportunity to be involved in other activities of the Council and the Parliament. It is important that we continue to develop staff and encourage them to move through the various positions and take up opportunities that are afforded them in this place.

We have lost three really good staff members. I do not know the technical processes that were followed, but those people were effectively made redundant because the committees had no work to do. My understanding is that those staff members took action against the Parliament because their contracts were ended before the time was due. I do not know the details of it, but I know there had to be some kind of settlement to recognise the fact that their employment was not handled in an appropriate way because they had contracts. Apart from it being a waste of public resources simply because the government did not want to provide references as it wants to avoid scrutiny, I think losing those staff members and those resources was an incredibly difficult and ridiculous thing to do. It

is, to coin a phrase of the moment, a shame on this Parliament.

I am asking government members to think seriously about my motion. Members are obviously constrained in relation to what they can raise in this place about what occurs in meetings of committees. Let us put it this way: it would be naive for anyone to think that I have not raised these concerns and these issues in the committee itself. I have not just come to this house to ask it to insist that these committees be allowed to do their work. In my view the government should do the right thing and allow its ministers to get up and say, 'We don't need this motion because we are undertaking to do it in the case of all the committees', and we could probably then get on with life. If ministers were to get up and say, 'We're going to do it; this is an unnecessary motion', I suggest that the debate would be over.

If the executive of the government is not prepared to give that undertaking, government members ought to think carefully about what they were elected to do here. They were not elected simply to represent their parties and protect their ministers. They are representing the people of Victoria, and they have a responsibility to ensure that the resources of Victoria — Victorian taxpayers money — are being used properly and that the service delivery that takes place in this state is as effective and efficient as it can be. The way to do that is not just to question ministers in this place in a political context. That is obviously the politics of the Parliament. The way to do it is to make sure we have proper practices and procedures in place, such as the standing committees, where we can bring in the senior public servants in Victoria and ask them relevant questions about the services they provide and the resources they use to deliver them. That is what proper accountability is.

If the government chooses to oppose these motions and government members cannot cross the floor, I think it would be prudent for them to start insisting that their leaders allow these committees to operate properly. I do not mean making references, as Mr Davis has done after a *Sunday Age* article, to a references committee. That is all very well and good. I am happy for those things to occur. That is all part of the process, and there is no problem. What I think would be useful is if the legislation committees did their work.

I am more than happy for the government to make references to a references committee, and certainly to mine, but if the government has given instruction to its members to vote down this motion and the motions of Ms Pulford, Ms Tierney and Mr Barber, I think it would be prudent of government members to put a little

bit of backroom pressure on their political leaders to say, 'This is not what we were elected for. We weren't elected just to protect the backsides of ministers. We were elected to make sure that Victorians are served properly and well by the public service and the services that they deliver'.

I call on government members to support these motions. If the committees are prepared to give an undertaking that they will start to do this, then fine. Otherwise, government backbenchers need to stand up to their leadership and say, 'We were elected to represent and protect the interests of all Victorians'.

I will finish by saying this: we have lost three very valuable staff members because we did not have enough work to do. I worry that there is now a danger that we will lose more staff because there is so little work for these committees to do. It is time for the government to accept that we all agreed that this was the proper process. Just because it has a majority of 21 votes to 19 does not mean it should abuse the processes of this Parliament and not implement what we all agreed to do barely two years ago.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to respond to Mr Viney in this cognate debate dealing with a range of motions in relation to the upper house committees, both the references committees and the legislation committees. I will deal with the issues raised by Mr Viney.

Mr Viney, as opposition members sometimes do, went back to the time when government changed. He went back in history to the time the current standing orders were adopted. He also referred to opposition business during the last Parliament. At complete odds with his argument, in the debate today Mr Viney gave no analysis whatsoever of the time when he, as a backbench member of the former government, was in exactly the same position the Liberal-Nationals coalition government is in now. That was the period from 2002 to 2006, when the Labor Party controlled the upper house.

If Mr Viney meant what he said, these committees would have been in place for the best part of a decade. If Mr Viney is to be believed, he thinks that accountability is beyond politics. As Mr Viney told the chamber, the Senate system has been in place for many years, and it has worked very effectively. It provides a great model for us to use and to replicate. If that is the case, why did the Labor Party not do exactly what Mr Viney is saying should happen now? The Labor Party, when it controlled — —

Mr Viney — We established the first legislation committee this Parliament ever had, which I chaired.

Mr O'DONOHUE — When it controlled this house, the Labor Party — —

Mr Viney interjected.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Viney has made his contribution. He has been given more than a fair go, and I ask him to return the favour to Mr O'Donohue.

Mr O'DONOHUE — As a passing reflection, it is interesting that Mr Viney interjects now to lament the amount of time government members allegedly use in opposition business time after his 40-minute contribution as the lead speaker in this debate.

As I said, if Mr Viney's words were to ring true, the system we have now would have been in place for a decade. But no, the upper house committee system as we currently have it was not established by the Labor Party when it controlled this house. No system like the one that now exists was established.

Let us look at select committees. What did the Labor Party do between 2002 and 2006 when various members of the opposition moved for select committees to inquire into issues, to hold the government to account and to put the issues of the day to further examination and tests? What did it do?

Hon. R. A. Dalla-Riva — Tell us.

Mr O'DONOHUE — I will tell you. On 26 February 2002 Mr Philip Davis moved that a select committee be established to inquire into the bushfires. What did the Labor Party do? It voted it down. On 3 November 2004 Mr Hall moved that a select committee be established to inquire into tertiary education and training. What did the Labor Party do? It voted it down; it shut it down. On 2 June 2004 the now President, Mr Atkinson, moved that a select committee be established to deal with small business issues. What did the Labor Party do? It voted it down. On 8 February 2006 Mr Philip Davis, not deterred, thought he would have another go at establishing a select committee to examine the bushfires. What did the Labor Party do? It voted it down. Mr Viney's words were nice and eloquent, but they sounded very hollow when compared with the practices of the Labor Party when it controlled this chamber between 2002 and 2006.

This is not just about Labor's failure to establish a committee structure like the one this house now enjoys. In his own words, Mr Viney said that opposition

business time can be very effective. It can be a very effective way of prosecuting issues and for the opposition to tease out issues and put the government to the test. How much time did the Labor Party give the opposition to prosecute non-government business in the period between 2002 and 2006 when it controlled this chamber? Was it the whole day?

Hon. R. A. Dalla-Riva — No.

Mr O'DONOHUE — No, as Mr Dalla-Riva says. Was it the same amount of time we have now, which is basically the whole day until the dinner break?

Hon. R. A. Dalla-Riva — No.

Mr O'DONOHUE — No, it was not. It was 3 hours in the morning. That was it. Mr Viney made an eloquent speech about parliamentary democracy, the higher calling of the appropriate examination of the executive and accountability being beyond politics. But what did Mr Viney do when he had the opportunity to put those words into action? He did nothing. Mr Viney reduced the time for opposition debate to a measly 3 hours a week. Now he comes in and gives us a history lesson about parliamentary democracy and higher callings. He fails to mention the period of time when Labor had the opportunity to do exactly what he is calling for today but failed miserably to take that opportunity.

In his contribution to debates and issues Mr Viney often refers to members who are new to this place. They were not part of the opposition; they were not part of the processes. As Mr Viney said in his own contribution, he was well and truly here between 2002 and 2006, and he did nothing. He invites government members to reflect on their positions. It sounds like Mr Viney did not do much reflecting when he had the opportunity between 2002 and 2006. Was a select committee system established? No, it was not. Was there all-day opposition business? No, there was not. Did the government support select committees on examining issues of the day? No, it did not. It cruelly shut them down. It used its numbers to shut down debate. The words of Mr Viney ring hollow and in addition do not reflect reality.

Mr Viney used 10 or 15 minutes of his 40-minute speech today to reflect on an issue in the Latrobe Valley and staffing levels of the education department in part of our mutual electorate. His proposition was that there was no way for the opposition to properly prosecute these issues. He then went on to list a number of things he has done in relation to this issue. He issued a press release, and the minister has issued a statement in

response. He also referred to opposition business time. This Parliament provides much more opposition business time than when Labor controlled the house between 2002 and 2006.

Mr Viney could have asked a question of the minister during question time, but he has not done that. He could have put a question on notice. He has not done that. He could have raised the issue in relation to an annual report or brought it to the attention of the relevant government department. To the best of my knowledge he has not done that. He could do the hard work that those in opposition have to do. He could do the work in a number of ways. He has failed to mention that.

The way Mr Viney developed his argument about this issue was interesting. He undermined the fundamental basis of his argument by referring to his opportunities in Parliament, the press release he had issued and the other activities he had taken in relation to this issue. There are many opportunities he could have taken. Indeed during question time today Mr Jennings asked the Minister for Health some questions about annual reports that have been tabled in the house.

I want to go to the issue of the standing orders and the Senate. Mr Viney makes much of our upper house committee system being modelled on the Senate; in effect he believes we must follow it slavishly. I want to take Mr Viney to the relevant part of the standing orders — standing order 23 — because I do not think Mr Viney accurately quoted from the standing orders. He used the word 'ought'; he said the committees ought to do this and that. The standing orders are very clear. Standing order 23.02(4)(a) states:

Legislation committees may inquire ...

I do not want to put too much stock on one word, but I suggest that during my many years in law school probably six months in various courses were spent debating the meanings of the words 'may' versus 'must'. 'May' is not an obligatory word; it is an opportunity. 'Must' presents an obligation. There is no obligation on these committees to undertake any particular function. The standing orders provide the opportunity for these committees to do a range of things. That is exactly what these committees have done.

The legislation introduced by Mr Barber, the Road Safety Amendment (Car Doors) Bill 2012, was fundamentally flawed. Had Mr Barber's legislation been adopted, it would have been a drag on police resources and it would not have delivered the sort of policy outcome Mr Barber was seeking, or that the community in general would seek.

Through the use of the legislation committee Mr Barber's poorly drafted, fundamentally flawed legislation went through a significant consultation process that invoked much public interest and, as Mr Viney said, perhaps caused some difficulty for the government. However, the process was a good one, and the outcome was a good one. We have increased public awareness about the issues of car doors. We have increased penalties in relation to car dooring, not in the way Mr Barber wanted but in a way that places less of an imposition on the time of police and the courts. It is a good outcome; it is a tangible outcome of these committees. To say that these committees are doing nothing, as was inferred by Mr Viney's contribution, is absolute nonsense.

In relation to the committee I chair, Mr Viney has been consistent in criticising the wills inquiry. However, I note that Mr Viney's criticism is at odds with the federal Attorney-General, Nicola Roxon. On the back of the recommendations we made, the state Attorney-General, the Honourable Robert Clark, wrote to the federal Attorney-General, detailing the recommendations this committee had made. To her credit Minister Roxon acknowledged the work of the committee and wrote in a positive way to Minister Clark about future collaboration in working together on these issues, as was suggested by the committee in its report. That was another tangible outcome, endorsed by Nicola Roxon, the federal Labor Attorney-General. These legislation committees have done some good work and are doing some good work. It is a nonsense to say that nothing has been achieved.

In relation to the references committee, it too has done some very good work. During question time today the Minister for Health, David Davis, answered a question from Ms Crozier in relation to organ donation. Organ donation is a very complex area, as I learnt from being part of the organ donation inquiry. However, I am confident — and Minister Davis said this in his answer today — the committee, notwithstanding the politicisation of that process by Mr Viney, Ms Hartland and others, has done some very good work and made some very good recommendations that have fed into the policy process and have helped make the case for increased resources, which is what the government has delivered. It is clear to me that the legislation and references committees are doing some good work.

In relation to Mr Viney's point about the Senate, it is true that this house models itself in many ways on the Australian Senate. However, this house is not the Australian Senate. This house is the master of its own destiny. This house is the master of its own forms and practices. We do not necessarily copy the Assembly;

we are our own masters. It is absolute nonsense to say that we have to slavishly copy the practice of the Senate. The Senate can often provide a good example of how to do things, but the Senate is different to the Council, just as the Australian Parliament is different to this Parliament. The commonwealth is a different beast to a state jurisdiction, so we are absolutely within our right to have these committees evolve as the house deems appropriate. As I say, as a result of the references already given to these committees there has been much good work done and there have been some tangible outcomes as a result of that work.

I wish to now deal with Mr Viney's issue about resources. He made much of the fact that the committee has lost three members of its staff. Mr Viney would recall that during the last Parliament the opposition parties and Mr Kavanagh, representing the Democratic Labor Party, voted to establish a number of select committees, which of course were opposed by Labor.

How were those select committees resourced? I take my hat off to Richard Willis and Anthony Walsh — I think Mr Walsh worked on a part-time basis — who between them had to resource, conduct research and help draft reports for a number of select committees at the same time. Pleas were made for more resources. Pleas were made to Mr Lenders, the then Leader of the Government and Treasurer — the man controlling the purse strings. What did Mr Lenders say? 'No dice'.

Mr Viney implores members of the government to take up these issues with our ministers. What did Mr Viney do? He was sitting right next to Mr Lenders in the last Parliament. He was manager of government business and Government Whip. What did he do? Where were the resources? He did nothing. Mr Willis and Mr Walsh had to pump out report after report. It was a great credit to them. There was no budget for travel. There was no budget for further forensic examination of issues. There was a very limited budget for having public hearings and other issues. It was all done on the smell of an oily rag.

The committees in this Parliament may not have the staffing numbers they had a couple of months ago, but they all have a permanent executive officer with the capacity to properly run and research inquiries and help write reports. This government has provided many more resources to upper house committees than the previous government ever did, so what Mr Viney says is absolute nonsense. He was manager of government business. He had it within his power. He sat next to the Treasurer of Victoria, yet they both did nothing.

Mr Viney comes in here and criticises the government when it has put more resources into these committees than the previous government ever did. It is a disgrace. His contribution is very selective and does not look beyond the agreement to the standing orders in late 2006. He made no reference to the 2002–06 period, when he had it within his power as a member of the government controlling this house to put in place the exact system for which he is now advocating. Mr Viney cannot have it both ways. He had the opportunity, and he did nothing. He was part of this place at that time and he did nothing, so his words are now hollow. They are even more hollow because the government, notwithstanding the fact that it controls this place, is honouring the committee system put in place by the previous Parliament and has resourced those committees more than the previous government ever did. It is only two years into a new Parliament and committee system, and these committees have already delivered tangible outcomes for Victorians across a range of policy areas.

In preparing for my contribution I had a look at some of the reports that have been tabled by these committees, including the Legal and Social Issues Legislation Committee's report on the inquiry into the Wills Amendment (International Wills) Bill 2011, to which I referred before and which was endorsed by the Honourable Nicola Roxon, federal Attorney-General; the Economy and Infrastructure References Committee's report on the inquiry into primary health and aged care, which was handed down in December 2011; the Legal and Social Issues References Committee's inquiry into organ donation in Victoria, which as I mentioned before was chaired by Mr Viney and which produced a very significant report — notwithstanding the politicisation of what should have been an issue that was above politics — and made a contribution to public debate in this area; and the report on the inquiry into the Road Safety Amendment (Car Doors) Bill 2012. Again the easiest thing the government could have done regarding that issue would have been to vote it down, as Mr Barber's bill was fundamentally flawed, but as a result of the work of this committee there has been a change in public policy that will assist cyclists.

Then there was the inquiry into environmental design and public health in Victoria, the report of which was handed down only a few months ago, in May 2012. It is a significant report which will assist in that area. There was also the Environment and Planning Legislation Committee's inquiry into the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011, which was again a significant issue of public debate.

The government will vote against the motion moved as part of this cognate debate. The government absolutely rejects the spurious arguments put by Mr Viney. This house has its destiny in its own hands. The federal Senate provides a useful example, but this house finds its own way with its own committee system.

When Mr Viney was sitting on this side of the house and his party had control of this chamber it did nothing. After 3 hours of debate on a Wednesday it shut the debate down. If there were any motions for select committees, it would vote them down. Every time it would vote against them and shut them down. Did it try to establish a select committee system like we have now? Not a chance in hell. So Mr Viney's words ring very hollow.

When Mr Viney had the opportunity to do what he now advocates, he did nothing. Did he resource committees? Not a chance. Were committees resourced during the last Parliament? No chance. Despite the fact that the then Treasurer was the Leader of the Government, select committees were not adequately resourced.

I am very pleased to be part of a government that has enabled a committee structure to develop which has delivered significant contributions to public policy across a range of policy areas that have already led to tangible changes in some fields. This government utterly rejects the spurious arguments put by Mr Viney. If those arguments had substance, he would have implemented them when he had the chance, but he did not.

Ms PULFORD (Western Victoria) — Just a few moments ago there was an interesting discussion going on not far from the Chair about how we would proceed with this debate. As rumour has it, I am next, and I thank you for the call, Acting President.

Here we are, and it is Wednesday, the day on which Mr O'Donohue comes in to take one for the team. It is nice to see him put up such a courageous defence of the government's absolute disregard for democracy in this state, on this occasion in respect of the way in which the house of review operates its committee structure.

During the last Parliament, which was a Parliament in which no party held a majority in this chamber, a long and involved discussion was conducted by all parties over many months around how our new committee structure would look. I was not involved in those discussions, but when the new committee structure took effect I took the opportunity to have a look at the report that recommended the establishment of our committees to familiarise myself with their intended

operation. The Victorian upper house committee structure is modelled on the Senate committee structure. There are six committees — three sets that between them cover — —

Mrs Peulich — Triplets.

Ms PULFORD — No, it is really three sets of twins rather than triplets.

Mrs Peulich — Three sets of twins, yes. I would prefer not to have my other twin.

Ms PULFORD — If it were not for my heavy head cold, I would probably continue with this line, but I do not think I will try to. There are three sets of twins, not two sets of triplets. The committees between them have responsibility for inquiring into the full remit of state government administration, responsibility and expenditure. I am very pleased to say that I am a member of the committee that seems to function the best. Perhaps I am biased.

Mrs Coote — I totally agree.

Ms PULFORD — I will take up Mrs Coote's interjection, because I was hoping she would say that. We are members of the Standing Committee on Economy and Infrastructure, as is the Acting President, Mr Ramsay. We are the committee that — —

Mrs Coote — Works cooperatively together.

Ms PULFORD — I agree we work reasonably cooperatively together. We are also the committee that is winning the popularity contest, because we are the committee that lets everyone go home early on a Wednesday night. We are looking forward to due recognition in some form at the end of the year from members of the house who are not members of our committee.

I turn now to the work of the committees, and I will comment in particular on the work of the twin committees of which I am a member, the economy and infrastructure references and legislation committees, as they are the ones I am most familiar with. In the first instance, we undertook an inquiry into primary health and aged-care services. This was an interesting area of substantially federal government responsibility, but we made a number of recommendations to government. To the best of my knowledge the government has not responded to those recommendations, but this was our first task as a committee, and we sought to look into the issue.

It did occur to me that this was perhaps an issue better suited to inquiry by the committee that has responsibility for health matters and the Department of Health — the Standing Committee on Legal and Social Issues, the references committee of which Mr Viney is chair. It is the committee that has a slightly more formal relationship with the Department of Health. Each of the government departments has been assigned a relationship of sorts with a committee. That occurred through a resolution of this house moved by the Leader of the Government very early in the life of this Parliament.

A bunch of people turned up at our inquiry hearings to talk about the economy and infrastructure. We learnt a lot about health and a lot about the burden of disease and preventive health. We undertook that work to the best of our ability. If I could take some health out of that report and insert it into my body, it would be better for all of us.

I happened to notice that the primary health and aged-care services reference came to the Standing Committee on Economy and Infrastructure from the Leader of the Government, who is also the Minister for Health. Curiously the other two committees, including Mr Viney's committee, which has a relationship with the Department of Health, the Legal and Social Issues Committee, received a reference on organ donation, which has been canvassed by previous speakers. The Standing Committee on Environment and Planning was also given a health reference. Health is important, and it receives significant funding in the state budget. It just seemed coincidental that all the references had a strong health theme. I wonder if it was not the case that the health minister was sitting in his office with his Leader of the Government hat on when there was an urgent need to find some work for the committees to do when we were all given a reference of a health policy nature.

We undertook that work. Mr O'Donohue in his contribution to the debate referred to another piece of work undertaken by the Economy and Infrastructure Legislation Committee — the other twin — chaired by Mrs Coote. This reference came from the government. It is important to stress that the decision to refer Mr Barber's bill on car dooring and any penalties associated with it was an initiative of the government. Mr Koch, as the Government Whip, was the person who moved the motion referring the bill to our committee. Mr O'Donohue spoke about it in his remarks and explained that the government would be keen to continue offline consideration of these matters out of the chamber. The Government Whip moved the referral motion in the house, and it was that action that saw our committee consider Mr Barber's bill.

Our inquiry into the Road Safety Amendment (Car Doors) Bill 2012 was of great interest to many people in the community. Many came to sit in the gallery at the public hearings. Many submissions were received; some were from bicycle users and bicycle users groups, and others were from non-cycling organisations like Victoria Police and VicRoads. The latter submissions brought another perspective to the question of whether and how greater penalties should be enforced. I noticed in a report in the *Sunday Age* last weekend that Mr David Davis had indicated the government had changed its position on the matter as a result of the work of the committee. That is a little cheeky and disingenuous, because the government determined its position on penalties while the committee was still considering what it was going to put in its report. The government said, 'Off you go. Take this to the committee. Have a good look at it'. We had a good look at it, and it was a very emotional issue.

We heard evidence from witnesses whose lives had been tragically affected by the issue we were considering. Our inquiry was very narrow, specifically on the question of the appropriateness of penalties. There were issues about whether legislation or regulation was the most effective means. The point is that the committee was considering it because the government wanted it to consider it, but then the government went off and determined what it was going to do irrespective of what we did. The committee report, which has been tabled in this house, indicates that the government determined what it was going to do before the report was tabled. To suggest that the government had waited to consider the committee's findings on this matter is a little cheeky.

The references committee is currently undertaking an inquiry into vertical fiscal imbalance. We as committee members are flattered by the confidence that the Leader of the Government has in us in terms of resolving the issues around how primary health is funded in this country and what recommendations the state government ought to make to the commonwealth about the funding of primary health. We are similarly flattered that the Leader of the Government believes the eight of us will be able to resolve the issue of vertical fiscal imbalance. This is an issue that dogs all federations. The Australian federation has the greatest level of vertical fiscal imbalance of any federation in the world. There is an exceptionally complex array of payments and arrangements that provide for commonwealth financing of state government initiatives. There are ongoing payments or permanent payment arrangements, and there are other arrangements that are more short term in nature. There are payment types that Victoria does not get a fair share

of because they relate to things that do not happen in Victoria. There are some types of grants and payments from the commonwealth that apply differently in different states.

All the while one could be forgiven for coming to the conclusion that the government's main purpose in referring this matter to the committee is its desire to get a hit on the feds in the media, because the government's submission to the inquiry was provided to the *Australian* newspaper. This is not a secret; it was published, and the Treasurer was happy to be quoted in the article. That is disappointing and disrespectful of the committee's best endeavours to sort out the issues that arise from vertical fiscal imbalance. We are doing our level best at this task. There are academics and experts in treasuries across the commonwealth who have spent their lives working on this matter, but I am optimistic that we will present to the house a good and considered report around suggestions about how the Victorian government might deal with these issues in intergovernmental relations in this country.

We are conducting this inquiry in exactly the same time frame that a Council of Australian Governments working group is undertaking a similar task. Whilst I am not enough of a pollyanna to suggest that the committee's endeavours will ensure that the federation will work in the way its founding fathers had intended, we are going to do our best, and all committee members are certainly endeavouring to properly fulfil the task. On two occasions we have been given an inquiry reference that seeks to have us tell the government how to deal with the feds — how it should talk to the federal government about grants and transfer payments to fund major areas of activity and state responsibility — which is an interesting thing for a government to outsource to a committee.

When the committee chose not to meet on Wednesday of the last sitting week — there have been a couple of Wednesdays on which we have not met, but we have met almost every Wednesday night this year — from my perspective it looked like another committee was hastily convened to fill the gap we left.

Mrs Peulich — That's reflective.

Ms PULFORD — It is a matter that has been debated in the house previously. Indeed I believe Mr Viney raised this matter at the time. I would not presume to know why the committee was convened or what the committee did when it was convened, but I note that Mr Viney came into the house the next day to support a motion that the Legal and Social Issues Legislation Committee, on which he served, be given

some work to do. One can only wonder about the sequence of those events.

As a member of this committee I want to do the best work I can with my colleagues from three other political parties to provide advice and detailed consideration to the government on issues to do with the economy and infrastructure. It is my experience and observation that the government is not treating the upper house committees with due respect. Many people in this chamber have a lot to offer to public discourse in this state, and the committees are not being used as the Victorian public intended, nor in the way that was envisaged by those among us who participated in the deliberations that led to the formation of the committees in their current form. It seems to be a study in contrast to how the Senate committee system works, and it is regrettable.

In terms of the specifics of the motion, our committee is keen to consider departmental annual reports. I am not 100 per cent sure of this, but I am fairly sure that our committee is the only one that has done some of this work through public hearings, and these are all matters that are on the record and can be found on the committee's website.

It is regrettable that the committees have not been provided with sufficient resources and references. Consistently the government has opposed the endeavours of other parties to recommend work and initiate references to the committees. It is also regrettable that very skilled and capable staff have been let go, and I fear that for a government that promised to be open, accountable and transparent, the rhetoric before the election and the actions after the election are in many respects a study in contrast in relation to election promises, budget decisions, the delayed establishment of the Independent Broad-based Anti-corruption Commission in this state, the constant frustration around freedom of information requests and, in this instance, the government's disrespectful treatment of the upper house committees of this Parliament.

The Victorian people deserve better, and the committee members would prefer it to be otherwise. We are all here to do the best we can, taking into account our competing perspectives in the area of committee responsibilities, so I urge the government to reconsider its decision to vote against the motions that are part of this cognate debate. I welcome any measures from the government to take these committees a little more seriously, and I say that as a member of the committee that I think functions the best — and I think we can all agree on that.

Mrs PETROVICH (Northern Victoria) — It is refreshing to see a committee that seems to be working very well, and it is easy to see why. For a committee to function well there has to be a willingness to take a bipartisan approach to the conduct of the committee. It has been my experience in opposition, through the all-party committee system, that the committees can be highly functioning and highly effective for a much greater good than cheap political point-scoring. In the last term of this Parliament I was privileged to be involved in the Environment and Natural Resources Committee. A number of significant pieces of work were done by that committee, and on most occasions the committee was conducted in a bipartisan manner.

Unfortunately today's motions are more about political point-scoring and the level of dysfunction that creates than they are about the government's inability to work with a committee system. I respond to Mr Viney's motion on the basis that I am on that committee, along with my colleagues Georgie Crozier and Ed O'Donohue, and I am a little disappointed to hear Mr Viney talk about opposition business on Wednesdays when members of the government put up speaker after speaker. The reality is that the opposition introduces motions week in, week out, very often having one lead speaker but no other participation. Why would this government sit back and cop it when the opposition introduces accusatory motions that deserve comment?

These issues relate to our constituency and our programs, and it would be remiss of any of us not to do the work we have been appointed to do, which is not only about committees but also about the representation of our communities. Some very valuable points were made by my colleague Ed O'Donohue in his contribution to the debate, during which he articulated the basis of the committee system model and what had occurred under the previous government. He was absolutely correct; we had 3 hours of opposition business, and we used it very well.

The difficulty now for Labor and the Greens in opposition is that they have the opportunity to put forward and speak on motions each Wednesday, but perhaps they are not putting themselves down to speak on the motions and so are not working for their communities in that way. It may be that they do not believe in the basis of some of the motions. When we look at the way the motions are presented we see that they seem to be cobbled together, they are accusatory and it is difficult to see how they can stand on their own merits. Perhaps members opposite are embarrassed to speak on some of the motions; that may be part of the problem. However, it is a little rich for the opposition to

carp about members of the government who want to stand up and speak on the motions, particularly when it could be said that all those government members are doing is filling the void for opposition members who are too worried, nervous, embarrassed or lazy — I do not know what the reason is — to stand up on a Wednesday and represent their view on these motions.

Mr Viney talked about having been in Parliament for a long period. In that time he has learnt some bad habits. Playing politics at all times is not called for. There is a time and a place for politics. Obviously this is a competitive environment, but playing politics with the committee system is a little cheap. The committee of which I am a member is the Standing Committee on Legal and Social Issues, and we have had two inquiries at this stage. The first was the organ donation inquiry, with which I was very proud to be associated. It produced a very good report. Unfortunately, during that process there was a constant stream of media reports about lack of funding, lack of appropriate behaviour by particular hospitals and lack of support from government. In many cases I felt that that undermined the good and honest contributions made by people attending those inquiries.

During that inquiry some very heartfelt and emotional responses were made. I felt that the reports in the media — and where they were coming from nobody seemed to know — undermined the fundamental operation of that inquiry, which was to determine how we could increase organ donation in Victoria.

We provided a report with 21 recommendations. The chair of that committee and others recommended that an aspect of the reporting procedures around the Alfred hospital's submission needed to be investigated by the Ombudsman. The Ombudsman's report tabled today, in my view, is a fair and equitable response to the investigation — I have read the report — but it has made very little difference to the view that many members of the committee had come to that there may have been a difference in communication and that they were doing a pretty substantial amount of work at the Alfred.

The key allegation was about inconsistency in Mr Way's evidence, which has really been put down to a communication issue. No loss of life was found to have occurred as a result of that process, but ultimately all of this has been played out in the media, including in the *Age* online this afternoon. We are debating this matter now, but a report has already found its way to the *Age*. In many respects I have some serious questions about how and why this has all been played out in the media. It seems to be a bit of a witch-hunt in

many respects. I find it quite disappointing because good work was done, there are many people aware of organ donation as a result of the committee's report and, again, this is another aspect of some sort of point-scoring.

Mr Viney raised the issue of government members not wanting to work and wanting Wednesday nights off, but in fact this is a manipulative way the opposition is getting the committee system to do Labor's work. That was a cheap shot for a start, but the political manoeuvrings around that reflect an opposition that is new to its role. Its members are used to the trappings of government, they are used to the trappings of having departmental assistance and they are used to ministerial offices with additional staff to do the work. Opposition is pretty tough. We know that because we were there for 11 years, but the one good thing it taught us was how to work. I do not think any members in government now are afraid of work. We certainly would not want to see the committee system used or manipulated in the way of using staff for the purposes of Labor's homework.

I will not talk much longer, but I acknowledge the good work that has been done. There are a number of committees producing good work. The Legal and Social Issues Standing Committee has completed two inquiries. We do not need to have inquiries for the sake of having inquiries. We do not need to exploit the Parliament's resources for no reason. If there is work to be done, we will do it, and we will continue in the same vein. I oppose all the motions before us today.

Ms TIERNEY (Western Victoria) — I rise to speak in support of the motion I moved in this debate. I am chair of the Environment and Planning References Committee and deputy chair of the Environment and Planning Legislation Committee. Mrs Peulich is chair of the legislation committee and deputy chair of the references committee. Initially all parties in the committee process as well as in this chamber were quite supportive of and optimistic about the new committee system because we knew that it provided a new opportunity for a greater number of people in this chamber to scrutinise and analyse the legislation that would come before the house. It would give us an opportunity to go through and look at annual reports and other areas under the portfolios of the various committees that have been set up, and also, in terms of the references committees, there would be the potential of really dealing with some key issues confronting the community.

The work and the workload of the committee structure is largely dependent on the government and the house

endorsing the sponsorship of the work that is generated by the government. I find it unfortunate in terms of the two committees I am on that work has not been provided to the committees. In fact the Environment and Planning Legislation Committee has not met since 21 February; it has not met for eight months. The committee I chair has not met since 3 May this year. We provided a report but have not been given another reference. I should have thought, given that sitting on a Wednesday night is the norm for this house, that any member of the voting public would expect us to sit on committees if we were not sitting in the house. That was the intent of the people who were involved in the negotiation and setting up of the committee structure; that is what they believed would happen.

We can talk about the standing orders and about the word ‘may’ versus the word ‘must’, but quite seriously the people who negotiated the arrangements for the new committee structure believed the new structure was important enough to use the usual time in which Parliament sits to conduct investigations, whether that be proposed legislation or new trends and topics that needed to be discussed. There was also an expectation that the work of those committees would be properly supported. When I say ‘supported’ I also mean that they would be provided with work to do. In certain quarters there has not been enough work given to the committees to undertake.

In terms of the point raised by Mrs Petrovich when she said, ‘We’re not going to have a situation where the committee system is going to be used by Labor to do Labor’s work’, quite frankly I consider that to be an appalling statement. In all honesty the committee system was set up for really good, genuine bipartisan work to be done, but from my experience it has been a seriously lost opportunity. It was fantastic to hear stories today about at least one committee that works, but in terms of the experience I have had in the environment and planning area it just has not happened. I do not think the Victorian public would seriously accept that it is a good practice that if a committee of eight people has a meeting it means everyone else in the chamber goes home. It is a situation that would not be acceptable to anyone, regardless of their political affiliations.

We need to give due regard to the workings of staff behind the committee structure. They need to know whether they are going to be required to work on a Wednesday night way in advance of what the current practice is. It is simply not fair to have situations like we have had in the past where we are expected to stay here on business that is not necessarily urgent until all hours — 2 o’clock or 3 o’clock in the morning — and

then find out that we are not required on a Wednesday night, which is within the so-called normal working hours when Parliament operates.

In terms of the annual reports that are submitted and the opportunity to scrutinise them, it is a concern that when you talk to members of the government about the opportunity to do that in a proper process through a work plan in a committee they say they do not want that to happen because it would be a fishing expedition. If that is the view of members, it is quite unfortunate because there are some real lessons to be learnt about a whole range of things, particularly when there have been significant changes in the machinery of government. It is a very good learning experience for backbenchers to be involved in that process. Unfortunately my experience has been that people are not even prepared to have a work plan; they are just sitting back and waiting for the government to provide them with a reference. As I said, it has been eight months since the Environment and Planning Legislation Committee met and the references committee has not met since May.

I also take this opportunity to talk about the committee itself. I do not want to go into the dysfunctional elements, even though I have been quite provoked today by comments made by Mr Elsbury in another debate. A number of other comments have been made by committee members that are reported in *Hansard*, but as I have said on previous occasions, I am simply not going to feed into that frenzy, because what I am interested in are the actual issues dealt with and the content of reports, not all the other accusations about people operating within the standing orders and other such things.

In terms of the latest reference the committee I chair reported on, a minority report was attached. The terms of reference were strongly sponsored by the minister, and I recall him — —

Hon. D. M. Davis — Ministers.

Ms TIERNEY — As I understand it, though, Mr Davis was the lead minister. Yes, I understand Matthew Guy as Minister for Planning was part of it, but Mr Davis was the lead minister. I recall that most of the committee members attended the launch of the state conference held by the Planning Institute of Australia. We also had an opportunity to talk to a whole range of stakeholders about the terms of reference. There was an upbeat attitude in the room; almost everyone said they were very happy with the terms of reference and that they would be participating.

It is fair to say it was a fairly trying exercise. This committee did not meet just on Wednesday nights, because we thought it was unfair for community groups, not-for-profit groups and individuals to have to come to public hearings on a Wednesday night. Of course those who wanted to had that opportunity. Departmental secretaries and senior bureaucrats who are used to doing those sorts of things did come in, and other machinery matters were dealt with on Wednesday nights too. We had full-scale public hearings here as well as on site. A lot of energy went into that inquiry. There were a lot of written and verbal submissions, and there was a lot of media coverage as well.

I was quite surprised when I finally got a response this morning to an adjournment matter which essentially said the standing orders do not require the government to respond to upper house committee reports. We know that, but in terms of this being a clear government reference, and given the activity around this inquiry, the minority report from government members and the very large stakeholder community, I would have thought that at least the minister would have responded to the stakeholders — in his own time frame, but one that he could at least have alluded to.

But that time frame is not contained in the adjournment response I received today, which essentially says the government will take it on board and it will use it to inform their positions when they deal with certain matters, and there you go. That is not a good enough response for all the people who took an enormous amount of time and energy to make submissions to the inquiry. Stakeholders really want to know where the government is going on this. While it is a multidisciplinary area, it is an area on its own and it can inform other areas. It really needs the direct attention of the government.

It would be interesting for the stakeholders to understand the views the ministers — both of them, Mr Guy and Mr David Davis — have of the minority report. Stakeholders should know what the views of the ministers are with respect to the majority report and the minority report. As it is the one reference the committee has had, it has been quite disappointing in a whole range of ways. I do have to say that it was a good reference and a very interesting reference, but in terms of almost everything else it has been extremely disappointing.

It is unfortunate that I have had to move this motion today, but when people realise that our committees have just not been meeting they will understand why we have had to go to these lengths. We have raised it at our committee meetings, and we are not getting

anywhere. At the end of the day the Victorian community expects a lot more of us than what they are getting at the moment.

It is particularly easy for people to come to the conclusion that this government does not want to be held accountable or to have transparency. From my perspective, it seems the government, by not making sure there is a collaborative approach, is not really interested in having the committee system work at an optimal level or in pulling people into line. When there is a collaborative approach we can move mountains. We have lots of evidence of that. But when there is not a collaborative approach it is very difficult. I have tried. I have even allowed government members to have caucuses during committee meetings so that they could come to a position. Everything has failed.

Mrs Peulich interjected.

Ms TIERNEY — Unfortunately, as we are already hearing now, it has been — —

Mrs Peulich — You are the most uncooperative, uncollaborative person I have ever worked with in my 17 years in Parliament.

Ms TIERNEY — Acting President, I do not think I need to say anything more. Mrs Peulich continues to demonstrate not just behind the doors of the committee room but also in this chamber how disruptive she is and how difficult she is trying to make the work of this committee. I request — —

Honourable members interjecting.

Ms TIERNEY — This is only an element and a degree of what I have had to put up with, and I continue to not make further comment because it just feeds the bad behaviour of the government members.

Mr BARBER (Northern Metropolitan) — Let us face it, it is undeniable: if the Liberals and Nationals were still in opposition, they would be supporting these motions; in fact they would most likely be moving these motions. Before the 2010 election we had a commitment from a number of parties to set up a select committee into various aspects of gaming, we had Mr Rich-Phillips leading a standing committee on finance and public administration that could call any agency or any part of an agency or department on any matter at any time, we had Mr David Davis constantly moving new references to joint committees and any matter that arose that was a matter of public note or controversy got its own select committee. All that is well and truly being shut down.

The motions before us here today are fairly modest. The Labor Party has moved motions to have representatives of all the big departments appear before these committees. In my motion I have picked up on some smaller agencies which have reported to the Parliament in recent days. Although in financial terms many of them are quite small, in public interest terms they are often in the news and all their policies and the quite critical services that they deliver need to be scrutinised — that is in addition to the general scrutiny of the big departments that the Labor Party is putting forward in its motions that are being debated concurrently.

I will take members down the list of agencies, the first being the Country Fire Authority. A few weeks ago we inadvertently heard about cuts being made to various parts of the training and also the command and control structure of the Country Fire Authority. The government was not at all forthcoming with an explanation of what those cuts were or how they were intended to fall. Clearly most citizens of Victoria would see it as an important job of the Parliament to keep an eye on that agency — likewise the Metropolitan Fire and Emergency Services Board that I have listed here.

The Victorian Equal Opportunity and Human Rights Commission some months ago experienced a mass resignation from its board. In fact only one member stayed, and according to him that was because without a functioning commissioner the agency itself would have been shut down. I am not speculating on what led to that, although there were various reports in relation to the recommendation of that board for the appointment of a CEO, but at the time I wrote to Mr O'Donohue and asked him to use his committee to call the remaining members of the board before the committee to be asked questions about that matter.

Then there is VicForests, the state-owned logging operation. It was set up under a commercial charter, but year after year it turns in a financial loss with a different excuse every time. If it were listed on the Australian Stock Exchange and turning up those sorts of results, its stock would be crashing. It is effectively underwritten by one customer here in the state of Victoria — that is, the Nippon Paper Group, which buys the export woodchips and runs the Maryvale pulp mill. That makes it a highly risky operation, and it returns nothing like a risk-weighted rate of return to the Victorian taxpayer.

The Port of Melbourne Corporation is now loaded with debt, and there is more coming down the line as a result of some big capital works projects that have been loaded onto it due to various government policies.

People who rely on the port are finding that the charges are more and more prohibitive, and as a matter of course we should be grilling the board and management of that absolutely critical infrastructure operation.

We got V/Line's annual report yesterday, and it showed more than 6.5 per cent growth in patronage for the second year running. There are enormous demands on that system. If you use it in peak hour, as I often do, you will see people sitting on the floor in passageways in between carriages, but in the report there is a one-liner which tells us that V/Line is developing a 20-year growth plan. I for one would like to know exactly what that 20-year plan is and how it is being developed, and I am sure many regional and country residents would agree with me.

Mr Ramsay — You're calling yourself a regional and country resident?

Mr BARBER — I get around, Mr Ramsay, do not worry — and I do it all on public transport, by the way. Next time Mr Ramsay is rocking down between Colac and Ballarat in his big vehicle listening to his Huey Lewis and the News greatest hits cranked up on the stereo, he should have a look across to the V/Line coach and he might see me waving out the window to him.

I have seen the Transport Ticketing Authority's annual report, and there is almost no information in it. It is a good effort. In this modern day of full disclosure, for a state-owned enterprise to deliver an annual report that tells us almost nothing about the service it provided for that year is a pretty good effort. It should receive some sort of award when it comes to disclosure. You cannot find out, as you can for Metcard machines quite easily, how many myki machines are offline, how many dud tickets were handed out, how many tickets had to be recouped, how many times people were overcharged, how many complaints they made and all the rest of it — it is an information black hole. If this Parliament wanted to know what was going on with myki, it could either spend the next decade rolling in FOIs or it could get the people from the Transport Ticketing Authority, together with people from the Department of Transport, to appear before a committee and just grill them.

Moving on to the Linking Melbourne Authority, amongst its many projects it is now the developer for the business case for the east-west road tunnel, which the government says is its no. 1 infrastructure priority. It has not done a business case for it yet, but the government has decided it likes the project. It ticks all its political boxes in the same way that we got a north-south pipeline and a desalination plant: commit

to it politically first, and then get someone to go off and do a business case. But the authority has been doing traffic modelling. It is disclosed in its report, and the critical figure in any business case for a new road tunnel would be modelling of how many cars would use it. I would like to see that information released.

Transport Safety Victoria is a critical agency that gets very little coverage. It produces quarterly statistics about safety, injuries and deaths on the public transport system, of both customers and employees. It is a safety regulator with responsibilities across a large number of different public transport providers, and we should hear from it something more than just the dry statistics — that is, its engagement with various public transport operators on various public transport safety problems. We should not wait until there is a serious tragedy before we start to hear how the safety regulator is dealing with all those operators of conveyances.

The Environment Protection Authority has had a lot to answer for over the years. Right now there are real concerns about the amount of pollution in our city, and with the increasingly understood connection between diesel fumes and cancer there are residents in many inner city areas of Melbourne who want to know the state of their air. They should be considered together with the residents of Anglesea, who live next door to the coalmine and power plant and who cannot get information that is currently held by the EPA about the health risks of living next to those facilities.

Southern Rural Water is the bulk water manager for everything south of the Great Dividing Range; north of the Divide it is all in the hands of a federal body these days. It is our federal colleagues who have the most influence.

An honourable member interjected.

Mr BARBER — All our federal colleagues. I could refer there to the Greens support of the Howard government's review of the Murray-Darling Basin plan, resulting in the commonwealth Water Act 2007, as well as changes that have been made by the new federal government.

When it was in opposition, management of groundwater, south of the Divide in particular, was a big concern for the coalition. In its groundwater policy the coalition says:

Sustainable management of the state's groundwater resources is critically important and will be given a high priority by a Liberal-Nationals coalition government.

A number of problems are emerging with groundwater management across the state. The development of groundwater management plans has stalled. There are problems defining the boundaries of aquifers under stress. Water authorities have refused to issue licences to landowners within a groundwater supply protection area while licences have been issued to neighbouring landowners 'over the road'.

The Auditor-General certainly agreed with that in 2010. As this policy statement says, he said there had been a hollowing out of expertise in the Department of Sustainability and Environment and other agencies. If members go to the transcripts of the Victorian Civil and Administrative Tribunal, they will find that numerous water licences issued by Southern Rural Water were challenged and subsequently overturned by VCAT.

Apparently we are supposed to believe that, along with all the other problems in Victoria, in November 2010 when the Baillieu government took office these problems just disappeared. Dark clouds split themselves apart, sunlight came in and all of us can now just roll over and go back to sleep; there is no need to scrutinise these agencies that were being clobbered by the Auditor-General in 2010. Now no opportunity is to be provided for those same agencies to sit in front of a committee of MPs to be asked about progress on the Auditor-General's recommendations from just a couple of years ago.

Also on my list are Places Victoria and Parks Victoria. In the previous Parliament members of the Liberal Party and The Nationals would have jumped at the opportunity to ask questions directly of Parks Victoria, but apparently that is not to be. It will not be long until I will be moving another motion similar to this one and seeking to bail up a few more agencies. Tabled just yesterday was the annual report of the Australian Grand Prix Corporation. That report shows us that from 2008 to 2012 the corporation made a continuing series of losses: \$56 million last year, \$50 million the year before, \$49 million the year before that, \$40 million the year before that and \$40 million the year before that.

Those losses combined come to almost a quarter of a billion dollars worth of losses propping up the grand prix. But the Australian Grand Prix Corporation has solved that problem for us. In its report there is a line that says 'operating surplus/(deficit)'. As members know, brackets are bad and deficits are bad. When a state-owned enterprise, entity or authority has a deficit — something in brackets at the bottom — that is generally a bad thing. But the Australian Grand Prix Corporation has solved the problem, because in the line immediately below the operating surplus it has rebadged that set of losses as 'government investment'.

The identical number appears, except the brackets have been taken away.

The loss that the corporation made on this event has been rebadged as an investment, so it becomes a good thing that a loss was made. The identical set of numbers, to the nearest integer with only the brackets removed, says the problem has been solved because the terrible loss the corporation made was actually just an investment. Rather than a quarter of a billion dollars worth of losses on the grand prix, which is money we will never get back, we actually made a quarter of a billion dollars worth of investments in the grand prix — notwithstanding the fact that the Auditor-General himself called into question the economic value of that.

There is a large number of agencies from whom, at this time of year, we expect to see dozens and dozens of reports tabled outside our papers office. They are on trestle tables out there for weeks at a time.

Mrs Peulich — There is some light reading for you.

Mr BARBER — I certainly do my best, Mrs Peulich, to get the essence of each one — not all of them, by any means, but those whose names get mentioned more than their dimension would suggest.

We had questions about some of those annual reports here today, but a few questions asked in question time or a few journalists ringing people and asking about some of these things is not going to be enough. We should be spending, in my view, the remainder of this year scrutinising these annual reports and relating the performance of departments and agencies from last year directly to the future estimates. We should be looking at the ability of agencies such as the Country Fire Authority and the Metropolitan Fire Brigade to keep on delivering essential services. We should examine critical infrastructure, such as V/Line, Transport Safety Victoria, Linking Melbourne Authority and the Port of Melbourne Authority, along with the managers of critical environments such as Parks Victoria, the water boards and VicForests. These are issues of great public import. The government cannot deny that, but it will apparently deny this Parliament the ability to stand in the shoes of the public until November 2014 and hold these agencies to account.

This government is two years in and has two years to go, and the story is starting to be that it is getting scrutinised on its lack of scrutiny. Its continued refusal to subject itself to scrutiny is what is now being scrutinised. That is going to become a story that the government is going to find it very hard to get around.

Government members will look back to the glory days when all anyone wanted to ask them about was their campaign against the police commissioner. There are many highly sensitive projects and services being delivered by these agencies, and it is very clear to the public that the government will not accept any further scrutiny beyond what is in annual reports.

This is not the last time a motion like this will be moved. The Parliament is here to do more than simply nod yes or no to the government's legislative proposals, unlike the court of Henry VIII. This Parliament has been described as the grand inquest of the nation, as a continuing inquiry and scrutiny of the government to inform itself and the public so that when legislative proposals come around we understand what it is we are voting for and the implications, risks and benefits. Without this opportunity to hear from these agencies and departments in the motion moved by the Labor Party we simply become the world's most expensive debating society.

Mrs COOTE (Southern Metropolitan) — When I saw these motions moved by Mr Viney, Ms Pulford, Ms Tierney and Mr Barber I thought it looked as if those opposite had a coordinated approach. I thought there were some real issues they were genuinely concerned about. I thought they were questioning the processes. I thought it looked as if they had an organised and consistent approach.

However, I have sat through this debate, and I simply cannot believe it. We have heard extraordinary ramblings from each one of the opposition speakers, and Mr Barber is in a category all his own. I would have to say that the opposition speakers have used this debate as a beat-up. It is interesting that the contributions to this debate from Mr Viney, Ms Pulford and Ms Tierney almost refuted what it was they were trying to contend. Each one gave an example of how these committees are working. They gave very good examples of good reports, of cooperation between committee members, of committee members working constructively together and of interest in the reports.

It was quite amazing to see. For something they apparently have such a problem with, they obviously believe in the structure of it. They think that these committees are working, and in each of their contributions they gave evidence about exactly how these committees are working for them. In fact, they refuted their own arguments. They did not actually debate the issues they have on the notice paper here in front of us.

Mr Viney in particular has been around long enough to know about annual reports. In fact he was particularly interested in the annual reports of the Department of Education and Early Childhood Development, the Department of Health, the Department of Human Services and the Department of Justice. Just to remind the chamber, his motion requests:

That this house requires the Legal and Social Issues Legislation Committee to inquire into, consider and report on the following departmental annual reports, together with the estimates of expenditure, for 2012–13 that are to be tabled in the coming weeks ...

As I said, Mr Viney has been in this Parliament for a very long time.

Hon. D. M. Davis — Too long!

Mrs COOTE — As Mr Davis says, he has been here for too long. There are probably some people who would feel that way. The reality is that he also knows there are many avenues for getting that information. This is not how these committees are structured to work, this is not what they are seeking to find out, and he knows that. He knows that if he is really desperate, he can get that information through FOIs — and that is a very good process. He could get that information through questions on notice, he could get it through questions without notice and he could get it — and this is my point — through the Public Accounts and Estimates Committee.

PAEC is a very good committee. The chairman is Mr Philip Davis — and he is doing an exemplary job; the deputy chairman is Mr Pakula, who is one of the best contributors in this house and certainly one of the best opposition contributors. The committee members are Mr Angus, the member for Forest Hill in the Assembly, Ms Hennessey, the member for Altona in the Assembly, Mr Morris, the member for Mornington in the Assembly, Mr Scott, the member for Preston in the Assembly, and our very own David O'Brien from this chamber.

Mr O'Donohue — Are there any Greens?

Mrs COOTE — Mr O'Donohue asks if there are any Greens on the committee. No, surprisingly there are no Greens. We may well ask where are the Greens. The Greens made a huge song and dance about being on committees. They have the audacity to come into this place to tell us what to do and how to do it, and yet they do not want to be part of what is probably the most powerful committee of this place. Much has been said about the structure of the Senate committees and how the Senate estimates committees work. The Public Accounts and Estimates Committee here in Victoria is a

highly professional tool, and in fact it covers everything that is in these motions.

I refer to PAEC's *Review of the 2009–10 and 2010–11 Annual Reports*, which was tabled in February 2012. Mr Viney must be very remiss if he does not know that this document exists. In fact so must Ms Tierney and Ms Pulford. If they knew that this document existed, they would not have brought up these spurious motions today. The Public Accounts and Estimates Committee has covered all of these issues, and I would like to go into the detail of some of them. In his foreword the chairman, Mr Philip Davis, says:

The annual reports of government departments and agencies are an essential component of the state's accountability mechanisms. They provide crucial information about entities' performance, which can inform the government's decision making. They also provide transparency about the government's performance to the Parliament and the community.

I cannot believe Mr Viney and members of the Labor Party did not bother to take themselves into our papers office, get themselves a copy of this and see where the information they are seeking is.

In his foreword Mr Davis said three major findings have come from this investigation — and the PAEC investigation was extremely thorough, as is everything Mr Davis does. He was not always kind about the outcomes of some of the departments' annual reports. He gave very clear directions about what recommendations should look like, and indeed some findings were very critical of the way some departments had presented their annual reports. But this in turn gave the government an opportunity to respond and talk about this. This committee is the tool of this place; it can be used to find out information and scrutinise government departments. That is PAEC's responsibility; it is not for the legislation committees or the references committees to do that.

I would like to look at some areas that relate to the committees of which I am a member. I am the chair of the Economy and Infrastructure Legislation Committee and the deputy chair of the Economy and Infrastructure References Committee. I would also like to commend Ms Pulford for her comment that the members of our committee work constructively together. We have worked very constructively. We understand the political constraints, and we understand that we can in fact be quite forceful in some of the situations we deal with. We have come up with two very good reports and we are about to embark upon a third. The reports we have presented to this place have been well received and are

very authoritative. I am pleased with the work we have done.

Some parts of Ms Pulford's contribution were cynical, which I have to suggest is quite quaint; I think she was trying hard to be cynical. But at the end of her contribution she said that the committees would do 'the very best we can'. Both reports we have tabled so far, the one on health care and ageing and the one on car dooring, have been very authoritative documents. They are in this place, they are on record and they will be a tool for future Parliaments. However, in her motion Ms Pulford asked about annual reports from the Department of Business and Innovation, the Department of Primary Industries, the Department of Transport and the Department of Treasury and Finance. I will quote again from the Public Accounts and Estimates Committee's annual review. On page 59, under the heading 'Detailed review of departments and selected agencies reports', it says:

In chapter 2, the committee detailed a set of criteria based on government guidance and better practice that it uses in assessing annual reporting. These criteria concern transparency and accountability, as well as the clear communication of departmental achievements (including instances where the department has not attained its goals) to the Parliament and community.

This says it all; here it is! Why does Ms Pulford need to spend hour after hour on a Wednesday night looking at these very issues? It has been done by a cross-party committee, PAEC, which is a very authoritative committee of this Parliament.

On the findings relating to the Department of Business and Innovation, recommendation 21 of the report proposes:

The Department of Business and Innovation in future annual reports:

- (a) provide quantity and detail of disclosure that is in proportion to the significance of the subjects being discussed; and
- (b) report on all measures in the corporate plan.

That is quite a constructive recommendation, I would have thought. You can once again have a look at this same report for discussion of the Department of Primary Industries. Page 72 of the report says:

The annual reports of the Department of Primary Industries for both 2009–10 and 2010–11 begin with an extensive summary section, including discussion of the objectives, goals, mission, and values of the department. The section includes a 'year in review' discussion, which is divided by subject. The committee considers that this is a good overview, satisfying the committee's criterion for such a section in chapter 2.

Once again this is exactly what three of these motions are asking the parliamentary committees to do. It has been done by PAEC in a very authoritative manner. It goes on and on. The other one is the Department of Transport, on which the finding from PAEC reads:

The Department of Transport is one of few departments to disclose information on its asset projects. The department has also included an outcomes performance report. However, while the department has fulfilled the statutory requirements for its 2010–11 annual report, the report itself does not represent better practice in reporting, as it does not convey sufficient information to be useful for most stakeholders.

So PAEC was not always kind to the government. PAEC is out there giving constructive findings and recommendations to the government, and the process is such that there is a government response.

This report I have been quoting from features 119 pages of detail that have been thought through and worked through by PAEC, which as I said before is a committee of this Parliament that works extremely professionally and is one of the most powerful committees we have in this place. As a result of the work of the Public Accounts and Estimates Committee, a series of recommendations were put to the government, and the government has responded, as indeed it should.

If Mr Viney, Ms Pulford and Ms Tierney had done their homework and actually had a look at what they were doing instead of just doing some kind of arbitrary spray, they would have gone to our papers office not 20 metres from this chamber and found that out for themselves. For example, they could have found the government's response to the recommendations of the Public Accounts and Estimates Committee's 107th report, *Review of the 2009–10 and 2010–11 Annual Reports*.

There are 43 recommendations the government has responded to. I am not going to take up this chamber's time, but I see that the Leader of the Opposition is here in the chamber, and I would suggest that he take his misguided colleagues — Mr Viney, Ms Pulford and Ms Tierney — aside and counsel them about the procedures in this place. I am sure Mr Lenders, having been a Treasurer of this state, will understand the importance of the PAEC review. He is probably very ashamed to find that his colleagues have not done their homework, so I suggest he go ahead and counsel them.

I would just like to mention a couple of the actions the government has taken in response to the recommendations. In relation to the Department of Treasury and Finance, recommendation 1 reads:

The Department of Treasury and Finance undertake a review of the standing directions, the financial reporting directions, the guidance notes to the financial reporting directions, the budget and financial management guidances and the model report to identify any opportunities to consolidate and simplify the guidance materials.

The response to that recommendation reads:

The Department of Treasury and Finance regularly reviews the standing directions, the financial reporting directions, the model report and the budget and financial management guidances, with a focus on maintaining currency and sound financial management and reporting practices. As part of these reviews going forward, the department will pay specific consideration to, where appropriate, simplifying or consolidating these directions and guidances to facilitate public sector agencies' understanding and compliance with the requirements.

In the government's reply each of the 43 recommendations has been responded to in that sort of detail. The reply is 19 pages long. A great deal of detail and respect has been given to the recommendations of PAEC by the government departments, and the departments making those replies are the very departments that these three recalcitrant ALP members have today moved these motions in relation to. I feel very sad that they do not understand the structures of this Parliament and in fact have missed the entire thrust of what PAEC does, what it is intended to do, how it is structured, how it works and how the government's responses work.

I am sure that if the opposition had its time again, it would have come up with far better motions than the ones it has put here today. One of the comments that has been made in debate has been that these committees are time wasters. I would have to suggest that the motions being debated by the ALP here today are spurious; I feel that they are a complete waste of time. It is just a beat-up. The information ALP members spoke about in their contributions is not relevant to the motions they have put up, and it is a great pity we have not seen a great deal more professionalism from members of the ALP opposition, who should have known better.

Mr LENDERS (Southern Metropolitan) — I rise to speak on this debate today having listened for some time to all four of the movers of the various motions that the cognate debate is on. I have certainly listened also to the contributions of Mrs Coote and Mr O'Donohue. I want to rise on the debate to take up some of the narrative in the discussion as to where we are going. I can count; the 21:19 rule will apply, and the government will shut this down. That is the reality. However, for the record, the comments I want to make on this relate to a range of things. I would like to rebut

some of the things Mrs Coote and Mr O'Donohue said in particular, and I am sure Mrs Coote will be studiously listening to all of that.

Let us look at what the Council is actually being asked to vote for today on these four motions. We are being asked to refer the annual reports of all government departments to legislation committees so they can be reviewed by those committees over a period of time. We are also being asked to refer a group of statutory bodies to those same committees so they can be reviewed over time. It is hardly a radical proposal. The reason I say it is hardly a radical proposal is that this was a proposal that was signed up to by all five parties in this chamber in the last Parliament.

As Mr Viney and Mr Barber said in their contributions, this proposal was signed up to on the basis that there was a Standing Orders Committee report. For the benefit of the chamber, I will refresh the memory of members about that report. The report was completed by the seven members of the previous Standing Orders Committee, which included me, Mr Viney and Mr Smith from the Labor Party, Ms Pennicuik from the Greens, Mr Hall from The Nationals and Mr David Davis and Mr Dalla-Riva from the Liberal Party. The committee looked at the standing orders of the Australian Senate and the New South Wales Legislative Council. Four or five members of the Standing Orders Committee met with a series of officials from the New South Wales Legislative Council and the Australian Senate, including the presidents, clerks and a range of committee chairs from both those parliamentary chambers. They came to the conclusion that starting from this Parliament this is what should happen.

That was the collective view of the four political parties represented on that committee, one which was also signed off on by Mr Kavanagh from the fifth party. It was reflected in the unanimous adoption of the Standing Orders Committee report, which then proceeded to adopt the standing orders from which these committees work. Let us just put to one side the argument from Mr O'Donohue that we could go back to the standing orders of the 55th Parliament or the 54th Parliament. We could go back to whichever Parliament we wanted to, but in his contribution Mr O'Donohue ignored the fact that the Standing Orders Committee, with bipartisan support, drew a line through what happened, reflected the constitutional changes to this house enacted in 2003 and implemented in the 2006 election which brought the Legislation Council into a house of review model based on the Australian Senate and specifically adopted a set of standing orders that dealt with that.

As the house will know, the timing of the Wednesday evening committee sittings came out of that committee. Incidentally — and I do not think I am giving away any secrets of that committee — that was proposed by a minister in the current coalition government and agreed to by the other parties on that committee in this house, so the model we now have is hardly radical or unique. All that is radical and unique about it is that there was bipartisan consensus. It was adopted by all, for it to start in this Parliament to reflect the new proportional representation nature of this house and to move forward. That is the history. When Mr O'Donohue goes back in time and says this happened or that happened it is frankly irrelevant.

I now turn to Mrs Coote's contribution as to why these referrals should not be voted for. She spoke very eloquently and without any anger in her voice, but it was quite an audacious and outrageous proposition. To paraphrase Mrs Coote — and as she is not disagreeing with me she obviously agrees with every word I am saying — 'Who needs these committees? You can go to PAEC'.

Mrs Coote sang the praises of her colleague Mr Philip Davis, the Public Accounts and Estimates Committee chair, and fair enough; I think the Public Accounts and Estimates Committee is a good committee. But the assumption that the Legislative Council should not bother its pretty little head about dealing with scrutiny of government because Mr Davis's committee is doing such a sterling job is a joke. Mr Davis's committee serves a purpose, but to say that it has done a review and to then read a series of references and reports on the directions of the Minister for Finance and statutory authorities is just a joke. They are relevant materials from the Public Accounts and Estimates Committee, but in no way do they even begin to enter into the motions we are debating today that refer the scrutiny of government reports to the legislation committees.

Mrs Coote also had the audacity to suggest that people can put in questions on notice. Acting President, I could spend an extraordinary amount of time doing just that; I could share many questions on notice with you and the house. I put in some questions on notice to the Minister for Agriculture and Food Security the other day asking how many instances there were of wild dog and big cat attacks on livestock in Victoria over the last few years. The level of scrutiny I was provided with by going through that process included me receiving a report on the number of wild dog attacks on livestock in Victoria but no reply to my question about the number of big cat attacks on livestock in Victoria.

The only reason I use this as a topical illustration is that these are legitimate questions about government administration, particularly when we go back to what Mr Walsh, the Minister for Agriculture and Food Security, said — that it was not his decision as to how many resources were going to be devoted to the hunt for the mythical big cat; it would be an issue for the secretaries of the Department of Sustainability and Environment and the Department of Primary Industries as to how many resources they would devote.

So following Mrs Coote's advice I put in some questions on notice asking those questions. The minister selectively answered the one about wild dog attacks on livestock but refused to answer the question about how many big cat attacks there had been on livestock. This illustrates why Mrs Coote's response is ridiculous; it is hardly scrutiny of government when the minister can choose not to answer.

Similarly Mrs Coote said, 'Put in an FOI application'. I have put in dozens of FOI applications. In fact every time I look at my bank statement the figure \$25.10 appears numerous times. Some of the FOI responses I get are very good; some ministers and departments are very responsive. But it is amazing how many of them are coordinated through the Premier's private office, away from the scrutiny of any FOI commissioner, and come back months and months later than they would have under the pre-Baillieu government legislation.

Mrs Coote suggested we put in FOI applications. She suggested we go to the Public Accounts and Estimates Committee. She suggested we put in questions on notice. She suggested we read departmental annual reports. Her view, as a member of the executive government and a parliamentary secretary whose job it is to defend her ministers — and dare I say blindly follow the line of the Government Whip on these occasions — was to say, 'Don't go to the committees for scrutiny. It will all be done if you just follow these processes.' All these processes, in their own flawed way, were in place during the term of the previous government and the one before it. Some were even in place in the terms of governments before that.

The reason there was bipartisan support for adopting the Senate system was that a line was drawn by all five parties in this chamber in the 56th Parliament that it was not good enough. It was not known who was going to be in government after the 2010 election so the decision was made to set up a system before it was known who was going to be advantaged or disadvantaged by the scrutiny. The committees were then set up. However, all that has been referred to the legislation and reference committees, without

exception, are matters that the Leader of the Government in this place wants scrutinised; nothing else.

We now have an arrangement, because the government has 21 votes in this place, that is exactly the same as the arrangement that existed in the Howard government from 2004 to 2007 when that government only sent what it chose to to the Senate committees.

Mr Koch interjected.

Mr LENDERS — I will take up Mr Koch's interjection that it was 'what you guys did'. I say to Mr Koch that what has happened in Victoria in all the Parliaments up to the conclusion of the 56th Parliament is history. What all five parties in this place said at the end of 2010 was that we have a new electoral system and we generally have a hung chamber — and Mr Koch voted for it. The process has worked in the Australian Senate since Lionel Murphy and Vince Gair brought in the system in the 1960s. It was adopted by every government, including the Fraser government when it had the majority in the Senate, and it was not until the Howard government was elected that the references committee component of the Senate committee system was effectively dismantled.

It is much the same procedure here. I suggest that Mr David Davis has probably been advised by whoever advised Senator Nick Minchin, or by the great Nick Minchin himself, on how to neuter committees by only sending the government's stuff to them. It is an irrefutable fact that all that has been referred to these committees has been what the Leader of the Government thinks is appropriate to be referred to them. That is the nature of the 21:19 rule, but what we are seeking with the four motions here today is to have these committees carry out some scrutiny. The ability to ask those questions and connect them brings in good government.

I suggest that the Howard government may have been re-elected if it had not had control of both houses of Parliament and was under a bit more scrutiny and was a bit more cautious. It may have had better legislation and it may have been re-elected. I certainly think it would be in the interests of the current government to have some scrutiny. Undoubtedly it would be embarrassing for it to face the scrutiny of these committees. There is no question of that. I would be gilding the lily to pretend otherwise. I suggest that if there were to be more scrutiny of this government in the next two years and one month before the election, the government's decision making might be better and we would not have the embarrassing situation the government faced with

the error in the Fire Services Property Levy Bill 2012. This happens again and again.

At the moment there is a ports bill in the Legislative Assembly which will fix an error caused by a previous bill which was rushed through without scrutiny. That is not unique to this government; it is far from being unique to this government. But the point I am making is that by shutting down the scrutiny system that the Liberal Party, The Nationals, the Labor Party, the Greens and the Democratic Labor Party all signed up to at the last election, the government is removing that scrutiny. It makes life more comfortable for the government; there are no ifs and buts about it. But it is not the role of a house of review for 21 people to jump to their feet every time the Leader of the Government snaps his fingers and only refers the issues to committees that he thinks are interesting and he chooses to refer. That is where we have gotten to.

The motions before us today are simply an attempt to require the committees to do the job that is expected of them. It will remove uncertainty and ambiguity, and it will allow all three of them at 8.00 p.m. on Wednesday nights in sitting weeks for the rest of the year to start calling in those administrative agency heads behind whom the government continues to hide.

An issue was raised by Mr Viney today about the Department of Education and Early Childhood Development's Moe office merging with its Dandenong office, which we are told had nothing to do with the minister. I refuse to believe that the Secretary of the Department of Education and Early Childhood Development would close down the regional office of his lead minister without consultation.

I refuse to believe that when the secretaries of the Department of Sustainability and Environment and the Department of Primary Industries were asked by a senior member of this government, the Minister for Agriculture and Food Security, Mr Walsh, to hunt a big cat they would not have prioritised resources on the basis of what the minister thought was important. I refuse to believe that in any government department the secretary would make unilateral decisions as to resource priorities without consulting the minister.

What the government is saying to us — and we saw it from Mr David Davis in question time today — is that anything that is bad is the independent decision of an independent body. Today it was Peninsula Health, but it could be the ambulance service on another day or the Royal Children's Hospital or an independent body. In Mr Walsh's case it was the secretary of the department and in Mr Hall's case it was the secretary of the

department who made the decision. Yet the Parliament can ask the ministers questions in question time, but it cannot ask the departmental secretary a question.

These motions essentially seek to make the departmental secretaries face the scrutiny a minister does so that the Parliament and the public will be more informed. I urge the house to support all four motions. There is nothing to fear other than appropriate scrutiny under the Westminster system. I urge the house to support all four motions.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Department of Planning and Community Development: report 2011–12

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a statement on the 2011–12 annual report of the Department of Planning and Community Development. I refer in particular to page 52, which outlines the role of the Local Government Investigations and Compliance Inspectorate. I note information on that page about the timeliness of undertaking investigations of complaints to the effect that 100 per cent are actioned within five working days. The concern that I have has come to light following the receipt of a number of documents that the councillors of the City of Kingston have not been privy to in relation to a bullying concern involving a senior Kingston council officer.

In the climate since the introduction of Brodie's Law, which urges Victorians to take a stand against bullying, I am very disturbed that this case has lingered over many months without a resolution for the senior officer concerned. Currently the investigation, which is being undertaken by STOPline, of high-profile councillors in relation to the bullying has been unduly delayed in my view. There is a likelihood that those three councillors will be re-elected to Kingston council and may not be able to serve out their terms because of the outstanding matters, which have lingered since January, not being resolved.

The three councillors currently under investigation include Cr Rosemary West, Cr Steve Staikos and Cr Trevor Shewan. All three councillors are people who have built their reputations on representing the rights of others. Cr West represents women, and received a Medal of the Order of Australia for that work. She is a former *Age* journalist. Cr Trevor Shewan is an occupational health and safety officer with the Victorian Trades Hall and Cr Steve Staikos is an

advocate for equality of marriage. It is very disappointing to read — and one instance has been confirmed in the first opinion of the Macpherson and Kelley report — that those three councillors have participated in what appears to be a case of bullying.

I would like to quote from a letter written by the alleged victim to Mr Wolf of the Local Government Investigations and Compliance — —

The ACTING PRESIDENT (Mr Elasmarr) — Order! Can Mrs Peulich tell me which report she is talking about?

Mrs PEULICH — It is the Department of Planning and Community Development annual report for 2011–12. The department has responsibility for the Local Government Investigations and Compliance Inspectorate.

This letter is dated 1 August 2012. It says:

I am a senior officer employed at the City of Kingston in the role of general manager ...

...

I have, however, now reached a point over some six months and after a number of informal complaints (including a bullying complaint, which I believe has been substantiated by external investigators) that I must raise these issues outside of the organisation. I have recently approached the Ombudsman, who suggested I approach the inspectorate.

The crux of my concern is that three councillors, with Cr Cr West as the main protagonist supported by Cr Staikos and Shewan — —

Mr Lenders — The point of order I raise, Acting President, is relevance and context. Mrs Peulich's son is running for election to Kingston City Council, and she is using this opportunity in cowards castle to read on the record criticisms that undermine the people her son is running against. She is debating a matter not in the report. She is alluding to the sexual preferences of the people her son is running against. She is putting things into her statement on the report completely designed to be used, under parliamentary privilege, in the Kingston City Council election. I ask you, Acting President, to rule her out of order, as her contribution is inappropriate and not related to the report.

Mrs PEULICH — On the point of order, Acting President, I believe these matters are entirely in order. There is the delay in the investigation, which spans several months. There is a case of alleged bullying. The investigations have been referred to the chief municipal inspector, the Ombudsman and WorkSafe. I have documents to which none of the councillors have been privy. They show a serious issue caused by delays,

which one can only assume stems from the fact that these are highly connected people, as evidenced by Mr Lenders getting so quickly to his feet to defend them against even a call for a speedier resolution of a case of the bullying of a senior officer who is not in a position to defend herself. All that is happening in a week that saw the launch of the Bully Free Australia Foundation. It is a sad reflection on this chamber.

The ACTING PRESIDENT (Mr Elasmr) — Order! I understand the point of order and Mrs Peulich's explanation, but according to the list in the notice paper, she is speaking on the Planning and Community Development Department Report 2011–12. I ask the member to stick to that report and talk about what is in it.

Mrs PEULICH — What is in the report is a claim that all complaints are dealt with in a timely fashion, within five working days. A case has come to my attention that shows that this has not been the case. It has spanned many months, and there is still no resolution. If I may briefly refer to the WorkCover report that I have — the complaint — all that the alleged victim is calling for is an opportunity for this matter to be resolved so that she can recover and get well.

If you, Acting President, see fit to shut down this matter after the alleged victim has received no comfort from the office of the Ombudsman, the office of the chief municipal inspector or WorkSafe, it is a very reflection on Parliament.

The ACTING PRESIDENT (Mr Elasmr) — Order! I understand that, but again I remind Mrs Peulich that she needs to talk about what has been said in the report. She has not been talking about the issues in the report.

Mrs PEULICH — The matter in the report is this: I am asking for the minister to facilitate the investigation of this case, which clearly shows that the claim in the annual report that all matters are dealt with in a timely fashion by the office of the inspectorate is not true. If there are issues that have fallen between the cracks, I would like the minister to consider what reform needs to occur to make sure that this does not happen again. Any matter that is not dealt with in a timely fashion, that does not provide resolution to an injustice or an allegation of a serious — —

The ACTING PRESIDENT (Mr Elasmr) — Order! I understand that, but I believe and accordingly advise that it is an adjournment matter. I ask

Mrs Peulich to get back to the report and talk about what is in the report.

Mrs PEULICH — The report is a report of a minister who takes responsibility and a department that takes responsibility for the investigation of the operations of local government. The report says:

Local Government Victoria ... works in partnership with the local government sector to encourage and support best practice and continuous development in local governance —

and so on. The report goes on to say Local Government Victoria strives:

to achieve more accountable government, sustainable service delivery and asset management policies and practices; and stronger democracy.

This case is an example of where this has not occurred. Given the manner in which the Local Government Investigations and Compliance Inspectorate reports on these matters publicly, there is no adequate system to monitor how speedy it is, where there is an opportunity for things to fall through cracks in the system and how we can prevent that. We are not serving well those who go through that sort of experience and find no resolution in a complex system. We would certainly not want to see a tragedy or a deterioration in the health of a person who has been let down by the system. The system is clearly not working well.

What is more, in the WorkCover report that I hold, the senior manager says she has been subjected to the threat of a golden handshake. That is a prohibited action under the Accident Compensation (Occupational Health and Safety) Act 1996. She claims that she has been ostracised and subjected to public and deliberate punishment and that a Macpherson and Kelley report referred to Maddocks, another company of lawyers, and that there have been undue delays with it. Other projects which she manages have been targeted. She says she has received nothing except the advice not to go to meetings with councillors. That is not a sufficient resolution of this particular problem.

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

Department of Primary Industries: report 2011–12

Ms TIERNEY (Western Victoria) — I rise to speak on the 2011–12 annual report of the Department of Primary Industries. As I hope most people in the house would be aware, the DPI oversees agriculture, fisheries, forestry, earth resources and energy industries — —

Mr Lenders — And the hunt for big cats.

Ms TIERNEY — And the hunt for the elusive cats — you are quite right, Mr Lenders.

During the reporting period it also took over the responsibilities of game management and commercial timber harvesting on public land from the Department of Sustainability and Environment. It was also during this reporting period that the National Centre for Farmer Health was taken off the books and subsumed by the Department of Health. Of course the moment we saw that machinery-of-government change we knew what was going to happen — that somehow the centre would get lost within the overall budget of the Department of Health, and indeed that is exactly what has happened. It has been raised time and again and will continue to be raised by Ms Pulford and others, and by me, that that is a really bad decision on behalf of this government.

Today I want to talk about the Education and Training Committee, of which I am a member. It is currently inquiring into agriculture education, whether it be vocational education and training, TAFE, university or postgraduate work.

The committee travelled over to New Zealand to look in particular at the dairy industry but overall at the support systems that are in place for farmers and the general agricultural sector. The take-home message that we received from every single organisation and from farmers as well was that it is important to have that field officer, that one-on-one contact, so that built-up local knowledge can provide assistance and ongoing liaison between government organisations and the farm.

It is important for government members here in the chamber who might question that point to talk to the government members on that committee, because that was a salient point that was raised time and again. What I am really concerned about, given the amazing work that is documented in this annual report — and I should say on a very slim budget — is that one of the first things we saw recently was the closure of a whole range of DPI offices. In my electorate the offices in Ararat, Camperdown and Edenhope have closed. That is devastating for those local communities in terms of having those families move out, as it will have an important impact on the local economy, but it will also tell an enormously negative story that will have short, medium and long-term effects in the agricultural sector and the agricultural economies in those regions.

I understand that DPI offices have been closed in Ouyen and St Arnaud as well, and of course that will be

devastating. It is not just the loss of that one-on-one contact; it is the loss of those very people that we need in times of crisis. In the recent floods the DPI officers were doing the assessments firsthand, knowing exactly what the damage was and how to refer those farmers through to industry specialists to get the quickest rectification.

My take-home message on this report and the situation we are facing at the moment is that this is the very worst time for the government to make cuts to DPI, particularly in the front-line area. In particular it needs to heed the warnings of the agricultural sector in New Zealand, which knows that shutting down DPI offices and not having field officers is the worst possible thing for a sector that needs our support and needs to be promoted at any cost.

I urge this government not just to restore the DPI offices but also to restore funding to the National Centre for Farmer Health, to restore the fruit fly program and, while we are at it, to fulfil its election promise to cut stamp duty for young farmers.

Department of Planning and Community Development: report 2011–12

Mr O'BRIEN (Western Victoria) — I rise to make a statement on the annual report of the Department of Planning and Community Development (DPCD). I am glad that the Minister for Planning is in the house. He is one of the ministers who has been particularly prominent and active in this department's activities, but it spreads across a range of ministers in addition to the Minister for Planning, including — as is set out on page 12 of the report — the Deputy Premier as Minister for Regional and Rural Department, who is the lead DPCD minister; Hugh Delahunty, the Minister for Sport and Recreation and Minister for Veterans' Affairs; Denis Napthine, the Minister for Regional Cities; and Jeanette Powell, the Minister for Local Government and Minister for Aboriginal Affairs.

I should also add, because I have seen their work as very diligent parliamentary secretaries, that the report notes the work of Damian Drum, the Parliamentary Secretary for Regional Development, and David Morris, the Parliamentary Secretary for Local Government. They have both been active in canvassing views and reporting to their ministers.

There is a suggestion in some quarters, led by Labor Party speculation, that this government has not done much or is a do-nothing government. That suggestion is absolutely refuted by this report. I encourage all

members to read through pages 4 to 12, and I will now endeavour to cover some of the highlights.

In July 2011 the government launched its Regional Growth Fund, spearheading a \$1 billion investment in regional and rural Victoria, including the \$100 million Putting Locals First program. That program has been well received, delivering money directly into the regions in a way that has not previously occurred, and has been responsible for a significant number of projects that I would ask people to examine in the Regional Development Victoria annual report, which lists numerous projects in my electorate of Western Victoria Region and elsewhere.

Other highlights in July include the commencement of operations of the fire recovery unit, providing continuity of government support and oversight following the closure of the Victorian Bushfire Reconstruction and Recovery Authority.

In August 2011 the bipartisan ministerial advisory council on public libraries was established, and David Morris conducted a number of seminars, together with the minister, to continue that forum. In addition the Minister for Planning released, in fulfilment of an election commitment, the no-go zones policy on wind farms, which has been very well received and has been an important part of restoring some equity and balance to the debate in contrast to what had previously occurred under the Labor process, which caused much community division. We have also established the Regional Policy Advisory Committee to advise the Minister for Regional Cities and the Minister for Regional and Rural Development. The promotion of regional cities, again generated by those councils and supported by this government, is something of which we are particularly proud.

In September 2011 Aboriginal Affairs Victoria commenced a review of the Aboriginal Heritage Act 2006 in conjunction with the significant investments that have been made and also the recognition of the Aboriginal Affairs Indigenous ambassadors. In October 2011 we had the opening of the VolunteerFest. Our volunteers have been relied upon in our regional communities and all across the state. We had the establishment of the new urban renewal authority, Places Victoria, again by the Minister for Planning. We also had Minister Napthine addressing delegates in relation to sustainable cities.

In November 2011 the Minister for Sport and Recreation was moving all over the state promoting the benefits of healthy facilities for healthy communities and the importance of preventive medicine. Only this

week we saw the highly beneficial work of those communities in relation to preventing diabetes through preventive medicine.

The \$2.8 million regional planning flying squad was also established to provide planning support — again by the Minister for Planning — to give support where it is needed so that regional councils can access the same level of planning support that is being provided to urban councils.

We had a continuation in December 2011 of 37 veterans organisations sharing in more than \$410 000 from the Anzac Day Proceeds Fund to deliver initiatives enhancing the wellbeing of Victoria's ex-service personnel. Also, VicHeritage was launched.

In January 2012 more than \$1.13 million in grants to 13 projects across the state were announced, aimed at conserving and restoring heritage-significant places and objects. Also the Minister for Local Government appointed a monitor for the Ararat Rural City Council.

In February 2012 we had the first 20 Indigenous Victorians inducted by the Minister for Aboriginal Affairs into the inaugural Indigenous Honour Roll. There were many more highlights that I have skipped over.

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

Auditor-General: *Programs for Students with Special Learning Needs*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Auditor-General's report *Programs for Students with Special Learning Needs* dated August 2012. As a member of the Education and Training Committee of this Parliament, I was dismayed to read about the lack of information forthcoming from schools that had accessed specific funding especially provided for children with learning difficulties. The Auditor-General's report again highlighted the lack of information regarding the success or otherwise of programs aimed at improving the educational opportunities for kids with learning disabilities. It is obvious to anyone reading this report that the reporting and monitoring mechanism established by the Department of Education and Early Childhood Development has not been implemented or addressed.

There are 20 out of 100 children recognised within the education system as being eligible for intervention and/or special support. From those 20, four are catered for by the program for students with disabilities, or PSD. Those figures are approximate because to date we

do not have an accurate number of children. It is with a degree of cynicism that I note schools are not tardy in applying for funding for easily recognisable or diagnosable children with learning disabilities, but the borderline kids are placed in the too-hard basket. Nobody seems to know what happens to them because, as their frustrated parents will tell you, according to the report the school's advice to them is to enrol their child in a special school. For most parents of children with a borderline disability, that is not an option.

This report demonstrates a decided lack of coordination. It would seem that the Department of Education and Early Childhood Development has provided staff with comprehensive tools to assist them to identify students with learning disabilities, but at the same time it has failed to adequately monitor the success or otherwise of those programs. At this time there are no performance indicators to evaluate the effectiveness of those programs. It is essential for the ongoing future of our kids with learning disabilities who are being provided with special programs that we understand what is needed for future generations.

The Victorian Auditor-General's report has provided five recommendations, all of which are sensible and realistic to implement. Reliable information to government and to this Parliament is needed to ensure that children with learning disabilities have a chance for a normal career and a normal happy life. I urge the government to implement the recommendations contained in this report.

Auditor-General: *Programs for Students with Special Learning Needs*

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to rise to speak on the Victorian Auditor-General's report *Programs for Students with Special Learning Needs* August 2012. From the outset, I appreciate the endeavours of the Auditor-General and the locus of his scrutiny because the Auditor-General issued a report in 2007. I can see impatience woven throughout the reporting, and understandably so because quite unambiguous recommendations were made to the previous Labor government in 2007 and when the Auditor-General returned to scrutinise the response on behalf of the Department of Education and Early Childhood Development, it acknowledged — and I say this parenthetically — that new systems were in place but they had not been in place long enough to have any traction or relevance to the evaluation process that the Auditor-General would like to have brought to bear.

In a way we are waiting for and we are hopeful that some of the new initiatives on behalf of the department and the Baillieu government will have traction, and we also hope when the Auditor-General returns to scrutinise those processes that they are up to speed. At stake are a lot of children in Victoria who are not being accorded the attention, support, monitoring of that support or indeed any form of funding to give them positive outcomes throughout their education experience. The shortfall that is manifest in this report is alarming, and it is particularly moving to read if you start to individualise what is at stake.

The exact number of students with special learning needs in Victoria is still not known. As a rule of thumb, however, people involved in education have estimated that approximately 20 students out of every 100 have additional learning needs. What is not contested is that those needs vary significantly. Out of every 100 students there are 4 who have a specific identified need and who receive individual support through the program for students with disabilities. The majority of students with special learning needs — and the estimation, as a rule of thumb, is that there are 16 out of every 100 — have less significant needs that can be met by some form of adjustment, modification, targeted intervention or support.

The Department of Education and Early Childhood Development expects schools to support these students from within their school budget. Since 2006 the department has allocated \$2.6 billion to schools, and the expectation is that schools will be responsive and able to individually manage and allocate those funds according to the need within the school setting. However, the Victorian Auditor-General has critiqued that approach and said schools are underresourced and overworked with quite onerous compliance matters when applying for funding, and so on and so forth. He is looking for a means within the raft of recommendations to ameliorate these onerous processes, thereby having resources within a school better and more effectively directed to supporting positive outcomes for students with learning needs.

Critical to maximising the educational life outcomes for students with special learning needs is the simple fact of having the systems in place to identify and support these students in a timely and, importantly — and I stress this — equitable manner, because there are inconsistencies across schools in Victoria as to how the criteria applied are interpreted and acted on in any one school setting. It is often difficult to measure outcomes for students with special needs — —

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

Department of Primary Industries: report 2010–11

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make some comments on the Department of Primary Industries (DPI) annual report for 2010–11. I spoke on this report recently in Parliament, but like many reports we receive there is a lot of information, and the limited time we get to speak on them often means we have to come back to them where there are matters of interest worthy of the chamber taking note of them.

I congratulate DPI staff on their commitment to delivering programs and policies that promote the sustainable development of Victoria's primary and energy industries. When I last spoke in Parliament about this report I talked about the major floods of 2011 and the devastation they wrought, particularly in my electorate of Northern Victoria Region but also right across Victoria, and the excellent work done by DPI staff during not only the floods but also the clean-up. DPI staff dealt with major outbreaks of Australian plague locusts, Queensland fruit fly and chestnut blight, all of which stretched the DPI and its resources.

In this report we also see that DPI achieved a number of other highlights in the export and fisheries area. The Australian table grape industry achieved a historic breakthrough, exporting the first container of Sunraysia crimson seedless grapes to China six years after trying to break into the world's largest market, and DPI provided technical advice to secure access to this export market. Seventeen drought-affected lakes received almost 190 000 baby trout in 2010–11, which is great news for the fisheries. DPI staff released more than 700 000 trout into Victoria's waterways — a record year — to improve fishing opportunities and restock our waterways. It was particularly important that this restocking take place following the devastating droughts that affected Victoria. An upgrade of the Snobs Creek Fish Hatchery at Eildon at a cost of \$1.9 million resulted in an increased capacity to breed native species such as Murray cod, golden perch and the endangered Macquarie perch and trout cod.

An enormous body of work has been done by dedicated DPI staff, and they are to be commended for this. It is interesting to note that executives at the Department of Primary Industries shared in more than half a million dollars of bonuses last year. This was at the same time as workers were receiving expressions of interest for 200 redundancy packages — that will mean 200 jobs

are going to go from DPI — and many of those are going to be front-line staff responsible for the departmental work I have outlined not only today but previously. The DPI centres and staff in rural and regional Victoria face office closures and job cuts. This is going to have a devastating effect on farmers, particularly in my electorate of Northern Victoria Region but also right across Victoria.

A major concern for communities in northern Victoria is bushfire preparedness and response. We have seen the effects that bushfires have had in my electorate and across Victoria in the past. Coordination between the Department of Sustainability and Environment, Country Fire Authority and other support agencies requires strong administrative functions that are directly related to front-line duties. Members of the Liberal-Nationals coalition continue to say that front-line services will not be compromised, yet these redundancies are being offered to front-line workers when not only is there much work to be done but the threat of bushfires is looming. We have had a lot of rain, and there is a lot of growth. If we have a hot summer, then parts of Victoria are going to burn, and we need to have our DPI staff ready on the ground to work with other agencies in order to coordinate firefighting in northern Victoria.

Disability services commissioner: report 2012

Mrs COOTE (Southern Metropolitan) — I have a great deal of pleasure in talking about the disability services commissioner (DSC) annual report for 2012. At the outset, huge congratulations should be given to Laurie Harkin, who is the disability services commissioner, and his staff. They are professional, dedicated, caring and enthusiastic, and this report reflects upon all of them so well.

At the beginning of the report Laurie Harkin states:

Given the passing of five years since the establishment of this office under the Disability Act 2006 it is timely to reflect on the privilege that has been ours to serve as faithful agents of the principles which safeguard the rights and protections mandated for people with a disability in this legislation.

That is so true, and this is what this group of people does so well. Further on in his statement he says:

As we refine our internal practices and processes we are always informed by the need to have the person with a disability at the centre of our thinking.

That is easy to say, not always easy to do. Certainly with some of the complaints and some of the issues they must deal with it is paramount that the person is at the centre of all decisions that are made.

Tricia Malowney is the president of the Disability Services Board. For those of you who do not know her, Tricia Malowney is an exemplary figure in the area of disability services. She has an enormous knowledge, is a very capable person and brings an enormous amount of knowledge and understanding to the disability sector. In her foreword she says:

We all know that it is better for everyone when Victorians with disabilities, their families and carers, and those working in the sector genuinely feel and believe that it is 'OK to complain!'

As Laurie Harkin says in his introduction, there has been a 12 per cent increase in new complaints, along with a significant improvement in compliance with complaint reporting obligations, with all services reporting this year. He goes on to say:

This suggests that providers' attitudes, practices and policies are becoming more aligned with a positive complaints culture in which people feel comfortable to provide feedback, positive or negative, about the disability supports they receive.

I think that is a particularly healthy approach. We want people to explain their experience so that proper procedures can be put into place to ensure that it does not happen again.

It is interesting to look at the values of the disability services commissioner, which are fairness, respect and rights. All of us in this chamber would do well to remember when we are dealing with people with a disability to give them the courtesy of the values of fairness, respect and rights. The disability services commissioner's office lists its principles as being accessible, accountable, excellence, person centred and responsive. It expresses those principles in its face-to-face contact with people who have genuine complaints.

On page 8 it is interesting to see a summary of the key achievements and directions of the commissioner. This list is very impressive. Under 'Accessibility' the report says the office enhanced its accessibility with a plain English complaint form and a newsletter called *Speaking Up*. It is really important for people with a disability, particularly an intellectual disability, that documents are in plain English. Members would have no idea how complex some of these forms are. To be able to read something in plain English is a huge advantage. Another one of the office's achievements is 'Annual complaints reporting', and there is also 'Expos, education and information', 'Feedback and evaluation', 'Learning from complaints' and 'New products', which includes promotional products and copies of educational materials such as new 'My life, my way,

okay!' badges. The list of achievements also includes 'Papers', 'Publications', 'Resolving complaints in DSC', 'Sponsorships' and 'Web and Twitter'.

In terms of resolving complaints in the office of the disability services commissioner, there were 832 new inquiries and complaints received, which was the 22 per cent increase I spoke of earlier, and a total of 892 matters were dealt with, including 60 matters carried forward from 2010–11. Ninety per cent of complaints to the office achieved positive outcomes, with 69 per cent fully resolved and 21 per cent partially resolved. As I said, congratulations to the disability services commissioner, Laurie Harkin, and his staff.

Department of Human Services: report 2010–11

Mr SCHEFFER (Eastern Victoria) — The annual report of the Department of Human Services (DHS) for 2010–11 covers the administration of front-line services that are charged with the responsibility of protecting people experiencing family violence. The report notes the government's commitment to working with community organisations, schools, workplaces, sporting clubs and local media to develop what it calls a whole-of-community model to prevent violence against women. The government has committed to increasing DHS capacity to more effectively protect women and children experiencing family violence and to change attitudes and behaviours that cause violence against women.

Yet despite these resources, despite the investment in the prevention of family violence, despite the housing provision for women escaping violence, despite the health and welfare, financial and legal services and the intervention orders available to them, it is clearly not enough. The tragic and horrific murder of 23-year-old Sargun Ragi bears testimony to our collective failure to protect a young woman at risk.

I rely on the report by Alex White and Wayne Flower in yesterday's *Herald Sun* that was based on information provided, in the public interest, by the Magistrates Court. Without going into the appalling details of the treatment of Ms Ragi at the hands of her husband, Avjit Singh, it is imperative that we acknowledge that no-one should have to endure the degradation, fear, sense of powerlessness and loneliness that this young woman suffered. The *Herald Sun* reports that the Magistrates Court, the police and the family violence service system, as well as friends and good Samaritans, collectively knew of Ms Ragi's extreme plight and that her life was in danger.

It is particularly important for us to note the words of the interim CEO of the Women's Domestic Violence Crisis Service, Janene Evans, as reported in the *Herald Sun*. Ms Evans indicates that the fate that befell Ms Ragi is far from unique and says that she is concerned that women will stop taking out intervention orders because they fear they will be put at even greater risk. The *Herald Sun* article cites evidence that violent domestic abusers have broken their restraining orders to attack, rape and even murder their partners, and that there has been a homicide, 38 rape charges and 88 abductions in recent times. Alarming, the newspaper states that between 2009 and June this year more than 11 700 crimes were committed despite intervention orders, and it claims that sources within Victoria Police think these orders are not worth the paper they are printed on. Deputy police commissioner Tim Cartwright is quoted as saying that police are finding it hard to gather sufficient evidence that will stand up in court.

In August journalist Reid Sexton wrote a piece in the *Age* entitled 'Domestic violence services in crisis' in which he reported that the most vulnerable women are not receiving support to move away from abusive relationships because of the massive funding shortfall. In this environment front-line family violence support staff are facing burnout. Mr Sexton wrote that family violence is a focus of Victoria Police and that the statistics show that last year reports of domestic disputes leapt by one-third to 41 000. Very many of these cases are referred to agencies such as Women's Health West, Eastern Domestic Violence Service and Berry Street, Northern Family and Domestic Violence Service.

In each of those services the number of police reports to those agencies has increased by between 20.4 per cent and 79.3 per cent, whereas funding has increased by between 1 per cent and 13 per cent. I am not singling out the present government; this has been a longstanding problem. Yesterday the government released *Victoria's Action Plan to Address Violence Against Women and Children — Everyone has a Responsibility*. I note that Fiona McCormack, CEO of Domestic Violence Victoria, in welcoming the plan says it is critical to provide ongoing funding for the Coroners Court review of family violence deaths.

The intervention order made to protect Ms Ragi stated that she was in fear of her life and believed her husband would kill her. The order stated that Ms Ragi had been imprisoned, raped, beaten on a daily basis and starved; and, as we know, this abuse ended in her horrific murder. All this is being investigated, but it is important that we reflect on the tragedy of Sargun Ragi and on the

responsibility this Parliament and our government have to effectively protect women and children escaping family violence.

Family violence services are pushed beyond endurance to support and protect those seeking their help with woefully inadequate resources and there is a limit to the efficiency dividends that can be wrung out of so-called organisational improvements. The plain fact is that women are being severely harmed, appallingly brutalised — even murdered — and that their plight must be heard and their protection guaranteed.

2009 Victorian Bushfires Royal Commission: final report

Ms PULFORD (Western Victoria) — This evening I wish to make some comments on the 2009 Victorian Bushfires Royal Commission final report. This is a report with which all members will be familiar. Recommendation 63 includes the following relating to the role of the fire commissioner:

... increasing the operational capability, interoperability and resilience of Victoria's fire services;

developing and building operational capacity to prepare for the days of highest bushfire risk and exercising control over level 3 fires as the permanent state controller;

providing to government periodic advice on the metropolitan fire district boundary on the basis of triggers, frequency and criteria approved by government ...

The royal commission made 67 recommendations to government. When they were in opposition, government members agreed to fully implement the recommendations of the royal commission lock, stock and barrel. However, we are now finding that the responsibilities of government and the rhetoric of opposition sometimes are a little hard to reconcile for members opposite.

The bushfires royal commission also received evidence in relation to the skills and training requirements for Country Fire Authority personnel, as well as the effectiveness of incident management teams. An inquiry commissioned in July 2011 by the Minister for Bushfire Response, who is also the Deputy Premier, Peter Ryan, made similar recommendations around the need for the CFA to continue to explore and develop initiatives with modern information and communication technologies to maximise the benefit they may bring to volunteer involvement. That inquiry, which is known as the Jones inquiry, was undertaken by David Jones, AM. It also made recommendations to continue the development of key principles in relation to training in consultation with volunteers and paid personnel. The

inquiry recommended that the CFA in consultation with Volunteer Fire Brigades Victoria explore and develop initiatives whereby more volunteers are qualified to participate, and that the CFA in consultation with VFBV and volunteers explore and develop initiatives where qualified volunteers may be better utilised.

Both in the work of the royal commission and in subsequent inquiries commissioned by the Deputy Premier, the role of volunteers has been clearly outlined. The role of volunteers in firefighting in Victoria is of course something that is well understood by all members of the house. On Black Saturday, 7 February 2009, some 20 000 CFA volunteers responded to 632 incidents. The volunteering capacity of our firefighting services is a truly remarkable thing in Victoria and one of which we should be proud. It is one which deserves the full support of our governments and parliamentarians.

However, as we move closer to the bushfire season I am concerned that the safety of Victorian communities may be compromised by state budget cuts to firefighting services. Some \$66 million is to be taken from the Metropolitan Fire Brigade and the CFA, with the usual ridiculously muddy caveat about front-line services that we have come to hear from this government. The Loddon-Mallee CFA September newsletter, *Nor-wester*, provides some insight into what the actual effect of these non-front-line service cuts would be. In that region for financial year 2012–13 the regional budget has been reduced by \$232 000 compared to the previous year. The newsletter goes on to say that while this may appear to be a relatively small amount, it is significant in regional terms because of the very small part of its budget which is discretionary — that is, the part over which it has some control. The very few discretionary areas of the regional budget include firefighting equipment, building maintenance and uniforms; and this reduction comes on top of similar budget reductions in the previous financial year. What we are finding is that the government is cutting the support that is critical to assist the volunteers who keep Victorians safe during the fire season.

Swinburne University of Technology: report 2011

Mr LEANE (Eastern Metropolitan) — I rise to speak on the Swinburne University of Technology's 2011 annual report. I specifically have an interest at the moment in the Swinburne University of Technology campus in Lilydale.

Mr Lenders — You had better speak quickly then.

Mr LEANE — That is a good point. I do not know if this report was updated, but if members check the Swinburne website and go to the tab that takes them to the Lilydale campus they will see that it says that the Lilydale campus of Swinburne will close in the middle of next year. It is a statement of about five lines in length, and to me it is a stark reality. It is a shame that Swinburne feels it needs to close the only campus in that part of the outer east because of the Baillieu government's cuts to TAFE funding.

This particular campus services areas as far out east as Yarra Glen, Seymour and Healesville. The argument of the government is that there will be other providers in other areas that can pick up the slack. There is talk of courses moving to Holmesglen, but anyone looking at the Metlink website can see that for a young person to get from Healesville to Holmesglen on public transport they would need to spend about 3 hours travelling. In most cases it would require catching a couple of buses and a train. If the closest place they can go to do a course is Burwood, they are looking at about an hour and a half of travel, maybe more, depending on which part of Lilydale they are travelling from. That trip on public transport would involve possibly two buses, a train and a tram. Some of the people undertaking these TAFE courses in the outer east are at risk of not completing them, and when you think about them travelling 3 to 4 hours you would have to say there is a good chance that they just will not do the courses.

I think it is an absolute disgrace that there is a chance there will be no TAFE at Lilydale as of the middle of next year, as stated on the Swinburne website. The government should speak to Swinburne about not being so blunt in saying that there will be no Lilydale campus as of the middle of next year and about remaining in place until another provider — if there is another provider interested — can take over the services that are currently provided to people in that part of the outer east.

Obviously residents in that part of the outer east are unhappy and they have great concerns. People in industries in the Yarra Ranges, including the wine and restaurant industries, are concerned about where young people are going to be trained. Concerns extend to the automotive field; automotive courses will be removed from Lilydale and a course that is run in Wantirna will also be cut. Even if students are prepared to travel the extra hour and a quarter to get to Wantirna, the course will not be there. There will be dire consequences if the Lilydale campus of Swinburne does not remain in the outer east. I think there is a way to go. There needs to be something done, and I implore anyone who has any

say in anything to make sure that there is a presence there until another provider can take over.

Auditor-General: *Energy Efficiency in the Health Sector*

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Victorian Auditor-General's report of September 2012 titled *Energy Efficiency in the Health Sector*. I think the Auditor-General has made some very interesting remarks in this report, and the report has highlighted some of the issues that our health services are facing today and will face in years to come. I refer of course to certain impositions that are going to be made on the health sector, which the Auditor-General highlights, and I will turn to those in a moment.

The opening summary of the report states:

Most metropolitan hospitals and some regional hospitals are large facilities that have high levels of energy use.

As we know, hospitals are highly energy intensive. They need medical equipment in relation to their operations, whether that be their emergency departments, operating theatres, intensive care units, everyday wards or outpatient departments. They use many different types of medical equipment, and there is also the sterilisation equipment, air conditioning and all manner of energy-intensive issues that health services, particularly large hospitals, have to cater for.

Mr O'Brien — A great big tax on them all.

Ms CROZIER — I am going to get to the great big tax on them all in a minute. Mr O'Brien is quite right, and the Auditor-General also highlights what an imposition it will be. In addition some of the private health services also undertake services such as the provision of laundry facilities. Laundry, as we all know from our home lives with washing machines and dryers, is incredibly energy intensive. The carbon tax is going to have an enormous impact on this ever-increasing cost.

The carbon tax, as Mr O'Brien highlighted, is an economy-wide tax that will hurt not only consumers and businesses — and workers in those businesses will ultimately suffer various consequences — but also government, government departments and the delivery of services such as health services.

The report says that the Department of Health has estimated that the total impact of the carbon pricing mechanism on health services and expenditure will exceed \$13 million in 2013 — that is next year —

increasing each year until it reaches nearly \$19 million in 2020. The cost will be around \$132 million in total. That is an enormous impost on not only the health services but ultimately the Victorian taxpayer who has to fund those health services. I think that is an extraordinary impost. I know that various members have talked about the impacts of carbon pricing and carbon tax on various aspects of our everyday life, but this is one extremely important area that I do not think governments at any level can overlook.

As the Minister for Health has said on a number of occasions, the federal government is doing absolutely nothing to recognise or compensate those Victorian health services that are protecting, ultimately, the Victorian patient. I think what it is doing to Victorian patients is an absolute slight on the part of the federal government.

A letter to the Auditor-General from the Secretary of the Department of Health makes note that the 'scale of the program for health' is significantly greater than for any other government portfolio area and that the implementation of any health efficiency will be extremely complex. We all want to be as efficient as we can be, especially when it includes cost savings, but as I said at the outset, this is a very energy-intensive sector. There are enormous services that apply across the board to Victorian patients. Victorian patients will ultimately pay the price because the millions of dollars that are going into that carbon tax are dollars that are not being put into hospital beds, outpatient services, medical equipment or the recruiting of nurses, doctors and other health professionals. Therefore the Victorian patient will be the one who will ultimately suffer.

In conclusion I would like to applaud the Victorian Auditor-General for highlighting the issues in relation to energy efficiency in the health sector and once again implore those at a federal level to reconsider the enormous impost that a carbon tax is going to put on the Victorian patient.

**FIRE SERVICES PROPERTY LEVY BILL
2012**

Assembly's amendments

Returned from Assembly with message agreeing to Council's suggested amendments.

Ordered to be referred to committee.

APOLOGY FOR PAST FORCED ADOPTIONS

The PRESIDENT — Order! I have received the following message from the Legislative Assembly:

The Legislative Assembly sends to the Legislative Council a resolution inviting members of the Legislative Council to attend the Legislative Assembly chamber on Thursday, 25 October 2012, at 11.30 a.m.

I further advise that the following resolution was adopted by the Legislative Assembly this day:

That —

- (1) The Legislative Assembly invites members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly chamber on Thursday, 25 October 2012, at 11.30 a.m. for the consideration of the motion for a parliamentary apology for past forced adoptions.
- (2) The lower public gallery on the opposition side of the house be deemed part of the Legislative Assembly chamber and the Assembly standing orders be applied for the time that Council members are invited onto the floor of the house.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Yallourn power station: flood compensation

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. It relates to TRUenergy Yallourn's efforts to drain billions of litres of water from the Latrobe River out of its mine. The pumping, while absolutely necessary for energy security, is having an impact on nearby agricultural land. Six hundred acres, in the old measure, is now subject to what some farmers have described as near permanent flooding. The flooding, which is neither natural nor the fault of any farmer, will cost local producers tens if not hundreds of thousands of dollars. The Victorian Farmers Federation (VFF) has recently written to the minister, as well as the Minister for Energy and Resources, Michael O'Brien, requesting that farmers be compensated.

The action I seek is for the minister, Mr Walsh, to go and meet with the farmers at Yallourn. I realise the minister is a busy man, but I think this is a very unusual situation where, to protect the energy source of the state, water is understandably being pumped out of the

mine. The unfortunate consequence for these farmers downstream is that their land is being permanently flooded, with, they are saying, severe adverse material effects. I do not think we can form a view from this distance as to what the balance there is, but we do know that the operators of the mine are doing what they think needs to be done to provide energy security, and we commend them for that.

We know the farmers are distressed by the fact that their land is being flooded. That is why the action I seek is for the minister to actually go and meet with the farmers and the local VFF group to explore the situation and hopefully find a resolution to the conflict in consultation with his colleague the Minister for Energy and Resources.

National disability insurance scheme: Barwon trial

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for Peter Hall, the Minister for Higher Education and Skills — an excellent minister. I refer to a document that was put out this week by the Skills and Industry Forum in Geelong. I was particularly pleased to see amongst this information that the number of students with a disability who are engaged in vocational education and training in the Geelong region has increased by 58 per cent. That is a very great increase, and the minister is to be congratulated on that.

It is important for this chamber to understand that the Baillieu government has been very supportive of the national disability insurance scheme (NDIS) and has enabled a launch site in Geelong. The Baillieu government is going to put \$300 million into the NDIS in Geelong over the three years of the trial. This is an enormous commitment. Over 5000 people with a disability are going to be helped and assessed, and they will in fact experience a huge improvement in their life possibilities. This is very welcome. We also have a number of service providers there gearing up ready to provide for these 5000 people who are going to be identified. They are going to work with them to help them achieve their goals.

It is important that people with a disability get employment through the opportunities provided by the NDIS and that they are part of the service provision. People who have a disability are always very good at explaining what some of the issues are in relation to disability. But we do not want people with disabilities working only in the disability sector. What was so pleasing about these results was to see that people with

a disability are getting training in other skills and vocations as well so they can work in the broader area.

We are in the process of working to create a new state disability plan. I know personally, having been around the state as part of this consultation process, that there are many people with a disability looking for work. They will need the very skills training that is going to be provided by the minister in Geelong. Government departments are going to have disability action plans, and I know it is very important that people with a disability get opportunities to work within government departments.

The action I seek is for the minister to work with the Minister for Community Services, Mary Wooldridge, to investigate what opportunities there will be with the rollout of the NDIS in Geelong for people with a disability who are currently engaged in vocational education in the Geelong region.

Diabetes: funding

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Health, and it is in relation to diabetes funding in Victoria. On 7 October 2010 the Victorian Parliament's Rural and Regional Committee, a joint investigatory committee, tabled its final report, *Inquiry into the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria*. In December 2011 the current government responded to recommendations made in the Rural and Regional Committee's report. I would like to bring to the attention of the house recommendation 38 of the report, which states:

That the state government fast-track a public health campaign on diabetes among farming communities, including information on how to recognise symptoms, where help can be found and effective preventative measures. The government could design and implement this program in partnership with the National Centre for Farmer Health based in Hamilton.

The Baillieu government's position and response on this recommendation, as stated in the government's response to the report, was tabled in December 2011. That response was:

The 2011 budget provided funding of \$22.2 million over four years to continue the Life! program, which provides a statewide diabetes prevention program in partnership with the National Centre for Farmer Health/Sustainable Farm Families. The program will be further developed and promoted to include a focus on preventing cardiovascular disease.

The action I seek is for the minister to investigate this matter and provide me with written advice on any

diabetes funding that has been provided by the Liberal-Nationals coalition government to the National Centre for Farmer Health since the government was elected in the 2010 election.

Calder Park Raceway: major events

Mr ELSBURY (Western Metropolitan) — The matter I wish to raise this evening is for the attention of the Minister for Tourism and Major Events, the Honourable Louise Asher. Many members probably know about the Calder Park Raceway and the precinct around Calder Park. It is a 440-hectare site situated between the Calder Highway and the newly electrified Sunbury train line. It holds the Calder Park Thunderdome, a 1.8-kilometre circuit; the club circuit, which is 1.6 kilometres long; and the national circuit, which is a Confederation of Australian Motor Sports-licensed circuit at 2.3 kilometres. With a combined configuration these three circuits can be used for a 4.2-kilometre circuit. The site also includes pit areas, open space that could equal seven football ovals and — you would not believe it — it even has its own chapel on site.

This site has hosted many events in the past. From 1980 to 1984 it hosted the Australian grand prix. It has hosted NASCAR and AUSCAR events, the Australian national drag racing championships, the 1987 FIA World Touring Car Championship and, with a little bit of infamy, the 1993 Guns N' Roses tour. It currently hosts legal off-street drag racing on a fortnightly basis, getting some of the petrolheads off our streets and into a safer and controlled environment. On 10 November it will also be hosting Nitro Funny Cars and Bikes. On 9 December it will host the 35th Motorcycle Riders Association Victoria's toy run, an event that brings together the community to be able to look after those who are not as well off as we are. It also provides a safe environment for on-road cycling clubs to be able to run events, so you get cyclists out on the track, riding around the 4.2-kilometre circuit and being able to do so without any danger of traffic causing them any harm.

What I ask of the minister is that this fabulous circuit, this fabulous area that is available to us, be an icon of the region and be considered in future major events — it does not necessarily have to be road races or anything like that, but certainly future large events — and that the Melbourne Major Events Corporation also take this fantastic facility into consideration for any major events the people of Victoria may be able to enjoy.

Aged care: Peninsula Health facility

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Ageing. It relates to the matter I raised today during question time about reports that Peninsula Health intends to privatise Rosebud Residential Aged Care Services, which comprises two facilities: the 30-bed, high-care Jean Turner Community Nursing Home and the 20-bed, low-care Lotus Lodge Hostel, both in Rosebud. The minister is required to approve any sell-off of any public aged-care facility, yet in question time today he refused to say whether the government was intending to privatise this facility; in fact he refused to rule out that that was the intended outcome. He also refused to say whether he had given approval for this to occur.

According to the 2011 census data the Mornington Peninsula has the oldest demographic profile in Victoria, with 20.9 per cent of the population aged over 70. In fact the government's — —

Mr Ondarchie — On a point of order, President, I seek your clarification. I believe this is exactly the same material that we went through during question time today. I am not sure where that sits with the standing orders.

The PRESIDENT — Order! There is no difficulty in a member raising a matter in the adjournment debate that might have been canvassed in other proceedings in the Parliament. The issue covered by the standing orders is that a member ought not broach the same issue and pose the same question or seek the same action that they have sought within the last six months of the same session. That refers to the adjournment debate as far as the coverage of the standing orders goes. There is no exclusion on matters that might have been covered in other aspects of a debate during the day or in a previous period being raised again in the adjournment debate. Indeed I think it has been done a number of times recently by members on both sides of the house.

Ms MIKAKOS — I suggest members go and brush up on their understanding of the standing orders.

The Mornington Peninsula has the oldest demographic profile in Victoria, with 20.9 per cent of the population aged over 70. In fact the government's own *Victoria in Future 2012* document predicts that the total percentage of people aged 65 years or older in the Mornington Peninsula will rise from 20.7 per cent in 2011 to 29 per cent in 2031. We also know that dementia prevalence is on the rise across our state.

Despite the ageing population the government appears to have an ideological agenda, apparent from the leaked Vertigan report, which recommends that the Victorian government vacate the field entirely on public aged care. It is possible that a buyer of these facilities could demolish existing buildings, requiring all the residents to be relocated. The minister must give residents and their families assurances that they will be able to stay at this facility if the facility is privatised.

The Rosebud aged-care service is the only publicly owned residential aged-care service on the Mornington Peninsula. The closest other public facility is in Frankston, 35 kilometres away. Residents obviously have relationships of trust with longstanding staff members, and the minister also failed to give any guarantees about standards of care, staff arrangements, redeployment of staff or staff retention if privatisation were to occur.

As I understand it, there has been no formal notification to residents and their families about the future plans for this facility. Therefore I call on the minister to give a commitment that he will fully inform residents, relatives and staff of any future plans for Rosebud Residential Aged Care Services as soon as possible. He really needs to do that in the coming week because, as I understand it, the tender process is closing in a couple of weeks time. The staff and the community, particularly the residents of this facility and their families, need to know what the government's intentions are. The minister must come clean.

City of Kingston: councillor conduct

Mrs PEULICH (South Eastern Metropolitan) — Earlier today, during statements on reports and as advised by the Acting President at the time, I raised a matter in relation to a workplace bullying allegation made by the senior officer of the Kingston City Council against three well-connected councillors: Crs West, Staikos and Shewan. I raise this because of documentation that has come into my possession that is not available to councillors. It includes a workplace bullying allegation summary of events as well as a letter to David Wolf, chief municipal inspector, local government investigations and compliance inspectorate. These documents indicate a delay in the proper resolution of these allegations. I also have the workplace bullying allegation dated 17 July 2012. In that document there is an answer to question 45, which is a question by WorkSafe — —

The PRESIDENT — Order! Which minister is Mrs Peulich directing this to?

Mrs PEULICH — The minister responsible for WorkCover, Mr Rich-Phillips. The questions reads:

What is the outcome that you would like to see as a result of contacting WorkSafe with your complaint?

The answer is:

Councillor behaviour to stop so that I have a chance to get well and recover.

I think any person is entitled to a safe workplace, and I therefore ask the minister to take up this matter with WorkCover and WorkSafe as soon as possible to find out what has happened to this complaint and why there has been no intervention or resolution to make sure that this workplace is safe for this senior officer, who has no other recourse and who has seemingly lost faith and confidence in the process to deal with what has been confirmed, certainly by the first legal opinion, as a textbook case of bullying, which may well cost the City of Kingston hundreds of thousands of dollars. She deserves that resolution, and I call on the minister to liaise with WorkCover to ensure that the complaint is handled speedily — especially given the undue delay of the interview, with investigators of the three councillors concerned — so that the report will come back to the council after the election.

The PRESIDENT — Order! I would expect members to see that matter in the context of being an allegation rather than a fact. I accept that there has been a complaint, but it is a complaint by way of allegation, the result of which is yet to be determined. I must say I have some concerns about the speculation of the cost to the council that might stem from such an allegation; I am not sure that that can be speculated upon at this point. At any rate those two matters were of concern to me in the matter raised.

Mrs PEULICH — May I respond to that, President? I am advised that on legal advice to council through the chief executive officer it is estimated that there may be a maximum penalty of \$1 267 560 that will flow on to ratepayers. It is a serious matter. It deserves an investigation, as the matter has now spanned more than six months.

Ruthven Primary School site: future

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is for the Minister for Education, the Honourable Martin Dixon. The issue I raise for his attention is the former Ruthven Primary School site in Reservoir. I am reliably informed that the fire brigade has recently been called to the former school site twice to deal with fires.

The building is in a state of neglect and disrepair. Windows have been smashed and the grounds have not been maintained. It appears that the former Ruthven Primary School site has been abandoned and allowed to become derelict since its closure. The community needs to be protected from fires and vandalism on this site while it remains vacant.

The action I seek is that the minister investigate the current state of the site and protect the community from the threat of vandalism and fire.

Gas: Koo Wee Rup supply

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the Deputy Premier in his capacity as Minister for Regional and Rural Development. There are many excellent initiatives flowing from the Regional Growth Fund. Today's announcement of an investment in the Maryvale paper mill is partially a result of investment through the Regional Growth Fund. The Regional Growth Fund is delivering jobs, investment and growth to regional Victoria.

A subset of the Regional Growth Fund, the Energy for the Regions program, delivers on a range of election commitments to deliver natural gas to communities throughout country Victoria. I am very pleased from an Eastern Victoria Region perspective that Lakes Entrance, Orbost and Warburton are part of that program. The people of Koo Wee Rup were very disappointed, however, that they were not part of the initial program.

Before the 2006 state election the Liberal Party committed to the supply of natural gas for Koo Wee Rup and before the 2010 election promised to conduct a feasibility study. Since the coalition has come to government work has been undertaken to examine the feasibility of a gas connection to Koo Wee Rup, and I am very pleased that Koo Wee Rup has now been included as a priority town.

I had the pleasure of addressing the Koo Wee Rup township group last week on this and a number of other issues of interest to the Koo Wee Rup community. I would like to acknowledge the advocacy of the Koo Wee Rup township group on this issue, on the Koo Wee Rup bypass, which the state government has funded, and on a range of other issues over recent years. It is a fierce advocate for its community and for the surrounding area, and it has done a great job in bringing to the attention of government some of the issues affecting the Koo Wee Rup community.

I am very pleased that Koo Wee Rup has been included as part of the Energy for the Regions program. A process must now be gone through to explore the options to deliver natural gas to Koo Wee Rup, including negotiations with operators and distributors with regard to the bounty that has been put forward for operators.

It is very important that the Koo Wee Rup community be informed as this process progresses. The action I seek from the Deputy Premier, Minister Ryan, is that he continue to inform the community about the progress of this excellent program.

Dairy industry: future

Hon. M. P. PAKULA (Western Metropolitan) — The matter I raise is for the Minister for Manufacturing, Exports and Trade. Last week I was very disappointed to hear about the pending closure of the Fonterra site at Cororooke, a site with which I used to have a strong connection when it was Bonlac Cororooke. It is one of Victoria's largest and oldest dairy factories. It is the heart and soul of the Cororooke township and by far the town's biggest employer.

The decision reminded me of the closure of the Kraft, later Murray Goulburn Co-operative, factory in Leitchville in that it is a decision that has massive implications for the local community in terms of other jobs and property prices, including the ability of locals to sell their home and move away if there is no other employment. There are massive implications beyond the direct employment consequences because of the very heavy reliance of some small towns on one major employer. It was not that long ago that Victoria was the undisputed dairy manufacturing capital of Australia, but recent decisions have placed that reputation and that reality in some jeopardy.

National Foods is shutting its cheese-cutting plant at Campbellfield. Murray Goulburn is decommissioning a dryer at Rochester and is also imposing job losses at Leongatha, Kiewa and Maffra. In the Western District alone National Foods is closing its cheese factory at Simpson, Fonterra is closing its plant at Cororooke and the Murray Goulburn job losses will have an impact at Koroit. These things have all occurred since the Baillieu government came to power, and it is a decline in the dairy industry that has to be arrested. For some reason the big dairy companies are showing that they would rather invest in places like Burnie in Tasmania than here in Victoria, and those problems are just a subset of the issues confronting food manufacture more generally, where Victoria has always had a competitive

advantage and where thousands of jobs have disappeared in the past year.

The action I seek is that the minister instruct his department to conduct an analysis of the state of food manufacturing in Victoria, with particular emphasis on the dairy sector, and examine matters such as the availability of skills, whether the conduct of the major retailers is a factor in the difficulties the dairy industry is confronting at the moment, what incentives might be being offered by other states and the like, in an attempt to gain a picture of why the investment decisions of major food and dairy manufacturers are beginning to represent a major problem for our state.

Mr Finn interjected.

Hon. M. P. PAKULA — To take up Mr Finn's interjection, the fact of the matter is that these are not factories that are closing down; these are factories that are moving to other states in Australia.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — Firstly, I have written responses to the adjournment matters raised by Mr Somyurek on 30 August and Mr Scheffer on 13 September.

In respect of adjournment matters tonight, might I deal with the one directed to myself in the first instance, and that was one raised by Mrs Coote concerning the pilot project for the national disability insurance scheme in the Geelong region. Quite rightly Mrs Coote put on record the sterling efforts of the Premier and the Minister for Community Services, Ms Wooldridge, in attracting that pilot project to the Geelong region. She forgot to include the parliamentary secretary to Ms Wooldridge in that staunch advocacy, being herself. I would like to add that to the record.

The specific request from Mrs Coote was to encourage me to work with Minister Wooldridge to explore what opportunities in the training sector might arise from that \$300 million committed by the Baillieu government to the launch of the national disability insurance scheme in the Geelong region. I think there are many benefits that will flow from that. As Mrs Coote said when she posed her question to me, one of the significant benefits we are seeing is the increase in the number of people with a disability participating in training in the greater Geelong region. There has been a 58 per cent increase in the last few years in participation by people with a disability in training so they can best equip themselves for jobs in that area. That sort of statistic is one which I think we would all applaud.

Equally there are employment opportunities for those who work in the disability field, and I know I have placed on record before in this house some significant increases in the training subsidies for areas in which people working with people with a disability can receive training. I will not go through those again tonight, but they are very significant in their own right. Nevertheless, the national disability insurance scheme and the \$300 million investment by this government will provide some tremendous opportunities for both people with a disability and those wishing to work within that sector. Mrs Coote can be assured that I will work with my colleagues in cabinet to ensure that those potentials are fully realised. I thank her for raising the matter.

With respect to the other matters, first of all Mr Lenders raised a matter for the attention of the Minister for Agriculture and Food Security, and that concerned the pumping of flood waters from the Yallourn open-cut mine and the impact that exercise is having on farmland where flooding is occurring. I am aware of the concerns that have been raised by constituents with members representing that area and also with Mr Lenders. The request was that the Minister for Agriculture and Food Security meet with those affected landowners. I will pass that request on to Minister Walsh.

Ms Tierney raised a matter for the Minister for Health regarding diabetes funding. She sought some specific information about what funding has been allocated by the current government to assist with raising awareness of diabetes in country communities. I will pass that request on.

Mr Elsbury is a very keen fan of Calder Park. He told us about the great events that have been held at Calder Park over the years. I am sure that some of those events he put on record this afternoon were held before he was born. He is a staunch advocate for Calder Park being considered for future major events and has asked me to pass that wish on to the Minister for Tourism and Major Events, Ms Asher. I will certainly do that for him.

Ms Mikakos raised a matter for the Minister for Ageing concerning Rosebud Residential Aged Care Services. She sought an undertaking from the minister that he fully inform the residents of the government's intentions with respect to this facility. I will pass that request on to the Minister for Ageing.

Mrs Peulich raised a matter for the Assistant Treasurer as the minister responsible for WorkCover. It concerned a complaint of workplace bullying that has been made by an employee, as I understand it, of

Kingston City Council. I will pass that request on to Minister Rich-Phillips.

Mr Elasmara raised a matter for the Minister for Education regarding the state of a former primary school site in Reservoir. He expressed concern that vandalism was taking place at that site. There have also been some fires on that site, and it now represents a risk to community safety for local people. Therefore he asks that the Minister for Education investigate that and take whatever action is necessary to secure that site and protect the community. I will pass that request on.

Mr O'Donohue raised an important matter for the Deputy Premier in his capacity as Minister for Regional and Rural Development, in particular the issue of Koo Wee Rup being placed as a priority town on the natural gas program. He hopes at long last the good people of Koo Wee Rup might have access to natural gas. Again I give credit to Mr O'Donohue for his staunch advocacy for that to occur. His request was that the community continue to be informed about the process and any progress on that particular matter. I will pass that request on.

Finally, Mr Pakula raised a matter for the Minister for Manufacturing, Exports and Trade regarding the major food and dairy manufacturers in this state. He gave examples of where decisions have been taken by various major food and dairy manufacturers to relocate their operations to other parts of Australia. His request was that the minister instruct his department to do a full analysis of the state of food manufacturing in Victoria and identify why it is that some manufacturers appear to be moving elsewhere in Australia. I will pass that request on. That concludes all the adjournment items raised tonight.

The PRESIDENT — Order! The house therefore stands adjourned.

House adjourned 7.04 p.m.